

# 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

Monday, April 12, 1937.

Senate called to order by the President.

Prayer by the Reverend Cymbrid Hughes of Augusta.

Journal of Saturday, April 10th, 1937, read and approved.

From the House:

Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for other Purposes, for the Fiscal Years Ending June 30th, 1938, and June 30th, 1939." (S. P. 481) (L. D. 899)

(In Senate, on April 6th, passed to be engrossed as amended by Senate Amendments "E" and "H".)

Comes from the House, Senate Amendments "E" and "H" indefinitely postponed, and the bill passed to be engrossed in non-concurrence.

In the Senate:

Mr. HUSSEY of Kennebec: Mr. President, I move that the rules be suspended and that we reconsider our action whereby we passed to be engrossed Legislative Document 899 as amended by Senate Amendments "E" and "H".

Mr. FERNALD of Waldo: Mr. President, I oppose the motion of the Senator from Kennebec, Senator Hussey, and ask for a roll call.

The PRESIDENT: The Senator from Kennebec, Senator Hussey, moves that the Senate reconsider its action, taken on April 6th, whereby Legislative Document 899 was passed to be engrossed as amended by Senate Amendments "E" and "H"; and the Senator from Waldo, Senator Fernald, asks that when the vote be taken, it be taken by the Yeas and Nays. Before a Ye and Nay vote can be ordered it is necessary that one-fifth of the members of the Senate vote in favor.

A division of the Senate was had. A sufficient number obviously not having risen, the Yeas and Nays were not ordered.

The PRESIDENT: The question before the Senate is now on the motion of the Senator from Kennebec, Senator Hussey, that the rules be suspended and the Senate reconsider its former action whereby the bill, as amended by Senate Amendments "E" and "H" was passed to be engrossed.

Mr. FERNALD: Mr. President, I ask for a division.

A division of the Senate was had.

Twenty-six having voted in the affirmative and two opposed, the reconsideration was ordered.

Mr. HUSSEY: Mr. President, I move the indefinite postponement of Senate Amendment "E".

Mr. FERNALD: Mr. President, I ask for a division.

A division of the Senate was had.

Twenty-five having voted in the affirmative and two opposed, Senate Amendment "E" was indefinitely postponed, in concurrence.

Mr. HUSSEY: Mr. President, I move the indefinite postponement of Senate Amendment "H".

Mr. FERNALD: Mr. President, I rise to a parliamentary inquiry. I understand, from a count of those present that there are 28 Senators and on the last motion there were but 27 who voted. I ask that upon a measure as important as this that every Senator vote.

The PRESIDENT: The Senator's point is well taken. The question before the Senate is on the indefinite postponement of Senate Amendment "H" to Legislative Document 899 and a division of the Senate has been asked.

A division of the Senate was had.

Twenty-six having voted in the affirmative and two opposed, Senate Amendment "H" was indefinitely postponed, in concurrence.

Mr. HUSSEY: Mr. President, I now move that Legislative Document 899 be passed to be engrossed.

Mr. FERNALD: Mr. President, I ask for a division.

A division of the Senate was had.

Twenty-four having voted in the affirmative and three opposed, the bill was passed to be engrossed, in concurrence.

Mr. FERNALD: Mr. President, may I ask the Secretary to count the number of Senators present?

From the House:

Senate Report that the same be adopted from the Committee on Federal Relations on "Memorial to Congress of the United States Urging it to Appropriate Money for the Care of Telephone and Telegraph Cables to Matinicus Island." (S. P. 311).

(In Senate, on April 9th, recommended to the Committee on Federal Relations.)

Comes from the House, report read and accepted in non-concurrence.

In the Senate, on motion by Mr. Fernald of Waldo, that Body voted

to insist on its former action and ask for a Committee of Conference. The Chair appointed as members of such committee on the part of the Senate, the Senator from Waldo, Senator Fernald; the Senator from Penobscot, Senator Martin; and the Senator from Cumberland, Senator Goudy.

Sent down for concurrence:

From the House:

The Committee of Conference 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 Senate recede and concur in the acceptance of the majority report of the committee "Ought to Pass", and pass the bill to be engrossed.

Comes from the House, report read and accepted.

In the Senate:

Miss LAUGHLIN of Cumberland: Mr. President, I move that we accept the report of the Committee of Conference and I might say in that connection that this report was made unanimously by the committees in each branch of the legislature and both of the Senators from Oxford, one of whom is on the committee and the other who was consulted, agreed and were in favor of accepting this report because of other facts that had come to light.

Thereupon, the report of the committee was accepted in concurrence; and on further motion by the same Senator, the Senate voted to recede and concur with the House in the acceptance of the majority report of the committee "Ought to Pass". Thereupon under suspension of the rules the bill was given its two several readings and passed to be engrossed in concurrence.

From the House:

"Resolve Creating a Recess Committee on Compensation for Occupational Diseases." (H. P. 1852) (L. D. 1004)

Comes from the House, received by unanimous consent, under suspension of the rules, passed to be engrossed without reference to a committee.

In the Senate, on motion by Mr. Hussey of Kennebec, tabled pending the granting of unanimous consent for the introduction of the resolve.

Paper from the House disposed of in concurrence.

From the House:

The Committee on Judiciary on bill "An Act to Provide for Licenses for Outdoor Advertising," (H. P. 1440) (L. D. 714) reported the same in a new draft (H. P. 1835) (L. D. 987) under the same title, and that it ought to pass.

In the House, read and accepted and the bill passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill read once, and under suspension of the rules given its second reading and passed to be engrossed in concurrence.

From the House:

The Committee on Pensions on "Resolve Relating to State Pensions," (H. P. 1379) (L. D. 718) reported the same in a new draft (H. P. 1837) (L. D. 990) under the same title, and that it ought to pass.

In the House, read and accepted and the bill passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the resolve read once and under suspension of the rules, given its second reading and passed to be engrossed in concurrence.

From the House:

The Committee on Pensions on the following Resolves:

S. P. 69, Resolve in Favor of Roland Cleveland, of Athens, for State Pension.

S. P. 70, Resolve in Favor of Edgar Perkins, of Athens, for State Pension.

S. P. 81, Resolve Providing for a State Pension for Elmer Davis, of Mexico.

S. P. 82, Resolve Providing for a State Pension for Charles Dowling Kidder, of Otisfield.

S. P. 83, Resolve Providing for a State Pension for Edith T. Bowman, of Prentiss.

S. P. 84, Resolve Providing for a State Pension for Annie E. Dolan, of Augusta.

S. P. 94, Resolve Providing for a State Pension for Nellie E. Moody, of Augusta.

S. P. 92, Resolve Providing for a State Pension for Herman A. Clark, of Gardiner.

S. P. 132, Resolve Providing for a State Pension for Grace E. Taylor, of Augusta.

S. P. 134, Resolve Providing for a

State Pension for Henry A. Dameren, of Lewiston.

S. P. 153, Resolve Providing for a State Pension for Carrie E. Hobbs, of Augusta.

S. P. 190, Resolve Providing for a State Pension for Gertrude Craig, of Glenburn.

S. P. 203, Resolve Providing for a State Pension for Charles W. Hopkins, of Augusta.

S. P. 204, Resolve Providing for an Increase in State Pension for Meretta McFarland, of Augusta.

S. P. 206, Resolve Providing for an Increase in State Pension for Bertha L. Freeman, of Bangor.

S. P. 287, Resolve Providing for a State Pension for Susan A. Lovejoy, of Augusta.

S. P. 288, Resolve Providing for a State Pension for Blanche Donovan, of Augusta.

S. P. 290, Resolve Providing for a State Pension for Jessamine L. Benson, of Sidney.

S. P. 347, Resolve Providing for a State Pension for Sarah Smith, of Lamoine.

S. P. 348, Resolve Providing for a State Pension for Sarah Welt, of Rockland.

S. P. 349, Resolve Providing for a State Pension for Carrie Mears, of Washington.

S. P. 350, Resolve Providing for a State Pension for Forest Reynolds, of Washington.

S. P. 351, Resolve Providing for a State Pension for Frank W. Cunningham, of Washington.

S. P. 352, Resolve Providing for a State Pension for Oliver Lovejoy, of Rockland.

S. P. 353, Resolve Providing for a State Pension for Blanche B. Ingraham, of Rockland.

S. P. 354, Resolve Providing for a State Pension for George E. Libby, of Warren.

S. P. 355, Resolve Providing for a State Pension for Cora Stickney, of Washington.

S. P. 356, Resolve Providing for a State Pension for Lizzie Nutter, of Orrington.

S. P. 357, Resolve Providing for a State Pension for Gertrude E. Meader, of Gardiner.

S. P. 358, Resolve Providing for a State Pension for Abbie Linscott, of Waldoboro.

S. P. 378, Resolve Providing for a State Pension for Vesta Carpenter, of Union.

H. P. 78, Resolve Providing for

a State Pension for Amos Joseph Pray, of South Portland.

H. P. 121, Resolve Providing for an Increase in State Pension for Charles Pullin, of Levant.

H. P. 122, Resolve Providing for a State Pension for Daniel G. McGillicuddy, of Caribou.

H. P. 193, Resolve Providing for a State Pension for Fred Dwyer, of Bath.

H. P. 195, Resolve Providing for a State Pension for Elsie Sanborn, of Hiram.

H. P. 196, Resolve Providing for a State Pension for Nora E. Peters, of Ellsworth.

H. P. 197, Resolve Providing for a State Pension for Erland L. Stowell, of New Portland.

H. P. 198, Resolve Providing for a State Pension for Mary Wall, of Dresden.

H. P. 299, Resolve in Favor of Joseph E. Colby, of Whitefield.

H. P. 300, Resolve Providing for a State Pension for Burton G. Bachelder, of Prospect.

H. P. 301, Resolve Providing for a State Pension for George Carlisle, of Bangor.

H. P. 302, Resolve Providing for a State Pension for Chester E. Dearborn, of Auburn.

H. P. 303, Resolve Providing for a State Pension for Arland W. Raynor, of Auburn.

H. P. 304, Resolve Providing for a State Pension for Lenna G. Collins, of Bradley.

H. P. 305, Resolve Providing for a State Pension for Ethel J. Clark, of Northport.

H. P. 369, Resolve Providing for a State Pension for Mary Agnes Troop, of Pittston.

H. P. 370, Resolve Providing for a State Pension for Ernest C. Palmer, of Pittston.

H. P. 371, Resolve Providing for a State Pension for Mary E. Purington, of Jay.

H. P. 372, Resolve Providing for a State Pension for Nellie M. Storer, of Bradford.

H. P. 374, Resolve Providing for a State Pension for Mabel Bump, of Farmington.

H. P. 375, Resolve Providing for an Increase in State Pension for Grace E. Bucknam, of Auburn.

H. P. 481, Resolve Providing for a State Pension for Milton I. Sprague, of Waldoboro.

H. P. 483, Resolve Providing for a

State Pension for Lucy M. Judkins, of Norridgewock.

H. P. 484, Resolve Providing for a State Pension for Margaret Everett, of Fort Fairfield.

H. P. 485, Resolve Providing for a State Pension for Lola B. Goodwin, of Skowhegan.

H. P. 486, Resolve in Favor of Martha Ellis, of Windham.

H. P. 487, Resolve Providing for a State Pension for Florence E. Colbeth, of Exeter.

H. P. 488, Resolve Providing for a State Pension for Frank H. Gowen, of South Portland.

H. P. 587, Resolve Providing for a State Pension for Lonnie C. Starbird, of Bowdoin.

H. P. 538, Resolve Providing for a State Pension for Randall S. Warren, of Bowdoinham.

H. P. 590, Resolve Providing for a State Pension for Georgie Bearce Turner, of Ashland.

H. P. 591, Resolve Providing for an Increase in State Pension for Henry G. Berry, of Eastport.

H. P. 592, Resolve Providing for a State Pension for John W. Chase, of Fairfield.

H. P. 593, Resolve Providing for a State Pension for Lottie M. Hobart, of Orono.

H. P. 595, Resolve Providing for an Increase in State Pension for Murray J. Wentworth, of Waldo.

H. P. 596, Resolve Providing for a State Pension for Mabel Lafland, of Medford.

H. P. 597, Resolve Providing for a State Pension for Iva Hathorn, of Medford.

H. P. 598, Resolve Providing for a State Pension for Wester M. B. ethen, of Dover-Foxcroft.

H. P. 600, Resolve Providing for a State Pension for Bertha M. Brown, of Carmel.

H. P. 601, Resolve Providing for a State Pension for Gertie Pinkham, of Newburg.

H. P. 602, Resolve Providing for a State Pension for Charles H. Stevens, of Carmel.

H. P. 686, Resolve Providing for a State Pension for Perlle R. Gray, of Belfast.

H. P. 687, Resolve Providing for a State Pension for Ada E. Bailey, of Searsport.

H. P. 688, Resolve Providing for a State Pension for Flora E. Magee, of Greenville.

H. P. 689, Resolve Providing for an Increase in State Pension for Harry J. Bean, of Augusta.

H. P. 691, Resolve Providing for a State Pension for Sadie H. Nason, of Hallowell.

H. P. 692, Resolve Providing for a State Pension for Daniel H. Meader, of Hallowell.

H. P. 693, Resolve Providing for a State Pension for Frank A. Durgin, of West Gardiner.

H. P. 694, Resolve Providing for a State Pension in Favor of L. Gertrude Storer, of Phippsburg.

H. P. 695, Resolve Providing a State Pension for Harrison M. Small, of Bath.

H. P. 696, Resolve Providing for an Increase in State Pension for Valdimir B. Jones, of Thorndike.

H. P. 697, Resolve Providing for a State Pension for Arthur W. Hunt, of Burnham.

H. P. 698, Resolve Providing for a State Pension for Berdie M. Gerow, of Houlton.

H. P. 838, Resolve Providing for a State Pension for Maud M. Butler, of Camden.

H. P. 839, Resolve Providing for a State Pension for Fred E. Toulouse, of Hope.

H. P. 840, Resolve Providing for a State Pension for Myrtle D. Ingalls, of Anson.

H. P. 841, Resolve Providing for a State Pension for Susie Ayer, of Gardiner.

H. P. 842, Resolve Providing for a State Pension for Laura May Gray, of Litchfield.

H. P. 843, Resolve Providing for a State Pension for Alice M. Plimpton, of Litchfield.

H. P. 844, Resolve Providing for a State Pension for Annie E. Smith, of Hampden.

H. P. 845, Resolve Providing for a State Pension for Rose E. Shirland, of Milford.

H. P. 1015, Resolve Providing for a State Pension for Jerry Bernard, of Rumford.

H. P. 1016, Resolve Providing for a State Pension for Asenath Belle Storer, of Waldoboro.

H. P. 1017, Resolve Providing for a State Pension for Alphonso Chase, of Jefferson.

H. P. 1018, Resolve Providing for a State Pension for Freda E. Potter, of Whitefield.

H. P. 1019, Resolve Providing for a State Pension for Richard T. Kensell, of Whitefield.

H. P. 1021, Resolve Providing for a State Pension for Harry Chapman, of Thomaston.

H. P. 1022, Resolve Providing for

an Increase in State Pension for Julia W. Garcelon, of Auburn.

H. P. 1024, Resolve Providing for a State Pension for George F. Page, of Litchfield.

H. P. 1025, Resolve Providing for a State Pension for Alice R. Collins, of Litchfield.

H. P. 1026, Resolve Providing for a State Pension for Wallace W. Stewart, of Litchfield.

H. P. 1027, Resolve Providing for a State Pension for Lillian Niles Hanlon, of Monmouth.

H. P. 1028, Resolve Providing for a State Pension for Laura M. Hayes, of Chelsea.

H. P. 1029, Resolve Providing for a State Pension for Agnes Bearce, of Hebron.

H. P. 1030, Resolve Providing for a State Pension for Lyle G. Foss, of Milo.

H. P. 1031, Resolve Providing for a State Pension for Chester E. Webber, of Lisbon.

H. P. 1032, Resolve Providing for a State Pension for Harry E. Mills, of Caribou.

H. P. 1033, Resolve Providing for a State Pension for Arthur E. Stousland, of Orrington.

H. P. 1034, Resolve Providing for a State Pension for Grant Turner, of Rockland.

H. P. 1035, Resolve Providing for a State Pension for Charles Stuart Little, of Westport.

H. P. 1036, Resolve Providing for a State Pension for Ernest E. Bowen, of Morrill.

H. P. 1037, Resolve Providing for an Increase in State Pension for James A. Overlock, of Liberty.

H. P. 1039, Resolve Providing for a State Pension for S. K. Cram, of Searsmont.

H. P. 1040, Resolve Providing for a State Pension for Tom Greer, of Belmont.

H. P. 1041, Resolve Providing for a State Pension for W. S. Lamson, of Liberty.

H. P. 1042, Resolve Providing for a State Pension for M. A. Benner, of Palermo.

H. P. 1068, Resolve Providing for a State Pension for Ronald Dunton, of Rumford.

H. P. 1070, Resolve Providing for a State Pension for Leon R. Webster, of Swanville.

H. P. 1071, Resolve Providing for a State Pension for Henry K. Gurney, of Waldo.

H. P. 1072, Resolve Providing for

a State Pension for Helen D. Surtis, of Monroe.

H. P. 1169, Resolve Providing for a State Pension for John T. Moulton, of Augusta.

H. P. 1170, Resolve Providing for a State Pension for Sarah A. Ferguson, of Hallowell.

H. P. 1171, Resolve Providing for a State Pension for Stephen Gage, of Oakland.

H. P. 1172, Resolve Providing for a State Pension for A. G. Bohn, of Thorndike.

H. P. 1173, Resolve Providing for a State Pension for Bert Benny, of Unity.

H. P. 1174, Resolve Providing for a State Pension for Albert N. Hillman, of Unity.

H. P. 1175, Resolve Providing for a State Pension for Jennie A. Brown, of Detroit.

H. P. 1300, Resolve Providing for a State Pension for Addie Davis of Durham.

H. P. 1301, Resolve Providing for a State Pension for Harold Weymouth, of St. Albans.

H. P. 1302, Resolve Providing for a State Pension for Calvin Goodwin, of Ripley.

H. P. 1303, Resolve Providing for a State Pension for Lewis L. Robinson, of Searsmont.

H. P. 1305, Resolve Providing for a State Pension for Perley E. Downer, of Palermo.

H. P. 1306, Resolve Providing for a State Pension for Herbert L. Hardin, of Knox.

H. P. 1307, Resolve Providing for a State Pension for Malcolm Abbott, of Knox.

H. P. 1308, Resolve Providing for a State Pension for David B. Eastman, of Knox.

H. P. 1370, Resolve Providing for a State Pension for Evie B. Hovistus, of Befast.

H. P. 1371, Resolve Providing for a State Pension for William F. Grant, of Winterport.

H. P. 1375, Resolve Providing for a State Pension for Clarence A. Loring, of Hampden.

H. P. 1376, Resolve Providing for a State Pension for Fred Bickford, of Hermon.

H. P. 1377, Resolve Providing for a State Pension for Irving L. Gibbs, of Brooks.

H. P. 1378, Resolve Providing for a State Pension for Bernice Peavey, of Brooks.

H. P. 1380, Resolve Providing for

a State Pension for Clara A. Dow, of Albion.

H. P. 1381, Resolve Providing for a State Pension for Walter H. Bickford, of Winterport.

H. P. 1392, Resolve Providing for a State Pension for Osmond L. Huntley, of Augusta.

H. P. 1393, Resolve Providing for a State Pension for William McGowan, of Reed Plantation.

H. P. 1555, Resolve Providing for a State Pension for Russell S. Beckwith, of Belfast.

H. P. 1556, Resolve Providing for a State Pension for Patrick J. Goulding, of Biddeford.

H. P. 1557, Resolve in Favor of Lubon Maillet.

reported a Consolidated Resolve under title of Resolve providing Pensions for Certain Soldiers and Sailors and Dependents" (H. P. No. 1839) and that it "Ought to pass"

In the House, the report read and accepted and the resolve passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, and under suspension of the rules, the resolve was given its two several readings and passed to be engrossed in concurrence.

From the House:

The Committee on State Lands and Forest Preservation on bill "An Act Relating to the Knox Arboretum," (H. P. 1123) (L. D. 420) reported the same in a new draft (H. P. 1697) (L. D. 989) under the same title, and that it ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "B."

In the Senate, the report was accepted in concurrence, and the bill read once; House Amendment "B" was adopted without reading in concurrence; and under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by House Amendment "B" in concurrence.

From the House:

The Committee on Judiciary on Bill "An Act Relating to the Registration of Stone Crushers, Well Drillers, Steam Shovels, Graders, Rollers, and Wood Sawing Outfits," (H. P. 1467) (L. D. 713) reported the same in a new draft (H. P. 1833) (L. D. 983) under the same title, and that it ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A."

In the Senate, the report was read and accepted in concurrence and the bill read once; House Amendment "A" was read and adopted in concurrence; and under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

#### First Reading of Printed Bills

Bill "An Act to Amend the Charter of Lucerne-in-Maine Village Corporation." (S. P. 491) (L. D. 1011)

Mr. WILLEY of Cumberland: Mr. President, I move that the bill be laid upon the table. I think I made that motion last Friday, or last Thursday, pending printing but as the bill appears on the calendar as a first reader probably I made some mistake in my motion.

Thereupon, the bill was laid upon the table pending second reading.

#### Reports of Committees

Mr. Ashby from the Committee on Aeronautics and Radio Control submitted its Final Report.

Mr. WILLEY of Cumberland: Mr. President, before the Senate accepts that report I will say that I have talked with Senator Ashby who is the chairman of the Committee on Aeronautics and Radio Control, and later in the session, under Orders of the Day I shall ask unanimous consent of the Senate to reconsider and recommit bill, An Act to Create a State Aeronautical Commission, which was Senate Paper 217, and for that purpose I would like to be permitted to lay the bill on the table until the matter can be taken care of under Orders of the Day.

Thereupon, the report was laid upon the table pending acceptance.

Mr. Spear from the Committee on Pension on bill "An Act to Provide for Aid to the Blind," (S. P. 361) (L. D. 617) reported the same in a new draft (S. P. 509) under the same title and that it ought to pass.

Mr. Marden from the Committee on Temperance on bill "An Act to Regulate and Restrain the Manufacture, Sale, Transportation, Importation, Traffic in and Use of Liquor, Malt Liquor, Wine and Spirits, and to Increase the Fees for Licenses," (S. P. 370) (L. D. 700) re-



ported the same in a new draft (S. P. 508) under the same title and that it ought to pass.

Which reports were severally read and accepted, and the bills laid upon the table for printing under the joint rules.

#### Passed to Be Engrossed

Bill "An Act Relating to Weekly Payment of Wages." (H. P. 1823) (L. D. 977)

Bill "An Act Relating to Consolidation of Corporations." (H. P. 1832) (L. D. 985)

Bill "An Act Relating to Dealers in Junk." (H. P. 1834) (L. D. 984)

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

#### Orders of the Day

On motion by Mr. Willey of Cumberland the Senate voted under suspension of the rules, to reconsider its former action whereby the report of the Committee on Aeronautics and Radio Control "Ought Not to Pass" on bill, An Act to Create a State Aeronautical Commission (H. P. 217) (L. D. 390) was accepted.

Mr. WILLEY: Mr. President, it may be now that with a few minutes talk with the Committee it will be possible to make certain changes by amendment on the floor of the Senate which would be agreeable to the Committee and which would obviate the necessity of recommitting the bill. I therefore now move that the bill and the report be laid upon the table until tomorrow morning.

Thereupon, the bill and the report were laid upon the table pending acceptance of the report.

On motion by Mr. Ashby of Aroostook the Senate voted to take from the table An Act Relating to Emergency Municipal Finance Board (S. P. 179) (L. D. 254), tabled by that Senator on April 9th pending second reading.

Thereupon, that Senator offered Senate Amendment "B" and moved its adoption: "Senate Amendment B to Legislative Document 254 entitled An Act Relating to Emergency Municipal Finance Board. Amend said bill by striking out in the second paragraph thereof the words, 'six months' and substituting in place thereof the words, 'one year'. Further amend said bill by inserting at the end of the second para-

graph thereof after the word 'indebtedness', the following: 'provided that a petition so to do is presented to said Board signed by at least ten percent of the legal voters in the city, town or plantation involved'."

Mr. BECKETT of Washington: Mrs. President, inasmuch as my name was brought into the discussion of this bill on the floor of the Senate last Friday, I feel called upon to explain my position. It is true that I have been very much interested in this act relating to an Emergency Municipal Finance Board, and that I did discuss this Legislative Document No. 254 with the Senator from Cumberland, Senator Laughlin. It is also true that on one occasion—Tuesday of last week—Senator Laughlin asked me if I had my amendment prepared, and my answer was that it was not ready for that time. The amendment was ready, however, that afternoon, but unfortunately the Senator from Cumberland did not see fit to take this document from the table until on a day that I was absent, having been called out of town on an urgent business matter.

To theorize for a moment, I believe that is an accepted principle of government that the state has jurisdiction over the communities within its borders, and that certain powers and duties have been turned over to these local units by the state in granting them charters of organization. It would therefore follow that one duty of the State Legislature would be to regulate public matters with such bodies so that public welfare might be safeguarded. This is all right in theory but I believe the practice of American government has been to leave internal administration pretty much to the local unit. Principally because of this fact I became alarmed at the drastic provisions of this bill and the act which it seeks to amend. An act which upon investigation I found had been rushed through the special session of 1933 and of which the officials named as members of its commission were not even aware until after it had been passed and the session adjourned. To me it seemed just another incident when the larger unit of government was not only regulating, but was actually taking over the rights and functions that it had previously dele-

gated to the smaller unit—a piece of regimentation that even the New Deal might be proud of.

The provisions of this bill have been discussed at length, and I will not again go into them, but I will say that I took it upon myself to check with the various state departments on the need of such a measure. I found that there are actually 77 communities in the state out of a total of 596 that pay more money to the state than they receive from her, so if the state saw fit to issue credits instead of cash or checks there could be a maximum of only 77 towns that could be in arrears in taxes. I also found that there were 94 towns or cities in arrears in their 1936 tax and that their uncollected tax only represented 9 per cent of the total tax commitment for that year while on the uncollected tax for the year 1935 only 30 towns or cities were in arrears and only 3 per cent was uncollected. This would seem to indicate that many municipalities might be six months in arrears in taxes, but that comparatively few were more than a year in arrears. There did, however, seem to be some need of such a bill as this to regulate conditions in towns and cities which were being helped with emergency aid from the state, and there was perhaps another situation where such a bill might help. That was in communities where the property owner is continually out-voted by the poll tax payers and an incompetent official is elected, and the resulting excessive expenditure and gross mismanagement are forcing the communities into bankruptcy. Such a condition breeds a serious situation, and at the present time there are from 30 to 50 bankrupt communities in the state. I do know that the State auditor views this situation with alarm and that he has advocated in radio talks that an amendment should be submitted to the electorate to see if our people will vote to assist distressed municipalities.

In summing up the situation it seemed to be that it would be desirable for the legislature to pass the Municipal Audit Bill, which is now tabled in the Senate, so that the state would be in a position two years from now from resulting reports filed to judge the situation and design an intelligent bill to further Mr. Hayford's ideas. It would therefore seem wise to limit

the application of this Emergency Finance Board act to those communities that are receiving emergency aid, and perhaps to those where gross mismanagement exists and the state receives a petition signed by 50 per cent of the real estate tax payers of such a community. That was the intent of my amendment, but I think that the Senator from Aroostook, Senator Ashby has to some extent carried out this idea in his amendment, and I hope that it will be adopted.

MISS LAUGHLIN of Cumberland: Mr. President, I move the indefinite postponement of the amendment. The first part of it, "in arrears one year", I would be glad to support. The second part of it, that it must be on a petition by ten percent of the voters, I am not prepared to support. If the Senator from Aroostook will divide his amendment I will be very glad to support, as far as I am concerned the first one, "for one year", but I am not prepared to support the other. I believe that it is the adoption of the amendment which is before the Senate and I take this occasion then, since the Senator from Washington was presumably speaking on the amendment, to say a few words.

I believe the Senator voiced some objection to the fact that the matter was taken off the table when he was away. This bill was introduced by the Senator from Cumberland, Senator Spear, who was present. This bill came from the Judiciary Committee and as a member of the committee signing the majority report I tabled the bill, and I took it off the table. I think the Senator will remember that I made a reference to the Senator from Washington (Senator Beckett) in my remarks on that bill. This was tabled on the 27th of March, as I see it here, so that it had been on the table quite a long time. I have tried to keep my matters cleared up. The Senator from Washington, Senator Beckett, came to me, as I stated in the Senate on Friday, some time ago and said, "What do you think about an amendment which would provide that not only must the towns be in arrears on their taxes six months but that they must also have received relief from the state"? I said, "I will agree, as far as I am concerned" to that amendment," and I asked the Senator from Washington (Senator Beckett) some

three times at least if he were prepared to offer that amendment which he didn't do and finally I got the amendment prepared in accordance with his request, as I wished to have the matter taken off the table. I presented that amendment and it was adopted, that they must be six months in arrears, and also have received relief from the state. I state this so that we may clear up the record as to how that bill came off the table and as to the courtesy in the matter.

Now, as I have said, I can support that part of the Senator's amendment which extends the six months to one year but not the part that contemplates on petition of ten per cent of the voters, because I think the basis of that was that the towns had fallen back on the state for support and that was the controlling thing. There was a proposal which the Senator made further liberalizing it in that if they hadn't received relief, on petition of ten per cent of the voters it could be taken over. I didn't put that in that amendment because that was the other way, to give more power to the state, and I would like to ask the Senator whether he favors dividing it into two amendments since they are two entirely different amendments.

Mr. ASHBY: Mr. President, I did not draw this amendment. The Reviser of Statutes drew it and the lawyers don't agree as to where the amendment should go into this bill, and in view of that fact I should like to table this until tomorrow morning and in the meantime consult with the lady member from Cumberland to see if we can't get this straightened out to the satisfaction of all.

Thereupon, the bill and the amendment were laid upon the table pending motion to indefinitely postpone Senate Amendment "B".

Mr. BECKETT: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator may state his point of personal privilege.

Mr. BECKETT: Mr. President, just as a matter of clearing up the record in connection with the statements of Senator Laughlin.

The PRESIDENT: The Senator may proceed.

Mr. BECKETT: I would like to insist, Mr. President, that Senator

Laughlin spoke to me once in connection with the amendment for this bill and I would like to further state in connection with this bill and the further liberalizing of it to the extent of including all the towns receiving emergency aid, my argument was to limit it only to those towns and I think I can perhaps be borne out in that statement by other members of the Senate to whom I have talked and also by the state tax collector, state auditor and various officials. I spoke to Senator Spear, who introduced this bill, about an amendment because the expectation was that the bill would be on the table and my amendment would be discussed when the question was raised. Of course, Senator Laughlin having tabled the bill, perhaps Senator Spear wasn't aware of that.

Mr. SPEAR of Cumberland: Mr. President, the bill that Senator Beckett spoke to me about was another bill. I think the bill about which the Senator spoke to me was the 7th tabled matter.

Mr. BECKETT: Well, Mr. President, I thought I was speaking to the Senator at that time on this bill of emergency finance. That was my understanding, that that was the bill we were discussing. There may have been some misunderstanding on the Senator's part but I was not discussing the 7th tabled matter.

Mr. BECKETT: No, sir.

Mr. SPEAR: I would like to state further, Mr. President, that I didn't know that the bill in question was coming off the table when it did come off, although I didn't realize that the Senator from Washington County (Senator Beckett) meant the one he has just stated here.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table House Report from the Committee on Public Health, Majority Report "Ought to Pass in New Draft" (L. D. 914), Minority Report "Ought Not to Pass" on bill, An Act Relating to Apothecaries and the Sale of Poisons (H. P. 40) (L. D. 23), tabled by that Senator on April 9th pending acceptance of either report; and on further motion by the same Senator, the majority report was accepted and the bill given its first reading.

Thereupon, on further motion by the same Senator, under suspension of the rules, the bill was given its

second reading and passed to be engrossed in concurrence.

On motion by Mr. Friend of Somerset, the Senate voted to take from the table Senate Report from the Committee on Agriculture "Ought to Pass in New Draft" on bill, An Act Relating to Agricultural Societies (S. P. 493), tabled by that Senator on April 5th pending acceptance of the report; and on further motion by the same Senator, the report was accepted and the bill laid upon the table for printing under the joint rules.

On motion by Mr. Graves of Hancock, the Senate voted to take from the table Resolve Authorizing D. M. Susi to Bring a Suit at Law Against the State of Maine (H. P. 1516) (L. D. 605), tabled by that Senator on April 10th pending recommitment to the Committee on Claims in concurrence; and on further motion by the same Senator the resolve was recommitment to the Committee on Claims in concurrence.

On motion by Mr. Graves of Hancock, the Senate voted to take from the table Senate Report from the Committee on Claims "Ought Not to Pass" on Resolve to Reimburse Rae Randlette of Hartland for Amount Paid in Settlement of Earl Wyman Suit (S. P. 168), tabled by that Senator on April 10th pending acceptance of the report; and on further motion by the same Senator the bill was recommitment to the Committee on Claims.

Sent down for concurrence.

On motion by Mr. Marden of Kennebec the Senate voted to take from the table, Senate Report from the committee on Judiciary "Ought to Pass" on Bill, entitled An Act Relating to Outdoor Advertising. (S. P. 277) (L. D. 494), tabled by that Senator on March 16th pending acceptance of the report.

Mr. MARDEN: Mr. President, I now yield to the Senator from Cumberland, Senator Laughlin.

Miss LAUGHLIN, of Cumberland: Mr. President, I trust that the unanimous report of the Judiciary committee will be accepted.

Mr. MARDEN: Mr. President, this matter of Legislative Document 494 with its proposed change and the exclusion of advertising upon the billboards in the state, of intoxicat-

ing liquor or liquors, we all agree is a very meritorious purpose and while I think perhaps the speaker may be as interested personally in the matter of temperance, and matters of that nature, as anyone here, I do feel constrained to say that I can not go along at this time with the proposed amendment and I would beg the opportunity of this body to state those reasons. It is my understanding that this legislature acts upon matters which concern the public at large, as to which my worthy colleague, the Senator from Cumberland, Senator Laughlin, will agree, I am sure, and that the real difference in the position which I assume will be taken between that Senator and the speaker is the application of that principle to this particular measure.

Back in 1933, the State of Maine countenanced and voted affirmatively to create a state monopoly for the handling of intoxicating liquors, and at the same session, on the 10th of November, 1934, as I recall it prohibition in the statute, 137 of the Revised Statutes prohibition in that statute against advertising of any kind of intoxicating liquors was repealed, and some members of this body were in that legislature. Since that time various individuals in the state, and not a great number at that, who may have been in the business of advertising prior to that date, or who have since become so engaged, have given a considerable effort and investment in the business which I think we all concede is a legitimate thing today, and this particular measure I think admittedly aims at that particular type of business.

Consistent with the act of 1933 making such advertising legitimate, we all have to hear and do hear over the radio, and read in the periodicals coming into the state, both those printed within and without the state, and by the enterprise of these individuals, we are faced with this type of advertising. If this legislature wishes to prohibit that advertising on radios, periodicals, newspapers, and outdoor advertising signs, I would be the first to pledge my support to that end; but in attempting to accomplish what this proposed bill accomplishes, and picking out one small class in the state of Maine to legislate against, I beg leave to express an opinion against that measure and I will vote against it.

We hear a great deal here about class legislation and attempting to legislate for the benefit of a few, perhaps, or against a few, and I am perfectly ready to admit, with the distinguished Senator from Cumberland, Senator Laughlin, that we have a right to do it in this particular case inasmuch as the entire subject matter of liquor and its regulation is statutory and subject to strict limitation. In all sincerity, toward the ultimate, as expressed by some that this matter be regulated, I am willing to go along with that view, and hope. But when it is done I would urge everyone interested to begin at the beginning and use everyone alike, and for that reason I am hoping that there are those in this body who will vote against the acceptance of this report. A few minutes ago it was my privilege to allude to the fact that there were a small group interested in outdoor advertising, but my guess would be it does not exceed a dozen, and when those individuals in a perfectly legitimate way, in a way made legitimate by this legislature, seek to advertise, it is difficult to understand why that particular class should be the only class involved in this attempt. I truly hope the motion for the acceptance of the majority report will not prevail.

Mr. FORTIN of Androscoggin: Mr. President, two years ago I happened to be one of the representatives that someone compromised on this so called outdoor advertising of beer, compromised to the satisfaction of the proponents. It seems to me that such a bill as this is somewhat discriminatory and somewhat unfair to those who are trying legally to run a legitimate business. I happen to come in contact with some of those boys quite often and find they are fair and they want to do the right thing. Now, for one, I can not see the difference between radio and periodicals and newspapers, if you are going to discriminate against one, why let's cut out all and forbid advertising of liquor in newspapers, magazines, over the radio, and let's not pick out one particular industry that wants to do the right thing. These people, I understand, have contracts written now for three years. It seems to me unfair, and it might mean the ruination of those people. I think it is a seri-

ous matter for it pertains to outdoor advertising and those contracts. I do not know how they are worded but I am afraid it would be a serious law for those people, and I do not think we want to be blamed for it. I hope we do not accept the "ought to pass" report.

The PRESIDENT: If the Senator from Cumberland, Senator Laughlin, has not made a motion will she do so at this time? Did the Senator make a motion?

Miss LAUGHLIN: I made a motion, Mr. President, that we accept, not the majority report, but the unanimous report of the Judiciary Committee. This bill provides simply one more limitation of the granting of permits to bill boards. The fact that it is one more limitation, in itself, indicates that the billboard matter is not on a par with industry in general because we have accepted it as such a character that we have a right to put limitations on it. I am going to speak a little more along that line, but first, this whole paragraph is a limitation on billboards which do not apply to other advertising, thereby putting that business like some others, in a class with business of such a character that the state has a right to put regulations upon it. It is equally true with respect to the business it is proposed to forbid being advertised. We have a long list of United States Supreme Court decisions that the liquor business also stands in a special class, that the State can make regulations concerning it which would be unconstitutional if applied to other businesses. Therefore we have here companies, that are recognized as business concerns upon which the state may make regulations which would not be constitutional as applied to other businesses. I think that gets rid of the question of the discrimination, that is, both moral and legal.

Now these restrictions proposed here are based upon three grounds: First, public safety; second, public morals; third, sound business, which will protect the investment the state makes in the large sums of money it spends to ask people to come and look at billboards advertising liquor or at something else. So that is the third ground. We recognize drunken driving as a menace to every citizen of the state. Twenty per cent of all fatalities of

auto drivers are due to drunken driving. Therefore, as a matter of safety, I believe we should not put at every turn of the road an invitation to the driver to become in a condition where he will become a menace as a driver. If he is thirsty or dusty, he gets an invitation, "Come Get a Drink," when we know it is the surest way to make him a menace to the community. It also puts it in a different class with radio advertising or newspaper advertising. Coming to the second matter of public morals, when we were discussing the Eighteenth Amendment, the Twenty-sixth in Maine, we heard about true temperance, that the object was to promote true temperance, to get rid of the bootlegger and promote temperance.

In fact, one bill put in here by those advocating temperance was to put the money to a fund to teach true temperance in the schools. It is somewhat an anomaly when we advertise to every driver at every turn if that was the object to be accomplished. There was a convention of liquor commissioners of the various states and one of the objects they put forward was to educate temperance and said that we should get rid of these advertisements for encouraging drinking, that it nullifies the purpose that was said to be the purpose for getting rid of the operation of this saloons. They undertook to say that if we didn't stop this encouragement that we were going to get back to where we would abolish the gain that had been made. The figures show that in the last two years there has been a tremendous increase in drinking and the amount consumed. So it shows we are not promoting true temperance by this advertising.

Now the third point, to protect our investment,—we voted here for \$150,000 a year, \$150,000 a year to advertise for tourists, \$50,000 to advertise the products of Maine, and the other \$150,000 to bring tourists into the state. As I have said, they certainly don't come here for that purpose, to look at advertisements on the billboards. Further than that, I was going to say they could see them at home but it is getting so they can not see these liquor advertisements at home because the states are moving toward this same limitation that is presented here on billboards. The state of Virginia has

voted to forbid all advertising of intoxicating liquor on billboards and other states are considering it. So on the point of sound business we are, in one breath spending money to coax them in, and then put conditions here to keep them out, which is not good business.

As I say, this came as a unanimous report of the Judiciary Committee. There was presented to that very committee every argument that has been presented here, and after due consideration the committee was unanimous in recommending this bill. There came up the question about these contracts, whether we could legally interfere with them. We have a long list of decisions from the Supreme Court. This isn't the first time somebody's business has been interfered with because of general welfare. It has come from the Supreme Court of the United States. I was looking up the decision today in which it says the state restricts and regulates the use of property when in the opinion of the legislature it shall not be an instrument of injury or hurt to the public. I will not go into the legal phase of it as it was discussed before the committee. You can find it in 123 United States Report, *Mowbary vs. State of Kansas*; upholding the fact, of course, that it is so elemental it is hardly worth while to discuss it, that the state has a right to regulate the use of property for the general welfare. I have already spoken of the matter of being discriminatory. Why restrict billboards if we do not hold them in a different class, subject to the general welfare? Legislation has put it in a class that is subject to regulation for the general welfare and so it ceases to be a matter of discrimination. I think we will agree that the billboards are rapidly becoming a nuisance and there are steps on foot to make constitutional changes and declare them a nuisance.

We have heard it suggested that we might prohibit this advertising by radio. Of course, the state can not interfere with radio. That is inter-state, a matter of the United States. We could not do it if we wanted to. Newspaper advertising is also inter-state. There may be local papers, but the advertising appears in all the papers that come in and we have no power over them. It is very easily answered why we could not interfere with those two.

We could not if we wanted to. The Constitution and legislation have put them in that class.

We had it brought in that some private persons had a contract by which he would lose money on this. It is most vicious proposition when a legislature has to set up legislation and consider some person's private accounts or affairs. There is one proposition to consider and that is the welfare of the state, and not some cry baby who comes in to say that we are going to cause him to lose money. If it were true, we would have to get rid of all legislation. For instance, I believe a man came before this legislature to get a claim for a ferry that was put out of business by the building of a bridge. Is it reasonable to say that we will not build this bridge because this ferry-man is going to have his business injured if we build it. If the maker of this contract thinks he has a claim because the state interferes, I think he'd better go before the Committee on Claims and put in a claim. I do not think he would receive any more consideration, or as much, as the ferry-man, and ought not to. The ferry-man while he operated was doing a necessary service for the public but conditions came that we could do better service by having the bridge we went ahead and built the bridge regardless of how it interfered with the ferry-man's business, although it had been for the public welfare, as certainly nobody contends the billboard is.

Now to go further, on this sob-story. While we do not consider it is good legislation, nevertheless, I was appealed to by someone saying, "it is going to cost me money", and I made the proposition to the man who claims the contracts, through his representative in the Senate, Senator Marden, that I would consent to an amendment to this bill which would postpone its taking effect until January 1st, 1938 and give him free swing to look after his contracts this year in time to make other arrangements, but that was refused, showing that the billboard interests apparently intend to dominate the legislature and dominate the state. It isn't that they want time to make other arrangements and want time to go on with the contracts this year, it is the permanent policy they demand, that they should be given full swing.

Therefore, I trust that we will

accept this report, first, because it is a matter of safety. What is the sense of spending money in trying to promote safety on every turn and then invite them to become intoxicated. Second, the matter of morals. You can not escape the invitation as you drive along the roads, to become a public menace. Third, on the matter of good government, for the investment we are making at the tune of \$150,000 a year to induce people to come into the state.

When the vote is taken I move it be taken by roll call.

Mr. WILLEY of Cumberland: Mr. President, it isn't very often, in fact, it is very rare, indeed, that the Senator from Cumberland, Senator Laughlin, is in error, but she is this time, in that she says, \$150,000 to advertise Maine. In addition to that, there is the revenue from the licenses from Fish and Game of \$385,000 a year. In addition to that there is a special appropriation for Fish and Game of \$120,000 a year to bring people to Maine. That is a million dollars and over, a year, to bring people to Maine. I understand the appropriation for agricultural advertising is by special bill of \$50,000 in addition to the \$200,000 appropriation for the Maine Development Commission. So it runs well over a million and a half dollars for the biennium that Maine will spend to bring people to Maine.

Something has been said about a special privilege, but it is our privilege to legislate for a special privilege. Well, some of us representatives and senators from Cumberland County are learning that. No bill has come before this Senate that has received more special privilege than this bill which came to this senate with the unanimous "ought to pass" report, which was tabled March 16th and has not been budged since. I asked where does the special privilege lie? If anyone cares to answer when I finish he may have an opportunity, of course.

There are a lot of people in Maine who do not like liquor, and we are supposed, whether we do or not, to legislate for all the people. I am not one of the people who are absolutely opposed to liquor, but I respect their rights. To be sure, as the Senator from Cumberland, Senator Laughlin, has so aptly pointed out, the United States mail brings to us, and we can not stop it, the newspapers from other states, with

liquor advertising. The magazines bring it, and pamphlets bring it to us by mail and we could not stop it if we wanted to. The Legislature of 1933, realizing we could not stop that sort of publication, legalized only that sort of publication, but did not limit the billboard advertising and the Senator from Cumberland, Senator Laughlin, is correct when she says that the door was open for everybody.

But those people who are opposed to liquor do not have to read the newspapers and they can shut off their radio and they do not have to read the magazines, but they can not, unless they close their eyes, and run into a ditch, avoid the billboards which display their advertising. For the benefit of some who have not driven from Portsmouth to Portland, they should see the billboards with the liquor advertisements scattered every hundred feet nearly all along our Atlantic highway. It is a disgrace to the people of Maine to have such things exist there as now exists. As the Senator has so ably pointed out about the contracts, it would be ruinous. I say, do not they know it? Have not they been here the past sessions and by their influence dominated this legislature? That, too, is a disgrace upon the people of Maine and it is time this legislature began to legislate for the people of Maine and not for the people in Kennebec County, not for the billboard interests, but all the people of Maine. We do not say that there shall be no billboards, but we do say it is unfair and unjust to flaunt in the faces of those people who are opposed to liquor of any kind, these great billboards that they can not touch.

I stand here defending the unanimous report of the Judiciary Committee. I think this is one of the most important reports we have before us because if we are going to spend a million and a half dollars to get people here we ought to let them have an opportunity to see the beautiful landscape Maine has instead of the liquor advertising on billboards. Liquor interests can advertise by radio. They do. You hear it. The people who do not like it can shut off the radio, but they can not tear down the billboards.

Those of us who were here last year on the Judiciary Committee recall that we passed out another unanimous report. Those of us who

were here last year recall that it was a good bill just as this one is a good bill, and we recall the billboard interests were the interests that amended it right out of this legislature so that it had no beneficial effect for the people of Maine. But I believe today we have enough sound people in this legislature so that this year we will pass this bill and I certainly hope this legislature, in this instance, will stand behind the Judiciary Committee and send this to the House, the report accepted.

Mr. WORTHEN of Penobscot: Mr. President, the member from Cumberland, Senator Laughlin, refers to the fact that the advertisements on billboards regarding beer and liquor are displeasing in appearance. I think to the most of us, I will speak for myself, that a glass of foaming beer looks more pleasing to me than a pair of women's shoes on the billboard. I was a member in the legislature in 1933 and in 1935 and there were measures presented to the legislature in those years that had to do with regulating billboards. In 1935 the legislature was presented with a bill, and after very much controversy I thought that regulations were established in regard to billboards that were acceptable to both factions. It seems to me this bill today has been presented for the express purpose of further legislating billboards out of existence. Now I am not particularly in favor of billboards but I believe if it is to be a question of fairness, and as has been said before today if the radios and newspapers have the privilege of advertising liquor, I can not see any reason why the people who own the billboards should not have the same privilege, and not being personally interested in the matter, in fairness only, I am opposed to the motion that the Senator from Cumberland, Senator Laughlin, has made.

Mr. FORTIN: Mr. President, as to the safety and moral of the billboards, I believe that I would be more apt to drive in a ditch looking at billboards advertising stockings and beautiful girls smoking cigarettes. A few years ago, you remember, cigarettes were frowned upon and especially by the ladies. Today they are freely advertised. Liquor was made legal in the State of Maine two years ago and the billboard people were given the right to advertise it by billboards and



we licensed them. Now we are going to restrict them and maybe exterminate them. One senator has said that a lot of people don't like liquor. Well, a lot of people don't like me, and probably don't like the Senator. Does that mean they are going to exterminate us? I do not think so. I am not for class legislation and I am not under any obligation to the billboard men, but I only speak in fairness. If you are going to discriminate, I say again cut it out in your local Maine papers; cut it all out; but do not just restrict these people. They are a live industry and it gets back to a common idea. If you hurt my business, I have a perfect right, the same as any other corporation, to send men here to see that my business is not harmed. They have the same privilege, and we call them, "The Third House." They are here for that purpose, to protect it and every one of their interests and newspapers. I say it because I want to be fair and I do not like the bill as it is. It is discriminating.

Mr. ASHBY of Aroostook: Mr. President, there is a little haze in my mind that I would like to have cleared up. I do not know who can answer it, but I hope someone will. Will this bill make the thousand and one eating houses along the road tear down their signs that they have got up saying, "Nar-ragansett Ale on Draught Here," and "Budweiser Beer, The Beer with the Kick to it?" Would they be compelled to take down the signs? Now I do not know but what a tourist could see them just as quick as the liquor advertising on billboards. You can see in many of the towns the advertising that all kinds of state liquor is sold there. It doesn't confine it to beer at all. I have a suspicion that most people in Maine know that beer is sold here anyway. I do not think it would be a surprise if they saw a sign on the road advertising liquors. I do not know of any harm in advertising something that everybody knows. If a man is dry and he wants to get a glass of beer, as I remember it, especially between Portsmouth and Portland, he doesn't have to go more than ten rods before he can find a place to quench his thirst.

Miss LAUGHLIN: Mr. President, answering the Senator from Aroostook, Senator Ashby, about taking the signs off the restaurants and stores, this bill excepts compact

sections on all its limitations, so answering the Senator from Aroostook, Senator Ashby, it would not take in the restaurants and stores in the towns, simply because this bill is limited to the sections which are not compact sections.

And as long as I am on my feet to answer that question I would like to reply to the Senator from Penobscot, Senator Worthen in regard to what he said about a bill passed two years ago and that therefore we should stop there. If we did that, there would be no need of the legislature meeting at all if we never amended bills that we adopted in one legislature and that was the end of it. Why, half the bills here are amendments to bills that we passed some other time. For that matter, it is a little ridiculous because we have just passed by unanimous vote here an amendment to this billboard bill which happened to be to give property owners further rights than the billboard law now permits them, and I don't imagine anybody is going to object to it, but it didn't stay there, just static, because it passed two years ago. So, whatever they did two years ago has nothing to do with this legislature.

I don't know who made the compromise but certainly it was not members of this legislature because they weren't here to make it. Two-thirds of the members of the House were not in the legislature and a number of the members in the Senate, so we are hardly bound by what they did two years ago.

The Senator from Knox, Senator Burkett, may like to look at a beer bottle and the Senator from Penobscot, Senator Worthen said he found the advertising of beer very pleasing. I think that is one of our greatest problems. There are too many people who find it pleasing as they go along to go in and have a drink and then they hit the next car they meet.

Mr. WILLEY: Mr. President, if I may be permitted to speak again I wonder if I might ask the Senator from Kennebec, Senator Marden, a question through the Chair?

The PRESIDENT: The Senator may ask his question through the Chair and the Senator from Kennebec, Senator Marden, may answer if he desires.

Mr. WILLEY: I would like to inquire if the Senator knows that prior to the convening of this legis-

lature certain liquors would not be bought by the Liquor Commission unless they advertised on certain billboards?

Mr. MARDEN: I will say, Mr. President, that I did not know that.

Mr. WILLEY: I thank the Senator. Now, the Senator from Androscoggin, Senator Fortin said he thinks some people may dislike him and perhaps they may dislike me and maybe they would like to exterminate us. I might say to the Senator that perhaps they have already tried to exterminate me, but not with a great deal of success.

But there is no attempt in this bill to exterminate the billboards, but there is everything in that bill to represent the class of people who oppose any kind of liquor, and their rights are entitled to our respect in this legislature. This legislature has run over their desires in that they have abolished prohibition, in that we sell liquor and beer. They don't like any of that, they don't like any part of it or any fraction of any part of it. Now then, we have liquor here. We can buy anywhere we want to, anywhere in the towns, all the beer we want from our grocery stores. The newspapers carry the advertising and we can't stop it. Shouldn't we be a little bit decent and consider the man who has no use for it? He has some rights, and there isn't one of him, there is a big lot of them in Maine, several hundred thousand people in Maine who detest this liquor business or any use of it in this state. Those interests are entitled to our consideration and they merely ask that they do not have flaunted before their faces these big billboards. Now, my appeal is for that faction in Maine. You people have got all you want. They are entitled to be heard. And it is them that I plead for today in asking the acceptance of this unanimous committee report.

Mr. FORTIN: Mr. President, if I may be permitted to impose again upon the members of the Senate I would like to ask a question of the Senator from Cumberland, Senator Willey, through the Chair.

The PRESIDENT: The Senator may ask his question and the Senator from Cumberland, Senator Willey, may reply if he desires.

Mr. FORTIN: Is it true, Senator, that certain liquor distillers have tried to sell in the state of Maine and could not if they didn't advertise on certain billboards?

Mr. WILLEY: If you will ask Governor Brann I think he will tell you.

Mr. FORTIN: I am asking you the question.

Mr. WILLEY: I cannot answer you.

Mr. FORTIN: Governor Brann is no more here so I am asking you the question.

Mr. WILLEY: I cannot answer you but I think you can find out if you ask him.

Mr. FORTIN: I believe the Senator has not answered my question.

Mr. WILLEY: I answered your question by telling you I couldn't answer it. I don't know. But if you want an answer to it I suggest you ask ex-Governor Brann.

Mr. FORTIN: That third person is not here.

Mr. LEWIS of Lincoln: Mr. President, I don't think this bill should pass. I think it is unfair. I think it is unjust and I believe it is class legislation. I do not see why we should be against billboards advertising liquor any more than any other billboard advertising, and I do not think this should receive passage.

Mr. GOUDY of Cumberland: Mr. President, this problem is somewhat troublesome to me. If it was a bill to prohibit all advertising in the state of Maine in any form, shape or manner which comes under the control of the legislature I should vote for it. But the legislature saw fit to legalize the sale of intoxicating liquors in the state of Maine and saw fit to legalize advertising the same for sale. The billboard interests, which I understand is composed of some local state of Maine corporation, are carrying on quite a substantial industry. They have considerable money invested and employ quite a few local citizens of our state. Now, it is reasonable to suppose that with the potential business in the future they have perhaps taken steps by which they have increased their expenditures and therefore increased their investment, feeling secure in the fact that they could continue to exhibit advertisements of intoxicating liquors. I know that we all want to be fair. Frankly, I am perplexed. I say that if it was a bill to prohibit all means of advertising in the state I would vote for it without any hesitation, but where it is aimed at only one business I am

wondering if that is a fair proposition.

Now, something has been said about the billboard companies having contracts. Probably that is so. I have been told that it is, that they have contracts into the future for a period of three years. In view of the fact that they have had these contracts, in view of the fact that they are advertising a legitimate product, made legitimate by this legislature and by an overwhelming vote of the people in the repeal of prohibition, they probably feel secure in the future that they are going to be allowed to continue to advertise on billboards and they have probably, as I say, increased their investment.

Now, in South Portland, I understand, there are 38 families that are being supported by someone in the family working for billboard interests. This may or may not mean that the billboard owners will have to let some help go. I don't know, but it seems to me that we should give this a lot of consideration and a lot of attention in order to be fair to all parties concerned, and I know that is what we want to be.

I have absolutely no interest in billboards but it is recognized as a legitimate business. They are advertising a legitimate product and other advertising agencies are allowed to advertise in the state. Now, if you want to prohibit the whole business and not allow anybody to advertise, all right, I will agree with that, but if you are going to pass this bill wouldn't a fair thing to do be to amend it so it wouldn't take effect until some time in the future and would allow these people to realize some profit on the expenditures they have made?

I am not talking for this bill, nor against it. Personally, as it is now worded I would have to vote against it on the ground that I am wondering if it isn't class legislation, if it isn't an attempt to, in substance, discriminate against one particular business. If the bill can be amended so as to make it take effect, say, January 1, 1939, I will vote for it but as it is now I will have to vote against the bill, in a spirit of fairness only.

Miss LAUGHLIN: Mr. President, if I may be permitted to speak again, it doesn't seem possible to me that January 1, 1939 could be the date set because another legis-

lature will be convening then. As I said, on the matter of the billboard interests which have been lobbying here while the bill was on the table, I made an offer to them, or had it suggested to them, that in view of all their troubles I would be glad to put on an amendment to make it go into effect January 1, 1938 and they absolutely refused to consider it. I made that offer to their representative here, the Senator from Kennebec, Senator Marden, some time ago, and he brought back their reply that they would not consent to it. It seemed to me that that offer was certainly more than fair, to extend the time for its going into effect. Otherwise, it means that we are selling out to them forever because of course, if we allow the fact that they have contracts to kill this bill, another time they would have some other contracts that would run still further along.

Mr. FORTIN: Mr. President, if I may be permitted to speak a third time, I really believe that it is unfair and I rise to defend former Governor Brann. There are only four of us boys here. It is just like a big brother and we are the little boys. I believe it is unfair that in answering my question, which was fair, to ask a man who is no more the governor of this state; it is unfair to have that reflection said on the floor of this Senate, especially to all the people that were listening.

If there are any reflections to be made upon Governor Brann I would say, personally, they should be made outside of this Chamber. He is not here to defend himself. We are now working under his Excellency, Governor Barrows. We are meeting here with him and with his Council at the present time and in the present legislature. We are not meeting to discuss the past. I rise to this point, not of reprimanding but of fair play to Governor Brann. If there is a single person that doesn't like him I would suggest that they see the Governor and talk with him but not bring their prejudices or dislikes on the floor here.

Mr. WILLEY: Mr. President, I rise to a point of personal privilege, which is that the Senator from Androscoggin, Senator Fortin, infers that I made some unfavorable remarks about Governor Brann. I will answer the Senator by saying that I have referred him, to answer

that question, to the former Chief Executive of this state who ought to know all the affairs of the state.

Mr. FORTIN: Did you ask a question?

Mr. WILLEY: I just simply justify the remarks that I said by stating that I couldn't answer your question, as I said, and I referred you for the answer to your question to the former Chief Executive of the state who I assume knows all that went on in and about the state.

Mr. FORTIN: Mr. President, the reflection stays the same.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Laughlin, who moved the acceptance of the unanimous report of the committee "Ought to Pass" on a bill relating to outdoor advertising, and the same Senator has moved that when the vote is taken it be taken by a Yea and Nay vote. Before a Yea and Nay vote can be ordered it is necessary that one-fifth of the members of the Senate vote in favor

of the Yea and Nay vote being taken.

A division of the Senate was had.

A sufficient number obviously having risen, the Yeas and Nays were ordered.

The Secretary called the roll.

YEA: Chase, Deering, Fernald, Laughlin, Littlefield, Potter, Tompkins, Wentworth, Willey—9.

NAY: Ashby, Beckett, Blanchard, Burkett, Cook, Corrigan, Fortin, Friend, Goudy, Graves, Hussey, Kennedy, Lewis, Malliar, Marden, Martin, Osgood, Owen, Spear, Walsh, Worthen—21.

ABSENT: MacKinnon, Sewall—2.

Nine having voted in the affirmative and twenty-one opposed, the "Ought to Pass" report of the committee was not accepted.

Thereupon, on motion by Mr. Marden of Kennebec, the bill was indefinitely postponed.

Sent down for concurrence.

On motion by Miss Martin of Penobscot,

Adjourned until tomorrow morning at ten o'clock.