

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, February 10, 1937.

Senate called to order by the President.

Prayer by the Reverend Edward J. Webber of Hallowell.
Journal of yesterday, read and approved.

Papers from the House disposed of in concurrence.

The following bills and resolves were received and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Judiciary

Mr. Goudy of Cumberland presented bill "An Act to Establish an Unpaid Commission on Interstate Cooperation to Facilitate the Cooperation of This State With Other Units of Government." (S. P. 264)

Mr. Owen of Kennebec presented bill "An Act to Protect Trade-mark Owners, Producers, Distributors and the General Public Against Injurious and Uneconomic Practices in the Distribution of Competitive Commodities Bearing a Distinguishing Trade-mark, Brand or Name, through the Use of Voluntary Contracts etc." (S. P. 265)

(500 copies ordered printed.)

Mr. MacKinnon of Oxford presented bill "An Act Relating to Civil Service Examination for Employees Under the State Liquor Commission." (S. P. 266)

(1000 copies ordered printed.)

Sent down for concurrence.

Inland Fisheries and Game

Mr. Worthen of Penobscot presented bill "An Act Relative to Transportation of Fish and Game by Aeroplane." (S. P. 263)

(500 copies ordered printed.)

Sent down for concurrence.

Legal Affairs

Mr. Goudy of Cumberland presented bill "An Act Relating to Amateur Sports on Sunday." (S. P. 267)

(500 copies ordered printed.)

Sent down for concurrence.

Salaries and Fees

Mr. Burns of Aroostook presented bill "An Act Increasing the Amount Paid for Clerk Hire in the Office of the County Attorney in Aroostook County." (S. P. 268)

The same Senator presented bill

"An Act Relating to Compensation of the County Attorney of Aroostook." (S. P. 269)

(500 copies of each ordered printed.)

Sent down for concurrence.

Order

On motion by Mr. Ashby of Aroostook, it was

ORDERED, that one thousand copies be printed of the list of cosmetics furnished by the Bureau of Health.

Passed to Be Engrossed

"An Act Changing the Name of Oak Grove Seminary to Oak Grove School." (S. P. 68) (L. D. 285)

"Resolve in Favor of Harry C. Libby of Portland." (S. P. 63) (L. D. 43)

Passed to Be Enacted

"Resolve Prohibiting the Confining and Keeping of Wild Birds and Animals for Exhibition Purposes Along Roadsides within Hancock County." (S. P. 58) (L. D. 38)

Orders of the Day

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table Resolve Relating to An Investigation of the Pollution of Rivers in the State (S. P. 175) tabled on February 3rd by the Senator from Sagadahoc, Senator Sewall, pending reference, and yielded to that Senator.

Thereupon, on motion by Mr. Sewall of Sagadahoc the resolve was referred to the Committee on Public Utilities and five hundred copies ordered printed.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act Relating to Beauty Culture, to Include Registering and Licensing and Barbers and Barber Shops and to Create a Board of Barber Examiners (S. P. 192), tabled by that Senator on February 3rd, pending reference; and on further motion by the same Senator the bill was referred to the Committee on Legal Affairs and one thousand copies ordered printed.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act for the Registration and Regulation of Funeral Directors and Embalmers (L. D. 182),

tabled by that Senator on February 4th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Public Health and one thousand copies ordered printed.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table Memorial to the Builders of the United States Contender for the International Yacht Cup, tabled by that Senator on February 4th pending adoption; and that Senator yielded to the Senator from Sagadahoc, Senator Sewall.

Mr. SEWALL of Sagadahoc: Mr. President, this Memorial is of course self-explanatory. It deals with a product which can be built in Maine and which will be rather conspicuously displayed in an international affair this summer. It aims to recognize the men who have made this possible. It costs the State nothing and yet to those whom it recognizes it will certainly mean far more than money.

I hope that you will all see your way clear to adopt it.

The Memorial was adopted.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table Resolution of an Indorsement of the American Legislator's Association (S. P. 215) tabled by that Senator on February 4th pending adoption; and that Senator yielded to the Senator from Cumberland, Senator Goudy.

Mr. GOUDY of Cumberland: Mr. President, inasmuch as it has been some time since this Memorial was read and inasmuch as the Secretary seems to be in good voice, for the benefit of the Senate and the visitors present I would like to have this Memorial read a second time.

The Secretary read the Memorial.

Mr. GOUDY: Now, Mr. President, and members of the Senate, inasmuch as it has been decided by forty-seven states of the Union that the American Legislator's Association is such an organization as deserves praise and credit as well as the cooperation of every state in the Union, I would like at this time to have the Senate adopt this Memorial and when finally adopted that a copy be sent to the headquarters of the Association in Chicago.

Miss LAUGHLIN of Cumberland: Mr. President, may I ask a question

of my colleague, the Senator from Cumberland, Senator Goudy?

The PRESIDENT: The Senator from Cumberland, Senator Laughlin may ask a question through the Chair, of the Senator from Cumberland, Senator Goudy, which that Senator may answer if he so desires.

Miss LAUGHLIN: Mr. President, simply for information, how many states did I understand the Senator from Cumberland, Senator Goudy, to say had endorsed this Association?

Mr. GOUDY: Mr. President, I will say that forty-seven states have endorsed it.

Miss LAUGHLIN: Mr. President, do I understand that my colleague means that all the states in the Union except Maine have endorsed it?

Mr. GOUDY: That is right, Mr. President. Maine enjoys the unique distinction of being the only state in the Union that has not endorsed the American Legislator's Association.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Goudy that this Memorial be adopted and that a copy thereof be sent to the headquarters of the national Association at Chicago. Is the Senate ready for the question?

The motion prevailed.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act to Amend the Charter of Lucerne-in-Maine Village Corporation (S. P. 182) tabled by that Senator on February 4th pending motion to refer to the Committee on Legal Affairs; and that Senator yielded to the Senator from Penobscot, Senator Martin.

Miss MARTIN of Penobscot: Mr. President, I will ask leave to withdraw my motion to refer this bill to the Committee on Legal Affairs and will now move that it be referred to the Committee on Judiciary.

Leave was granted to withdraw the previous motion and the bill was referred to the Committee on Judiciary.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act to Repeal "An Act to Tax Games of Skill"

(L. D. 147), tabled by that Senator on February 2nd pending reference; and that Senator yielded to the Senator from Cumberland, Senator Willey.

Thereupon, on motion by Mr. Willey of Cumberland the bill was retabled pending reference.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act Relating to Terms and Salaries of City of Lewiston Officials (S. P. 257), tabled by that Senator on February 9th pending motion to refer to the Committee on Legal Affairs; and that Senator yielded to the Senator from Androscoggin, Senator Maliar.

Mr. MALIAR of Androscoggin: Mr. President, I ask leave to withdraw my motion to refer this bill to the Committee on Legal Affairs.

Leave to withdraw the motion was granted; and on further motion by the same Senator the bill was referred to the Committee on Salaries and Fees.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table Senate Report from Committee on Legal Affairs "Ought to Pass" on bill, entitled "An Act Designating Columbus Day a Legal Holiday" (L. D. 14), tabled by that Senator on January 28th pending acceptance of the report.

Miss LAUGHLIN of Cumberland: Mr. President, I now move that the report and the bill be indefinitely postponed. I will say, Mr. President and members of the Senate, that I left this matter on the table until this late time in order to gather sentiment not only from my own county but elsewhere and I am convinced that there not only is no public demand for this action but that the overwhelming sentiment is against it as I have tried it out and have had communications from various parts of the state.

At the present time, the 12th of October, "Columbus Day," is made a school holiday to this extent: The schools are still in session but under the direction of the superintendents they have exercises for the pupils with reference to history and with reference to Columbus Day, which I think is a very admirable thing for our schools to have on days that have an historic significance; that they should re-

main in session and that they should have exercises on this matter. But this bill makes it a court holiday, provides for the closing of the courts. That is all it does, really.

I don't know whether the authors of the bill put in the bill to relieve our infirm judges in Maine, or not, by giving them an extra holiday, but at any rate I don't see any reason why they need the extra holiday or why the courts should be closed on that day.

The prevailing sentiment of people who have talked with me has been against it and some of them have said, "Oh, we have enough holidays." I don't know as I subscribe to that but I do say that if we are to have another holiday it should be something historically connected with at least the history of the United States in part and more especially with reference to the history of Maine.

Now, of course, Columbus landed on the island of San Salvadore on October 12th, 1492, thinking—and thought to the day of his death, for that matter—that he had landed on the shores of India. He never knew that he hadn't landed in India. He never set foot on the North American continent. He never set foot on land now owned by the United States, except Porto Rico. It is proper that we should know his history but if we are going to have a holiday I think we have many events in connection with the history of our own state that it would be better to recognize in that way. After all, the important thing is not the mere fact that someone landed on an island in the West Indies; it is what has been done in this country, through the blood and sacrifices of the men and women who have made this a place that represents a higher degree of liberty to the people—that is, up to this time—than has been known anywhere else in the history of the world. And it seems to me that if we are going to set apart a day it should be something which would commemorate the real things that have made this country, no matter who landed in San Salvadore or when he landed.

Now, I have been appalled as I have travelled about this state to find out how little people here know about the history of Maine, and if we are going to have another holiday and close the courts I believe it should be something that would

commemorate something in our own history. I suppose that perhaps every member of this Senate may not know that the first naval battle of the Revolution was fought in Maine, in Machias. I suppose that hardly any of us know that the first conflict on land for American independence was fought by men from Maine.

A while ago I was speaking in New Hampshire where the then governor, now a Senator, was also speaking and he took occasion to praise New Hampshire because the first battle on land was in Newcastle in New Hampshire. I spoke after him and I had a great temptation to say something but as it was a political meeting I stuck to my subject. But what I wanted to say was, "Yes, the first battle on land in the American Revolution was fought in Newcastle, New Hampshire, when Fort William and Mary was taken by men from Kittery, Maine, but I resisted the temptation.

Nevertheless, the fact remains that we do not commemorate enough of our own history and I believe that if we are going to have any more holidays, close any more courts, it should be something to commemorate the great deeds and the great part which this state has taken in the history of our country and important historical events in the history of Maine.

And in this connection, while I think it is proper that we should have exercises in schools, because we should know more about history in our own schools, I have, as I have already said, tested out the sentiment in Maine and I am convinced that the overwhelming sentiment is against making Columbus Day a court holiday.

Mr. GOUDY of Cumberland: Mr. President and members of the Senate, I commence to feel as though I might be obliged to apologize for introducing this bill, due to the fact that it was inferred by the Senator from Cumberland (Senator Laughlin) that so far as she could find out I was the only one who felt that this bill should have a passage. However, I will say to you now that I introduced this bill because my constituents and citizens throughout the state of Maine thought it should be introduced. The only way they have to introduce a bill in either branch of the legislature is through their representatives sent here to look out

for their interests and safeguard their rights.

Now, in the state of Maine we have three classes of holidays; bank, court and school. The schools have seen fit to recognize Columbus to the extent that they provide for a school holiday in thirty-five states of the Union, where Columbus Day is a legal holiday. My bill does not go so far as that but I do feel that we should recognize Columbus to the extent that we should set up in the way of a holiday something to recognize the gratitude we should feel for the trials and tribulations which he went through to discover this country.

Now, I have a great deal of respect for the Senator from Cumberland, Senator Laughlin and I have a great deal of respect for her knowledge of history but, you know, we have a historian by the name of Washington Irving, we have a historian by the name of Adams, we have several other recognized historians, and every one of them beyond any contradiction states emphatically that Christopher Columbus discovered America, even though a later and less known discoverer, Amerigo Vespucci, reaped some of the glory.

It is taught in our schools that Columbus discovered this country, America, the land in which we live and which we love. I do not ask, nor does my bill provide, that the banks close, that the schools close or that commercial enterprises in any degree be held in abeyance on the 12th of October. It simply provides that the courts shall close on that day.

Now, we have another gentleman whom perhaps some of you have heard tell of; a fellow by the name of Webster. He wrote a dictionary and he says that the definition of the word "Columbus" means America, the nation, in honor of Columbus." If you look up the word "Columbia" you will find that they have seen fit to name rivers, colleges and even a song by the name of Columbia in honor of the name Columbus. He also says that the 12th day of October, 1492, was the day on which Columbus discovered America, our country. He was the one who discovered it and it is a legal holiday in many states.

So you will see that other states have seen fit to recognize Columbus Day and to recognize Columbus as the discoverer of this country. You

will see that several of the largest states in the Union have cities named after Columbus, in some states the capital city is named Columbus. So I don't think we are going very far astray if we recognize the fact that Columbus was the discoverer of America.

Columbus, like most all great men was declared impracticable by the wise, ridiculed by the foolish, deluded by false promises, but he endeavored, regardless of that, to conceive beneficent ideas for the benefit of the people and to put them to proof in the most obvious way. For this his knowledge was as complete as possible, his plan was definite, his purposes undefiled by self interest, his courage sublime. He charted a path across an unknown sea for our forefathers to safely follow. He sowed the seed for us to harvest. But for the foresight, intelligence, sacrifices, determination, iron-clad nerve and suffering of Christopher Columbus this country might not now be ours to enjoy. And I feel that we should, in all justice and fairness, in recognition of one of the greatest men that this country has known, declare, at least in the State of Maine, a court holiday in honor of his memory.

Now, my colleague from Cumberland (Senator Laughlin) says she has taken pains to canvass to find out the sentiment of this bill. Well, I have done a little canvassing myself. In Portland we have a society or association known as the Inter-racial Society of America, formed for the sole purpose of bringing together our citizens in the State of Maine of all religions; and all for one purpose, and that purpose is to make this a better country in which to live; and I feel that where they are working so hard to accomplish this end that we should at least aid and assist them by passing this bill.

The Knights of Columbus, an organization named for Christopher Columbus, is behind this bill strongly. Now, I am not trying to make this a religious issue. I am trying to be fair about the thing and I feel that Columbus Day should be made a court holiday. I haven't tried to make it a legal holiday as thirty-five other states have done as well as Porto Rico but I feel it should be made a holiday and I hope that the motion of my colleague from Cumberland County

(Senator Laughlin) does not prevail.

Mr. SPEAR of Cumberland: Mr. President, I move that the bill be laid upon the table.

The PRESIDENT: The Senator from Cumberland, Senator Spear, moves that the bill be laid upon the table, which motion is not debatable and takes precedence over the previous motion to indefinitely postpone. Is it the pleasure of the Senate that the bill be laid upon the table?

The motion to table prevailed.

Thereupon, on motion by Mr. Spear of Cumberland a recess was ordered.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair at this time announces the following committee relative to the Memorial addressed to the Congress of the United States protesting the attack made upon the Supreme Court of the United States. The Chair appoints as members of that committee on the part of the Senate, the Senator from Waldo, Senator Fernald and the Senator from Cumberland, Senator Willey.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table Memorial to Colonel Charles Lindbergh Inviting Him to Establish His Home in Maine (S. P. 233), tabled by that Senator on February 9th pending reference.

Mr. FERNALD of Waldo: Mr. President, I would like to say in explanation that your Committee on Reference of Bills has suggested that this matter be referred to the Committee on Judiciary.

Mr. SPEAR of Cumberland: Mr. President, my understanding is that this matter has not been referred to any committee and that it would be proper at this time to take this matter up without reference.

The PRESIDENT: The Senator is correct and may at this time if he desires move the adoption of the Memorial.

Thereupon, upon request of the Senator from Cumberland, Senator Spear, the Secretary read the Memorial.

Mr. SPEAR: Mr. President, my understanding with the Senator

from Sagadahoc, Senator Sewall, was that all these Memorials would be taken up at the same time. According to the newspapers Colonel Lindbergh has thought seriously of taking up his residence outside of the nation. The newspapers quote him as thinking of establishing his residence in Great Britain. He has spent a good deal of his time in the State of Maine in the summer time. He spent his honeymoon in the State of Maine. His wife's people have a summer place here. And it seems to me fitting that he be invited to establish his residence in Maine. That is the reason for this Memorial and I hope that the Memorial will be adopted, and so move.

Miss LAUGHLIN of Cumberland: Mr. President, I certainly will agree with my colleague from Cumberland (Senator Spear) that it is very desirable that Colonel Lindbergh should live in Maine but if I know anything about Colonel Lindbergh's character he will decide where he wishes to live without any invitations from anyone. He is familiar with all that Maine has to offer, as the Senator (Senator Spear) has pointed out and somehow it seems to me that we would put this State in an undignified position by asking anyone who is perfectly familiar with the State and what it has to offer to come here and become a resident. I am perfectly sure that if he wants to he will do so without any invitation and if he doesn't want to he won't pay any attention to an invitation.

Mr. SEWALL of Sagadahoc: Mr. President, I rise with some hesitation at this moment to speak on this matter inasmuch as the courtesies have already been extended to me in regard to the Memorial, but I have discussed this matter with the Senator from Cumberland, Senator Spear. It seems to me that Colonel Lindbergh was driven out of this country by front page publicity. He is seeking seclusion, privacy, and it doesn't seem to me that an effective way of bringing him back to the country is to give him this most public of all invitations. I question the effectiveness of this document, although I certainly would like to see Colonel Lindbergh live here. It occurs to me that inasmuch as there is a question as to the wisdom and effectiveness of the idea, it might possibly be well to have it given further consideration before a committee.

Thereupon, on motion by Mr. Willey of Cumberland, the Memorial was laid upon the table pending adoption.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table Memorial to the Congress of the United States Urging It to Strengthen the Laws Relating to Kidnapping (S. P. 234), tabled by that Senator on February 9th pending reference.

Mr. SPEAR of Cumberland: Mr. President, I move that this Memorial be adopted without reference to a committee.

Mr. FERNALD of Waldo: Mr. President, when the vote is taken, I ask for a division.

The PRESIDENT: The Senator from Cumberland, Senator Spear, moves that the Memorial be adopted without reference to a committee, and the Senator from Waldo, Senator Fernald, asks for a division when the vote is taken. Is the Senate ready for the question?

A division of the Senate was had.

Two having voted in the affirmative and twenty-three opposed, the motion to adopt without reference to a committee did not prevail.

Thereupon, on motion by Mr. Fernald of Waldo, the Memorial was referred to the Committee on Judiciary.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table Senate Report From the Committee on Legal Affairs "Ought to Pass" on bill entitled "An Act Designating Columbus Day a Legal Holiday" (L. D. 14) tabled earlier in today's session by that Senator pending motion to indefinitely postpone; and that Senator yielded to the Senator from Cumberland, Senator Goudy.

Mr. GOUDY of Cumberland: Mr. President, I hope that the motion of the Senator from Cumberland, Senator Laughlin, to indefinitely postpone does not prevail.

Miss LAUGHLIN of Cumberland: Mr. President, I do not intend to take the time of this Senate further on this subject except to make just one or two remarks. My colleague, the Senator from Cumberland (Senator Goudy) said that I seemed to think that he was the only one in favor of the bill, which, of course, I did not say because undoubtedly

there are others who favor it, but I have found an overwhelming sentiment against it. My colleague also made reference to the Inter-racial Society. My belief is that the right way to deal with inter-racial matters is that all races and all peoples who come to this country should consider themselves as Americans, interested in the United States of America and its history and its ideals, and I think that anything that tends, as he suggests, to emphasize inter-racial differences would be a mistake.

Miss MARTIN of Penobscot: Mr. President, as Chairman of the Legal Affairs Committee I should like to defend its action, particularly in view of the fact that it has been said that there was very little demand for this measure. At the hearing we had no opponents to the measure, only proponents of it, and the report of the committee was made in accordance with what it felt was the indicated sentiment.

Miss LAUGHLIN: Mr. President, I think we are all familiar with the fact that when a bill comes up before a committee for discussion the proponents of it can rally their forces and speak for it and other people who are opposed to it may not have that opportunity. Of course I, being occupied with other committees, did not have opportunity to speak against the bill and the first thing I knew about it was

at a convention in Augusta where people came to me and said, "We don't want this thing." The mere fact that at the hearing there were no opponents is of little value because I know what was said about it immediately afterward, both in the halls of this State House and everywhere else, by people who didn't happen to be informed in regard to the hearing. I don't think the sentiment at a hearing is necessarily the test.

Miss MARTIN: Mr. President, for further information I would say that the bill was duly advertised and sufficient notice was given of the hearing.

The PRESIDENT: The question before the Senate is on the motion that the bill be indefinitely postponed. Does any Senator ask for a division?

Mr. GOUDY of Cumberland: Mr. President, when the vote is taken I ask for a division.

A division of the Senate was had.

Twenty-two having voted in the affirmative and seven opposed, the motion to indefinitely postpone prevailed.

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Fortin of Androscoggin

Adjourned until tomorrow morning at ten o'clock.