

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

VOLUME II

1951

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, April 19, 1951

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

Prayer by the Rev. Mr. Rencel H. Colby of Wiscasset.

The journal of the previous session was read and approved.

The gentleman from Old Orchard Beach, Mr. Gerrish, out of order and under suspension of the rules, presented the following order and moved its passage:

WHEREAS, all over the United States people are pausing today in their usual occupations and among other patriotic exercises extending a welcome to one of the nation's most distinguished military commanders and administrators who has returned from long service in foreign land and

WHEREAS, it is appropriate that this Legislature on this Patriot's Day should be among those joining in said welcome

NOW, THEREFORE, be it **ORDERED**, the Senate concurring, that the 95th Maine Legislature recess from twelve o'clock noon to three-thirty o'clock PM for the purpose of listening to the address to be delivered by General MacArthur. (H. P. 1761)

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

Mr. McGLAULIN: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps the most outstanding General in the world today is General MacArthur, whom we are pleased to honor on this Patriot's Day.

General MacArthur performed most remarkable service in the Philippines. He afterwards went to Japan, where they were all his enemies, and he performed the miraculous achievement of making an entire nation his friend, so that when he left that country a few days ago men of high standing and distinction wept to have him depart.

General MacArthur was dismissed from his high position because he put the welfare of his country above holding his position. It is not for me to say that the President had

no right to dismiss him, but it is to MacArthur's great credit that he had the courage, knowing that he might lose his job, to state clearly what he thought was for the best interests of this country.

This Legislature joins in heartily extending to General MacArthur a welcome, and we honor him as a soldier and as a man.

The **SPEAKER**: Is it the pleasure of the House that the order receive a passage?

Thereupon, the order received passage, and on motion of Mr. McGlaulin of Portland, the order was sent forthwith to the Senate for concurrence.

**Papers from the Senate
Resolve Received by Unanimous
Consent**

Resolve Authorizing Maine General Hospital to Convey Certain Lands to Maine Medical Center (S. P. 547) (L. D. 1288)

Came from the Senate received by unanimous consent and referred to the Committee on Judiciary.

In the House, received by unanimous consent and referred to the Committee on Judiciary in concurrence.

**Remonstrance
Filed**

Remonstrance of George D. Varney of Kittery and 34,831 others in opposition to a Sales Tax (S. P. 546)

Came from the Senate read and ordered placed on file.

In the House, read and ordered placed on file in concurrence.

**Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Natural Resources on Bill "An Act Creating the Office of State Fire Marshal" (S. P. 514) (L. D. 1233) reporting leave to withdraw.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Employ-

ment of Older Workers" (S. P. 493) (L. D. 1195)

Report of the Committee on Welfare reporting same on Bill "An Act Relieving Towns of Assessments for Aid to Dependent Children" (S. P. 124) (L. D. 214)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass

Report of the Committee on Judiciary to which was referred a draft and arrangement of the Constitution prepared by the Chief Justice of the Supreme Judicial Court, pursuant to Chapter 29 of the Resolves of 1949 reporting a Resolve Approving Draft and Arrangement of the State Constitution Made by the Chief Justice of the Supreme Judicial Court, and Providing for its Publication and Distribution (S. P. 550)

Came from the Senate with the Report read and accepted and the Resolve given its several readings under suspension of the rules and passed to be engrossed.

In the House, Report was read and accepted in concurrence and the Resolve read once and tomorrow assigned.

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945, 1947 and 1949" (S. P. 500)

Came from the Senate with the Report read and accepted and the Bill given its several readings under suspension of the rules and 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 in New Draft

Report of the Committee on Highways on Bill "An Act relating to Location of Public Utility Structures" (S. P. 408) (L. D. 968) reporting same in a new draft (S. P. 542) (L. D. 1285) 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 New Draft, having already been printed, was read twice and tomorrow assigned.

Ought to Pass

Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act to Increase the Salary of the Judge of the Norway Municipal Court" (S. P. 281) (L. D. 620)

Report of same Committee reporting same on Bill "An Act Increasing Salaries of Oxford County Officers and Clerk Hire" (S. P. 445) (L. D. 1008)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence and the Bills read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act relating to Fees of Registers of Probate" (S. P. 438) (L. D. 1001) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A."

In the House, Report was read and accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 438, L. D. 1001, Bill "An Act Relating to Fees of Registers of Probate."

Amend said bill by striking out all of said bill and inserting the following:

R. S., c. 140, § 40-A, repealed. Section 40-A of chapter 140 of the revised statutes, as enacted by chapter 359 of the public laws of 1945, is hereby repealed.

Committee Amendment "A" was adopted in concurrence and tomorrow was assigned for third reading of the Bill.

Report of the Committee on Towns and Counties on Bill, "An Act to Increase the Salary of the County Commissioners of Kennebec County" (S. P. 396) (L. D. 943) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A."

In the House, Report was read and accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 396, L. D. 943, Bill "An Act to Increase the Salary of the County Commissioners of Kennebec County."

Amend said Bill by striking out in the last line thereof the underlined figures "\$1,500" and inserting in place thereof the underlined figures '\$1,250'

Committee Amendment "A" was adopted in concurrence and the Bill was assigned for third reading tomorrow morning.

Orders

The **SPEAKER**: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. **JALBERT**: Mr. Speaker and Members of the House: Before presenting this order I would like to make a few very brief remarks. I took it upon myself to have this order drawn for, so far as I am concerned, a personal reason.

This morning, when I picked up my newspaper, and read sadly of the death of Senator Arthur H. Vandenberg of Michigan, the thought occurred to me that this country suffers the loss of a gentleman, in my opinion, whom I am thoroughly convinced was one of this country's outstanding citizens and outstanding statesmen of our time.

I knew Senator Vandenberg personally. It afforded me a great deal of pleasure, whenever I found myself in Washington, or when he would be somewhere in this area, to call upon him just to listen to his words of wisdom.

Without further comment, Mr. Speaker, I present an order and move its passage.

The **SPEAKER**: The gentleman from Lewiston, Mr. Jalbert, presents an order and moves its passage.

The Clerk will read the order.

ORDERED, that this House rise in silent tribute for thirty seconds in memory of the late United States Senator Arthur H. Vandenberg of Michigan.

The **SPEAKER**: Is it the pleasure of the House that the order receive a passage?

Thereupon, the order received passage.

The **SPEAKER**: In accordance with the order just passed the House will please rise and remain silent.

Thereupon, the members of the House arose and observed a short period of silence, in tribute to Senator Vandenberg.

On motion of Mrs. Daggett of Ashland, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

The **SPEAKER**: The Chair recognizes the gentleman from Dixmont, Mr. Jacoby.

Mr. **JACOBY**: Mr. Speaker, I present an order and move its passage, and I will ask for an opportunity to explain this order.

The **SPEAKER**: The gentleman from Dixmont, Mr. Jacoby, presents an order and moves its passage.

The Clerk will read the order.

ORDERED, the Senate concurring, that the Joint Standing Committee on Highways be requested to report out to the legislature all special road resolves for the next 2 fiscal years as ought not to pass; and be it further

ORDERED, that the Joint Standing Committee on Highways be requested to add the sums usually allocated to special road resolves to the Town Road Improvement Fund.

The **SPEAKER**: The Chair recognizes the gentleman from Dixmont, Mr. Jacoby.

Mr. **JACOBY**: Mr. Speaker and Members of the House: It is very apparent that the time has arrived, and is perhaps overdue, when this House of Representatives should

seriously consider doing away with the Special Highway Resolves, and to substantiate my views, may I take the liberty of pointing out the mechanics and the time involved in this legislation, which results in three to five hundred dollars once in two years for the several towns and cities throughout the State known as "Special Resolves".

First, the Director of Legislative Research, Mr. Slosberg, is swamped with the drafting of several hundred of these resolves which in due course will reach the Committee on Highways. These resolves require publishing for hearing in the various newspapers throughout the State, which represents a sizeable expense for publication. Then at the time of hearing many of the proponents of these resolves bring to these hearings several people from their home towns and attempt to establish the need for small allocation of highway funds for these particular roads in their districts.

The Committee on Highways sits patiently for hours at each hearing, listening to these various proposals, and knowing full well that at the end approximately \$150,000 to \$175,000 will be apportioned countywise throughout the State. Without doubt, the Committee on Highways spends a great deal more time at these hearings and allocating this small total amount than it can give to the allocation of the entire highway fund which amounts to many millions of dollars.

Now once the resolves are passed, they become an administrative task to the Highway Department inasmuch as a certain amount of engineering and time is needed by the various highway supervisors in supervising expenditures locally on these small amounts. Without doubt, this is the most expensive activity carried on by the Legislature and the Highway Department for the amount of money involved.

Now may we consider briefly the expenditure of this fund at the local level, and it is my honest opinion that no town gets anywhere near full value for the dollars spent because it is impossible to perform any activities involving such a small amount of money in any economical manner.

It is my further observation that the time-honored principle of Spec-

ial Resolve votes for any of us Representatives has long since passed, and that if any of us have to rely upon the small amount of resolve funds we take home, we are skating on rather thin ice. I am fully convinced that every member of this House has accomplished a great deal for his respective community and he can well afford to stand on his merits other than by Special Resolves, so may I suggest that an honest endeavor be made at the session of this Legislature to do away with this impractical use of highway money, and may I further suggest that the same amount of money be added to the Town Road Improvement fund which is set up in the General Highway Allocation bill. The amount explained under this heading has been, for the past few years, \$500,000 annually, and is allocated to towns on the following basis: Each town receives \$200, and the balance of the fund is allocated percentagewise. That is to say that on the basis of the percentage of unimproved road miles of highway in each respective town is the total unimproved miles through the State, so that if a Special Resolve fund was added to this account, the foremost would be allocated on the basis of unimproved miles, which is an intelligent approach to the problem, and is apparently fair and equitable.

I am presenting this order to the effect that the Committee on Highways be instructed to report unanimously "Ought not to pass" on Special Resolves now in their hands, and that the same amount of the funds be added to the Improved Road Account in the General Highway Bill. It is my firm consideration that if this could be accomplished, it would establish a precedent which further legislatures could well follow, eliminating thereby time on the part of the committee and a great deal of expense on the part of the Highway Department and the State, and if each of the House members would analyze the pamphlet which has been prepared for their use, and is now distributed to their desks, they could determine for themselves the value of such a plan.

It is true that in some instances, where a town may have a very small number of miles of high-

way, the amounts received from the Improvement Road Fund might be less than a Special Resolve, but we should not lose sight of the fact that from this Road Improvement Fund the allocation would be annual, and I repeat "annual," whereas resolves are usually for only one year in the next biennium. Time has proven the worth of this highway fund inasmuch as a great many miles of unimproved road have been surfaced and properly drained, that could not have been done by local appropriations for highways, and when we consider seriously all of the items involved, both the time and expense, and when we consider the fairness of the method of allocation of this Road Improvement Fund, I believe that you would come to one conclusion, that the order instructing the Committee on Highways to do away with the resolves would receive our whole-hearted support, and I would like to move, Mr. Speaker, that this order be tabled and specially assigned for Tuesday next.

The SPEAKER: The gentleman from Dixmont, Mr. Jacoby, moves that the order just presented lie on the table and be specially assigned for Tuesday next, April 24th, pending passage. Is this the pleasure of the House?

The motion prevailed, and the order was so tabled and so assigned.

House Reports of Committees Divided Report Recommended

Report "A" of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relating to Open Season on Muskrats" (H. P. 1224) (L. D. 778)

Report was signed by the following members:

Messrs. ELA of Somerset
WIGHT of Penobscot
SMART of Hancock
—of the Senate.
PLUMMER of Lisbon
BEARCE of Caribou
—of the House.

Report "B" of same Committee reporting same in a new draft (H. P. 1752) (L. D. 1296) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. CARVILLE of Eustis
WATSON
of Moose River Pl.
DENNISON
of East Machias
CHASE of Belgrade
FRECHETTE of Sanford
—of the House.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. CARVILLE: Mr. Speaker, owing to a discrepancy here in the way this is reported, I would ask, as House Chairman of the Committee on Inland Fisheries and Game, to have this recommitted. I have talked it over here with the members of the committee, and it was reported wrongly, and the easiest way to fix it is to recommit the bill.

Mr. ROUNDY of Portland: Mr. Speaker, I second that motion.

The SPEAKER: The gentleman from Eustis, Mr. Carville, moves that Bill "An Act relating to Open Season on Muskrats" be recommitted to the Committee on Inland Fisheries and Game. Is this the pleasure of the House?

The motion prevailed, and the reports and bill were recommitted to the Committee on Inland Fisheries and Game and sent up for concurrence.

Divided Report

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act to Place a Bounty on Porcupines" (H. P. 1415) (L. D. 1023).

Report was signed by the following members:

Messrs. ELA of Somerset
WIGHT of Penobscot
SMART of Hancock
—of the Senate.
BEARCE of Caribou
PLUMMER of Lisbon
FRECHETTE of Sanford
CARVILLE of Eustis
—of the House.

Minority Report of the same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. CHASE of Belgrade
DENNISON
of East Machias
WATSON
of Moose River Pl.
—of the House.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, I move that the House do now accept the minority "Ought to pass" report.

This bill calls for the payment of a bounty of twenty-five cents on all porcupines killed. There was, some years ago, such a bill on the books, but it was repealed sometime prior to 1944.

I introduced the bill at the request of the farmers in my district. They complained that the porcupines are getting much too numerous and that they are doing a great deal of damage to growing crops. I do not know just how this bill got to the Committee on Inland Fisheries and Game. A porcupine has never been considered game, and it certainly isn't fish, and I don't believe anyone would even use it for bait. This bill was introduced for the benefit of the farmers and the fact that three members of this committee forgot about hunting and fishing long enough to sign the minority "Ought to pass" report, indicates that there is a great deal of merit in the bill.

I think the farmers will have to take up their own battle from here. If they want this bill I hope they will make themselves heard, but from all the complaints that I have heard, the bill would serve a very useful purpose. I understand it would cost from ten to twenty-five thousand dollars a year for the first year or two, but after that time the expense would drop. If the House is convinced that this injury to the farmers should be combated, this is the time to do it.

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker and Members of the House: I want to support the minority report on this bill. The porcupine, so-called,

does a great deal of damage to corn, and to orchards occasionally—not so much to orchards, but they do a lot of damage when they get into an orchard. I want to go along with the minority report on this bill.

The SPEAKER: The Chair recognizes the gentleman from Moose River Plantation, Mr. Watson.

Mr. WATSON: Mr. Speaker and Members of the House: I would like to make my stand clear on this. I signed the minority report for the simple reason that in my own area porcupines are not a problem, but I do understand that in the lower end of Somerset County, where the farmers grow corn, porcupines are a problem, so I signed this minority report so we could bring this matter onto the floor, and as the gentleman from Fairfield, Mr. Woodworth, said, let the farmers take over from here.

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

Mr. PARKER: Mr. Speaker and Members of the House: I rise in support of Mr. Woodworth's (the gentleman from Fairfield) bill, and also in support of the motion to accept the minority report of the committee, for several reasons.

First I want to say that the damage caused by porcupines is not confined wholly to the farmers. You will find, if you are familiar at all with the large wild-land owners of the State, they, too, are very interested in a bounty on porcupines. Also some of our summer people who have fine cottages that are on our ponds and streams are quite perturbed when they arrive in the spring and find that there has been untold damage to their floors, thresholds and doors, and sometimes an entire cottage has been ransacked by porcupines.

As far as the livestock men of the State of Maine are concerned, I hope, Members of the House, you will believe me when I tell you that this is certainly a serious menace to our livestock breeders. It is not uncommon for those of us who have young stock and dry animals in pastures that are out of the way, and not being able to visit them too often, upon visiting them to find one or more of them with their face and nose filled with por-

cupine quills which have been there several days and in some cases it requires a veterinary's services to remove the quills and in some cases they cannot be removed. I actually know of a case during this past season where a blooded animal that was pastured in a pasture that was not suitable to be visited too often, went entirely blind from a porcupine quill that went near the eyeball and worked through so that the eye turned completely white.

These are not isolated cases, ladies and gentlemen; these are facts, and for the small amount of twenty-five cents I know of no way that the State of Maine can spend a small fund to any greater advantage than to start this back to where we had it a few years ago, and deplete the population of porcupines in the State, and it will not be costly to keep them in that condition. I certainly want to go along with the minority report of this committee.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker and Ladies and Gentlemen: In looking at this bill I was really glad to see that there was a bill like this before the Legislature. I should have had the forethought, perhaps, to enter one myself, but I am glad to see that there are other members of the Legislature who feel the need of trying to reduce the porcupine population.

Now in the southern part of the State some years ago a porcupine was seen very rarely, but in the last few years they certainly have increased, and as to the damage which they do, we know that they do a lot of damage to crops and also to the young growing trees. One of the worst things which I have experienced was that only last summer one Sunday I went out to see some of my young stock and I saw one animal off to one side and she was acting as though there was something the trouble with her. As I got near her I noticed her nose was very dark, and on investigation you could see her nose was peppered with the quills from a porcupine. Evidently the porcupine had been working there, and perhaps she had smelled of

the porcupine, and he had peppered her with quills, and it was in such a way that she could not feed at all. And only last week, my two dogs which I use in caring for my stock in the summer came up and they were both peppered with porcupine quills where they had gotten them around in the field.

I certainly can support this bill, and I hope that others will see the need for such a bill.

The SPEAKER: The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. CARVILLE: Mr. Speaker and Members of the House: I fully agree with the gentlemen as to the damage that is done by the porcupines, but it would cost the State a lot of money and I cannot believe that people are going out for twenty-five cents and hunt porcupine and take a part of the carcass and bring it back in for that quarter. It just does not seem reasonable. I do not believe that they will gain anything by it. Porcupines do a lot of damage in my section, but I don't know of anyone who makes a business of hunting porcupine. I believe there would be as many of the porcupines removed without a bounty as there will with the bounty. That was my stand in signing the report.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Dunham.

Mr. DUNHAM: Mr. Speaker and Members of the House: I don't find myself too often in agreement with the gentleman from Fairfield, Mr. Woodworth, but I enjoy that companionship this morning. (Laughter)

Last fall, during the hunting season—I am not a farmer—but I like to hunt and I like to fish—I owned a little camp and I lost it during the hunting season, and I blame it onto this little animal, and I enjoy this opportunity of getting back at him, so I am going to support the minority report.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker, I will answer the question, perhaps, of the amount of the bounty, which we all realize is small, but we know

the need of trying to hold our finances down. None of us would go out hunting porcupines at twenty-five cents apiece, but that little sum of twenty-five cents will encourage the school boys to get out, perhaps, and earn a dollar or so when they can, and I think in that way it will help to reduce the number of porcupines.

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Dennison.

Mr. DENNISON: Mr. Speaker and Members of the House: This is the first session that I have ever been a member of the "Wild Cat, Porcupine and Muskrat Committee," but I signed the minority report the same as I generally do.

Now I was a member of the House when the bounty was put on the last time, and I also was a member of the House when the bounty was taken off. Mr. Hinman, the contractor, was really the cause of getting the bounty off at that time.

Now I know porcupines are a very destructive animal, especially in the woods. That is the main thing we think of down our way, in the woodland and the blueberry land. Now I think the blueberry land owners will all admit that there is more damage done by porcupine than by deer. They put the claims in on deer on account of the State protecting them.

Now it has been said that the people would not pay any attention to this measure on account of twenty-five cents. I know a lot of the fellows down our way who kill the most of the porcupines have said that where there is no county, they will not kill them, and they will actually pass them by. Now of course most of us do kill them whenever we see them; they are of no benefit whatever, and I hope this minority report is accepted.

The SPEAKER: The Chair recognizes the gentleman from Norridge-wock, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker and Members of the House: As a canner of vegetables, this has got to be a menace in my section. There are probably more than fifty of my farmers that cannot raise sweet

corn on account of these porcupines, and we are trying this year, especially, to raise corn for the war purposes, and about forty per cent of that corn will be allocated that way.

We would appreciate it very much if the minority report is accepted.

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

Mr. TURNER: Mr. Speaker and Members of the House: I would like to go along with my colleague, the gentleman from Fairfield, Mr. Woodworth, on this porcupine bill. When I was a kid that was the way I got about half of my living, killing porcupines (Laughter). I hope that if this bill goes through and these kids get a quarter for catching these porcupines, we will exempt them from a sales tax. (Laughter)

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Fairfield, Mr. Woodworth, that the House accept the minority "Ought to pass" report on Bill "An Act to Place a Bounty on Porcupines".

All those in favor of accepting the minority "Ought to pass" report will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the minority "Ought to pass" report was accepted.

Thereupon, the bill, having already been printed, was read twice under suspension of the rules and assigned for third reading tomorrow morning.

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House of the Medway High School, under the supervision of Wilbur Cuzner and Mr. Hilliker.

In behalf of the House the Chair, at this time, bids you all a cordial welcome. (Applause)

Divided Report

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relating to Driving of Deer" (H. P. 1414) (L. D. 1022).

Report was signed by the following members:

Messrs. WIGHT of Penobscot
 ELA of Somerset
 SMART of Hancock
 —of the Senate.
 CHASE of Belgrade
 DENNISON
 of East Machias
 CARVILLE of Eustis
 —of the House.

Minority Report of the same Committee reporting same in a new draft (H. P. 1753) (L. D. 1297) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. PLUMMER of Lisbon
 WATSON
 of Moose River Pl.
 BEARCE of Caribou
 FRECHETTE of Sanford
 —of the House.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Plummer.

Mr. PLUMMER: Mr. Speaker, it must be apparent by this time that the members of the Inland Fisheries and Game Committee are not all of one mind. I am again going to move for the acceptance of the minority report on this bill. It is very apparent, in fact I think most of the members of the committee or practically all of them admit, that this business of driving deer is a serious thing. Perhaps the minority report on this bill may not be the answer to it, but we on the minority side feel that it will go a long ways towards cutting it down a little.

I am particularly interested in hunting conditions in Washington County because that is where I have hunted for the last twenty years, and in that county I know of many areas that the deer have practically been driven out of. The farmers up there that take in hunting parties are suffering for that very reason. I do not believe in this method of hunting, but I did get drawn into a party at one time. There were nineteen in the party and we went down and drove Big Eddy swamp. I imagine quite a few of you who are hunters are familiar with that area. They drove out one deer. As near as we could tell,

there were twenty-nine shots fired at that deer, and when they found the deer there were eight bullet holes in him. None of them were fatal. The only thing that we could ascribe the death of that deer to was that he died of fright. (Laughter)

After this method of hunting is carried on for a few years it drives the deer down. The orchardists down in the southern part of the State are complaining that there are too many deer down here, and it is the idea that so much driving up-country has driven them down this way. I therefore move the acceptance of the minority "Ought to pass" report.

The SPEAKER: The gentleman from Lisbon, Mr. Plummer, moves the acceptance of the minority "Ought to pass" report.

The Chair recognizes the gentleman from Freeport, Mr. Patterson.

Mr. PATTERSON: Mr. Speaker and Members of the House: I do not think they were all driven down from Washington County, but I will say, in explanation of this matter, that on Page 42 of the biennial revision of the Inland Fisheries and Game law, Section 83, it states: "Horning or driving deer prohibited. It shall be unlawful to drive deer by use of horns, whistles or other noise-making devices." Well, that covers part of this question. "But whoever, in conjunction with four other persons, shall go through the woods shouting or making other noises with the human voice or with any sound-making devices shall be construed to be driving deer. It shall be unlawful for any person to hunt * * *"—that is already in the statutes.

I will say this much: that a deer is scared of a dog more than he is of any other thing, and when you get thirty-one men, which I know has happened, and forty, all going through the woods barking like a dog, from a little mite of a small dog to a dachshund or a Newfoundland or anything else, you drive the deer all out of the territory. The fact is they go three or four miles away and perhaps do not come back for a week or two. The legitimate gunners who come down here and pay twenty dollars or whatever the price is, for hunting in Maine, go down to these places and these peo-

ple come right out and drive the deer away from that territory, and it does not give the legitimate gunner a fair show. When you drive deer in a gang like that it gets them down to a regular slaughter if there are any deer there. Oftentimes after the drive is over you will find little fawns and so forth that they have shot laying dead down there.

I will make a further remark on this. I was down in Washington County when they were driving. There were between thirty-one and forty men driving deer there. What happened? They came down in a horseshoe proposition. There was one deer that ran across amongst them and they were shooting at that deer. They shot one of their own party. They took him out and he was dead afterwards. That is one thing that happened. There were two in my own party that had to get behind logs and trees or down behind rocks so that they would not get shot. This very last year down there I was up against almost the same proposition. They came chasing down there, barking and hollering and everything else, and all we could do was get behind logs and shoot our guns off so they would not be shooting at us. Therefore, I figure perhaps no one is going to shoot a man hollering like a dog, because he would be arrested probably for murder or something like that. But the fact is I think some of them perhaps should be shot or half shot. (Laughter)

So I believe that this law should go through. Some people took exception to the proposition that a man could not go out, if they were going along in line he couldn't holler. The first one struck that all out, but it was put in that there could be four so they could help each other keep within their line. That was why that was put in. Most of those fish and game men that were there at the hearing agreed that was all right.

I was asked by some of the hunters down in Washington County to either get a bill through or the people coming down there would all stay away from that county. Therefore, I think, rather than to have deer slaughtered or driven into the lakes or ponds down there by a driving bunch—I think that should

be eliminated and the minority report should be accepted. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Lisbon, Mr. Plummer, that the House accept the minority "Ought to pass" report on Bill "An Act Relating to Driving of Deer," H. P. 1414, L. D. 1022 reported in new draft, H. P. 1753, L. D. 1297.

The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. CARVILLE: Mr. Speaker, I am not having very good luck, but I will try once more.

The driving of deer has been a problem that we have faced every year that I have been on this committee. We already have on our statutes, I think, all that we can enforce. It has been given a lot of thought. We are all against the driving of deer, but I do not believe that this bill will help them. The way the bill is, if you were in a party going down, if you were caught whistling back and forth you would be breaking the law. I do not believe it can be enforced, and I do not think it is going to add a thing to what we already have on the statutes. I hope the motion of my colleague does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker and Ladies and Gentlemen of the House: In reading over this bill, I cannot say positively whether it can be or will be enforced or not, but I can say I think it should be enforced. If there is anything in this that cannot be enforced, I think that most of us would be willing to get behind one that will be enforced.

Now they have spoken about Washington County. I come from Sagadahoc County, and I know in Sagadahoc County there we do not think so much about driving the deer out of the county as we do these deer drivers driving the owners of the property out of the country. Time and again bunches have come in there driving deer, thirty or forty of them, and I have known them to go to the landowner and say, "You had better move out," if the landowner was in

there chopping wood or anything of that sort on his land, they would tell him, "You had better move out because we are driving deer and we are afraid somebody will get shot."

Now that does not make a very good impression on people who suppose they own property and they know they are paying taxes on it, being advised to leave their occupation and go and hide for fear they will get shot. I know a year ago last fall I was in the woods with a boy and there was a bunch going through and the bullets began to whistle around. I said, "Let's get behind a rock until they are over." Well, we did. We counted up thirty shots they fired. They did get one deer. In that fracas I had around thirty head of cattle in the field, and when the shots began to go this deer ran in my herd, ran up through the field near that bunch and he left the herd to jump over the fence, consequently they shot him, but as luck would have it they did not shoot my cattle. I will say that much for them. If there is anything we can put through here to protect the land-owner on his property, I would like to see it passed.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Lisbon, Mr. Plummer, that the House accept the minority "Ought to pass" report on Bill "An Act relating to Driving of Deer" (H. P. 1414) (L. D. 1022) reported in new draft H. P. 1753, L. D. 1297.

All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the minority "Ought to pass" report of the committee was accepted. The new draft, having already been printed, under suspension of the rules the bill was given its two several readings and tomorrow assigned for third reading.

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Imposing a Gross Income Tax" (H. P. 759) (L. D. 455)

Report was signed by the following members:

Messrs. WIGHT of Penobscot
NOYES of Hancock
ALLEN of Cumberland
—of the Senate.

SINCLAIR of Pittsfield
CARTER of Bethel
DOW of Falmouth
LOW of Rockland
DUQUETTE of Biddeford
CHASE of Cape Elizabeth
—of the House.

Minority Report of the same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Mr. ROLLINS of Greenville
—of the House.

Report was read.

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

Mr. BUBAR: Mr. Speaker and Honorable Members of the House: This is one of the major tax bills. It has been in the committee for a long time. I tried to ascertain yesterday and the day before when this bill was to be passed out, and the best information that I could get was that it would be passed out sometime the first of next week; so you may well understand, when I found it on the calendar this morning, that I am not prepared to present the virtues of this bill.

Now all I ask is that I have as fair a chance to present this bill as the other proponents have had to present their bills. There are certain things that I want to gather up, figures and statistics, in order to present this properly. So I would request that on this bill I be able to have the privilege of presenting it next Thursday, the 26th.

The SPEAKER: Does the gentleman make a motion to table the bill?

Mr. BUBAR: I do, Mr. Speaker.

The SPEAKER: The gentleman from Blaine, Mr. Bubar, moves that Item 4 on today's calendar, Bill "An Act Imposing a Gross Income Tax" (H. P. 759) (L. D. 455) lie on the table and be specially assigned for Thursday next, April 26th, pending acceptance of either report.

All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the bill was tabled pending acceptance of either report and specially assigned for Thursday, April 26th.

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Imposing a Personal Income Tax" (H. P. 1133) (L. D. 666)

Report was signed by the following members:

Messrs. NOYES of Hancock
WIGHT of Penobscot
—of the Senate.
SINCLAIR of Pittsfield
CARTER of Bethel
LOW of Rockland
CHASE of Cape Elizabeth
DOW of Falmouth
DUQUETTE of Biddeford
—of the House.

Minority Report of the same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. ALLEN of Cumberland
—of the Senate.
ROLLINS of Greenville
—of the House.

Report was read.

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

Mr. BURGESS: Mr. Speaker, knowing the need for additional revenue, as we all do, and fully aware that this personal income tax bill is a vehicle by which that money could be appropriated, and being convinced, as I am, that the people of the State of Maine, if they should have an opportunity, would prefer this type of taxation to other forms which have been presented to this House, I believe that it should be kept in existence, and I hope that the House will grant me the privilege eventually this morning of tabling it for consideration at a later date when our problem of taxation has arrived at a different stage than it is at the present time. Therefore, Mr. Speaker, I move the acceptance of the minority "Ought to pass" report and further move that the motion

and papers be tabled and specially assigned for Friday, April 27th.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that the minority "Ought to pass" report on Bill "An Act Imposing a Personal Income Tax," H. P. 1133, L. D. 666, be accepted, and further moves that the motion lie on the table and be specially assigned for Friday, April 27th. 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 two reports with accompanying papers were tabled pending the motion of Mr. Burgess that the minority "Ought to pass" report be accepted and was specially assigned for Friday, April 27.

Leave to Withdraw

Mr. Plummer from the Committee on Inland Fisheries and Game on Bill "An Act relative to Beaver Dams" (H. P. 1008) (L. D. 595) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

Ought not to Pass

Mr. Bearce from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Transportation of Deer Skins Beyond Limits of the State" (H. P. 728) (L. D. 433)

Mr. Chase from the same Committee reported same on Bill "An Act relating to Wearing Certain Insignia While Hunting" (H. P. 1411) (L. D. 1019)

Mr. Watson from the same Committee reported same on Bill "An Act Changing the Date of Open Season on Muskrats" (H. P. 731) (L. D. 421)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Watson from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Hunting of Bull Moose" (H. P. 1406) (L. D. 1014)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker and Ladies and Gentlemen of the House: As we have several other bills, some in committee, and some before us now, regarding the damage by game animals, I would like to table this matter until Wednesday, April 25th, and I so move.

The SPEAKER: The gentleman from Woolwich, Mr. Bailey, moves that Item 10, "Ought not to pass" report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Hunting of Bull Moose" (H. P. 1406) (L. D. 1014) lie on the table and be specially assigned for Wednesday, April 25th, pending acceptance of the committee's report. Is this the pleasure of the House?

The motion prevailed and the Report with accompanying papers was so tabled and so assigned.

Mr. Delahanty from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Penalty for Operating Motor Vehicle While Under the Influence of Intoxicating Liquor or Drug" (H. P. 1618) (L. D. 1178)

Mr. Harding from the same Committee reported same on Resolve in favor of Harry Lutterman, of Waterville (H. P. 1621) (L. D. 1190)

Mr. Hayes from the same Committee reported same on Resolve Permitting Harry Lutterman, of Waterville, to Sue State of Maine (H. P. 1622) (L. D. 1181)

Mr. McGlauffin from the same Committee reported same on Bill "An Act relating to Notifying County Attorneys and Sheriffs After Shooting a Human Being" (H. P. 1546) (L. D. 1139)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Davis from the Committee on Business Legislation on Bill "An Act relating to Change of Purposes of Domestic Mutual Insurance Companies" (H. P. 1513) (L. D. 1119) reported same in a new draft (H. P. 1754) (L. D. 1298) under same title and that it "Ought to pass"

Report was read and accepted and the New Draft, having already been printed, the Bill was read twice under suspension of the rules and tomorrow assigned for third reading.

Tabled and Assigned

Mr. Bearce from the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Red River and Birch River (H. P. 1540) (L. D. 1133) reported same in a new draft (H. P. 1755) (L. D. 1299) under title of Resolve Regulating Fishing in Birch River and that it "Ought to pass"

Report was read.

On motion of Mr. Bearce of Caribou, the Report and accompanying papers were tabled pending acceptance and specially assigned for Tuesday, April 24th.

Mr. Bearce from the Committee on Inland Fisheries and Game on Bill "An Act relating to Non-Resident Dealers in Furs" (H. P. 1477) (L. D. 1099) reported same in a new draft (H. P. 1756) (L. D. 1300) under same title and that it "Ought to pass"

Mr. Carville from the same Committee on Bill "An Act relating to Definition of, and Setting Traps Near Beaver Dams" (H. P. 431) (L. D. 252) reported same in a new draft (H. P. 1757) (L. D. 1301) under same title and that it "Ought to pass"

Reports were read and accepted and the New Drafts, having already been printed, the bills were read twice under suspension of the rules and tomorrow assigned for third reading.

Tabled and Assigned

Mr. Dennison from the Committee on Inland Fisheries and Game on Bill "An Act relating to Open Season for Fishing for Black Bass and Pickerel" (H. P. 627) (L. D. 379) which was recommended reported same in a new draft (H. P. 1758) (L. D. 1302) under title of "An Act relating to Open Season for Fishing for Black Bass" and that it "Ought to pass"

Report was read.

(On motion of the gentleman from Wayne, Mr. Brown, the Report with accompanying papers was tabled pending acceptance and specially assigned for tomorrow morning, April 20.)

Mr. Plummer from the Committee on Inland Fisheries and Game on Bill "An Act Repealing the Law

on Motor Vehicle Damage by Wild Birds and Animals" (H. P. 1476) (L. D. 1084) reported same in a new draft (H. P. 1759) (L. D. 1303) under title of "An Act Prohibiting Claims of Damage to Motor Vehicles by Wild Animals and Birds" and that it "Ought to pass"

Mr. Watson from the same Committee on Bill "An Act relating to Dealers in Bait" (H. P. 1007) (L. D. 573) reported same in a new draft (H. P. 1760) (L. D. 1304) under same title and that it "Ought to pass"

Reports were read and accepted and the New Drafts, having already been printed, the Bills were read twice under suspension of the rules and tomorrow assigned.

Ought to Pass Printed Bills

Mrs. Fay from the Committee on Judiciary reported "Ought to pass" on Bill "An Act to Remove Employees' Trusts from the Operation of the Rule Against Perpetuities and Against Accumulations" (H. P. 1544) (L. D. 1137)

Mr. Fuller from the same Committee reported same on Bill "An Act relative to the Dismissal of Conservators" (H. P. 1545) (L. D. 1138)

Mr. Woodworth from the same Committee reported same on Resolve in favor of Florence Goodwin, of Clinton (H. P. 1625) (L. D. 1184)

Same gentleman from the same Committee reported same on Bill "An Act to Amend the Charter of the Western Somerset Municipal Court" (H. P. 1177) (L. D. 733)

Reports were read and accepted and the Bills and Resolve having already been printed, the Bills were read twice under suspension of the rules, the Resolve read once and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Hayes from the Committee on Judiciary on Bill "An Act relating to the County Law Library at Rumford, Oxford County" (H. P. 1639) (L. D. 1203) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill, having already been

printed, was read twice under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 1639, L. D. 1203, Bill "An Act Relating to the County Law Library at Rumford, Oxford County."

Amend said bill by striking out the underlined figure \$1,500; in the eighth line thereof and inserting in place thereof, the underlined figure \$1250;

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

Mr. CARTER: Mr. Speaker, I would like to ask a question through the Chair if there isn't a mistake in this amendment? It was my idea that the amounts were \$500 and \$250. The amendment says \$1500 and \$1250. I think there must be some mistake.

The SPEAKER: The Chair will request that the gentleman from Bethel, Mr. Carter, approach the rostrum.

(Conference at the rostrum.)

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Parent.

Mr. PARENT: Mr. Speaker and Members of the House: I think I can answer the question of the gentleman from Bethel, Mr. Carter.

The original amount which was prescribed for the library at Rumford was \$1,000 and they requested \$1500 and the County Commissioner of Oxford County agreed on \$1250.

Thereupon, House Amendment "A" was adopted and the bill was assigned for third reading tomorrow morning.

Mr. Delahanty from the Committee on Judiciary on Bill "An Act relating to Dumping of Rubbish in Highways" (H. P. 1175) (L. D. 731) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 1175, L. D. 731, Bill "An

Act Relating to Dumping of Rubbish in Highways.”

Amend said bill by striking out all of the same and substitute in place thereof the following:

R. S., c. 124, §24, repealed and replaced. Section 24 of chapter 124 of the revised statutes is hereby repealed and the following enacted in place thereof:

‘Sec. 24. Dumping of rubbish in highways forbidden; penalty. No person, firm or corporation shall throw, place or cause to be placed any waste material, bottles, rubbish or garbage of any nature within the limits of the right of way of any public highway; provided, however, that this section shall not apply to the proper use of the right of way for highway purposes.

For the purposes of this section, where the limits of the highway are not known, they shall be considered as extending 33 feet both sides of the center line of the travelled portion of the highway.

Whoever violates the provision of this section shall be punished by a fine of not more than \$50.’

Committee Amendment “A” was adopted and the bill was assigned for third reading tomorrow morning.

Mr. BEARCE of Caribou: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. BEARCE: To ask a question, Mr. Speaker.

The SPEAKER: On the matter that we have just taken care of?

Mr. BEARCE: I wanted to change it to another date, that is all, Mr. Speaker, as it would be a little inconvenient to one of the members of the House.

The SPEAKER: The Chair will state that the gentleman must obtain unanimous consent of the House to change the date. Does the gentleman desire unanimous consent? Will the gentleman inform the Chair of the number of the item?

Mr. BEARCE: Mr. Speaker, it is Item 16 on page 5 of today’s calendar, (Report of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Red River and Birch River, H. P. 1540,

L. D. 1133, reporting same in a new draft, H. P. 1755, L. D. 1299, under title of Resolve Regulating Fishing in Birch River and that it “Ought to pass”.)

The SPEAKER: Will the gentleman from Caribou, Mr. Bearce, please approach the rostrum.

(Conference at rostrum)

The SPEAKER: The Chair understands that the gentleman from Caribou, Mr. Bearce, does not desire to ask unanimous consent to change the date of the assignment. Is the Chair correct?

Mr. BEARCE: Yes, Mr. Speaker.

Passed to be Engrossed

Tabled Temporarily

Bill “An Act to Revise the State Civil Defense Law” (H. P. 152) (L. D. 84)

Was reported by the Committee on Bills in the Third Reading.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, I would like to have Item A-1, L. D. 84, lie on the table and be taken up later in the day.

The SPEAKER: The gentleman from Kennebunk, Mr. Littlefield, moves that Bill “An Act to Revise the Civil Defense Law” lie on the table to be taken up later in today’s session. Is this the pleasure of the House?

The motion prevailed and the bill was tabled pending third reading and assigned for later in today’s session.

Amended Bill

Bill “An Act relating to Exemptions from Taxation” (H. P. 336) (L. D. 194)

Was reported by the Committee on Bills in the Third Reading.

Thereupon, Mr. Spear of South Portland presented House Amendment “B” and moved its adoption.

House Amendment “B” was read by the Clerk as follows:

HOUSE AMENDMENT “B” to H. P. 336, L. D. 194, Bill “An Act Relating to Exemptions from Taxation.”

Amend said Bill by inserting after the word “pension” in the 28th line thereof, the underlined words: **‘or compensation’**

Further amend said Bill by inserting after the word "pension" in the 32nd line thereof, the underlined words: 'or compensation'

House Amendment "B" was adopted.

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

Mr. MAXWELL: Mr. Speaker and Members of the House: It is a well-known fact that the service records of men who served in World War I were not kept up in the same manner as those of men who served in World War II. Consequently, in a great many cases, it has been very difficult for a man who served during World War I to prove that his disability was service-connected.

In the belief that House Amendment "C" will take care of this situation, I now present House Amendment "C" and move that it be adopted.

The SPEAKER: The gentleman from Winthrop, Mr. Maxwell, presents House Amendment "C" to Bill "An Act Relating to Exemptions from Taxation" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "C" to H. P. 336, L. D. 194, Bill "An Act Relating to Exemptions from Taxation."

Amend said Bill by striking out the underlined words "service connected" wherever they appear in said Bill.

Thereupon, House Amendment "C" was adopted and the bill as amended by House Amendment "B" and House Amendment "C" was given its third reading, passed to be engrossed and sent to the Senate.

Passed to Be Engrossed, Cont. Indefinitely Postponed

Bill "An Act relating to Practitioners' Services Under the Workmen's Compensation Act" (H. P. 1586) (L. D. 1158)

Was reported by the Committee on Bills in the third reading.

The Chair recognizes the gentleman from Orono, Mr. Bates.

Mr. BATES: Mr. Speaker, I rise to present House Amendment "A" and move its adoption, and after the Clerk has read the amendment

I would appreciate the opportunity of explaining my reasons.

The SPEAKER: The gentleman from Orono, Mr. Bates, presents House Amendment "A" to Bill "An Act Relating to Practitioners' Services Under the Workmen's Compensation Act" H. P. 1586, L. D. 1158, and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 1586, L. D. 1158, Bill "An Act Relating to Practitioners' Services Under the Workmen's Compensation Act."

Amend said bill by inserting after the underlined word "shall" in the 7th line thereof the underlined word 'also'.

Further amend said bill by striking out from the 7th and 8th lines thereof the underlined words and punctuation "medical physicians, surgeons, osteopathic physicians and"

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

Mr. BATES: Mr. Speaker and Members of the House: Since 1929 both the medical and the osteopathic physicians and surgeons have provided services for injuries under the Workmen's Compensation Act, and it is my belief that there has been excellent cooperation among all parties concerned. My amendment strikes out what I consider unnecessary wording. The allopathic and osteopathic professional services are already provided for in the sentence immediately preceding the one I am now amending, therefore, with this amendment, the new sentence will now read: "Such services shall also include services of chiropractors provided such services are reasonable and proper and within the scope of the practice rights of such practitioners as defined by law."

The SPEAKER: The Chair recognizes the gentleman from Clinton, Mr. Keene.

Mr. KEENE: Mr. Speaker and Members of the House: I wonder if the members of this House have really studied this bill. As the gentleman from Orono, Mr. Bates, has just stated, the medical profession, the M.D.'s and the osteopaths,

are now included as accredited practitioners under the Workmen's Compensation Act. Therefore his amendment as presented would strike out those two classes and leave the bill one strictly to include chiropractors.

In looking up the Revised Statutes of 1944, Chapter 55 as amended by Public Laws of 1945, Chapter 15, the definition of "chiropractic doctors" is as follows: "The system, method, or science commonly known as chiropractic, or the practice of chiropractic, is defined to be the science of palpating and adjusting the segments and articulations of the human spinal column by hand and locating and correcting interferences with nerve transmission and expression by hand, or by electrical treatments, hydrotherapy and diet, without the use of drugs or surgery, and any and all other methods are declared not to be chiropractic, and chiropractic is declared not to be the practice of medicine, surgery, dentistry, or osteopathy."

In looking over the past legislative records, Mr. Speaker and Members of the House, I find that this bill or a similar bill has already been in several legislatures. In 1949 this bill or a similar bill to include chiropractic was in the 94th Legislature, and on a yea and nay vote the vote was 75 to 22 to indefinitely postpone the measure.

Now statistics from the Maine Register of 1950-51 show that there are in the State of Maine 813 medical doctors, 216 osteopathic doctors and 75 chiropractic doctors.

To my mind, if this bill was accepted, it definitely would be one of the worst pieces of legislation that this Legislature could adopt.

The definition of chiropractic doctor definitely states that they cannot perform surgery, they cannot dispense medicine, they cannot bind up wounds; and under the Workmen's Compensation Act at least fifty or more percent of their duties are of that nature.

Therefore, Mr. Speaker, I move the indefinite postponement of Item 2, L. D. 1158 and the amendment before the House.

The SPEAKER: The gentleman from Clinton, Mr. Keene, moves the indefinite postponement of Bill "An

Act relating to Practitioners' Services under the Workmen's Compensation Act", H. P. 1586, L. D. 1158, together with the amendment presented by the gentleman from Orono, Mr. Bates.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker and Members of the House: Probably the wisest move for me to make would be to place these motions on the table, because I am not perhaps as well prepared with facts and figures as the opponents of this bill. Realizing the lateness of the hour in this session, I will try to explain to the members of the House what this bill will do, try to explain why I have been interested in it, and I sincerely hope that the members of this House will pass it.

The gentleman from Clinton, who just spoke, Mr. Keene, has stated that there is a small number of chiropractors in the State of Maine; he has stated that their practice is limited; no medicines, no surgery, no binding of wounds. But that small number of men—I do not know whether there are women in the profession yet in the State of Maine—but the small number who are in that profession definitely have something of value to the people.

Now I speak from personal experience. When a person has seen what a doctor can do and has seen the results of that work, not only on friends but members of the family, that person is definitely interested in that type of medicine. And I can back up those statements with facts and figures. The chiropractors definitely have a place. It is of great interest to me, because in Bath we have the Bath Iron Works. I worked in the Bath Iron Works for over a year and I know that there are many injuries in there that do not require medicine, surgery, or binding up of wounds.

It is not always wise to bring out a personal point, but, on the other hand, if you can bring it out and back it up, many times you can convince people.

When I was in the Iron Works, I worked on the boats. I worked behind one of the most important panels on the boat. I worked in a

very small space and, as I worked there one day, I found that I had slipped and my foot had become caught on one of the beams in the boat. I wasn't able to get myself out from behind the board. The only alternative was to have the board burned out as I was back several feet. In getting myself out of that predicament, I wrenched my hip. Now, the Bath Iron Works has a very nice first aid department. They were very kind. I went there, they tried strapping; that didn't help me. It was very comfortable as I lay there quite a few days and had these treatments but that did no good. As I stated before the Committee of Labor, the day I presented the bill, one man said: "These punches in the back." All right, apparently it was the punch in the back that I needed, because after I had the chiropractic treatment, I got relief for an injured hip.

There are many others down there who get wrenches and strains. Now, the fair thing seems to be to allow a person to get the treatment which will remedy the injury. That was the intent of the law. In my case, I paid for the chiropractic treatment, myself. I was well able to but there are others there who find it very difficult to eke out that much more money and go to a doctor on their own.

If we have a law, if it has been the intent of the Legislatures to grant the workmen compensation for these injuries, I think it was the full intent to go the whole way. But there has been, you might say, a lot of resistance and a lot of pressure put onto a minority group; the chiropractors are a minority group.

Now, if you will read the law they can't go more than \$100. It is not going to be any exorbitant fee but out of fairness to the workers I think they should be allowed to have the chiropractic treatment.

Another thing that was brought out was: The workers would be making their choice, and many of these industrial places have their own first aid stations. Now, I believe if, in one of the injuries a person has injury to teeth, they go to a dentist; if they have injury to an eye, they go to an eye doctor, not within the first aid department.

So, in a spirit of fairness, I think that they should be allowed to go to a chiropractor. The only way they will be allowed to do that will be if you pass this bill.

In all sincerity, I do not think you can call it unfair, exorbitant or unreasonable.

The SPEAKER: The question before the House is on the motion of the gentleman from Clinton, Mr. Keene, that Bill "An Act relating to Practitioners' Services Under the Workmen's Compensation Act," together with House Amendment "A," presented by the gentleman from Orono, Mr. Bates, be indefinitely postponed.

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

Mr. McGLAUFFLIN: Mr. Speaker, I am sorry I missed the debate on this matter but I am one of the men who has had more than one hundred chiropractic treatments and I would rather have a chiropractic treatment for some purposes than any doctor that I ever saw. I am heartily in favor of the bill.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: We all get on the hot seat sometime.

I do not like this bill. As a practicing physician and, this morning, speaking in behalf of the Maine Medical Association, I feel that this bill is not in the best interests of the most people.

I had intended to endorse the amendment offered by the gentleman from Orono, Mr. Bates, believing that the language in this bill was superfluous because, as has been pointed out, under existing law we are included and I believe that the chiropractors should stand on their own feet and this issue should be settled on the basis of its merits.

However, I am equally opposed to the bill as a whole and therefore I hope the motion to indefinitely postpone will prevail.

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

Mr. WALLS: Mr. Speaker and Members of the House: As a signer of the minority report, I do not

think, in our opinion, so far as injuries are concerned that are in the plant chiropractors have any place. I am sure that most of the injuries, broken legs, injuries like that, are taken care of and should be by a medical doctor. So I hope the motion for indefinite postponement will prevail.

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

Mr. FULLER: Mr. Speaker and Members of the House: As to what can be accomplished by this bill, if any of you ladies and gentlemen have had a minor displacement of your neck requiring manipulations to fix it or if you have suffered what is known as a sacroiliac displacement requiring manipulations to fix that and that, of course, can come about by any occupation involving lifting or if you possibly had a hip displacement or even an ankle displacement, those are occasions when manipulations are needed. Some doctors of medicine can give treatment for that; some cannot. Where they cannot, that is where either an osteopath or a chiropractor can do the job. As I take it, that is what the bill is to allow; to allow the chiropractor to be used where he can do the job. Therefore, I oppose the motion of the gentleman from Clinton (Mr. Keene).

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Clinton, Mr. Keene.

Mr. KEENE: Mr. Speaker and Members of the House: I just want to bring to each and every one's attention the fact that the Federal Social Security Law does not include chiropractors. It does include doctors in osteopathy and M. D. physicians.

And, as an opponent, sitting here listening to the proponents, I am forced to come to this conclusion from the remarks that if you seek medical or surgery treatment, you should go to a doctor but if you are looking for miracles, you should go to a chiropractor.

Under the present law, chiropractors are limited to certain methods and adjustments which do not include the treatment of occu-

pational diseases or industrial injuries. These diseases and injuries are peculiar to the occupation or industry in which the workman is employed. By this bill, chiropractors seek to be included in those medical services for which compensation is made under the Workmen's Compensation Act. The doctor at medical school takes a course in industrial hygiene. The chiropractor does not. My objection to this bill, then, is not that chiropractors do not render service, but rather that their service is properly restricted by law to the field for which they have been trained. The field suggested by this bill is not the one for which they were trained. Therefore, Mr. Speaker, I again move for the indefinite postponement and when the vote is taken I ask that it be taken by division.

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

Mr. McGLAULFIN: Mr. Speaker, I would like to say just another word on this subject because many of you probably know nothing about chiropractic practice. How I ever happened to try one of these chiropractors was that I had been to New York in a car and that particular day I drove 360 miles. When I got home I had a neck that was so stiff that it seemed as though it would take off the top of my head. My secretary suggested I try a chiropractor. I didn't know a chiropractor from a hole in the wall but I tried one and he gave me one treatment and it completely relieved that stiff neck. To me that was worth \$25, that one treatment.

On another occasion, I went to another chiropractor and it was his custom before giving you any treatment to take an x-ray, one or more, of your spine. He took an x-ray of mine. I paid him \$10 for this x-ray besides the treatment. I suppose that is one way they get additional fees. He proceeded to show me the human skeleton and how the spine ought to be and then he pointed out to me the picture that he had taken of the top of my spine and he pointed out

that there was a place where it was not in line. He made — —

The SPEAKER: The Chair will state that pursuant to the order passed this morning, we now stand at recess until 3:30 this afternoon.

Thereupon, the House recessed until 3:30 P. M.

After Recess—3:30 P. M.

The House was called to order by the Speaker.

The SPEAKER: The Chair would inquire of the gentleman from Clinton, Mr. Keene, if his motion was in effect to indefinitely postpone Bill "An Act relating to Practitioners' Services Under the Workmen's Compensation Act"?

Mr. KEENE: Mr. Speaker, I wish to advise you that my motion was to indefinitely postpone House Paper 1586, L. D. 1158.

The SPEAKER: The question before the House is on the motion of the gentleman from Orono, Mr. Bates, on the matter of adopting House Amendment "A" to Bill "An Act relating to Practitioners' Services Under the Workmen's Compensation Act".

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

Mr. McGLAUFFLIN: Mr. Speaker and Members of the House: This is Chapter 2. (Laughter)

This bill states: "During the first 30 days after an injury aforesaid the employee shall be entitled to reasonable and proper medical . . . services" and so forth, and "such services shall include services of medical physicians, surgeons, osteopathic physicians and chiropractors, . . ."

I stated to you that I went to a chiropractor. This particular one was Doctor Parker of Seabrook, New Hampshire. He took an x-ray of my spine and he showed me in the picture that one of the vertebrae in my neck was out of place. In a moment's time he put that back in place, and I felt better for the next six months at least.

On one occasion, while I was there for a treatment, at least forty different persons came to Seabrook that forenoon to be treated by this

same doctor, and person after person told me, themselves, that they had been to medical doctors for years and got no assistance whatsoever and they had finally been recommended to this Doctor Parker and he had helped them at once.

Now I want to analyze the argument put up by the gentleman from Clinton, Mr. Keene. He said that there wasn't any such provision in some national law. There is no such provision in the Bible or the Constitution, so far as I know, but can't you see that that isn't argument; that is pure prejudice. It makes me think of a story told by Abraham Lincoln. There was a witness testifying before the judge that he had seen a certain person commit a crime. It was a Dutchman, and he immediately said: "Your Honor, I can bring fifty people who didn't see me do it."

Now the point is this: Some of us, including myself, can positively testify that those chiropractors can help you in some cases, and I venture to say that the gentleman from Clinton, Mr. Keene, never had a chiropractic treatment in his life. What does he know about it? Why should you listen to his motion to indefinitely postpone a measure when I stand up here and tell you that I know what I am talking about, and you have others here that will do the same thing before this debate is over.

I want to point out to you that I cannot overcome your prejudice; I can reason, because I am trained to reason, logically, and the first thing I want to point out is that the argument of the gentleman from Clinton, Mr. Keene, isn't argument at all; it is pure bunk.

The next thing that I want to point out to you is that the physicians are opposed to this. They do not like this competition; they have even got lobbyists in this Legislature trying to lobby you not to pass this bill. I wasn't asked to speak on this question. I didn't even know the bill was here until I was told this morning—I just accidentally ran upon it—but I believe in fair play and I say that everything indicates that it is nothing but pure prejudice that prevents you from allowing these workmen to have

the benefit of a chiropractor if he wants one.

This measure was up two years ago, and the man who opposed it the most was a man who didn't have any idea what he was talking about. He got up here and talked for half an hour and he said nothing because he didn't know what he was talking about; he had never had any experience; and yet the Legislature went along with him. Why? Not because of any reasonable common sense. Oh, no; because of pure prejudice.

Now I was just told by my friend, the gentleman from Portland, Mr. Albee, who represents insurance companies, that an insurance company does not recognize a chiropractor. That doesn't trouble me any in this case because: Let the men go to the chiropractor and get the help and then if he has got to have a certificate of a physician, then get that, too.

I am against the indefinite postponement. As I said before, you members have stepped on me pretty hard lately and I can take it, but I am against this measure.

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

Mr. MARCH: Mr. Speaker and Members of the House: Chiropractors have a definite but limited place in the alleviation and cure of human afflictions. As the gentleman from Clinton, Mr. Keene, has stated, their one scope is the manipulation of the segments of the vertebral column. They can relieve minor conditions. I have never had one, as the gentleman from Portland, Mr. McGlauffin, says, but my family has, and they have been relieved temporarily. I cannot see the great curative value. I respect the gentleman from Portland, Mr. McGlauffin, as a man and as a lawyer, but I wonder if he isn't a little bit gullible. He has had over one hundred treatments. (Laughter)

I feel that a chiropractor, in meeting the exigencies of the various situations as they might present themselves in the industries, accidents and so forth, are about as well fitted to cope with the situation as the young student of, say, civil government might be to con-

duct a general practice of law. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: I submit that a man who can receive forty patients in a forenoon is quite an acrobat.

Speaking of x-ray interpretations, may I say that ninety-five per cent of the medical profession of this country do not pretend to be able to properly interpret an x-ray. For that reason every hospital has on its staff a competent roentgenologist.

I am always amused at the stories of these miraculous cures at the hands of cultists. I think of an experience in my own life. About twenty years ago I suddenly began to have a series of furuncles, commonly known as boils. Well, at that time we certainly didn't have any specific remedy, and I tried one thing and another without avail. There was some evidence that an autogenous vaccine was beneficial in a few cases, so I was willing to try anything. I went down to the Maine General Hospital and had the late Doctor Warren make me up an autogenous vaccine. It took about a week to make it up and by the time I got it, ten days had elapsed. By that time I didn't have an active boil, so I put the vaccine in the refrigerator and thought I would wait and see what happened. I haven't had another boil to this day. Now if I had used that vaccine I might well have been like some of these people who say: "Well, that vaccine is really wonderful," but let me assure you, ladies and gentlemen, that the legitimate medical profession does not draw conclusions from any isolated cases. Their conclusions are drawn after reviewing the records of hundreds, and in most cases, thousands, of cases on that particular line of therapy.

I still hope that this motion does prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker and Members of the House: This is one time when I can go back

and say: "I can remember when," and not be too embarrassed.

I was in the Legislature ten years ago—I am not so sure but what it was that session. We were struggling very hard to convince people that the osteopaths had a place in the world. At that time they were bone-punchers and back-snappers and all the rest of it. They won their place.

We could go on at great length and tell of people who have faith in chiropractors, osteopaths and medical men. We can meet those people who do not believe in any of those things. We can go over the history of medical men and say: "Did you see what he did to so and so? You shouldn't go to any doctor. You don't need them. They make horrible mistakes."

The question before us this afternoon boils down to just this: Taking out the fact that industry does not like this, the insurance companies do not like it, the United States government doesn't recognize them, you come up against this fact: They are recognized in the State of Maine. They are recognized by many people. Many people have definitely received aid from them. I can remember, when I was studying in college, one of the biggest doctors in the country argued with me bitterly because I had seen what chiropractors had just done in my family, and he stated: "Well, after all, Miss Deering, you know that if your spine was twisted just a little bit, you would die. Now let's not talk any more about it;—you'd be dead". And you are just about in the same position today. You are not going to be able to battle down these people who are 'agin it. You are not going to be able to battle down your medical men, who do not want it, your osteopaths do not want it, the industries do not want it. But the question is: Are you as legislators going to accept a fact that chiropractors are recognized in the State of Maine, they are licensed in the State of Maine, and many of our working people have definitely received aid and benefit from them. If you go that far, and admit it, do you want to turn around and say: "All right, we will pay the medical man, we will pay the osteopath, those who have to go to a dentist—he isn't in this, but

anyway we'll pay it if you have had a tooth knocked out or something; we will pay the eye doctor; he isn't in here but we'll pay if it is something around your eye, but no chiropractors." Isn't that just a little bit too bigoted? To have certain facts to recognize, and on the fairness of the whole thing, the fairness to the working man, to any person who has faith and who has received aid from these people, isn't it the honest, fair and square thing to say "Yes, you may receive up to \$100. Workmen's Compensation."

I think that answers it, and I do hope that the gentleman's motion does not prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Honorable Members of the House: It seems to me that this is the only question we have to answer this afternoon: Inasmuch as the chiropractic physician is recognized and licensed in the State of Maine, and they have their chiropractic board just the same as the medical men have theirs, and they are recognized by thirty-three different states in the Union, as to having the advantage of this Workmen's Compensation Act, are the thirty-three states right or are they wrong? Are they all wrong? Do we want to say that we here are right and deny them what thirty-three other states granted them? Members, we cannot do that.

This is the question: Shall we, in this House, submit to class legislation and discrimination? There is the question that we have got to answer.

A few years ago I remember when the osteopaths were fighting for their lives in this State, for recognition in minor surgery, and the chiropractors flocked here from Fort Fairfield to Portland to that hearing and they stood by them, and they won't deny it because they can't. I was here.

Now what is their attitude? Deny the very men that took them off the limb; deny them the privilege of legislation here this afternoon? Ladies and gentlemen, I call that "striking below the belt," and it never pays. The greatest fighter in

all human history is the prizefighter John L. Sullivan, and after he was through fighting he went over this Nation and he even went to England lecturing and everyone admired him and why? It was said that he never "struck below the belt."

And then, members, Jim Corbett defeated him and after he was defeated he went on the lecture platform and everywhere they applauded him as "Gentleman Jim" and they said "Here is a man who never 'struck below the belt' but he always practiced the Golden Rule in fighting." That is what makes men great. That is what made the United States great. Go out in the corridors here and look up at James G. Blaine. It was said that politically he never "struck below the belt." Read it for yourself in his memoirs. It was said that James G. Blaine was a man who practiced the Golden Rule in legislation. My town is named after him and there is a beautiful story with it which I will not take the time to tell you now. It is enough to say that from early childhood we were taught in our town that James G. Blaine practiced the Golden Rule in legislation. That is why he was great, members.

Look at Thomas B. Reed out here. Was there a greater statesman? And it was said of Tom Reed that when he was ruling the House, the National House, that he practiced the Golden Rule and he never allowed anyone to "strike below the belt." Read it for yourselves.

Oh, ladies and gentlemen, you can't do those things and be great and be remembered by what you have done. I once knew fellows who tried to crowd someone down to lift themselves up, and tried to discriminate. They died and their names died with them, and their acts died with them, but we want to be fair to these men; they are living on. All these men ask in the world is that they have the same right to practice in their field that these other fellows have to practice in their field, and if they are not right, why then let the State of Maine dissolve them and put them out of commission, the State Board that this state established.

Ladies and Gentlemen, I beg of you this afternoon: Let's be fair, let's not discriminate and let's not allow class legislation to creep in here today. Let us kill this idea of indefinite postponement. Thank you.

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

Mr. BATES: Mr. Speaker and Members of the House: The first intimation that I got as to how my profession as a State organization felt in regard to this bill was in the last few minutes when the gentleman from Bath, Mrs. Moffatt, and the gentleman from Blaine, Mr. Bubar, spoke. I wish to state publicly that the Maine Osteopathic Association nor any member of that association has instructed me how to proceed in this matter. I am proceeding in this matter as an individual. I am trying to weigh the basis and merits of all facts considered here, and make up my own mind.

So far as "hitting below the belt" or any other statement that has been made in the last few minutes is concerned, the Maine Osteopathic Association as a body is not involved. I would like to read, for the benefit of the members of the House — they have already heard parts of the chiropractic law—in regard to their practice rights. I will read just two sections from the osteopathic law and you note if you do not see some difference.

"Such certificate" meaning a license practice certificate "shall entitle the person to whom it is granted to practice osteopathy in any county in this state in all its branches as taught and practiced by the recognized colleges of osteopathy, with the right to use such drugs as are necessary, in the practice of surgery and obstetrics, including narcotics, antiseptics and anesthetics".

Section 12 states: "All laws, rules and regulations now in force in this State or which shall hereafter be enacted for the purpose of regulating the reporting of contagious diseases, deaths or births to the proper authorities, signing certificates for commitment of patients or persons to state institutions and to which physicians of other

schools of medicine are subject, shall apply equally to osteopathic physicians, and all reports and health certificates made by osteopathic physicians shall be accepted by the officers of the departments to which the same are made equally with the reports and health certificates of physicians of other schools of medicine."

The osteopathic profession has received enough recognition at the Federal level to warrant the printing of a book of this nature, and under the Employee's Compensation Act, for instance, it says: "The term 'physician' includes surgeons and osteopathic practitioners and the term 'medical, surgical, and hospital services and supplies' include services and supplies by osteopathic practitioners in hospitals within the scope of their practice as defined by state law."

Now in the Social Security Act amendment of 1950 it says: "When used in this act the terms 'physician' and 'medical care' and 'hospitalization' include osteopathic practitioners or the terms of osteopathic physicians in hospitals within the scope of their practice as defined by state law".

Once more, I am representing myself, and no member or all the members, and I have not received any communication from any person who is an osteopathic physician in this State.

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

Mr. ALBEE: Mr. Speaker and Members of the House: I would just like to get the record straight. We recognize that the insurance companies, as the member has said, did not like this bill. I am merely saying that the insurance companies do not recognize the signature of a chiropractor. It has nothing to do with the insurance companies not liking the bill.

The SPEAKER: Is the House ready for the question?

The question before the House is on the adoption of House Amendment "A" presented by the gentleman from Orono, Mr. Bates, to Bill "An Act relating to Practitioners' Services Under the Workmen's Compensation Act".

All those in favor of the adoption of House Amendment "A" will say aye; those opposed, no.

A viva voce vote being taken, the amendment failed of adoption.

The SPEAKER: The question before the House is on the motion of the gentleman from Clinton, Mr. Keene, that Bill "An Act relating to Practitioners' Services Under the Workmen's Compensation Act" be indefinitely postponed.

Is the House ready for the question?

All those in favor will rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Eighty-five having voted in the affirmative and sixteen having voted in the negative, the motion prevailed, and the bill was indefinitely postponed and sent up for concurrence.

Passed to be Engrossed (Cont'd)

Bill "An Act relating to Fees and Duties of State Sealer of Weights and Measures" (H. P. 1730) (L. D. 1289)

Bill "An Act relating to Barbers, Hairdressing and Beauty Culture" (H. P. 1731) (L. D. 1290)

Bill "An Act relating to Kindling of Fires on Land" (H. P. 1751) (L. D. 1295)

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

Amended Bills

Bill "An Act relative to Excise Tax on Aircraft" (H. P. 553) (L. D. 324)

Bill "An Act relating to Investigations by County Attorneys and Sheriffs of Shooting of Humans While Hunting" (H. P. 1481) (L. D. 1088)

Bill "An Act to Provide Partial Cutting Adjacent to Roadsides" (H. P. 1642) (L. D. 1206)

Bill "An Act relating to the Salaries of the Judge and the Recorder or the Millinocket Municipal Court" (S. P. 283) (L. D. 622)

Bill "An Act relating to Schooling in Unorganized Territory" (S. P. 353) (L. D. 881)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee

Amendment "A" and sent to the Senate.

**Passed to be Enacted
Emergency Measure**

An Act relating to the Assets of the Farm Rehabilitation Corporation of Maine (S. P. 153) (L. D. 327)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 119 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.

Emergency Measure

An Act to Incorporate the George H. Robertson School District in Belfast (H. P. 200) (L. D. 122)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 126 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.

Emergency Measure

An Act to Incorporate the Jay School District (H. P. 1670) (L. D. 1241)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 124 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.

**Finally Passed
Emergency Measure**

Resolve for the Laying of the County Taxes for Cumberland County for the Years Nineteen Hundred Fifty-one and Nineteen Hundred Fifty-two (S. P. 540)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 123 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**Emergency Measure
Tabled and Assigned**

Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees (H. P. 804) (L. D. 477)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. JACOBS: Mr. Speaker, this item calls for \$183,000. At the present time the Committee on Appropriations can not see the dollars. I would like to table this matter until next Wednesday morning.

We are not opposed to this but we haven't any money to pay for it at the present time.

Mr. WOODWORTH of Fairfield: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise? A motion to table is not debatable.

Mr. WOODWORTH: Mr. Speaker, I wonder if the gentleman from Auburn, Mr. Jacobs, will withdraw his motion for a minute.

Mr. JACOBS: Mr. Speaker, I will withdraw the motion temporarily.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, withdraws his motion.

The Chair recognizes the gentleman from Fairfield, Mr. Woodworth

Mr. WOODWORTH: Mr. Speaker, I don't know whether I understand the bill completely or not. It comes in under an emergency preamble. It means that just as soon as it is enacted and signed by the Governor, it will become law, and therefore the money will be due to the employees immediately under the terms of the bill to pay them their wages from March 1st until July 1st, but this money is payable

out of the general fund, and that must mean, if I understand the bill rightly, that it is payable out of current funds and not out of funds to be raised in the future, that is, out of funds for the year ending June 30th, 1950. So far, I am right on the line with the gentleman from Auburn, Mr. Jacobs.

If this bill is payable out of current funds, where it stands, it can only be paid if there is money in the treasury and as I understand that all of the money in the treasury has been appropriated for the current year, that means that it is only payable if there is a surplus or if there is expected to be a surplus, by June 30th. I discussed this point with the gentleman from Limestone, Mr. Burgess. He was going downstairs to ask the Commissioner of Finance whether there was a surplus, and I just stood up to make that explanation. I do not know whether there is any money or not.

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

Mr. BURGESS: Mr. Speaker, in answer to the question offered by my seatmate, the gentleman from Fairfield, Mr. Woodworth, I find first that this bill would cost \$183,088 to put the salary plan in effect for the period for the remainder of the year, and it would be paid for out of unappropriated surplus accumulated and saved during the current year, and if there are sufficient funds at the present time with which to put it in operation.

Now approximately \$300,000 is the figure I was given, as of today, and this unappropriated surplus has been arrived at or been accumulated by an attempted saving in the various departments as they have progressed.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: As the gentleman from Auburn, Mr. Jacobs, told you, the committee was not opposed to this measure. The committee reported it out "Ought to pass" unanimously. Mr. Burgess has stated it calls for \$183,088 from March 10th to June 30th inclusive, but there is a surplus to pay that

\$183,000 and will be a surplus. But the Senate amendment calls for \$300,000 each year, and you are told that there is not enough; it necessitates \$600,000 each year which is \$1,200,000 for the biennium to carry out this program. I will stand corrected, but I will assume that it is possible, as the gentleman from Auburn, Mr. Jacobs, explained, that the reason for his tabling motion is obviously that we may carry on this program through June 30th. If we do not find the additional funds we will have to cut out the program because we will then not have the \$1,200,000 to carry it out for the biennium. I assume that is the reason Mr. Jacobs wants to table this.

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

Mr. JACOBS: Mr. Speaker, I simply wanted to table the matter. If Mr. Burgess's information is correct, I have no objection for it to go along. That was my question, and I asked to table it so we could understand just where we were going. I will not make the motion to table it.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, I think the gentleman from Lewiston has stated the matter correctly. If this bill is passed as an emergency we do establish a salary scale for state employees which will require an amount to be added either to the general appropriation bill or a supplemental appropriation bill of about \$300,000 a year more than the bill now carries.

It had been my intention as this matter came before the House to put the question to the House to see if you were ready to vote upon this as an emergency matter at this time. I was going to make a motion to table the bill and let the vote on that motion be the test whether we can pass the bill as an emergency measure. Personally, I am in favor of establishing the new scale, but I do think that the House should be aware of the fact that by passing this bill you are putting into effect a higher salary scale in the future than has so far been provided for in the general appropriation bill. Therefore, I

will make the motion to table the bill, and I ask those of you who are ready to pass it as an emergency measure not to vote for my motion, and from the vote to table we can tell whether we can safely put the question to the House to pass it as an emergency measure, and for that purpose, Mr. Speaker, I move that the bill lie on the table.

The SPEAKER: The Chair understands that the gentleman has moved that the matter lie on the table.

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

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the fifth item under Enactors on today's calendar Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees (H. P. 804) (L. D. 477) lie on the table, and the same gentleman has requested a division.

All those in favor of the matter being tabled will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Thirty-five having voted in the affirmative and seventy-three in the negative, the motion to lay the matter on the table does not prevail.

Mr. CHASE: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. CHASE: To make a parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. CHASE: Mr. Speaker, must the matter now be put to the House on the passage of the bill as an emergency measure, and if it fails of passage as an emergency measure, what would be the status of the bill?

The SPEAKER: The Chair would inform the gentleman that unless some subsidiary motion is made at this time the motion must be put.

The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, I move that this matter be postponed to a day certain, namely Wednesday of next week.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth,

moves that Item 5, Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees (H. P. 804) (L. D. 477) lie on the table and be specially assigned for Wednesday, April 25th. Is this the pleasure of the House?

All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the resolve was so tabled and so assigned.

Passed to be Enacted

An Act relating to Licenses for Digging of Clams and Quahogs in the Town of West Bath (S. P. 137) (L. D. 244)

An Act Creating the Maine Economic Poisons Law (S. P. 342) (L. D. 808)

An Act relating to the Tagging of Beaver (S. P. 356) (L. D. 871)

An Act Concerning Coercion in the Placing of Insurance on Real Estate or Personal Property (S. P. 428) (L. D. 992)

An Act relating to Closed Time on Deer in Certain Counties (S. P. 434) (L. D. 997)

An Act to Clarify the Employment Security Law (S. P. 457) (L. D. 1071)

An Act relating to Powers of East Corinth Academy (S. P. 497) (L. D. 1212)

An Act relating to Sea and Shore Fisheries Licenses (S. P. 532) (L. D. 1264)

An Act relating to Transfers and Commitments to Pownal State School (H. P. 436) (L. D. 256)

An Act to Increase the Salaries of Certain County Officers in Washington County (H. P. 941) (L. D. 537)

An Act Authorizing the Town of Fort Fairfield to Appropriate Money for the Community General Hospital (H. P. 1136) (L. D. 668)

An Act to Increase the Salary of the Judge of the Eastport Municipal Court (H. P. 1138) (L. D. 670)

An Act Increasing the Salary of the Judge of Probate for Somerset County (H. P. 1216) (L. D. 773)

An Act relating to Trappers' Licenses (H. P. 1343) (L. D. 918)

An Act relating to Salary of Register of Probate of York County (H. P. 1438) (L. D. 1049)

An Act relating to Swan Island Game Preserve (H. P. 1577) (L. D. 1149)

An Act relating to the Board of Examiners and Funeral Directors and Embalmers (H. P. 1591) (L. D. 1163)

An Act relating to Appropriations for Aid of Public and Private Hospitals (H. P. 1592) (L. D. 1164)

An Act relating to Transportation of Fish from Moosehead Lake (H. P. 1649) (L. D. 1219)

An Act relating to Teachers' Contracts (H. P. 1655) (L. D. 1216)

An Act relating to Display of Unauthorized Signs upon or in View of Highways (H. P. 1691) (L. D. 1271)

Finally Passed

Resolve Providing for Construction and Reconstruction of Road in Baxter State Park (S. P. 180) (L. D. 391)

Resolve Closing Certain Waters in Hancock County to Taking of Salt Water Smelts (S. P. 339) (L. D. 755)

Resolve Naming the Guy H. Hall Memorial Bridge at Dexter (S. P. 430) (L. D. 993)

Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court (S. P. 436) (L. D. 999)

Resolve in favor of the Town of Cornville (S. P. 506)

Resolve in favor of Certain Towns in York and Oxford Counties for Snow Removal (H. P. 821) (L. D. 481)

Resolve Regulating Fishing in Round Pond and Fry Pan Pond, Somerset County (H. P. 1617) (L. D. 1177)

Resolve Limiting Catch of Pick-erel in Brann's Mill Pond, Piscataquis County (H. P. 1636) (L. D. 1201)

Resolve Closing Brann's Mill Pond, Piscataquis County, to Ice Fishing (H. P. 1637) (L. D. 1202)

Resolve Providing for State Pension for Florence I. Cain, of Clinton (H. P. 1692) (L. D. 1269)

Resolve Providing for a Pension for George M. D. Grant of Mil-bridge (H. P. 1693) (L. D. 1270)

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.

Orders of the Day

The **SPEAKER**: Under Orders of the Day the Chair lays before the House the first tabled and assigned matter on today's calendar, Majority Report "Ought not to pass" and Minority Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Claims on Resolve in favor of Francis M. Carroll of South Paris, H. P. 959, L. D. 571, tabled on April 6 by the gentleman from Madison, Mr. Fogg, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. FOGG: Mr. Speaker and Members of the House: When I signed the minority report on this bill, I was asked if I would be willing to get up and defend my stand on the Floor of the House.

I said that I would. So, for that reason, I would like to take a few minutes, today, to outline my views in support of my action. When this bill came up before the Claims Committee I was neither for nor against it. Even though I am a native of the State of Maine, at the time the Carroll trial took place I was living in Michigan. I remember reading of it in the papers but it was all very remote and I didn't pay much attention to it.

However, when it was brought close to me I soon felt that this is an issue which had been steeped in prejudice, distorted by backyard gossip and riddled with bigotry to such an extent that it is now practically impossible to tell where the facts leave off and circumstances begin, unless a person digs into the facts and in so doing accepts only something which has been recognized as being authentic. I have been digging into the facts and the deeper I have gone the more I have come to realize that this is an issue on which it is time that somebody took an unpopular stand. It seemed to come my way, this chore of taking this stand, so I have accepted it. Since I accepted it, I have been told that I am going to take an awful beating. I will say this: When the time comes that I am not willing to take a beating on something, I will just stay out of the fight. However, there are certain aspects about this rottenness that doesn't put me in that mood today.

I suppose, now, if I don't come out and make some sort of a commitment as to my feelings towards Francis Carroll's guilt or innocence, I will have it thrown back at me. But, before I go any further, I would like to say after what I have read in this matter — and I have dug into it pretty thoroughly — I think he is innocent. However, that is beside the point. I am here to tell you why I think he should be compensated for being railroaded to State's Prison. So, that is what I am going to do.

In releasing Francis Carroll from State's Prison, Judge Beliveau, Justice of the Maine Superior Court, summarized his decision with these words: "A complete study of the record in the Carroll trial for murder and evidence in the case convinces me beyond any doubt that the prosecution deliberately, purposely and intentionally violated the fifth and fourteenth amendments of the Federal Constitution, The provision in the Maine Constitution which guarantees to an accused an impartial and fair trial and practiced fraud and deception on the court and jury."

Judge Beliveau's decision, in itself, should be enough to warrant the passage of this bill. It seems to be that there are some people who want more, so I shall continue.

When the bill came up for public hearing in March, the State of Maine didn't offer any official opposition to its passage. It seems to me that if there were any definite reason why this bill should not have been passed, particularly where it reflected upon the prosecution of a murder trial by the State's authorities, that there would have been someone here acting in an official capacity for the State to present those reasons. Furthermore, there are certain very serious charges levelled at different individuals connected with the prosecution and so far there have been no denials. I will give proper consideration to the fact that one of the members of the prosecution is no longer living. But that is no excuse for the apparent timidity of those who are still living. After reading Judge Beliveau's decision, and hearing what was said at the Claims Committee hearing, and af-

ter listening to some people who went so far as to set themselves up as judges of Judge Beliveau, I felt that it would be only proper if I looked into the matter myself. So I read the complete Carroll trial testimony; I read the complete testimony at the habeas corpus hearing; I read all of Paul Dwyer's many conflicting and varied statements; Barbara Carroll's statement in which she charged her father with incest; I have read all of these sworn affidavits which have been filed in connection with this case. From this material I have compiled some notes pertaining to irregularities which support, I believe, Judge Beliveau's decision, verifying what was said at the hearing and this is why I have taken the stand I have in connection with this bill. I shall review those notes.

In May, 1938, Francis Carroll was arrested on a charge of incest on the complaint sworn out to Sheriff Fernando Francis of Oxford County and it was based on a statement by his daughter Barbara Carroll and he was confined to jail.

On the morning of the hearing which was to take place at the Norway Municipal Court, Edward Beauchamp went to the County jail to accompany Carroll to the court as his counsel. When he arrived there he was told that Carroll was being readied for the hearing, and he was asked to leave the room. After waiting for some time, he came back; again he was told that Carroll was still not ready and was told to leave the room the second time and when Carroll was ready, they would let him know. After waiting more than a reasonable length of time, he returned again and this time he was told that Carroll was no longer in the building, and upon further investigation he learned that Carroll had been taken to the court, arraigned without the benefit of counsel and bound over to the Superior Court.

Now, the skullduggery in this thing starts right here. That is as far as this charge was ever carried. It was never proven and Francis Carroll was never given a chance to disprove it. Busybodies and malicious gossips did the convict-

ing, like a bunch of vultures hovering over a wounded prey, they swooped in and they had a feast. You know as well as I do that there is no weapon as vicious and which is used as recklessly as some people's tongues.

It will never be known just how devastating the effect was that this unproven charge had upon Francis Carroll's fight for freedom. It cropped up repeatedly in the trial, weakening his defense. The prosecution even made a direct reference to it in his summary to the jury. This should never have been allowed to happen because there are a lot of people who, upon reading this daughter's statement, have voiced the opinion that if the trial had been carried through, reached its conclusion, and this girl had been placed on the stand, and she had been questioned by a lawyer, it would have blown her story sky-high. Even Judge Beliveau, in his decision, indicated his belief that the charge was a shaky one.

A few days following Carroll's arrest, he was charged with the murder of Dr. Littlefield. The trial was held in August, 1938, and Carroll was convicted. The opponents of this bill claim that it was a fair trial. Apparently they have not looked into some of the shenanigans which took place in connection with this trial, so, for your benefit, I would like to raise the lid on this cesspool of evil conniving, and let you see for yourselves that everything was not open and above board.

The only witnesses who gave testimony which in any way connected Carroll with the murder of Dr. Littlefield were Robert Pierce, South Paris, Hazel Talbot, Virginia Moore, Sidney Verrill, who had been deputy sheriff and chief investigator, and Frank Starbird of South Paris. For the time being I will skip Paul Dwyer and discuss him later.

Robert Pierce was a high school student; his father and mother died when he was very young, and he had been brought up by Sidney Verrill's sister. He did not testify that he had seen Carroll around the Dwyer home on the night of the slaying, the only way he placed Carroll in the vicinity of the Dwyer house was by testifying that he was

riding by in a car with Hazel Talbot and he had heard her remark that Francis Carroll was sitting in a car there. There is on file with the Committee on Claims a sworn affidavit by Robert Pierce that his testimony was false and that he had been induced to give false testimony by Sidney Verrill and Ralph Ingalls, the Assistant Attorney General and Chief Prosecutor. Pierce himself was present at the public hearing to answer any questions.

Hazel Talbot was a seventeen year old girl who testified at the trial that she had seen Carroll sitting in a car near the Dwyer home between seven and seven-thirty on the night of the slaying. Previous to the trial, Lt. Price of the State Police had taken her to the scene and she had pointed out a place entirely different and quite a distance from the place to which she testified at the trial. She also, at that time, said she did not know who was in the car. Lt. Price still has the report with his notation on it.

Virginia Moore was a thirteen year old girl. At the time of the trial she testified that she had seen two cars around the Dwyer house the night of the slaying. She did not identify Carroll as being there either. She only testified that she had seen a man sitting in a car parked in the parking lot of the country club nearby. She could not even state as to whether the car was blue or black. However, a year previous, a few days following the murder, she had told County Attorney Smith that she had seen one car in front of the Dwyer house and that there had been no car in the parking lot. County Attorney Smith still has his notes on this.

Sidney Verrill was a deputy sheriff, as I said, and chief investigator for the prosecution. At the trial he testified that two boys from Portsmouth, N. H., had seen Paul Dwyer with Mrs. Littlefield still alive, in Portsmouth around 10:00 or 10:30 on the night of October 14, 1937. There is on file with the Claims Committee a sworn affidavit by Winston Moore and Joseph Christie, both of Portsmouth, stating that at the time of the trial, they filed a statement with Sidney Verrill and Lt. Price,

that they had seen Paul Dwyer with Mrs. Littlefield alive, in Portsmouth around 1:00 and 1:30 in the morning on that same night. That, incidentally, was just about the time that Paul Dwyer claims that Carroll strangled Mrs. Littlefield in a car off Prospect Avenue in South Paris. They further state that when they appeared at the trial to testify, Ralph Ingalls told them to testify that the time was between 10:00 and 10:30, and when they refused they were sent home without testifying at all.

Frank Starbird gave testimony in connection with Paul Dwyer's story that Carroll killed Mrs. Littlefield off Prospect Avenue in South Paris. His testimony was that he had seen a car off the road there after midnight. As reported in the habeas corpus hearing testimony, pages 13, 14 and 15, he actually had seen two cars, and had told Ingalls so, hesitating to say that he had seen only one car, whereupon Ingalls said that he would not be wrong if he just testified that he saw a car.

Mrs. Lois Foss, who is now living in Pittsfield, Maine, and is a teacher in the public schools there, and at the time of the murder lived in South Paris directly back of the Dwyer house, testified under oath at the habeas corpus hearing that, at the time of the trial, Sidney Verrill approached her, and after showing her the license plate number of Francis Carroll's car, offered her \$75.00 to memorize it and swear that she had seen it around the Dwyer house at a certain time. She testified that when she refused he offered her more money, and when she still refused he cautioned her not to tell anyone about their conversation because her children were still young. The children then were only two and four, as I recall.

A pistol, a .45 automatic belonging to Francis Carroll, and a photograph of the head of Dr. Littlefield, taken by the police of North Arlington, N. J. were introduced at the trial by the State as evidence.

Prior to the trial Asst. Attorney General Ingalls requested Leon Shepard, then supervisor of the State Bureau of Identification, to study the gun and the marks appearing on the head in the photo-

graph to see if there were any relation between the two. Mr. Shepard is now and was then an accredited expert on police identification work. He made the study and examination and reported to Ingalls that the gun did not fit the marks on the head. Ingalls' reply to this was "Make the damn thing fit." To verify this, refer to habeas corpus testimony by Leon Shepard, pages 67, 68 and by Norman Greenlaw, Pages 58 and 59. Incidentally, Norman Greenlaw has been and is presently Commissioner of Institutions here in Maine.

In a further attempt to convince Ingalls that the gun did not fit the marks on the head, Shepard covered a human skull with plaster-cene, took it to Ingalls and Burkett, the Attorney General at that time, and demonstrated that the gun could not have made the marks. This is borne out by habeas corpus testimony by Shepard, Page 68.

At a later date, Leon Shepard and Dr. Arch Morrell, State Pathologist, were summoned to a conference with Ingalls in Portland. There they both told Ingalls that the gun did not fit the marks on the head of Dr. Littlefield. Ingalls' reply to this was, "Well, I can sell it to the jury." This was reported in habeas corpus testimony, pages 69, 70 and 89 and 90.

Now, while bearing in mind what had been told Ingalls by Leon Shepard and Dr. Morrell, I would like to read some quotations from the verbatim report of Ingalls' summation to the jury as reported in the Portland Press Herald. Unfortunately, in court cases I understand that there is no record made of the summary to the jury. However, I think when you consider the build-up the Rev. Bubar gave the Press Herald the other day, that it can be accepted as being quite authentic except maybe for a few possible little errors.

"You want to see something that fits the wound? Then take Francis Carroll's gun." Then further on another quote: "The diamond on Francis Carroll's gun fits the wound on Dr. Littlefield's head." Then again further on: "There is the gun print on Dr. Littlefield's head." And again further on: "Who in the State of Maine could Paul Dwyer have

picked out, except Francis Carroll, whose gun would fit the wound in the head of Dr. Littlefield." Here is another one: "The gun evidence seals his doom." And here is one more, and this a dilly: "Look exactly on the scar surface on Dr. Littlefield's head and see the diamond marks on Carroll's gun."

Incidentally, there was no evidence introduced by any witness connecting the gun with the wounds on Dr. Littlefield's head. The only thing I could find was that Paul Dwyer said that Carroll had hit Dr. Littlefield over the head. I will cover that shortly. Leon Shepard, when asked if he thought that a layman could make the comparison, stated that he did not believe that a layman could. Later in his testimony he stated that there was not the slightest possibility of the marks on Dr. Littlefield's head being anywhere near identical with the diamond markings on the gun.

After entering State's Prison, Paul Dwyer gave John Welch, then the warden, a handwritten statement of approximately 13,000 words, implicating Carroll in the slaying of Dr. and Mrs. Littlefield. The existence of that statement is verified by the following testimony taken at the habeas corpus hearing: Testimony by County Attorney Robert Smith, pages 20, 23, 24, 25 and 26. I am giving you all these figures so you can check up on it yourselves if you want to and so you will not have to take my word for it. Norman Greenlaw, pages 55 and 56 through 62; Leon Shepard, pages 71, 73 and 74; Wynnefred Scott Shepard, page 85; John Welch, pages 98 through 107.

Defense counsel Clyde Chapman, knowing of the existence of this statement, but not its full content, requested of Franz Burkett, the then Attorney General, Ralph Ingalls and John Welch, that it be shown him. After repeatedly asking them, he finally was handed at the trial a handwritten statement in Paul Dwyer's handwriting of about 2500 words. This statement was later proven to be a substitute for the original.

At the Carroll trial, Paul Dwyer, after examining the substitute statement and hearing it read to the jury, testified under oath that it

was the original. This is verified by Carroll trial transcript, pages 226, 227, 236 through 239.

At the Carroll trial, John Welch, being acquainted with the original, and after hearing it read to the jury, testified under oath that it was the original. This is verified by Carroll trial transcript, pages 531, 534 and 535.

At the habeas corpus hearing, John Welch admitted under oath that this statement was not the original. This is from habeas corpus testimony pages 98 through 107.

Franz Burkett knew of the existence of the original statement and its contents, because he had discussed it with John Welch, and had had it in his possession. This is borne out by Carroll's testimony, pages 534 and 535, and by the habeas corpus testimony, pages 96, 97 and 98. However, when asked by Judge Fisher if the substitute statement were admissible as evidence, he stated that he had no objections. You will find this on Carroll trial testimony on page 227.

Now, if this original statement of around 13,000 words had been introduced at the trial, it probably would have changed the whole picture because this original statement went into lengthy detail describing the killing of Dr. Littlefield and Mrs. Littlefield. The substitute statement was the same except that it went as far as the killing and then it abruptly ended.

When Paul Dwyer took the witness stand at the trial, he again gave a detailed statement of the killing but his testimony carried with it over twenty-five major contradictions of the story he told in the original statement he gave to Warden Welch at Thomaston.

I would like to acquaint you with a few of these contradictions: Page 44 of the testimony, Dwyer testified that Dr. Littlefield was downstairs when Carroll arrived at his house. In the original statement, Dwyer told how Dr. Littlefield was upstairs when Carroll arrived at the house. Pages 48, 49, 50, 51, and 52 of the testimony, Dwyer told in detail how Dr. Littlefield was killed. He told how he was helping him to the washstand after Carroll had hit him and knocked him down and

Carroll had gone out to get some whiskey to revive him. He told how he was helping him to the washstand so he could get some water.

Now, page 5, paragraphs 11 and 12 of the original statement, Dwyer told how Carroll knocked him out cold and when he came to Dr. Littlefield was dead and Carroll was leaning against the stair rail. Incidentally, I skipped something just back here in the testimony. In the testimony, he stated that while he was holding Dr. Littlefield in his arms, Carroll whacked him over the head with a pistol.

Page 99 of the testimony, Dwyer describes how Carroll put the belt around Dr. Littlefield's neck. Page 5, paragraph 12 of the statement, again Dwyer is unconscious and the belt is still around Dr. Littlefield's neck and it is there when comes to.

Now, here is the great granddaddy of them all. Pages 141 and 142 of the testimony, Dwyer testified that Mrs. Littlefield was sitting in the car beside him when Carroll strangled her and he, Dwyer, turned his head, then his mind went completely blank and he did not remember anything until he was way down somewhere this side of Portland. He was a little more dramatic when he made out the statement. Page 9 of the Thomaston statement, Dwyer told how Carroll handcuffed him to the steering wheel of the car, pulled his coat down over his arms, stuffed a dirty handkerchief into his mouth, and tied another around his face and then, after strangling Mrs. Littlefield, he told Dwyer that he was going to strangle him too but Dwyer very cleverly frightened him out of it by telling him about some sealed letters that he had sent to the bank which were to be opened upon his death. Incidentally, they were sent to Paul Whitman and Paul Whitman doesn't recall anything about any letters at all.

There is little doubt that the flimsy testimony of the witnesses would not have made any impression on the jury if their testimony had not been supported by a criminal misrepresentation of facts by the prosecution, and a shocking sleight of hand manipulation of the false statement in order to

fortify Paul Dwyer's contradictory testimony.

These are not, by any means, all of the contradictions; there are others, but I think, as far as I am concerned, this is enough to convince me that the prosecution of the State's case kicked the United States Constitution and the Maine Constitution right out of the back door.

I don't know how seriously you people look upon this, but I feel that it is a very serious matter. This whole rotten mess is a violation of one of the basic and most sacred rights enjoyed in a democracy, and that is the right to a fair trial. It is the common man's protection against injustice and oppression. It is a dividing wall between free men and slaves. Every time that wall is penetrated and no repairs are made, it is an open invitation for it to be tried again. Every time that is tried and somebody gets away with it, you are getting that much nearer to the time when it is going to become commonplace. Then your democracy is shot to pieces.

The people of any nation can hack away at the foundations of their government without making any repairs and they can do that only so long and then they are going to have a collapse.

I don't believe there is a thinking man or woman in this room here today who would sell either his or her right to a fair trial for \$36,000. However, the agents of the people of the State of Maine, acting under the authority of the people of the State have robbed a man of his constitutional right. For that reason, I am convinced that the people should pay for that crime. Furthermore, if the people of the State of Maine pay for this crime, you can make up your minds they will see that it doesn't happen again.

It has been said that morality in public office all over the United States has reached a new low. I just hope that we don't let that low spot happen to be in the State of Maine.

The most distressing fact to me about this whole shady maneuver is that at just about the time this happened we were pointing an accusing finger to the Russians, the Germans and the Italians for pull-

ing off this kind of a dirty deal that was happening right here in the State of Maine. It has been said that the whole country is waiting to see what the State of Maine is going to do about this. I think that is true. I believe that the other states are waiting to see if this Legislature is going to vote to become a part of this rotten mass, whether they are going to put their endorsement upon an act of infamy or whether they are going to stand up in their pride and say: "This was a mistake; it was a crime; it shouldn't have happened; it was wrong; we will pay for it but we will see that it never happens again."

Now, you people can do what you want to about this, but if you are going to put your endorsement on to this, I don't want to have anything to do with it. So, I make the motion that the minority report with Committee Amendment "A" be adopted.

The SPEAKER: The gentleman from Madison, Mr. Fogg, moves that the House accept the minority report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Claims on Resolve in favor of Francis M. Carroll of South Paris, H. P. 959, L. D. 571.

The Chair recognizes the gentleman from Calais, Mr. Hall.

Mr. HALL: Mr. Speaker, it was not my intention this afternoon to go too far into this case, and, on conclusion of my remarks, I shall move for the indefinite postponement of the committee reports and the resolve.

However, in view of all the accusations that have been thrown here this afternoon I feel it is necessary, as Chairman of the Claims Committee that I defend the actions of that committee in reporting out the "Ought not to pass" report signed by nine members of the committee.

The committee listened for four and one-half hours, very nearly, to both sides of this issue. We heard all the accusations of skullduggery, crooked work, conniving with the Russians and all the others that have been made here. We also heard those who opposed the payment of any sum to Mr. Carroll. We took both sides of the question and

gave it consideration, realizing the publicity which the matter would get, and we also on individual initiative went into the case even as the gentleman from Madison, Mr. Fogg, has done.

On the decision, originally the actual job of the committee would have been to act on the decision of Judge Beliveau. However, under direct questioning after listening for some ten or fifteen minutes to Attorney Bird, he was asked if his intentions were to attempt to prove the innocence of Mr. Carroll and his answer was: "Yes." And he proceeded in much the same manner as the gentleman (Mr. Fogg) preceding me has spoken to prove the innocence of Mr. Carroll, thereby proving that there must have been connivery at the trial.

It seems to me that if we are to take all of the remarks and accusations which we have heard at their actual value or face value, that we would have to discredit some very honorable gentlemen, at least.

Mr. Carroll was given a trial before a jury of twelve, who heard all the evidence. The trial was presided over by Judge Fisher of Augusta, an honorable judge and one who has never had any marks against his character that I was able to uncover. It seems difficult for me to realize and it was difficult for the members of the committee to realize that Judge Fisher, trained as he is, honorable as he is, would allow any such action to go on as has been accused at that trial. Not only was Mr. Carroll tried before a jury and a competent judge but since then there have been two hearings between two Governors and Councils in the State and in both cases, he was denied. Much of the same evidence which you have heard here this afternoon was given to the Governors and the Councils on those hearings and still those Governors and those Councilmen — and I believe they were honorable men — saw fit to deny Mr. Carroll.

After Judge Beliveau had given his decision, Mr. Carroll's attorney had two courses of action. One: He could have put in a request to sue the State of Maine. Had that been granted, it would have necessitated that Mr. Carroll and his

attorneys once more go to court and, in court, they would have been asked to prove beyond doubt the accusations which they have made.

The other course was to come before the Claims hearing, which they did, where any remarks at a public hearing would have to be listened to and were listened to, as I said, for practically four hours, better than four hours.

After Mr. Carroll had been found guilty, he could have appealed his case to the higher court. That was never done; it was never asked for in any way. The decision was accepted at that time, apparently.

The reason I would say and it was the opinion of the committee that permission to sue the State was not asked for because actually there was no evidence to be presented to a court which was not already a matter of record and in order to gain anything by going to trial new evidence would have to have been produced.

Mr. Fogg, and Mr. Bird here at the Claims Committee hearing, stated innumerable times that no defense was ever put up by members of the state government so far as these accusations were concerned. That brought to the mind of the committee that no legal action has ever been taken to attempt to prove any of the statements of skulduggery, conniving and what not, which, after twelve years have gone by, are now being thrown. None of the witnesses who supposedly have changed their testimony, have appeared, none of the acts which were supposed to have been carried out by the officials—no charges have ever been pressed on these counts. They are more or less just hearsay.

As for the guilt or innocence of Mr. Carroll, it was not up to the committee to take it actually into consideration, but it had to be done in the way the case was handled because it entered into it.

After a preparation by the attorneys and two other members who favored the payment to Mr. Carroll, Mr. Carroll himself appeared before the committee. The stage had been set for Mr. Carroll, if he had wished to protest his innocence, but he made no mention of it whatsoever. He was completely satis-

fied to stand before the committee and repeat what we had already heard—he repeated it in three or four minutes—that he had been railroaded to jail by conniving officials and that he had lost face with his family and so forth. But not once did Mr. Carroll, in spite of the stage that had been set for him, protest and say that he was innocent.

Now all of these things and the testimony of those who were not in favor of the payment of this claim or any part of the claim of \$156,000 was taken into consideration by your committee.

I am not going to take the time here to go through the evidence presented by those who were took another two hours and a half or two hours and a quarter, but I am going to state here and now that as far as your committee is concerned, or as far as the nine members of the committee are against the claim, because that concerned, we believed, in signing the report, that nothing new has been presented, no new evidence, nothing which was not already a matter of record. The innocence of Mr. Carroll certainly had not been established. If we were to follow the line of thought of those who wish to have this claim paid, they base it on the fact that Mr. Carroll was innocent. It was with those thoughts in mind, and also with the thought in mind that we are not closing the door on Mr. Carroll. If he wishes to ask for permission to sue the State and proves in court that he is innocent he certainly would receive compensation. It was with those thoughts in mind that we signed the "Ought not to pass" report for the payment of any part of this claim.

I now move the indefinite postponement of the committee reports and the resolve.

The SPEAKER: The gentleman from Calais, Mr. Hall, moves the indefinite postponement of the two reports and Resolve in favor of Francis M. Carroll of South Paris.

The Chair recognizes the gentleman from South Portland, Mr. Fuller.

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

The SPEAKER: The gentleman from South Portland, Mr. Fuller, 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.

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 question before the House is on the motion of the gentleman from Calais, Mr. Hall, that the Reports and Resolve in favor of Francis M. Carroll of South Paris, H. P. 959, L. D. 571, be indefinitely postponed. All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the reports and resolve were indefinitely postponed and sent up for concurrence.

(Mr. Robbins of Houlton was granted unanimous consent to address the House)

Mr. ROBBINS: Mr. Speaker and Members of the House: The fifth item on the calendar is a request to the Supreme Court of the State for an opinion on the constitutionality of L. D. 416. It happens that the Court will convene tomorrow morning to consider a similar request from the other body. It would be an act of courtesy to them, in addition to saving a small amount

of money, if we were to act on this request tonight. If we do not act tonight and we wait until tomorrow, it will be necessary for the Court to convene again next week.

I move, if it is in order, Mr. Speaker, that we take up out of order and under suspension of the rules the 5th today assigned matter.

The SPEAKER: The gentleman from Houlton, Mr. Robbins, requests unanimous consent to take up the fifth tabled and today assigned matter on today's calendar, Order requesting the Opinion of the Justices of the Supreme Judicial Court on the Constitutionality of Bill "An Act to Facilitate Extension of the Maine Turnpike," H. P. 686, L. D. 416, tabled by that gentleman on April 18 pending passage. Is there any objection? The Chair hears none, and the gentleman may proceed.

Mr. ROBBINS: Mr. Speaker, by way of brief explanation, I will say that there has been reproduced and laid on your desks a mimeographed copy of this request. L. D. 416, in brief, would require the State to grant to the Turnpike Authority annually a certain amount of money to be determined, based on the amount of gasoline tax generated on the highway.

In connection with this bill several questions of constitutionality have been raised which it is the desire of the Highway Committee to resolve, and the committee is unanimous in requesting the House to pass these questions on to the Supreme Court. I might say that the proponents of this measure are agreeable to this course of action.

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

Thereupon, the order received passage.

On motion of Mr. Bates of Orono, Adjourned until 9:00 o'clock tomorrow morning.