

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

1953

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Wednesday, February 25, 1953.

The Senate was called to order by the President.

Prayer by the Rev. George F. Bolster of Gardiner.

Journal of yesterday read and approved.

House Papers

Referred to Committees

Bill "An Act Relating to Exhibits of Agricultural Fair Associations." (H. P. 898) (L. D. 981)

Which was referred to the Committee on Agriculture in concurrence.

Bill "An Act Repealing the Merit Award Board." (H. P. 899) (L. D. 990)

"Resolve in Favor of Corinna Academy." (H. P. 900) (L. D. 1007)

"Resolve, Authorizing a Preliminary Survey for the Prevention of Shore Erosion in Saco." (H. P. 901) (L. D. 1008)

"Resolve in Favor of Erskine Academy." (H. P. 902) (L. D. 1009)

Which were severally referred to the Committee on Appropriations and Financial Affairs in concurrence.

"Resolve to Reimburse the Town of Pittston for Support and Medical Aid Extended to Certain Families." (H. P. 903) (L. D. 982)

"Resolve in Favor of Elizabeth Deering Moffatt, of Bath." (H. P. 904) (L. D. 1010)

"Resolve in Favor of Town of Van Buren." (H. P. 963)

Which were severally referred to the Committee on Claims in concurrence.

Bill "An Act Relating to State Highways in Compact or Built Up Sections." (H. P. 910) (L. D. 1011)

"Resolve to Repair State Aid Road in Greenwood." (H. P. 911) (L. D. 1012)

"Resolve in Favor of the Town of Steuben." (H. P. 912) (L. D. 1013)

"Resolve in Favor of the Town of Stockton Springs." (H. P. 913) (L. D. 1014)

Which were severally referred to the Committee on Highways in concurrence.

Bill "An Act to Change Hunting Licenses for Minors." (H. P. 914) (L. D. 1015)

Bill "An Act to Change the Deer Hunting Season." (H. P. 915) (L. D. 1016)

Bill "An Act Relating to Night Hunting for Wild Birds in York County." (H. P. 916) (L. D. 1017)

Bill "An Act Relating to Open Season Deer in York County." (H. P. 917) (L. D. 1018)

Bill "An Act Relating to Open Season and Daily Bag Limit on Woodcock." (H. P. 918) (L. D. 1019)

Bill "An Act Relating to Hunting Licenses for Minors." (H. P. 919) (L. D. 1020)

Bill "An Act Relating to Night Hunting for Wild Animals in York County." (H. P. 920) (L. D. 1021)

"Resolve to Change Daily Bag Limit of Trout in Franklin County." (H. P. 921) (L. D. 1022)

"Resolve Closing West Brook and East Brook, Franklin County, to All Fishing." (H. P. 922) (L. D. 1023)

Which were severally referred to the Committee on Inland Fisheries and Game in concurrence.

Bill "An Act Relating to Employees of the Department of Health and Welfare." (H. P. 923) (L. D. 991)

Bill "An Act Continuing Pensions of Retired Members of the State Police." (H. P. 924) (L. D. 992)

Bill "An Act Relating to the Sale of Firearms." (H. P. 925) (L. D. 993)

"Resolve Providing Retirement Pension Increase, for Nina Staples, of Whitefield." (H. P. 926) (L. D. 983)

"Resolve in Favor of Sadie M. D. Jewell of Orono." (H. P. 927) (L. D. 1024)

"Resolve Granting a Pension to Hubert E. Redding of Oakland." (H. P. 928) (L. D. 1025)

Which were severally referred to the Committee on Judiciary in concurrence.

Bill "An Act Relative to Partial Compensation in Vacation Periods Under Employment Security Law." (H. P. 929) (L. D. 994)

Bill "An Act Relating to Care of Steam Heating Plants." (H. P. 930) (L. D. 995)

Which were severally referred to the Committee on Labor in concurrence.

Bill "An Act Relating to Issuance of Harness Horse Racing Licenses." (H. P. 931) (L. D. 996)

Bill "An Act Amending the Town of Strong School District." (H. P. 932) (L. D. 1026)

Bill "An Act to Provide a Town Council and Manager Form of Government for the Town of Old Orchard Beach." (H. P. 933) (L. D. 1027)

Bill "An Act to Incorporate the Sabattus Shore Municipal Association." (H. P. 934) (L. D. 1028)

Bill "An Act Amending the Charter of the City of Portland re Election of Members to City Council." (H. P. 935) (L. D. 1029)

Bill "An Act Amending the Community School District Law." (H. P. 936) (L. D. 984)

Which were severally referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to Duties of the Liquor Commission." (H. P. 937) (L. D. 997)

Bill "An Act Defining 'Retail Store' in Liquor Law." (H. P. 938) (L. D. 998)

Bill "An Act Relating to Liquor License Credit." (H. P. 939) (L. D. 999)

Bill "An Act Relating to Stock in Trade of Liquor Licensees." (H. P. 940) (L. D. 1000)

Which were severally referred to the Committee on Liquor Control in concurrence.

Bill "An Act Relating to Transmission of Electric Power Beyond Limits of State." (H. P. 941) (L. D. 989)

Which was referred to the Committee on Public Utilities in concurrence.

Bill "An Act Relating to the Taking of Clams, Quahogs, Mussels, and Worms in the Town of Islesboro." (H. P. 942) (L. D. 1030)

Which was referred to the Committee on Sea and Shore Fisheries in concurrence.

Bill "An Act Relating to Sales Under Nineteen Cents Under Sales Tax Law." (H. P. 943) (L. D. 985)

Bill "An Act Relating to Exemption of Water Used for Domestic

Purposes from the Sales and Use Tax." (H. P. 944) (L. D. 986)

Bill "An Act Relating to Taxation of Domestic Fowl." (H. P. 945) (L. D. 987)

Bill "An Act Relating to Abatement of Poll-tax of Deceased Persons." (H. P. 946) (L. D. 988)

Which were severally referred to the Committee on Taxation in concurrence.

Bill "An Act Relating to Expenses of Maintaining Burying Grounds in Unorganized Territory." (H. P. 947) (L. D. 1001)

Bill "An Act Relating to Expenses of Aids Employed by Sheriff in Criminal Cases." (H. P. 948) (L. D. 1002)

Which were severally referred to the Committee on Towns and Counties in concurrence.

Bill "An Act Relating to Signals by Lights or Mechanical Signal Devices on Motor Vehicles." (H. P. 949) (L. D. 1003)

Bill "An Act Relating to Buses Chartered for Children." (H. P. 950) (L. D. 1004)

Bill "An Act Relating to Operating Headlights on Motor Vehicles Following Another." (H. P. 951) (L. D. 1005)

Which were severally referred to the Committee on Transportation in concurrence.

Bill "An Act Relating to Leave of Absence Under the Military Law." (H. P. 952) (L. D. 1006)

Which were severally referred to the Committee on Veterans and Military Affairs in concurrence.

"Resolve Providing for State Pension for Henry Durgin of Waterford." (H. P. 1008)

"Resolve Providing for State Pension for Omer Ouellette of Van Buren." (H. P. 1009)

"Resolve Providing for State Pension for Harold Blake of Houlton." (H. P. 1010)

"Resolve Providing for State Pension for Harriett Sheaff of Norridgewock." (H. P. 1011)

"Resolve Providing for State Pension for Russell Williams of Calais." (H. P. 1012)

Which were severally referred to the Committee on Welfare in concurrence.

House Committee Reports

Report "A" from the Committee on Liquor Control on Bill "An Act Relating to Sale of Malt Liquor in Non-Returnable Bottles," (H. P. 145) (L. D. 143) reported that the same ought to pass as amended by Committee Amendment "A".

(signed)

Representatives:

CHASE of Whitefield
ANDERSON of Greenville
CHRISTIE of Presque Isle
LARRABEE of Westbrook
BROWN of Robbinston

Report "B" from the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Senators:

TABB of Kennebec
BOUCHER of Androscoggin
DENNETT of York

Representatives:

ALBERT of Augusta
DOSTIE of Winslow

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

In the Senate, on motion by Mr. Parker of Piscataquis, tabled pending acceptance of either report, and especially assigned for tomorrow.

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Abbott Brook, Oxford County," (H. P. 173) (L. D. 168) reported that the same ought to pass.

The same Committee on "Resolve Opening Center Pond in the Town of Lincoln to Ice Fishing," (H. P. 102) (L. D. 103) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the resolves read once and tomorrow assigned for second reading.

The same Committee on "Resolve Regulating Fishing in East Branch Tributaries of the Penobscot River," (H. P. 101) (L. D. 102) reported that the same ought to pass.

(On motion by Mr. Wight of Penobscot, tabled finding consideration, and tomorrow assigned.)

The Committee on Inland Fisheries and Game on "Resolve Opening Crane Pond to Ice Fishing," (H. P. 103) (L. D. 104) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act Relating to Town Dumps," (H. P. 73) (L. D. 69) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Taking of Soft Shell Clams, Quahogs and Mussels in Jonesport," (H. P. 234) (L. D. 259) reported that the same ought to pass as amended by Committee Amendment "A".

(On motion by Mr. Silsby of Hancock tabled pending consideration of the report.)

The Committee on Public Utilities on Bill "An Act to Amend the Charter of the Freeport Sewer District," (H. P. 280) (L. D. 267) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports severally read and accepted in concurrence and the bills and resolve read once; Committee Amendments "A" were severally read and adopted in concurrence and the bills as amended were tomorrow assigned for second reading.

Communication

STATE OF MAINE
Director of Legislative Research
Augusta

February 24, 1953

Honorable Chester T. Winslow
Secretary of the Maine Senate
State House
Augusta, Maine

Dear Mr. Winslow:

In accordance with Joint Order (S. P. 29) I submit herewith a list of bills and resolves in process of preparation by the office of the Director of Legislative Research.

Respectfully

SAMUEL H. SLOSBERG
Director
(S. P. 426)

Which was read and ordered placed on file.

Sent to the House.

Senate Papers

The following Bills were transmitted by the Director of Legislative Research and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Agriculture

Mr. Dow of Lincoln presented Bill "An Act Prohibiting Moving of Poultry from Quarantined Areas." (S. P. 386)

(Ordered printed.)

Sent down for concurrence.

Appropriations and Financial Affairs

Mr. Chapman of Cumberland presented Bill "An Act Relating to Reporter of Decisions." (S. P. 387)

Mr. Weeks of Cumberland presented Bill "An Act Relating to Salaries of Members of Superior Court." (S. P. 388)

The same Senator presented Bill "An Act Increasing Salaries of Members of Supreme Judicial Court." (S. P. 389)

The same Senator presented Bill "An Act Relating to Retirement Compensation of Members of Superior Court and Their Widows." (S. P. 390)

The same Senator presented Bill "An Act Relating to Retirement Compensation of Members of Supreme Judicial Court and Their Widows." (S. P. 391)

Mr. Greeley of Waldo presented "Resolve Appropriating Funds for 1952 Educational Subsidy to Towns." (S. P. 392)

(Each ordered printed.)

Sent down for concurrence.

Business Legislation

Mr. Robbins of Aroostook presented Bill "An Act Relating to Change of Purposes of Domestic Mutual Insurance Companies." (S. P. 393)

Mr. Wight of Penobscot presented Bill "An Act Relating to Insurance for Death or Injuries While Hunting." (S. P. 394)

(Each ordered printed.)

Sent down for concurrence.

Highways

Mr. Ward of Penobscot presented Bill "An Act Providing for Bridges

and Culverts on Certain Roads." (S. P. 396)

Mr. Greeley of Waldo presented "Resolve in Favor of the City of Belfast." (S. P. 397)

Mr. Robbins of Aroostook presented Joint Resolution to Congress requesting Consideration of Elimination of Federal Gasoline Tax etc." (S. P. 395)

(Each ordered printed.)

Sent down for concurrence.

Inland Fisheries and Game

Mr. Cummings of Sagadahoc presented Bill "An Act Prohibiting Hunting Within One Hundred Feet of Highways." (S. P. 398)

(Ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Haskell of Penobscot presented Bill "An Act Relating to Dismissal and Disciplinary Action Under the State Personnel Law." (S. P. 399)

The same Senator presented Bill "An Act Relating to Election of Delegates to National Convention and Presidential Preference Primary." (S. P. 400)

Mr. Weeks of Cumberland presented Bill "An Act Requiring Children to Care for Parents According to Ability." (S. P. 401)

The same Senator presented Bill "An Act Relating to Number of Justices of Superior Court." (S. P. 402)

The same Senator presented Bill "An Act Relating to Number of Justices of Supreme Judicial Court." (S. P. 403)

The same Senator presented Bill "An Act Relating to Sales of Estates of Non-Resident Owners." (S. P. 404)

Mr. Greeley of Waldo presented "Resolve Proposing an Amendment to the Constitution Providing for Three State Senators from Each County." (S. P. 405)

The same Senator presented Bill "An Act Repealing the Legislative Research Committee." (S. P. 406)

Mr. Chapman of Cumberland presented Bill "An Act Relating to Evidence of Offenses Before Grand Jury." (S. P. 407)

The same Senator presented Bill "An Act Clarifying the Law Relating to Registration of Voters." (S. P. 408)

Mr. Broggi of York presented Bill "An Act Relating to Public Utility Rates." (S. P. 409)

Mr. Tabb of Kennebec presented, by request Bill "An Act Relating to Judges of Probate and Spouses as Counsel in Cases Incompatible." (S. P. 410)

(Each ordered printed.)
Sent down for concurrence.

Labor

Mr. Dennett of York presented Bill "An Act Relating to Filing Proof of Insurance Policy Under Workmen's Compensation Act." (S. P. 411)

(Ordered printed.)
Sent down for concurrence.

Legal Affairs

Mr. Chapman of Cumberland presented Bill "An Act Relating to Cousins and Littlejohns Islands Village Corporation." (S. P. 412)

Mr. Haskell of Penobscot presented Bill "An Act Repealing Certain 'Blue Laws'." (S. P. 413)

(Each ordered printed.)
Sent down for concurrence.

Mr. BOUCHER of Androscoggin: Mr. President, I would like to ask a question through the Chair of the Senator from Penobscot, Senator Haskell.

The PRESIDENT: The Senator from Androscoggin, Senator Boucher, requests permission to ask a question through the Chair of the Senator from Penobscot, Senator Haskell. There being no objection, the Senator may ask his question through the Chair of the Senator from Penobscot who may answer if he wishes.

Mr. BOUCHER: Mr. President, I would like to be enlightened as to "blue laws". I think I understand many things about different kinds of laws but I would like to know what is special about blue laws.

Mr. HASKELL of Penobscot: Mr. President, I realize the concern that the floor leader of the minority party has with reference to blue laws and I would relieve his mind by assuring him that the reference to blue laws in no way refers to his distinguished party.

Mr. BOUCHER: Mr. President, I thank the Senator for informing me. I was not so much afraid that this might be against my party as

that it might be against some pretty good people who had the blues and might want to get over them.

Liquor Control

Mr. Chapman of Cumberland presented Bill "An Act Relating to Qualifications of Liquor Licensees." (S. P. 414)

Mr. Dennett of York presented, by request Bill "An Act Relating to Liquor Manufactured or Bottled in State." (S. P. 415)

(Each ordered printed.)
Sent down for concurrence.

Natural Resources

Mr. Butler of Franklin presented "Resolve Authorizing Commissioner of Inland Fisheries and Game to Grant Extension to Remove Lumber from Land in Franklin County." (S. P. 416)

(Ordered printed.)
Sent down for concurrence.

Public Health

Mr. Tabb of Kennebec presented Bill "An Act Regulating the Manufacturing and Sale of Soft Drinks, Syrups and Non-alcoholic Beverages." (S. P. 417)

Mr. Chapman of Cumberland presented Bill "An Act Relating to Admission Age for Maine School for Deaf." (S. P. 418)

(Each ordered printed.)
Sent down for concurrence.

Towns and Counties

Mr. Dunham of Hancock presented Bill "An Act Relating to Tuition Contracts Between Towns." (S. P. 419)

Mr. Harding of Knox presented Bill "An Act Relating to Salary of County Attorney of Knox County." (S. P. 420)

Mr. Weeks of Cumberland presented Bill "An Act Relating to Fees of Sheriffs and Their Deputies." (S. P. 422)

Mr. Greeley of Waldo presented Bill "An Act Relating to Salary of County Commissioners of Waldo County." (S. P. 423)

Mr. Haskell of Penobscot presented Bill "An Act Repealing Certain Laws Relating to County Commissioners' Duties re Ferries and Toll-Bridges." (S. P. 424)

(Each ordered printed.)
Sent down for concurrence.

Taxation

Mr. Cummings of Sagadahoc presented Bill "An Act Relating to the Sale Tax on Motor Vehicles." (S. P. 421)

(Ordered printed.)

Sent down for concurrence.

Welfare

Mr. Greeley of Waldo presented "Resolve Providing for an Increase in State Pension for Nancy A. Gilbert of Belfast." (S. P. 425)

Sent down for concurrence.

Senate Committee Reports

Mr. Ward of Penobscot from the Committee on Judiciary on Bill, "An Act Relating to Guaranteed Loans to Veterans," (S. P. 80) (L. D. 186) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill read once.

Committee Amendment "A" was read by the Secretary:

"Amend said bill by adding at the end thereof the following: 'Sec. 4 R. S., c. 153, § 35, amended. The first sentence of section 35 of chapter 153 of the revised statutes, as amended, is hereby further amended to read as follows:

'A married person, widow or widower, of any age, may own in his or her own right real and personal estate acquired by descent, gift or purchase; and may manage, sell, mortgage, convey and devise the same by will, without the joinder or assent of husband or wife; but such conveyance without the joinder or assent of the husband or wife shall not bar his or her right and interest by descent in the estate so conveyed.'

Committee Amendment "A" was adopted and the bill as so amended was tomorrow assigned for second reading.

The Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years," (S. P. 81) (L. D. 188) reported that the same ought not to pass.

(signed)

Senators:

REID of Kennebec

WARD of Penobscot
HARDING of Knox

Representatives:

McGLAUFNIN of Portland
FULLER of Bangor
MARTIN of Augusta
TRAFTON of Auburn
LOW of South Portland
CIANCHETTE of Pittsfield

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(signed)

Representative:

FITANIDES of Saco

On motion by Mr. Chapman of Cumberland the resolve and accompanying papers were laid upon the table pending acceptance of either report and especially assigned for Tuesday, March 10th.

Passed to be Engrossed

"Resolve in Favor of Ralph D. Olfene and Winiferd O. Wallingford, of Auburn." (H. P. 160) (L. D. 804)

Bill "An Act Regulating the Digging of Clams in the Town of Tremont, Hancock County." (H. P. 236) (L. D. 218)

Bill "An Act Relating to the Taking of Clams in the Town of Castine." (H. P. 281) (L. D. 302)

Which were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Authorizing Appointment of Special Guardian." (S. P. 42) (L. D. 55)

Bill "An Act Relating to Employment of Females in Certain Employment." (S. P. 51) (L. D. 79)

Bill "An Act Amending the Charter of the Kittery Electric Light Company." (S. P. 71) (L. D. 155)

Bill "An Act to Increase the Salary of Judge of Probate of Hancock County." (S. P. 100) (L. D. 235)

Bill "An Act Relating to Payment to York County Law Library." (S. P. 101) (L. D. 236)

"Resolve Regulating Fishing in Parmachenee Lake in Oxford County." (S. P. 109) (L. D. 309)

Bill "An Act Relating to the Salary of the Register of Deeds of

Hancock County." (S. P. 144) (L. D. 344)

Bill "An Act Relating to the Salary of the County Treasurer of Hancock County." (S. P. 145) (L. D. 345)

Bill "An Act Relating to the Hancock County Law Library." (S. P. 146) (L. D. 346)

Bill "An Act to Increase the Salary of the Recorder of the Waterville Municipal Court." (S. P. 147) (L. D. 347)

Bill "An Act Relating to Fees of Deputy Sheriffs." (S. P. 149) (L. D. 349)

Bill "An Act Relating to Billboard Advertising of Liquor in Dry Municipalities." (S. P. 343) (L. D. 843)

Which were severally read a second time and passed to be engrossed.

Sent down for concurrence.

"Resolve Regulating Fishing in Big Magalloway River in Oxford County." (S. P. 108) (L. D. 308)

Which was read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

On motion by Mr. Dennett of York the Senate voted to reconsider its former action taken earlier in today's session whereby bill, An Act Relating to Filing Proof of Insurance Policy Under Workmen's Compensation Act (S. P. 411) was referred to the Committee on Labor, and on further motion by the same Senator the bill was laid upon the table until later in today's session.

Orders of the Day

The President laid before the Senate the first tabled and especially assigned matter, being Resolve Appropriating Money for the Continued Study of the Maine State Liquor Monopoly Operations (H. P. 479) (L. D. 450) tabled on February 19 by the Senator from Cumberland, Senator Chapman, pending consideration.

Mr. CHAPMAN of Cumberland: Mr. President and fellow members of the Senate, I feel rather unhappy about the high degree of tension that has risen on the subject of this resolve and the matter to which it relates. I think we can all agree that the subject matter of the Resolve is one of the most important

problems that faces our state administration and our legislative responsibilities today. Because it is so important, it seems to me that it is the sort of problem that should be approached completely objectively and just as dispassionately as we possibly can do it.

I might say in a preliminary way that I had two reasons for tabling this resolve in the first place. 1. Although this is a resolve appropriating funds of the state and might quite properly go to the Committee on Appropriations and Financial Affairs, a committee in which we have a great deal of confidence, nevertheless, the principal subject matter of the resolve relates to the now well known and almost notorious liquor probe in the State of Maine. And as such it can perhaps be more properly thought of as a problem in judicial administration and the activities of the administrative branch of the government.

That was one reason that it seemed to me that before the bill was sent to committee it was appropriate to table it and think it over a bit. The other reason was that since this matter has achieved the proportions it has achieved in public and legislative thinking, and because it has such peculiarities to it which I will not detail to you now, it was quite conceivable that things might be said that would have a rather unpleasant and nasty ring, and it seemed appropriate to have consideration of this bill scheduled for debate, if you want to call it that, right here in the Branch where constitutional immunity applies to what is said by the members. So much for the reasons for tabling the resolve.

Without going over the whole story, I think it is pretty well acknowledged by all of us that we have a problem, and a terrific problem. We can't forget it. As a matter of fact, at various times, the attributes and agencies and persons connected with state government have all said that we have a problem and we should attack it and finish it off once and for all. The matter was caucused upon a couple of weeks ago and it was resolved at that time that this matter would have to be disposed of after proper and full inquiry to the satisfaction

of all persons. A spokesman of that caucus was chosen, his remarks are on the record in pursuance of the announced objective of that caucus, they stand on the record and were received in public and everybody accepted it as a sincere statement of Republican policy.

I think that most of the members of this particular branch go along with that view although we might technically prove it in that caucus. It seems reasonable to assume that there is concurrence in views so far as the public is concerned that this matter should be run right through to the bitter end. As a matter of fact, it is more than a Republican problem, it is a bipartisan problem—and I will say more about this in a minute—it rises above Republican politics. It rises above party politics.

Number 1. At least one Branch of this legislature has spoken its views.

Number 2. The public response both editorial-wise and individually indicates, at least as I see it, that the matter should be disposed of to the satisfaction of all persons. No whitewash, in other words.

Our good Attorney General, a constitutional officer who is in charge of the legal administration of state affairs, has stated both publicly and before committee, that the problem is not yet solved. Further inquiry is in order and he is prepared to do it if the facilities are given to him to do it.

The investigator, the person who was, I might say, the most closely associated with the preliminary features of this investigation, has stated, again both publicly and privately, that the matter is not disposed of, that when he wrote the report and submitted it, he did not have an opportunity to finish his work. I might add parenthetically, that he also said that because of his public identity with this activity, he does not feel that he can be useful any more in an official capacity. The only reason that I bring that to your attention at this time is to point out that he is not trying to get a job for himself. He has said, along with the Attorney General, along with editorial comments, along with public reaction, that the matter is not over with. It hasn't been wrapped up yet.

I might add that even our own Chief Executive has said that the matter is not disposed of yet, perhaps somewhat angrily, but nevertheless he said it and I believe that he is sincere in saying that even though there was a rather peculiar reaction. I might add, in regard to the present tension that exists in both branches of this legislature, I am reminded of a little anecdote told at a political gathering last night by the Chairman of the Republican State Committee about a business man on his way back to Chicago from New York City. He had very important business in Albany and he told the porter to be sure and wake him up. In the usual way, the porter said, "Yes, boss; yes boss." And the business man told the porter, "I am a very tight sleeper and a tough person to wake up, so you've really got to go to work on me to get me up. Now don't miss." So the train came through to New York and this gentleman who was supposed to have been waked up to get off at Albany, walked up to the porter in one furor of anger, and said, "I thought I told you no matter what happened, you were to get me up and off this train at Albany." And the poor porter just took it all in and said, "Yes sir, boss, it was a mistake, just a mistake." Well the conductor overheard the conversation and he went up to the porter and said, "In all the history of the railroad, this is one of the worst errors I have ever heard of. That man was really mad. I've never seen such a mad man, have you?" And the porter replied, "Yes, sir; you should have seen the fellow I put off at Albany."

Well, if the Chief Executive was angry, you should have seen the members of this legislature, both branches, the other morning. I regret paraphrasing the language used by one of the very able members of the other branch. I regret that the remarks taken out of the context, as I believe they were and perhaps reading a little more strongly than the meaning intended by the Chief Executive have had the effect that it did yesterday, today and possibly for the next few days.

I happened to be at the Portland Club when the Governor made his

remarks and I took it all in, and I know that the feeling there was that the remarks, off the cuff as they were strictly, were not intended to insult the legislature nor were they intended to offend anyone. The Governor was just raring up as anyone is likely to do in stating his mind. Five principal entities connected with this matter have all said that this problem should be disposed of and run down to the bitter end.

The next problem, the next question, is what is the solution? Well, number one, I think is pretty obvious and that is that the normal statutory office responsible for this should do it. It is and has been regarded as a statewide problem and perhaps it even goes beyond the state lines. If that is the case, the individual County Attorneys can do nothing but handle the executive attributes of prosecution. That means that you have got to go back to the state officer, the Attorney General, and ask yourself, should he do the job?

Now, although there have been some rumors to the contrary, I say that the Attorney General is a Constitutional officer who normally would be charged with this responsibility and I think he should be. An although rumors are to the contrary, on the suggestion I am about to make, that the investigation should be taken away from him and we should proceed by some unusual device; that is not the intent of the suggestion that is to be made.

The Attorney General can do this job, and he should do it. The question is, should he do it alone? Now without going into the peculiarities and unpleasantness that has occurred in the last fifteen months or so, I will say this and I think most of you will agree with me, that certain peculiarities of timing, with regard to sessions of the Grand Jury, particularly where there have been primary or general election days coming off, certain errors of judgment took place. I think the Attorney General himself might admit that there were errors of judgment. At any rate, the manifest result as compared to what was the original intent on the prosecution of these matters was so inadequate, so unexpected and so odd

that it seems only fair at this time to say that the Attorney General's department should be assisted by some other group or device which would evaluate the evidence that is now before the Attorney General, or in his hands, and to help obtain more evidence and evaluate it, if more is to be obtained, and put a stamp of assurance and approval on just what is taking place and what the final result will be, as a matter of protection to the Attorney General and the Executive Department rather than just plain parental supervision.

This is not a unique situation. This has been resorted to in other states with singularly fine results. New York, Pennsylvania and certain other states have had what we call crime commissions and they have been very successful. I want to say that in connection with the use of such a device, certain abuses, as we regard them, should be and could be, and I think would be avoided.

Number one is this business about which we all are so sensitive and unhappy, of holding public hearings and permitting hearsay testimony to be introduced and published. That is the sort of thing that has got to be stopped, and we are going to stop it anyway. If an effective inquiry is to be made by a Grand Jury, the Attorney General's Department, through appointed officers or whatever device is to do it, the inquiry feature of the activity until it gets to the court state must be absolutely private, confidential and quiet. Whoever heard of the FBI opening up its files before they get to court? You just don't do that. Now on the hearsay testimony, it is a perfectly proper thing to listen to in a Grand Jury or at least before an investigating group because it provides leads to other information but you don't put it all over the front page of the newspapers or talk about it in the market place. Those are devices of protection. I am going to make it clear if I can. I am not trying to create some gigantic political device to do strange things.

Now we are getting pretty close to just what is the concrete suggestion. I would like to point out that on the list of bills and acts, trans-

mitted by the Director of Legislative Research, there is a bill, Item 8 under Private and Special Laws, an Act relating to a crime commission, that has been in his office for a couple of weeks. I am really disappointed that this has all been put on an emotional plane. That act should come before this legislature in the same manner as any other bill. It should go to a committee, be heard and reported out to the legislature. In other words, it should be handled just as any other bill is handled in a normal legislative procedure.

It is a little unusual to stand up here on the floor of the Senate and talk about a bill before it has been introduced. The only reason I am doing it is because the other matter, the resolve calling for the expenditure of \$35,000 is before us and something must be done about it. I think it is appropriate to point out the background. I will say this, that the problem which I mentioned at the outset of this talk, is and should be above partisanship. It is not a Republican matter. It is not a Democratic matter. It is not a party matter. It is a fundamental problem of state government. It is above executive department interest and I don't say that with a view towards trying to criticize the Chief Executive at all, I just say that it should be above the Executive Branch of the government and applied to us, it should be above purely legislative interest. We are the group here that has the power and authority to act, let us do it, and when we do it, let's set up a device which will act without regard to individual interest, Executive interest, parties or the individuals of the legislature. The problem, serious as it is, has two features.

Number one is the problem of appraising and evaluating. Feature number two is the aspect of further inquiry. We have been told and we believe that further inquiry is indicated. The Attorney General has mentioned that but above all if we are going to end this thing and satisfy everybody, ourselves, and the people of the state of Maine, the evaluation is perhaps the most important thing so that when the information is brought before this group, is finally sifted

out, that the group, the crime commission if you want to call it that, consisting of persons who are high in the matter of public repute, people will accept it.

As I said before, this bill should come into the legislature and follow a normal course, go before a committee and from then on it will be treated in a normal manner I hope. With this as a background, I would like to turn to the resolve before us and say this. We have heard a lot of rather loose talk about whether or not this thing is dead as last year's hay or whether or not it is useless because the Executive Branch has assured us that the thirty-five thousand dollars will be forthcoming, and therefore it is unnecessary.

I have talked on this matter reasonably fully with the Chief Executive on the creation of a commission. He seems to be sympathetic to it. I think it should have some legislative representation. But getting back to the resolve itself, although the problem is important, I don't think, in view of the position I take on the matter, I don't think it is important despite what has been said in the front office as to what we do with it. I talked with the sponsor of the bill and he would like to see it go in normal procedure, and be referred to a committee. I think it is the proper thing to do. It should not be killed here and now. This is not really the place to go into the merits. I do not think it makes a lot of difference, in view of what has been said, what we do with it but in response to the sponsor's own request, I am going to move that the matter be referred to the Committee on Appropriations and Financial Affairs.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I shall speak very briefly and at the conclusion of my very brief remarks I shall move that the bill be indefinitely postponed. My reasons for making that motion are relatively simple. I do not find myself on a high emotional plane. I find myself thinking in terms of common-sense legislative procedure. I think that without violating confidence I may tell you the history of this particular measure. Two distinguished members of the other

Branch came before the Committee on Appropriations and Financial Affairs in executive session, read the bill to us and asked if we would have any objection if the bill were given its several readings and passed to be engrossed without reference to a committee. I happened to be one who objected and my objection to that procedure was on exactly the same basis upon which I ask your support on the motion to indefinitely postpone, and it is this objection: Our Constitution sets up our government in three branches, and I fail to agree with my colleague from Portland, Senator Chapman, that there is any nebulous responsibility over and above those three basic divisions of state government, the executive, legislative, and judicial.

Now the problem of determining how much money shall be appropriated for a particular deficiency that may exist in a particular department may well be a legislative problem, but the 95th legislature did set up four hundred thousand dollars as a contingency fund. The statute which established that clearly indicates that it is the duty of the Governor, with the advice and consent of the Council, to use it. And you have only to look around this room at such people as Councillor Ela who with his colleagues have had a total of some sixty-odd years of legislative experience, to know that that appropriation is in very good hands with those eight people sitting on the Governor's Council. They have my faith that they will spend that money well and wisely and the fact that as of this morning \$297,843 is left in that contingency fund indicates that they have spent it well and wisely.

I would be extremely reluctant to make a motion of this sort if the bill went through in normal course. This bill was sent to the Committee on Appropriations and Financial Affairs in the other Branch on the 5th of February. Since then there has been just as much consideration given to the merits of the matter as there would be after long and continuous debate. And what would the end result be? You would be in effect be saying to the Governor and Council that

"We the legislature want to take unto ourselves the problem of determining how you shall go about carrying out this continuation of the liquor probe, how much money you shall spend," and in effect dictating to the Governor and Council how they shall spend the money and who shall be employed.

To me, it is very simple. The headache, gentlemen, belongs right in the corner office. It is his problem. He administers these laws. He has constitutional authority to do it. He has assured us through the Press, and has assured me personally, of his desire, with the advice and consent of the Council, to get about doing it. Referring this bill to any committee is simply destroying the whole effort that the Governor and Council are perfectly willing to go ahead with. I regret that it has been held up for the twenty days which it has been held up. It seems to me a motion to indefinitely postpone the measure is an expression of at least one branch of the legislature that says in effect, "It is your mess, Governor; you straighten it out; you have the dollars and the authority to do it, to do it in your own way; you have told the public you are going to do it;" and let us go about the job of revising, repealing old laws and making new laws, and if we do that I believe we are doing what the people of the state of Maine sent us here to do and keeping ourselves out of these administrative problems that could be dumped on us. I feel very sure of this, if I may express with the same privilege the Senate gave to the Senator from Cumberland a thought on another bill, a thought that is not germane to the issue, I will admit, that any bill that seeks to legislate in or out of the liquor business I do not believe belongs to the legislature. I believe it is an administrative affair. And I believe, further on this issue, that a motion to indefinitely postpone, if it prevails, will put the problem right back where it belongs. And I will not conclude my remarks without saying that I have not been approached, directly or indirectly, by anybody remotely interested in the liquor monopoly or liquor "crime" or whatever it is. If there

is any "slush fund" I do not know about it. These thoughts are my own and are the same thoughts I had when it was first put before the committee. I have seen no reason to change them. This has been hanging around for twenty days now. Let us indefinitely postpone it and put the thing where it belongs.

The **PRESIDENT**: The question before the Senate is on the motion of the Senator from Cumberland, Senator Chapman, that the resolve be referred to the Committee on Appropriations and Financial Affairs.

Mr. **CHAPMAN** of Cumberland: Mr. President and members of the Senate, I would like to say that I concur almost one hundred percent with the basic philosophy expressed by the Senator from Penobscot, Senator Haskell. Nevertheless, I think there is one salient fact that can be pointed out that is of considerable significance in this matter. That is that the original inquiry into this liquor matter was not carried out by the Executive Branch alone. It was not even explored. It was not until the legislative committee reports, with all its errors of technique which we now acknowledge, went into the matter that it was blown open, and unpleasant as it may be, public officials were either discharged or resigned. I think there is some reason, some basis for saying that the legislature can if it so desires, implement the efforts of the Executive Branch, through legislative devices, with regard to getting at things of this type.

To paraphrase Senator Haskell, that remark is not germane to the issue. Certainly no action taken by this Branch could hamstring or restrict in any way the constitutional responsibilities of the Executive Branch and I would be the first to rise in opposition to any such move.

Mr. **HASKELL**: Mr. President, there being two motions I understand the motion to refer has precedence and when the vote is taken I will ask for a division.

The **PRESIDENT**: The question before the Senate is on the motion of the Senator from Cumberland,

Senator Chapman, that the Resolve Appropriating Money for the Continued Study of the Maine State Liquor Monopoly Operations, Legislative Document 450, be referred to the Committee on Appropriations and Financial Affairs, and the Senator from Penobscot, Senator Haskell, has requested that when the vote is taken it be taken by division. Is the Senate ready for the question?

A division of the Senate was had.

One having voted in the affirmative and 31 opposed

The motion to refer did not prevail.

Thereupon the resolve was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook the Senate voted to take from the table, bill, An Act Relating to Banks Renting Safe Deposit Boxes Adjudged Trustees (S. P. 373), tabled by that Senator on February 24th pending reference to a committee; and on further motion by the same Senator the bill was referred to the Committee on Judiciary.

Sent down for concurrence.

On motion by Mr. Dennett of York the Senate voted to take from the table, bill, An Act Relating to Filing Proof of Insurance Policy Under Workmen's Compensation Act (S. P. 411) tabled by that Senator earlier in today's session pending reference to a committee.

Mr. **DENNETT**: Mr. President, I find that this item is purely an insurance bill and the chairman of the Committee on Labor concurs with me on that point. Therefore I suggest that this bill be referred to the Committee on Business Legislation.

Thereupon the bill was referred to the Committee on Business Legislation and ordered printed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot the Senate voted to take from the table Resolve in Favor of Carroll L. McKusick of Parkman (H. P. 159) (L. D. 733) tabled by that Senator on February 24th pending passage to be engrossed, and on further motion by the same

Senator the resolve was recommitted to the Committee on Claims.
Sent down for concurrence.

On motion by Mr. Dunham of Hancock the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on bill, An Act Relating to Moving Expenses of Fish and Game and Coastal Wardens (H. P. 86) (L. D. 90), tabled by that Senator on February 19th pending acceptance of the committee report, and on further motion by the same Senator the Ought Not to Pass report of the committee was accepted in concurrence.

On motion by Mr. Harding of Knox the Senate voted to take from the table bill, An Act Relating to Fluoride in Public Water Supplies (H. P. 762) (L. D. 797) tabled by that Senator on February 19th pending reference to a committee, and on further motion by the same Senator the bill was referred to the Committee on public Utilities in concurrence.

On motion by Mr. Harding of Knox the Senate voted to take from the table, House Report "Ought Not to Pass" from the Committee on Taxation on bill, An Act Relating to Refund of Gasoline Tax to Town of North Haven (H. P. 122) (L. D. 122), tabled by that Senator on February 19th pending acceptance of the committee report, and on further motion by the same Senator the report of the committee was accepted in concurrence.

The PRESIDENT: The Chair at this time will appoint the members on the part of the Senate for the Committee on Apportionment in accordance with the joint order passed in the current session. The following Senators are appointed to the committee: Senators Butler of Franklin, Fuller of Oxford, Chase of Cumberland, Collins of Aroostook, Squire of Kennebec, Harding of Knox, Boucher of Androscoggin.

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow afternoon at one-thirty o'clock.