

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

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### HOUSE

Thursday, April 13, 1939.

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

Prayer by the Rev. Mr. Akeley of Gardiner.

Journal of the previous session read and approved.

The **SPEAKER**: The Chair recognizes the gentleman from Berwick, Mr. Varney.

Mr. **VARNEY**: Mr. Speaker, out of order and under suspension of the rules I present an Order and move its passage.

The **SPEAKER**: The gentleman from Berwick, Mr. Varney, presents an order, out of order and under suspension of the rules, and moves its passage. The Clerk will read the order.

**ORDERED**, that when the House has completed its business this morning, it shall recess until 4 P. M.;

**AND IT IS FURTHER ORDERED**, that the Clerk be instructed to transmit to the Senate, after the morning session, all papers acted upon by the House except those on which a notice for proposed reconsideration shall have been received.

The Order received passage.

Mr. **NOYES** of Franklin: Mr. Speaker, I ask unanimous consent to address the House.

The **SPEAKER**: The gentleman from Franklin, Mr. Noyes, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. **NOYES**: Mr. Speaker, I would have the honorable Clerk deliver to the Honorable Governor and Council the following message:

"The Honorable Governor and Council are cordially invited to attend the Mock Session to be held this evening at eight P. M. in the hall of the House. The usual seats will be reserved."

Also that the Clerk deliver the following message and warning to the Senate:

Mr. President:

I have the honor, Sir, to bear a message from the House of Representatives to this Honorable Senate, inviting the members of this Honor-

able body to attend the Mock Session of the House, to be held in the hall of the House at eight P. M. this evening. The House respectfully requests that the Honorable Senators come prepared to withstand any barbs of misplaced wit that the Dishonorable Committee may allow to be hurled in their direction.

The usual inconspicuous seats will be reserved.

The **SPEAKER**: The gentleman from Franklin, Mr. Noyes, moves that the Clerk be instructed to convey these messages, one to the Governor and Council and one to the Senate. Is this the pleasure of the House?

The motion prevailed and the Clerk was instructed to convey the message.

The **SPEAKER**: The House will be at ease.

#### House at Ease

Subsequently the Clerk returned to the House and reported as follows:

The **CLERK**: Mr. Speaker, I delivered the message with which I was charged to the Governor and Council and am pleased to report that they would be glad to accept the invitation.

I furthermore delivered the message to the Senate, and the message was received.

The **SPEAKER**: The House hears the report and thanks the Clerk.

Papers from the Senate disposed of in concurrence.

#### Final Reports

From the Senate:

Final Report of the Committee on Federal Relations.

Final Report of the Committee on Public Utilities.

Final Report of the Committee on State Prison.

Come from the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Report of the Committee on Legal Affairs on Bill "An Act relating to Emergency Aid in Certain Organized and Unorganized Territory" (S. P. 558) (L. D. 1083) reporting same in a new draft (S. P. 628) (L. D. 1142) under same title and that it "Ought to pass."

Comes from the Senate, report read and accepted and the bill passed to be engrossed.

In the House:

Mr. BURGESS of Limestone: Mr. Speaker, I am going to move the indefinite postponement of this measure and, in arising to make that motion, I assure this distinguished House that I can appreciate the position that Custer was in when he made his last stand.

If you people here this morning will bear with me for just a short time, I want to attempt to explain to you the situation that exists in the St. John River Valley and analyze with you the expenditure of emergency aid funds. And, after I have given that explanation, if you are satisfied that economies can be made by passing the measure that has been presented here, I know that you will pass it. If I have explained the situation truly as I know that it exists, I am satisfied that this House will not pass this measure.

The situation which does exist can only be compared to other types of disaster which have prevailed throughout the country and which we all hope will never affect any other part of the State of Maine. That disaster has left hundreds of people without homes, without food, and most certainly without a job. In those respective towns where that condition exists, it is the natural conclusion that we would expect those towns to exhaust all their resources in caring for their own problems before they called on the State. That is what I would do if my family were sick, and that it what you people would do if your family were sick.

I want to analyze just briefly that fund which you people, if you have not analyzed the whole thing, have heard referred to in terms of one million dollars or a little more than one million dollars. In 1935, as you all know, a fund was established by the Legislature for the purpose of caring for this situation. For two and one-half years during the worst part of our depression and economic troubles in that area, \$878,000 was expended. Sometime during the last part of that two and one-half year period, the State—the Governor and Council I believe—created a commission to handle those funds with the idea of gradually working out of any towns where they could here in the State where the towns could get along without the fund.

Now I say to you people in the House this morning that that commission has done one swell job and,

as proof of this, I want to tell you this: That in the month of December, 1938, 2,534 persons were taken care of, including hospitalization and doctors bills, at a cost of \$7.14 per person. In the month of January, 1939, \$21,950 was expended, of which \$5,606 went for hospitalization and medical attention, with the cost per person left at approximately the same figure—between seven and eight dollars.

This measure that we are considering now is one that would make it mandatory that a town be accepted, run and controlled by the State Municipal Finance Board before it would be eligible to receive any of this money.

I want to call your attention to the history of this bill. As you all know, it is a product of our Economy Committee—redrafted I assure you. The first measure which came into this House or the Senate was one practically the same, the result would be the same. In this House an amendment was offered and, if I remember correctly, it was stated that that amendment was satisfactory to the Economy Committee and to the committee which heard the bill. That amendment directed the Municipal Finance Board to audit and investigate any town which applied for emergency aid funds. Now we welcome that investigation but we do say that if that town, after proper investigation, if it is determined by the Board that that town has good government and is being properly managed, there is no need for the State to take it over.

I am going to ask you to look up in your list of emergency aids two towns, which I am familiar with, which are now being managed by the State Municipal Finance Board. If I am correct, the expenditures of emergency aid funds in those towns has not decreased one cent and there is no reason to expect that it would. Taking a town over by the State does not put money in the pockets of the people with which to feed themselves.

I am not going to take but just one or two moments more of your time and then I am going to leave it, as I will have to I know, to your judgment. I am going to ask you now to seriously consider whether or not you wish to embarrass any town that is well managed—and I can name some—and I am certain that were they investigated you would find or any person

making that investigation would find management of the type who could step into the State House and fill any position here.

If, in your wise and serious judgment, you find that is what you want to do, then pass this measure and force those towns that are well managed but, because of large relief rolls, are unable to take care of them, to come under the management and jurisdiction of the State Municipal Finance Board, and after it has, there will not be one cent of saving in dollars and cents to the State. As I understand it, that is what we are considering, whether or not it is an economy measure. If it is not, it has no right to pass. If it is, it should pass. That is left to your judgment.

I want to say in behalf of the present Commission that is handling this situation, and I assure you I have gone into it carefully—and I invite any of you to go into it carefully—that this Commission is wisely handling the situation; it is gradually reducing the amount of money expended in the towns. I am certain that there is no town receiving emergency aid that does not need it or that could handle it otherwise.

If that is true, and I am sure that it is, then why not leave the management as it is and leave the emergency aid to a commission created by the Governor and Council.

So far as the need for additional law so that the Municipal Finance Board could take a town over, there is no need of any further law. The present law would allow them to investigate any town who is in arrears for the State or County tax eighteen months or in arrears in the payment of their salaries, plus the fact that they are receiving aid. I ask you people if there is any need of further legislation toward that end.

I said they have all the right in the world to go and investigate. We welcome it, and if there is a town that is improperly managed, then take it over and run it. But if there is one town that is properly managed, I ask this Legislature to carefully consider it and leave that town alone.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the report of the Committee on Legal Affairs on Bill "An Act relating to Emergency Aid in

Certain Organized and Unorganized Territory" reporting "Ought to pass in new draft", together with the accompanying bill, be indefinitely postponed. The Chair recognizes the gentleman from Portland, Mr. McGlaulin.

Mr. MCGLAULIN: Mr. Speaker, I would like permission to face the House.

The SPEAKER: The gentleman has permission.

Mr. MCGLAULIN: Mr. Speaker, I want to say to this House, believe it or not, that I came here this morning intending to keep still today.

One thing that I have been afraid of right along is that in our craze for economy we would do something exceedingly foolish, and that is exactly what we are trying to do. One of the foolish things we are trying to do is to pass this bill.

Two years ago I was in this Legislature and we passed that measure providing that the State could take over municipalities. I opposed the bill at that time chiefly for three reasons: First, it was giving too much control to the State. Second, that it would take away the credit of the town. And last, but not least, was that it would reduce and take away the morale of our various towns. And that, members, is exactly what is happening.

You have observed in this Legislature day after day that town after town has been surrendering itself to the care of the State. If we keep on, the first thing we know, the State will be running all the towns.

Now when the State takes over a town, it practically says to the municipal officers of that town: "You do not know how to run the town. You do not know anything. We will take it over and we will handle it." I want to say that I believed two years ago, and I believe now, that the best men of any town are the best men to run that town, and I believe they can do it better than anybody from Augusta can try to tell them what to do.

I want to tell you that it is a fine thing to have men in the various towns in this State have pride in their town, so much that they do not want to see it taken over by the State. Under the arrangement as it is today, when the little town of Castle Hill or Chapman needs a little aid, the State renders that little aid under the guise of an emergency and then they go on carrying

out their own affairs and doing it well. So long as we can get our people to run their own affairs and do it properly, that is the best way that we can have. We have run the towns before, ever since the formation of the State in 1820, and it was only because of this tremendous emergency that came upon us a few years ago that the townspeople have had to give up their control of the town.

I think this is exceedingly serious. I think it hurts the morale of the municipal officers of the towns throughout the State. I think there is a tendency to put more and more towns under control of the State. I think it is exceedingly bad business to let these towns, unless it is absolutely necessary, go over to the State. I hope, members, that you will give this matter very serious consideration.

Mr. DOW of Norway: Mr. Speaker and members of the House: I think in discussing a matter of this sort, it might be well to have in mind sound business practice and the fact that at the present time we are concerned with State affairs that are worrying us considerably, and, as near as I can find out, that is about all that is occupying us here. I say to you, in a case where the affairs of a municipality have reached a point where they have to have help from the State of Maine, whether they be located in Aroostook County or in the County of Oxford, then I believe that the citizens of the State of Maine who furnish their own money for that purpose have a stake in that town so that they ought to be able to see what is going on. I do not think it is a question of sob stuff; I think we should leave that out.

Now we have seen in the last two years a steady parade of towns going onto the State, and maybe if the State can look into some of these cases it can stop that. Of course the reverse is true, that as these towns are paying money to the State Treasury the towns that do not get that have to contribute. This bill has been received and favorably considered by two committees, and I hope the bill has a passage.

Mr. NOYES of Franklin: Mr. Speaker, I think I can safely say that among the members of this Legislature I have no better friends than those boys who represent the County of Aroostook, not only in

this Legislature but in the two preceding Legislatures. I had many friends from Aroostook County. As a member of that Economy Committee, it was not my intention to hurt the County of Aroostook.

This measure is for the benefit of the entire State of Maine.

Two years ago we passed legislation previously referred to by the gentleman from Portland (Mr. McGlauffin). I will also say to you that we made plenty mistakes two years ago. Four years ago we passed certain legislation, and four years ago, ladies and gentlemen, we, the Eighty-seventh Legislature, of which a few of us were members, were parties to the enactment of an emergency measure.

We received early in that session a message from our Governor calling for an appropriation of \$50,000 for emergency aid. In the message the Governor stated that he wished to have immediate action, and by immediate action, he said he meant today.

A \$50,000 appropriation was passed through this House in one day without a public hearing. It was on that day that we entered into this field of emergency relief. And I will call to your attention the fact that although we felt when we passed that appropriation of \$50,000 that that was to meet the need, before the fiscal year was ended, June 30, 1935, over \$100,000 had been spent, and from that time to the present time more than \$1,200,000 has been spent in emergency aid.

It is the thought of our Economy Committee and the Legal Affairs Committee that if the State of Maine is to spend this money we should have some strings upon it.

I say to you that, as a Republican State, as a State which disagrees with our Federal administration in Washington to a great extent, I can think of no federal program of allocating or spending money which is as loose as this that we have right here in the State of Maine. We have outdealt the New Deal on this issue, and, unless some check is made, I can see no reason why any towns from sections of other counties that are equally as hard hit as the great County of Aroostook,—I can see no reason why those towns are not going to apply for emergency relief, and they are bound to receive it. And, unless a check is made, it won't be many

years before your emergency relief propositions will reach proportions far greater than they are today. That, ladies and gentlemen, would call for some additional tax measure.

We had, two years ago, an appropriation of \$200,000 for emergency relief. Not many weeks ago a message from our Governor indicated that \$31,000 in addition was needed to carry out the work for this fiscal year. Had this bill been enacted into law two years ago, and had the towns who were under the Emergency Municipal Finance Board received aid, the State would have spent about \$59,000 instead of the \$237,000 they have spent. I sincerely hope this bill has a passage.

Mr. SHESONG of Portland: Mr. Speaker, as a member of the Legal Affairs Committee, and one who assisted in drafting this present draft of the bill, I just want to make one or two comments. We thought at the time we heard the bill before the committee that it was good legislation. There were certain defects in the old bill and, as a result, two members were selected to draft the new draft. The situation appealed to us. There is nothing compulsory about the bill. The town is not obliged to go to the State and ask for assistance unless they want to. If they do go to the State, it seems to me that they are about in the same position as a person who goes to the bank to borrow money to finance his business. If he goes to the bank, the banker has the right to say: "Let me see your statement. Let me see what your business is like and how it is being conducted." After he has made that investigation, if it seems advisable, the banker can say to the fellow: "We would also like to have somebody watch your business and see that it is properly conducted."

That is exactly what the State does under this bill. It seems to be a reasonable thing and it seems to be fair. I know of no towns being harmed that are being supervised by the State. In fact, I think the State has done a fine job. I hope this bill will have passage.

Mr. WELCH of Chapman: Mr. Speaker, when the vote is taken, I ask for a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone,

Mr. Burgess, that the report of the Committee on Legal Affairs and the accompanying bill be indefinitely postponed. The Chair recognizes the gentleman from Augusta, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I would just like to explain one thought on this matter. It seems to me that if the State of Maine has to furnish emergency aid to towns and cities, that it should have a finger in the pie when that money is spent. To my mind, it makes no difference whether the need of the town arises through poor management on the part of the town officials or whether the need of the town arises from some misfortune beyond their control. I hope that the motion of the gentleman from Limestone, Mr. Burgess, will not prevail.

Mr. HINMAN of Skowhegan: Mr. Speaker, I just want to make one comment for your information which may be of some consolation to the gentleman from Limestone, Mr. Burgess. While the Joint Select Committee recommended a cut of \$175,000 in this appropriation, the Committee on Appropriations and Financial Affairs is reflecting only to the extent of \$75,000. We feel we do not want to go too far until we find how it works out.

Mr. BUZZELL of Belfast: Mr. Speaker and members of the House: I feel at this time perhaps it would be very appropriate for me to apprise you of a revelation. I am very sorry that the gentleman from Caribou (Mr. Brown) is not here, but I want to tell you with all sincerity that he and I have buried the hatchet, as near as I can tell you, about by the town line between Winn and Macwahoc.

I have no particular feelings along these lines. I have the bill here in my hand that our committee has dealt with long and well and seriously considered. I am with the Economy Committee. I am with those that want to do a real job. I have heard that before in this House; that we were sent here to do a real job, and I am for doing it. But in order to do a real job we must economize.

Now I am not going to refer to figures, quite large figures, because some of my friends might take exception to those figures. I am going to incidentally speak of them.

Now if we are going to economize, somebody must be placed in posses-

sion of the purse-strings to look out for this money that goes for these purposes mentioned here in this bill. If those people in other Legislatures have acted wisely or otherwise and have not seen fit to properly tax the taxable property of this State, but have continually thrown back to the people that hold real estate, and particularly the farmers, and have done that to such an extent that the farmers going to make up the towns find themselves in such a deplorable condition, why all I can say is that we are just beginning to reap the whirlwind in the way we have been sowing for a long time. To make myself clear, so I will not be misunderstood, we continue to pass over millions and millions and hundreds of millions of intangible property and do not feel that we want to place a little burden of a few mills on that, but we do want to dump the responsibility on the tangible property in sight. That is what I meant by that.

Now they talk about destroying the morale of Aroostook. That is one of the finest counties in this whole state. It is the garden of the State of Maine. It is a beautiful spot and if there is anyone in the State of Maine that has not been to Aroostook, they should go there. I think I realize something of their plight. We have done our best. This committee, taking a part of the original bill and the new draft, is simply placing the State of Maine in a position to see that there would not be any loose change getting away and going where it ought not to go. That is about all there is to this bill.

We are here to do a real job, so let us do our job. I believe this is a good bill and I hope that the motion of the gentleman from Limestone, Mr. Burgess, does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the report of the Committee on Legal Affairs on Bill "An Act relating to Emergency Aid in Certain Organized and Unorganized Territory" report "Ought to pass in new draft," and the accompanying bill and new draft, be indefinitely postponed. The gentleman from Chapman, Mr. Welch, has asked for a division. All those in favor of the motion of the gentleman from Limestone, Mr. Burgess, for

indefinite postponement will rise and stand in their places until counted, and the Monitors will make and return the count.

A division of the House was had.

Twenty-three having in the affirmative, and 74 in the negative, the motion did not prevail.

The SPEAKER: The Chair understands that the gentleman from Norway, Mr. Dow, moves that the House accept the "Ought to pass in new draft" report of the Committee on Legal Affairs. Is this the pleasure of the House?

The motion prevailed, the "Ought to pass in new draft" report was accepted, and the bill, having already been printed, was read twice under suspension of the rules and assigned for third reading at four o'clock this afternoon.

From the Senate: Bill "An Act Amending the Law relating to Embalmers and Funeral Directors" (H. P 1666) (L. D. 856) which was passed to be enacted in the House on April 10th and passed to be engrossed on April 5th as amended by Committee Amendment "A" and as amended by Senate Amendment "A".

Comes from the Senate, passed to be engrossed as amended by Committee Amendment "A" and as amended by Senate Amendments "A" and "B" in non-concurrence.

In the House, on motion by Mr. Stilphen of Dresden, the House voted to recede from its former action whereby it passed this bill to be enacted, and to further recede from its former action whereby it passed the bill to be engrossed.

Senate Amendment "B" was read by the Clerk and adopted and the bill as amended by Committee Amendment "A" and as amended by Senate Amendments "A" and "B" was passed to be engrossed in concurrence.

Mr. WALKER of Littleton: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Littleton, Mr. Walker, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. WALKER: Mr. Speaker, on Monday, when I left the station, to come home, a car drew up, and one of the townsmen in my constituency



asked that I present a bill to the Legislature. Naturally, I argued against it, but they have sent in this bill to incorporate the school district. I have talked with one of our Senators who is a lawyer, in regard to this bill, and he, and the Revisor of Statutes, have drawn up a bill.

I am asking at this time to present this bill.

The SPEAKER: The Clerk will read the title of the bill.

An Act Incorporating the Town of Oakfield School District.

The SPEAKER: The gentleman from Littleton, Mr. Walker, asks unanimous consent to introduce a bill at this time, notwithstanding the joint closing order. Is there objection?

The Chair hears objection.

#### Reports of Committees Divided Report

Majority Report of the Committees on Labor and Judiciary jointly on Bill "An Act for Minimum Wage for Women and Minors" (H. P. 1426) (L. D. 599) reporting same in a new draft (H. P. 2231) (L. D. 1181) under title of "An Act to Protect the Industry of Packing of Fish and Fish Products and to Establish a Minimum Wage for Women and Minors Employed Therein" and that it "Ought to pass"

Report was signed by the following members:

Messrs. Hill of Cumberland  
Burns of Aroostook  
Chase of Washington  
—of the Senate.

Marshall of Auburn  
Arzonico of Yarmouth  
Bird of Rockland  
McGlaufflin of Portland

Miss Clough of Bangor

Messrs. Preble of Millinocket  
Slosberg of Gardiner  
Weatherbee of Lincoln  
Thorne of Madison  
Varney of Berwick  
Hinckley of So. Portland  
Miller of Bath

—of the House.

Minority Report of same Committees reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Miss Laughlin of Cumberland  
—of the Senate.

Mr. Fellows of Augusta  
—of the House.

Mr. PIKE of Lubec: Mr. Speaker, I move the acceptance of the majority report "Ought to pass," and I would like to make a very brief explanation. This bill will affect only the sardine industry, and is favored by over eighty per cent of the employers and, as far as I know, by one hundred per cent of the employees. The reason for this bill is the fact that we are not under the Federal Wage and Hour Act. That is a brief statement of the situation.

The SPEAKER: The gentleman from Lubec, Mr. Pike, moves that the House accept the majority report of the Committees on Labor and Judiciary, reporting "Ought to pass in new draft" on Bill "An Act for Minimum Wage for Women and Minors" (H. P. 1426) (L. D. 599), new draft (H. P. 2231) (L. D. 1181) under title of "An Act to Protect the Industry of Packing of Fish and Fish Products and to Establish a Minimum Wage for Women and Minors Employed Therein."

The Chair recognizes the member from Whitefield, Miss Fowles.

Miss FOWLES: Mr. Speaker, I realize that I am in the minority, but, be that as it may, nevertheless, I want to be on record as opposed to discriminatory legislation. My reason for this is that in so many instances women have been pushed out of their positions and replaced by men. To prove this, I will read a statement by Mary Anderson, head of the Women's Bureau in Washington, who is supporting a bill similar to this, and, in fact, sent a representative from Washington down here to help put this bill through, and in her annual report published in January, she states as follows:

'Available data indicate that men are encroaching in women's traditional fields of retail trade, hotels, restaurants, laundries, dry cleaning, textiles, men's clothing and confectionaries.'

It is very significant that this encroachment takes place in the states which have laws similar to the one proposed here, fixing the minimum wages for women and minors.

We have also heard here that men cannot possibly displace women in the canneries because of the fact that women's fingers are so flexible that they can do the work so much

better that it would not pay for these cannerys to displace women by men. Evidently, for some reason, which I am unable to understand, the flexible fingers do not seem to save them in Oregon, wherein the Oregon cannerys men and boys were hired to displace women, so that the women workers petitioned the State Welfare Commission to reduce their minimum wages so low that men could not underbid them. Therefore I hope that the "Ought to pass in new draft" report will not be accepted.

Mrs. ROBINSON of South Portland: Mr. Speaker and members of the House: I am opposed to this bill. I will quote from an instance which happened in the State of Ohio:

"The Ohio Minimum Wage Law designed primarily to benefit women workers, did a nobly beneficent act for some women workers. A Beach Club on a lake, open only about ninety days in a year, wanted to arrange its schedule of work for waitresses so as to give the girls the maximum benefit of the busy season. The minimum wage law inspector disapproved of the plan submitted by the Club Manager after he had talked it over with the waitresses, who had agreed to it. So the manager fired nine waitresses and hired in their stead negro waiters."

I therefore hope the "Ought to pass in new draft" report of the committee will not be accepted.

Mr. PIKE of Lubec: Mr. Speaker, very briefly, the Oregon salmon canning industry of course is not comparable at all to the sardine industry. I have been in the sardine industry for twenty-five years, and every year at least three thousand women and minors are employed in that industry packing fish, and, to my knowledge, I have never known of one man being hired to pack fish. I think that answers the question.

Mr. SLEEPER of Rockland: Mr. Speaker, I would just like to say a word for our city of Rockland. The packing of sardines is one of our larger industries, and all the packers and workers are very much in favor of this bill. It has been my luck or good fortune to have been in the State of Oregon, and I will say that the member from Whitefield (Miss Fowles) is right when she says that men and boys are employed in the factories there, but ninety-five per cent of them are Chinamen, Japs and Philipinos.

The SPEAKER: The question before the House is on the motion of the gentleman from Lubec, Mr. Pike, that the House accept the majority report of the Committee on Labor and Judiciary, "Ought to pass in new draft," on Bill "An Act for Minimum Wage for Women and Minors" (H. P. 1426) (L. D. 599), new draft (H. P. 2231) (L. D. 1181) under title of "An Act to Protect the Industry of Packing of Fish and Fish Products and to Establish a Minimum Wage for Women and Minors Employed Therein."

Miss FOWLES: Mr. Speaker, may we have a division.

The SPEAKER: The member from Whitefield, asks for a division.

Miss CLOUGH of Bangor: Mr. Speaker and members of the House: Lest this Honorable House should think that all of the women of the House are opposed to this measure, I would like to rise and defend my reasons for voting on the passage of this bill. I want to say at the outset that if I believed for one moment that the passage of this bill would jeopardize the job of any woman in this industry, I should not have voted for it.

Now I think we must realize, from the outset, that women who are engaged in industries of this sort are realists, not theorists, and they are not interested in any abstract equality with men.

They want to be paid wages in keeping with the service they render and with their needs. They do not belong to trade unions, and, because they have no bargaining agency to intercede for them, they look to the government which they know has the power to help them, and to pass laws that will protect them from that exploitation against which they as individuals are powerless.

So long as this exploitation exists—a condition which this bill is designed to correct—I am not prepared to commit myself to opposing the wants of women less fortunately situated than I, purely on the basis of any abstract feminine theory. I therefore hope that the motion to accept the majority report of the joint committees on Labor and Judiciary will prevail.

The SPEAKER: All those in favor of the motion of the gentleman from Lubec, Mr. Pike, that the House accept the majority report "Ought to pass in new draft" will rise and

stand in their places until counted and the Monitors will make and return the count.

A division of the House was had.

Eighty-nine having voted in the affirmative and 13 in the negative, the motion prevailed, and the majority report "Ought to pass in new draft" was accepted, and the bill, having already been printed, was read twice under suspension of the rules and assigned for third reading at four o'clock this afternoon.

### Divided Report

Majority Report of the Committees on Labor and Judiciary jointly on Bill "An Act relating to Minimum Fair Wages for Women and Minors" (H. P. 1641) (L. D. 644) reporting that same be referred to the next legislature.

Report was signed by the following members:

Messrs. Hill of Cumberland  
Burns of Aroostook  
Chase of Washington  
—of the Senate.  
Arzonico of Yarmouth  
Marshall of Auburn  
Hinckley of So. Portland  
Slosberg of Gardiner  
Bird of Rockland  
Varney of Berwick  
Preble of Millinocket  
Weatherbee of Lincoln  
McGlaulin of Portland  
Miss Clough of Bangor  
Messrs. Thorne of Madison  
Miller of Bath

—of the House.

Minority Report of same Committees reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Miss Laughlin of Cumberland  
—of the Senate.  
Mr. Fellows of Augusta.  
—of the House.

On motion by Mr. Butler of Waterville, the majority report, reporting the same be referred to the next Legislature, was accepted and sent up for concurrence.

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Primary Nominations" (H. P. 9) (L. D. 15) reporting same in a new draft (H. P. 2232) (L. D. 1182) under same title and that it "Ought to pass."

Report was signed by the following members:

Miss Laughlin of Cumberland  
Messrs. Hill of Cumberland  
—of the Senate.  
McGlaulin of Portland  
Varney of Berwick  
Bird of Rockland  
Hinckley of So. Portland  
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. Burns of Aroostook  
—of the Senate.  
Thorne of Madison  
Weatherbee of Lincoln  
Fellows of Augusta  
—of the House.

Mr. COWAN of Portland: Mr. Speaker: I move the acceptance of the majority report, and in support of that, if I may speak a few words to you members without boring you too much, I would like to do so. I was told this morning by a very good friend of mine that if I spoke more than five minutes he would walk out on me, so I will try to do it in four minutes and fifty-nine seconds, or less.

In the first place, gentlemen, I want to call your attention to the fact that this bill has now been printed and is the last item in your volume received this morning, being Legislative Document No. 1182. The meat of the measure is contained in the paragraph on Page 5. The provision, as you see, is as follows:

"In the case of candidates for governor, United States senator, or representative to congress, if said tabulation discloses that no candidate received a majority of the votes cast in his district by the voters of his party," then a run-off primary election shall be held, and the two highest candidates shall be put forward to see which one shall have the endorsement of the party.

Now some people, without giving this a thought, may erroneously think that this is an attack on the primary law. Gentlemen, I would never tolerate any attack on the primary law as far as I am concerned. I have worked too hard trying to maintain that law. But, if, during the passage of years, we have found the law we passed a quarter of a century ago, due to change in customs and conditions

and situations, is not quite fulfilling our hopes and keeping pace with our program, it is our duty to try and see if we cannot make it accomplish that purpose. That is the object of this bill, not to help break down the primary law, but to help strengthen the primary law, so that it will be a part of our permanent elective structure.

Now I have before me figures which I shall not bore you with. I have figures on all the elections for these three offices since 1912, when the primary law was adopted. I am not going to offer these figures, but I find, in going over these figures, which I submitted to the Judiciary Committee, that on several occasions in the State of Maine, either in the Congressional districts or in the gubernatorial fight, there has been a candidate of the Republican Party that failed of election, apparently due to having been a minority candidate in his own party, and, on at least three other occasions, candidates for Congress in district have been elected but have failed to get the support of their party because there was always this situation of minority candidates.

It is to correct this situation that this bill is introduced. It has been suggested in the halls of this building that this bill is aimed at some candidate or candidates. I assure you that is not the case. It has been truly said here—and we say it without reservation—that this bill, if passed, might affect the candidacy of some one candidate, but that is not a personal attack on that candidate. The one that is referred to here is one of my personal friends, and I discussed this thing personally with him. I did not vote for him two years ago, and I may not ever vote for him whether this has passage or not, but he is a friend of mine, and I talked with him personally.

Now what arguments might we advance for this bill? Here we have a one-party state—as I see it, we are a one-party State, because it is very rarely that the Democrats here have elected a man to State office. There are other one-party states in this country. Now in these one-party states we are developing internecine warfare among ourselves. If we can not fight the Democrats, we fight the Republicans, and, down South, if they cannot fight the Republicans they fight the Democrats.

We have developed party disharmony, and it reflects against our election system and helps develop blocs in the party, and when you develop blocs in the party you have stepped out of true Democracy, you have stepped out of true Republicanism, and you have stepped toward Fascism. They have developed the bloc system in England, in Spain, in France and in Germany. It is unnecessary for me to repeat these things, because you all know.

Now we have, in the last few years in the State of Maine, developed blocs, and these blocs are bad for party government. I do not need to say anything more on that, because we all recognize that, whether we have voted with or against these blocs.

Now this thing has not been confined entirely to one party. The Democrats have had the same trouble on one occasion that we have had. I think we can safely say that a Democratic Governor of Maine would not have been elected six years ago had we had a united Republican Party. As these figures show, the Republican candidate was a minority candidate, and those of us who worked in that election remember the hard feelings that developed and remember the split of the party, so that a Democratic Governor was elected.

Some years ago Carroll Beedy ran for Congress down in the First District. There were many candidates that year. Mr. Beedy did not have any idea of being elected, but he was a likeable chap, an engaging personality, a wonderful orator, and, when the votes were counted, it was found that he had about thirty per cent of the vote cast, and he was nominated. Carroll Beedy served in Congress for six or seven terms, but he never had the unanimous support of the Republican Party in that district. There was always an undercurrent of feeling that he was a minority candidate. Now this bill is designed to overcome that situation.

We had, four years ago, down in the First District, an election, and Mr. Oliver won out. Now the question here is not whether Mr. Oliver has the unanimous support of the Republican Party behind him. I know in that district there is a feeling of resentment toward Mr. Oliver, based on the fact that he is a minority candidate.

In this district right here, this

Second District, we have the Hon. Mr. Smith, who is now in Congress. Mr. Smith was the minority candidate, and I know, in talking with some of the people in this District that there is a resentment toward Mr. Smith because he is a minority candidate. I will not go on and cite other instances.

Now this thing is not a matter that will happen every year. It will happen occasionally if you pass this bill. It may happen occasionally in a certain Congressional District or statewide. This is not an expensive proposition, but it will occasionally happen, and there will be the expense of a special election that we have got to bear, but the Secretary of State informs me that the cost of that special election will be little.

I have already taken up my four minutes and fifty-nine seconds, gentlemen, and I am not going to take any more of your time.

Mr. THORNE of Madison: Mr. Speaker, I was hoping that I would not have to inflict my presence upon you, but I feel that I must do so. I feel that this is almost a personal matter with me. It is a matter which interests and affects everybody in the State of Maine. One of the things which I retained from my youth is an affection for the Maine primary law. I liked it then when it was passed, and I have liked it all through the years, and "With all her faults, I love her still."

Now by that primary law I have been defeated, and I have been successful. The idea of that primary law was a plurality; the man who received the most votes in the primaries was the nominee of the party. I think that is still the idea of the people of the State of Maine today.

Now this report is a majority report "Ought to pass" on this bill. If you will notice, the report of the majority, with the exception of the gentleman from Rockland, Mr. Bird, is signed by the members of the Judiciary Committee from the First Congressional District.

Two years ago before that committee there appeared about every defeated candidate for Congress in the primary and recommended the passage of this act. Now I object to any change in the Maine primary law, and I hope that the motion of the gentleman from Portland, Mr.

Cowan, will not prevail. I hope that you will vote to retain the Maine primary law as it now is and has been during all these years. (Applause)

Mr. MAXIM of Portland: Mr. Speaker, I want to say at the beginning that I yield to no one in my loyalty to the Maine Primary Law, and I second the statements of the gentleman from Madison (Mr. Thorne) in that respect. I cannot, however, regard it as a sacred writ, not to be changed in any particular as we find from experience that it should be changed.

It seems to me that in this era, when more and more candidates are running for Governor and Congress, that we have got to do something in order to strengthen the primary law, not to defeat it. It seems to me that the experience of the last two or four years amply demonstrates the advisability of the run-off primary system which this bill embodies. This system is now in effect in various other states and is working out very well, and it seems to me will greatly strengthen the operation of the Maine Primary Law.

In a First District election two years ago, a candidate for Congress was nominated, although he had, as I recall it, only slightly more than one-quarter of all the votes. That meant that something like 75 per cent of all the voters in the election did not vote for this man. I have nothing whatever to say against his performance in Congress; I think he has done a remarkably good job on the whole, although I do not agree with all of his ideas. But it was a very unfortunate thing at that time that the voters of the First District were not permitted to engage in another run-off election in order that the next highest candidate might go to the test of the polls along with the candidate who was then declared successful.

I can see no disadvantage in this bill, but I can see a good deal of advantage in that it will permit the majority, the disappointed majority, you might call it, in the case of a minority candidate, going to the polls again and deciding as between the highest man in the election and the next highest man. It seems to me that this is the most useful device to insure the true expression of the will of the majority, which, after all, is the basis of our representative system of government. I

therefore hope that the majority report will be accepted.

Mr. HINCKLEY of South Portland: Mr. Speaker, just a word. I think that most of you who were here last session will agree with me that I did everything I could to support the primary law as it exists at the present time. I have been a consistent upholder of the primary system. I have debated this bill with myself for many hours wondering just where I should stand when this report came out. I have come to the conclusion that the majority report here should prevail. I am still a distinct upholder of the primary system and I do not think that we should meddle with it unless it is absolutely necessary to do so.

The gentleman from Madison, Mr. Thorne, stated that, with the exception of Brother Bird, all the members on this report—the majority “Ought to pass” report—all come from the First District. I did not realize that until he called it to my attention. I did not vote for Congressman Oliver. I voted for another candidate. At the time I promised him I would do so was before Congressman Oliver came on the scene. If I had a vote now, and if I have a vote when the next election comes along, I shall vote for Mr. Oliver, whether there be one or fifteen in the field. I think Mr. Oliver is way ahead of any man—and I say this charitably—that was in that field at that time I believe you cannot defeat Mr. Oliver in the First District by one or a dozen men at the present time.

I think, however, that the primary law does need some change. I believe that if a candidate for a high position is to be elected by the people, he should be elected by a majority of the people. Therefore I vote for this bill.

Mr. RICHARDSON of Strong: Mr. Speaker and members of the House: I desire to be recorded as opposed to the adoption of the majority report on this particular measure. I will simply call your attention to the fact that we in this State have the best governed state in the Union. The standards of our officials, both State and those who represent us in the National Congress, are on a par with those to be found anywhere. I maintain that if we force men and women of moderate means to face a run-off primary, it means that they will lose out before they

start. It takes money today in this State to enter a primary contest. I think it safe to say that if his particular measure, as it is written now, had a referendum provision attached to it and went before the people of this State, that it would go down more than ten to one. I think I am safe in saying that if it is passed it is going to face a referendum with the same result.

Mr. BUZZELL of Belfast: Mr. Speaker, I wish to disagree with some of my very, very good friends for whom I have the highest regard, not only for their friendship and their legal attainment, but I cannot seem to go along with them in their reasoning.

You know I was just coming onto the scene of action when the old County Convention system was at its height.

Here in this House we have heard something about some things smelling to high heaven, but the stench from the old County Convention system went far above that. They never have been able to get into the strata where it arose from.

Now it is true—it is true that Maine is well governed. You would all admit that—of course you all would—and it is well governed because the people have the right to say about its government. But I am fearful that we have two elements in our Republican party: The remnants or a part at least of the Old Guard who make me think of the title of that song “Jimmy Gallagher Just Hanging on.” For years since the adoption of the primary law they have been trying to bang away and dig away at the foundations of the primary law, knowing all the time that the broader the base the stronger the apex, and that if they could loosen up on the base, some day the apex might tumble.

Now I wish to get at some of the argument that has been introduced here. I too, like some of the other speakers, did not intend to speak but a short time, but it is my duty I feel to speak as long as I ought to to meet some of the arguments. I call your attention in particular to the House Advance Journal of this Day of our Lord, and look at that. Look at your report. All those who signed the majority report are from the First District, and three of them—three out of the four—are from Portland. I simply say that I can see the reason for

their feeling this way, coming from the great county of Cumberland that sometimes, when things do not go to suit them, feel that they would like to secede from this great State, the finest state in the Union today. You know there are only two states in the Union left—Maine and Vermont—Maine and Vermont—and thank the Lord if enough saw fit and the Republican party acts as it should 365 days in the year, many of those other states will return to the fold again.

Now the minority report is signed by four, from different counties,—the great Aroostook, the gentleman from Madison, Somerset, the gentleman from Lincoln, Penobscot, and the gentleman from Augusta, Kennebec—four counties.

Now I have heard something about discriminatory laws, and all that complaint about what has happened in Portland, Cumberland County. I want to tell you why I am in favor of just what happened in Cumberland County and what would be the result if this law was passed and came along. It is discriminatory, because it only selects the Governor, United States Senators and Congressmen. If it was good, it if was worthy of even the title, why not have it go on through all county officers? Why stop right there?

One gentleman has spoken about he did not think there was anything about the primary law that was the Holy Writ or the Sacred Writ. My friends, you know there is not anything about politics, there is nothing sacred about politics anyway. We are all politicians, and those that say they are not have not looked in the dictionary to find out what politician means. A politician is a person, every man or woman, who is interested in the science of government. If we have one person within the confines of the State of Maine that is not a politician he is not what he ought to be for a citizen.

Now for years one of the main arguments that I have heard offered against the primary law in this Legislature many times is that there are too many elections,—too many elections. I hope the newspapers of the State of Maine will make a special note of my argument at this time if they want to, and that is that you do not get the ablest men to take part in a primary election and then in the State election,

and here now, here now, they want a third election. If you did not get the ablest men before what are you going to get if you increase the trials and tribulations one-third. I hope they will argue that out in their editorials very satisfactorily to all concerned.

Now the gentleman from Cumberland County has told us about minority candidates in the First District and also about things in the Second District, that they had an opportunity for just one candidate to run against both of those successful candidates since their nomination but no one appeared. They did not care to run against that minority candidate at that time.

One of the things that I do not like about this law is this, and I think that many of you will agree with me: One speaker has said that is a one party State. I cannot agree with him. This is a two party State, and, as another gentleman in this House has said at one time, we have come down here with a definite job in view and a definite job to do. I want to say that I am fearful that if we do not do that job fully and as well as we can do it that we will have a second stronger party in this State. Just put that in your pipe and smoke it.

Now let us see about that county with nine candidates. They say that the majority candidate, the candidate that was nominated, was a minority candidate. All right, what would happen if some of the Old Guard harked back to some of their early practices, and, afterwards, in the run-off election the Old Guard gets together and says, as they used to years ago, especially the night before: "Let us gang up on one man, let us gang up on him." Oh! in this splendid State of ours, we have long gotten by the political activities of the Jesse James of twenty-five years ago! Gang up on one man! What kind of a candidate do you think you will get under those conditions! Would it be a candidate or what kind of a candidate would it be?

Now, my friends, as I look into your faces, the most of you cannot remember the old Convention system, but you know that the old Convention system bred a King in every town, a little bigger King in every county, and a larger King in the State of Maine. Oh, how I remember the names of some of them!

I will not call any of their names near home, but I remember them though. (Laughter) But I will speak of the King of all the Kings in our party, and that was Mark Hanna. What a splendid King he was! Where did he take us! You all knew where he took us to.

I am not in favor of that, and I appeal to the members of this Legislature, whom the people trusted when they voted for you under the present primary law. Let us do a good job, and let us not go back on them for one county or two counties in the State who have special trials of their own. I hope that the majority report does not prevail.

Mr. COWAN: Mr. Speaker, not being a candidate for Congress, and having no hopes or desires that way, I look at this thing not as a personal matter but for the benefit of the State as a whole.

Attention has been called to the fact that the majority report was signed by Representatives of the western counties in the First District. It just so happens that a majority of the older members of this House who are in the legal profession and are thereby eligible for service on that great committee, the Judiciary Committee, happen to come at the present moment from that particular district. Therefore, the majority of the committee is from the western part of the State, and that may explain to some extent at least the majority in that particular district.

Now this is not something that just applies in one district. In 1936, gentlemen, the First Congressional District had a minority candidate, and we elected the Hon. Mr. Oliver. In 1936, the Second District had a minority candidate and we succeeded in electing the Hon. Mr. Smith. In 1934, the Second District, this same district, cast 30,000 Republican votes in the primary, and the person who received the nomination, the Hon. Mr. Dwinal of Camden, received 8,161 votes, and those of us who know Zelma Dwinal know he would have made a wonderful congressman, but he was defeated.

In the Third Congressional District, in 1932, there were five candidates, and the Hon. Mr. Brewster, a personal friend of mine, was a minority candidate. He received considerably less than one-half, but he received a little more than one-third of the votes. This is not a

local matter with the First District at all, and if I thought it were I would not have presented the bill.

Mr. SLEEPER of Rockland: Mr. Speaker, I hesitate to rise, because I am not a lawyer, but I am very much interested in the passage of the majority report on this bill.

As I said before, perhaps I am not versed in the law, but I have got a confession to make, and this past session of the Legislature seems to be a confession. Although I am not a lawyer, I was born and brought up in politics, and I have got to admit that since I was that high I have been interested in politics. I will say that I had a grandfather who is a member of the Republican Party, and he kept himself in the City Council and on the Governor's Council in Massachusetts just by using such politics as the primary system now allows them to use. I was dark and swarthy when I was a little boy, and he used to take me into the taverns in the Jewish District and introduce me as his grandson. And my brother Henry, who had blue eyes and red hair, was carried into the Polish and Irish districts and introduced as his grandson. Then he always made sure that there were at least six or seven Democratic candidates who were in opposition to him, and he always won.

I certainly hope that the majority report will be accepted on this, because it will correct one of the great abuses of the primary system.

It has been stated that the old convention system used to be run the way Jesse James would run it. If Jesse James is responsible for James G. Blaine and James B. Reed, show me another Jesse James.

I have been in politics in the State of Maine in an active capacity for seven or eight years, and I really cannot honestly say that our Representatives in Congress can compare to the slightest degree with James B. Reed and James G. Blaine; and, if I must be awfully nice and candid, I will say that since I have been interested in politics Mr. Moran of Rockland has been the outstanding Congressman of that district or any district in the State.

So, as a party man, and as a believer in good government, I would like to see the majority report accepted and see if we cannot have some improvement.

I have another confession to make here—and you should not take these



confessions personally—but I will say that the Democrats very seldom have any trouble in the primaries, because their smartest man is always handpicked, and although this State is a Republican State I haven't seen an awful lot of Democratic victories. I have been up here for four years under a Democratic Governor. So I would say that if the Republicans are smart they will adopt this policy, and this is the bill to do it. I will also say to the Democrats that I think that it is a good time for them to adopt the same thing, because in the eleven states which have the run-off, they practically all are Southern or Democratic States, and no one can deny that the outstanding statesmen in Washington today are those who come from the southern states where they have run-off primaries.

I know it is going to be a tough problem. I am not from Cumberland County but I want to say I, in the interest of good party government and good State government, I want to see the best men possible picked, whether they be Democrats or Republicans to represent us down in Washington.

Mr. BUZZELL: Mr. Speaker, just one more word in connection with this bill. I agree with the last speaker that confession is good for the soul, but I do not really like the idea of having a State-wide primary come on the first Monday of May. It strikes me that your cities and your large centers could very well vote on the first Monday in May, but I am afraid your roads in the rural sections of the State of Maine might be a little tough for the voters to get out and express their wishes on that date.

Mr. DOWNS of Rome: Mr. Speaker. I move the previous question.

The SPEAKER: The gentleman from Rome, Mr. Downs, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the affirmative consent of one-third of the members present. All those in favor of the Chair entertaining the previous question will rise and stand in their places until counted, and the Monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members present having arisen, the motion will

be entertained. The question before the House now is, shall the main question be put now? Is it the pleasure of the House that the main question be put now?

The motion prevailed, and the main question was ordered.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Cowan, that the House accept the majority report of the Committee on Judiciary reporting "Ought to pass in new draft" on Bill "An Act relating to Primary Nominations." The gentleman from Rome, Mr. Downs, asks for a division. All those in favor of the acceptance of the majority report will rise and stand in their places until counted, and the Monitors will make and return the count.

A division of the House was had. Thirty-four having voted in the affirmative, and 69 in the negative, the motion did not prevail.

The SPEAKER: The gentleman from Madison, Mr. Thorne, now moves the acceptance of the minority report "Ought not to pass." Is this the pleasure of the House?

The motion prevailed, the "Ought not to pass" report was accepted, and sent up for concurrence.

### Ought Not To Pass

Mr. Jewett from the Committee on Pensions reported "Ought not to pass" on the following Resolves:

S. P. 37, Resolve Providing for a State Pension for Woodbury G. Love, of Southport.

S. P. 63, Resolve Providing for a State Pension for Arthur Nelke, of Lewiston.

S. P. 77, Resolve Providing for a State Pension for Ella P. Furlong, of Winthrop.

S. P. 125, Resolve Providing for a State Pension for Alice M. Gould, of Robbinston.

S. P. 126, Resolve Providing for a State Pension for Joseph Willett, of Augusta.

S. P. 127, Resolve Providing for an Increase in State Pension for Perley A. Haskell, of Augusta.

S. P. 156, Resolve Providing for a State Pension for William O. Aldus, of Belfast.

S. P. 161, Resolve Providing for a State Pension for George E. Kittredge, of South Portland.

S. P. 168, Resolve Providing for a State Pension for Elizabeth Merrill, of Augusta.

S. P. 188, Resolve Providing for an Increase in State Pension for Grace E. Taylor, of Augusta.

S. P. 194, Resolve Providing for a State Pension for Sadie J. Hill, of Belfast.

S. P. 225, Resolve Providing for a State Pension for Otis Jacob Bowen, of Newport.

S. P. 266, Resolve Providing for a State Pension for Earl McMillan, of Augusta.

S. P. 267, Resolve Providing for a State Pension for Mary H. Deehan, of Augusta.

S. P. 269, Resolve Providing for a State Pension for Frank Ross, of Vanceboro.

H. P. 80, Resolve Providing for a State Pension for Lura N. West, of Unity.

H. P. 81, Resolve Providing for a State Pension for Irene Forbes, of Brooks.

H. P. 82, Resolve Providing for a State Pension for Edgar Frost, of Unity.

H. P. 132, Resolve Providing for a State Pension for Clement A. Chase, of Bradford.

H. P. 135, Resolve Providing for a State Pension for Perez G. Townsend, of East Corinth.

H. P. 136, Resolve Providing for a State Pension for Albert Roberts Skolfield, of East Corinth.

H. P. 255, Resolve Providing for a State Pension for Andrew B. Berry, of Camden.

H. P. 264, Resolve Providing for an Increase in State Pension for Anna Lou Hobart, of Farmington.

H. P. 291, Resolve Providing for a State Pension for George U. Fish, of Etna.

H. P. 297, Resolve Providing for an Increase in State Pension for Ada E. Bailey, of Searsport.

H. P. 392, Resolve Providing for an Increase in State Pension for George A. Penney, of Montville.

H. P. 394, Resolve Providing for a State Pension for Everett Earl Rand, of Troy.

H. P. 400, Resolve Providing for an Increase in State Pension for Lottie M. Hobart, of Orono.

H. P. 441, Resolve Providing for a State Pension for Nellie Flanders, of Auburn.

H. P. 442, Resolve Providing for a State Pension for Ralph A. Smith, of Bath.

H. P. 446, Resolve Providing for an Increase in State Pension for George H. Pottle, of Gardiner.

H. P. 449, Resolve Providing for a

State Pension for Mildred B. Wadsworth, of Gardiner.

H. P. 450, Resolve Providing for a State Pension for Fred E. Jones, of Washington.

H. P. 451, Resolve Providing for a State Pension for Donald Wilson, of Bath.

H. P. 572, Resolve Providing for a State Pension for Lucinda Smith, of Lisbon.

H. P. 574, Resolve Providing for a State Pension for Addie Sargent, of Athens.

H. P. 657, Resolve Providing for a State Pension for Inez M. Dyer, of Carmel.

H. P. 662, Resolve Providing for a State Pension for Eva MacDonald, of Glenburn.

H. P. 665, Resolve Providing for an Increase in State Pension for Edith T. Bowman, of Hallowell.

H. P. 789, Resolve Relating to a Retirement Pension for Wilder F. Creamer, of Northport.

H. P. 790, Resolve Providing for a State Pension for William Dickinson, of Island Falls.

H. P. 792, Resolve Providing for a State Pension for Mary E. Peavey, of Newport.

H. P. 793, Resolve Providing for a State Pension for Lewis Cowett, of Caribou.

H. P. 796, Resolve Providing for a State Pension for Robert C. Haskell, of Brewer.

H. P. 797, Resolve Providing for a State Pension for George E. Johnson, of Machias.

H. P. 808, Resolve Providing for a State Pension for Mattie W. Howard, of Litchfield.

H. P. 810, Resolve Providing for a State Pension for Maud Strout, of Alexander.

H. P. 816, Resolve Relating to a Retirement Pension for Burleigh E. Bean, of Waite.

H. P. 838, Resolve Providing for a State Pension for William Joseph Fox, of Augusta.

H. P. 839, Resolve Providing for a State Pension for Desiree Pelletier, of Augusta.

H. P. 840, Resolve Providing for an Increase in State Pension for Etta L. Miller, of Waldoboro.

H. P. 1079, Resolve Providing for a State Pension for Colby C. Carl, of Fairfield.

H. P. 1080, Resolve Providing for an Increase in State Pension for Florence E. Colbeth, of Exeter.

H. P. 1081, Resolve Providing for

a State Pension for Esther Leathers, of Newport.

H. P. 1082, Resolve Providing for an Increase in the State Pension of George L. Harvey, of Belfast.

H. P. 1083, Resolve Providing for a State Pension for William A. Ryan of Belfast.

H. P. 1084, Resolve Providing for a State Pension for Eunice P. Higgins, of Belfast.

H. P. 1086, Resolve Providing for a State Pension for Mary Roxana Keller, of Richmond.

H. P. 1089, Resolve Providing for a State Pension for Leroy W. Gordon, of Thorndike.

H. P. 1094, Resolve Providing for a State Pension for Herbert Blake-lin, of Charlotte.

H. P. 1097, Resolve Providing for a State Pension for Hattie Sawyer, of South Portland.

H. P. 1099, Resolve Providing for a State Pension for Otis Homsted, of Hermon.

H. P. 1100, Resolve Providing for an Increase in State Pension for Flora E. Babb, of West Gardiner.

H. P. 1101, Resolve Providing for an Increase in State Pension for Frank A. Durgin, of Fairfield.

H. P. 1103, Resolve Providing for a State Pension for Everett Pelkey, of Mapleton.

H. P. 1104, Resolve Providing for a State Pension for George F. Harrington, of Bethel.

H. P. 1192, Resolve Providing for a State Pension for Alden H. Robbins of Belfast.

H. P. 1193, Resolve Providing for an Increase in State Pension for Iva Hathorn, of Medford.

H. P. 1194, Resolve Providing for a State Pension for Lizzie Kimball, of Hiram.

H. P. 1335, Resolve Providing for a State Pension for Warren Brook-er, of Limestone.

H. P. 1452, Resolve Providing for a State Pension for Peter R. Kimball, of Bangor.

H. P. 1522, Resolve Providing for a State Pension for Susie A. Patten, of Newport.

H. P. 1524, Resolve Providing for a State Pension for Raymond Pear-son, of Farmington.

H. P. 1528, Resolve Providing for a State Pension for Lena M. Hall, of Norway.

H. P. 1529, Resolve Providing for a State Pension for Sidney E. Kaler, of Washington.

H. P. 1796, Resolve in Favor of Wesley Heal.

Mr. Welch from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve for Screening the East Outlet of Gardners Lake in East Machias in Washington County (H. P. 475)

Mr. McGlauffin from the Com-mittee on Judiciary reported same on Bill "An Act relating to Nomi-nations of Independent Candidates" (H. P. 1597) (L. D. 911)

Mr. Stilphen from the Commit-tee on Ways and Bridges reported same on Bill "An Act relative to the Opening of Ways by County Commissioners" (H. P. 1467) (L. D. 571)

Mr. Burgess from same Commit-tee reported same on Resolve relat-ing to Lighting Mount Desert Bridge (H. P. 1219) (L. D. 427) as it is tak-en care of in other legislation.

Mr. Goss from same Committee reported same on Resolve relating to Mount Desert Bridge (H. P. 726) (L. D. 309) as it is taken care of in other legislation.

Reports were read and accepted and sent up for concurrence.

#### Leave to Withdraw

Mr. Mahon from the Committee on Pensions on Resolve Providing for a State Pension for Perry Grant of Mapleton (H. P. 1102) reported leave to withdraw.

Same gentleman from same Com-mittee reported same on Resolve providing for a State Pension for Norman L. Edson of Harrison (H. P. 813)

Reports were read and accepted and sent up for concurrence.

#### Placed on File

Mr. Stilphen from the Committee on Ways and Bridges on Remon-strances of the Maine State Grange, Maine Automobile Association, State of Maine Camp Owners Association, Maine Independent Oil Dealers As-sociation, Maine Petroleum Indus-tries Committee and the Commer-cial Motor Vehicle Association of Maine (H. P. 2162) against Diver-sion or Additional Appropriation of State Highway Funds to Local Roads reported that they be placed on file.

Report was read and accepted and sent up for concurrence.

**Ought to Pass in New Draft**

Mr. Dow from the Committee on Temperance on Bill "An Act relating to Granting Part-time Liquor Licenses to Hotels" (H. P. 1747) (L. D. 850) reported same in a new draft (H. P. 2233) (L. D. 1180) under title of "An Act to Authorize the Liquor Commission to Grant Part-time Liquor Licenses to Summer Hotels" and that it "Ought to pass"

Mr. Davis from the Committee on Ways and Bridges on Bill "An Act relating to the Expenditure of Highway Funds" (H. P. 1468) (L. D. 572) reported same in a new draft (H. P. 2234) (L. D. 1179) under same title and that it "Ought to pass"

Mr. Dennison from same Committee on Resolve in favor of the town of East Machias (H. P. 601) reported same in a new draft (H. P. 2235) (L. D. 1178) under title of "Resolve in favor of the towns of Machiasport and East Machias" and that it "Ought to pass"

Reports were read and accepted and the bills, having already been printed, were read twice under suspension of the rules and assigned for third reading at four o'clock this afternoon.

**Ought to Pass**

Mr. Holden from the Committee on Pensions reported "Ought to pass" on Resolve providing for a State Pension for Grace E. Dunn of Portland (H. P. 1095)

Report was read and accepted and the Resolve ordered printed under the Joint Rules.

**Passed to Be Engrossed**

Bill "An Act Amending the Law relating to the Installation of Pick Clocks in Textile Factories" (S. P. 151) (L. D. 124)

Bill "An Act relating to the Administration of the Old Age Assistance Law" (S. P. 644) (L. D. 1148)

Bill "An Act relating to Jurisdiction Over Lands Ceded to the United States" (S. P. 659) (L. D. 1159)

Bill "An Act relating to Compensation of the Register of Probate of York County" (H. P. 941) (L. D. 369)

Bill "An Act Repealing the Law relating to the Board of Barber Examiners" (H. P. 1198) (L. D. 474)

Bill "An Act relating to Giving False Alarm of Fire" (H. P. 1328) (L. D. 528)

Bill "An Act to Create a State

Boxing Commission" (H. P. 2168) (L. D. 1145)

Bill "An Act relating to the Retirement of the 1936-1937 Deficit" (H. P. 1535) (L. D. 682)

Bill "An Act relating to the Interstate Bridge Authority for the Portsmouth-Kittery Bridge and Approaches Thereto" (H. P. 1594) (L. D. 693)

Bill "An Act relating to Voters in Civilian Conservation Corps Camps" (H. P. 1623) (L. D. 716)

Bill "An Act relating to a Bounty on Seals" (H. P. 2219) (L. D. 1162)

Sent up for concurrence.

Bill "An Act Amending the Unemployment Compensation Law relative to Railway Employment" (H. P. 2221) (L. D. 1163)

Was reported by the Committee on Bills in Third Reading.

Mr. Varney of Berwick, offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 2221, L. D. 1163, Bill, "An Act Amending the Unemployment Compensation Law Relative to Railway Employment."

Amend said Bill by inserting therein before the Emergency Clause a new section 7 as follows:

"Sec. 7. P. L., 1935, c. 192, sec. 19, amended. Section 19 of chapter 192 of the public laws of 1935 is hereby amended by adding thereto a new sub-section to be numbered (t) and to read as follows:

"(t) "Waiting period of 2 weeks" means 2 weeks of total unemployment or any combination of either, which is the equivalent of not less than 2 weeks of total unemployment."

Mr. VARNEY of Berwick: Mr. Speaker, I cannot resist the temptation to simply call to the attention of the members of the House what this bill really does, and perhaps I can do that most forcibly by saying that while the Judiciary Committee reported to this House that this bill "Ought to pass" I think that if the Committee had really said what they meant, they would have said that this bill "Ought not to pass," but must pass because the Federal government says so. The fact is, that having set up a Maine Unemployment Compensation Commission, with the approval of the Federal government, and having collected from railroad employees under that act something over \$900,000, which is supposedly, at least,

on deposit, for the purpose of paying unemployment compensation to the unemployed people of Maine, the Federal government now, because they have discovered that there is not much unemployment by the railroads, have decided to take over that phase of unemployment compensation and have told us that we must pass this bill which takes the railroads out from under the Maine Unemployment Compensation Act and at the same time transfers that \$900,000 in excess of that figure to the Federal agencies.

I move that the amendment be adopted.

The SPEAKER: Is it the pleasure of the House that House Amendment "A" be adopted?

The motion prevailed, and House Amendment "A" was adopted, and the bill was given its third reading.

#### Passed to be Engrossed (Continued)

Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Department of Health and Welfare" (H. P. 2222) (L. D. 1164)

Bill "An Act relating to the Use of the State Seal" (H. P. 2223) (L. D. 1165)

Bill "An Act relating to Penalty for Operating Motor Vehicle While under the Influence of Intoxicating Liquor or Drugs" (H. P. 2224) (L. D. 1166)

Bill "An Act relating to the Compensation of the National Guard" (H. P. 2227) (L. D. 1169)

Bill "An Act relating to Prenatal Examination" (H. P. 2230) (L. D. 1170)

Resolve Appropriating Money for Study and Control of the Fruit or Blueberry Fly in Maine (S. P. 642) (L. D. 1157)

Resolve Providing for a State Pension for Artell Cookson of New-castle (H. P. 2225) (L. D. 1167)

Sent up for concurrence.

#### Amended Bills

Bill "An Act to Establish an Unpaid Commission to Facilitate the Cooperation of this State with Other States" (S. P. 110) (L. D. 78)

Was reported by the Committee on Bills in the Third Reading, read the third time and passed to be engrossed as amended in concurrence.

Bill "An Act to Provide Moral Instruction for Children in Connec-

tion with the Public Schools" (H. P. 1312) (L. D. 535)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended and sent up for concurrence.

Mr. FARWELL of Unity: Mr. Speaker, out of order and under suspension of the rules I move that the House reconsider Item 16.

The SPEAKER: Will the gentleman inform the Chair where the item is.

Mr. FARWELL: It is a bill in Third Reading, Mr. Speaker.

The SPEAKER: Which item?

Mr. FARWELL: Item 16, "An Act relating to Prenatal Examination" (H. P. 2230) (L. D. 1170)

The SPEAKER: The Chair will inform the gentleman that no action has yet been taken which would be in order for reconsideration. The bill is now pending passage to be engrossed.

Mr. FARWELL: Mr. Speaker, I wish to move for indefinite postponement.

The SPEAKER: The gentleman from Unity, Mr. Farwell, moves that Bill "An Act relating to Prenatal Examination" (H. P. 2230) (L. D. 1170) be indefinitely postponed.

Mr. FARWELL: Mr. Speaker, in support of that motion I would like to say that I think that at this time this particular form of legislation is rather uncalled for, and that this particular bill is so loosely drawn, if you will give it careful consideration, that you will find that every physician attending a pregnant woman shall take a blood test of such woman, which simply means that a woman in that condition, visiting a physician for almost any sort of ailment from an ear ache to a splinter in her hand must be examined and a blood test taken by the physician.

I have talked with one physician only in regard to this matter, and he has informed me that should he consider this blood test necessary, he would take a blood test at this time without any form of legislation. Now you are placing upon the physicians and upon the people of the State of Maine a form of legislation which I consider is "must" legislation, forcing this upon the people of the State of Maine and upon people who go to their physician for almost any sort of

treatment, providing a woman is in a condition of pregnancy. For that reason, and because of the bill being so loosely drawn, to my way of thinking, especially in Section 1, I would move the indefinite postponement of the bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Unity, Mr. Farwell, that Bill "An Act relating to Prenatal Examination" be indefinitely postponed. The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker and members of the House, I just rise to second what has been said by the gentleman from Unity. I think this is inadvisable legislation at this time. We have just passed up a bill providing for examinations prior to marriage. I think that practically every doctor who attends a woman in this condition, as a matter of caution, takes this test anyhow. Now why make it a compulsory matter? How is a doctor going to know, if he treats a woman for another ailment, whether she may or may not be pregnant? But if he does not take this test and she happens to be pregnant, he is liable to a fine. Let us not be in too much of a hurry to put fines and penalties on every act we do in the State of Maine. I hope that this particular bill may not be passed, and that we will give more time for its consideration.

Mr. DOWNS of Rome: Mr. Speaker, perhaps a word of justification for the committee of which I have the honor to be a member would be in order at this time in regard to this bill which they had under consideration. I hold no brief for it and I am not personally interested in any action which this House may take upon it.

I will say that there was a large delegation which appeared before the Committee on Public Health, probably the largest and apparently the most intensely interested delegation, feeling that something should be done along this line.

I do take exception to some of the statements made by my esteemed colleague, the gentleman from Livermore Falls, (Mr. Grua) because, somehow, I do not seem to find in here any provision which would carry a jail sentence or perhaps a State Prison sentence or perhaps a State Prison

sentence if the provisions of the bill were carried out. I have gone over it very hastily. I will simply say that the committee's report was a result of careful and conscientious work and study on the part of your Public Health Committee. I will again repeat my statement that I have no personal interest in it, and I shall not take any affront if you see fit to support the motion of the gentleman to indefinitely postpone, or any other action that you choose to take on it.

Mr. GRUA: Mr. Speaker, I just want to make a correction. As I understand it, under the Revised Statutes of the State of Maine, when no other penalty is provided in a bill, the Revised Statutes provide a penalty for any violation. Therefore, as I understand it, this violation would come under that specification in the Revised Statutes.

Mr. DOWNS: Mr. Speaker, again, in defense of the action of your committee, you will recognize that we have no attorneys upon our committee, so you can readily see the value of legal training.

Mr. HOLMAN of Dixfield: Mr. Speaker and ladies and gentlemen of the House: My personal interest in this bill since I came down here has consisted in a desire to curtail the production of cripples, feeble-minded, and people who are likely to be on relief. Investigation and study on the part of people who are interested in that particular phase of our condition has revealed that a certain class of people are multiplying in this country just twice as fast as the more desirable class.

Upon making some inquiries of my newly-made friends in the House, I find that a certain organization in the State, the Pine Tree Society for Crippled Children, was sponsoring a bill that would require premarital examination for both males and females, with the idea that something should be done along this line. The condition of many of these crippled children is traceable directly to venereal disease. The bill was already drafted and was turned over to me at that stage. After talking it over with members of the House, we redrafted the bill and put it in the hopper.

The Committee on Public Health held a hearing on that bill way back in February—I think it was February 15th, I am not sure of the date, and they have had that bill under

advisement ever since, and they have had the advice of about all the doctors they could contact, as well as the doctors from the Health Department here, and these doctors gave them their advice. They have had conferences on that bill with doctors and have given it a great deal of study. Doctor Coombs told the committee, when he knew that the matter was coming in, that he sent out questionnaires to the physicians of the State, over eleven hundred questionnaires. Over eight hundred of those physicians replied to that question of whether they favored compulsory pre-marital examinations, and over six hundred out of the eight hundred who replied said "Yes." Those who did not reply, some said "No" and some said that they were not well enough informed to give an answer. The doctors in the Health Department, however, rather opposed the pre-marital examination, but they did defend the prenatal examination, and, so far as I have been told since that time, I have found nobody previous to today who has been opposed to prenatal examinations, because everyone states that if treatment is begun at the proper time, children may be born free from the disease which is covered in the bill.

I think,—in fact I know—that ten states in the Union at the present time have compulsory pre-marital examinations, and thirty states have bills in their present Legislatures tending toward this legislation. New Hampshire has a compulsory pre-marital examination law, and so has Connecticut, Rhode Island and New York. The people in New Hampshire come over into Maine and get married sometimes to avoid the New Hampshire law. Vermont has a law, which is not very well enforced, and they have a bill in this present Legislature to change that. Massachusetts has a bill in its Legislature. If these three bills could have been passed, it would have meant a solid bloc in this part of the United States where compulsory pre-marital examination could be enforced. I will say that one of the doctors in the Health Department told me of a case in his own family where the doctor never said anything about it until asked to take it.

I do not think I can say any more. I will simply say that the Public Health Committee took that bill very seriously, spent a lot of time

on it, and reported that bill out within the last two days.

Mr. McGLAUFFLIN of Portland: Mr. Speaker, I am interested in this bill and I would like to ask to have it laid on the table until this afternoon.

The SPEAKER: The gentleman from Portland, Mr. McGlaufflin, moves that Bill "An Act relating to Prenatal Examination" lie on the table pending the motion of the gentleman from Unity, Mr. Farwell, that the bill be indefinitely postponed and specially assigned for this afternoon's session. Is this the pleasure of the House?

Cries of "No, No."

The SPEAKER: All those in favor of the motion that the bill lie on the table until this afternoon will say aye; those opposed no.

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

Mr. McGLAUFFLIN: Mr. Speaker, I am not so helpless but what I can speak without the preparation I would like to have made. I would like permission to face the House.

The SPEAKER: The gentleman has permission.

Mr. McGLAUFFLIN: Mr. Speaker and ladies and gentlemen of the Legislature: I appreciate the fact that you do not want any delays. I merely asked for it to be put over so that I could save a little time by making my remarks concise. Now you will have to take what is coming.

I visited the State Institution at Pownal a few months ago and there I saw some of the most pitiful sights that I ever beheld, in seeing those crippled, deformed, emaciated-looking individuals, all the outgrowth of syphilis. It is one of the worse diseases preying upon our people in the whole world. It has been kept out of sight, and it has not been a good subject to talk about in nice society, and in the meantime the germ has been working destruction that you cannot comprehend. You cannot even have any remote idea of how much suffering and misery has grown out of this disease of syphilis. It consists of a germ that works like a corkscrew into the body and multiplies by thousands and thousands, and many times a man or woman may have this disease for a long time and not even know that he or she has it.

I attended the hearing on this

pre-marital measure, and I myself had some objections to that measure as it was presented, and at the committee hearing, having had experience as Judge of the Portland Municipal Court in many cases where bastardy was involved, where they used to come before me to get a waiver of license so that they could be married and that the children would be legitimate and not bastards. I called the attention of the committee to the fact that I thought some provision should be made so that those children who could be legitimate should not be bastards. I heard the testimony of the various witnesses at that hearing. There were many features that were good, but when this comes out of the committee, it is not that original bill at all, but it is a pre-natal examination instead of a pre-marital examination.

Now this does not go as far as the bill provided for in the first place, but it is a splendid step in the right direction. And why? Because it is positively known that if the mother is examined at the proper time that this disease can be so taken care of that it will not appear in the child. It is a wonderful measure, and it is a wonderful step in the right direction. I tell you, men and women of this Legislature, that this will be one of the most constructive measures that we have passed in this House if it should go through.

I hope that the motion to indefinitely postpone a splendid bill of this kind does not prevail.

Mr. VARNEY of Berwick: Mr. Speaker, I agree with everything that the previous two speakers have said in regard to the possible merits of the bill, if it would do what they apparently think this bill would do. I think, however, that if my friend from Portland (Mr. McGlaulin) had studied this bill or had had an opportunity to study its provisions, he would agree with me that it certainly should not pass in its present form. While I have been in favor of hastening up legislation as much as possible, I am also in favor of giving everyone an opportunity to study these bills in order that they may decide whether they think they should pass or not. I cannot see any harm in waiting until four o'clock this afternoon before we decide on indefinite postponement of this bill, and, for that reason, I now move that the bill lie

on the table until four o'clock this afternoon.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that Bill "An Act relating to Prenatal Examination" lie on the table pending the motion of the gentleman from Unity, Mr. Farwell, that the bill be indefinitely postponed and specially assigned for this afternoon's session. Is this the pleasure of the House?

The motion prevailed, and the bill was so tabled.

Mr. VARNEY of Berwick: Mr. Speaker, I have just been informed that there was an error made in the amendment which I presented on Item II, Bill "An Act Amending the Unemployment Compensation Law relative to Railway Employment" (H. P. 2221) (L. D. 1163) and I now move that it lie on the table until four o'clock this afternoon.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that Bill "An Act Amending the Unemployment Compensation Law relative to Railway Employment," which is Item 11 under the Third Readers on today's calendar lie on the table pending passage to be engrossed and be specially assigned for four o'clock this afternoon. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled.

#### **Passed To Be Enacted (Emergency Measure) Tabled**

Resolve relating to the Construction of a Dormitory at the Prison Farm (S. P. 552) (L. D. 1078)

(On motion by Mr. Varney of Berwick, tabled and specially assigned for four o'clock this afternoon.

#### **Passed To Be Enacted**

An Act Defining and Prohibiting Unfair Sales Practice (S. P. 324) (L. D. 577)

An Act relative to Hunting and Fishing Licenses; Revocation of (S. P. 574) (L. D. 1106)

An Act relating to the State Police (S. P. 623) (L. D. 1124)

An Act relating to the Maine Forestry District (S. P. 624) (L. D. 1125)

An Act Creating the Port Authority of Mount Desert (S. P. 626) (L. D. 1126)



An Act relating to the Administration of State Institutions (S. P. 631) (L. D. 1139)

Mr. MacNICHOL of Eastport: Mr. Speaker, I do not rise to hold up the passage of this bill, but I would like to have a little information as to why it should be passed at this time. I waited while the bill had its three several readings in the House, expecting somebody would debate the bill or at least explain it. However, it went through and there was no debate or argument upon the bill. Now I have read the bill very carefully. I understand this is an economy measure, set up to do several things. One is to create a new department, and I do not believe that is the best means of economy. The other is to provide for the appointment of a commissioner who has the power to appoint directors and institutional heads and other employees to take over the duties of a department that is now very well being administered under the Health and Welfare Department. It is a distinct departure from the code that was adopted in 1933, and it is the first break in the code. It only takes the duties of the Health and Welfare Department and splits it up into new institutions, involving additional expense. I am at a loss to know what the bill is supposed to do. I understand it is supposed to be an economy measure and is being passed by an economy Legislature, and as an economy-minded member of the minority, I would like an explanation from some of the economy committee as to where the economy is in this bill.

Mr. HINMAN of Skowhegan: Mr. Speaker, I have just come in and I have not heard any argument upon this question. Personally, I am not now nor have I been working along the lines of economy. My idea is that we should proceed along those lines which give us sound reductions or sound increases in our expenditures, whichever that may be. I think the word "economy" has been very much abused in this Legislature.

This measure was not presented to you as an economy measure in itself; it was presented to you as a vehicle by which the State of Maine could benefit in great economies in the future. In order that you may have an example of what I mean, and, without feeling free to go into the details back of this bill at this

moment, I will say to you that first of all we have a State employee who is looked upon by practically every one of us as one of the most faithful that this State has ever had, and that, above everything else, this State must have the benefit of his remaining in a position whereby he may continue to render to this State that detailed ability and knowledge which he has and by which we may benefit largely. It is with the idea that a man of that type is going to head this institutional service, and through the experience and knowledge that he has, will take care of certain leaks, perhaps, or non-receipts, which we are not now receiving, but, above everything else, to open the way whereby our Department of Health and Welfare may have that absolute and unquestionable administrative and business management that is absolutely necessary if we are to save around a half a million dollars a year, which should be easily accomplished. And it is to further this program that this bill is presented to the Legislature. It is simply intended to accomplish that without injuring anybody.

Now I will say this, at this moment: On the strength of this bill there is deducted from the appropriation of the Department of Health and Welfare about \$250,000, and we feel that cannot be deducted until certain changes are brought about which this bill will allow without doing an injustice to anyone.

Mr. MURCHIE of Calais: Mr. Speaker, we are legislating here for the greater happiness of all our people. We are here to find for ourselves the answers to questions presented to us, and I hope that we will have the saving grace to take care of this situation in a proper manner. This is nothing more than the beginning of an attempt to solve a great big problem having to do with our welfare in the State of Maine, and here is a young man from Eastport coming along and trying to inject politics in a situation where we are trying to do a good job. I do not think that we should permit any such thing to take place, and I move that we proceed with the enactment of this measure.

Thereupon, the bill was passed to be enacted.

The **SPEAKER**: The Clerk will continue reading the bills on their passage to be enacted.

**Passed to Be Enacted  
(Continued)**

An Act relating to Selling or Giving Liquor to Indians (H. P. 1150) (L. D. 467)

**Finally Passed**

Resolve relative to the Trapping of Muskrats (S. P. 630) (L. D. 1144)

Mr. **PAYSON** of Portland: Mr. Speaker, for the first time in two sessions, I ask the indulgence of the House for unanimous consent to address the House.

The **SPEAKER**: The gentleman from Portland, Mr. Payson, asks the unanimous consent to address the House. Is there objection?

The Chair hears none and the gentleman may proceed.

Mr. **PAYSON**: Mr. Speaker, April 13th to the people in this Legislature may mean only the day after April 12th or the day before April 14th. I think we may give it a little more significance, because it is the date of the birth of a very amiable and lovable member, a man with an intuitive sense of right and wrong in legislation. I would like to be allowed, on the part of the House, to extend our felicitations to the gentleman from Unity, E. Sam Farwell. (Applause)

On motion by Mr. Varney of Berwick,

Adjourned until four o'clock this afternoon.

**After Recess—4:00 P. M.**

The House was called to order by the Speaker.

The **SPEAKER**: Is it the pleasure of the House to take up out of order and under suspension of the rules some additional papers from the Senate?

The Chair will call the attention of the members to the additional Advance Journal, which has been distributed and is on the members' desks.

The following papers were taken up out of order and under suspension of the rules:

**Divided Report**

From the Senate:

Majority Report of the Committee of Judiciary on Bill "An Act relating to Incurable Insanity as a Cause

for which a Divorce may be Granted" (S. P. 367) (L. D. 801) reporting same in a new draft (S. P. 666) (L. D. 1172) under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. Burns of Aroostook  
Hill of Cumberland  
—of the Senate.  
McGlaulin of Portland  
Varney of Berwick  
Weatherbee of Lincoln  
Hinckley of So. Portland  
Thorne of Madison  
Bird of Rockland  
Fellows of Augusta  
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on the same Bill.

Report was signed by the following member:

Miss Laughlin of Cumberland

—of the Senate,  
Comes from the Senate with the majority report read and accepted and the bill indefinitely postponed.

In the House, on motion by Mr. Varney of Berwick, the majority report "Ought to pass in new draft" was accepted, and the bill, having already been printed, had its two several readings under suspension of the rules, and was assigned for third reading tomorrow morning.

Papers from the Senate disposed of in concurrence.

**Final Reports**

From the Senate:

Final Report of the Committee on Counties.

Final Report of the Committee on Military Affairs.

Final Report of the Committee on Temperance.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Report of the Committee on Judiciary on Bill "An Act to Amend the Workmen's Compensation Act" (S. P. 381) (L. D. 830) reporting same in a new draft (S. P. 660) (L. D. 1180) under same title and that it "Ought to pass."

Comes from the Senate, report read and accepted and the bill passed to be engrossed.

In the House, report read and ac-

cepted in concurrence and the bill received its first reading.

Mr. COWAN of Portland: Mr. Speaker, I object to the second reading at this time.

The SPEAKER: Does the gentleman mean by his motion that he wishes the bill read in full? The rule of the House reads that the second reading of a bill shall be by title only if there is no objection. Does the gentleman desire the bill read in full?

Mr. COWAN: No, Mr. Speaker, I would like to speak on the merits of the bill.

The SPEAKER: The matter is open to general debate at this time.

Mr. COWAN: Mr. Speaker and members of the House: I just wish to call your attention to something that has just met my eye in this bill. This is Legislative Document 1160 in a new draft, and the amendment there is to the effect that policemen, firemen, and deputy sheriffs shall be deemed employees within the meaning of this act. My objection would be to including deputy sheriffs, who oftentimes are persons who work entirely on a commission and who are not paid any wages whatsoever.

The SPEAKER: The Chair will suggest to the gentleman that he permit the bill to have its second reading at this time, in which case it will stand for third reading tomorrow morning, and this will give the gentleman an opportunity to prepare an amendment this afternoon.

Mr. COWAN: That will be all right, Mr. Speaker.

The SPEAKER: Second reading will be by title only if there is no further objection.

The bill then had its second reading and tomorrow assigned.

#### Senate Bills in First Reading

Bill "An Act relating to State Aid for Academies" (S. P. 130) (L. D. 780)

Bill "An Act Permitting Blood Grouping Tests in Bastardy Proceedings" (S. P. 378) (L. D. 811)

Bills were read twice and tomorrow assigned.

From the Senate: Report of the Committee on Judiciary on Bill "An Act relating to the Payment of Alimony" (S. P. 365) (L. D. 803) reporting "Ought to pass" when amended by Committee Amendment "A" submitted therewith.

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

In the House, report read and accepted in concurrence and the bill had its two several readings.

Committee Amendment "A" was read by the Clerk and adopted in concurrence and tomorrow assigned for third reading of the bill.

From the Senate: Resolve relating to Reimbursement of Licensees whose Licenses Become Inoperative Before the End of the License Period (H. P. 2127) (L. D. 1161) on which the House accepted the minority report of the committee reporting "Ought not to pass."

Comes from the Senate, with the majority report read and accepted and the Resolve passed to be engrossed in non-concurrence.

In the House, on motion by Mr. Good of Monticello, the House voted to insist on its former action whereby it accepted the minority report "Ought not to pass" on this resolve and ask for a Committee of Conference.

From the Senate: Bill "An Act relating to Aid to Libraries, Expenses of State Historian, Topographic Mapping, and Abolishment of Grade Crossings" (S. P. 131) (L. D. 115) which was recalled from the Governor by Joint Order, and which was passed to be enacted in the House on April 5th, and passed to be engrossed on April 1st.

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

In the House, that body voted to recede from its former action whereby it passed this bill to be enacted and to further recede from its former action whereby it passed the bill to be engrossed.

Senate Amendment "A" was read by the Clerk and adopted in concurrence.

Mr. Gyger of Cumberland then offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 131, L. D. 115, Bill, "An Act Relating to Aid to Libraries, Expenses of State Historian, Topographic Mapping, and Abolishment of Grade Crossings."

Amend said Bill by adding at the end of Section 3 thereof the words "except such appropriation as may

be provided for in "An Act to Promote Topographic Mapping of Maine in Co-operation with the United States Geological Survey" enacted by the 89th Legislature.

Mr. GYGER: Mr. Speaker, I might just say in explanation that this bill was recalled in order to remove a conflict with another bill covering the same subject, inasmuch as Senate Amendment "A" did not cover as much as was intended.

Thereupon, House Amendment "A" was adopted, and the bill as amended by Senate Amendment "A" and as further amended by House Amendment "A" was passed to be engrossed in non-concurrence and sent up for concurrence.

#### First Reading of a Printed Resolve (Out of Order)

Resolve for a State Pension for Grace E. Dunn of Portland (H. P. 1095) (L. D. 1183)

Resolve was read once and tomorrow assigned.

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

Bill "An Act relating to Emergency Aid in Certain Organized and Unorganized Territory" (S. P. 628) (L. D. 1142)

Bill "An Act to Protect the Industry of Packing of Fish and Fish Products and to Establish a Minimum Wage for Women and Minors Employed Therein" (H. P. 2231) (L. D. 1181)

Sent up for concurrence.

Bill "An Act to Authorize the Liquor Commission to Grant Part-time Liquor Licenses to Summer Hotels" (H. P. 2233) (L. D. 1180)

Mr. COWAN of Portland: Mr. Speaker, I move that Item 3, Bill "An Act to Authorize the Liquor Commission to Grant Part-time Liquor Licenses to Summer Hotels" be indefinitely postponed.

If the members will refer to Legislative Document 1180, you will find it provides that in spite of the vote of your towns against the sale of liquors that the Liquor Commission can grant your selectmen the right without your consent to permit the sale of liquors there.

The SPEAKER: The gentleman from Portland, Mr. Cowan, moves that Bill "An Act to Authorize the Liquor Commission to Grant Part-

time Liquor Licenses to Summer Hotels" (L. D. 1180) be indefinitely postponed. The Chair recognizes the gentleman from Skowhegan, Mr. Hinman.

Mr. HINMAN: Mr. Speaker, I am speaking partly in behalf of a gentleman whom I have just discovered is not present in the House this afternoon. I am not particularly interested in advancing, in fact I am not at all interested in advancing any unfair liquor traffic. I just want to make it plain to the members of this House that this bill is offered in behalf of our summer hotels and on the behalf of a hundred million dollar summer tourist business, in order that this business may be further encouraged to come to us.

As I understand the bill, it would give the Liquor Commission the right to issue for the months of June, July, August, and possibly September a short term liquor license at the same price as would be paid in those towns where local option has been approved, and it could only be had upon approval of the selectmen of that community, whom I assume would not grant such approval unless it was in keeping with the wishes of the inhabitants. I just want the members of this House to consider what the measure is that they are passing up.

Mr. HINCKLEY of South Portland: Mr. Speaker, I believe the members of this House will admit without doubt that the only redeeming feature of our liquor laws is the fact that we have a chance to vote on them in every city and town. In other words, we have local option. That is the thing that the people who are in favor of selling intoxicating liquors have put up to the State of Maine. They say no harm can be done, because every city and town votes on it.

We have had many measures before the House this year where we have provided for local option. Now if we pass this measure we are almost throwing local option out of the window. I do not believe the members of this House want to do that.

If you will read this bill you will see that it says that notwithstanding the majority of votes cast in any city or town the Liquor Commission may issue a license in any city or town in this State provided the municipal officers say it is all

right, regardless of the vote that has already been taken by the inhabitants in general. I do not think that is a fair show for the inhabitants of this State, because every member of this House will say and agree with me that the inhabitants in the final analysis are the ones who should say what should take place in their city or town.

If you will note further, it provides for summer hotels and clubs. Why the clubs, if this is only for summer hotels? How do we know how many clubs will spring up in any city or town and be granted a permit to open a liquor store? There is absolutely no guarantee that will not be the case. Anything may spring up and call itself a club, and they may get a license under this law.

I think it is discrimination also against the little fellow. Why should a summer hotel or a rich or a poor club, for that matter, be granted that license when you deny it to the little fellow who is running a small bar or a restaurant? You say to him he cannot have it because he is not influential enough. I think that is absolutely discriminatory.

Let me say further that under this law there is absolutely nothing to prevent anyone from the towns going into these hotels and clubs and getting all the liquor they want to. That is simply doing away entirely with the liquor law as far as that city or town has voted on it. The town may vote dry, but every person in that town is given the privilege, under this bill, of getting all the liquor he wants, regardless of the vote of the town.

Mr. MILLS of Farmington: Mr. Speaker, I simply want to say that the author of this bill is not present in the House. I understand he is out of town.

The SPEAKER: The Chair will call the attention of the gentleman to the fact that the gentleman from Rockland, Mr. Sleeper, is in the hall of the House.

Mr. MILLS: I beg your pardon, Mr. Speaker.

Mr. BIRD of Rockland: Mr. Speaker, this bill has just been brought to my attention, and I will say that I think the motion to indefinitely postpone should not prevail.

We have a singular situation in Rockland, Maine, where we have the Sam-O-Set Hotel. The Sam-O-Set

Hotel is a large summer hotel and it does an extensive business and it has a great many non-resident patrons there during the summer time.

Now Rockland has voted wet and Rockport has voted dry. The construction of that hotel is such that the main part of the hotel is in the city of Rockland, and the dining room and the cuisine are in the town of Rockport. In the summer wealthy persons come down there for a little pleasure; and I think that before this House votes to indefinitely postpone this bill that they had better thoroughly consider that situation. You understand that you cannot cover all the situations here. We have spent hundreds of thousands of dollars in advertising, to get summer residents to the State of Maine. Now here is a singular situation that we want to correct. Our investment is all gone and people do not come down in our locality.

I think this is an eminently fair bill. It is left up to the selectmen and the Liquor Commission. I think there is merit in it. While some of the towns may be dry and others wet, I think this should be left to the judgment of the Liquor Commission. On behalf of my constituents down there in Rockland, Maine, I say that this bill will be a saving clause for us, and I trust that the motion to indefinitely postpone will not prevail.

Now my friend from Rockland, Mr. Sleeper, is interested in this bill, and I would like to have him speak in regard to it. The same thing will apply in the town of North Haven. We have a network of summer hotels down through there, and if you deprive these non-residents of that you will ruin the business of that county.

Mr. WEBSTER of Holden: Mr. Speaker, I would like to ask the gentleman from Rockland (Mr. Bird) if he ever saw a line house on the Canadian border, half in the United States and half in Canada? (Laughter)

The SPEAKER: The gentleman from Webster, Mr. Holden, asks a question through the Chair of the gentleman from Rockland, Mr. Bird. The gentleman may answer if he chooses.

Mr. BIRD: No.

The SPEAKER: The gentleman declines to answer.

Mr. HOLDEN: I will say I consider that it quite an advantage to have part of the hotel in Rockport, because if Rockport is dry they can sell liquor in Rockland, and if Rockland goes dry they can sell liquor in Rockport, because part of the hotel is in Rockport and part in Rockland.

Mr. DOW of Kennebunkport: Mr. Speaker, this afternoon may I have the permission of the Chair to face the House?

The SPEAKER: The gentleman has permission.

Mr. DOW: Mr. Speaker and members of the House: This afternoon I feel like the Ancient Mariner. Robinson Crusoe and the Ancient Mariner were not on the same boat but they were in the same boat. (Laughter)

I would like to speak in behalf of this bill in the interests of the Temperance Committee which reported it out unanimously ought to pass, and I am opposed to the indefinite postponement of the bill as proposed by the gentleman from Portland, Mr. Cowan, for these reasons, and they are very simple:

I come from a summer resort town, Kennebunkport, Maine. In my town the majority of the people are dry. I come from a dry family. I would not stand here today and defend any bill which I felt offended the majority of my voters. I also operate a summer club. I want to be fair with the House and tell them my interest in the bill. Because the Committee on Temperance reported the bill out unanimously ought to pass, I want the House to know I did not influence them, I did not say a word to any member one way or the other as far as influencing them was concerned. They reported it out on their own, and I am the only member of the committee who is interested in the summer resort business.

Now this bill simply provides that the summer hotels and the summer clubs that cater strictly to people not residents of the State of Maine will have the privilege so that their guests can go in and have a cocktail if they choose.

In my home, at one time, the town was wet, and because the beer parlors were poorly operated they finally did away with all kinds of liquor distribution in the town, simply because they did not approve of the beer halls. They still ap-

prove of hotels and club bars for summer people who do not live in the State of Maine.

Now I will just give you an example. The club I operate, the young people come to the club, as the town now stands with a dry provision, they come to the club and they bring a quart of whiskey with them, and before the evening is out, nine times out of ten they have consumed the whole quart.

Now under this provision, if we change the law in this one particular, so that the municipal officers can allow a night club or any hotel in my town that caters to summer people to distribute liquor to the summer people, it will allow those young people to come to the club to buy liquor at the bar and drink in a proper fashion and not just drink a whole quart of liquor that they happen to bring. In other words, it would be a temperance measure. (Laughter)

I hope the motion to indefinitely postpone the bill does not prevail.

Mr. SLEEPER of Rockland: Mr. Speaker and members of the House: First of all I wish to thank everyone who helped me while I was gone, and I would like to put in a few pertinent facts about this bill that perhaps have not yet been raised. The bill is really a temperance bill. (Laughter)

I am not being the least bit facetious when I say that, because as my colleague has explained, the Sam-O-Set Hotel, situated on Rockland Breakwater, is one of the most super-gorgeous summer hotels left in the State, and they cater to a very exclusive clientele, including the Rockefellers, the Morgans and all the others. Now the Sam-O-Set Hotel is the largest industry in the town of Rockport. As I have said before, Rockport is now dry, and I think if the citizens of Rockport want to be dry, it is their privilege and more power to them. But, fortunately for the Sam-O-Set, and incidentally for the citizens of Rockport, Rockland is not dry, and enough of that hotel is across the line in Rockland so that they do have a cocktail license and are still able to cater to that sort of clientele who would not come there if the town was dry. Now here comes the temperance feature of it. I have not any doubt at all that if Rockland went dry, thus endangering the license of the hotel, if the thing was put up squarely and on a busi-

ness basis to the citizens of Rockport, that against their better judgment they might vote wet in order to keep that hotel there, and if Rockport went wet of course they would have all the things they do not want now, beer parlors and bars in other year-round hotels. Of course those would all be in the liquor business.

Now of course we are not trying to put something across here. I think all the large summer hotels of the State which cater to out-of-state clientele are making a desperate effort to attract the younger groups of the wealthy people who always, up to now, have always gone to the Cape or the White Mountains or down to Atlantic City. I will say this: The clientele of the Sam-O-Set Hotel in Rockland has dropped off terribly. Every time there is a death in one of these wealthy families—for instance the death of the elder Rockefeller—has cost that hotel five hundred dollars a year, and as the elder members of these families die the children do not seem to like to come to the Sam-O-Set or hotels of a like nature. They are making a desperate effort to attract these younger members there. In that line they have endeavored to make their hotels more attractive by installing these cocktail rooms, swimming pools, and so forth in a desperate effort to keep them going. The Sam-O-Set Hotel I do not think is making any money, and if they should lose this license they would have to close. As I said before, it is the largest single industry in the town of Rockport.

Mr. HOWES of Charleston: Mr. Speaker, the town I come from has voted dry, and I consider it an imposition for this Legislature or anybody to come into my town and set up a bar. These fellows that have been arguing for this argued for the Sunday movies. They argued that it would be fair play to give the people a chance to vote on it. It was agreed that that was reasonable. There are lots of towns in the State of Maine, if this thing is left up to the selectmen, where they would sell rum regardless of the wishes of the people. This is a condition we have had before and when the people got a chance to vote on it they took it out. I consider this a vicious bill. Certainly the people who voted to have their town go dry are not going to have this shoved down their necks and take it pleasantly. I go along with the

gentleman from Portland, Mr. Cowan, on the indefinite postponement of this bill.

Mr. HINCKLEY of South Portland: Mr. Speaker, I should like to help out the Hotel Sam-O-Set if it would do any good, and I would urge the Legislature to appropriate enough money to move the bar-room into the city of Rockland.

Mr. MERRIFIELD of Lebanon: Mr. Speaker, I come from a section that depends largely upon summer income for support. I feel this would help our summer industry, and I therefore hope that the motion to indefinitely postpone will not prevail.

Mr. MILLS of Farmington: Mr. Speaker, it has been said that it would be an imposition upon a dry town. I only want to point out that the summer hotels in the State are practically communities in themselves. They are isolated and apart from the villages and towns. The safeguards in the bill I think, Mr. Speaker, are sufficient to protect any of our towns from having anything unjustly put on them. Do you think members of the House that the municipal officers of our cities and towns and the Liquor Commission, because this bill requires the permission of both—do you think these officers are going to foist anything onto our dry towns which they bitterly do not want. Under the law as it is, there is no provision for these summer hotels and, although I come from a town which has not any exclusive summer hotel, I believe it is a benefit to our summer business. These places can exercise the right of whether they want it or not. They do not have to have it unless they want it, but if the hotels want it they can have it, and I think it is fair.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Cowan, that Bill "An Act to Authorize the Liquor Commission to Grant Part-time Liquor Licenses to Summer Hotels" (H. P. 2233) (L. D. 1180) be indefinitely postponed.

Mr. DOW of Kennebunkport: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Kennebunkport, Mr. Dow, asks for a division.

Mr. HASKELL of Lee: Mr. Speaker, I ask that the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Lee, Mr. Haskell, has request-

ed that the vote be taken by the yeas and nays. Under the Constitution the yeas and nays are ordered on the request of one-fifth of the members present. All those in favor of taking the vote by the yeas and nays will rise and stand in their places until counted, and the Monitors will make and return the count.

A division of the House was had. Twenty-six having arisen, twenty-six being more than one-fifth of the members present, the yeas and nays were ordered.

The **SPEAKER**: The Chair will remind the House that under the rules no member may leave his seat during the calling of the roll or until the result has been determined and declared. The question now before the House is on the motion of the gentleman from Portland, Mr. Cowan, that Bill "An Act to Authorize the Liquor Commission to Grant Part-time Liquor Licenses to Summer Hotels" be indefinitely postponed. All those in favor of the motion to indefinitely postpone will answer yes; those opposed will answer no. The Chair will request any spectators in the House to keep as quiet as possible during the calling of the roll. The Clerk will call the roll.

Yeas—Babin, Bacon, Bates, Burgess, Rumford; Butler, Churchill, Cleaves, Cowan, Crockett, Cushing, Davis, DeBeck, Dennison, Donahue, Douglass, Dow, Eliot, Dow, Norway, Downs, Ellis, Everett, Farrington, Fernald, Fogg, Ford, Fowles, Good, Goss, Grua, Hall, Haskell, Hawes, Hinckley, Hodgkins, Holden, Holman, Howes, Hussey, Jewett, Keene, LaFleur, Larrabee, Lord, Mahon, Maxim, McGillicuddy, McGlauffin, McNamara, Melanson, Norwood, Peakes, Pelletier, Pike, Bridgton; Plummer, Pratt, Preble, Race, Richardson, Robie, Robinson, S. Portland; Snow, Hermon; Starrett, Stiphen, Thompson, Thorne, Townsend, Varney, Violette, Walker, Welch, Winter, Worth, Young, Acton.

Nays—Arzonico, Ayotte, Batchelder, Belanger, Bird, Bragdon, Brown, Corinna, Burbank, Burgess, Limestone, Buzzell, Chandler, Clough, Cook, Dean, Dow, Kennebunkport; Dwinall, Eddy, Emery, Erswell, Farwell, Gyger, Hanold, Hinman, Jordan, Lambert, Latno, Leveque, MacNichol, Merrifield, Meserve, Miller, Mills, Murchie, Noves, Otto, Palmeto, Paul, Payson, Pike, Lubec; Poulin, Rumford; Ramsdell, Robbins, Robinson, Peru; Shesong, Sleeper, Slosberg, Snow, Dover-Foxcroft; Stacy, Sylvia, Tardif, Wallace, Weed, Weatherbee, Winslow, Young, Old Orchard Beach.

Absent—Barter, Bolduc, Bowers,

Brown, Caribou; Brown, Eagle Lake; Bubar, Colby, Dorrance, Dorsey, Fellows, Hamel, Labbee, Luro, Marshall, Porell, Poulin, Waterville; Robinson, Bingham; Smith, Thomaston; Smith, Westbrook; Stevens, Whitney, Williams.

Yes 72

No 55

Absent 22

The **SPEAKER**: Seventy-two having voted in the affirmative, 55 in the negative, and 22 being absent, the motion prevails and the bill is indefinitely postponed.

Sent up for concurrence.

### Passed to be Engrossed (Continued) (Out of Order)

Bill "An Act relating to the Expenditure of Highway Funds" (H. P. 2234) (L. D. 1179)

Resolve in favor of the towns of Machiasport and East Machias (H. P. 2235) (L. D. 1178)

Sent up for concurrence.

### Conference Committee Report (Out of Order)

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve Authorizing Charles A. Darrington to Bring Suit at Law Against the State of Maine (H. P. 1425) (L. D. 559) reporting that the Committee is unable to agree.

(Signed)

Messrs. Hinckley of So. Portland

Thorne of Madison

Varney of Berwick

—Committee on part of House.

Graves of Hancock

Cony of Kennebec

Friend of Somerset

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

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

An Act relating to the Discharge of Persons Committed to the Insane Hospitals (H. P. 2169) (L. D. 1137)

The **SPEAKER**: This being an emergency measure, it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the Monitors will make and return the count.

A division of the House was had.



One hundred and eight having voted in the affirmative and none in the negative, 108 being more than two-thirds of the entire elected membership of the House, the bill is passed to be enacted.

The SPEAKER: The Chair will remind the House that there is an additional emergency enactor which is specially assigned for this afternoon and will request all members, as far as possible, to remain in the House.

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

An Act relative to Transportation of Deer Within State (H. P. 2152) (L. D. 1129)

An Act relative to Fishing in Fishways (H. P. 2151) (L. D. 1128)

An Act Regulating the Sale of Malt (H. P. 2164) (L. D. 1134)

#### Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Young.

Mr. YOUNG: Mr. Speaker, I would like to move that the House reconsider its vote of yesterday whereby it voted to insist and ask for a second conference committee on Bill "An Act to Permit Sunday Moving Pictures" (H. P. 1165) (L. D. 736)

In explanation of this motion, I might say I have no personal or ulterior motive in moving this reconsideration. Several of the members of the House spoke to me since this was voted on yesterday, and in view of the fact no conference committee has acted and this is the last day, I believe that we should settle this matter right here in the House once and for all. And, in fairness to everybody, I think we should be able to debate it and finally dispose of it here. For that reason, I trust my motion will prevail.

Mr. MILLER of Bath: Mr. Speaker, I would like to move that when the vote is taken it be taken by a division.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Young, moves that the House reconsider its action of yesterday on Bill "An Act to Permit Sunday Moving Pictures" (L. D. 736) the action of yesterday being to insist and ask for another committee of conference. The Chair recognizes

the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker and members of the House: I dislike very much to get up and talk any more today, because I think I have had my allotted time.

I want to say to this House that I am willing to be played horse with once and perhaps twice, but I think that sometimes patience ceases to be a virtue. I resent the implication on behalf of the members of this House that they do not know what they are talking about. I will concede with the gentleman from Belfast, Mr. Buzzell, that sometimes I do not know what I am talking about, but I believe that the members of this House, as expressed by their vote, do know what they are voting on, and that they are voting their convictions. We had a fair vote in this House yesterday on this matter, and we voted to insist and ask for a Committee of Conference. I cannot see now why members should change their mind over night and now ask for reconsideration. I think we ought to go on record, as we did yesterday, and if it is necessary to thresh this thing out with any other body, we ought to go to it and have our Conference Committee.

The SPEAKER: The question before the House is on the motion of the gentleman from Old Orchard Beach, that the House reconsider its action of yesterday on Bill "An Act Permitting Sunday Moving Pictures," the action of yesterday being to insist and ask for another Committee of Conference. The gentleman from Bath, Mr. Miller, asks for a division. All those in favor of the motion to reconsider the action of yesterday will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had. Seventy having voted in the affirmative and 41 in the negative, the motion prevailed.

The SPEAKER: The question now before the House is on the motion of the gentleman from South Portland, Mr. Hinckley, that the House insist and ask for another Committee of Conference.

Mr. YOUNG: Mr. Speaker and members of the House: Again I respectfully ask of you, for parliamentary purposes, to get this back so that it may be debated, I trust that you will sustain me and vote "No" on the motion to insist.

The SPEAKER: The question before the House is on the motion of the gentleman from South Portland, Mr. Hinckley, that the House insist and ask for another Committee of Conference.

Mr. HINCKLEY: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from South Portland, Mr. Hinckley, asks for a division. All those in favor of the motion that the House insist and ask for a Committee of Conference will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had.

Forty-four having voted in the affirmative and 72 in the negative, the motion did not prevail.

Mr. YOUNG: Mr. Speaker and members of the House: I now move that the House reconsider its action of yesterday whereby it voted to recede and concur with the Senate on Bill "An Act to Permit Sunday Moving Pictures." I again ask that you sustain me by voting "Yes."

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Young, now moves that the House reconsider its vote of yesterday whereby it voted "No" on the motion of the gentleman from Norway, Mr. Dow, that the House recede and concur with the Senate.

Mr. TARDIF of Bath: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Bath, Mr. Tardif, asks for a division. All those in favor of the motion of the gentleman from Old Orchard Beach, Mr. Young, that the House recede from its action of yesterday and concur with the Senate will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had. Seventy-five having voted in the affirmative and 34 in the negative, the motion to reconsider prevailed.

The SPEAKER: The question before the House now is on the motion of the gentleman from Norway, Mr. Dow, that the House recede from its former action whereby it passed Bill "An Act to Permit Sunday Moving Pictures to be Engrossed" as amended by House Amendment "C" and concur with the Senate in the indefinite postponement of House Amendment "C" and further concur with the Senate in the passage of the bill to be engrossed in concurrence. Is

the House ready for the question? Is the question clear to the House? The question is on the motion of the gentleman from Norway, Mr. Dow, that the House recede from its former action whereby it passed this bill to be engrossed as amended by House Amendment "C." The Clerk will read House Amendment "C."

House Amendment "C" read by the Clerk.

Mr. YOUNG: Mr. Speaker, again I respectfully ask this House to sustain me by voting "Yes" on this motion, and I ask for a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Norway, Mr. Dow, that the House recede from its former action whereby it passed Bill "An Act to Permit Sunday Moving Pictures" to be engrossed as amended by House Amendment "C" and further recede from its action in adopting House Amendment "C," concur with the Senate in the indefinite postponement of House Amendment "C" and further concur with the Senate in the passage of the bill to be engrossed in concurrence. The gentleman from Old Orchard Beach, Mr. Young, asks for a division. All those in favor of the motion to recede and concur will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had.

Seventy-eight having voted in the affirmative and 34 in the negative, the motion prevailed, and the bill as amended was passed to be engrossed in concurrence.

Mr. THOMPSON of Castle Hill: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. THOMPSON: To make a motion for reconsideration, Mr. Speaker. I move that we reconsider our vote of yesterday whereby we accepted the "Ought not to pass" report on Bill "An Act relating to Automobile Junk Yards".

The SPEAKER: The gentleman from Castle Hill, Mr. Thompson, moves that the House reconsider its action of yesterday whereby it accepted the "Ought not to pass" report of the Committee on Judiciary on Bill "An Act relating to Automobile Junk Yards" (H. P. 243) (L. D. 59). Is this the pleasure of the House?

(Cries of "No, No")

The SPEAKER: All those in favor of the motion for reconsideration will say aye; those opposed no.

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

The SPEAKER: The Chair at this time will announce the appointments to the Committee of Conference on Resolve Relating to Reimbursement of Licensees Whose Licenses Become Inoperative Before the End of the License Period. (H. P. 2127) (L. D. 1161). The gentleman from Monticello, Mr. Good; the gentleman from Norway, Mr. Dow, and the gentleman from Saco, Mr. Ford.

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

The Chair lays before the House the first tabled and specially assigned matter, Bill "An Act relating to Prenatal Examinations" (H. P. 2230) (L. D. 1170), tabled this morning by the gentleman from Berwick, Mr. Varney, pending the motion of the gentleman from Unity, Mr. Farwell, that the bill be indefinitely postponed; and the Chair recognizes that gentleman.

Mr. VARNEY: Mr. Speaker, I wish to state that I notice the gentleman from Portland, Mr. McGlaufflin, has an amendment to this bill. I will say that for the short time within which he had to work, he has done a surprisingly good job, and I believe that his amendment will fix the bill so that it will do no harm. I do not know as I object to its passage.

Mr. MCGLAUFLIN of Portland: Mr. Speaker, if the House will not pass the vote to indefinitely postpone—I understand that is the motion—

The SPEAKER: The pending question is on the motion of the gentleman from Unity, Mr. Farwell, that the bill be indefinitely postponed.

Mr. MCGLAUFLIN: Mr. Speaker, I wish to say that if you do not indefinitely postpone this bill I will offer an amendment which I think meets the objections of even the gentleman from Unity, Mr. Farwell.

The SPEAKER: The Chair will inform the gentleman that if he desires to offer an amendment, it is in order at this time.

Mr. MCGLAUFLIN: Mr. Speaker, I offer House Amendment "A" and move its adoption. I wish to state

that the principal change is that no woman has to be examined without her consent. It is only with her consent.

The SPEAKER: The gentleman from Portland, Mr. McGlaufflin, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

House Amendment "A" to H. P. 2230, L. D. 1170, Bill, "An Act relating to Prenatal Examination."

Amend said Bill by striking out the word "pregnant" in the second line of Section 1, and by inserting after the word "state" in the second line of Section 1, the words 'by reason of her being pregnant'.

And further amend said Bill by inserting after the word "taken" in the fourth line of Section 1, the words 'with her consent'.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlaufflin, that House Amendment "A" be adopted. Is it the pleasure of the House that House Amendment "A" be adopted?

The motion prevailed.

The SPEAKER: The question now before the House is on the motion of the gentleman from Unity, Mr. Farwell, that the bill as amended be indefinitely postponed. All those in favor of the indefinite postponement of the bill will say aye; those opposed no.

A viva voce vote being taken, the motion did not prevail, and the bill as amended was passed to be engrossed and sent up for concurrence.

The Chair lays before the House the second tabled and specially assigned matter, Bill "An Act Amending the Unemployment Compensation Law Relative to Railway Employment" (H. P. 2221) (L. D. 1163), tabled this morning by the gentleman from Berwick, Mr. Varney, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. VARNEY: Mr. Speaker, I now offer House Amendment "B" and move its adoption.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the House reconsider its action of this morning whereby it adopted House Amendment "A" to Bill "An Act Amending the Unemployment Compensation Law Relative to Railway Employment". Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The gentleman from Berwick, Mr. Varney, now moves that House Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed, and House Amendment "A" was indefinitely postponed.

The SPEAKER: The gentleman from Berwick, Mr. Varney, now offers House Amendment "B" and moves its adoption. The Clerk will read the amendment.

House Amendment "B" to H. P. 2221, L. D. 1163, Bill, "An Act Amending the Unemployment Compensation Law Relative to Railway Employment."

Amend said Bill by inserting therein before the Emergency Clause a new section 7 as follows:

'Sec. 7. P. L., 1935, c. 192, sec. 19, amended. Section 19 of chapter 192 of the public laws of 1935 is hereby amended by adding thereto a new sub-section to be numbered (t) and to read as follows:

'(t) "Waiting period of 2 weeks" means 2 weeks of total unemployment or 4 weeks of partial unemployment or any combination of either, which is the equivalent of not less than 2 weeks of total unemployment.'

Thereupon House Amendment "B" was adopted, and the bill as amended was passed to be engrossed, and sent up for concurrence.

### Finally Passed

(Emergency Measure)

The Chair lays before the House the third tabled and specially assigned matter, Resolve relating to the Construction of a Dormitory at the Prison Farm (S. P. 552) (L. D. 1078), tabled this morning by the gentleman from Berwick, Mr. Varney, pending final passage; and the Chair recognizes that gentleman.

Mr. VARNEY: Mr. Speaker, I move that the Resolve be finally passed.

The SPEAKER: This being an emergency measure, it requires for final passage, the affirmative vote of two-thirds of the entire elected membership of the House. All those in favor of the final passage of the Resolve will rise and stand in their places until counted, and the Monitors will make and return the count.

A division of the House was had.

One hundred seventeen having voted in the affirmative, and none in the negative, one hundred seven-

teen being more than two-thirds of the entire elected membership of the House, the Resolve was finally passed.

The Chair lays before the House the first tabled and today assigned matter, House Order Relative to Limiting Hours for the Transaction of Business in the House, tabled on April 12 by Mr. Larrabee of West Bath Under the Rules; and the Chair recognizes that gentleman.

Mr. LARRABEE: Mr. Speaker, I move that the order have passage.

The SPEAKER: The Clerk will read the order.

Ordered, that no business shall be transacted by this House after the hour of eleven o'clock p. m. or before the hour of nine o'clock a. m. on any day, and that at eleven o'clock p. m. if the House shall then be in session, it shall stand adjourned.

The SPEAKER: Is it the pleasure of the House that this order have passage?

Mr. NOYES of Franklin: Mr. Speaker, I agree with the idea that we should not do business here in the Eighty-ninth Legislature after eleven o'clock at night. However, I do not feel that I want to vote for that kind of a rule when we do not know what situation may exist after eleven o'clock of the night that we will possibly or hope to adjourn. For that reason, I move that the order be indefinitely postponed.

Mr. VARNEY of Berwick: Mr. Speaker, I want to say for the information of the House that the way the order is drawn, if we should come to eleven o'clock and two-thirds of the House thought they wanted to stay a little longer, they could do it but it would take a two-thirds vote to do it. It is my feeling that unless two-thirds of the House wanted to stay, we should adjourn at eleven o'clock. Therefore, I hope that the order will have passage.

The SPEAKER: The question before the House is on the motion of the gentleman from Franklin, Mr. Noyes, that the order be indefinitely postponed. All those in favor of the indefinite postponement of the order will say aye; those opposed no.

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

The SPEAKER: Is it now the

pleasure of the House that the order have passage?

The motion prevailed, and the order was passed.

**Passed to be Enacted**

The Chair lays before the House the second tabled and today assigned matter, Bill "An Act Relating to Guaranty of Titles of Motor Vehicles and to the Facilitation of the Recovery of Stolen Motor Vehicles" (H. P. 2135) (L. D. 1123) tabled on April 12th by Mr. Paul of Portland, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. PAUL: Mr. Speaker, I move that this bill be passed to be enacted.

The SPEAKER: The gentleman from Portland, Mr. Paul, moves that Bill "An Act Relating to Guaranty of Titles of Motor Vehicles and to the Facilitation of the Recovery of Stolen Motor Vehicles" be passed to be enacted. Is this the pleasure of the House?

The motion prevailed and the bill was passed to be enacted.

The SPEAKER: Is there any further business to come before the House? If not, the Clerk will read the notices.

On motion by Mr. Cleaves of Presque Isle,  
Adjourned until ten o'clock tomorrow morning.