

# MAINE STATE LEGISLATURE

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



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

Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Tuesday, March 30, 1937.

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

Prayer by the Rev. Mr. Bickmore of Augusta.

Journal of the previous session read and approved.

The **SPEAKER**: The Chair recognizes the gentleman from Auburn, Mr. Flanders.

Mr. **FLANDERS**: Mr. Speaker, I move that the rules be suspended and that the House take up out of order House report of the committee on County Estimates, to which was referred the county estimates of the several counties, being Item 31 under House Reports on the calendar, page 4 of the printed calendar.

The motion prevailed.

Thereupon, Mr. Flanders, from the committee on County Estimates, on county estimates of the several counties, reported two resolves, resolve for the laying of the county taxes for the year 1937, H. P. 1775, and resolve for the laying of the county taxes for the year 1938, H. P. 1776.

The report was read and accepted.

Thereupon, on motion by Mr. Flanders, the rules were suspended and H. P. 1775, resolve for the laying of the county taxes for the year 1937 had its two several readings without reference to a Joint Committee, was passed to be engrossed, and sent up for concurrence.

On further motion by Mr. Flanders, under suspension of the rules, H. P. 1776, resolve for the laying of the county taxes for the year 1938 had its two several readings, without reference to a Joint Committee, was passed to be engrossed, and sent up for concurrence.

On further motion by Mr. Flanders, it was voted that the two resolves be sent forthwith to the Senate.

From the Senate: Report of the committee on Judiciary, reporting ought not to pass on bill an act to abolish the Jury Commissioners, S. P. 392, L. D. 734.

Comes from the Senate, the report read and accepted.

In the House, on motion by Mr. Packard of Houlton, bill and report tabled pending acceptance of the re-

port of the committee in concurrence.

**Senate Bills in First Reading**

S. P. 459, L. D. 856: An act relating to group insurance.

S. P. 231, L. D. 388: An act relating to the establishing of a game preserve and bird sanctuary.

S. P. 327, L. D. 593: An act relating to support of wife and minor children.

S. P. 328, L. D. 755: An act authorizing corporations without capital stock to qualify as trustees in certain cases.

From the Senate: Bill an act relating to the peddling of malt liquors, H. P. 1596, L. D. 658, which was passed to be engrossed in the House on March 19th.

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

In the House:

Mr. **STILPHEN** of Dresden: Mr. Speaker, I move that the House recede and concur with the Senate.

The **SPEAKER**: The Chair would state that the Senate amendment has not yet been printed or reproduced and distributed as required by the Joint Order passed several days ago. Consequently, the amendment is not yet in a position to be acted upon and, under the provisions of the Order, the amendment will have to be tabled. Is it now the pleasure of the House to reconsider its former action whereby this bill was passed to be engrossed?

The motion prevailed.

The **SPEAKER**: The bill will lie on the table pending the adoption of Senate Amendment A in concurrence.

From the Senate: Resolve relating to ice fishing in Eagle Lake and St. Froid Lake in Aroostook County, H. P. 863, L. D. 854, on which the resolve was substituted for the ought not to pass report of the committee on Inland Fisheries and Game and was passed to be engrossed in the House on March 26th.

Comes from the Senate with the report accepted in non-concurrence.

In the House:

Mr. **BROWN** of Eagle Lake: Mr. Speaker, I move that the House insist and ask for a committee of Conference.

Mr. **NOYES** of Franklin: Mr. Speaker, I move that the House recede and concur with the Senate.

The **SPEAKER**: The gentleman from Franklin, Mr. Noyes, moves that the House recede and concur with the Senate in the acceptance of the ought not to pass report of the committee. Under the Rules, the motion of the gentleman from Franklin, Mr. Noyes, takes precedence over the motion of the gentleman from Eagle Lake, Mr. Brown, that the House insist and ask for a committee of Conference.

Mr. **BROWN** of Eagle Lake: Mr. Speaker, do I understand that if we pass this motion, the resolve is gone?

The **SPEAKER**: The effect of the motion of the gentleman from Franklin, Mr. Noyes, if adopted, is to concur with the Senate in the acceptance of the ought not to pass report of the committee. The motion is debatable. Is the House ready for the question? The question is on the motion of the gentleman from Franklin, Mr. Noyes, that the House recede and concur with the Senate in the acceptance of the ought not to pass report of the committee. As many as are in favor of that motion will say aye; those opposed no.

A viva voce vote being taken, the motion to recede and concur with the Senate in the acceptance of the ought not to pass report of the committee failed of passage.

The **SPEAKER**: The question now recurs on the motion of the gentleman from Eagle Lake, Mr. Brown, that the House insist and ask for a committee of Conference. As many as are in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The **SPEAKER**: The Chair will appoint on the committee of Conference on the part of the House, Messrs. Brown of Eagle Lake, Sleeper of Rockland, and Brown of Bangor.

### Orders

Mr. Bird of Rockland, presented the following order and moved its passage:

Ordered, the Senate concurring, that H. P. 1656, L. D. 794, bill an act to provide for aid to dependent children, be recalled from the Governor to the House.

The order received passage.

On motion by Mr. Bird, it was voted that the order be sent to the Senate forthwith for concurrence.

### Report of Committees

Mr. Hascall from the Committee on Inland Fisheries and Game on resolve relative to fishing in Worthly Brook (H. P. No. 1268) reported leave to withdraw.

Mr. Philbrick from the Committee on Judiciary reported same on bill an act relating to the enforcement of motor truck law by Public Utilities Commission (H. P. No. 1283 (L. D. No. 465)

Mr. Alden from the Committee on Public Health reported same on bill an act for the registration and regulation of funeral directors and embalmers (H. P. No. 520) (L. D. No. 182).

Mr. Boothby from the Committee on Inland Fisheries and Game reported ought not to pass on bill an act relating to trapping season for fur-bearing animals (H. P. No. 1158) (L. D. No. 427) as it is covered by other legislation.

Same gentleman from same Committee reported same on resolve opening all tributaries of Cobossecontee Lake to fishing (H. P. No. 1460) (L. D. No. 533)

Mr. Higgins from same Committee reported same on bill an act relating to bounty on coyotte (H. P. No. 1083) (L. D. No. 344)

Same gentleman from same Committee reported same on bill an act relating to open season of fur-bearing animals (H. P. No. 663) (L. D. No. 235) as it is covered by other legislation.

Same gentleman from same Committee reported same on bill an act relating to hunting of raccoons (H. P. No. 1083) (L. D. No. 410) as it is covered by other legislation.

Mr. Hascall from same Committee reported same on bill an act relating to open season on fur-bearing animals (H. P. No. 1076) (L. D. No. 408) as it is covered by other legislation.

Same gentleman from same Committee reported same on bill an act relating to bear (H. P. No. 1262) (L. D. No. 464)

Same gentleman from same Committee reported same on bill an act to provide for the payment of a bounty on bears in the county of Franklin (H. P. No. 1501) (L. D. No. 644)

Same gentleman from same Committee reported same on bill an act relating to the bounty on bears in Washington County (H. P. No. 1451) (L. D. No. 520)

Mr. Higgins from same Committee

reported same on bill an act relating to open season on fur-bearing animals (H. P. No. 1084 (L. D. No. 411) as it is covered by other legislation.

Mr. Noyes from same Committee reported same on bill an act relating to non-resident camping without guides (H. P. No. 1498) (L. D. No. 553)

Same gentleman from same Committee reported same on bill an act relating to the lawful hunting of skunks and raccoons (H. P. No. 1454) (L. D. No. 523) as it is covered by other legislation.

Same gentleman from same Committee reported same on bill an act relating to trapping season in Oxford County (H. P. No. 1077) (L. D. No. 369) as it is covered by other legislation.

Same gentleman from same Committee reported same on bill an act relating to the hunting of skunks and raccoons (H. P. No. 1081) (L. D. No. 368) as it is covered by other legislation.

Mr. Story from same Committee reported same on bill an act to provide for the payment of a bounty on bears in the county of Washington (H. P. No. 1503) (L. D. No. 645)

Same gentleman from same Committee reported same on bill an act relating to fishing licenses (H. P. No. 1458) (L. D. No. 525)

Same gentleman from same Committee reported same on resolve relating to fishing in Moosehead Lake (H. P. No. 462)

Mr. Bird from the Committee on Judiciary reported same on bill an act regulating collection agencies (H. P. No. 1634) (L. D. No. 774)

Mr. Hinckley from same Committee reported same on bill an act relating to jurisdiction of Trial Justices in juvenile cases (H. P. No. 1667) (L. D. No. 799)

Mr. McGlaufflin from same Committee reported same on bill an act relating to support of dependents of soldiers, sailors and marines of the World War (H. P. No. 1286) (L. D. No. 466)

Mr. Philbrick from same Committee reported same on bill an act relating to foreclosure of real estate mortgages (H. P. No. 1615) (L. D. No. 742)

Mr. Thorne from same Committee reported same on bill an act relating to the punishment for murder (H. P. No. 1417) (L. D. No. 604)

Mr. Varney from same Committee reported same on resolve proposing an amendment to the Constitution increasing the limit of the municipal indebtedness (H. P. No. 1284) (L. D. No. 478)

Reports read and accepted and sent up for concurrence.

Mr. Varney from the Committee on Judiciary reported ought not to pass on bill an act to amend the absent voting law (H. P. No. 1418) (L. D. No. 610)

(Bill and report tabled by Mr. Hinman of Skowhegan, pending acceptance of the report)

Mr. Melanson from the Committee on Sea and Shore Fisheries on resolve relating to smelt fishing in Denny's River reported same in a new draft (H. P. No. 1772) under title of resolve relating to smelt fishing in Denny's River, Medomak River and Georges River and that it ought to pass

Mr. Pike from same Committee on resolve relating to smelt fishing in St. Croix River (H. P. No. 1122) reported same in a new draft (H. P. No. 1773) under same title and that it ought to pass

Mr. Prince from same Committee on resolve relating to smelt fishing in Hancock County (H. P. No. 1313) (L. D. No. 460) reported same in a new draft (H. P. No. 1774) under same title and that it ought to pass

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

### Finally Passed

(Out of order and under suspension of the rules)

H. P. 1775, Resolve for the laying of the county taxes for the year nineteen hundred thirty-seven.

The SPEAKER: This resolve is an emergency measure and requires for its final passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the final passage of this resolve will rise and remain standing until counted, and the monitors will make and return the count.

A division being had,

One hundred twenty-nine voting in the affirmative, and none in the negative, 129 being more than two-thirds of the entire elected membership of the House, the resolve was finally passed.

H. P. 1776, Resolve for the laying

of the county taxes for the year nineteen hundred thirty-eight.

On motion by Mr. Flanders of Auburn, it was voted that these two resolves be sent forthwith to the Senate.

#### Passed to be Engrossed

(S. P. No. 454) (L. D. No. 849) An act relating to uniforms for Deputy Sheriffs.

Mr. Varney of Berwick, offered House Amendment A and moved its adoption, as follows:

House Amendment A to S. P. No. 434, L. D. No. 849, bill an act relating to uniforms for Deputy Sheriffs.

Amend said bill by adding at the end thereof the following sentence: 'The uniforms required by this act shall be provided without expense to the County.'

Thereupon, House Amendment A was adopted, and the bill as amended by House Amendment A had its third reading and was passed to be engrossed in non-concurrence and sent up for concurrence.

(S. P. No. 455) (L. D. No. 851) An act relative to pensions for members of the police force in the town of Houlton

(Tabled by Mr. Payson of Portland, pending third reading)

(S. P. No. 457) (L. D. No. 850) An act relating to terms and salaries of city of Lewiston officials

(Tabled by Mr. Boucher of Lewiston, pending third reading)

(H. P. No. 1750) (L. D. No. 861) An act relating to payment of damages done by dogs or wild animals and to the registration and licensing of dogs

(Tabled by Mr. Paul of Portland, pending third reading)

(H. P. No. 1767) (L. D. No. 893) An act relating to bounty on bears

(H. P. No. 1769) (L. D. No. 890) An act relating to transportation of game

(H. P. No. 1770) (L. D. No. 889) An act relating to Northern Cumberland Municipal Court

(Tabled by Mr. Pike of Bridgton, pending third reading)

(H. P. No. 1548) (L. D. No. 683) An act regarding penalty for depositing poisons with intent to kill animals as amended by House Amendments A and B.

#### Passed to be Enacted

(S. P. No. 133) (L. D. No. 169) An act relating to pension for State employees

(Tabled by Mr. Flanders of Auburn, pending passage to be enacted)

(S. P. No. 207) (L. D. No. 293) An act relating to the water supply of Boothbay Harbor

(S. P. No. 247) (L. D. No. 383) An act confirming the action of the town of Cranberry Isles in taking over a certain wharf and authorizing the raising and expending of moneys for maintenance of same

(S. P. No. 251) (L. D. No. 845) An act to extend the charter of the Vanceboro Water Company

(S. P. No. 252) (L. D. No. 394) An act to extend the charter of the Patten Water and Power Company

(S. P. No. 272) (L. D. No. 779) An act relating to Loan and Building Associations

(S. P. No. 307) (L. D. No. 514) An act regulating pledge of assets by Trust Companies

(H. P. No. 64) (L. D. No. 28) An act regulating the labeling of fresh eggs for sale

(H. P. No. 606) (L. D. No. 197) An act establishing the York Game Sanctuary in the Plantation of Dallas in the county of Franklin

(H. P. No. 607) (L. D. No. 198) An act relative to Game Preserve in Androscoggin County

(H. P. No. 630) (L. D. No. 206) An act relating to the Sullivan Water District

(H. P. No. 682) (L. D. No. 224) An act relating to North Yarmouth Academy

(H. P. No. 1114) (L. D. No. 323) An act relating to the Old Town Water District

(H. P. No. 1115) (L. D. No. 324) An act relating to removal of obstructions at grade crossings by municipal officers or county commissioners

(H. P. No. 1436) (L. D. No. 555) An act relating to punishment for certain offenses

(H. P. No. 1474) (L. D. No. 667) An act relating to testing computing weights or measures

(H. P. No. 1480) (L. D. No. 527) An act to amend the law relating to industrial banks investments, and Loan and Building Associations

(H. P. No. 1481) (L. D. No. 528) An act relating to Savings Banks investments

(H. P. No. 1670) (L. D. No. 802) An act validating certain acts of the Assessor of the Plantation of Caswell

(H. P. No. 1672) (L. D. No. 804)

An act to extend the charter of the Bluehill Water Company

(H. P. No. 1707) (L. D. No. 832)

An act relating to hunting while intoxicated or under the influence of drugs

(H. P. No. 1729) (L. D. No. 841)

An act relating to the incorporating of cemeteries, and the operation of burying grounds, burial structures, and the disposal of dead human bodies

### Orders of the Day

The Chair lays before the House the first matter tabled and today assigned, House report ought not to pass of the committee on Legal Affairs on bill an act creating a State Lottery Commission, H. P. 4, L. D. 2, tabled on March 23rd by the gentleman from Lincoln, Mr. Weatherbee, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. WEATHERBEE: Mr. Speaker and Members of the House: I have been retabling this bill from time to time because of the fact that it is a revenue measure and I felt that the members of the House would like to consider it in connection with other revenue measures. Those measures have not yet come out of the committee, but time is getting short, and, as you have favored me so many times by allowing me to retable this bill, I feel we should settle it once and for all this morning and not keep it hanging over. I think, too, that most of the members of the House already are quite well aware of just what alternatives do face them if this bill is passed or if this bill is not passed.

I move that we substitute the bill for the report, and when the vote is taken I move that it be taken by roll call.

I am not going to take the time of the House to go into the history of the institution of the lottery, except to say simply that it has been in rather common use throughout the world for the past four or five hundred years. It has played a very vital part in the development of this country and in the development of some of the finest institutions of this country. It has built schools, colleges, churches, hospitals and libraries. It played a very important part in the early development of the State of Maine. It is commonly said that every nation in the world except four uses the lottery to raise

money for public purposes. Perhaps a correct statement would be that every nation of the world uses the institution of the lottery, but in three of them it is conducted by private individuals while in the fourth, the United States, it is entirely in the hands of gangsters and racketeers.

I cannot tell you just how much money goes out of the State of Maine every year into the hands of gangsters and racketeers and into the hands of foreigners through the sale of lottery tickets, but I can tell you that the Department of Justice has estimated that gangsters take, every year in the United States, one and a half billion dollars through the sale of their lottery tickets, and I can tell you that the Post Office Department estimates that another half billion dollars goes out of this country to foreign countries every year through the sale of foreign lottery tickets and that that half a billion dollars never returns again.

I have read recently articles and editorials in the Literary Digest, Liberty, Real America and other magazines and numerous newspapers, in which they estimate the total figure annually as one, two, three and four billions of dollars; and many of those articles and editorials have advocated state or national lotteries as the only method of handling the problem. I personally believe that three or four millions of dollars are going out of the State of Maine every year, never to return again, through the illegal sale of lottery tickets, and I personally feel that if we estimate that two million dollars will be the revenue to the State treasury if this bill is passed, that that estimate is certainly only a fair estimate. I believe we should keep it in the State of Maine and put it to work.

I do not think that we are dealing with an academic question in regard to the moral and economic effects of gambling. We have before us two very definite problems: First, how to raise a few million dollars of new money this year, and, second, how to deal with that very peculiar situation of having our people spend thousands of dollars every week supporting gangsters and racketeers. I feel that the only solution of this problem is to allow people to buy lottery tickets from the State, where they have an honest chance of winning and where the profit goes to

take care of the elderly people of the State.

People will buy lottery tickets. It is impossible for the police to clean up the gangs that are selling them when the majority of the people insist on buying them and as long as they have no other place to buy them except from those gangsters and racketeers—and they will buy them in spite of the fact that in most cases they have absolutely no chance of winning. I cannot tell you why they do this. I suppose the only explanation is that it is human nature to want to take a chance, and it always has been.

I have been looking over in the last few days a copy of the Legislative Record of two years ago, and I read the remarks I made two years ago when I discussed this same bill, and I find at that time I quoted a great many newspaper stories and headlines, to give some idea of the terrific swindling which the citizens of New England are taking at the hands of various fake lotteries. I find I quoted the headline: "New Englanders Pour Hundreds of Thousands into Sweeps Swindle." Another quotation: "Tickets seized. Thousands of New Englanders Never Had a Chance. Racketeers stung others."

That same story has been told over and over again in the headlines of newspapers every month since we discussed this matter two years ago, and here we are back here again, two years have passed, and I am still arguing the question. The elderly people are still wondering where the money for their old age pensions is coming from, and the newspapers are still printing the same old headlines and the same old story. I read to you from the Boston Herald of March 12, 1937, in which the headlines say: "Woman Exposes \$5,000,000 Lottery Racket in N. E. 'Queen' Names 50 Agents in Great Fraud. Thousands Bought \$1 Tickets for Fake Canadian Sweepstakes." Further down in the column: "Ford and Henry J. Leen, Assistant United States Attorney directing the investigation, indicated they had evidence that millions of bogus tickets were printed each month by the fake lottery promoters."

A few days ago the Kennebec Journal carried the story that an Augusta girl had won \$31,000 sweepstakes money. That is news. But the real story is the seldom printed

one that each month thousands and thousands of Maine people pour their money into the hands of gangsters and racketeers and forgers, and most of them have absolutely no chance whatsoever of winning a prize, because, in the majority of the cases, no prizes are ever drawn.

At the hearing on this bill before the Legal Affairs Committee, at the very fair hearing which the committee gave us, I said that I believe that the gangsters have the State of Maine organized like a milk-route—and I am convinced that the majority of the members of the House, especially those from the cities and manufacturing towns, realize that this is the truth. It is especially true in the cities and manufacturing towns. There may be some members from rural sections who are not aware of the tremendous volume of this illegal business. I know I myself was not aware of it two or three years ago. I am more aware of it now than I was at the time I made my argument here two years ago. In these manufacturing towns and in the cities you will find that every factory, every workshop, every department store and every large office—and that includes offices in this very State House—I have on my desk a ticket bought in one of them—each one of these places is canvassed regularly by agents of the gangster and racketeer lotteries, who reap a tremendous harvest of illegal gain because of the fact people insist on the chance of spending a dollar now and then for fun with the possible chance of winning a few thousand dollars.

I do not think it is necessary for me to argue at this time that the lottery is an entirely sound institution economically—although I might point out to you that the Scandinavian countries, every single one of them, have made use of a national lottery for many, many years—and I do not think there is a member of this House who would argue that the Swedes, the Finns, the Danes and Dutch and Norwegians have become lacking in thrift, honesty, initiative or ambition or any of the so-called rugged virtues. I do not think it is necessary for me to argue that any more than it is necessary for me to argue that it is physically and morally beneficial to the citizens of



our country to drink liquor. The fact is that people are going to buy lottery tickets just the same as they are going to drink liquor, and I believe the sane and sensible way to face the problem is to face it squarely by allowing them to buy tickets where they have a fair chance of winning, and where there is the least possible harm to people, if there is really any harm in it, and where the money can be used to carry on old age pensions.

It is sometimes said that it is undignified for the State of Maine to be selling lottery tickets. That is probably true. I think it is probably undignified for the State of Maine to sell liquor, if you want to go further into the matter. But we do sell liquor; we swallow our pride and do it, because we are convinced that is the best way to handle the problem. And I cannot help thinking that faced as we are with the situation where many of our old people are actually in very difficult circumstances, and actually in need of the thousands and thousands of dollars going out of the State never to return again, I feel that it is dignified, honest and courageous and logical for this Legislature to say: "We are faced with a problem; we are going to meet it fairly by allowing our people to buy tickets in a State Lottery where gangsters will not get the benefit and where our old people will be cared for."

Please consider this fact: That this is one of the few chances you will have to raise money this year without taxing anyone—and it is an unusual situation, because we have the opportunity of tapping money which is flowing out of the State, and which money will continue to flow whether we pass this bill or not. If you vote down this bill today, the people of the State of Maine are going to spend three or four million dollars during the next year on lottery tickets, but the Old Age Pension and the elderly people of the State of Maine are not going to benefit.

Furthermore, I feel that it is a chance to get a contribution from a class of people who at present contribute little or nothing to the upkeep of the State—and I refer to the young, unmarried men and women who own no real estate, who pay no taxes at the present time, and who buy the large share of the

lottery tickets sold at the present time, and who would, if this bill should go through, carry the largest share of the burden of the Old Age Pension.

I am not going into the details of this bill now, because I presume that most of the members are at least roughly familiar with it, although I would like to reserve my right to rise later on and correct any possible misunderstanding which might appear to have arisen concerning the details of this bill.

This bill does not legalize the sale of lottery tickets by gangsters and racketeers. If it did, I should be the first to vote against it—and, lest there be any misunderstanding—I want to go on record right now as saying I shall vote against any measure which allows gangsters and racketeers to prey on the people of the State of Maine. This bill legalizes the sale of tickets only by the Commission and its various agents. I think that is a very important distinction, and if I did not think so I never would be on my feet at this time arguing for this bill. The bill provides that not more than ten per cent can be spent for administrative costs; it provides that fifty-five per cent of the money shall go into the general fund, to be used in carrying on old age pensions; and thirty-five per cent is to go for the payment of prizes. Cities and towns who vote to do so can have their town officers sell the tickets in those cities and towns and can keep out fifteen per cent of their sales for local poor relief. Minors, paupers, people receiving local, State or Federal relief, are barred from buying these tickets, and, if they buy them, they are not eligible to win a prize. Tickets would have to be sent to the town officers by express or the State Police or some other messenger, due to the fact that sending these tickets through the mails is prohibited by Federal law.

If my motion to substitute the bill for the report prevails, I will introduce House Amendment A, which has as its sole purpose to correct one typographical error in the bill. One section in the bill refers to sub-section C of Section 6, when obviously it should refer to sub-section C of Section 5—merely a correction of a typographical error.

In closing, I want to say I think that this is especially a bill which

will stand or fall on its own merits. I shall be satisfied to have it do so. There is no paid lobby working for this bill, because there is no little group of individuals who would reap a harvest from the result of the passage of this bill. The people who will benefit are the elderly people of the State and the taxpayers of the State, who otherwise would be forced to assume the burden of additional taxation. The people who would suffer are the gangsters and racketeers who are at the present time being supported by the citizens of the State of Maine.

I think that the members of this House for the most part have had their minds made up on this matter before I started to talk. I think the House is divided into two groups who are either for the bill or against the bill. I respect the opinions of the people who differ with me on the matter, because I know that they are entirely sincere, and because I know there is a great amount of logical argument in their favor. But I cannot help reiterating in closing this fact: Whether you pass this bill or kill it, whether you substitute the bill for the report or not, during the coming year three or four million dollars is going to be spent in the State of Maine for the purchase of lottery tickets. Shall we get that money and spend it for a worthy cause or shall we allow it to pass out of the State into the hands of the racketeers, into the hands of foreigners, never to return again. I believe that is the question. (Applause)

The SPEAKER: The motion of the gentleman from Lincoln, Mr. Weatherbee, is that the bill be substituted for the report. The Chair recognizes the gentleman from Ellsworth, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker and Members of the House: I shall speak very briefly in presenting the position of the Legal Affairs Committee in its unanimous report that this bill ought not to pass.

A week ago, speaking to this same body, I suggested a certain truism that I had often heard: that the majority is never right—or, putting it the other way, the majority is always wrong. In view of two events that have happened since I spoke to you, I am certain there is

nothing in that proposition. (Laughter) Your vote on the Sunday movie bill and the report of this committee on this lottery bill convinces me that the majority is frequently right if not always.

We have heard a very splendid presentation of one side of this question this morning, done in that rare style in which the member from Lincoln, Mr. Weatherbee, can debate and present his facts. His arguments seem to boil down very largely to two particular points: First, it is being done—it is being done, therefore let us legalize it. I am of the strong opinion that there is a fallacy in that argument. I think we could go through all of the crimes discussed in our statutes and we could find that most of the things are being done which are prohibited on those statute books. One thing that comes to my mind—partly in the spirit of seriousness and partly in a spirit of fun—I think of the law prohibiting intoxication. Definitely it is being done. We have not been around Augusta all winter not to be aware of the fact that intoxication takes place. Now using the same argument that it is being done, is not the logical handling of that particular statute which bars intoxication, certainly out before the public—is not the logical thing to repeal that law, and then the next step to issue permits, possibly at two dollars apiece, whereby a man would be given the privilege of going about the streets intoxicated to that degree which he finds pleasurable, and we would collect for the State. It seems to me it is the same sort of situation—it is being done, the law is being violated, therefore let us repeal the law, and, as the next step, make a dollar while we let that activity take place.

The only thing I shall present in replying to the suggestion of the member from Lincoln, Mr. Weatherbee, that it is being done, is the fact that it is not sound legislation, according to my way of thinking, to repeal a law just because it is being violated and, in repealing it, cash in for the State of Maine. Of course there is one result which I suppose would be very favorable in doing that: If we repealed all the statutes that are being violated, I think we would have what might be called a crimeless state—no crimes on the books, no crimes committed.

We would make a great deal of money and have no criminals.

I just leave it to you, members, to think over: Is it a sound proposition just because it is being done? Is not the soundness of the proposition for us as substantial citizens to go back into our communities and attempt to bring to a close that thing which is being carried on illegally, rather than to come to Augusta and acquiesce to the situation because it is being done and put the State of Maine into a rocket in order to clean up a dollar for the State.

You will notice in connection with all these proposals which I classify as being of a liberal nature, they all go arm in arm with some worthy and worthwhile proposition. You notice this morning that reference is made to the care of the aged. That is the second strong argument that seems to be used: We have got to care for the aged. There is a definite answer to that proposition: The aged are going to be cared for by this Legislature. If my judgment is worth anything at all, it is my belief, from my contacts during the past three months with members of this House, that we certainly are going to have tax measures presented and written into law to take care of the aged. Do not think for a minute we have got to pass a lottery bill to take care of the aged. They will be taken care of by worthwhile, reasonable, sound, economic tax measures to be presented presumably within the next few days before this body. I will even go beyond that and suggest that if there is a large group that harbors a fear in their mind that there are not going to be such tax measures and we might have to resort to this sort of thing, put the bill back on the table, if you wish, and keep it there. It would not offend the members of our committee. If that is a real worry on the part of any members that we are not going to get some other revenue measures to take care of it, throw the bill back on the table.

Now I am not going to spend any more time discussing this. I am in agreement certainly on one point with the last speaker, that your minds are made up and there is little that any one of us can say to change that proposition.

I would call to your minds the example we have in one of the other New England states, the State

of Massachusetts. Massachusetts considered the feasibility of a lottery bill during the present session of their Legislature, and by quite an overwhelming vote they voted down the proposal.

Now I am not saying that we should follow in the footsteps of Massachusetts in all of our legislation, not by any means; but it seems to me as you think of the representatives in their Legislature and the classes of people that they represent in their many industrial towns, their metropolitan areas, that it will cause you to hesitate just a bit and say if a state like Massachusetts votes against a measure of this kind, what about us as representatives of the people of the State of Maine? It is a pretty good example to follow, I believe.

There was a little discussion as to the length of time during which we had lotteries, a matter of four or five hundred years. But since the Revised Statutes of 1857 lotteries have been illegal in this State and have been ever since that day. We have never seen occasion to change the law. As the member from Lincoln, Mr. Weatherbee, spoke, the thought went through my mind: I suppose we could go back four or five hundred years and suggest that slavery had also been an institution. But we decided about the same period of time in this country, in 1860, that it was time to bring it to a close. I do not present that as being pure analogy, but just as a thought that went through my mind at that time.

There is one more thing that bothers me, in the remote consideration that such a bill as this might be passed. Just feature the situation whereby the laws of the Post Office Department of the United States prohibit the type of thing we would be carrying on as one of the forty-eight states. Is there not something a bit inconsistent in that proposition that we as a sovereign state of this Union have to devise ways and means whereby we would send these tickets out some way other than through the postal service? In a spirit of fun once again: I can see visions of the Highway Police—I believe it was mentioned as a practical matter, the Highway Police taking out and dispensing these lottery tickets—and of course it is a crime for everyone else in the State to sell lottery tickets and to

gamble. So I visualize our State Police taking lottery tickets to various points in the State, and on the way back they could be rather sleuthful and pick up those private citizens who happened to be competing in this business. So you would have sort of a roundabout trade similar to our old slavery, molasses and rum traffic, whereby the State Police would take out the tickets to sell to citizens and on the way back pick up offenders who had gambled in some minor sort of way. It seems a difficult picture to perceive.

Large sums of money have been suggested here—a matter of two, three or four million dollars—I do not know what would be the basis for those figures — they might as well have said five or six or eight million and probably been as exact.

The last speaker suggested this is not an academic question of gambling. I agree with him. It is a practical question of gambling. Do we as a Legislature want to encourage gambling throughout the State of Maine? We assume in our discussions here that if we pass this lottery bill everyone would use only the State of Maine lottery and we would have all the money. As a practical matter. I believe you would have the present money spent for lotteries and you would have a good deal in addition spent for the Maine lottery, because these well-established lotteries are going to sell their tickets just the same, at least to a very large extent, unless the officers stop them from doing it, and if the officers can stop them from doing it, then my reply is they had better stop them from doing so under the present conditions.

The gentleman suggests that people will buy lottery tickets, therefore repeal the law. My reply, as I have said before, is that people will commit crimes, therefore repeal the laws. I think that is a fair analogy.

Now in summing up the position of the committee; we will acknowledge there are lottery tickets being sold, the solution of this problem is not to repeal the law; the solution is for us to go back to our various communities and urge the enforcement officials to have a little more diligence in their communities to see that these lottery tickets are not sold.

So far as the second argument,

that we have got to take care of our aged is concerned, of course that is true, and we are going to do it by much sounder measures than a lottery bill.

I am glad that the gentleman from Lincoln, Mr. Weatherbee, has asked for a roll call. Had he not done so, I would have asked for it. I trust that his motion will not prevail when that roll call is reached.

Mr. MARTIN of Milford: Mr. Speaker and Members of the Eighty-eighth Legislature: I find myself in a position where I have got to differ with my brilliant colleague of the Penobscot delegation, for the reason I do not believe that the day has arrived when we have got to resort to a lottery to solve our financial program, and I do not believe that it is necessary to legalize gambling to alleviate those financial programs.

It has been said that they have had lotteries years ago in the State of Maine, and, like this proposition, they were put forth for a similar object, to aid or assist some worthy institution or some project — and they have all the same appeal in that manner, and also because it is said we need the money, and also because it is an opportunity to make the people believe that they are going to get something for nothing.

It is true that we have had to resort to horse races, to liquor selling and beer selling to get the necessary funds to carry on, but when it comes to lotteries, that is where I draw the line.

It has been said that there is nothing so elastic as the human conscience. That may be so, but I cannot and I will not stretch my conscience far enough to support a measure of this kind, and I will vote against this bill.

Mr. HINCKLEY of South Portland: Mr. Speaker, I do not want to take up much time of the members of this House in speaking at length on this matter. I dislike very much to speak at all, because in doing so I must oppose my friend from Lincoln, Mr. Weatherbee. I dislike to do that because he is a genial gentleman, who always has a smile on his face, and he always has a hand ready to shake with you. He is a man who is well liked here and he is likable. As I said before, I dislike very much to say anything contrary to what he has said, ex-

cept that I do not agree with the remarks that he has made.

Now undoubtedly the gentleman from Lincoln (Mr. Weatherbee) has put many hours of work on this bill; he has labored hard and put many hours of work into it, and he has brought to this House a bill which he thinks is satisfactory. I believe, however, that in his honest zeal and with all the hours he has spent on it, there are some things he has forgot to incorporate in this bill, and which it might be well from his point of view to incorporate in the bill.

I do not propose this as an amendment of my own. I think if this thing has a chance of passage that the gentleman from Lincoln, Mr. Weatherbee, would like to incorporate it in his bill. He has not had time, undoubtedly, to prepare it, and so I have prepared an amendment for him which he may, if he wishes, introduce at a later time; and I now hereby freely and voluntarily offer it to him, and with the permission of the Speaker and the members of this House, with all due modesty, I would like to present it at this time, not as I say, of my own accord, but merely for his use should occasion arise. I would propose this amendment for his consideration:

(At this point Mr. Hinckley made certain remarks which were later ordered expunged from the record.)

Now if it is pleasing to the gentleman from Lincoln, Mr. Weatherbee, and to the members of this House, they are free to make use of this amendment as they desire. Personally, I do not think it ought to pass.

Personally, I do not think that the bill that has been presented ought to pass, but there is a likelihood that it may, and if it is at all likely to pass then we ought, as the gentleman from Ellsworth, Mr. Higgins, says, to make this State-wide and go into everything that is now a crime on the statute books.

Now my remarks are going to be brief for the rest of the period. The gambling instinct is as old as history. That has already been stated. I remember when I was a boy that we had a Louisiana Lottery. Our history books stated that, and I remember what they said about it. It was held up to ridicule and shame to the boys and girls of the State of Maine. Why was it? It was be-

cause the boys and girls of the State of Maine did not know anything about a State Lottery and they mentioned the Louisiana Lottery as a bad example.

Now in 1890 the State of Louisiana forbade State Lotteries by constitutional amendment. In 1894 New York did the same thing. The United States government forbids the use of its mails in interstate commerce for the transportation of lottery equipment and materials. The United States postal authorities formerly forbade newspapers to print anything concerning lotteries, but our genial Jim Farley has lately repealed that, so that is now possible, and we read in our papers the results of the Irish Sweepstakes and other sweepstakes.

It is a bad State policy, and I do not believe that this State wants to get into that line of business. We take our money from the rich, of course we do, but we also take it from the poor men and women, and many in this Legislature know that men who are on relief and children play these games and buy these tickets, and I do not believe that we ought to encourage our boys and girls, whether rich or poor, to get into that line of business.

What is the effect on our school children? The State of Maine goes into the lottery business, and by that very act, the State is saying to our children that it is a proper thing to do. You know it is not a proper thing to do. There is not a man or woman in this House who believes that gambling is a proper thing. The only thing they argue is that it is for the economic good of the State. Are you going to tell that to the children? No, if the State goes into this business, you are going to tell the boys and girls of the State that it is a proper thing to do and the State will uphold them in it and say "go ahead." What is going to happen to the next generation if that is the situation? It is no excuse to say that the money is going for charity, going for old age pensions, if the thing is bad in itself.

Every cent of money that is spent on gambling and lotteries is taken out of legitimate business and the merchants do not get it. You know that.

Why, here is Monte Carlo. This bill would make the State of Maine a Monte Carlo. But let me point

out to you that even in Monte Carlo, as bad as it is, the citizens in that principality are not allowed to gamble; it is only open to foreigners. But the State of Maine would encourage its own citizens to gamble and waste their money in that way.

I am not going to talk about the sweepstakes. We have heard enough about that. But do you realize in the sweepstakes, of the five million, five hundred thousand tickets that are sold, only one in three hundred and ninety thousand gets a major prize, and in policy only one in a million ever wins a jack-pot. I say again that this thing is wrong in principle. If we have got to feed our poor, if we have got to maintain our hospitals and care for the sick and afflicted, if we have got to run our schools and educate our children on State money raised by gambling, then I say, God pity this Legislature and God pity the State of Maine.

I am reminded of a story: A lady was entertaining her bridge club one evening and everything was in a tumult and they were having a good time. The children had gone to bed, she thought, but finally she heard the children coming to the head of the stairway. "Oh," she said, "listen, my children are coming to say good night, and it always makes me feel so reverend when they say good night." And, as they listened, they heard those childish voices at the head of the stairway: "Mamma, Willie's found a bed bug." Well, Willie found a bed bug in this Legislature two years ago, in fact he found two of them, and we have another bed bug here at the present time. They have been knawing and biting and feeding on the people of the State of Maine for the last two years, and I think that it is time that we killed this bed bug before it has a chance to grow up. (Applause)

Mr. McGLAUFNIN of Portland: Mr. Speaker, I ask permission to face the House while I address it.

The SPEAKER: The gentleman may do so.

Mr. McGLAUFNIN: Mr. Speaker, I, too, have become very fond of the gentleman from Lincoln (Mr. Weatherbee). I think he is one splendid fellow. I think he is wrong on this particular question, however.

The first State Lottery that I can learn about was started by that un-

principled old scoundrel, the Emperor Nero of Rome. (Laughter). In 1836 this was tried out in England and condemned. It was also tried out in the early history of the United States and very soon condemned here, and in 1890 Congress passed an act forbidding the use of the mails for lottery purposes. In every State in this Union they have had laws against lotteries, and, notwithstanding what has been said about lotteries in Maine, I find that there was a law against lotteries when this State was organized in 1820 which has continued since. All able writers and thinkers have condemned lotteries and there is no question but what lotteries have deteriorated the morals of the people. History so states.

It is said that you cannot stop lotteries and therefore let's get a revenue from them. As the gentleman from Ellsworth (Mr. Higgins) has already pointed out, that argument is unsound. If that is true, this argument is true: You cannot stop stealing. Are you going to say to the thief, "Rob your neighbor, pay the State half of it, and it will be all right." You cannot stop adultery. Are you going to legalize adultery? You cannot stop kidnaping. Are you going to say to the kidnapper, "Pay us a bonus and it will be all right. We will legalize it." You cannot stop murder. Are you going to legalize murder for a price? I merely give these illustrations to show you that that argument is unsound.

I have, living in the town of Mapleton in Aroostook County, an old mother who is ninety-one years old. That mother taught me that it was better to face death than dishonor. I therefore try to base my arguments on sound principles. The wisest man who ever trod this earth once told this story: There was a certain man who built his house upon a rock, and the rains descended and the floods came, and the winds blew and beat upon that house, but it fell not because it was founded on a rock. A certain other man built his house upon the sands, and the rains descended, and the floods came, and the winds blew, and beat upon that house, and it fell, and great was the fall of it, for it was built upon the sands.

Now when you undertake to lower the moral principles of the State of Maine, you are digging away the

rock foundation and substituting sand. I do not need to spend more time on this argument, Mr. Speaker, today. I have already expressed myself somewhat emphatically against Sunday movies, and you men and women, in your wisdom, voted that we should not have those movies. I simply want to point out to you that this measure, so far as immediate detrimental influence in this State is concerned, is ten times worse than any Sunday movies. I move that the majority report be accepted. I do not think that motion has been made.

The SPEAKER: The question is on the motion of the gentleman from Lincoln, Mr. Weatherbee, to substitute the bill for the report. The Chair recognizes the lady from Bangor, Mrs. Currier.

Mrs. CURRIER: Mr. Speaker and Members: I think we all appreciate the sincerity of our Representative from Lincoln, (Mr. Weatherbee). He certainly proved that to us when he offered to table the bill until some other form of revenue could be found. I am sure that some other form of revenue can be found. I do not agree with him in his statement this morning that the lottery bill is sound. I think it is very unsound economically.

There is nobody in the House who is more anxious to do everything he can for the aged of our State than I am, but I do feel that it can be done in some other way.

Some of our speakers have pointed out that lottery tickets are sold. We all know they are, but if we legalize a State Lottery in our State, it simply means that additional money will be spent in that way. The people who are lottery-minded are not going to stop with the small amounts which can be gained from our State Lottery. They are not going to stop buying tickets on the Irish Sweepstakes or on the Canadian Lotteries.

When we were sent here, honored by being elected to this body, we knew that we had certain duties to perform, and one of the most important, if not the most important, was the duty which we owe to the aged people in our State. Let us all, men and women of this Legislature, be courageous enough when the taxation measures come in, which are a legitimate source of revenue, to stand up and vote for something which we know is right.

I have seen what lottery means in other countries. I have seen in the South American countries roadsides filled with billboards advertising lottery tickets. I do not wish this to occur in our State after seeing it in those countries and seeing the people who are selling the tickets. I cannot stretch my imagination far enough to think that the State of Maine should legitimize the sale of lottery tickets, and I hope that the motion of the gentleman from Lincoln (Mr. Weatherbee) does not prevail.

Mr. RUSSELL of Gray: Mr. Speaker, there is one point here that has not been touched upon as yet. The question of morals of our youth has been stressed, but no one has yet stressed the question of the effect upon the morale of the people, the taxpayers back home. I have the honor to represent a district which is decidedly rural, composed almost entirely of small farmers and home owners. I believe sincerely that I have a mandate from them to do all in my power in this Legislature to see to it that no further increase in taxes is laid upon their real estate.

As the gentleman from Ellsworth (Mr. Higgins) has said, the passage of this bill is not necessary to take care of the various State activities. He has said that others means will be found to take care of the aged people, and, of course, the other activities of the State. I have been going over in my mind, as he spoke, the various methods that could be used, and for the life of me I can see no other way, no other substitute, except some form of taxation like the income tax which is going to materially affect the industry of this State or the sales tax which would hit every last one of us in such a way that we could not possibly escape it.

I do not want any member of this Legislature to think that I am going to argue for anything that would corrupt the youth of this Nation. I have four children at home, of whom I am as proud as any man in this world. I have a mother who is one of the saints of God, and I stand here in this Legislature and say that, although you may not agree with me in the stand I take, she knows that my vote is going to be according to the dictates of my conscience, and I am going to cast my vote in favor of the gen-

tleman from Lincoln (Mr. Weatherbee), to give relief to the people back home who look to us in faith and in prayer—and I am not exaggerating a bit—to see that we do something to lighten the constant burden of taxation that is pressing them to the ground. For three years I have served upon the Municipal Board and I know from personal experience all they are facing.

In closing, I wish to say that I sincerely hope that the motion of the gentleman from Lincoln (Mr. Weatherbee) prevails. (Applause)

Mr. MAXELL of Orient: Mr. Speaker and Members: We have all heard much in our time about the famous Monte Carlo, its lotteries, its every form of gambling known to man and its many notorious ways of getting rich quick, all interwoven with a touch of romance, a little comedy and a lot of tragedy. I ask you, who wants to go to Monte Carlo to live, to take up their abode as a place to raise a family? I ask you, who wants to make a Monte Carlo out of the State of Maine? Maine is a noble State and she has always stood out among the States of the Nation as standing for high ideals and standards. Maine has produced some noble men, and she has through the years been a pioneer in many things. She was a pioneer back in 1852, when we were the first to enact a law outlawing liquor. She was a pioneer (believe it or not) only last November when we outlawed the New Deal. Have we gone revenue-mad? Do we place revenue above honor and integrity? How much farther down this road shall we travel in lowering the morals and standards of our people? I believe that it is time we called a halt and set the brakes and begin enacting laws to build up rather than to continue to tear down the moral fibre of our people. I am opposed to this bill.

Mr. WEATHERBEE: Mr. Speaker, I dislike very much to rise again and discuss this matter, but I have been thinking it over and I thought I would rather do so now, before someone moves the previous question and my opportunity is cut off. I want to say only one thing and touch on only one matter, and that is the reference to the houses of ill fame. I heard this bill argued

four years ago and I heard that analogy used as an argument, and I consider that it is a fair analogy, and certainly do not resent anyone using it against me. We argued this matter two years ago and the same analogy was used again, and I expected the argument would be made again this morning. I did not, however, expect that it would be made exactly in the way it was made. I have a great deal of friendship for the gentleman from South Portland (Mr. Hinckley) and I am sure that he meant no discourtesy to me in the way he handled his arguments in regard to the houses of ill fame. I do not like to get angry over a small thing, but, Mr. Speaker, in years to come the record may not show the spirit in which the gentleman from South Portland made those remarks. I wonder if I am out of order in asking the gentleman from South Portland to state, as a matter of record, that he did not intend to insinuate seriously that I would accept and would offer his amendment, House Amendment A. Am I out of order?

The SPEAKER: The gentleman may ask his question and the gentleman from South Portland (Mr. Hinckley) may answer if he wishes.

Mr. HINCKLEY: Mr. Speaker and Members of the House: If I have offended the gentleman from Lincoln, Mr. Weatherbee, I sincerely apologize to him, to the Speaker and to the members of this House. I absolutely meant no offense whatever. It was simply given in the spirit of fun as was the remark made by the gentleman from Ellsworth, Mr. Higgins.

Mr. SLEEPER of Rockland: Mr. Speaker, I did not intend to take any part in this discussion, but I have known the gentleman from Lincoln, (Mr. Weatherbee) since I came to this House in 1935, and I know him to be a man whose morals and general reputation are equal to anyone's. This is the nearest to touching on unkind personalities of any of the speeches I have heard here. I am convinced that Mr. Weatherbee is sincere in his desire to aid the aged, but I am also at sea as to whether this House is ready to pass a measure to give the money needed for the aged. I canvassed this House and one member has said "I will not vote for a sales tax." Another one says, "I



will not vote for an income tax." Now I, for one, am not going home unless something is done. I am not in favor of a lottery. I can see the moral argument against it; but the Scandinavian states which have lotteries are states of the highest moral ranking of any states in the world. So you see a lottery is not a thing that lets down morals.

I voted against Sunday movies because I did not believe in them. I am not saying whether I will vote for lotteries or not, for I realize that lotteries are not all they should be; but I do object to the unfair treatment that the gentleman from Lincoln (Mr. Weatherbee) has received. I am convinced that he was sincere in his desire to create a fund for old age pensions, and I for one am not going to make up my mind until I see the money for these old age pensions. So, Mr. Speaker, I move that this matter lie on the table.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the bill be laid on the table pending the motion of the gentleman from Lincoln, Mr. Weatherbee, to substitute the bill for the report. As many as are in favor of the motion of the gentleman from Rockland (Mr. Sleeper) will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had.

Fifty-one voting in the affirmative and 82 in the negative, the motion to table did not prevail.

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

The SPEAKER: Under the Rules, to authorize the Chair to entertain the motion requires the assent of one-third of the members present. As many as are in favor of entertaining the motion for the previous question will rise and remain standing 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 present having arisen, the motion for the previous question is entertained. The question is shall the main question be put now? This question is debatable. Any member may speak on it for not more than five minutes. Shall the main question be put now? As many as are

in favor will say aye; those opposed no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question is on the motion of the gentleman from Lincoln, Mr. Weatherbee, that the bill be substituted for the ought not to pass report of the committee. The gentleman from Lincoln, (Mr. Weatherbee) has asked that the vote be taken by the yeas and nays. Under the Constitution the yeas and nays are ordered when one-fifth of the members present signify their assent. As many as are in favor of having the vote by the yeas and nays will rise.

A division of the House was had.

The SPEAKER: Obviously more than one-fifth of the members present having arisen, the yeas and nays are ordered.

Mr. DONAHUE of Biddeford: Mr. Speaker:

The SPEAKER: For what purpose does the gentleman rise?

Mr. DONAHUE: Out of order and suspension of the rules, Mr. Speaker, to address the House.

The SPEAKER: The previous question having been ordered, the request requires unanimous consent of the House. The gentleman from Biddeford, Mr. Donahue, asks unanimous consent to address the House. Is there objection? The Chair hears no objection and the gentleman may proceed.

Mr. DONAHUE: Mr. Speaker and Members of the Legislature: I wish to move that the remarks of the gentleman from South Portland, Mr. Hinckley, with reference to his proposed amendment, and his remarks thereon, be expunged from the record.

The SPEAKER: The Chair will rule that the motion of the gentleman from Biddeford, Mr. Donahue, is not in order at the present time, the previous question having been ordered. The gentleman may make his motion after the vote is taken and announced, if he so desires.

Mr. DEMERS of Sanford: Mr. Speaker, I ask to be excused from voting, being paired with Mr. Day of Durham. I would vote yes and Mr. Day would vote no if present.

The SPEAKER: This must be by unanimous consent of the House. The Chair hears no objection and the gentleman is excused. Under the Rules, no member is permitted to leave his seat during the roll

call or until the result has been determined and declared. The question is on the motion of the gentleman from Lincoln, Mr. Weatherbee, to substitute the bill for the ought not to pass report of the committee. As many as are in favor of that motion will answer yes to the roll call; those opposed will answer no. The Clerk will call the roll.

YEA—Batchelder, Belanger, Boothby, Boucher, Bragdon; Brown, Eagle Lake; Bruce, Dennison, Donahue; Dow, Kennebunkport; Dwinal, Emery, Erswell, Everett, Fernald, Forgue, Haley, Hamel, Harkins, Keller, Labbee, Larrabee, Larsen, Latno, Lausier, Lee, Lord, Maheu, Merrill, Morgan, Packard; Payson, Brooks; Porell, Poulin, Russell, Seabury; Smith, Westbrook; Stoddard, Varney, Wallace, Weatherbee, Wilkes, Wyman.

NAY—Alden; Allan, Portland; Allen, Bowdoin; Ayer, Barter, Bates, Bird; Brown, Bangor; Bucknam, Bunker, Burgess, Cambridge, Carleton, Chase, Church, Churchill, Colby, Cole, Coolidge, Currier, Cushing, Davis, Dean, Douglass, Dorr; Dow, Jay; Dow, Norway; Eddy, Elliot; Ellis, Castle Hill; Ellis, Fairfield; Ellis, Rangeley; Fadden, Fellows, Findlen, Flanders, Ford, Fuller, Goss, Gyger, Hammond, Harriman, Harris; Hascall, Monmouth; Haskell, Lee; Laskell, Windham; Higgins, Dennysville; Higgins, Ellsworth; Hinckley, Hinman, Hodgkins, Howes, Jewett, Leonard, Mack, Martin, Milford; Martin, Oakland; Maxell, Maxim, McGaughy, McGlauffin, Melanson, Meserve, Mosher, Murchie, Newton, Norwood, Noyes, Owen, Palmer, Parsons, Paul; Payson, Portland; Peakes, Phair, Philbrick; Pike, Bridgton; Pike, Lubec; Plummer; Prince, Detroit; Prince, Harpswell; Ramsdell, Ramsey, Robinson, Russ, Ryder, Sawyer, Sleeper; Smith, Van Buren; Stilphen, Stone, Story, Tabbut, Thorne, Viles, Webber, Weed, Whitney, Woodbury, Young.

ABSENT—Crockett, Day, Dutil, Richardson, Snow, Thurston.

Yes—43.

No—100.

Absent—6.

Excused—1.

The SPEAKER: Forty-three having voted in the affirmative and one hundred in the negative, the motion to substitute the bill for the report fails of passage.

On motion by Mr. Higgins of Ellsworth, the House voted to accept the ought not to pass report of the committee.

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

Mr. DONAHUE: Mr. Speaker, I ask unanimous consent of the

House, under suspension of the rules, to have the remarks of the gentleman from South Portland, Mr. Hinckley, with reference to houses of ill fame, stricken from the record.

The SPEAKER: The gentleman from Biddeford, Mr. Donahue, moves that the rules be suspended and that the remarks of the gentleman from South Portland, Mr. Hinckley, insofar as they relate to houses of ill fame, be stricken from the record. Is this the pleasure of the House?

Mr. PACKARD of Houlton: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. PACKARD: Mr. Speaker, I was going to second the motion of the gentleman from Biddeford, Mr. Donahue.

The SPEAKER: The Chair will say that the motion of the gentleman from Biddeford, Mr. Donahue, to suspend the rules is not debatable. Is it the pleasure of the House that the rules be suspended and that so much of the remarks of the gentleman from South Portland (Mr. Hinckley) as relate to houses of ill fame be stricken from the record?

The motion prevailed and the remarks were ordered expunged from the record.

The SPEAKER: The House is proceeding under Orders of the Day.

On motion by Mr. Ellis of Rangeley, it was voted to take from the table the thirty-third unassigned matter, bill an act relative to sale of fish, H. P. 1768, L. D. 891, tabled by that gentleman on March 29th, pending second reading.

Mr. ELLIS: Mr. Speaker, in 'he bill there is no provision for bait dealers, and I now offer House Amendment A, and move its adoption, to take care of that situation.

The SPEAKER: Will the gentleman kindly defer his motion until the second reading of the bill?

Thereupon, the bill had its second reading.

Mr. Ellis then presented House Amendment A and moved its adoption, as follows:

House Amendment A to H. P. No. 1768, L. D. No. 891, bill an act relative to sale of fish.

Amend said bill by striking out in the tenth line thereof the follow-

ing: "section 30" and inserting in lieu thereof 'sections 30 and 30-A'.

Thereupon, House Amendment A was adopted and tomorrow assigned for the third reading of the bill as amended.

On motion by Mr. Hinman of Skowhegan, it was voted to take from the table the report of the committee on Judiciary, reporting ought not to pass on bill an act to amend the absent voting law, H. P. 1418, L. D. 610, tabled by that gentleman earlier in today's session; and on further motion by the same gentleman the ought not to pass report of the committee was accepted.

On motion by Mr. Ellis of Fairfield, it was voted to take from the table the twenty-sixth unassigned matter, House report ought to pass of the committee on Legal Affairs on bill an act relating to Municipal Budgets, H. P. 1541, L. D. 681, tabled on March 25th by that gentleman, pending the motion of Mr. Fadden of Hiram, that the report be accepted.

The SPEAKER: The pending question is on the motion of the gentleman from Hiram, Mr. Fadden, that the report of the committee, ought to pass, be accepted. As many as are in favor of that motion will say aye; those opposed no.

A viva voce vote being taken, the motion to accept the report of the committee prevailed.

Thereupon, the rules were suspended, the bill had its two several readings and tomorrow assigned.

On motion by Mr. Hinman of Skowhegan, it was voted to take from the table the thirteenth unassigned matter, Senate report ought to pass of the committee on Legal Affairs on bill an act to provide for the perambulations of the Maine and New Hampshire Boundary Line, S. P. 345, L. D. 614, tabled by that gentleman on March 24th, pending acceptance in concurrence; and on further motion by the same gentleman the ought to pass report was accepted in concurrence.

Thereupon, the bill had its two several readings under suspension of the rules, and tomorrow assigned.

On motion by Mr. Flanders of Auburn, it was voted to take from

the table the thirtieth unassigned matter, House Order relative to information regarding certain State officers and employees, tabled by that gentleman on March 29th pending passage; and on further motion by the same gentleman the order received passage and was sent up for concurrence.

On motion by Mr. Maxell of Orient, it was voted to take from the table the fifth unassigned matter, Senate report ought to pass of the Committee on Legal Affairs on bill an act relating to beauty culture to include registering and licensing of barbers and barber shops and to create a Board of Barber Examiners, S. P. 192, L. D. 451, tabled by that gentleman on March 24th pending acceptance of the report in concurrence.

Mr. MAXELL: Mr. Speaker and Members of the House: In moving for the indefinite postponement of this bill, I would like to state my reasons therefor.

This bill deals almost wholly with sanitation in the conducting of the barber business. I believe that in this respect the barbers are already pretty well covered under Chapter 1 of the Public Laws of 1933, under Rules and Regulations of the State Bureau of Health relating to sanitation of barber shops. Under Section 1 of those Rules, the term "barber shop" is defined.

Under Section 2 it says: "All barber shops in the state, together with all fixtures, shall be kept clean and in a sanitary condition at all times, and shall be properly and adequately lighted and ventilated."

Under Section 3: "No person who is affected with a communicable disease shall act as a barber or attendant in any barber shop."

Under Section 4: "All barbers and attendants must keep themselves and their wearing apparel in a clean and sanitary condition."

Under Section 5: "All barbers and attendants shall thoroughly cleanse their hands immediately before serving each customer", and it continues on from that.

Under Section 6: "Brushes and combs shall be thoroughly cleansed often enough to keep them clean and sanitary."

Section 7 deals with cleanliness of the towels, whether wet or dry, and under Section 8: "The use of styptic sticks or pencils is prohibited

unless they are individual sticks or pencils."

Under Section 9: "Shaving mugs and lather brushes must be thoroughly cleansed with hot water before each use."

Under Section 10: "Every person in charge of a barber shop shall supply hot and cold water in such quantities as may be necessary to conduct said shop in a sanitary manner."

Under Section 11: "Barber shops shall be provided with pressure tanks with running hot and cold water to a lavatory with sewer connections when possible."

Under Section 12: "The use of powder puffs, brushes and sponges for dusting powder is prohibited."

Under Section 14: "All razors, clippers, scissors, tweezers, black-head removers," and all such things in that shop, "shall be thoroughly cleansed and sterilized after each and every separate use."

Under Section 15: "All razor strops and hones used in any such establishment shall be maintained in a cleanly condition at all times."

So here are set up some eighteen different rules which to my mind pretty well govern the barber situation. In fact, the only difference between this bill and the one before us, which I can see, is that the present bill simply sets up a Board. There are, as I understand it, about one thousand barber shops in the State of Maine. The fee for the registration of these shops is, I think, five dollars, which amounts

to \$5,000. There are, they tell me, an average of not quite two barbers to each shop, or in other words, there would be around 1,500 to 1,800 barbers, and the license fee of three dollars for each of these fifteen hundred would amount to \$4,500, collecting from the barbers \$9,500, or approximately taking out of the barbers of our State \$10,000, and for what? Simply to create a new Board in order that some people might have a good job.

This bill says that the fees received under it shall be used to carry out the purposes of this act. I believe that the barbers at the present time are pretty well covered and many of the small shops throughout the country are struggling hard to keep their heads above water; and I believe that any great burden placed upon them will cause serious trouble for them. I believe that this bill is unnecessary and inexpedient, and, Mr. Speaker, I move that the bill be indefinitely postponed.

The SPEAKER: The gentleman from Orient, Mr. Maxell, moves that the bill be indefinitely postponed, and the Chair recognizes the gentleman from Rangeley, Mr. Ellis.

Mr. ELLIS: Mr. Speaker, as the hour is getting late, and several committees have hearings this afternoon, I move that the House now adjourn.

Thereupon, a viva voce vote being taken,

Adjourned until ten o'clock tomorrow morning.