

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

March 30, 1937.

Senate called to order by the President.

Prayer by the Rev. Howard A. Lincoln of Gardiner.

Journal of yesterday, read and approved.

Papers from the House disposed of in concurrence.

House Bills and Resolves in First Reading

"An Act Relating to Foxes and Raccoons" (H. P. 1263) (L. D. 456).

"Resolve Relating to the Taking of Clams Within the Town of Robbinston" (H. P. 706) (L. D. 873).

"Resolve Relating to the Taking of Clams Within the Town of Dennyville" (H. P. 707) (L. D. 874).

"Resolve Relating to Taking of Clams in Milbridge" (H. P. 1121) (L. D. 877).

"Resolve Relating to Digging for Clams in Certain Waters" (H. P. 896) (L. D. 876).

"Resolve Relating to Atlantic Salmon Fishing 'n Certain Waters" (H. P. 895) (L. D. 875).

"Resolve Relating to the Taking of Clams Within the Town of Pembroke" (H. P. 704) (L. D. 872).

"An Act Providing for the Exemption from Taxation of Certain Farm Animals" (H. P. 899) (L. D. 312), in new draft (H. P. 1749) (L. D. 860).

"An Act Relating to Dogs Chasing Game or Killing or Attacking Domestic Animals" (H. P. 1453) (L. D. 522), in new draft (H. P. 1739) (L. D. 844).

"An Act Relating to Permits for Moving Heavy Objects over Ways and Bridges" (H. P. 1422) (L. D. 574), in new draft (H. P. 1755) (L. D. 865).

"An Act Relating to the Brunswick Municipal Court" (H. P. 1045) (L. D. 333), in new draft (H. P. 1751) (L. D. 862).

"An Act Relating to Operating Certain Vehicles on Roads and Bridges without Special Permit" (H. P. 1426) (L. D. 578), in new draft (H. P. 1756) (L. D. 866).

"An Act Relating to the Civil Jurisdiction of Municipal Courts" (H. P. 1437) (L. D. 556), in new draft (H. P. 1757) (L. D. 867).

"An Act Relating to Pauper Settlements" (H. P. 1637) (L. D. 776),

in new draft (H. P. 1758) (L. D. 868).

"An Act Relating to Pauper Expense" (H. P. 1539) (L. D. 568), in new draft (H. P. 1759) (L. D. 869).

"An Act Relating to the Board of Trustees of the Town of Hodgdon School District" (H. P. 1060) (L. D. 353), in new draft (H. P. 1760) (L. D. 870).

"An Act Relating to Deputy Clerk of Courts in Penobscot County" (H. P. 1119) (L. D. 326), in new draft (H. P. 1745) (L. D. 858).

"An Act Relating to Mileage Compensation for County Officials" (H. P. 1178) (L. D. 435), in new draft (H. P. 1761) (L. D. 871).

(On motion by Mr. Kennedy of Hancock, tabled pending first reading.)

"Resolve Relating to the Taking of Clams within the Town of Perry" (H. P. 705), in new draft (H. P. 1752) (L. D. 878).

Reports of Committees

The majority of the Committee on Judiciary on bill "An Act to Validate the Acts of the County Commissioners of the County of Oxford" (H. P. 76) (L. D. 32) reported that the same ought to pass.

(Signed)

Laughlin of Cumberland
Wiley of Cumberland
Thorne of Madison
McGlauffin of Portland
Philbrick of Cape Elizabeth
Weatherbee of Lincoln
Hinckley of South Portland

The minority of the same Committee on the same subject reported that the same ought not to pass.

(Signed)

Fernald of Waldo
Bird of Rockland
Varney of Berwick

Comes from the House, the majority report accepted, and the bill passed to be engrossed.

Miss LAUGHLIN of Cumberland: Mr. President, I move that the majority report be accepted in concurrence.

Mr. FERNALD of Waldo: Mr. President, as one of those who signed the minority report I might say that the matter is local in nature and of relatively small consequence but I do think that it might be well to take into consideration the differences in feelings and opinions of the senators from that county, and with that thought in mind I would like to inquire of the

Senator from Oxford, Senator Osgood, through the Chair, what his opinion is of the merits of the two reports, if that would be in order.

The PRESIDENT: The Senator from Waldo, Senator Fernald, asks through the Chair a question of the Senator from Oxford, Senator Osgood, as to his opinion on this matter, and that Senator may answer through the Chair if he so desires.

Mr. OSGOOD of Oxford: Mr. President, from my understanding of the case I should judge that the minority report should be accepted and is right.

Miss LAUGHLIN of Cumberland: Mr. President, with reference to this bill, the committee heard a great deal of testimony on the matter and I will try to speak very briefly on what induced the majority of the committee to make the report ought to pass, which was that in the town of Mason, chiefly, there was a road that was impassable, according to all the evidence before the committee, and with a bridge that was unsafe. It was a question of letting the bridge fall into the river and the road remain impassable or of spending money to repair it and the County Commissioners of Oxford County repaired the bridge and repaired the road. In doing so they exceeded the amount of the assessment but they were put on the spot as to whether they would keep the road so nobody could go over it or the bridge so nobody could go over it, or whether they would take the chance that their action in repairing the bridge and the road would be accepted. At least, it seemed to me that this was the preponderance of evidence before the committee and we reviewed the matter several times from all angles, and it seemed to me that the issue in the matter was whether, having been put in that position of either letting the bridge go to pieces and the road remain impassable or else taking the chance that their action would be ratified, whether or not their action should be ratified by the legislature. If there is any other side to this question we would be very glad to hear it, but certainly we heard it over and over and over again and that was the preponderance of the evidence.

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

Mr. WILLEY of Cumberland: Mr.

President, I might add to the statement of the Senator from Cumberland, Senator Laughlin, that most of the taxpayers of the town have paid the assessment levied because of the additional expenses for repairing this bridge. I think the amount, if I recall it correctly, was \$1,800. There were only a few who refused to pay this additional assessment, which of course they had no legal right to levy, and it is those few, I think, who should be required to pay their proportionate part of the expense which was absolutely necessary or a tremendous expense would have resulted to all the people of that town by allowing the bridge to fall into the river. As the Senator from Cumberland, Senator Laughlin, has pointed out, we reviewed this matter at least three times, giving it very careful consideration, and I hope the Senate will vote to accept the majority report of the committee.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Laughlin, that the majority report of the committee "ought to pass" be accepted, and the Senator from Waldo, Senator Fernald, has asked for a division. Is the Senate ready for the question?

A division of the Senate was had. Thirteen having voted in the affirmative and eleven opposed, the majority report of the committee "ought to pass" was accepted.

Mr. FERNALD: Mr. President, may I inquire how many members are present?

The PRESIDENT: A quorum is present.

Mr. FERNALD: Mr. President, shouldn't everybody vote on the question?

The PRESIDENT: Not necessarily.

Thereupon, the bill was given its first reading and tomorrow assigned for second reading.

The Committee on Salaries and Fees on bill "An Act Relating to the Salary of the Judge of the Old Town Municipal Court," (H. P. 892) (L. D. 275) reported the same in a new draft (H. P. 1744) (L. D. 859) under the same title, and that it ought to pass.

Comes from the House, the report accepted and the bill passed to be engrossed as amended by House Amendment A.

In the Senate, the report was ac-

cepted in concurrence and the bill was given its first reading; House Amendment A was read.

Thereupon, on motion by Miss Martin of Penobscot, the bill was laid upon the table pending adoption of House Amendment A in concurrence.

From the House, out of order and under suspension of the rules: "Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Thirty-seven." (H. P. 1775)

"Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Thirty-eight." (H. P. 1776)

Come from the House, that body having accepted the report of the House Committee on County Estimates, the resolves having been severally read twice, and under suspension of the rules, passed to be engrossed without reference to a Joint Standing Committee.

In the Senate, out of order and under suspension of the rules, the report of the Committee was accepted in concurrence and the two resolves were severally given their two several readings and passed to be engrossed in concurrence.

Mr. FERNALD of Waldo: Mr. President, I rise to a point of parliamentary inquiry.

The PRESIDENT: The Senator may state his point of parliamentary inquiry.

Mr. FERNALD: Mr. President, we have just decided a question in which there were two reports, a majority and a minority, on the basis of thirteen to eleven. I believe, if I am correct, that there were more than twenty-four Senators present at the time the vote was taken. I think that there may be more important questions to come before this Senate on which every Senator should vote, and my parliamentary inquiry pertains to Rule 24 of the Senate, which is on Page 11 of the Handbook, which as I understand it requires every Senator to vote on every question.

The PRESIDENT: Does the Senator move to reconsider the action of the Senate in regard to this matter?

Mr. FERNALD: I will do that, Mr. President, in order to facilitate the matter.

Miss LAUGHLIN of Cumberland: Mr. President, did I understand the Senator from Waldo, Senator Fernald, to make a motion to recon-

sider the vote on the question of ratifying the act of the County Commissioners of Oxford County?

The PRESIDENT: The Chair so understands.

Miss LAUGHLIN: Mr. President, did the Senator from Waldo, Senator Fernald, vote with the majority on that question? If he didn't, he has no standing in making a motion to reconsider.

The PRESIDENT: The Senator from Cumberland, Senator Laughlin, is correct.

Mr. FRIEND of Somerset: Mr. President, just to give everybody a chance to vote on this proposition I will say that I voted with the majority, in the affirmative, but I will be glad to move for reconsideration.

The PRESIDENT: The Senator from Somerset, Senator Friend, moves that the Senate reconsider its action, taken earlier in today's session, whereby it voted, by a vote of thirteen to eleven, to accept the majority report of the committee "ought to pass" on bill, an Act to Validate the Acts of the County Commissioners of the County of Oxford. Is the Senate ready for the question on the motion to reconsider?

Mr. WILLEY: Mr. President, at the three several hearings held on this bill, with the due respect to the position that the Senator from Oxford, Senator Osgood, takes now, he did not, as I recall it, appear before the committee and offer any opposition to this measure. As we say, the committee gave this matter three hearings and it was absolutely necessary for those county commissioners to do what they did or the bridge would have gone into the river and if that had occasioned there in this unorganized town, it would have placed a very severe tax burden on the entire town. I will further add, for the benefit of those Senators who were not present, that practically all of the taxpayers of that town have contributed their proportional part of the expense of this repair that was made. Only a few objected and they have not even paid the nominal assessment and have refused to pay any assessment based on this technicality, and if we do not pass this enabling act they cannot then collect the nominal tax due the town and these people can dodge all taxes—not simply this additional tax—and I think we should help

those people collect the necessary expense they had to go to to repair the bridge and not help those few to avoid their entire tax. I again urge the acceptance of the majority report.

Mr. OSGOOD: Mr. President, I was at that hearing but I realized they thought there was enough opposition so the bill would not pass anyway, so I did not speak on it.

Miss MARTIN of Penobscot: Mr. President, could I ask of the members of the Senate who signed the majority report, if the situation was similar to that where the state assessors had to go in and levy the taxes of the town after it was de-organized and came back, and at this session we have validated the assessment made by the state tax assessors? Is this a similar situation?

Mr. WILLEY: Mr. President, it is exactly an analogous situation although it has to do with a bridge falling into the river, whereas the other was a general tax on the part of the tax assessor, Mr. Holley.

Miss LAUGHLIN: Mr. President, for the information of the people not familiar with this matter, this bill is not validating all the acts of the county commissioners but it is validating the deeds of repairing the bridge and repairing the road. I will say as to that, that it was as stated, and the matter of the paying of the taxes, as Senator Willey has said, the majority of the people have paid them but a few of the larger property owners have not only not paid this little extra assessment, but as the Senator (Senator Willey) has said, they have not paid the normal tax and will not pay it even if their claim was correct. As they have not paid their taxes, I asked in committee if they had offered to pay the amount in tender and the reply was, by the men who opposed it, that they had not made any tender of the normal, legal taxes, not to speak of the additional tax. So the majority of the people have agreed and have paid the tax, but a few large property owners have not paid for their proportionate part of the cost of building the bridge, neither will they pay their normal, regular tax either, or even offer it.

Mr. FRIEND: Mr. President, I ask for a division on this motion of reconsideration.

Mr. ASHBY: Mr. President, did

I understand you to rule that every Senator had to vote whether he knew anything about this or not?

The PRESIDENT: The Chair will state that every Senator present in the Senate chamber must vote.

Mr. ASHBY: Mr. President, you could not tell me which way to vote, could you? I do not know.

Mr. GOUDY of Cumberland: Mr. President, when this matter was voted on I confess I was one who didn't vote on it for the simple reason that it came out of the committee with the majority report, "ought to pass", but the Senator from Oxford, Senator Osgood, who ought to know more about it than anyone else, and probably being the astute politician that he is, has probably been besieged by people on both sides, and he is opposed to it. Also one reason I didn't vote for it was because I have always felt that the legislature had no right to validate acts that were illegal. I do not think we should validate acts that are illegal. I have voted and the legislature has voted many times to validate illegal acts. I do not think it is good legislation and I do not think we have any right to do it and if it went to the law court it would not be upheld; and so for the several reasons stated, I did not vote, but if it comes up again I will vote on it.

Mr. WILLEY: Mr. President, I ask unanimous consent of the Senate to speak again.

The PRESIDENT: If there is no objection, the Senator may speak again.

Mr. WILLEY: To answer the Senator from Cumberland, Senator Goudy: This legislature has a right to ratify and confirm acts which have been committed beyond the scope of any town official or any corporation as it has absolute jurisdiction over those matters and can ratify any one of them and in my opinion, the supreme court could not or would not give a decision as to the validity of our passing on such unauthorized acts because we constitute the very court to make such a decision, and our action here in validating that act certainly has nothing to do with the constitutional act of any irregular act of the legislature. It has been done since the state was organized in 1820.

Mr. OWEN of Kennebec: Mr.

President, I move the matter lie on the table.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Owen, that the bill and report be laid upon the table.

A viva voce vote being had, the motion did not prevail.

The PRESIDENT: The pending question is on the motion of the Senator from Somerset, Senator Friend, to reconsider the action of the Senate whereby the Senate accepted the majority report of the committee, "ought to pass" in concurrence, on An Act to Validate the Acts of the County Commissioners of the County of Oxford, and the same Senator asks for a division.

A division of the Senate was had.

Twenty having voted in the affirmative and nine opposed, the motion to reconsider the acceptance of the majority report "ought to pass" in concurrence, prevailed.

Mr. OSGOOD: Mr. President, I move the acceptance of the minority report, "ought not to pass."

Miss LAUGHLIN: Mr. President, I move this matter be laid on the table. I believe, having transacted some business in the meantime, that my motion is in order.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Laughlin, that the matter be laid on the table.

A viva voce vote being had, the motion did not prevail.

Miss MARTIN of Penobscot: Mr. President, a parliamentary inquiry.

The PRESIDENT: The Senator from Penobscot, Senator Martin, may state her question.

Miss MARTIN: Mr. President, is the motion to accept the minority report in order? I understand we passed a vote to reconsider, and that was the acceptance of the majority report.

The PRESIDENT: The pending question is on the motion of the Senator from Oxford, Senator Osgood, to accept the minority report of the committee. Is the Senate ready for the question?

Miss LAUGHLIN: Mr. President, I ask for a division.

The PRESIDENT: The question is on the motion of the Senator from Oxford, Senator Osgood, to accept the minority report of the committee, "ought not to pass", in non-concurrence and the Senator

from Cumberland, Senator Laughlin, has asked for a division.

A division of the Senate was had.

Nineteen having voted in the affirmative and ten opposed, the minority report of the committee "ought not to pass" was accepted, in non-concurrence.

Sent down for concurrence.

Additional House Paper, out of order and under suspension of the rules:

Joint Order (H. P. 1777) recalling from the Governor to the House, Bill "An Act to Provide for Aid to Dependent Children", (L. D. 794)

Comes from the House, read and passed.

In the Senate, the order received a passage in concurrence.

Passed to be Engrossed

Bill "An Act to Provide a Town Manager Form of Government for the Town of Dover-Foxcroft." (H. P. 680) (L. D. 237)

Bill "An Act Relating to Compensation of the Register of Probate of Hancock County." (H. P. 700) (L. D. 240)

Bill "An Act Relating to the Use of Check Lists in Sanford." (H. P. 1058) (L. D. 352)

"Resolve Regulating the Taking and Sale of Clams in the Town of Cape Elizabeth." (H. P. 1069) (L. D. 378)

"Resolve Relating to Close Time in Gouldsboro, Eden, Trenton, Hancock, Sullivan and Sorrento." (H. P. 1315) (L. D. 462)

"Resolve Relating to Close Time in Waters Adjacent to Petit Manan." (H. P. 1316) (L. D. 463)

"Resolve in Favor of the Location of a Fish Weir off Calf Island." (H. P. 1571) (L. D. 650)

Bill "An Act Relating to Taking of Soft Shelled Clams." (H. P. 1574) (L. D. 639)

Bill "An Act to Make Uniform the Costs in Municipal Courts." (H. P. 1635) (L. D. 772)

Bill "An Act Relating to the Salary of County Treasurer of Washington County." (H. P. 1638) (L. D. 777)

Bill "An Act to Incorporate the Town of Livermore School District." (H. P. 1687) (L. D. 821)

Bill "An Act Relating to Fishing for Gain or Hire." (H. P. 1727) (L. D. 839)

Which bills and resolves were severally read a second time and

passed to be engrossed in concurrence.

Bill "An Act to Amend the Absent Voting Law." (S. P. 130) (L. D. 170)

Bill "An Act Relative to Bounties." (S. P. 391) (L. D. 732)

Bill "An Act Relating to the Salary of the Judge and Recorder of Westbrook Municipal Court." (S. P. 464) (L. D. 879)

Bill "An Act to Amend and Extend the Charter of Kennebec Reservoir Company." (S. P. 465) (L. D. 880)

Bill "An Act Relating to State Dairymen's Conference." (S. P. 466) (L. D. 883)

Bill "An Act Relating to Seizure of Game." (S. P. 467) (L. D. 882)

Bill "An Act Relative to Transportation of Fish and Game by Aeroplane." (S. P. 468) (L. D. 884)

Bill "An Act Relating to Enforcement of Tax Liens." (S. P. 469) (L. D. 885)

Bill "An Act Relating to the Bath Municipal Court." (S. P. 470) (L. D. 887)

Bill "An Act to Provide for the Appointment of a Board of Commissioners of Police for the City of Augusta." (S. P. 471) (L. D. 886)

Bill "An Act Relating to Municipal Ordinances." (S. P. 472) (L. D. 881)

Which bills were severally read a second time and passed to be engrossed.

Sent down for concurrence.

Orders of the Day

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table Senate Report from the Committee on Mercantile Affairs and Insurance, "Ought to Pass", on bill, "An Act Relating to Fraternal Beneficiary Societies," (S. P. 111) (L. D. 123), tabled by that Senator on March 24th, pending acceptance of the report; and that Senator yielded to the Senator from Androscoggin, Senator Fortin.

Thereupon, on motion by Mr. Fortin of Androscoggin, the majority report of the Committee, "Ought to Pass," was accepted and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table House Report from the Committee on Maine Publicity, "Ought to Pass," on Resolve Relating to an Official Song for the State

of Maine (H. P. 120) (L. D. 54), tabled by that Senator on March 16th pending acceptance of the report in concurrence.

Mr. MARDEN of Kennebec: Mr. President, in support of a motion to refer this matter to the 89th legislature, I hesitate to take a great deal of the time of this Body in consideration of the same but desire to take the seemingly anomalous position of being for the song and against the report of the committee. It seems to some of us that we should hesitate considerably to legislate a song upon the people of Maine until those people have very definitely accepted that song into their daily lives, so to speak. We can legislate with moderate success upon a bill to ray taxes and to drive on the right-hand side of the road, but the matter of singing a song is something which is so spontaneous that it seems to some of us very questionable whether we can make the people of the state of Maine sing a song with which they are not familiar.

We appreciate that it is in keeping with custom to have state songs, state birds and state flowers, but, reviewing for a moment those matters in connection with our own legislative history, we will find from the files that in 1894 when we chose the pine cone and tassel as the state flower that what was after a state-wide canvass in the newspapers of Maine, giving the people a chance to vote upon that subject, and according to The Maine Book by Mr. Dunnack, Maine people, not only within the state but from all over the United States, voted upon that question and the result of that canvass was that the pine cone and tassel were chosen by the people themselves.

The legislative record unfortunately does not tell us a great deal about the process in 1927 by which the chickadee was chosen as the state bird, and for that reason some of us would subject it, perhaps, to some criticism.

On state songs, there are twenty-one states having state songs but upon examining the records of those particular states we find that, with relation to the records which are available, the songs chosen were endorsed finally by the legislatures of those states after the people themselves had accepted the songs by usage. The state of Alabama adopted a song after it had been

used by the people of that state for some ten years. The state of Florida accepted a song written in 1894 and adopted in 1913, at which time the public schools of that state had been using that song as part of their daily program.

Indiana, in adopting the song, "On the Banks of the Wabash," took the song which had been sung by the people of the state since 1897 and it was adopted in 1913. Iowa adopted a song in 1911 which was written in 1867 and the resolve concerning that song recited, "having been sung for years in the public schools and on thousands of public occasions, political and social, and wherever Iowa people gather."

In Kentucky, as we can readily understand, in 1928 they adopted one of Stephen Collins Foster's immortal folk-songs, "My Old Kentucky Home," and in the resolve concerning that song it speaks of the song as having "immortalized Kentucky throughout the civilized world, and is known and sung in every state in the nation." In Tennessee a committee worked for three years for the composition and adoption of a state song.

In Texas a song was chosen by joint legislative committees which held contests in each senatorial district.

These, we cite for the sole purpose, if you please, of showing that at least those states, before they attempted to legislate a song upon the people of the state, have taken it from the people themselves and placed their final endorsement upon it.

Now, at the start I said that some of us were for this Maine song. We have to appreciate, and readily admit, that this particular song was chosen, after a fashion, either by some newspaper canvass or some radio publicity with which, unfortunately, the speaker does not happen to be familiar, but we do say that in spite of that the song is, unfortunately, little known and the publicity which that original canvass gave it was merely a step in the right direction.

The business and professional women's clubs have used this as their state song since 1935, and that again is highly commendable but is merely another step in the right direction. The fact that our joint legislative committee on publicity have seen fit to recommend this song as "ought to pass" is another

highly commendable act but we feel, again, is merely a third step in the right direction, and I would certainly urge upon this Body the commendation of the business and professional women's organizations and more particularly one individual, Miss Bertha Hudson of Winthrop, who has untiringly for the past five years spent her time and effort to get this song known.

It is sung in some of the schools. It has received very worth-while publicity through the B. P. W. clubs, but there are organizations and individuals in the state who feel that the song is not well enough known for us to make it a state song, and some of us have received letters to that effect.

If we are for the song, it might seem that we were paying it an injustice to honor it by making it official until the people have already accepted it and that by so doing we advance the very cause of preventing a further effort to get the song before the people so that it will be adopted, as well it might. It is a song that some of us feel grows upon a person, although the first impression may not be so good, but after hearing it or using it a little while it does grow on one.

For that very reason, possibly, in two more years the people will have become sufficiently acquainted with it so that any of us who are fortunate enough to return here can support the official endorsement of the measure.

And, solely because a song must be spontaneous, solely because a song must be taken and accepted by the people of Maine before we should attempt to place our official stamp on it, solely because there are those groups who are antagonistic to the song at the present time and who should certainly be brought into line by the passage of time and additional effort, I would hope that reference of this matter to the next legislature might be considered and that that motion would prevail.

Mr. WILLEY of Cumberland: Mr. President, I appreciate that the Senator from Kennebec, Senator Marden, has put in a great deal of research in this matter and I realize it is a serious matter to have at stake the adoption of a State song, but I have not heard the song. I would request that any member of the committee sing it to us so we

can be more familiar with it, if they see fit to do so.

Mr. WENTWORTH of York: Mr. President and members of the Senate. I didn't get up to sing the song, but merely to defend the committee report which I feel very much justified in doing. We had the song very nicely demonstrated to us by a young lady from Lewiston, and I had intended back along to bring in a couple of young ladies to demonstrate the song to the Senate, but said on second thought, "What is going to happen if someone puts on an endurance contest and takes up most of the day?" I would have a couple of young ladies on my hands and that would be just too bad, and so I gave up that idea.

But this resolve had a good hearing before the Committee on Maine Publicity. No one appeared against the resolve but several appeared for the resolve, including members from women's clubs and more especially members of the Business and Professional Women's Clubs who have been using this song. Now, I agree with some of the things the Senator from Kennebec, Senator Marden, has stated. I think he has stated some things in behalf of the song that half won the battle for us, but half of the things he has said I disagree with.

I want to give a little history of this song. In 1931 the Maine Publicity Bureau, Hiram Ricker, President, promoted a contest to select an official state song. 116 songs were submitted. Four were chosen for the final decision, to be given by radio audience and a judging committee, and they had a very good committee on that.

The committee were Mrs. Guy Gannett, at that time President of the Maine Federation of Music Clubs; Miss Julia Noyes, Vice President of the American Federation of Music Clubs; Mrs. George F. Gould, President of the MacDowell Club and Portland Polyphonic; Kenneth Roberts, author and critic; Kenneth M. Sills, President of Bowdoin College; Miss Nellie McCann, Gorham music teacher; Dr. William Rogers Chapman, Composer of Music; Mrs. Charles T. Burnett, Brunswick musician; and Willard H. Cummings of Skowhegan.

The radio broadcast was made on November 5th, 1931; so you see this song has been used for some time. The four songs chosen by the

committee were sung by Frederick Mulvenny, widely known concert and radio artist, with Miss Zilphetta Butterfield at the piano. On Sunday, November 29th, 1931, Roger Vinton Snow's song was announced the winner, and the radio vote confirmed the vote of the judges.

In May, 1935, the Maine Federation of Business and Professional Women's Clubs, having sung this song in all their clubs for several years, voted to adopt it as their State Federation song. In May, 1936, they voted to present to the next legislature, a bill asking that it be adopted as the official State of Maine song. I want to say for the benefit of the Senators here that there are 25 of these clubs all over the state, and they are pretty strong.

This song has been taught and is being taught in many of our schools. Mr. Harrison Lyseth used it at the superintendents' meeting at Castine last summer and has suggested that it be used in the schools. It has been sung at meetings of the Maine Hotel Association and the Maine Publicity Bureau.

Mr. Hartley M. Stewart, Lecturer of the Maine State Grange, writes, "I sing it nearly everywhere I go and very often am requested to sing it." He has sung it several times in the State House this winter.

During the recent political campaign this song was used on song sheets in several parts of the state. It has been used in high school reunions this past summer. Recently the Bangor Business and Professional Women's Glee Club sang this song over the radio, as did the Kennebunk High School Glee Club, a 14 year old girl singing the first part as a solo, each time it was sung to open a program for "The Maine Schools of the Air." Very recently the school children of Lewiston sang this song as part of their Music Festival. The children not only sing this well, but they seem to enjoy singing it. I understand that the Federated Women's Clubs of Portland recently used this song as their opening number on one of their programs.

I sincerely hope the motion of the Senator from Kennebec, Senator Marden, will not prevail. When the vote is taken, I ask for a division.

Mr. ASHBY of Aroostook: Mr. President,—no, I am not going to

sing. As a member of the Publicity Committee, I feel I should kind of defend our action in reporting this "ought to pass." The first thing that appealed to me about this particular resolve was this,—that it is the only resolve I have seen in the legislature that didn't ask for an appropriation. That should appeal to the people of Maine. The Senator from Kennebec, Senator Marden, has said that he doesn't want this adopted as the official State song until the people have endorsed it. In view of what the Senator from York, Senator Wentworth, has said, I wonder what Brother Marden would suggest for an endorsement,—a referendum? Or would he take the evidence we have before us? While I do not consider this is anything of paramount importance, I can see no good reason for not accepting the committee's report. One of the objections I have heard to this is that everybody cannot sing it. Well, I consider that is a blessing. Anybody who can sing, can sing it and those who can not sing, it is just as well they don't try. Brother Marden says he doesn't like the song,—well, probably he can't sing. I assure him it sounded very nice when a young lady sang it, who could sing. I hope his motion will not prevail because I hate to have my judgment in this matter doubted.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Marden, that this resolve be referred to the Eighty-ninth legislature. The

Senator from York, Senator Wentworth, has asked for a division.

A division of the Senate was had. Twelve having voted in the affirmative and eighteen opposed, the motion to refer to the Eighty-ninth Legislature did not prevail.

Thereupon, on motion by Mr. Wentworth of York, the "ought to pass" report of the committee was accepted in concurrence, and the resolve was given its first reading and tomorrow assigned for second reading.

(Emergency Measure)

(Out of Order)

Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Thirty-seven (H. P. 1775).

Which resolve, being an emergency measure and having received the affirmative vote of 28 members of the Senate and none opposed, out of order and under suspension of the rules, was finally passed.

Finally Passed

(Out of Order)

Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Thirty-eight (H. P. 1776).

The PRESIDENT: We are proceeding under Orders of the Day. Is there any further business to come before the Senate?

On motion by Mr. Graves of Hancock

Adjourned until tomorrow morning at ten o'clock.