

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, February 9, 1949

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

Prayer by the Rev. Mr. Colcord of Gardiner.

The journal of the previous session was read and approved.

Papers From the Senate

From the Senate:

Bill "An Act relating to the Payment of the Cost of the Kennebec or Carlton Bridge" (S. P. 255) (L. D. 389)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act relating to Compulsory Insurance" (S. P. 259) (L. D. 390)

Bill "An Act relating to Permits to Cut Logs" (S. P. 262) (L. D. 393)

Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council (S. P. 260) (L. D. 391)

Resolve Proposing an Amendment to the Constitution Providing Authority to the Legislature to Require Compulsory Voting (S. P. 261) (L. D. 392)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate:

Bill "An Act relating to a Filtering Plant or System for the Portland Water District" (S. P. 264) (L. D. 394)

Came from the Senate referred to the Committee on Public Utilities.

In the House, referred to the Committee on Public Utilities in concurrence.

From the Senate:

Bill "An Act relating to the Salary of the Sheriff of York County" (S. P. 265) (L. D. 395)

Bill "An Act relating to the Salary of the County Attorney of York County" (S. P. 266) (L. D. 396)

Came from the Senate referred to the Committee on Salaries and Fees.

In the House, referred to the Committee on Salaries and Fees in concurrence.

From the Senate:

Bill "An Act to Authorize the Construction of a Combination Highway and Railroad Bridge Across Fore River" (S. P. 267) (L. D. 397)

Resolve Proposing an Amendment to the Constitution to Authorize the Issuing of Bonds to be Used for the Purpose of Building Highway or Combination Bridges Authorized by the Legislature (S. P. 268) (L. D. 398)

Came from the Senate referred to the Committee on Ways and Bridges.

In the House, referred to the Committee on Ways and Bridges in concurrence.

Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Taxation on Bill "An Act relating to Application of Cigarette and Tobacco taxes to Federal Income Tax" (S. P. 49) (L. D. 31) reported same in a new draft (S. P. 218) (L. D. 279) under same title and that it "Ought to pass"

Came from the Senate with 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 tomorrow assigned.

Ought to Pass with Committee Amendment Tabled

Report of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to

Codify the Constitution (S. P. 48) (L. D. 30) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted, and the Resolve passed to be engrossed.

Report was read and accepted in concurrence, and the Resolve read once.

Committee Amendment "A" was read by the Clerk as follows:

Committee Amendment "A" to S. P. 48, L. D. 30, "Resolve Proposing an Amendment to the Constitution to Codify the Constitution."

Amend said resolve by striking out in the 5th, 6th and 7th lines of that part designated as "Sec. 3" thereof, the following underlined words and punctuation: "and such arrangement of the constitution shall be made and submitted whenever a new revision of the public laws of the state is authorized."

(On motion by Mr. Woodworth, of Fairfield, the Resolve and Amendment were tabled pending assignment for second reading of the Resolve.)

Non-Concurrent Matter

Bill "An Act relating to Pedestrians on Ways" (H. P. 705) (L. D. 251) which was referred to the Committee on Judiciary in the House on February 1st.

Came from the Senate referred to the Committee on Motor Vehicles in non-concurrence.

In the House, on motion by Mr. Wight of Bangor, the House voted to insist on its former action and ask for a Committee of Conference.

Amended in Non-Concurrence

Bill "An Act to Incorporate the Town of Lisbon School District" (H. P. 58) (L. D. 21) which was passed to be engrossed in the House on February 3rd as amended by Committee Amendment "A".

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

In the House: The House voted to reconsider its former action

whereby this Bill was passed to be engrossed as amended. Senate Amendment "A" was read by the Clerk as follows:

Senate Amendment "A" to H. P. 58, L. D. 21, Bill "An Act to Incorporate the Town of Lisbon School District."

Amend said Bill by inserting before the last sentence of section 9 the following sentence:

"This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting."

Thereupon, Senate Amendment "A" was adopted and the Bill as amended by Committee Amendment "A" and Senate Amendment "A" was passed to be engrossed in concurrence.

Messages and Documents

The SPEAKER: The Clerk has a communication not on the journal which he would like to read at this time.

STATE OF MAINE OFFICE OF SECRETARY OF STATE

February 9, 1949

To Harvey R. Pease, Clerk of the House of Representatives of the Ninety-fourth Legislature

In compliance with Section 1 of Chapter 9 of the Revised Statutes, I hereby certify that in accordance with the provisions of Section 74 of Chapter 5 of the Revised Statutes, a special election was held in the class towns of Grand Isle and Van Buren on February 7, 1949 for the purpose of electing a representative to the Ninety-fourth Legislature to fill the vacancy caused by the resignation of Wilfred J. Sirois of Van Buren; that at said election, Charles L. O'Connell of Van Buren, having received a plurality of all votes cast in said election, according to a canvass of the returns received from the class towns of Grand Isle and Van Buren made by the Governor and Council under date of February 9, 1949 appears to have been elected a Representative to the Ninety-fourth Legislature.

In Witness Whereof, I have caused the Seal of the State to be hereto affixed this ninth day of February in the year of our Lord one thousand nine hundred and forty-nine and of the Independence of the United States the one hundred and seventy-third.
(Seal)

(Signed) HAROLD I. GOSS
Secretary of State.

The communication was received and placed on file.

Mr. Martin of Frenchville was appointed as a committee to escort Representative-elect Mr. O'Connell to the Governor and Council in order that he might take and subscribe the necessary oaths to enable him to serve in the House.

An additional communication not on the journal was read by the Clerk as follows:

DEPARTMENT OF STATE
STATE OF MAINE

Augusta

February 9, 1949

To the Honorable Nathaniel M. Haskell, Speaker of the House of Representatives of the Ninety-fourth Legislature:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of the votes cast for Representative to the Legislature in the class towns of Grand Isle and Van Buren at a special election held February 7, 1949, to fill the vacancy caused by the resignation of Wilfred J. Sirois of Van Buren.

Respectfully,
(Signed) HAROLD I. GOSS
Secretary of State

The communication was referred to the Committee on Elections.

Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Refer-

ence of Bills, were referred to the following Committees:

Agriculture

Bill "An Act Relating to Wild Bees" (H. P. 1025) (Presented by Mr. Ludwig of Hope)
(Ordered Printed)
Sent up for concurrence.

Appropriations and Financial Affairs

Resolve Relating to the Compilation and Printing of the History of Selective Service in Maine (H. P. 1026) (Presented by Mr. Hayes of Dover-Foxcroft)
(Ordered Printed)
Sent up for concurrence.

Resolve in Favor of the University of Maine for Buildings (H. P. 1027) (Presented by Mr. Parker of Sebec)
Sent up for concurrence.

Claims

Resolve in Favor of Wyman & Simpson, Inc., of Augusta (H. P. 1028) (Presented by Mr. Martin of Augusta)
(Ordered Printed)
Sent up for concurrence.

Resolve in Favor of George V. Jordon, of North Waldoboro (H. P. 1029) (Presented by Mr. Johnston of Jefferson)

Resolve in Favor of Clarence R. Eaton, of Bath (H. P. 1030) (Presented by Mr. Larrabee of Bath)

Resolve in Favor of Maxime Dionne, of Stockholm (H. P. 1031) (Presented by Mr. Martin of Frenchville)

Resolve in Favor of Walter Bliss Cronkite of Newport (H. P. 1032) (Presented by Mr. Merrill of Stetson)

Resolve in Favor of Ralph E. Bowdoin of Milo (H. P. 1033) (Presented by Mr. Parker of Sebec by request)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act Relative to Possession of Moose and Caribou (H. P.

1034) (Presented by Mr. Campbell of Guilford)

(Ordered Printed)

Bill "An Act Relative to Closed Time on Deer (H. P. 1035) (Presented by same gentleman)

(Ordered Printed)

Resolve Improving the Fish Screen at Outlet of Long Pond in Sandy River Plantation (H. P. 1036) (Presented by Mr. Carville of Stratton)

(Ordered Printed)

Resolve Regulating Fishing in Long Pond, in the County of Franklin (H. P. 1037) (Presented by same gentleman)

(Ordered Printed)

Resolve Regulating Fishing in Haley Pond, in the County of Franklin (H. P. 1038) (Presented by same gentleman)

(Ordered Printed)

Resolve Regulating Fishing in Kemankeag Pond, in the County of Franklin (H. P. 1039) (Presented by same gentleman)

(Ordered Printed)

Resolve Relative to Sale of Hatcheries and Feeding Station Property Authorized (H. P. 1040) (Presented by same gentleman)

(Ordered Printed)

Resolve Providing for a Fish Screen at Outlet of North Pond, in the town of Woodstock, in the County of Oxford (H. P. 1041) (Presented by Mr. Eastman of Paris)

(Ordered Printed)

Resolve Reducing the Daily Bag Limit on Trout in the County of Aroostook (H. P. 1042) (Presented by Mr. Jamieson of Presque Isle)

(Ordered Printed)

Resolve Regulating Fishing in Red River, in Aroostook County (H. P. 1043) (Presented by same gentleman)

(Ordered Printed)

Resolve Closing All the Waters of the State to Fishing Through the Ice for Salmon, Trout and Togue (H. P. 1044) (Presented by Mr. Jewett of Manchester)

(Ordered Printed)

Resolve Relating to Fishing in Rocky Pond and Johnson Pond in

Knox County (H. P. 1045) (Presented by Mr. Ludwig of Hope)

(Ordered Printed)

Resolve Closing Rocky Pond and Johnson Pond in Knox County to Ice Fishing (H. P. 1046) (Presented by same gentleman)

(Ordered Printed)

Resolve Regulating Fishing in McGrath and Ellis Ponds, in the County of Kennebec (H. P. 1047) (Presented by Mr. Pullen of Oakland by request)

(Ordered Printed)

Sent up for concurrence.

(At this point, Mr. Martin of Frenchville reported that he had performed the duty with which he was charged and that Representative O'Connell had taken and subscribed the oaths required by the Constitution to qualify him to serve as a Member of the Ninety-fourth Legislature.

Mr. O'Connell was then conducted to Seat No. 18 amid the applause of the House.)

Judiciary

Bill "An Act Relating to Transfer of Corporate Stock" (H. P. 1048) (Presented by Mr. Chase of Cape Elizabeth)

(Ordered Printed)

Bill "An Act Relating to Taking of Land by Towns for Parking Facilities" (H. P. 1049) (Presented by Mr. Stevens of Boothbay)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Incorporate the Town of Lubec School District" (H. P. 1050) (Presented by Mr. Bucknam of Whiting)

(Ordered Printed)

Bill "An Act Relating to Annual Audits for Cities, Towns, Plantations, Village Corporations, Sewer Districts, School Districts and School Activity Funds" (H. P. 1051) (Presented by Mr. Burgess of Rockland)

(Ordered Printed)

Bill "An Act to Incorporate the Town of Dexter School District"

(H. P. 1052) (Presented by Mr. Campbell of Garland)

(Ordered Printed)

Bill "An Act to Repeal the Charter of the Bay Point Village Corporation" (H. P. 1053) (Presented by Mr. Jones of Bowdoinham)

(Ordered Printed)

Bill "An Act to Incorporate the Town of Yarmouth School District" (H. P. 1054) (Presented by Mr. Knapp of Yarmouth)

(Ordered Printed)

Bill "An Act Creating the Bath School District" (H. P. 1055) (Presented by Mr. Larrabee of Bath)

(Ordered Printed)

Bill "An Act Creating the Town of Wiscasset School District" (H. P. 1056) (Presented by Mr. Palmer of Nobleboro)

(Ordered Printed)

Bill "An Act to Incorporate the Town of Gorham School District" (H. P. 1057) (Presented by Mr. Sanborn of Gorham)

(Ordered Printed)

Bill "An Act to Incorporate the Town of Hermon School District" (H. P. 1058) (Presented by Mr. Thomas of Hampden)

(Ordered Printed)

Resolve Authorizing the State Plumbers' Examining Board to Issue a License to Philip M. Emmott of Southwest Harbor (H. P. 1059) (Presented by Mr. Phillips of Southwest Harbor)

(Ordered Printed)

Sent up for concurrence.

Pensions

Resolve for a Pension for Nellie Whitehead (H. P. 1060) (Presented by Mr. Clements of Belfast)

Resolve Providing for State Pension for Vera Strout of Manchester (H. P. 1061) (Presented by Mr. Jewett of Manchester)

Resolve Providing for State Pension for Marie C. Roy of Skowhegan (H. P. 1062) (Presented by Mr. Lessard of Skowhegan)

Resolve Providing for an Increase in State Pension for Francis Cyr, of St. Agatha (H. P. 1063) (Presented by Mr. Martin of Frenchville)

Resolve Providing for an Increase in State Pension for Robert Arlo Fogg, of Bucksport (H. P. 1064) (Presented by Mr. Sargent of Bucksport)

Resolve Providing for State Pension for Frank C. Erskine of Bristol Mills (H. P. 1065) (Presented by Mr. Stevens of Boothbay)

Resolve Providing for State Pension for Myrtle Brewer, of Boothbay Harbor (H. P. 1066) (Presented by same gentleman)

Resolve Providing for State Pension for Lillian Sibley of Old Town (H. P. 1067) (Presented by Mr. Webber of Bangor)

Sent up for concurrence.

Public Utilities

Bill "An Act to Amend the Charter of the Yarmouth Water District" (H. P. 1068) (Presented by Mr. Knapp of Yarmouth)

(Ordered Printed)

Bill "An Act to Amend the Charter of the Freeport Sewer District" (H. P. 1069) (Presented by Mr. Patterson of Freeport by request)

(Ordered Printed)

Bill "An Act Relating to the Houlton Water Company" (H. P. 1070) (Presented by Mr. Robbins of Houlton)

(Ordered Printed)

Sent up for concurrence.

Salaries and Fees

Bill "An Act Relating to Automobile Travel by State Employees" (H. P. 1071) (Presented by Mr. Burgess of Limestone)

(Ordered Printed)

Bill "An Act Relating to Salaries of Inland Fish and Game Wardens and Deputy Commissioner" (H. P. 1072) (Presented by Mr. Chaples of Hudson)

(Ordered Printed)

Bill "An Act Relating to the Salary of the County Attorney of Waldo County" (H. P. 1073) (Presented by Mr. Clements of Belfast)

(Ordered Printed)

Bill "An Act Relating to the Salary of the Sheriff of Waldo County" (H. P. 1074) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Relating to the Salary of Register of Probate in Kennebec County" (H. P. 1075) (Presented by Mr. Martin of Augusta) (Ordered Printed)
Sent up for concurrence.

On motion by Miss Cormier of Rumford, House Rule No. 25 was suspended for the remainder of today's session in order to permit smoking. (Applause)

Taxation

Bill "An Act Relating to Tax Exemption of Property" (H. P. 1076) (Presented by Mr. Larrabee of Bath by request)

(Ordered Printed)

Bill "An Act to Repeal the Tax on Cigars and Tobacco Products" (H. P. 1077) (Presented by Mr. McClure of Bath)

(1,000 copies ordered printed)

Sent up for concurrence.

Welfare

Bill "An Act Relating to Applications for Old Age Assistance" (H. P. 1078) (Presented by Mr. McGlauffin of Portland)

(Ordered Printed)

Sent up for concurrence.

Ways and Bridges

Resolve in favor of the town of Charlotte (H. P. 1079) (Presented by Mr. Brown of Robbinston)

Resolve in favor of the town of Dennysville (H. P. 1080) (Presented by same gentleman)

Resolve in favor of the town of Greenwood (H. P. 1081) (Presented by Mr. Carter of Bethel)

Resolve in favor of the town of Newry (H. P. 1082) (Presented by same gentleman)

Resolve in favor of the town of Bethel (H. P. 1083) (Presented by same gentleman)

Resolve in favor of the town of Stoneham (H. P. 1084) (Presented by same gentleman)

Resolve in favor of the town of Gilead (H. P. 1085) (Presented by same gentleman)

Resolve in favor of Jerusalem Township (H. P. 1086) (Presented by Mr. Carville of Stratton)

Resolve in favor of Wyman Township (H. P. 1087) (Presented by same gentleman)

Resolve in favor of the city of Belfast (H. P. 1088) (Presented by Mr. Clements of Belfast)

Resolve in favor of the city of Belfast (H. P. 1089) (Presented by same gentleman)

Resolve in favor of the city of Belfast (H. P. 1090) (Presented by same gentleman)

Resolve in favor of the town of South Berwick (H. P. 1091) (Presented by Mr. Hobbs of So. Berwick)

Resolve in favor of the town of Enfield (H. P. 1092) (Presented by Mr. House of Lincoln)

Resolve in favor of the town of Manchester (H. P. 1093) (Presented by Mr. Jewett of Manchester)

Resolve in favor of the town of West Gardiner (H. P. 1094) (Presented by same gentleman)

Resolve in favor of the city of Hallowell (H. P. 1095) (Presented by same gentleman)

Resolve in favor of the city of Hallowell (H. P. 1096) (Presented by same gentleman)

Resolve in favor of the town of West Gardiner (H. P. 1097) (Presented by same gentleman)

Resolve in favor of the town of Cornish (H. P. 1098) (Presented by Mr. Leavitt of Parsonsfield)

Resolve in favor of the town of Camden (H. P. 1099) (Presented by Mr. Ludwig of Hope)

Resolve in favor of the town of Poland (H. P. 1100) (Presented by Mr. Sanderson of Greene)

Resolve in favor of the town of Orland (H. P. 1101) (Presented by Mr. Sargent of Bucksport)

Resolve in favor of the town of Dedham (H. P. 1102) (Presented by same gentleman)

Resolve in favor of the town of South Bristol (H. P. 1103) (Presented by Mr. Stevens of Boothbay)

Resolve in favor of the town of Smithfield (H. P. 1104) (Presented by Mr. Woodworth of Fairfield)

Resolve in favor of the town of Mercer (H. P. 1105) (Presented by same gentleman)

Resolve in favor of the town of Smithfield (H. P. 1106) (Presented by same gentleman)

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Sebec, Mr. Parker.

Mr. PARKER: Mr. Speaker, I realize that perhaps being a young man here in the length of time I have served I may be speaking out of order. What I have reference to is on page 3 and item 3 "Resolve in Favor of the University of Maine for Buildings."

The SPEAKER: May the Chair inquire if the gentleman wishes to present an order?

Mr. PARKER: Mr. Speaker, I just wish to have this bill printed.

The SPEAKER: Will the gentleman be kind enough to give the item which he wishes to have printed?

Mr. PARKER: Mr. Speaker, Item 3, House Paper 1027.

The SPEAKER: The gentleman from Sebec, Mr. Parker, moves that Item 3, "Resolve in Favor of the University of Maine for Buildings" (H. P. 1027) be ordered printed. Is this the pleasure of the House?

The motion prevailed.

Oruers

On motion by Mr. Clements of Belfast, it was

ORDERED, that Rev. W. S. Stackhouse of Belfast, be invited to officiate as Chaplain of the House on Friday, February 18, 1949.

Passed to be Engrossed

Bill "An Act Permitting the Presidential Short Ballot" (S. P. 74) (L. D. 50)

Resolve relating to Fly Fishing in Stratton Brook in Coplin Plantation, in Franklin County (H. P. 132) (L. D. 403)

Resolve Regulating Fishing in Orange and Rocky Lakes in the county of Washington (H. P. 176) (L. D. 404)

Resolve Opening Thistle Pond in the town of Monroe, Waldo County, to Ice Fishing (H. P. 177) (L. D. 405)

Resolve Providing for a Fish Screen at John's Pond in Davis Plantation (H. P. 285) (L. D. 412)

Resolve Regulating Fishing in Salt Pond in the towns of Friendship and Cushing (H. P. 290) (L. D. 407)

Resolve Regulating Fishing in Forest Lake in the town of Friendship, Knox County (H. P. 291) (L. D. 408)

Resolve Closing Salt Pond in the towns of Friendship and Cushing to Ice Fishing (H. P. 292) (L. D. 409)

Resolve Regulating Fishing in Smelt Brook in the County of Washington (H. P. 354) (L. D. 410)

Resolve Regulating Fishing in Colcord Pond in the county of Oxford (H. P. 355) (L. D. 411)

Were reported by the Committee on Bills in the Third Reading, Bill read the third time, Resolves read the second time, all passed to be engrossed and sent to the Senate.

Amended Resolve

Resolve Closing Certain Ponds in Piscataquis County to Fishing (H. P. 288) (L. D. 406)

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

Passed to be Enacted Emergency Measure

An Act relating to a Non-resident Fishing License (S. P. 126) (L. D. 147)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of the entire elected membership of the House being necessary, a division was had. 138 voted in favor of same, and none against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The **SPEAKER**: The Chair will announce at this time that the elected membership of the House is now 151 members.

Emergency Measure

An Act relating to the Vinalhaven Port District (H. P. 52) (L. D. 15)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of the entire elected membership of the House being necessary, a division was had. 136 voted in favor of same, and none against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act relating to Proxies (H. P. 50) (L. D. 13)

An Act relating to Pensions for Members of Police Department for city of Bangor (H. P. 53) (L. D. 16)

An Act relating to the Bangor Family Welfare Society (H. P. 133) (L. D. 39)

Finally Passed

Resolve in favor of the town of Medway (H. P. 74) (L. D. 207)

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

Orders of the Day

The **SPEAKER**: The Chair recognizes the gentleman from Anson, Mr. Sharpe.

Mr. **SHARPE**: Mr. Speaker, it is my understanding that the House still has possession of S. P. 227, L. D. 344, and I move that the former action whereby this bill was referred to the Committee on Interior Waters be reconsidered.

The **SPEAKER**: The Chair will state that the paper in question, S. P. 227, is in the possession of the House. The gentleman from Anson, Mr. Sharpe, moves that the

House reconsider its action on Bill "An Act relating to Penobscot Log Driving Company" whereby on yesterday the matter was referred to the Committee on Interior Waters. Is this the pleasure of the House?

The motion prevailed; and, on further motion by the same gentleman, the bill was tabled pending reference to any committee in concurrence.

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

On motion by Mr. McClure of Bath, the House voted to take from the table the second tabled and unassigned matter, House Report "Ought not to be passed" of the Committee on Rules and Business of the House on House Order relative to amending House Rule No. 4 (Including National Anthem and Pledge of Allegiance tabled on January 28th by that gentleman pending his motion to substitute the Order for the Report.

The **SPEAKER**: The Chair recognizes the gentleman from Gardiner, Mr. Johnson.

Mr. **JOHNSON**: Mr. Speaker, I would like to state briefly the purpose behind this amendment to House Rule No. 4. In proposing this amendment, I had in mind the youth, the boys and girls, the Boy Scouts and the high school and school students who enter this House to watch us in action during this session. I believe the impression this simple example would have upon their minds would be of tremendous and lasting value to them. This simple act, which has such a meaning, may possibly help them to understand why many have given their lives and many of us have offered our lives and our health to protect our American flag and our American way of life.

When I presented this simple amendment I believed that it would be accepted by every member of this House. However, since I presented it, there has been an expression by a very few that it would take too much of our valuable time.

Now, for your information, I find it takes one minute and fifteen seconds to play a recording of our National Anthem, and it takes ten seconds for the pledge of allegiance to our flag. I do not believe that is too much time for us to offer for the good that it may do to the youth of our country and for the benefit of our State and Nation.

Now, I hope that the motion of the gentleman from Bath, Mr. McClure prevails.

THE SPEAKER: The question before the House is on the motion of the gentleman from Bath, Mr. McClure, that the order be substituted for the "Ought not to be passed" report of the committee.

The Chair recognizes the gentleman from Portland, Mr. McGlauffin.

MR. MCGLAUFLIN: Mr. Speaker and Members of this House: This is a unanimous committee report. The committee has nothing but the greatest respect for the motion of the gentleman who just spoke; but let me point out that when we came to this House each one of us swore to support the Constitution of the United States and of this State. That is a sufficient oath of allegiance on our part.

Let me point out further, that after we took that oath of allegiance we then became members of this Legislature. We are no longer individuals, we are now representatives of the State of Maine. And let me point out to you further that the State of Maine does not take pledges of allegiance from anybody or from anything; and also the State of Maine does not sing the National Anthem. We are representing the State of Maine. Whoever heard of a sovereign state taking a pledge of allegiance unless they were in slavery, which we are not. It is perfectly all right for us to vote in this Legislature that we will listen to the National Anthem, but the Rules Committee are opposed to having any such rule.

Let me explain to this House a little further about this pledge of allegiance and the National Anthem. Millions of Americans have lived and died who never heard of the

pledge of allegiance. The pledge was worked out by a man by the name of Francis Bellamy, who was on the staff of the Youth's Companion in 1892, and it was not until ten years ago last May that it was definitely decided who was the author of that pledge of allegiance.

As to the National Anthem, it may interest you to know that that National Anthem has been such less than eighteen years; that the Star Spangled Banner was written by Francis Scott Keyes. Francis Scott Keyes was a lawyer who lived in Baltimore at the time of the War of 1812. One of his friends, a doctor, was captured by the British and was held on a British ship in the harbor of Baltimore. Keyes, with a flag of truce and an order from the President of the United States, rode out to the ship and requested that the prisoner be released. He was released, but he was not allowed immediately to return because that ship was bombarding Fort McHenry in the harbor of Baltimore that day.

During the night, Keyes watched anxiously while Fort McHenry was being shelled, and in the morning, to his great delight, he saw the Stars and Stripes still waving on that fort. It was then that he wrote the first verse of the Star Spangled Banner, which was afterwards increased to four verses as it is now.

But we should not make this a rule. There is no reason why the gentleman who has just spoken or the other gentleman should not ask anyone if he wishes to have the Star Spangled Banner played on that record. I wage no objection to that whatsoever, but I say we do not want to have it as a rule.

Now I could give you several other reasons. I will be very brief with one. You cannot enforce such a rule. Take, for instance, the pledge of allegiance. As many of us who see fit can keep silent. You might have a situation where the Speaker was the only one who was taking the pledge. That would be rather ridiculous. We do not want to hurt that oath; we do not want to hurt our National Anthem. What would you think if somebody pro-

posed that they take the oath of allegiance over at the hospital at the other side of the river? You would think it was in vain. Let us not do something that we will later regret. God bless the Flag and God bless the State of Maine, but we will not be blessed if we do not use some common sense. Members of this House, do not let your patriotism run away with your judgment. This is not a question of patriotism; it is a question of common sense.

Now when this vote is taken the question is whether the order should be substituted for the report of the committee. Those of you who agree with me will vote "No."

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Dufresne.

Mr. DUFRESNE: Mr. Speaker and Lady and Gentleman Members: I rise to state as briefly and as clearly as possible my own opinion of this order.

I have the greatest regard and admiration for the gentleman who has just spoken. We of this honorable body, like the people who sent us here, are all good Americans whose symbol of liberty and freedom is the Star Spangled Banner; and in hearing our chaplain's invocation asking the Almighty's guidance in our acts in this Legislature, I feel that we would most fully realize our responsibilities to the people of our State if we would hear our National Anthem.

Many of you, like myself, have had dear ones, friends or associates, some of our closest blood relatives, who have given their lives that we, the living, and future generations might enjoy the opportunity to hear this National Anthem. May God grant it will always be so.

To our Speaker's right is our national ensign, the Star Spangled Banner; to his left is the great flag of our State of Maine. Directly over the Seal is the word "Dirigo." Translated, as you know, it means "I lead," and that is our motto.

I do not know what the customs or procedures in other Legislatures have been, but let this 94th Legis-

lature permit us and others that follow to hear our National Anthem.

In closing, I would like to say this, and in so doing I say it in all sincerity. The whole world today is going through a very tense and nervous period. As long as we are permitted to hear our national anthem we will not have to fear a thing; we will be permitted to follow the faith of our fathers and worship God as we see fit; Old Glory will wave over this land of ours, and this country will always remain the land of the free.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker and Members of the House: You all know how I feel about this matter, despite the fact that the morning papers stated the Communists of Maine and Brother Bubar and myself opposed a certain matter.

To get down to this matter we are speaking of: Earlier this morning, before we came into session, my colleague, Mr. McGlauffin, came to me—and in speaking I can truthfully say to everyone I feel he is a one hundred per cent American and he has a right to his ideas, I do not think they were un-American, and I will fight for his right.

I have very little to say except what has been covered, but I would like to put into the record a few letters I received. One is from the Department Commander of the Sons of Veterans of Maine, and the other one is from the Daughters of Union Veterans of the Civil War.

DEPARTMENT OF MAINE SONS OF UNION VETERANS

Office of Henry J. Patten
104½ Sewall St., Augusta, Me.

"Representative McClure,
State House,
Augusta, Maine.

Dear Sir:

I am one hundred percent in favor of having the National Anthem and Flag Salute at the first session of the weekly Leg-

islature. If I can be of any further assistance to you in this matter, kindly let me know.

Sincerely yours,

(Signed) HENRY J. PATTEN
Department Commander"

DEPARTMENT OF MAINE

DAUGHTERS OF UNION
VETERANS OF THE CIVIL
WAR 1861-1865

Office of Secretary
February 7, 1949

"Representative McClure,
State House,
Augusta, Maine.

Dear Mr. McClure:

We, as the Department of Maine Daughters of Union Veterans of the Civil War 1861-1865, do approve of the passing of the bill that "The Star Spangled Banner" be played at each opening session of the Maine Legislature and urge that you work for the passing of this bill.

Yours very truly,

(Signed)

MRS. MARION R. GIRRELL,
Department Secretary"

I feel there are a few more men who want to speak on this matter. I do feel, members, we should do everything we can to combat Communism, and this is one way to set an example for our children. I thank you.

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

Mr. SPEAR: Mr. Speaker, I rise to concur with the remarks of the gentleman from Bar Harbor (Mr. Dufresne). I also am an ex-service man and am qualified by having served in the Army in World War I and in World War II. Our people of the State of Maine have our own place in life, but we are part of the United States where there is much emotional unrest and probably it will be alarmingly so in the near future. The gentlemen here in this august body are leaders in the State of Maine and are looked

upon as such by the people at home, and I do not feel it would do us any harm to be imbued with the spirit of patriotism to some extent.

In the Army I took the oath of allegiance, and on occasions I heard the Star Spangled Banner played daily and I found nothing distressing in its sound, in fact it gave me a lift, an exhilaration, a tingling up and down my spine, that made me stand up straight and believe that I could look anyone in the face and say, "I am proud to be an American."

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Thompson.

Mr. THOMPSON: Mr. Speaker and Members of the House: I do not know of any better opportunity, this being Boy Scout Week all over the United States, and I think it would be fine if we sang our National Anthem. I think the young people of today, the Girl Scouts, the Boy Scouts and the Cub Scouts, are looking forward to us men in this House to set a mark for them. They are listening to us. When the vote is taken I would like to have a division of the House.

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

Mr. WEBBER: Mr. Speaker, I would like to move the previous question.

The SPEAKER: The gentleman from Bangor, Mr. Webber, 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.

As many as are in favor of the Chair entertaining the motion for the previous question will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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 is: Shall the main question be put now.

The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker and Members of the House: As a father who proudly gave a son—

The SPEAKER: The Chair will have to rule that the gentleman is out of order unless he confines his remarks to the motion before the House.

Mr. FARLEY: Mr. Speaker, as a representative of the City of Biddeford, I would like to go along with my comrade, Mr. Johnson.

The SPEAKER: The gentleman may debate, if he cares to, whether the previous question shall be put now, but the rules prohibit debate on the main question at this point.

Mr. McCLURE of Bath: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. McCLURE: Mr. Speaker, I would like to reconsider. I believe this is a proper matter—

The SPEAKER: The matter is not in order for reconsideration at this time.

As many as are in favor of the main question being put now will kindly rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

The SPEAKER: One hundred and two having voted in the affirmative and twelve in the negative, the main question is ordered.

The question before the House is on the motion of the gentleman from Bath, Mr. McClure, to substitute the order for the "Ought not to be passed" report of the committee. 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.

The SPEAKER: Sixty-eight having voted in the affirmative and sixty in the negative, the motion of the gentleman prevails.

The Chair recognizes the gentleman from Portland, Mr. McGlaufflin.

Mr. McGLAUFLIN: Mr. Speaker, it was my opinion that this is a mo-

tion to change the rules and it takes a two-thirds vote to change the rules. I may be wrong.

The SPEAKER: The Chair will state that the gentleman is correct in his point taken. The rules do require for an amendment the affirmative vote of two-thirds of the members present.

The Clerk will read the Order.

The Order was read by the Clerk as follows:

ORDERED, that House Rule 4 be amended by adding at the end thereof before the period the following words: "followed by the National Anthem and the Pledge of Allegiance."

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Johnson.

Mr. JOHNSON: Mr. Speaker, I would like, if it is in order, to present Amendment "A" to this order. I believe there was a typographical error when the order was written and I would like to have this amendment attached to the order.

The SPEAKER: The gentleman from Gardiner, Mr. Johnson, presents House Amendment "A". The Clerk will read House Amendment "A."

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to House Order amending Rule No. 4 to include National Anthem and Pledge of Allegiance.

Amend said Order by striking out the third and fourth lines thereof, and inserting in place thereof the following:

"followed by the National Anthem or the Pledge of Allegiance."

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker and Members of this House: I would like briefly to oppose the adoption of the amendment that is now before you, and I promise you that I will state my reasons very briefly.

Good legislation has always been accomplished through compromise. This House has taken a vote this

morning and now the question is raised as to changing the order as originally presented. If the amendment that is now presented is defeated, I will offer another amendment which will limit the order to the playing of the National Anthem on the first legislative day of each week, which I believe to be a good compromise and in the interests of harmony for everyone concerned. So I hope you will defeat the amendment that is now offered.

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

The Chair recognizes the gentleman from Gardiner, Mr. Johnson.

Mr. JOHNSON: Mr. Speaker, the gentleman from Limestone, Mr. Burgess, mentions another amendment to be put on this. Is it in order for me to state why I am against the amendment for "once a week" instead of "each day"?

The SPEAKER: The gentleman may continue.

Mr. JOHNSON: Mr. Speaker, the purpose of Amendment "A" and the purpose of this order is for the youth of this State. Now suppose we do this once a week. That would be Tuesday mornings, when we have a very short session and very few of our youth are going to be in here on that day, so they would be deprived of the benefits of this National Anthem on Wednesdays, Thursdays and Fridays. Therefore, I am for Amendment "A" to have it following the prayer on each morning's session.

The SPEAKER: The question before the House is on the adoption of House Amendment "A". Is the House ready for the question?

As many as are in favor of the adoption of House Amendment "A" will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

The SPEAKER: Fifty-five having voted in the affirmative and seventy-seven in the negative, the amendment fails of adoption.

The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, I now present House Amendment "C".

The SPEAKER: The gentleman from Limestone, Mr. Burgess, presents House Amendment "C" and moves its adoption. The Clerk will read the amendment.

House Amendment "C" was read by the Clerk as follows:

House Amendment "C" to House Order amending Rule No. 4 to include the National Anthem and the Pledge of Allegiance.

Amend said Order by striking out the third and fourth lines thereof, and inserting in place thereof the following words:

"followed by the National Anthem on the first legislative day of each week."

The SPEAKER: As many as are in favor of the adoption of House Amendment "C" will say aye; those opposed, no.

A viva voce vote being taken, House Amendment "C" was adopted.

The SPEAKER: The question before the House is on the passage of the order as amended. Under the rules, it will require the affirmative vote of two-thirds of the members present. As many as are in favor of the passage of the order will kindly rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: One hundred and seven having voted in the affirmative and sixteen having voted in the negative, one hundred and seven being more than two-thirds of the members present, the order has been passed as amended.

The SPEAKER: The House is proceeding under Orders of the Day. If there be no further items of business, the Clerk will read the notices.

On motion by Mr. Cobb of Lee,
Adjourned until ten o'clock tomorrow morning.