

# 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

Saturday, April 17, 1937.

Senate called to order by the President.

Prayer by the Reverend Herbert E. P. Pressey of Augusta.

Journal of yesterday, read and approved.

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

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

Mr. FERNALD: Mr. President, in this morning's Portland Press Herald under date line of Saturday morning, April 17, 1937, at page 15, I see the following news item:—

"The Legislature will be given the opportunity to choose between a general sales tax, a sales-income tax and a selective sales tax as a means of raising revenue to meet new costs of government, Gov. Lewis O. Barrows predicted Friday evening in a talk at the ladies' night dinner meeting of the Cumberland County Pharmaceutical Association in the Falmouth Hotel.

"Governor Barrows spoke while the Legislature was in evening session at Augusta, with the report of the Taxation Committee expected this morning.

"The idea that only one or two members of the Legislature desire economy is untrue and has resulted from attempts to gain 'personal publicity' by 'one or two men,' Governor Barrows charged.

"As a matter of fact the entire membership of the Legislature is determined to cut costs wherever possible," he continued. "I refer to this because as time goes on there will be efforts to create the idea that only one or two, or probably only one, member of the Legislature really wanted economy."

"While Governor Barrows mentioned no names in his reference to economy, Senators Roy L. Fernald of Winterport and John E. Willey of Falmouth, have assumed the leadership of the economy move with Senator Fernald having carried on a militant fight on the floor of the Senate in recent weeks.

"Denying that there has been delay at the present session of the Legislature, Governor Barrows declared 'I never have seen a Legislature with such honesty and sincerity

of purpose and so determined to enact laws for the benefit of the people of Maine.'

"The problems facing this Legislature surpass those which other Legislatures have faced,' he continued, and referring to the education equalization bill and the old age assistance program as creating the need for new revenue, asserted the money can be raised only by taxation.

"No new tax is going to be favorably received," Governor Barrows said of the three taxes he predicted will be offered to the Legislature.

"Opposition to the pharmacy bill passed by the Legislature Friday afternoon developed from the suspicion there was an ulterior motive behind it, he continued, and when that idea was proved untrue 'we had support and endorsement instead of opposition.'

"He paid tribute to the work of Representative Phidaem S. Demers of Springvale, Harley R. Alden of Auburn and Charles M. Brown of Bangor, all of whom were guests at the dinner, in supporting the pharmacy bill and denied that he had anything to do with its passage."

Because he was speaking in Portland in Cumberland County, where a 2% general sales tax is most violently opposed I presume that is the reason why he did not point out at that time which one of the three tax proposals be favored. Another reason why he did not indicate his position on the sales tax might be explained because Fulton J. Redmond of Portland is opposed to the sales tax as well as is ex-Governor Louis J. Brann.

On the question of economy I am sure that if the \$19,000,000 Executive Budget had been permitted to go to a referendum of the people of Maine I am sure that the people of Maine would have spoken in no uncertain terms and indicated where economy in state government could be practiced and that they, the people of Maine, did not want any new revenue for the carrying out of the necessary functions of government—if such new revenue had to be raised by new taxes.

Economy and thrift in our present government management would adequately support old age pensions for all in need and an adequate educational equalization program.

It is not economy now for the State of Maine to increase the appropriation for first, the University

of Maine 20%; second, the Maine Development Commission 100%; and three, to appropriate for the Augusta Airport, \$26,000; or make other unnecessary departmental appropriation increases in the face of our grave financial situation in the state of Maine.

There are a few that have an hallucination that Roy Fernald wants to run for Governor in 1938. Roy Fernald does not choose to run in 1938—he does not propose to cut under or chisel in on another who may be doing the best he knows how to do. There is I hope still existing in politics in Maine the spirit of sportsmanship.

That applies not only to the office of Governor but also membership on the State Committee, membership on the Executive Council, or for Secretary of State.

Now, to repeat, in the same news item from Portland that I have read from I will read again these words: "Denying that there has been any delay at the present session of the legislature. Governor Barrows declared," and so forth. But I notice in the Bangor Daily Commercial of Thursday, April 15, 1937, at page four, the following editorial: "The Maine House of Representatives is engaged in expediting business with the apparent intention of pointing its finger at the Senate in a couple of days and remarking that the House is ready to adjourn finally and that the responsibility of keeping the legislature in session for another week is that of the Senate."

Now, may I inquire who was speaking there? And I will say in reply that such editorials as this, particularly in the Bangor Daily Commercial, will be a double edged sword that will cut both ways, and somebody will be embarrassed some day by just such political propaganda that is coming from Augusta.

Now, further in the same editorial from Portland: "No new tax is going to be favorably received," Governor Barrows said of the three taxes he predicted will be offered to the Legislature." And I might reply to that that he is correct, and I will read a telegram from William Farwell, who is the committeeman from Waldo County: "On all tax measures Waldo County asks for a roll call." That means that the people in Waldo County are going to know how to vote in two more years because they are going to know how their representatives vote on new

taxes. And it is such courageous leadership as is being shown by Mr. Farwell that will lead the Republican Party to victory in 1938.

Now, before we question the motives of our own party members I think it is well for every Republican to review his own political record and meditate well. Victory in 1938 requires the united front of the Republicans of sixteen counties.

Now, propaganda is rampant in the House to the effect that Roy Fernald's motives are unsound, that they are unfair, and that all he is trying to do is to make a lot of personal publicity, and that everything he is doing is for himself, and there are motives suggested that cannot be mentioned here. Now, if the legislature will pass the economy program that Roy Fernald has outlined, Roy Fernald will make a signed statement on the floor of this Senate that he will never run for Governor, because Roy Fernald would rather be right than Governor. Thank you.

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

The PRESIDENT: The Senator may state his point.

Mr. WILLEY: Regarding the statement made in the Saturday morning issue of the Portland Press Herald, in connection with certain members of the Senate, I think the record ought to be straightened out. It is unfortunate that some of the votes taken were not taken by roll call. I do not think it is exactly true that all the members of this legislature have been in favor of economy.

Now, let's see, we had a vote in the Senate on the State Prison. I recall on that vote, starting at this end of the Senate Chamber, Senator Laughlin, myself, Senator Goudy, Senator Spear, Senator Martin from Penobscot, Senator Burkett from Knox, Senator Fernald—I am not sure—Senator Ashby—and others. I cannot remember, but I think 14 members of this Senate on that measure favored economy. I believe Senator Worthen favored it, and if there are others, I would be glad to have them speak because I would like to get this record clear.

Now we come to the University of Maine. I introduced that order myself to clip them \$61,000 a year. It should have been done by this leg-

islature and there is no excuse for not having done it. The vote was, well, it was 12 to 11 one way or the other, but the Secretary saw it in favor of the University, and as I never believe everything I hear and only half I see, I am going to take his word for it. Three of the members who are University of Maine graduates voted for that reduction, Senator Friend, Senator Fernald and the Senator from Oxford, Senator Osgood; and besides that, Senator Laughlin and myself. If there are any others that voted with the 11, I do not remember who they were, but I do know those I have mentioned did vote for it.

Now, in practically every vote on this economy we had, we had from six, seven, eight or nine votes, so that we are sure that number were interested in economy. But the other branch of the legislature, how it feels, is very clear indeed. No question about the stand of the other branch of the legislature. To be sure, the one who introduces an order which cracks down on some of the department heads, which means for better government, but not the kind of government that the department head wants, is bound to receive some publicity regardless of whether or not he wants it, but as for myself, I think that those who know me realize my motives are not self-seeking. I do not care whether I am elected to office or not. I do not have to be elected and I do not care whether I am ever elected to office or not. But as long as I serve in this or any other branch, in a capacity to represent the people, I shall vote as I see it.

I shall draft my own orders and put them in. I don't need anyone to help me. And I shall defend the interests of my people as best I know how. As I said before, what the members of this Senate think of me, what the members of the other branch think of me, is no concern to me as long as I feel that I am doing what is right, what is fair and what is honest to the people of Maine.

I do not believe that all the members of the legislature are for economy but I believe a great majority of them are. I think there are very few selfish men in this legislature. I don't believe there have ever been very many selfish men in the Maine legislature over a

period of years but there have been those here and there are those here now who do not hesitate to take all they can get for their constituents, with a total disregard for other citizens of Maine. I do not have any question in my mind but what every member of the Senate knows what I am talking about. It has been a practice over a long period of years. It will stop some time because it will be stopped.

But I do not think it is right perhaps to put an interpretation on the words of our Governor which may be entirely different from what he meant. I do not construe his words at the dinner in Portland, to which Senator Laughlin and myself were also invited as guests but were unable to attend on account of our late session last night, are a criticism on anyone. I think it is perfectly proper for him, and just for him, to defend the legislature, and I cannot see any reason he should not. I can not, in the remarks, see any insinuation against either Senator Fernald or myself, although the paper saw fit to print our names. Certainly the Governor made no reference to either one of us. As I say, in those votes, eight, ten or fourteen members of the Senate voted for economy, so there is not anyone who can simply say that the two mentioned by the Governor, out of the 10 or 14, were Senator Fernald or myself. I do not put that coat on because I know there were others just as interested in economy as I was, and I will say that no one worked harder for economy than Senator Laughlin, and if she had succeeded in her endeavors, she would have saved the State a quarter of a million dollars. That is more than I had in my bill, and so she might have put the coat on, although I do not think she will. I think, in fairness to the Governor, we should not misconstrue, perhaps as the press did, the words said at an informal dinner. Certainly I do not misconstrue them and do not think any other members of the Senate will.

From the House:

"Resolve Relating to Smelt Fishing in Hancock County." (H. P. 1774) (L. D. 898)

(In Senate, on April 10th, passed to be engrossed in concurrence.)

Comes from the House, engrossing reconsidered, and the bill passed to be engrossed as amended by

House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Lewis of Lincoln, that Body voted to insist on its former action and ask for a Committee of Conference and the Chair appointed as members of such committee on the part of the Senate, Senators Lewis of Lincoln, Sewall of Sagadahoc, and Wentworth of York.

Sent down for concurrence.

From the House:

Bill "An Act Relating to Hunting While Intoxicated or Under the Influence of Drugs." (H. P. 1707) (L. D. 832)

(In the Senate on April 16th bill indefinitely postponed)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed in non-concurrence, and now ask for a committee of conference, the Speaker having appointed the following members:

Stilphen of Dresden; McGlaulin of Portland; Varney of Berwick.

In the Senate:

Mr. WILLEY of Cumberland: Mr. President, I don't think the time of this legislature should be used up on this silly piece of legislation and I move that the Senate adhere.

The motion to adhere prevailed.

From the House:

House Report of the Committee of Conference on "Resolve Regulating Fishing in Flanders Bay," (H. P. 309) (L. D. 97) reported that they are unable to agree.

Comes from the House, report read and accepted.

In the Senate, the report was read and accepted in concurrence.

Thereupon, on motion by Mr. Lewis, of Lincoln, the resolve was indefinitely postponed.

#### First Reading of Printed Bills

Bill "An Act Relating to Production and Sale of Milk." (S. P. 516) (L. D. 1048)

"Resolve in Favor of Helen Newton Parker." (S. P. 517) (L. D. 1049)

"Resolve in Favor of Certain Agricultural Societies." (S. P. 518) (L. D. 1050)

"Resolve in Favor of Anton R. Jordan of Osborne Plantation." (S. P. 519) (L. D. 1047)

Which bill and resolves were severally read once and under sus-

pension of the rules read a second time and passed to be engrossed.

Sent down for concurrence.

#### Report of Committee

Mr. Friend from the Committee on Ways and Bridges on Bill "An Act Relating to Safety of Highways," (S. P. 71) (L. D. 47) reported the same in a new draft (S. P. 522) under a new title, Bill "An Act to Establish Organized Highway Accident Prevention Work as a Function of the Maine State Police," and that it ought to pass.

Which report was read and accepted.

Thereupon, Miss Laughlin of Cumberland presented Senate Amendment "A" and moved its adoption; and on further motion by the same Senator the bill and accompanying papers were laid upon the table pending adoption of Senate Amendment "A".

Senate Report from the Committee of Conference on bill "An Act Relating to Uniforms for Deputy Sheriffs," (S. P. 454) (L. D. 849) reported that the committee has agreed and recommends that the House reconsider its action by which the bill was indefinitely postponed, and pass the bill to be enacted as amended by House Amendments "A" and "B" and that the Senate concur in House Amendments "A" and "B" and enact the bill as amended.

Miss LAUGHLIN of Cumberland: Mr. President, I move that the Senate accept the report of the Committee of Conference.

Thereupon, on motion by Mr. Burkett of Knox, tabled pending acceptance of the report of the Committee of Conference.

Senate Report from the Committee on Conference on "Resolve Proposing an Amendment to the Constitution Relating to Signers on Referendum Petitions," (H. P. 1636) (L. D. 775) reported that the committee has agreed, and recommend that the House concur with the Senate in adopting the Committee Report "Ought Not to Pass."

The report of the Committee of Conference "Ought Not to Pass" was accepted.

Sent down for concurrence.

Senate Report from the Committee of Conference on "Memorial to the Congress of the United States Urging it to Appropriate Money for

the Care of Telephone and Telegraph Cables to Matinicus Island," (S. P. 311) reported that they are unable to agree.

The report of the Committee of Conference was read and accepted. Sent down for concurrence.

#### Orders of the Day

On motion by Miss Laughlin of Cumberland the Senate voted to take from the table Senate Report from Committee on Claims "Ought Not to Pass" on Resolve in Favor of Eleanor Blauvelt Compensating Her for the Death of Her Husband (S. P. 319) (L. D. 512), tabled by that Senator on April 10th pending acceptance of the report; and on further motion by the same Senator the report was accepted.

Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table An Act Relating to Exemptions of Motor Trucks from Registration (S. P. 332) (L. D. 596) tabled by that Senator on April 16th pending motion to indefinitely postpone; and that Senator yielded to the Senator from Oxford, Senator Osgood.

Thereupon, on motion by Mr. Osgood of Oxford, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed as amended by Senate Amendment "A"; and on further motion by the same Senator the Senate voted to reconsider its former action whereby Senate Amendment "A" was adopted, and Senate Amendment "A" was indefinitely postponed.

Thereupon, the same Senator offered Senate Amendment "B" and moved its adoption:—

Senate Amendment "B" to Legislative Document 596. Amend said bill by striking out after the words "capacity of" in the 5th line the figures "1 1-2" and inserting in the place thereof the figure "3", and further amend said bill by striking out all of said paragraph following the word "less" in the 6th line and inserting in place thereof the following: "which is duly registered according to the laws of another state or country which grants like privileges to such trucks registered in this state, and to the operators thereof, shall not be required to be registered in this state when operating within the 15 mile zone limit herein provided."

Mr. OSGOOD of Oxford: Mr. President, I will say that Senator Deering and I went down and talked with the Secretary of State and he thinks that this amendment will take care of the case and is all right; and I will yield to the Senator from York, Senator Deering, if he has anything to say.

Miss LAUGHLIN of Cumberland: Mr. President, incredible as it seems, the Senator from Waldo (Senator Fernald) was mistaken in regard to his figures and these figures apply to an entirely different bill. This bill has reference merely to the weight of trucks operated within 15 miles of the border under the conditions I spoke of last night, where it is necessary to go through the state of New Hampshire to get from one point in Maine to another point in Maine.

Mr. FERNALD of Waldo: Mr. President, will the Secretary read Senate Amendment "A" which we have just indefinitely postponed, which was the amendment brought in here yesterday by the Senator from Oxford, Senator Osgood, and which was supported by the Senator from Cumberland, Senator Laughlin?

The Secretary read Senate Amendment "A."

Mr. FERNALD: Mr. President, this bill that was supposed to pass today has been before the Judiciary Committee for several years and early in this session we voted un-animously "Ought Not to Pass". After the amendment was offered by Senator Osgood yesterday, as reported by Senator Laughlin, I took the bill, Legislative Document 596, and the amendment to the Secretary of State and whatever figures we have quoted here were the figures that were personally given to me by the Secretary of State. Evidently there was some basis to his figures because the amendment that was offered yesterday has been indefinitely postponed by the proponents.

Now, the motion to indefinitely postpone was reported by the Senator from Cumberland, Senator Laughlin and the new amendment which was written by the Secretary of State, I believe takes care of the situation and excludes the provision of the bill to 15 miles and does not permit the provisions of the bill to be state wide. I believe that straightens the matter out and I support the amendment as proposed

by Senator Osgood and Senator Deering.

Thereupon, Senate Amendment "B" was adopted and the bill as amended by Senate Amendment "B" was passed to be engrossed.

Sent down for concurrence.

On motion by Miss Martin of Penobscot, the State voted to take from the table Final Report from the Committee on Federal Relations, tabled by that Senator on April 8th pending acceptance of the report; and on further motion by the same Senator, the report was accepted.

On motion by Mr. Fortin of Androscoggin, the Senate voted to take from the table, bill, An Act Relating to Local Option Provisions, (S. P. 505) (L. D. 1045), tabled by that Senator on April 16th pending adoption of Senate Amendment "A".

Mr. FORTIN of Androscoggin: Mr. President and members of the Senate, this amendment to Legislative Document 1045—if you will turn to Legislative Document 1040, you will notice that the same provisions are involved. Now, I have no objection to the local option provision of the bill as I am a firm believer of referendum to let the people of each city decide what they want in their city, and I am certainly in favor of the local option provision.

However, after the local option provision, you will notice that it says, "provided, however, that not more than 1 license for the sale of malt liquor to be consumed on the premises where sold shall be issued for each 1000 population or major portion thereof, etc." which takes in Legislative Document 1040. In opposition to that, I would say first, that it is discriminatory. Second, that it is very unfair to the people in that line of business. You are going to set up such an amendment, bootlegging all licenses, and in some instances you might be placing the temptation before certain officials who have to sign those licenses. I just say that in passing. It would be a serious temptation because we know that the licenses which are issued have to be signed by someone.

Now, if you have in the City of Lewiston, 36,000 people, only 36 licenses can be issued. In other words, where there are only 4,000 people, only four licenses can be issued. Assuming that four licenses are to be issued and three

have been issued of the four, the one left to be issued may become the old game of highest bidder. There is a temptation to such an amendment. It seems to me that those restrictions are unfair. You could almost apply this same restriction to grocery stores, filling stations or any other line of business, and it seems to me that the beer people, having no one to defend them, have been somewhat brought to our attention during this session. They have something to say, although they can not. I would suggest that we seriously consider the restrictions of this amendment, and when we vote on it, not because I spoke on it—let's not make it a party measure—let's vote on the merits of the bill and those restrictions. I think they are very unfair and I would propose, Mr. President, that we indefinitely postpone that part of that amendment whereby it limits the number of licenses.

Mr. TOMPKINS of Aroostook: Mr. President, the Senator from Androscoggin, Senator Fortin, has said that under the proposed bill only 36 licenses could be granted to the people in his city. According to the last census, the population of his city was 34,939. At present, there are in the city of Lewiston, 114 places where you can buy beer by the glass. There are 12 wholesale places. There are 98 places where you can buy beer by the bottle to take out. There is one State store. That makes 225 places in the city of Lewiston handling liquor of some kind at the present time, which means one place to every 155 people—men, women and children.

Now, under this bill, it is proposed, instead of issuing 36 licenses, it will allow the licenses according to the population, so there would be 35 places where you could buy beer by the glass and 35 places where you could buy it by the bottle, which would take care of the grocery stores.

We might take another instance or two. I will take only three or four. The city of Augusta. The population is 17,198. Today there are 29 places in Augusta where you can buy beer by the glass. There are four wholesale places, 35 places where you can buy beer by the bottle and there is one liquor store, making 71 places in the city of Augusta where they handle liquor in some phase. It is a place to every



257 people in the city of Augusta. Under this bill Augusta could have 15 places where they could buy it by the bottle and 15 places where they could buy it by the glass, or a total of 30 places.

We will take Skowhegan, for instance. The population is 6,431. There are 24 places where you can buy beer by the glass, nine places by the bottle, one state store, making a total of 35 places in Skowhegan where liquor is handled, which is one place to every 183 people in the town. Under this bill there could be six places by the glass and six places by the bottle, making 12 places in Skowhegan.

We will take Caribou, population 7248 people. Today there are 10 places in Caribou selling beer by the glass, one wholesale place, 11 places by the bottle and one state store, making 23 places in Caribou, or one place to every 355 people. Under the new law, there could be seven places where it could be bought by the glass and seven by the bottle, a total of 14.

I could go on and name a lot of these places, but I won't take up the time. In the September election there were 459 places eliminated on account of local option. According to the records, there are today 2,187 places in the State selling beer. Now, of course, someone will argue that this will cut out or eliminate a great deal of revenue. Of course it will, but there are other things in the State of Maine besides silver and gold, I think. There are too many places today running their places loosely. Under the law, a licensee is not supposed to sell to a person under 18 years of age or deliver beer to people under 18 years of age, but they are doing it. We had several cases brought to our attention. Under the law today a licensee is not supposed to sell on Sunday, but some are doing it. I do not say all are. Under the law, licensees are not supposed to sell to people when they are drunk, but in some cases they are doing it. I feel that this bill will help eliminate some of the law breaking licensees.

Mr. FORTIN: Mr. President, another thought occurred to me is that this bill if it should go through, would not take care of any town with less than 1,000 population. As Senator Friend has just suggested to me, the fairs have been allowed to sell beer. What pro-

visions are going to be made for the fairs?

Another question to ask ourselves is, who will be the judge of who will have those licenses? In some towns and cities you are going to find a mad scramble, because the first come will be the first served. I believe in temperance—not temperance by regulation, but temperance by will power. I really believe the liquor commission will be the proper place for the regulations and restrictions to be handled, and also the local city governments, to take care of such drastic regulations. Under the local option provisions of the law passed two years ago, all the towns that wished to have temperance voted to and they are now temperance towns. I think you will get temperance, common sense temperance in Maine by telling each city and each town to make its own regulations, and after they get disgusted with conditions, they will vote to have temperance in the town. You will get temperance quicker by leaving each town to take care of itself than by trying to force down their throats a rule of this kind.

Mr. TOMPKINS: Mr. President, I might say for the information of Senator Fortin, if he will turn to Legislative Document 1040, he will find there is an amendment, and it is probably on his desk, which takes care of the question which he brought up, and it reads this way: "inserting the following, 'the population in any case to be determined by the last federal census. Provided, however, that any town shall be entitled to one license for the sale of malt liquor to be consumed on the premises where sold and one license for the sale of malt liquor not to be consumed on the premises where sold,'"

Mr. FERNALD of Waldo: Mr. President, I find myself in agreement, I believe for the first time, at least, in debate, with the Senator from Androscoggin, Senator Fortin, the minority floor leader. Regardless of the question of temperance, or the interests of the beer people, I think there is one fundamental thing about this proposition. We will all admit there are too many places in the State of Maine selling beer, but if we try to regulate that by legislation or restriction and go from the extreme that we now have of too many places for the distribution of beer, to the other extreme of

too few, we are going to have more bootlegging than we have now because under our present system there are very many places publicly and openly selling beer without a license. Of course, everybody knows about it, but be that as it may, it is not our problem. Now, if you restrict this to one to 1000, my thought is this,—you are going to get the whole beer situation and the granting of licenses into your local political set-up, it is going to be a political scramble every year in your local towns, and when you vote for first selectman and second selectman, you are voting for the fellow that is going to grant John Doe or Richard Rowe a beer license. Now, we do not want that issue involved in our local town government. We have troubles enough in our local town governments without linking up the selectman or selectmen because they have to sign the licenses and decide the question of whether the fellow on one side of the street or the fellow on the other side of the street is going to get a license, and you are going to get the proposition of free beer involved in your town meeting. It is too bad to go to the other extreme.

I think this new commission, when they get on their feet and fully analyze the problem, they will be able to cut down the number of beer licenses. I do not care who is selling beer, if you want to cut the number of licenses, a proper inspector can go in there and find some irregularity and find a reason for taking the license away, so it is easy enough to cut down the number of licenses you now have.

My only argument is to protect ourselves from this corrupting element, this regulating of what little self-government we now have because it is too bad to get that involved in this question. It seems to me, of course the Commission has the right to fix the number of licenses and there is no doubt but what they can do it, and I think everyone is aware of that fact. I am just as much for temperance as the Senator from Aroostook, Senator Tompkins, but I think we want to temper our temperance with a certain amount of tempered thought and not to be too extreme about this thing. Let's let this commission that came in under this administration, work the problem along for two years, and then when we come back in two years if we think the

legislature should regulate, we can do it, but this is supposed to be a good commission and it is supposed to work out the problem, but if it does not, then it will be a proper time for us to come in and regulate by law. I think it is better to regulate this matter through the Commission rather than putting it into the statute because when you get a proposition like this into a statute, there are circumstances you can not change without doing a lot of wrong.

In regard to Senator Fortin's motion to postpone part of the bill, I do not think it can be properly put, and so to straighten it out, I will move the matter to be indefinitely postponed, with the thought that we will all have a chance to vote on this, and I ask for a division.

Mr. MARDEN of Kennebec: Mr. President, I think we all realize, including members of the Committee on Temperance, that this whole problem is highly controversial, and only with proper discussion on the floor, can proper results be obtained.

I think the committee did consider one section in another measure, which I am ashamed to say I am not sure about, but I think it is Legislative Document 768 which came before us and then was corrected to change some clerical errors throughout. It may satisfy the gentleman who has spoken on the measure to know that it provides that in any case where an application for license is to be approved by the local authorities that public notice be given of that application, in the cases of towns and cities, by publishing this notice in the local daily newspaper six days, or if there is no local daily paper, two weeks in a newspaper published weekly in the county, which to the committee I think meant that a considerable part of the problem of the discretion of the local authorities might be solved, assuming every one of our towns and cities are represented by officials who would be subject to bribery, if you want to use the term, which fact I think none of us admit.

Mr. WILLEY of Cumberland: Mr. President, may I ask 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 wishes.

Mr. WILLEY: Do you favor or

oppose this measure, Senator Marden?

Mr. MARDEN: I favor this measure.

Mr. TOMPKINS: Mr. President, when the vote is taken, I ask for a roll call.

Mr. FORTIN: Mr. President, may I amend my motion?

The PRESIDENT: The Senator may.

Mr. FORTIN: I move the indefinite postponement of Legislative Document 1045.

Mr. FERNALD: Mr. President, may I 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 reply if he wishes.

Mr. FERNALD: Just what legislative document did you refer to, Senator Marden?

Mr. MARDEN: Legislative Document 768. The section referred to, Senator Fernald, is not in the printed form, not in the printed draft. It was presented on the floor and the bill was recalled for the correction. The new draft includes it.

Mr. WILLEY: Mr. President, I think the facts underlying this bill ought to be brought out. In the first place this bill was not introduced, I am advised, by the Temperance Committee but rather it was sent to the Temperance Committee by those who wanted to repeal all prohibition laws. If I am wrong, let any man in the Senate stand up and correct me. I understand this came from people in Portland who originally advocated repeal so I am afraid Senator Tompkins, by urging the passage of this, may be playing with those he really has not stood with, because the motion comes from them and the bill comes from them. If you enact this bill you will have in Maine nothing else than high license. For once in the Senate, although I did vote in the House when I was there, with Senator Fortin, I am supporting his move to indefinitely postpone this measure.

Mr. TOMPKINS: Mr. President, I will answer Senator Willey and say that I know nothing about what he has just said, about this bill coming from Portland. I will be frank and say that it was handed

to the Temperance Committee by Mr. Smith of the Civic League.

Mr. WILLEY: Mr. President, if he cares to know the origin of the bill, if the Senate will take a recess for about five minutes I will tell him.

Mr. MARDEN: Mr. President, I do not wish to take up the time of the Senate but inasmuch as the motion before the Senate is now, I understand, to cut out the entire document itself, number 1045, the entire contents of which have not been under discussion, I think perhaps it might be well to point out that Legislative Document 1045 as a whole measure changes the questions which now appear on the election ballot, to four—that is, up to now the various cities and towns have the right to vote on the sale of liquor, or malt liquors, in their town, with which provision you are all acquainted. This bill divides the third question which now reads as follows: "Shall licenses be granted in this city or town for the sale therein of malt liquor?" That is the present question and it is not distinguished from licenses for consumption on the premises, that is, in restaurants by the glass, from licenses for sale by the bottle, that is, the corner grocery store.

This measure in addition to the "one per thousand" feature divides that third question, the proponents believing that by such division the people may better understand just what they are voting for. So that if the measure is adopted the question will be divided into licenses for consumption on the premises and licenses for consumption not on the premises. This, as a second phase, is the question of so many licenses per thousand.

Mr. TOMPKINS: Mr. President, when the vote is taken on this to indefinitely postpone, if you are going to indefinitely postpone one part of it I am agreeable to indefinitely postponing the whole of it. Personally, I want the whole bill or I don't want any of it.

Mr. FORTIN: Mr. President, may I be permitted to say just a few words a second time? I believe from what I understand, what little I could find out last night, that the local option provision is in the present law. If I am right it is well provided for in the present law. Now, I think Senator Marden brought up a point in reference to paragraph 4 and whether there is

anything in the present law to take care of that. It is a very short paragraph: "Shall licenses be granted in this city or town for the sale therein of malt liquor not to be consumed on the premises?" That appears in black type.

Now I do want to say that I fully agree with the Senator from Aroostook, Senator Tompkins in this matter. If you don't want the whole of this bill I will still ask for my motion to pass to indefinitely postpone the entire bill.

Mr. WILLEY: Mr. President, if the Senator from Androscoggin, (Senator Fortin) is in doubt I will say that the indefinite postponement of this measure would in no way affect the rights of towns to vote for local option in the future. They have had that in for two years in the present statute.

Mr. FERNALD: Mr. President, may I ask a question through the Chair of the Senator from Kennebec, Senator Marden?

The PRESIDENT: The Senator may ask his question and the Senator from Kennebec may answer if he wishes.

Mr. FERNALD: I would like to inquire, Mr. President, whether, if there are certain other provisions in this bill that by our postponing the measure would be done away with, wouldn't it be possible to bring them in under another document when that comes from the committee?

Mr. MARDEN: Mr. President, in answer to that I will say that there is a measure, Legislative Document 1040, which, if you care to look at it, you will find is an amendment to this same local option law.

Mr. FERNALD: Then, if we indefinitely postpone 1045 and by doing so there was some provision you wanted to save, you could include it in under 1040?

Mr. MARDEN: I wouldn't be sure of that, Senator.

Mr. FERNALD: Well, if we look at the heading of each bill, they are both amending the same law so I think we will all agree that it could be brought in under 1040, so I think, Mr. President, that by indefinitely postponing 1045 any rights that we want to save can be preserved by the committee in 1040, because they both amend the same law.

Mr. TOMPKINS: Mr. President, may I ask either of the Senators what there is in 1045 that they would wish to hook up with 1040?

Mr. FERNALD: Well, Mr. President, there is nothing as far as I am concerned but I thought the implication was made here that there might have been some elements in 1045 that we hadn't discussed that they would want to add and that might want to be discussed. Personally I am perfectly willing to go along with Senator Tompkins that we indefinitely postpone the whole thing.

Mr. TOMPKINS: That is not my proposition, Mr. President. I said if you indefinitely postpone one part of this bill I wanted to indefinitely postpone the whole of it.

Mr. FERNALD: Mr. President, I agree with that.

Mr. TOMPKINS: But I don't want to indefinitely postpone any part of it.

Mr. FERNALD: Oh, I beg the Senator's pardon.

Mr. TOMPKINS: And I ask for a roll call, Mr. President.

Mr. GOUDY of Cumberland: Mr. President, just in order to point out a few of the provisions of this bill—I am neither speaking for nor against it—I would like to say that it would seem to me that those interested in temperance were protected by the law as it is now better than they would be under the law if this amendment were passed. Now, one very important point that I feel would be confusing to the voting public, at least, is to substitute Section 4. Under the original law it is submitted to the voters every two years as to whether or not they pay for the sale of beer in their particular communities. Paragraph 4 submits two questions to the voters rather than one. One question is whether they are in favor of malt liquors on the premises or whether they are in favor of their being consumed off the premises, and it seems to me that the voter would be confused under the amendment.

Now, the municipal officers in the cities and towns have a right to pass on how many beer parlors they desire in their community. Of course, if the municipal officers, in and of themselves, arbitrarily refuse to grant licenses the applicant then can go before the beer commission and if the beer commission feels that the action of the municipal officers was arbitrary and without any foundation they can then issue a license in spite of the

previous action of the municipal officers. But there is one step that is precedent to their granting licenses and that comes entirely under the jurisdiction of the municipal officers. Of course, we all know that all persons establishing beer parlors must first obtain a victualler's license and if the municipal officers are satisfied that the only purpose for which a victualler's license is desired is to sell beer and if they are satisfied that the applicant would conduct himself in a way unbecoming the proprietor of a beer parlor or that for certain reasons the proposed location of the beer parlor might not be suitable for the health and welfare of the public safety, the municipal officers can refuse the license, and the Beer Commission cannot then go over the heads of the municipal officers and issue the beer license.

Now, I know that in my city that is the position the City Council has taken; if they don't want a beer parlor in a certain location they refuse to issue the victualler's license and that stops forever the beer license application. So as I see it now, the operation of beer parlors is regulated as well if not better than it would be under this particular act. I just say that as a matter of information and I am not speaking for the bill nor against it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Fortin, that the bill and accompanying report be indefinitely postponed, and the Senator from Aroostook, Senator Tompkins, has asked for the yeas and nays. Before the yeas and nays can be taken it is necessary that one-fifth of the members of the Senate present vote in favor of the yeas and nays. Is the Senate ready for the question?

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: Ashby, Blanchard, Burkett, Corrigan, Fernald, Fortin, Friend, Goudy, Hussey, Lewis, Sewall, Walsh, Willey—13.

NAY: Beckett, Chase, Cook, Deering, Kennedy, Graves, Laughlin, Littlefield, MacKinnon, Marden, Martin, Osgood, Owen, Potter, Spear, Tompkins, Wentworth, Worthen—18.

ABSENT: Malier.

Thirteen having voted in the affirmative and eighteen opposed, the motion to indefinitely postpone did not prevail.

Mr. MARDEN: Mr. President, I rise to a point of information. As I understand it the vote was on the indefinite postponement of the measure.

The PRESIDENT: The Senator is correct.

Mr. MARDEN: I now desire to make such motion as will bring Senate Amendment A to the attention of the Senate.

The PRESIDENT: If the Senator from Androscoggin, Senator Fortin, will withdraw his motion to postpone indefinitely that part of Senate Amendment A which relates to the number of licenses to each one thousand, that motion would be in order.

Mr. FORTIN: Mr. President, I will withdraw my motion.

The PRESIDENT: If there is no objection, the motion is withdrawn.

Thereupon, on motion by Mr. Marden of Kennebec, Senate Amendment "A" was adopted, and on further motion by the same Senator, the bill as amended by Senate Amendment "A" was given its two several readings and passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: The Senate is proceeding under orders of the day.

Mr. ASHBY of Aroostook: Mr. President, I move to take from the table Legislative Document 664, "House Report from the Committee on Temperance 'Ought to Pass in New Draft' on 'An Act Relating to the Transportation of Intoxicating Liquor,'" which is the 7th tabled matter.

Mr. MARDEN of Kennebec: Mr. President, I would like to state certain facts in connection with this matter, not to argue the motion. May I do so?

The PRESIDENT: If there is no objection the Senator may proceed.

Mr. ASHBY: Go ahead.

Mr. MARDEN: I would like to say, Mr. President, that both the 6th and 7th tabled matters came in here last evening from the House and on both of them several amendments are pending. If we may have a little time to consolidate those

amendments we will be glad to take the matter off the table.

Mr. ASHBY: Mr. President, I accept that suggestion and withdraw my motion.

The PRESIDENT: If there is no objection the motion may be withdrawn. Hearing none, the motion to take from the table is withdrawn.

Mr. ASHBY: Mr. President, I move to take from the table Legislative Document 260, "An Act Relating to Bounty on Porcupines and Hedgehogs" which is the 5th tabled matter.

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had.

Nine having voted in the affirmative and fifteen opposed, the motion to take from the table did not prevail.

Mr. ASHBY: Mr. President, may I ask the Senator from Kennebec, Senator Hussey, a question through the Chair?

The PRESIDENT: The Senator may ask his question and the Senator from Kennebec, Senator Hussey, may answer if he so desires.

Mr. ASHBY: Mr. President, I would like to know what this matter is pertaining to the bounty on porcupines and hedgehogs, or whatever it is, that is so important that it should lay here on the table, and why it couldn't be settled here now as well as any other time.

Mr. HUSSEY: Mr. President, I will say that the Senate adopted Amendment "A" to this bill and if we should insist on our former action and call for a Committee of Conference it is liable to kill the whole bill. We are trying to get the House to agree to pass this bill and I have some of my committee working down there on it and when I get word from them I will be glad to take action.

Mr. ASHBY: Does the Senator feel that he might convince the House?

Mr. HUSSEY: I think it might be done.

Mr. ASHBY: And the Senator also considers this of sufficient importance so that it is worth holding up the legislature for?

Mr. HUSSEY: I believe that it will not hold up the legislature for any length of time.

Mr. ASHBY: I thank the Senator.

Mr. WILLEY of Cumberland: Mr. President, I think the Senator from Aroostook (Senator Ashby) is doing a very fine job and I suggest that he continue right down through the list.

Mr. ASHBY: Mr. President, I propose to. I now move to take from the table the 2nd tabled matter, Legislative Document 319, "House Report from the Committee on Legal Affairs 'Ought Not to Pass' on bill 'An Act to Establish a Commission of Public Safety for the City of Biddeford.'"

A viva voce vote being doubted.

A division of the Senate was had. Eight having voted in the affirmative and twenty opposed, the motion to take from the table did not prevail.

Mr. ASHBY: Mr. President, this is the second time that it has been proposed to put a guardianship over the city of Biddeford and they probably need a guardian. I apologize for asking to take this from the table.

The PRESIDENT: The Senate will take a short recess to reconvene at the sound of the gavel.

#### After Recess

The Senate was called to order by the President.

The PRESIDENT: If there is no objection, the Senate will take a short recess pending a Republican caucus to be held in the Judiciary room to discuss the question of adjournment over the week end. The Senate will now recess for that caucus.

#### After Recess

The Senate was called to order by the President.

#### Order

(Out of Order)

On motion by Mr. Fernald of Waldo, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 19th, 1937, at 10.00 in the forenoon. (S. P. 523)

Which was read and passed.

Sent down for concurrence.

On motion by Miss Martin of Penobscot, the Senate voted to reconsider its action taken yesterday, whereby bill, An Act Relating to Elections in the City of Biddeford,

(H. P. 1850) (L. D. 1012) was passed to be engrossed in non-concurrence; and on further motion by the same Senator, the bill was laid upon the table, pending passage to be engrossed in non-concurrence.

Mr. ASHBY of Aroostook: Mr. President, I move we recess until two o'clock.

The PRESIDENT: Will the Senator defer his motion until the order which we have just passed for adjournment has been returned?

Mr. ASHBY: I will withdraw the motion, Mr. President.

The PRESIDENT: If there are other matters that can be taken from the table, while we are waiting for the return of the adjournment order from the House, the Chair would be glad to entertain a motion.

The PRESIDENT: The Chair understands that they are debating the adjournment order in the House, and the Chair will now entertain the motion to recess.

Thereupon, on motion by Mr. Ashby of Aroostook

Recessed until this afternoon at two-thirty o'clock.

#### After Recess

The Senate was called to order by the President.

Additional Paper from the House, out of order and under suspension of the rules disposed of in concurrence.

#### Passed to be Enacted (Out of Order)

"An Act to Protect Trade-Mark Owners, Distributors and the Public Against Injurious and Uneconomic Practices in the Distribution of Articles of Standard Quality under a Trade-Mark, Brand or Name." (H. P. 115) (L. D. 49)

#### House Bills in First Reading (Out of Order)

The Committee on Indian Affairs on Bill "An Act Relating to the Ferry between Indian Island and Old Town," (H. P. 605) (L. D. 184) reported the same in a new draft (H. P. 1870) (L. D. 1041) under the same title, and that it ought to pass.

The Committee on Taxation on Bill "An Act Relating to Exemptions from Taxation," (H. P. 1535)

(L. D. 657) reported the same in a new draft (H. P. 1872) (L. D. 1043) under the same title, and that it ought to pass.

Which reports were read and accepted in concurrence, the bills read once and under suspension of the rules, read a second time and passed to be engrossed in concurrence.

From the House, out of order:

The Committee on Judiciary on Bill "An Act Relating to Bastard Children," (H. P. 1415) (L. D. 603) reported that the same ought not to pass.

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

In the Senate, on motion by Mr. Willey of Cumberland, tabled pending substitution of the bill for the report in concurrence.

From the House, out of order:

The Committee on Pensions on bill "An Act to Provide a Pension for Crippled Persons," (H. P. 847) (L. D. 278) reported the same in a new draft (H. P. 1871) (L. D. 1042) under the same title and that it ought to pass.

Comes from the House, report read and accepted, and the bill 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 read a second time and passed to be engrossed in concurrence.

From the House, out of order:

The Committee on Taxation on bill "An Act Relating to Exemptions of Estates from Taxation," (H. P. 43) (L. D. 25) reported the same in a new draft (H. P. 1873) (L. D. 1044) under the same title, and that it ought to pass.

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

In the Senate, the report was read and accepted in concurrence.

Thereupon, on motion by Mr. Hussey of Kennebec, tabled pending adoption of House Amendment "A" in concurrence.

From the House, out of order:

Bill "An Act to Create the State

Aeronautical Commission," (S. P. 217) (L. D. 390)

(In Senate on April 13th bill substituted for the report and passed to be engrossed as amended by Senate Amendment "A".)

Comes from the House, bill and report ordered returned to the Legislative Files in non-concurrence.

Mr. WILLEY of Cumberland: Mr. President, I move the Senate insist and ask for a Committee of Conference. In my opinion this act would be of great value to the state of Maine in the next two years. Perhaps we will not be able to accomplish anything in the Committee of Conference but I believe when the matter is explained we can come to some agreement that will be of very great benefit to the state in the near future.

Thereupon, the Senate voted to insist and ask for a Committee of Conference, and the Chair appointed as members of such committee on the part of the Senate, Senators Willey of Cumberland, Ashby of Aroostook, and Spear of Cumberland.

Sent down for concurrence.

Additional papers from the House, out of order and under suspension of the rules, disposed of in concurrence.

### Reports of Committees

(Out of Order)

Mr. Hussey from the Committee on Appropriations and Financial Affairs on "Resolve in Favor of Appropriating Money for the Maintenance, Supervision, Use and Development of State Parks," (S. P. 219) (L. D. 389) reported the same in a new draft (S. P. 524) under a new title, "Resolve in Favor of Appropriating Money for the Maintenance, Supervision and Use of State Parks," and that it ought to pass.

Mr. Wentworth from the same Committee on "Resolve Relative to the Participation by the State of Maine in the New York World's Fair to be held in the year 1939," (S. P. 110) (L. D. 122) reported the same in a new draft (S. P. 525) under the same title, and that it ought to pass.

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

The PRESIDENT: The adjourn-

ment order has been returned from the House having been passed as amended by House Amendment "A" in non-concurrence.

The Secretary read House Amendment "A": "Amend said order by striking therefrom the following: 'ten in the forenoon' and inserting in place thereof: 'four o'clock in the afternoon'."

On motion by Mr. Fernald of Waldo, the Joint Order was laid upon the table, pending consideration.

On motion by Mr. Burkett of Knox, the Senate voted to take from the table, Senate Report from the Committee of Conference on Bill, An Act Relating to Uniforms for Deputy Sheriffs, (S. P. 454) (L. D. 849), tabled by that Senator earlier in today's session pending acceptance of the report of the Committee of Conference.

Mr. BURKETT of Knox: Mr. President, I think this is one of the most unbecoming acts I ever did in the Legislature, and I wish to apologize to the Committee of Conference for the same. In explanation, I will say the Sheriff of my county telephoned me and asked if I would table the bill before it came to final passage. Not thinking, I said I would, and to keep my word, I tabled it, and since that time I have telephoned him that there have been amendments placed on the bill since he heard about it, and I thought it would meet with his approval and so I now move we accept the report of the Committee on Conference.

The motion prevailed and the report of the Committee on Conference was accepted.

The PRESIDENT: The Committee on Conference has recommended the adoption of House Amendments "A" and "B". The Senate has already adopted House Amendment "A".

Thereupon, the Senate voted to reconsider its action whereby the bill was passed to be engrossed; House Amendment "B" was read and adopted in concurrence, and the bill as amended by House Amendment "A" and House Amendment "B" was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table, House Report from the Committee on Judiciary on Bill,



An Act Relating to Bastard Children, (H. P. 1415) (L. D. 603), tabled by that Senator earlier in today's session, pending substitution of the bill for the report in concurrence.

Mr. WILLEY: Mr. President, in explanation of tabling this bill, I would say that the Judiciary Committee had a little flood of such bills this session. Some of them would have, if adopted by this legislature, permitted, I believe, some very great wrongs and possibly frauds, and so not having seen that amendment, I asked it be tabled so we could see what it was. The amendment is all right, and I move it take its regular course.

Thereupon, the bill was substituted for the report in concurrence, and the bill was given its first reading. 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 as amended by House Amendment "A", in concurrence.

The PRESIDENT: We are proceeding under Orders of the Day.

Mr. ASHBY of Aroostook: Mr. President, I arise to a point of personal privilege.

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

Mr. ASHBY: I have understood that the rules of this Senate state that you shall in no way speak disrespectfully of the other branch of the legislature.

The PRESIDENT: The Senator is well informed.

Mr. ASHBY: Well, Mr. President, any time I digress from that point, I hope you will correct me and order it struck from the record. I am going to begin with all due respect to the other branch. That exalted Body, the anointed of God, has been pointing the finger of scorn at the Senate as obstructing legislation. Now we all know and have always recognized that Aroostook County is a leader in everything, but we do believe there is a point at which this exalted Body should cease to follow their lead.

Now, I understand that the right honorable gentleman who represents my town, in spite of the fact that this Body had voted to convene at ten o'clock Monday morning, unduly influenced that exalted Body at the other end of the State

House, to not convene until four o'clock Monday. In our opinion—I say our opinion because we voted to convene at ten o'clock,—they voted under his influence,—and sometimes I wonder how he exerts that influence, but coming from Aroostook County, I understand it—he influenced them to convene not earlier than four o'clock Monday. In view of the fact that we are waiting on their motion, and we are all done housecleaning and the table is all swept off and waiting to be set early Monday morning, with one or two exceptions, I heartily protest that the honorable Body, the anointed of God, at the other end of the State House, is the Body that is holding up legislation and I do hope the press, if they are present, and I think they are, will take due notice thereof and exonerate the Senate from obstructing legislation. I thank you.

Mr. FERNALD of Waldo: Mr. President, I wish to present an order and move its passage.

The Secretary read the order: "Ordered, that when the Senate adjourns, it adjourn to meet on Tuesday, April 20th, at ten A. M."

Mr. FERNALD: Mr. President, we as members of the Senate have been very patient and have taken it on the chin about our dilatory practices, about holding up legislation and making it necessary for the legislature to be in session several days longer. Perhaps you remember the editorial I read from the Bangor Commercial this morning, which said as follows: "The Maine House of Representatives is engaged in expediting business with the apparent intention of pointing its finger at the Senate in a couple of days and remarking that the House is ready to adjourn finally and that the responsibility of keeping the legislature in session for another week is that of the Senate." Now, I think that the Bangor Commercial will have to write another editorial and reverse the protest.

Now, this morning in perfectly good faith, we understood the condition of the business in the Senate and in the House, we here in the Senate decided to adjourn this afternoon after we got our business attended to, and awaiting the printing of the taxation bills, and come back here forthwith on Monday at ten o'clock, ready and willing and able to do business. We passed a

joint order, being very respectful to the House, asking their concurrence, sent it in there and as it was noon time and they were discussing other matters, we recessed for an hour to get our lunch and await their decision, and while we went out to lunch, having expedited all matters here and attended to everything we had, they go and amend the joint order and send it back to us and then, not awaiting our concurrence in the matter or giving us a chance to have a committee of conference to straighten the thing out, they walk out on us, all tired and exhausted—at least, that is the impression they give you. The point is, they have not had any more to do over there than we have had here. As I understand it, we are working under the dual system of legislation, that matters which pass the House have to pass the Senate.

Now, I think everybody is aware of the fact that the Senate is ready, willing and able to do business right now, but we have no business to do because we are not getting any cooperation. Now there is no use for us to come back here Monday because the House won't have anything to send us so we have got to wait until Tuesday until they can get some matters to us. I think the situation is well understood by every thinking person and we hope that next week we will get more cooperation and get the business men, the leaders and statesmen of this State that exist in the other body, to go along and work with us and we will try and solve our problems and go home in an orderly and proper manner. I trust the order for adjourning until Tuesday morning will receive passage.

Mr. WILLEY of Cumberland: Mr. President, just a few minutes ago there was a measure here on which the Senate voted to appoint a committee of conference. To be sure, when that measure came in, it came with an "ought not to pass" report, and unfortunately the report was accepted. I have been, probably, the only one very much interested and familiar with the bill. I studied it thoroughly, and with all due respect to the Committee, had been to see the agent of the federal agencies with respect to getting money under the bill. The Senate was ready to reconsider the matter and adopt it. We sent it to the House. Were they willing to reconsider it? No. I assume, and there is no rule about

mentioning Mr. Pease's name that I know of, that it insulted his dignity and therefore he would get a member to go on the floor of the House and say it should not be taken from the files of the Senate and be reconsidered. Therefore, that body, without any recommendation other than that of Mr. Pease, failed to reconsider a matter that means \$400,000 for airports in Maine for the next few months. My opinion is backed up by those who are in close contact with developments in New England, such as the Conference for Promotion of Aeronautical Affairs in Maine and New England. This is one instance where they have not been willing to even give attention to the matter that was sent over there, but they sent it back and said, "You'd beter put it back in your files. You didn't ask Mr. Pease if you could take it out."

Now, there is another matter that I want to call to your attention. In this morning's paper it says, "Bill Amending Statute Creating U. C. C. Altered, Charges Willey." In the second paragraph of this morning's paper it says: "Later, L. Smith Dunnack of Augusta, Revisor of Statutes, explained a member of his office force had written into the new draft several lines believed to have been erroneously left out because the sentences weren't crossed out according to the system used by the legislature."

Well, in amending these bills, or drafting these bills, or presenting the orders, if anyone who has been in attendance on this legislature for ten years ever found any system I would like to know who he is, because we haven't any and never had any system. But the serious part of that matter is that every new draft comes from the committee to the Revisor of Statutes and then he may make pencil notations as to chapters and sections of our revised statute. But if you look at Legislative Document 1034 here, it is just in exact accordance with the new draft that came from the committee. In other words, as I sit here and look at my printed bill I say, "Yes, that is just as it came out of the committee." But the document that laid on the desk, that becomes a law, had been changed after it came from the printers.

Now, when it comes from the printers it comes back to the House office. The change was a

very material change, not only one, but three. The committee decided that this, being a new law, that the penalties shouldn't be so severe as originally enacted, and modified that and to some extent those were changed. I am willing to accept any reasonable explanation, but they will never put that one down my neck because when they put a printed bill on my desk and when this bill comes from the printer back to the House, back to the office of the Clerk, when no mention is made to any member of the Committee on Bills in Third Reading—and you will recall, and the Senator from Oxford will recall that a little typographical error in the milk bill was brought back here and adjusted, by the Committee in Second Reading I believe, and it was corrected—but this was called to nobody's attention and the very amendment that was inserted, the insertion of that amendment had been lauded from Maine to Florida to prevent the insertion of that particular amendment.

Now, some people may look on this lightly but if that practice were to continue there is no sense in this legislature meeting because no man could be sure that the law which he introduced was enacted unless he went down and went over every bill in the enacting clause or stage. The endorsements on the measure don't compare with the explanations that have thus far been made. The bill has been sent to the Judiciary Committee and will come back to this legislature as it originally went out from that Committee.

Mr. ASHBY of Aroostook: Mr. President I rise to ask a little information. Earlier in the week there was a bill sent from this Body roughly known as the Personnel Bill and it was due to return to this Body yesterday but I haven't heard or seen anything of it. Did the exalted Speaker when he surrendered the gavel, for the first time in my experience of eight years, and descended to the floor, burn it up with his fiery eloquence, or what happened?

The PRESIDENT: The Chair will state that he can not answer the question.

Mr. WILLEY: Mr. President, I think I can advise the Senator

from Aroostook, Senator Ashby what became of it.

The PRESIDENT: The Senator may proceed.

Mr. WILLEY: I think it is being held—that is my opinion—by the Clerk of the House so that no one can add any further amendments and we will probably see it here about two minutes before it is time to adjourn unless we send in an order to get it back. That is a practice that is becoming quite prevalent for some people who think they can run everything.

Mr. ASHBY: Mr. President, I would like to notify the Senate that I have four more amendments to add to that and I would like to get them on.

Mr. GOUDY of Cumberland: Mr. President, this is the first time in my experience—and I suppose now I may be what is known as a veteran legislator inasmuch as I belong to the "association"—that the House has refused to concur with the Senate in the adoption of an adjournment order. It is very unfortunate because we are all here striving for the interest and welfare of the citizens of Maine. Coupled with that fact and supplementary thereto is the fact that several of our members come from a great many miles; they come from Washington County, Aroostook County, and Franklin County, and inasmuch as some of us that live handy aren't so much concerned from a personal standpoint as to whether the adjournment is for one day or two, due to the fact that we can go home in a very short time, and these gentlemen from out-of-the-way places are obliged to go way home, covering a distance of many miles, and come back, the consensus of opinion of the Senate this morning was that in order to help out and speed up and expedite legislation, supplemented by the fact that we wanted to show courtesy to those coming from these far away places, we decided, and I think rightfully so, that the legislature adjourn until 10 o'clock; thereby benefiting everybody.

As the situation stands now these gentlemen from out-of-the-way places are in kind of an embarrassing position. If they have to be here at ten o'clock Tuesday they haven't much time to go and come

and I think that in justice to them and inasmuch as the House has taken the position that they don't wish to expedite the session and inasmuch as the Senate has been going along dilatorily and not attempting to legislate as speedily as possible, it seems to me that in justice to these gentlemen that live in far away places, inasmuch as the House has seen fit to adjourn until four o'clock Monday, and inasmuch as we can't act until after they have acted, that in justice to these men we should adjourn until four o'clock Tuesday. And I offer that verbal amendment to the order and move its adoption.

Mr. ASHBY: Mr. President, I have an order out of order, as soon as Senator Willey gets it finished.

The PRESIDENT: The Senate will take a short recess to respond to the sound of the gavel.

#### After Recess

The Senate was called to order by the President.

Mr. GOUDY of Cumberland: Mr. President, inasmuch as I had a talk with some of the members that come from the far distant counties and they say that due to the status of the adjournment procedure that they neither can fish nor cut bait, and inasmuch as they say that under the circumstances they don't see how they can go home anyway and that their week-end is spoiled, I will withdraw my verbal amendment to make it four o'clock instead of ten o'clock.

Mr. WILLEY of Cumberland: Mr. President, I think perhaps the Senator's motion is the proper thing because I don't think the House is going to give any consideration to tax measures. They haven't so far given any mature consideration to old age pension matters; they simply passed out a \$2,000,000 bill to us here and one or two who tried to reason with them found they didn't seem to have any influence; they aren't mindful of the people of Maine, that they are paying all the taxes that they can now stand; they pass over without debate a \$500,000 appropriation on education and they argue for one hour and a half on a porcupine bill. Now, I don't think they will have any further discussion on taxes. I think they will make it just as high as they can and send it over here to

us because they know that over here the matter will be given serious consideration, they know that the people of Maine will be protected here and they know that in so far as we can we will do all we can to keep the taxes down. But as I said, that Body, being totally unmindful of the economic conditions of Maine will probably give no consideration to these matters. They will probably come over here within an hour from the time they convene, unless they consider it as important as the porcupine bill. Of course they don't care much about the educational bill. So that I think if we do come back here at ten o'clock—I doubt they will consider it as serious as the porcupine bill—they will probably put it in the class of the educational bill which called for half a million dollars and pass it in five minutes.

Mr. FORTIN: Mr. President, again playing the role of the life-saver and defending those who can not come here to defend themselves even if they are present; I have a lot of respect for the House and if they did make a little mistake they are to be forgiven. I understand that when our order was sent to the House it was acted upon by that Body with due respect but in the meantime we had recessed and, with no discourtesy intended to the Senate, they went home. I am quite sure that they didn't mean any discourtesy to this Body.

Now, the Democrats had a caucus in the telephone booth and we decided to expedite matters and get down to business and be serious, and we agreed that it would be a great-big-boy move or gesture to concur with the House and come back here at four o'clock Monday afternoon and say, "Boys, we are ready."

Mr. WILLEY: Mr. President, may I ask the Senator from Androscoggin, Senator Fortin, a question through the Chair?

The PRESIDENT: The Senator may ask his question and the Senator from Androscoggin, Senator Fortin, may answer if he desires.

Mr. WILLEY: You said something about the House making a slight mistake. Did you have reference to the porcupine bill, the appropriation bill, or the adjournment order?

Mr. FORTIN: You forgot the airport, Senator.

Mr. ASHBY: Mr. President, I wish to present an order out of order, and move its passage.

The PRESIDENT: Will the Senator from Waldo, Senator Fernald, withdraw his adjournment order for the time being in order that the Senator from Aroostook, may present an order and move its passage?

Mr. FERNALD: I will be glad to, Mr. President.

The PRESIDENT: If there is no objection, the order is withdrawn.

Thereupon, Mr. Ashby of Aroos-

took presented the following order and moved its passage: "Ordered, the House concurring, that the Personnel Bill, Legislative Document 970, as amended, be returned to the Senate forthwith."

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the order received passage.

On motion by Mr. Fernald of Waldo,

Adjourned until Tuesday morning, April 20, 1937, at ten o'clock.