

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD  
OF THE  
Ninety-first Legislature  
OF THE  
STATE OF MAINE



1943

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**HOUSE**

Thursday, April 8, 1943

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

Prayer by the Rev. Mr. Rankin of Bridgton, a member of the 91st Legislature.

Journal of the previous session read and approved.

**Papers from the Senate  
Senate Reports of Committees  
Final Reports**

Final Report of the Committee on Labor.

Final Report of the Committee on Pensions.

Final Report of the Committee on State Sanatoriums.

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

**Senate Divided Report**

Majority Report of the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Lewiston" (S. P. 177) (L. D. 238) which was recommitted reporting a second new draft "A" (S. P. 489) (L. D. 911) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. SANBORN of Cumberland  
DUNBAR of Washington  
PETERS of Androscoggin  
—of the Senate.  
PAYSON of Portland  
HASKELL of Portland  
BARTLETT of Portland  
ANDERSON of New Sweden  
WARD of Millinocket  
—of the House.

Minority Report of the same Committee on same Bill reporting same in a New Draft "B" (S. P. 468) (L. D. 337) as originally reported.

Report was signed by the following member:

Mr. DONAHUE of Biddeford  
—of the House.

Came from the Senate with the Majority Report read and accepted and the second new draft "A" passed to be engrossed as amended by Senate Amendment "A".

In the House, on motion by Mr. Roy of Lewiston, a viva voce vote

being taken, the two reports with accompanying papers, were tabled until later in the day pending the acceptance of either report.

**Ought to Pass in New Draft**

Report of the Committee on Legal Affairs on Bill "An Act Amending the Charter of the city of Lewiston" (S. P. 117) (L. D. 43) which was recommitted reporting same in a second new draft (S. P. 488) (L. D. 910) under same title and that it "Ought to pass"

Came from the Senate the Report read and accepted and the Bill passed to be engrossed.

In the House, Report was read and accepted in concurrence and the Bill read twice and assigned for third reading at twelve o'clock today.

**Non-Concurrent Matter**

From the Senate: Bill "An Act Providing for the Licensing and Regulation of the Amusement known as Five-in-a-Row" (H. P. 1303) (L. D. 834) which was passed to be engrossed as amended by House Amendment "A" in the House on April 6th.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from New Sweden, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and Members of the House: At this time I wish to make a motion that House Amendment "A" be indefinitely postponed in concurrence with the Senate. I wish to explain my motion. I have another amendment to offer at a later time.

The SPEAKER: The gentleman from New Sweden, Mr. Anderson, moves that the rules be suspended that the House may reconsider its action of April 6th whereby the bill was passed to be engrossed as amended by House Amendment "A". Is this the pleasure of the House?

The Chair recognizes the gentleman from Bethel, Mr. Boyker.

Mr. BOYKER: Mr. Speaker, I was struck at the last presidential election when the State of Maine stood strong, and no one has been sorry since. This bill with House Amendment "A" which was adopted by this House on Tuesday of this

week is not a bill for every state in this Union. It is not a bill for any individual or any organization outside our boundaries. This is a bill for the State of Maine and for the State of Maine only. This Amendment "A" says what it means and it means what it says. If we take the interpretation of the last sentence in Amendment "A" from the standpoint of the racketeer, any foreigner can enter the boundaries of the United States without a passport or without a birth certificate, simply because somebody is playing Beano somewhere in the United States.

I hope we will stand by our action of Tuesday of this week whereby we adopted House Amendment "A". I want to say to you ladies and gentlemen of this House: if in the closing hours of this session we pass this bill with Amendment "A" we will bring to ourselves an outstanding honor and an honor to the citizens of the state of Maine whom we represent.

The SPEAKER: The Chair recognizes the gentleman from Milinocket, Mr. Ward.

Mr. WARD: Mr. Speaker, Senate Amendment "A" which was adopted yesterday in the Senate meets with the approval of Mr. Ayer, the gentleman who presented this bill. It also meets with the approval of the signers of the majority report on this bill, and this morning I just received a telephone call from Mr. Samuel Woodard of Brunswick, President of the Maine Fairs Association expressing this amendment which was presented yesterday in the Senate as meeting with the approval of the State fairs. I hope that we will not continue to bat this bill around between the Houses so that it is going to die a death before we get out of here. I hope that the motion for reconsideration of our previous action will not prevail and that we will concur with the Senate in the adoption of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of this House: Now, in regard to State Police control of this bill, I will quote from the Chief of the State Police as follows:

The Chief of the State Police has stated that, in his opinion, under authority proposed in Legislative Document 834, it would authorize the playing of Five-in-a-Row, Beano, Fingo, plus substantially the same game under another name. If the bill is passed the game of Five-in-a-Row will be defined by him, and rules and regulations covering the playing of it will be set up. He proposes to prohibit the giving of door, daily or weekly prizes; and further—no prize shall exceed \$5.00 in value. No games are to be conducted prior to 7.30 P. M. and subsequent to 12 midnight.

The owner of the game will be required to submit to the Chief's office a report of the names of the persons in control of the game, an itemized list of the prizes, names of winners, attendants, total receipts, expenses paid, net receipts, and purpose for which the proceeds are to be used.

All licenses are to be stamped "temporary", so that suspension or revocation may result immediately if the rules and regulations are violated.

The applicant representing an organization or private interest lists the names of the individuals who are to operate the game. No person not a resident of the State of Maine may apply or receive a license to operate the game of Five-in-a-Row. Any person acting as an agent for an outside interest in violation of this act will be guilty of conspiracy.

The Chief of the State Police has studied the weaknesses of this game which has been operated in other states, and believes that the game can be properly controlled in this State.

The Chief has stated that he has been asked many questions, both by the proponents and the opponents of this bill, and has tried to answer them fairly, and is absolutely impartial.

Second, I have a letter in my possession to substantiate the above.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Pelletier.

Mr. PELLETIER: Mr. Speaker, I would like to take this opportunity to explain to this House as to what is incorporated in Senate Amendment "A".

In the first instance, the first thing it does is to reduce the fees for charitable, educational, patriotic, religious or veterans' organizations from fifty dollars to ten dollars. That was one of my chief complaints in the original bill, and that has been met under Senate Amendment "A".

The second change states that although the Chief of the State Police may regulate this game, no game can be operated that has more than 200 seats, thereby eliminating the possibility of any of these large games which you might find in other states.

The third change ties in section three with section two of the bill, that is the Chief of the State Police is absolutely powerless to grant a license to any operator or operators unless they first receive the permission of the municipal officers where they are going to run these games.

Now the fourth change under this amendment makes it definitely clear that State Fairs or any fairs will have the right to charge admission although Beano is operated on the fair grounds.

Under the original House Amendment "A" it is true that had a Beano game been operated on a fair grounds they could not charge admission. This amendment takes care of that.

Now I told you the other day on the floor of this House that I did not want to see outside racketeers come in here and take hold and operate games. Since the time I have spoken to you, I have had occasion to talk to the proponents and also got in touch with the State Highway Police Department; and I have been assured that under this bill they will have the situation well in hand, and we will not have to be afraid of any racketeers coming into the State. I believe this is a sensible and a sound amendment, and I think it is a great improvement over the original bill as this bill is now amended; and I hope this House will concur with the Senate in the adoption of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Boyker.

Mr. BOYKER: Mr. Speaker, with regard to this House Amendment "A" which I referred to in my first remarks, I have talked since this amendment was adopted by this House with as good a lawyer as there is in the State of Maine. If you go to any fair in this state and you pay fifty cents to go onto the fair grounds, you do not know if there is a Beano game being played there or not. You go in to see the horse racing and the ox-pulling, cattle shows, and the one hundred and one amusement games. Then you go along and you come to where they are playing Beano in a hall, or on an open platform or in a circular enclosure on the grounds. Now if you go into any of those places where Beano is being played you are not asked to pay an admission. The last sentence has no effect so far as what the gentleman just said.

The SPEAKER: The Chair recognizes the gentleman from Union, Mr. Stephenson.

Mr. STEPHENSON: Mr. Speaker and Members of the House: As a member of the American Legion and a Past Vice Commander, I have received several telegrams which I would like to read to the House.

"Richard R. Welles Post No. 42  
Damariscotta

Approves passage of present Five-in-a-Row legislation.

Paul Smith, Adjutant,  
Arthur Shepard,  
Vice Commander."

"We heartily endorse Five-in-a-Row bill as amended by Senate Amendment.

Simon Peters No. 16  
American Legion  
By Harry Gurney,  
Commander, Skowhegan."

"Am convinced of popular demand for Beano. Put it over.

Herbert R. Bean,  
Past Dept. Commander,  
American Legion,  
Old Orchard."

"Strong popular demand for Beano requires passage.

Mr. and Mrs. John Gillis,  
American Legion and  
Auxiliary, Bangor."

"The George M. Bourque Post, Number Five, American Legion, Waterville, favorable to Five-in-a-Row Bill.

Charles F. Jones, Commander."

"The Frank B. Hazeltine Post would appreciate your supporting Beano or Five-in-a-Row.

S. C. Marsano, Commander."

"We urgently recommend passage of Beano bill as amended.

Joseph J. Mullen,  
Post Commander,  
C. Fayette Post,  
American Legion."

"All Legion Posts and County Council of Kennebec are in favor of Five-in-a-Row game now before the House and urge its passage.

John C. Clancy,  
County Commander,  
American Legion,  
Kennebec County, Maine."

"We urge you to vote for Five-in-a-Row.

Walter Wadsworth,  
Commander,  
American Legion No. 30,  
Camden."

"Anxious for passage of Beano Bill. Give us ladies a chance.

Mary Gillis, Member  
Williams Post Auxiliary,  
Bangor."

"We are in favor of your Five-in-a-Row Beano bill.

James Williams Post, Bangor  
J. E. Young."

"Urgently recommend passage of Beano Bill as amended.

Frank Boudreau,  
Member Williams Post,  
American Legion, Bangor."

The SPEAKER: The question before the House is on the motion of the gentleman from New Sweden, Mr. Anderson, that the rules be suspended, in order that the House may reconsider its action whereby this bill was passed to be engrossed on April 6th.

The Chair recognizes the gentleman from Parkman, Mr. McKusick.

Mr. MCKUSICK: Mr. Speaker, I feel that we have done a great many things in this Legislature for which I shall be obliged to go home and apologize. We have legalized Sunday horse racing; we have legalized bowling on Sunday. The sinners are in partnership, and now we want to legalize gambling.

I want to say that I am opposed to gambling in any form, and I am especially opposed to this bill as it is presented and as it is amended by Senate Amendment "A". The bill provides for a license fee of \$500 for a period of sixteen weeks.

Now, you cannot make me believe that that is an innocent little game. The operators of that game must obtain a big revenue in order to pay a license fee like that. It is operated on fair grounds and they pay a concession fee in addition. I want to say that I am heartily opposed to this bill in its original form, and as amended by Senate Amendment "A". I do think that if we must pass a bill of this kind at this time, the new amendment which will be offered by the gentleman from New Sweden, Mr. Anderson, would take away some of the most objectionable features.

The SPEAKER: The Chair recognizes the gentleman from Mapleton, Mr. Webber.

Mr. WEBBER: Mr. Speaker, I would like to go on record as heartily endorsing the remarks of the gentleman from Parkman, Mr. McKusick.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Leavitt.

Mr. LEAVITT: Mr. Speaker, this whole matter of beano reminds me of a story I heard when a small boy about a man who wanted to hire a coachman. He asked the coachman, the first coachman that came to him, how close he could come to the edge of a cliff safely. This man said he could drive within six inches of the cliff with safety. Finally he came to a coachman who said that he would go to a point where he would drag one of the wheels over the edge of the cliff and still get him there safely. Finally he asked another man who was an applicant, and he said he could drive as near to the edge as anybody else, but he thought it would be well to get as far away from the edge as possible.

What we have been doing with these amendments, and fooling around with this bill, is to see how close we can come to legalizing gambling in the State of Maine and salve the conscience of the people here who vote for it. I believe we should keep as far away from the edge of the cliff as possible in legalizing Five-in-a-Row, and I move indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Haskell.

Mr. HASKELL: Mr. Speaker and Members of the House: It seems to me that perhaps it would be in order as a member of the Legal Affairs Committee and a signer of the majority "Ought to pass" report to make a few brief remarks at this time.

The problem as I see it is this: First, we are faced with the fact that in the State of Maine today the game of Beano is being played; it is being played uncontrolled and unrestricted. Second, I am reminded of what Governor Sewall said to us in his inaugural address, and I quote:

"While we are considering the enactment of the new laws let us not overlook the possibility that there may be laws now on our books which are no longer acceptable to our citizens.

"The laws of democracy belong to the people, and it is our duty to see that they truly conform to the needs and wishes of the majority. If we are to run a responsible government, holding the respect of the people, all laws on the books must be of such acceptability as to permit reasonable enforcement, and sufficient provision must be made to support adequate enforcement agencies."

It would appear to me that faced with that problem, and looking to the bill as presented to the committee, it became necessary to find out whether or not the bill as originally drawn would do what the sponsors hoped it would do. Now, after considering that question, I want to tell you that it was considered very aptly done. Numerous redrafts were brought in and a great deal of time was expended. When we reported back to you we felt we were doing our honest duty in presenting to you a report covering a bill that had some considerable merit. This matter has all been discussed and debated to a considerable extent on the floor of this House, and we now have before us for possible consideration Senate Amendment A, which in my opinion, adequately strengthens this particular measure. I believe most certainly that the issue before us must be honestly decided, and I am afraid if we do not honestly decide it that what we in effect are saving to the enforcement agencies of this state is that the people do not want Beano, and we want them to close up every Beano game or game of that nature; and I do

not believe that is what the people want. I think what they want is a proper method of playing a supervised game. Feeling as I do, and feeling that this bill, particularly with Senate Amendment "A", will provide adequate protection to all concerned, and that it will prevent any possible type of outsiders, termed as "racketeers," going into this in any way, shape or manner. I trust that the motion to indefinitely postpone will not prevail and that this measure may be adopted.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Leavitt, for indefinite postponement of L. D. 834. The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker and Members of the House: I made a half-way promise not to talk against this measure. Therefore I do not propose to discuss it, except it comes to my attention that in the first draft it calls Five-in-a-Row or Skill Ball Beano the same thing. Now I understand that there was some pin machine played here showing what Five-in-a-Row was. I am just wondering if there may not be a patented game known as "Five-in-a-Row". If there is, then if we pass this legislation, the persons holding this patent will be sitting in a beautiful position. They can charge what they please for the patent. Nowhere does it say "Beano". All the talk has been about "Beano". I am wondering why the proponents were so careful not to use the word "Beano". I do not know what "Five-in-a-Row" means. I am a little curious about that and I hesitate to go along—I wont go along with the bill—but I hesitate on this measure and I wonder whether this is a patented game or not, this Five-in-a-Row. I wonder if anybody can enlighten us on this. If it is a patented game, somebody stands to profit tremendously.

The SPEAKER: The Chair recognizes the gentleman from Weston, Mr. Bubar.

Mr. BUBAR: Mr. Speaker, I have been given to understand on good authority that there is only one man in the State of Maine who is equipped to operate this game known as "Five-in-a-Row", and as the bill stands it will not permit Beano.

Therefore, when this bill goes through, if it does, then we have

just one man who can go ahead and run a monopoly on a gambling game in the State of Maine. My friend, the gentleman from Livermore Falls, Mr. Grua, was correctly informed this morning.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Smith.

Mr. SMITH: Mr. Speaker, I hope that the motion of the gentleman from Portland, Mr. Leavitt, does not prevail. I play Beano and my wife plays, and we do not consider it a gambling game. I think the gentleman from Weston, Mr. Bubar, is wrong when he speaks about only one man being equipped to run this game. This whole thing reminds me of a story about the fat woman who was trying to get onto an electric car and got jammed in the door. There was a little fellow behind her and after she had stayed there quite a while twisting and turning trying to get in, she turned around and said to him, "If you were half a man, you would help me in here," to which the little man replied, "If you were half a woman, you wouldn't need any help."

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Ward.

Mr. WARD: In reply to the point brought up by my brother, the gentleman from Livermore Falls, Mr. Grua, as to the matter of whether or not the game of Five-in-a-Row is a patented game, this matter was discussed in our committee and I made as much investigation as was possible in regard to it, and I am informed from a reliable authority—which I consider reliable—that no one has any monopoly or any exclusive right to the use of that name. However, even if they did have that right, this bill is to legalize the game commonly known as "Five-in-a-Row", and you have heard this morning what the Chief of the State Police has to say in regard to the game. In the event that the game is legalized by this Legislature, it is his interpretation to include Beano, Bingo or any other game where you put five across or up or down on the cards. I don't think there is any danger in legalizing this game that we are giving anybody any exclusive right on any one game.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Hemphill.

Mr. HEMPHILL: Mr. Speaker and members of the House: I have always made it a practice on entering a body of men or women, or both, to be seen and not heard any more than possible, and especially with an intelligent body such as we have here, and I have tried to live up to that during this session of the Legislature.

Now, I am not a Christian or a professed Christian, but I remember the teachings of my mother when I was a boy. We came in here the first of January and have been trying our best to make laws that will suit the people and that will be a benefit to the State of Maine. We hope so anyway.

First, we have the Ten Commandments that are punishable by law, and we punish people who kill, who steal, who commit adultery; and still we passed a law here that is giving the people a right to bowl on Sunday and to race horses on Sunday, in one particular place. Now that was violating the Tenth Commandment which says: "Remember the Sabbath Day to keep it Holy." Now we are passing or trying to pass a beano game, which is gambling. I have been a sheriff for eight years and know something about the beano game. I have kept away from it and have told the people who run the Beano games that as long as there wasn't any complaint made to me. I would let them alone, but if there was a complaint I wasn't coming to them and tell them what I was going to do, neither would I send anyone, but I would come myself and do my duty. I said: "It is up to you to take the chance, and not me."

Now I think that I will go along with the gentleman from Portland, Mr. Leavitt, in the indefinite postponement of this bill. I think we are making a mistake if we do not.

Germany under Hitler domination has taken Christ and his Bible and has thrown it out the window. Are we drifting into the same channel? If we are, in God's name let's stop where we are.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, may I inquire of the Chair just what the question is before the House?



The SPEAKER: The Chair will inform the gentleman that the question before the House is on the motion of the gentleman from Portland, Mr. Leavitt, to indefinitely postpone the bill.

Mr. MAXWELL: Mr. Speaker, this matter has been exhaustively discussed today and on other days, and I think it is about time to settle this question. I move the previous question.

The SPEAKER: The gentleman from Bangor, Mr. Maxwell, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the monitors have made and returned the count.

The SPEAKER: Obviously more than one-third of the members present having arisen, the motion for the previous question is entertained.

The question before the House now is: Shall the main question be put now? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Ward.

Mr. WARD: Mr. Speaker, I would request a division on the vote.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Leavitt, that L. D. 834 be indefinitely postponed. The gentleman from Millinocket, Mr. Ward, asks for a division. The Chair recognizes the gentleman from Portland, Mr. Leavitt.

Mr. LEAVITT: Mr. Speaker, I ask for a roll call.

The SPEAKER: The gentleman from Portland, Mr. Leavitt, asks for a roll call. Under the Constitution, in order for the yeas and nays to be called requires the consent of one-fifth of the members present. All those in favor of the yeas and nays being called will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Thirty-one having requested the roll call, and 31

being more than one-fifth of the members present, the vote will be taken by the yeas and nays.

Mr. WILLIAMS: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. WILLIAMS: Mr. Speaker, may I ask that slips be distributed?

The SPEAKER: The Sergeant-at-arms will provide copies of the roll call to those who may desire one.

The SPEAKER: The Chair will remind all members that they must remain in their seats until the vote is taken and the result declared. The question before the House is on the motion of the gentleman from Portland, Mr. Leavitt, for indefinite postponement of Bill "An Act Providing for the Licensing and Regulation of the Amusement known as Five-in-a-Row." The Clerk will call the roll.

YEA—Anderson, N. Sweden; Barnes, Benn, Blake, Boyker, Braley; Brown, Unity; Bubar, Burton; Conant, Rockland; Davis, Montville; Day, Deering, Donahue, Ela, Emerson, Estabrook, Gillies, Goldsmith, Gowell, Grua, Harvey, Hawes, Hemphill, House, Jacobs; Jones, G. Wayland; Kent, Lagasse, Leathers, Leavitt, Leidy, Libby, MacKinnon, McKeen, McKusick, Murchie, Nadeau, Osgood, Payson, Perkins, Pottle, Rankin, Renouf, Roberts, Robinson, Rollins; Sanborn, Wales; Snow, Thompson, Usher, Vickery, Webber; Williams, Auburn; Williams, Clifton; Wright.

NAY—Anderson, Oxbow Pl.; Ayer, Baker, Bangs, Bernier, Boutin, Bowker, Boyd, Brewer; Brown, Brunswick; Brown, Eastport; Buker, Buzzell, Clapp, Cleaves, Clough; Conant, Etna; Coombs, Cousins, Crosby, Cross; Davis, Buxton; Dean, Denny, Dorsey, Doughty, Dow, Downs, Dunn, Dutton, Edwards, Flagg, Forhan, Greene, Grenier, Hamilton, Haskell, Hutchins; Jones, Earle T.; Jones, William A.; Jordan, Saco; Jordan, South Portland; Keller, Knight, Lackee, Littlefield, Longstaff, MacLeod, Marsans, Martin, Maxwell, McFadden, McFee, McIntire, McLellan, Milliken, Morse; Morrison, Rumford; Pascucci, Pearson, Pelletier, Pierce, Poulin, Roy; Sanborn, Baldwin; Savage, Sawyer, Sayward, Seeger, Sirois, Sleeper; Smith, Newport; Smith, Thomaston; Southard, Staples, Stephenson, Stillings, Teel, Tozier, True, Ward, Warren, Welch, Willey.

ABSENT—Bartlett, Byers, Cobb, Fogue, Morrison, W. Harbor; Prince, Sichel, Small, Tuttle.

Yes: 56.

No: 84.

Absent: 9.

The SPEAKER: Fifty-six having voted in the affirmative, and 84 in the negative, nine being absent, the Speaker not voting, the motion does not prevail.

The question before the House is on the motion of the gentleman from New Sweden, Mr. Anderson, that the rules be suspended that the House may reconsider its action of April 6th whereby the bill was passed to be engrossed by House Amendment "A". All those in favor of the motion will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Sixty-two having voted in the affirmative, and 58 in the negative, the motion prevailed.

The SPEAKER: The gentleman from New Sweden, Mr. Anderson, now moves that the House reconsider its action whereby House Amendment "A" was adopted. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from New Sweden, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, I now move the indefinite postponement of House Amendment "A". The reason for this motion is that I have House Amendment "D" which I wish to offer if this motion prevails.

The SPEAKER: The gentleman from New Sweden, Mr. Anderson, now moves the indefinite postponement of House Amendment "A". Is this the pleasure of the House?

The Chair recognizes the gentleman from Springvale, Mr. Pelletier.

Mr. PELLETIER: Mr. Speaker, the gentleman from Bangor, Mr. Maxwell, said this morning that this matter had been fully discussed.

I think it is the sentiment of this House to go along with the bill as amended by Senate Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Union, Mr. Stephenson.

Mr. STEPHENSON: Mr. Speaker, I will not prevail on the members of the House much longer, but I have three more telegrams which I would like to read:

"Augusta Post Two favors legislation Beano game. Request your support.

E. H. Root, Commander,  
American Legion"

"Do your best to put Beano game across for us.

William Bieunan, Member  
American Legion, Bangor."

"Urgently request your support of Beano Bill.

David McKellar, Commander,  
Roland Smith Post, No. 21,  
American Legion."

The SPEAKER: The question before the House is on the motion of the gentleman from New Sweden, Mr. Anderson, for the indefinite postponement of House Amendment "A".

The Chair recognizes the gentleman from Cornish, Mr. Ayer.

Mr. AYER: Mr. Speaker, when the vote is taken, I ask for a division.

The SPEAKER: The gentleman from Cornish, Mr. Ayer, asks for a division. All those in favor of the indefinite postponement of House Amendment "A" will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had, One hundred seventeen having voted in the affirmative and none in the negative, the motion prevailed, and House Amendment "A" was indefinitely postponed.

Senate Amendment "A" read by the Clerk as follows:

Senate Amendment "A" to H. P. 1303, L. C. 834, Bill "An Act Providing for the Licensing and Regulation of the Amusement Known as Five-in-a-Row."

Amend said bill by striking out all of section 3 thereof and inserting in place thereof the following:

"Sec. 3. Issuance of licenses; fees. The chief of the state police may, at his discretion, issue licenses to operate the amusement known as "Five-in-a-Row", provided however, that no such licenses shall be issued unless the consent of the municipal officers of the city or town in which such amusement is to be conducted has been obtained. No licenses issued hereunder shall be valid for a period exceeding 16 weeks. The fees for such a license, which shall be paid to the chief of the state

police, and paid over by him to the treasurer of state to be credited to the general funds, shall be as follows: A minimum fee of \$500 for any person, firm, association or corporation to operate such amusement in any one town, and \$10 for each seat used in excess of 100; a minimum fee of \$500 for any person, firm, association or corporation to operate such amusement at established agricultural fairs, and \$10 for each seat used in excess of 100; a minimum fee of \$10 for any bona fide charitable, educational, fraternal, patriotic, religious, or veterans' organization, when sponsored, operated and conducted for the exclusive benefit of such organization by duly authorized members thereof only, to operate 1 day in each week during said 16-week period, and \$1 for each seat in excess of 100; except that a minimum fee of \$5 may be charged one of said organizations for a license to operate such amusement using not more than 100 seats for 1 day only.

No person, firm, association or corporation shall operate such amusement with more than 200 players at any one game. All persons playing the amusement known as "Five-in-a-Row" shall be seated.

No such licenses shall be assignable or transferable. There shall be no charge for admission to such amusement, or to the hall where said amusement is held, and the maximum charge per game for each player shall not exceed 10c for the 1st tally card and 5c for each additional tally card.

The SPEAKER: The Chair recognizes the gentleman from Springvale, Mr. Pelletier.

Mr. PELLETIER: Mr. Speaker, I move that the House concur with the Senate in the adoption of Senate Amendment "A".

The SPEAKER: The gentleman from Springvale, Mr. Pelletier, moves that the House concur with the Senate in the adoption of Senate Amendment "A".

The Chair recognizes the gentleman from Fort Kent, Mrs. Leidy.

Mrs. LEIDY: Mr. Speaker and Members of the House: After reading this amendment is there any question that Five-in-a-Row is not a gambling game; and the question is today: Are we going to have gambling or are we not? We have

another amendment here, Amendment "C", to be presented by the gentleman from New Sweden, Mr. Anderson, which eliminates that gambling question. I think you realize that if we let in racketeers to play Five-in-a-Row, we are not going to have a chance to raise money with Beano, and I think that all of our charitable organizations really need to raise money, and this is a good way to do it; but you are losing that chance when you pass this bill with Senate Amendment "A". Thank you.

The SPEAKER: The question before the House is on the adoption of Senate Amendment "A".

The Chair recognizes the gentleman from New Sweden, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, inasmuch as I intend to offer other House Amendments which I have on my desk, Amendment "C" and Amendment "D"—Amendment "D" being really something to clarify something which was left out of Amendment "C"—I wish to move the indefinite postponement of Senate Amendment "A", and I want to say a few things to show my reason for this motion. Senate Amendment "A", which was offered here two days ago, was to take away the objection, I suppose, namely, that of having an individual organization play Beano. Now I haven't too much objection to the American Legion playing Beano as indicated by the amendment which is Amendment "D"—which I intend to offer at a later moment, therefore that is the reason for my motion for the indefinite postponement of Senate Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Ward.

Mr. WARD: Mr. Speaker, in reply to the motion of the gentleman from New Sweden, Mr. Anderson, for indefinite postponement, he has already indicated to this House that he has two amendments to offer, and I understand another motion for another amendment. I believe this resolves itself down to the question of whether we are going to accept this bill and pass it, or whether we are going to stay here and continue to offer amendments until the bill is finally killed. I hope his motion will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mrs. Leidy.

Mrs. LEIDY: Mr. Speaker, I hate to disagree with my brother, the gentleman from Millinocket, Mr. Ward. The question really to me is: Are we going to accept gambling or are we not, regardless of amendments?

The SPEAKER: The Chair recognizes the gentleman from Clifton, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, may I have the privilege of facing the House?

The SPEAKER: The gentleman has permission.

Mr. WILLIAMS: Mr. Speaker and members of the House: A fair without Beano would really be a very disagreeable place to go, wouldn't it? Certainly at all the fairs in the state we want Beano. The American Legion wants to put on Beano parties and some of our churches like to put on Beano parties. So it would seem, as I was looking over the roll call vote, that the sponsors of this bill appear to be interested in one thing, and that is to make legal what is going on right now in the state of Maine, that is, Beano games in churches and fairs and different charitable organizations. It seems to be the opinion that they should continue.

I was interested in the telegrams which were read to us this morning by the gentleman from Union, Mr. Stephenson, most of them from the American Legion. I noticed that in practically every case they spoke of the game of "Beano", which I thought was rather significant. They did not speak of "Five-in-a-Row"; they spoke of "Beano". Now, these amendments seem to boil down to just one question, and the only difference is this: The amendment of the gentleman from New Sweden, Mr. Anderson, would do away with the possibility that organizations would come in and operate Beano games or Five-in-a-Row, if you like that term better, for their own benefit at fairs. The fair associations which apparently all want to have Beano games would be allowed to have them; but take these other organizations, the racketeer organizations such as have been going on in Massachusetts—no one in this House has said they

were not going on—in fact there has been an investigation up there on the numbers racket—there is something wrong in Massachusetts with Five-in-a-Row or Beano, and the criminal element has got control of those things. I do not say here that we will have pressure exerted on us to pass this bill by any racketeer group; I think it is far from that; but I do think the members will agree with me, and I do think the reason there has been so much opposition to this bill is that we do fear racketeering groups could come in with Five-in-a-Row. Are we going to allow it in the State of Maine? If we want organized crime in Maine it is a good way to bring it in under this bill as written, but if we are not interested in having organized crime come in, pass the amendment of the gentleman from New Sweden, Mr. Anderson.

I believe that we will have Beano as it is going on in Maine today in the charitable organizations and fairs—it seems to be the thing we are most interested in—that we legally be allowed to play Beano. I haven't seen any scarcity of Beano due to the law. However, we must remember we are putting a large burden on the State Police. We have been told time and again that they have more than they can do at present. If they want this, and apparently they do, and if we wish to give it to them as the bill declares, probably it is the first time the Legislature has passed over to a law enforcement organization a blanket order to say go ahead and do anything you want to. The Secretary of State makes certain laws or regulations regarding motor vehicles but the Legislature of this state gives a skeleton from which those laws are built up. Here we turn it over to the State Police to do what they wish. Many times I have defended the Chief of the State Police on the floor of this House. He may have erred in his judgment on some things but I believe he is sincere. But how do you know about some members of the State Police? If that is what they want, O. K., I am agreeable to it. If we can be sure that organized groups will not come in and take it over, all right; but Maine is certainly just a harvest field at the present time for organized crime with the defense industries going on

the way they are and with money being spent wildly—maybe it would be as well to let them gamble it away, but let's not let somebody from the outside come in. I know the sponsor of the bill itself is not interested in that—he has assured me that he would be the first to be against this bill if he believed it would bring the criminal element into our State.

I think the reason we have this motion for indefinite postponement is because of the fear of a great many of the citizens of our State that the racketeers will come in, and not because of a fear of what the charitable organizations would do. I believe, Members of this House, this morning if we really want to be sure to guarantee to the citizens of Maine that they can play Beano and not have racketeers come into our State with organized Beano or Five-in-a-Row as the bill calls for, then we should vote to indefinitely postpone the Senate Amendment, and vote to accept the amendment of the gentleman from New Sweden, Mr. Anderson. I hope we will go along in this way so that the racketeer element that has been brought into other states where the game has been legalized will not get a chance to come to Maine.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I am not going to make a speech. If I were, it would be somewhat along the line of the speech that we have just now listened to. I don't agree with it entirely, but I shall vote for the amendment which the gentleman from New Sweden, Mr. Anderson, proposes to present, if he has the opportunity. I rise to ask a question, through the Chair, if I may, of the gentleman from Millinocket, Mr. Ward. It is not exactly in the form of a question, but I will put it that way. We have been told by the proponents of this measure that they want to shut out what I might call the "big time stuff". I heard a speech here yesterday, and some of the rest of you did. The speaker, a very influential proponent of this bill, reiterated the statement that they wanted to do all they could to shut out the big time stuff, the professional stuff. While there are some changes in this amendment which

may improve it somewhat, I don't know but what it is essentially the same. I should like to ask the question of the gentleman from Millinocket, Mr. Ward, why he and others are not willing to shut out the big time stuff, the professional stuff which we dislike the most. Why do they want to retain that if their professions are sincere, as we have reason to believe they are.

It seems here is the acid test. We have the opportunity to have Beano, although I don't like it, in accordance with the amendment of the gentleman from New Sweden, Mr. Anderson, but those who are in favor of this measure are not willing to shut out the thing which we most dislike.

The SPEAKER: The gentleman from Bridgton, Mr. Rankin, asks a question of the gentleman from Millinocket, Mr. Ward. The gentleman may reply if he desires.

Mr. WARD: Mr. Speaker, I would be very pleased to reply to the gentleman from Bridgton, Mr. Rankin. At the public hearing we had a number of proponents on this measure. One was a gentleman from Skowhegan, by the name of Mr. Davis, I believe, who represented himself as president of the Skowhegan Fair Association, and he spoke in behalf of this bill. When he concluded his remarks, one of the members of the committee inquired of him if the fair associations were not primarily concerned with legalizing Five-in-a-Row or Beano for State Fairs, and he replied that they were. He then asked Mr. Davis if he would not be just as well satisfied with the bill if the provision in there in regard to private operators were eliminated. Mr. Davis said he would not be, and for this reason: That when they put on Skowhegan Fair, and I presume it is the same with the others, the people in charge of it have plenty of work to do in taking care of the horses, lining up the races and taking care of the midway and all the odds and ends of the jobs they have to do with putting on a good fair. He said if it were left up to the fair association to promote the game of Beano themselves, that he felt in his own mind they would not be able to put it on in such a pleasing way to the public, and that they would not have the time; and of course if they

were to put the game on so that it could be run in a good manner, the equipment ran into quite a bit of money. In the past there was a gentleman in this State who had the equipment and who had put Beano on before for the various fairs and it worked out very satisfactory to them. He came in and they paid him so much money and they were satisfied, and the public had a nice game and everybody was satisfied. He thought it best to have it left so that some person or persons could be licensed to put on Beano for the fair associations. I have since understood that other fair associations are in agreement with that statement. That takes care of the provision in there in regard to State Fairs.

Now there was an additional provision put in there for the express purpose so that this could not be termed class legislation and the fees were put in there at such a high rate, not because there is such a big profit in Beano, but because of the fact that we want to discourage anybody operating Beano privately apart from the fairs.

Now if you take into consideration the fact that if a person wishes to apply for a two hundred seat game—and he cannot do it under the Senate Amendment for a game larger than that—it will cost him \$1500; and if you take into consideration the fact that the Chief of the Police proposes not to permit anyone operating one of these games to offer a prize in excess of five dollars, no door prizes and no attendance prizes, I do not believe if you should pass this measure as amended by Senate Amendment "A",—I don't believe that any of the big operators after they investigated the features of Five-in-a-Row as it would be set up under that bill,—I don't believe they would be interested in taking out a license in this State.

Of course it could be argued if you wish to eliminate the private individuals and if you wish to eliminate the private corporations, and if you wish to eliminate the private associations, then you could start in on the other organizations and you could eliminate this one and that one and the next one until you finally could enact a bill which would be enacted for the exclusive benefit of the American Legion or the Elks or any other organization.

Of course under House Amendment "A" that is what that tends to do. It starts in by eliminating the private individual and makes this class legislation. If this is adopted, in my opinion—if Senate Amendment "A" is adopted, you will not find very many operating Beano games in the various localities because they cannot make any money on the game under the rules and regulations which the State Police propose to promulgate.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Leavitt.

Mr. LEAVITT: Mr. Speaker, I was very much interested in the remarks by the gentleman from Millinocket, Mr. Ward, just now in regard to class legislation. I noticed during his remarks he stated there was one man, and then he corrected it later, but he started off by saying there was one person in the State of Maine who was equipped to run these games at the various fairs, and that the fairs want that rather than to do it themselves. I am wondering if that is what he means by class legislation. In this bill it states that the amusement known as "Five-in-a-Row", and who before they came to this Legislature this year, unless they have been concerned with the manipulation of this game, ever heard of "Five-in-a-Row". I think we have all heard of Beano and Bingo and Beano and all such other games. If this is Beano why do the people who sponsor this bill object to having "Beano" in the bill instead of a name none of us have ever heard of before of "Five-in-a-Row"? I would like to ask through the Chair, if Mr. Ward will tell us why the sponsors object to having "Beano" in the bill.

The SPEAKER: The gentleman from Portland, Mr. Leavitt, asks a question through the Chair of the gentleman from Millinocket, Mr. Ward. The gentleman may reply if he desires; but we would request the gentleman to answer the question and not debate.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Ward.

Mr. WARD: Mr. Speaker, as I understand it, the Attorney General, a prior Attorney General in this State, made a ruling to the effect that a game known as "Five-in-a-Row" and played at the State Fairs

included an element of skill, and that because it did include an element of skill that that game did not violate certain State laws which prohibit the State paying to the State Fairs their share of the stipend. Since that ruling was made, it is my understanding that at all our State Fairs where this game has been played for several years, the game has been played and has been commonly known as "Five-in-a-Row".

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Leavitt.

Mr. LEAVITT: Mr. Speaker, if the Attorney General has ruled that only Five-in-a-Row has skill, apparently they believe there is no skill involved in Beano. If there is no skill involved in Beano, how under this bill can the fairs be allowed to operate Beano games, of the American Legion or any other organization? This Legislature is voting to legalize Beano. This bill does not legalize Beano. Beano is not a game of skill; Five-in-a-Row is. If we want a game of Five-in-a-Row, that is one thing. If we want Beano, which I think everybody here is fighting for, let's put "Beano" in the bill.

The SPEAKER: The Chair recognizes the gentleman from Bingham, Mr. Dutton.

Mr. DUTTON: Mr. Speaker and members of the House: I sat here the other day and listened to this House being told that the measure called "Five-in-a-Row" was a good measure; that it was just what we needed and what everybody wanted back home. It doesn't make any difference to the people back home whether you call it "Beano" or "Five-in-a-Row". I will admit Beano is easier to say than Five-in-a-Row. Now the same gentleman comes back in here with almost a new bill and argues that unless we have this the bill will not be perfect. I would like to vote for Beano; and you can include in it Five-in-a-Row; or I will vote for Five-in-a-Row and you can include Beano. It is very obvious to me when you play a game where the fee charged is five hundred dollars that the small organizations and associations cannot enter into that game and play it and put it on for the purpose of helping out their organization. I would like to have the House informed as to where we are at and why the bill, after it left here and we voted on

it, suddenly should have deteriorated so that it is necessary to put on these amendments. When we are done amending it, if someone can put it in English so that I can understand it, I would be ready to vote for a bill which would allow the organizations, either a church or whatever association wanted to put it on in behalf of their association—I would be glad to vote for that measure.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, this discussion is rather interesting to me in several respects. We have been told that Five-in-a-Row or Skill Ball Beano is not gambling and we are told that Beano is gambling. As I understand it, what our American Legion and other organizations want to play is Beano. The gentleman from Millinocket, Mr. Ward, has stated that Five-in-a-Row is a game that requires quite a bit of money because you have to have special equipment. It has been said that you cannot make money from the game by holding a two hundred seat game. If my mathematics is correct, you would take in twenty dollars. Now, you can't give a prize of over five dollars, so if you give the maximum, you have fifteen dollars profit. Your license fee is fifteen hundred dollars, and from my experience in connection with agricultural societies, I understand that the space which the society would rent where a game of that size could be maintained, would cost a good many hundred dollars more. I am convinced that it will be, and is, a gambling measure and that there is a lot of money in it. This particular individual who owns this equipment will have some difficulty in covering all of our fairs and it will mean a scramble for this particular kind of equipment. If Beano is what you want, why not make it Beano, then there will be no misunderstanding. This game of Five-in-a-Row requires a special kind of equipment. I don't know just what it costs but it runs into money and the Legions and other organizations would not be able to get it.

Now, I can see where a person who had the equipment could do very nicely. I understood the gentleman from Thomaston, Mr. Smith, to say that the State Police were going to define Beano. Another gentleman says Beano has already been defined

as a gambling game, and Five-in-a-Row is not. I would like to know just what kind of bunk they are giving us. If we want Beano as a gambling game or as it is being played today, let's pass a bill of that type. If we want this so-called "Five-in-a-Row" that can only be promoted by a man who is able to pay an expensive license for equipment and all those things, why I think the members of this 91st Legislature should know and realize that is what they are voting for. I would vote for indefinite postponement because I believe this is a gambling measure. I was not in favor of it. I think if the people back home really want it they are not getting what they want if you pass Senate Amendment "A": you will so limit it to outside interests that you will come back here in two years ready to repeal the whole mess, as they have done in Massachusetts.

Now there is one further thing, and I will mention it briefly, and that is that we are injecting the State Police into this measure. Now, I have the utmost confidence in our State Police, and so, I believe, has every member of this Legislature, and I would like to continue to have that confidence, but I say to you that with the best of intentions of doing this job efficiently and honestly, as I believe they would, if it is the gambling game I believe it is and involved the money I believe it would, fingers would be pointed at our State Police and they would wonder why particular individuals operating the game were able to control so much real estate and be so influential in politics, and inevitably our police would be criticized, probably unjustly.

I am, therefore, very much opposed to Senate Amendment "A". If this bill is to be passed, I would prefer House Amendment "D" with the further amendment defining Beano, if that is what you want.

The SPEAKER: The Chair recognizes the gentleman from Paris, Mr. McKeen.

Mr. McKeen: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Paris, Mr. McKeen, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present. All those in favor of

the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Twenty-one having arisen, 21 being less than one-third of the members present, the motion for the previous question was not entertained.

The SPEAKER: The question before the House is on the motion of the gentleman from New Sweden, Mr. Anderson, for the indefinite postponement of Senate Amendment "A"

The Chair recognizes the gentleman from Bangor, Mr. Southard.

Mr. SOUTHARD: Mr. Speaker and Members of the House: I belong to three organizations in Bangor who have played Beano through the years. During the past winter, two of those organizations depended wholly upon Beano to buy coal to heat their buildings. If it had not been for Beano they would have had to have gone without coal.

Now, the average age I believe of the people who attended those Beano games, in my estimation, is right around forty years old. Ninety-eight per cent of them are women. They are women who do not care to dance and who do not care to go to the pictures but they love to play Beano. As Beano today is played it is a very good game; there are no bad features in it. As it is played in these organizations, the organizations make about twenty-five per cent of what they take in. In other words, the people who play Beano get about seventy-five per cent of what money they put in. There is no question but what it is a gambling game; I don't deny that. Now they come along with Five-in-a-Row. They gave us a demonstration here—I didn't go up to look at it—and there was a square box and some young lady shut her eyes and threw a ball into the box. I suppose it went down through the numbers. A few years ago they tried to legalize Beano by having somebody throw a dart. If there wasn't as much skill in throwing the dart as there is to throwing a ball into a square box and having it go into a certain number, than I don't know much about skill.

The question has been raised that we must have individuals come in here to carry on Beano games at



fairs, that it could not be done locally. A few years ago Beano was held to quite an extent throughout the State. At that time, to my knowledge, the American Legion Post in the little town of Winterport had a Beano outfit, a complete up-to-date Beano outfit. They had a tent which I am sure would seat at least eighty, and I think one hundred. The American Legion boys were there in uniform. They traveled around to different places and ran a nice clean game, something that anybody shouldn't be ashamed to go in and play. It was a clean game.

Now there have been telegrams come in from the American Legion and other organizations. I belong to the American Legion and I am a Past Department Commander. The American Legion has had three bills before the Legislature of the State of Maine asking for the legalizing of Beano, or that they be granted the privilege of running Beano. Never have they asked that individuals should be allowed to play Beano in the State of Maine. Suppose you have a racket like they have in the State of Massachusetts, which is rotten. Anybody who ever went to Massachusetts and went in and looked it over knows that. I don't believe these telegrams from the American Legion and other organizations desire us to pass a bill which will allow the racketeers of Massachusetts to come in here and play Beano or Five-in-a-Row.

I hope the motion of the gentleman from New Sweden, Mr. Anderson, for indefinite postpone of this amendment, that he may introduce another amendment, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Goldsmith.

Mr. GOLDSMITH: Mr. Speaker, at the very outset when this bill was presented, I anticipated that sooner or later we would have to take a yea and nay vote to finally decide just what we wanted to do with it. I attended the hearing at the time it was held.

The fair associations had a great deal to say with regard to this bill. Today I am sorry to say that we are having more or less of a debate and have heard telegrams read which have been received from various Legion Posts in the State. Inasmuch as this has come up I want to say

that I am a member of the American Legion and a member of Veterans of Foreign Wars. However, that does not mean that we have to agree in our opinions and do things just because we belong to these organizations. Now, we ought to be a little bit considerate at this time for this reason. I will go by a vote of the Legislature at any time. The first vote taken, I think the proponents won by a majority of fourteen. The bill was later brought back and they won by a majority of twenty-two. Today in the final vote, the vote that really counts, the yeas and nays; when we were brought out in the open to express our opinion, they increased their margin and brought it out by an increase of six votes, bringing it up to twenty-eight. I voted today against the measure. I voted to indefinitely postpone it because I do not believe in gambling of this nature.

Now then, as long as the proponents have won the measure, I, for one, would like to see the state get whatever revenue it possibly can from it. It is a foregone conclusion that they have increased their majority in each case in the last three votes. There is only one thing I regret in Senate Amendment "A", and that is that the fees are not larger than they are. It has been brought out that these organizations can afford to pay the five hundred dollars for a license fee, and they must know what they are doing, because it was an original offer and hasn't been changed.

During the last two weekends at home I talked with a gentleman who knows about the game that has been played at Old Orchard, and he happens to know how they run that game down there. In eight weeks time he can easily make from fifty to seventy-five thousand dollars. That is a pretty good business. If we could get a five hundred dollar license fee, I would rather go along with that than get nothing at all. We might just as well have some revenue to pay our police department and keep it as clean as possible as long as we are going to have it.

Therefore, I hope that the motion of the gentleman from New Sweden, Mr. Anderson, does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from New Sweden, Mr. Anderson, for indefinite postponement of Senate Amendment "A".

The Chair recognizes the gentleman from Houlton, Mr. Barnes.

Mr. BARNES: Mr. Speaker, I have not before spoken on this measure. I agree with the gentleman from Auburn, Mr. Williams, that there isn't any question but what it is a gambling measure. A few years ago the Legislature passed legislation very much like this which purported to license games of skill, and the State Tax Assessor was the one to whom application was made. Shortly afterwards this state was flooded with slot machines and pin games. It got to such a point up in my county that I, being County Attorney at that time, was asked to do something about it. When I started they said, "You can't do anything about it because the Legislature has permitted the licensing of games of skill; the State Tax Assessor has taken twenty dollars and said it is a game of skill and isn't gambling." You can refer to State vs. Livingston, 135 Me., where the Law Court decided it certainly was gambling. At the trial, one of the men particularly interested in these games testified that there were seven distinct skill shots on the ten grand pin game. The Law Court said "No". Even if you do win out here you don't end the question of whether or not Beano, or Five-in-a-Row, is a game of skill or whether it is gambling. I am in favor of letting these organizations that really want it, such as the Veterans' organizations, have it, but I think it ought to be restricted to them, and that no one else should be able to obtain a license for this game. Bearing in mind that I am against the whole proposition anyway, if the various organizations in this state demand this bill, I say we should give it to them, but certainly under House Amendment "D" rather than Senate Amendment "A". I cannot agree with the gentleman from Orono, Mr. Goldsmith, in regard to how much money the State makes. I should be rather ashamed to have this Legislature legalize gambling. I do not recognize it as a religious issue; it is gambling. I hope the motion of the gentleman from New

Sweden, Mr. Anderson, prevails. I hope we will indefinitely postpone Senate Amendment "A" and adopt House Amendment "D".

I say this to you: Even though you pass this bill, which probably you will, you haven't ended the question. If you want the Veterans' organizations and churches and others to benefit from it, adopt this amendment that will allow them to have the benefit of it, and maybe nobody will complain. Just the minute racketeers come into the State, you will have plenty of complaints and Court action and they will say it is gambling and you will lose the whole thing.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker, I want to thank the gentleman from Clifton, Mr. Williams, and the gentleman from Auburn (Mr. Williams) for clearing up some of the haze in regard to this matter this morning. I am not going to say very much in regard to this matter, but as I read the two amendments I feel that the amendment of the gentleman from New Sweden (Mr. Anderson) is much better, and I think we should go along with it. We don't want big business or racketeers in the State of Maine. I surely believe you will be in a better situation to have small ordinary business, small ordinary organizations playing the game that seems to interest people. I am in accord with the indefinite postponement of Senate Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Bradford, Mr. Osgood.

Mr. OSGOOD: Mr. Speaker, I too object to the adoption of Senate Amendment "A". I believe that Beano is a harmless game, and very desirable perhaps for small organizations to have the game. I have listened to the arguments here and I have talked with gentlemen from other states who have told of the rackets in other states. No one has denied it. I object to the fact that in this bill the State Police are required to supervise and control Beano. I believe that the sponsors of this measure do not want racketeering but I believe they do admit it will be necessary for the State Police to supervise the matter to keep it from them.

The SPEAKER: The question before the House is on the motion of the gentleman from New Sweden, Mr. Anderson, to indefinitely postpone Senate Amendment "A".

The Chair recognizes the gentleman from Union, Mr. Stephenson.

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

The SPEAKER: The gentleman from Union, Mr. Stephenson, asks for a division. All those in favor of the indefinite postponement of Senate Amendment "A" will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Seventy-one having voted in the affirmative, and 46 in the negative, Senate Amendment "A" was indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from New Sweden, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and members of the House: You will notice there are on your desks two amendments, House Amendments "C" and "D". When I drafted House Amendment "C" I did not notice there was some ambiguity as to the Veterans' organizations that may come out of this war. I therefore drafted House Amendment "D" and that appears here too. The only difference is that the organization has to be in existence two years prior to the date of its application, while on this Amendment "C" it has to be in existence two years from the enactment of the Act. It has to do with organizations growing out of this war that would not be entitled to the benefit of this act if House Amendment "C" were passed. Therefore, I am offering House Amendment "D" and move its adoption.

The SPEAKER: The gentleman from New Sweden, Mr. Anderson, offers House Amendment "D" and moves its adoption. The Clerk will read House Amendment "D".

Thereupon House Amendment "D" was read by the Clerk as follows:

House Amendment "D" to H. P. 1303, L. D. 834, Bill "An Act Providing for the Licensing and Regulation of the Amusement Known as Five-in-a-Row."

Amend said bill by striking out section 3 of said bill and inserting in place thereof the following:

**'Sec. 3. Issuance of Licenses; Fees.** The chief of the state police may issue licenses to operate such amusement for a period of six days to any fair association, or bona fide charitable, educational, fraternal, patriotic, religious, or veterans organization which was in existence at least two years prior to their application for a license, when sponsored, operated and conducted for the exclusive benefit of such organization by duly authorized members thereof. No such license shall be issued to any person, firm, or corporation other than a fair association, or bona fide charitable, educational, fraternal, patriotic, religious or veterans organization. The fee for such license shall be two dollars and shall be paid to the treasurer of state to be credited to general funds. No such licenses shall be assignable or transferable. Nothing contained herein is to be construed to prohibit any fair association, or bona fide charitable, educational, fraternal, patriotic, religious, or veterans organization from obtaining more than one six-day license.'

Thereupon, House Amendment "D" was adopted.

The SPEAKER: Is it now the pleasure of the House that the bill be passed to be engrossed as amended by House Amendment "D"?

The Chair recognizes the gentleman from Clifton, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I offer House Amendment "E" and move its adoption.

The SPEAKER: The gentleman from Clifton, Mr. Williams, offers House Amendment "E" and moves its adoption. The Clerk will read the amendment.

Thereupon House Amendment "E" was read by the Clerk as follows:

House Amendment "E" to H. P. 1303, L. D. 834, Bill "An Act Providing for the Licenses and Regulation of the Amusement known as Five-in-a-Row."

Amend said Bill by striking out the phrase "Five-in-a-Row" in the title thereof and inserting in place thereof the word 'Bean'.

Further amend said Bill by striking out the phrase "Five-in-a-Row" wherever it appears in said Bill and inserting the word 'Beano' in place thereof.

The SPEAKER: This amendment, not having been reproduced, will lie on the table.

Thereupon, House Amendment "E", with accompanying papers, was tabled pending reproduction of the amendment.

#### Non-Concurrent Matter

From the Senate: Bill "An Act to Provide for Post War Planning" (S. P. 178) (L. D. 242) on which the House voted to insist on its former action on April 7th whereby the Bill was passed to be engrossed on March 30th, and asking for a Committee of Conference.

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

In the House, on motion by Mr. Rollins of Greenville, the House voted to recede from its former action whereby the bill was passed to be enacted on April 2nd; and further voted to recede from its former action whereby the bill was passed to be engrossed on March 30th.

Senate Amendment "A" read by the Clerk as follows:

Senate Amendment "A" to S. P. 178, L. D. 242, Bill "An Act to Provide for Post War Planning."

Amend said Bill by striking out the last 20 words of section 2 thereof and inserting in place thereof the following:

'next special or regular session of the legislature on its activities under this section.'

Further amend said Bill by striking out sections 5 and 6 thereof and substituting in place thereof the following:

'Sec. 5. Approval of projects. Except for the \$50,000 to be used for the cost of planning as specified in section 4, no expenditures shall be made from this fund until the project or projects have been approved by legislative resolve.'

The SPEAKER: Is it the pleasure of the House to adopt Senate Amendment "A"?

The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of this House: As you will recall, I did not rise in opposition to this bill until it was taken out of the control of the hands of this Legislature.

The expenditure of a million dollars! I stand here again and repeat there is no man here in this House who wishes to do more for our veterans who return than I. This Amendment has safeguarded that one million dollars. My objections, which were very much in the minority, as you all know, are now fully taken care of, and I hope that this House will go along with the motion to recede and concur in the adoption of Senate Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Hutchins.

Mr. HUTCHINS: Mr. Speaker, I rise in support of the motion of the gentleman from Greenville, Mr. Rollins. Our Committee of Conference did not have to function, and if Senate Amendment "A" is adopted, the bill will continue to retain its true basic principals, and we will set aside a million dollars for a rainy day ahead. If the bill is amended, we will have taken a step which is really constructive.

The SPEAKER: The question before the House is on the adoption of Senate Amendment "A". All those in favor will say aye; those opposed no.

A viva voce vote being taken, Senate Amendment "A" was adopted and the bill as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

#### Orders

On motion by Mr. Jordan of Saco it was

ORDERED, that the Research Committee be and hereby is requested to undertake a study of the entire taxation system of the State to the end that the Legislature may be provided with a report and recommendations on which to base future legislation to broaden and improve the tax system.

Mr. Payson of Portland, presented the following Order and moved its passage:

WHEREAS, the following bills have been referred by this legislature to the 92nd legislature;

BE IT ORDERED, the Senate concurring, that the subject matter therein contained be hereby referred to the Legislative Research Committee and its consideration thereof is hereby requested.

L. D. 466, H. P. 810, An Act relating to the Assessment of Taxes.

L. D. 536, H. P. 954, An Act relating to the Assessment and Collection of Taxes.

L. D. 534, H. P. 956, An Act relating to the Assessment and Collection of Taxes.

L. D. 88, H. P. 95, An Act Revising the Fire Prevention Laws.

L. D. 221, H. P. 324, An Act relating to Taxes on Real Estate.

L. D. 744, H. P. 1244, An Act Creating a State Fire Marshal.

Mr. PAYSON: Mr. Speaker, I wish to say that this order has to do with certain matters which this House has earnestly considered and has referred to the 92nd Legislature. I am carrying out my promise to ask the Legislative Research Committee to consider the subject matter of the order.

The order received passage and was sent up for concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Miss Bangs.

Miss BANGS: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman has permission.

Miss BANGS: Mr. Speaker, I now ask the privilege of facing the House.

The SPEAKER: The Chair designates the gentlewoman from Brunswick, Miss Bangs, as Speaker pro tem and requests the Sergeant-at-Arms to conduct her to the rostrum.

Thereupon, the Sergeant-at-Arms conducted Miss Bangs to the rostrum, where she assumed the Chair, amid the applause of the House, the members rising, and Speaker Richardson retired.

The SPEAKER pro tem: The Chair recognizes the gentleman from Houlton, Mr. Barnes.

Mr. BARNES: Madam Speaker, due to an error on the part of the Judiciary Committee, there was one matter that was not finally present-

ed to this Legislature before the report of the Judiciary Committee was accepted. I therefore move that we reconsider our action of yesterday whereby we accepted the final report of the Judiciary Committee, so that this particular item may be disposed of.

The SPEAKER pro tem: If the gentleman wishes to insist on his motion, the House may be at ease until the papers have been secured on the Final Report of the Committee on Judiciary.

### House at Ease

12:25 P. M.

The House was called to order by the Speaker pro tem.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Houlton, Mr. Barnes, that the House reconsider its action of yesterday whereby it accepted the Final Report of the Committee on Judiciary. Is this the pleasure of the House?

The motion prevailed; and on further motion by Mr. Barnes, the Report was tabled pending acceptance.

### House Report of Committee Ought Not to Pass

Mr. Barnes from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to the Definition of 'Teachers' in Re the Teachers' Retirement System" (H. P. 252) (L. D. 162)

The SPEAKER pro tem: The question before the House is on the acceptance of the "Ought not to pass" report. Is this the pleasure of the House?

The Chair recognizes the gentleman from Mapleton, Mr. Webber.

Mr. WEBBER: Madam Speaker, I move that the bill be substituted for the report, and in making this motion I will say that it is for the purpose of bringing a few things before the House which have not been before the House.

Madam Speaker, I ask permission to face the House. It is no hardship to speak in the usual manner but I ask the privilege of turning around now so that I may keep my mind on what I am going to say.

The SPEAKER pro tem: The gentleman has permission so long as he speaks from his place.

Mr. WEBBER: Madam Speaker and fellow Members of the House: Of course I am not attempting to reverse the decision of the Judiciary Committee, but this bill is one which I wish to have given consideration so that in the future some measure may be introduced that perhaps will receive more favorable attention.

Now, this one was introduced by me, and referred to the House, on January 28th, by request. The desire was that certain janitors in the State who have spent their lives practically in the school system might be eligible to obtain pensions. In certain instances there are men who have been janitors in the school system who are employed to drive the school bus.

Objection has been made because it was brought out that there were certain complications, in which school bus operators might be under the jurisdiction of the school department. I have heard no violent objection to the idea that janitors should receive a pension. This is a matter of definition, and long ago I ceased to try to convince the members of the Judiciary Committee that I am a better hand to define terms than they are, because that is their business.

I will say that this matter received an unfavorable report and was tabled. It was taken from the table on February 19th, and re-committed. Afterward a Committee Amendment was prepared by the Revisor of Statutes, and this was carried to the committee, but it received no consideration, so I am not making the motion—I do not wish to be misunderstood—but I would like to read into the Record this amendment which might have been considered.

“Amend said bill by deleting in the second and third lines of the second paragraph thereof the underlined words ‘janitor, school-bus operator;’”

Now I would say that there is no possibility at this time of having the janitors and school-bus operators considered as eligible for the pension, but I do hope that later they may be eligible. Farther along there is one word which I think should be put into the law,—it has been done by this House in con-

junction with the other body in another branch of the school law, and I do hope that the word “public” will be put in.

As you know, there is across from the Augusta House an institution or, we will say, some kind of a day school, because instruction is given there. This is a place where beautiful women are made more beautiful, and those who have not been favored highly by nature, have their appearance greatly improved.

Now of course this is an extreme case but I choose it purposely. According to our information a day school might be construed as coming under this measure, so I think the word “public” should be put in so that this will apply only to public day schools. I hope, later, at another session an amendment may be offered that will attend to the definition and that the interests of the janitors may be taken care of in some other way.

Now, there are just a few more words that I wish to say. This has been a very happy session for me; it deals with the spirit which we have toward one another. It has been a happy session and I have made many friends. It would be needless to tell you that I am very fond of you all, and I hope that this spirit, which we have carried through the session, will remain with us after we leave here.

Now reference has been made here today to a quotation from the Bible. I notice, out on the street and in other places, there are those who do not avoid as some of us do, to use certain words which some of us would be ashamed to use in that way. We even had a story told. To some it seems funny to mention the name of Jesus Christ. They think it is a big joke. When I was a lad of ten or twelve of age, a young man used to kid me. He knew I was interested in church matters and he said to me one day: “Who is Jesus Christ?” I said: “Jesus Christ is my Saviour.” I told him in so many words. Then he said: “I saw him the other day.” He thought it was a joke, but I didn’t think so. He didn’t know who He was in regard to the Bible. Now I am one of those who believe the words of the Master, who said: “I am come that they might have life, and that they might have it more abundantly.” And also he

said: "And this is life eternal, that they might know thee, the only true God, and Jesus Christ whom thou hast sent."

I simply wish to quote from Saint Paul to the church. Saint Paul was the disciple of our Master and he wrote these words:

"Let all bitterness, and wrath, and anger, and clamor, and evil speaking, be put away from you with all malice. And be ye kind one to another, tenderhearted, forgiving one another, even as God for Christ's sake hath forgiven you."

I hope we all have a fine spirit toward each other. You have all been very kind to me, and I would like to say to you: God bless you all. (Applause)

The SPEAKER pro tem: The Chair would inquire from the gentleman from Mapleton, Mr. Webber, if he wishes to substitute the bill for the report.

Mr. WEBBER: Madam Speaker, I withdraw the motion.

Thereupon, the "Ought not to pass" report of the Committee was accepted and sent up for concurrence.

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

Bill "An Act Amending the Charter of the City of Lewiston" (S. P. 488) (L. D. 910)

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

#### Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on H. P. 1134, L. D. 598, An Act Authorizing the Creation of Housing Authorities in the Several Cities and Towns, reporting that the Committee is unable to agree.

(Signed)

Messrs. GOLDSMITH of Orono  
BREWER of Presque Isle  
HUTCHINS of Bangor  
—Committee on part of House.

VARNEY of York  
McGLAUFILIN of Cumberland

BROWN of Aroostook

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

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

An Act relieving Towns from Board and Care of Neglected Children (H. P. 1342) (L. D. 881)

An Act relating to Farm Bureau Assistance in Oxford County (H. P. 1094) (L. D. 565)

An Act relating to the Compensation of the State Personnel Board (H. P. 343) (L. D. 220)

An Act Authorizing a Bond Issue for the Purpose of Retiring Highway and Bridge Bonds (S. P. 330) (L. D. 522)

An Act relating to the Expenses of the Judge of Western Somerset Municipal Court (S. P. 181) (L. D. 249)

An Act Providing for the Retirement of Certain Hancock-Sullivan Bridge Bonds (S. P. 483) (L. D. 888)

An Act to Provide Strict Enforcement Provisions Covering the Operation of Retail Outlets of Malt Beverages (S. P. 484) (L. D. 896)

An Act relative to Enforcing the Collection of Real Estate Taxes by the Alternative Method (H. P. 1291) (L. D. 814)

An Act relating to Conscious Suffering Preceding Death (S. P. 473) (L. D. 854)

An Act relating to Audit and Use of Funds of Maine Forestry District (H. P. 1070) (L. D. 559)

An Act relating to the Salary of the Recorder of the Bath Municipal Court (H. P. 342) (L. D. 202)

#### Finally Passed

Resolve Authorizing the Purchase of Property for the State (S. P. 78) (L. D. 34)

Resolve for the Purchase of One Hundred Copies of "History of Morrill, Maine." (S. P. 199) (L. D. 897)

Resolve in favor of William F. Tracy, of Passadumkeag (H. P. 1362) (L. D. 905)

Resolve in favor of the town of Newry for Bounty Paid (H. P. 1084) (L. D. 900)

Resolve Reimbursing the town of Trescott for Bounty Paid to Vincent Foley (H. P. 531) (L. D. 899)

Resolve in favor of Leland Andrews of Hartford (H. P. 1359) (L. D. 901)

Resolve providing for the Payment of Crop Damages Caused by Protected Wild Animals (H. P. 1360) (L. D. 902)

Resolve providing for the Payment of Certain Damages Caused by Protected Wild Animals (H. P. 1361) (L. D. 903)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker, I have heard it suggested that the Ways and Bridges Committee will turn in its report to the next Legislature. Now the Committee on Ways and Bridges is working very hard on the most complete group of resolves that any committee has. I understand it will have its report ready for this afternoon.

Madam Speaker, I ask for unanimous consent from everyone, and I think you will agree, that all matters acted upon during today's session be immediately sent to the Senate after one hour. Ordinarily, of course, we have had twenty-four hours for reconsideration, but I think that all the controversial matters have been taken care of, but we still feel that we should have one hour for reconsideration.

This order always has been passed during the last of the session. I am hesitant about making this order now, but it is the customary procedure, and it will help to expedite matters when we don't have much to do. So I trust that the House will agree that all matters, when acted upon, will be immediately sent to the Senate.

The SPEAKER pro tem: The gentleman from Rockland, Mr. Sleeper, asks that the House unanimously agree that all matters acted upon during today's session, requiring concurrent action by the Senate, be sent to the Senate by the Clerk one hour after the action has been taken by the House. Does the Chair hear objection? The Chair hears none.

On motion by Mr. Sleeper, of Rockland,

Recessed until three o'clock this afternoon.

#### Afternoon Session 3.00 P. M.

The House was called to order by the Speaker.

The following paper from the Senate was taken out of order under suspension of the rules:

Bill "An Act to Provide a Tonnage Tax on Commercial Fertilizer" (H. P. 1226) (L. D. 712) on which the House voted on April 7th to insist on its former action of March 25th whereby the Report of the Committee on Taxation reporting "Ought to pass" was accepted.

Came from the Senate that body insisting on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" and asking for a Committee of Conference and with the following Conferees appointed on its part:

Messrs. GOOD of Aroostook  
VARNEY of York  
BROWN of Aroostook

In the House, on motion by the gentleman from Presque Isle, Mr. Brewer, the House voted to join in a Committee of Conference.

The Chair appointed as Conferees on the part of the House:

Messrs. BREWER of Presque Isle  
WELCH of Mars Hill  
DORSEY of Fort Fairfield

#### Orders of The Day

The Chair lays before the House the first tabled and today assigned matter, Joint Order Relative to Instructing the Research Committee to Study the Tax System of the State and bring in a Report to the 92nd Legislature (H. P. 1363) which was passed in the House on April 5th; Came from the Senate indefinitely postponed in non-concurrence, tabled on April 7th by the gentleman from Saco, Mr. Jordan, pending further consideration; and the Chair recognizes that gentleman.

On motion by Mr. Jordan, the House voted to recede from its former action and concur with the Senate in the indefinite postponement of the Order.



The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, Bill "An Act Relating to the Salaries of Commissioner of Labor and Industry and the Commissioner of Insurance as Members of the Industrial Accident Commission" (H. P. 1367) (L. D. 912) tabled on April 7th by the gentleman from Rome, Mr. Downs, pending assignment for third reading.

On motion by Mr. Downs, under suspension of the rules, the bill was given its third reading and was passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the first tabled and this afternoon assigned matter, Senate Majority Report "Ought to pass in a 2nd New Draft 'A'" (S. P. 489) (L. D. 911) and Minority Report "Ought to pass in a new draft 'B'" (S. P. 468) (L. D. 837) as originally reported by the Committee on Legal Affairs to which was recommitted Bill "An Act Amending the Charter of the City of Lewiston" (S. P. 177) (L. D. 238). Came from the Senate with the Majority Report accepted and passed to be engrossed; tabled in the House on April 8th by the gentleman from Lewiston, Mr. Roy, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. ROY: Mr. Speaker, there isn't much I can say on this bill, only that it appears that it again leaves us in the position where we are obliged to come to this Legislature for anything that occurs in the financial situation of Lewiston. Of course there is nothing that I can say and nothing that I can do, but can only let it go along. I do want to say that I think it is a shame to have to come before this Legislature and ask every Tom, Dick and Harry every time you want to do anything in Lewiston. In other words, there is nothing we can do but to wait until we are more civilized; but now I will have to let it go along.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Payson, that the Majority Report, "Ought to pass in a 2nd new draft A" be accepted.

The Chair recognizes the gentleman from Bridgton, Mr. Rankin.

Mr. RANKIN: Mr. Speaker and Members of the House: I confess that I don't know very much about this matter, but I want to say a word for the minority report. The other day we voted on this matter and about half of the members of this Legislature voted. I think those who did not vote had a feeling which I shared. To put it otherwise, we voted as we did, holding our noses. I must say that I do not like the majority report; I don't like the way we have treated the city of Lewiston.

As Mr. Edmund Burke once said: "I pardon something to the spirit of liberty." We are living in a Democracy. We are keeping Lewiston a proud city, but it never will learn to walk alone and do for itself as long as we treat it this way. I don't know very much about the past; I didn't live in Maine until 1917. I have lived here about fifteen years, but I think this is a case where we want to let bygones be bygones, and turn over a new leaf to the city of Lewiston.

I remember two years ago the minority party of the city of Biddeford took a certain position, and we were asked by the majority of the people of that city, who are in the majority party in Biddeford, to act in opposition to the wishes of the minority party in that city. This Republican Legislature voted as the Democratic city of Biddeford wanted us to vote. Even though there may be imperfections upon the side of Lewiston, I am going to vote for what Lewiston wants, with at least the hope that a respectable number will feel as I do about this matter.

The SPEAKER: The question before the House is on the motion by the gentleman from Portland, Mr. Payson, that the majority report "Ought to pass in a 2nd new draft A" be accepted. Is this the pleasure of the House? All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

Thereupon the bill had its two several readings.

Senate Amendment "A" read by the Clerk as follows:

Senate Amendment "A" to S. P. 489, L. D. 911, Bill "An Act Amending the Charter of the City of Lewiston."

Amend said bill by adding at the end of that part of section 7 thereof designated "Sec. 11." the following underlined sentence: **Provided, however, that for the period between April 1, 1943 and March 31, 1945 the salary of said police matron shall be fixed at \$1,600 per year.**

Senate Amendment "A" was adopted in concurrence, and the bill was assigned for third reading this afternoon at five o'clock.

The SPEAKER: The Chair now lays before the House the second tabled and this afternoon assigned matter, House Amendment "E" to Bill "An Act Providing for the Licensing and Regulation of the Amusement known as Five-in-a-Row" (H. P. 1303) (L. D. 834) tabled earlier in today's session by the gentleman from Clifton, Mr. Williams, pending reproduction under House Rule 36. The amendment has been read.

The question before the House is on the adoption of House Amendment "E".

Thereupon, House Amendment "E" was adopted, and the bill, having had its three several readings, was passed to be engrossed as amended by House Amendments "D" and "E" in non-concurrence, and sent up for concurrence.

The SPEAKER: The Assistant Sergeant-at-Arms will present the gentleman from Phippsburg, Mr. McIntire, to the rostrum.

Thereupon, Mr. McIntire was escorted to the rostrum, amid the applause of the House, the members rising, where he was welcomed by the Speaker.

The SPEAKER: As the members of the House may know, the gentleman from Phippsburg, Mr. McIntire, reports tomorrow, and on Monday he will leave on one of the merchant ships that is being turned over by the South Portland shipyard, sailing in the Merchant Marine. I think we all recognize the fact that the most vital link in the entire defense set-up, our offensive set-up, so far as all nations are concerned, is that of communication between the continents; and we know that today it is a very delicate and highly important life line which is comparatively easy to cut, and the men who go down to the sea are writing a new courageous

chapter in American history. The percentage of loss in the merchant marine today, so far as American lives are concerned, is higher than in any other branch of the service, even though we consider it apart from the military branch. So, as Raymond leaves the House just before we finally adjourn, we want to present this sum of money from his friends and wish him well. (Applause)

Mr. McINTIRE: Mr. Speaker and Members of the House: I cannot adequately say to you how this token affects me, but I am going to say just a few words. Mr. Speaker, I believe, pursuant to the order which Mr. Williams introduced at the beginning of the session and the order which Mr. Bubar introduced at the end of the session—I believe between the three of us we have got the Legislature going in such a manner that you won't have any difficulties.

Thereupon, Mr. McIntire was escorted to his seat on the floor, amid the applause of the House, the members rising.

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

On motion by Miss Clough of Bangor, the House voted to take from the table the third tabled and unassigned matter, Conference Report on Bill "An Act Relating to Sales and Use of Fireworks" (H. P. 802) (L. D. 384) reporting with House Amendment "B", tabled on April 7th by that gentlewoman, pending acceptance of report.

The SPEAKER: Is it the pleasure of the House to accept the Conference Committee Report?

The Chair recognizes the gentleman from Falmouth, Mr. DOW.

Mr. DOW: Mr. Speaker, in order that there may be no misunderstanding, I will say that I have not the slightest objection to the bill in this form.

Thereupon, the House voted to accept the report of the Conference Committee.

The House then voted to reconsider its action whereby Legislative Document 384 was passed to be engrossed.

House Amendment "B" read by the Clerk as follows:

House Amendment "B" to H. P. 802, L. D. 384, Bill "An Act Relating to Sale and Use of Fireworks."

Amend said bill by striking out everything after the enacting clause, and inserting in place thereof the following:

**Sec. 1. Devices for firing blank cartridge, and fire balloons, etc., not to be sold.** It shall be unlawful to sell any toy gun, toy cane or cannon that can be used to fire blank cartridge or cartridges, any fire balloon, so-called, parachute or similar article carrying a lighted substance.

**Sec. 2. Limitation on shell of salutes to be sold.** It shall be unlawful to sell any marble salute, cherry salute, globe flash salute, so-called, or any firecracker or salute having a shell or casing combined on any substance harder than any ordinary paper.

**Sec. 3. Limitation on size of salutes and torpedoes to be sold.** It shall be unlawful to sell any O. K. salutes and flash salute, radio flash salute, devil dog salute, so-called, or any firecracker or salute the external dimensions of which exceed 2 inches in length or  $\frac{1}{2}$  inch in diameter, or which is designed to explode upon the ground when containing over 10 grains of explosive composition. No torpedoes, so-called, shall be sold when exceeding the length of  $\frac{3}{8}$  of an inch in diameter or containing over 4 grains of explosive composition, nor any rocket larger than those commercially designed and 1 pound in weight, provided, however, that the above shall not apply to sky rockets discharged in pyrotechnical display when in the hands of competent experts. No salute shall be sold exceeding 2 inches in length, and none shall contain dynamite, fulminate of mercury, nitro-glycerine or any high explosive known as T. N. T. provided, however, that this shall not apply to the use of signal torpedoes by railroads in the operation with their trains.

**Sec. 4. Limitations on sale of fireworks enumerated in section 3.** No fireworks enumerated in section 3 of this act shall be displayed for sale except in show cases on shelves or in windows where they are completely enclosed.

**Sec. 5. Manufacturers of fireworks to furnish bond.** Any person,

firm or corporation that manufactures fireworks that contracts with any city or town to furnish a public display of fireworks shall post a bond in the sum of \$10,000 with the city or town treasurer, to reimburse the said city or town for any damages caused by the use of the fireworks, provided, however, that the above shall not apply to a display of fireworks that does not exceed \$250 in cost.

**Sec. 6. Use of Bear Cat torpedoes, and sky rockets regulated.** It shall be unlawful to carry for sale or give away any torpedo of the type known to the trade as a Bear Cat torpedo. It shall be unlawful for any person or persons to lay any sky rocket on any sidewalk, street, or vacant lot within the state, but all sky rockets shall be discharged upwards in chutes or racks.

**Sec. 7. Dago bombs forbidden.** It shall be unlawful to have for sale in the state any dago bombs or aerial flash salutes.

**Sec. 8. Pyrotechnical displays regulated.** Pyrotechnical displays may be given at any time in licensed amusement parks, or in a suitable place in any city or town; provided, however, that the display is supervised by a suitable expert.

**Sec. 9. Penalty.** Whoever violates any of the provisions of this act shall be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days in jail, or by both such fine and imprisonment.

**Sec. 10. Repealing clause.** All acts or parts of acts inconsistent with the provisions hereof are hereby repealed or amended to conform with the provisions hereof.

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

#### House Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolve, Proposing a Constitutional Amendment Changing the Times of Meetings of the Legislature (H. P. 1243) (L. D. 743) reporting that the Senate recede and concur with the House in refer-

ring the Resolve to the 92nd Legislature.

(Signed)

Messrs. ROLLINS of Greenville  
HAMILTON of Hartland  
SNOW of Auburn  
—Committee on part of House.  
McGLAUFLIN of Cumberland  
FARRIS of Kennebec  
HARVEY of York  
—Committee on part of Senate.  
Report was read and accepted and sent up for concurrence.

#### Order

On motion by Mr. Rollins of Greenville, out of order and under suspension of the rules, it was

ORDERED, that the Legislative Research Committee be, and hereby is, requested to undertake a study of the proposal embodied in "Resolve Proposing a Constitutional Amendment Changing the Times of Meetings of the Legislature" (H. P. 1243) (L. D. 743)

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

On motion by Mr. Sleeper of Rockland, the House voted to reconsider its action of yesterday whereby it concurred with the Senate in the indefinite postponement of Resolve Proposing an Amendment to the Constitution Relating to Adoption of Amendments to the Constitution (S. P. 357) (L. D. 644)

Thereupon, the bill was passed to be engrossed in non-concurrence and sent up for concurrence.

On motion by Mr. Barnes of Houlton, the House voted to take from the table the fourth tabled and unassigned matter, Final Report of the Committee on Judiciary, tabled by him earlier in today's session, pending acceptance; and on further motion by the same gentleman, the report was accepted in concurrence.

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

The following Bills on their passage to be enacted and Resolves on

their final passage were taken up out of order under suspension of the rules:

An Act relating to the Board of Trustees of the Jointly-Contributory Retirement System (H. P. 552) (L. D. 287)

An Act relating to Salary of Adjutant-General (H. P. 1158) (L. D. 613)

An Act relating to Storage in Millinocket Lake (H. P. 1343) (L. D. 889)

An Act relating to Slaughterhouses (H. P. 1353) (L. D. 894)

An Act relating to Manufacture and Sale of Apple Wine (H. P. 1354) (L. D. 895)

#### Finally Passed

Resolve Providing for Construction of a Building for Employees at the Fownal State School (S. P. 487) (L. D. 906)

Resolve in favor of Several Academies, Institutes and Seminaries (H. P. 1364) (L. D. 908)

Resolve Providing for the Payment of Certain Pauper Claims (H. P. 1365) (L. D. 909)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

On motion by Mr. Sleeper of Rockland,

Recessed until five o'clock.

5:20 P. M.

The House was called to order by the Speaker.

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

Bill "An Act Amending the Charter of the City of Lewiston" (S. P. 489) (L. D. 911)

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

On motion by Mr. Sleeper of Rockland,

Adjourned until ten o'clock tomorrow morning.