

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

VOLUME II

1953

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Friday, May 1, 1953

The Senate was called to order by the President.

Prayer by the Rev. Halden Arnold of Augusta.

Journal of yesterday read and approved.

The Senate was called to order by the President.

Senate Committee Reports

Mr. Robbins from the Committee on Highways on Bill "An Act to Increase the Salaries of the State Police." (S. P. 295) (L. D. 829) reported the same in a new draft (S. P. 603) under a new title, Bill "An Act Relating to Compensation of State Police and Wardens of Inland Fisheries and Game and Sea and Shore Fisheries Departments," and that it ought to pass.

Which report was read and accepted, and the bill in new draft, read once, and under suspension of the rules read a second time and passed to be engrossed.

Send down for concurrence.

On motion by Mr. Haskell of Penobscot, tabled pending consideration of parliamentary procedure.

Enactors

Bill "An Act to Clarify Boilers and Unfired Steam Pressure Vessels." (H. P. 225) (L. D. 252).

Bill "An Act relating to Taking of Smelts from Songo River, Cumberland County." (H. P. 259) (L. D. 289).

Bill "An Act relating to the Title and Powers of 'Recorders of Municipal Courts' ". (H. P. 651) (L. D. 691).

Bill "An Act Amending the Maine Employment Security Law to Benefit Eligibility Conditions." (H. P. 754) (L. D. 779).

Bill "An Act to Provide for the Appointment of a Board of Commissioners for the Police and Fire Departments of the City of Saco." (H. P. 832) (L. D. 948).

Bill "An Act relating to Eating and Lodging Places." (H. P. 844) (L. D. 866).

Bill " An Act relating to Expenses of Maintaining Burying Grounds in Unorganized Territory in Pisca-

taquis County." (H. P. 947) (L. D. 1001).

Bill "An Act Amending the Charter of the Waldo County Municipal Court." (H. P. 969) (L. D. 1057).

Bill "An Act relating to Unemployment Compensation Regarding Remuneration for Holidays." (H. P. 1101) (L. D. 1242).

Bill "An Act relating to Benefits for Total Unemployment under Employment Security Law." (H. P. 1102) (L. D. 1243).

Bill "An Act relating to Benefits for Partial Unemployment under Employment Security Law." (H. P. 1103) (L. D. 1211).

Bill "An Act relating to Fluoride in Public Water Supplies." (H. P. 1251) (L. D. 1459).

Bill "An Act Requiring Certain Truck Owners to File Names of Agents for Certain Purposes." (H. P. 1270) (L. D. 1466).

Bill " An Act relating to the Law of Manufacture and Sale of Bedding and Upholstered Furniture." (H. P. 1275) (L. D. 1511).

Bill "An Act relating to Application of Plumbing Laws." (H. P. 1276) (L. D. 1512).

Bill "An Act Providing for Maintenance of Road Leading to Baxter State Park. " (H. P. 1277) (L. D. 1513).

Bill "An Act relating to Trespass." (H. P. 1278) (L. D. 1514).

Which bills were passed to be enacted, and resolves were finally passed.

"Resolve in favor of Carroll L. McKusick of Parkman" (H. P. 159) (L. D. 733).

(On motion by Mr. Collins of Aroostook, tabled pending final passage).

"Resolve in favor of Bert W. Paul of Skowhegan." (H. P. 488) (L. D. 508).

Mr. COLLINS: Mr. President, this is an item calling for some \$400 and I move that the item lie on the table. If I might be permitted to say so, the above item which I just tabled, I did so because I did not know the extent of the price tag, at that time. It calls for some \$190 from the Maine School Building Authority and I assure the members of the Senate I will be glad to take that item off the table later today.

"Resolve in Favor of Flying Pond Improvement Association." (H. P. 594) (L. D. 634)

"Resolve Authorizing Survey by Commissioner of Inland Fisheries and Game to Cooperate with Other States to Reduce Hunting Fatalities." (H. P. 1091) (L. D. 1225)

"Resolve in favor of Ervin E. Hutus of Rockland." (H. P. 1202) (L. D. 1437)

Bill "An Act relating to the Superintendent of Public Buildings." (H. P. 281) (L. D. 770)

Bill "An Act relating to Salary of the Clerk and Clerk Hire of the Lewiston Municipal Court." (H. P. 342) (L. D. 838)

(On motion by Mr. Boucher of Androscoggin tabled pending enactment)

Bill "An Act to Clarify the Employment Security Law." (S. P. 356) (L. D. 967)

Mr. COLLINS of Aroostook: Mr. President, there are a number of items here among the enactors that relate to surplus. Unless some of the members of the Senate wish to table, I would let them go along for enactment.

Bill "An Act Authorizing Appointment of Special Guardian." (S. P. 549) (L. D. 1464)

"Resolve Directing Review of Property Tax Statutes." (S. P. 189) (L. D. 428)

Mr. COLLINS: Mr. President and members of the Senate, this item calls for \$15,000 from unappropriated surplus.

"Resolve in favor of the Madawaska Training School." (S. P. 543) (L. D. 1461)

Mr. COLLINS: Mr. President, for the information of the Senate, this item calls for \$13,900 from unappropriated surplus.

"Resolve in favor of the Augusta State Hospital." (S. P. 55) (L. D. 1487)

Mr. COLLINS: Mr. President, this resolve calls for \$1,100,000.

"Resolve in favor of Maine State Prison." (S. P. 556) (L. D. 1488)

Mr. COLLINS: Mr. President, the price tag on this is \$100,000 from surplus.

"Resolve in favor of the Forestry Department." (S. P. 557) (L. D. 489)

Mr. COLLINS: Mr. President, this calls for \$14,200 the first year and

\$9,900 the second year, both out of surplus.

"Resolve in favor of the Department of Adjutant General." (S. P. 558) (L. D. 1490)

Mr. COLLINS: Mr. President, the amount involved here is \$3500 the first year and \$300 the second year.

"Resolve in favor of Gorham State School." (S. P. 560) (L. D. 1492)

Mr. COLLINS: Mr. President, this calls for \$175,000 out of surplus.

"Resolve in favor of Gorham State Teachers' College." (S. P. 562) (L. D. 1494)

Mr. COLLINS: Mr. President, this calls for \$323,000.

"Resolve in favor of Western Sanatorium." (S. P. 563) (L. D. 2495)

Mr. COLLINS: Mr. President, this calls for \$21,750 from surplus.

"Resolve in favor of Baxter State Park." (S. P. 564) (L. D. 1496)

Mr. COLLINS: Mr. President, this involves \$11,000 out of surplus.

"Resolve in favor of Northern Maine Sanatorium." (S. P. 565) (L. D. 1497)

Mr. COLLINS: Mr. President, this involves \$12,000 out of surplus.

"Resolve in favor of Lake St. George." (S. P. 567) (L. D. 1499)

Mr. COLLINS: Mr. President, this calls for \$40,000 from surplus.

"Resolve in favor of Washington State Teachers' College." (S. P. 568) (L. D. 1500)

Mr. COLLINS: Mr. President the amount called for in this resolve is \$21,000 from surplus.

"Resolve in favor of Aroostook State Teachers' College." (S. P. 569) (L. D. 1501)

Mr. COLLINS: Mr. President, the amount involved here is \$17,000 out of surplus.

"Resolve in favor of Sebago State Park." (S. P. 570) (L. D. 1502)

Mr. COLLINS: Mr. President, this calls for \$40,000 the first year and \$75,000 the second year

"Resolve in favor of Aroostook State Park." (S. P. 572) (L. D. 1504)

Mr. COLLINS: Mr. President, this calls for \$10,000 each year.

"Resolve in favor of the Bangor State Hospital." (S. P. 573) (L. D. 1505)

Mr. COLLINS: Mr. President, this requires \$85,000 the first year and \$75,000 the second year.

Resolve in favor of Reid State Park. (S. P. 566) (L. D. 1498)

Mr. COLLINS: Mr. President, this involves \$125,000 each year out of surplus.

Mr. HASKELL of Penobscot: Mr. President, I would add this bit of comment relating to this document, that it is not as much as the Governor recommended in his budget. The total sum for parks is substantially less than he recommended. I am privileged to say, however, that he is satisfied that all appropriations for state parks are consistent with the total amount of money available and the quarter of a million assigned to Reid will do substantially all of the work necessary to take advantage of this splendid gift of Walter Reid. It will not do the complete job but comes as near as we could in regard to the total funds available for this program.

Mr. TABB of Kennebec: Mr. President, may I ask a question through the Chair? Is this park self supporting?

Mr. HASKELL of Penobscot: Mr. President, if by the words self-supporting, the Senator indicates the thought that any state park under almost any condition will ever return interest and principal on the investment, the answer is a firm negative.

If the question relates to whether or not income will pay operating expenses the answer is generally yes. The fees charged by state parks, generally take care of the parks. They are not sufficient, however, to take care of the general overhead and I think we should be reconciled that there always is a burden on the general public as part of the services of the state in supplying our citizens and our visitors with adequate park facilities.

Mr. TABB: Mr. President, the only thing I was wondering is that I have been down there to Reid Park several times and I know they charge a fee and it just seemed to me that with all the people that go there, that money should be more than enough to pay operating expenses.

Mr. BOUCHER of Androscoggin: Mr. President, I did not intend to enter into this debate but appar-

ently the floor leader wants us to debate these questions. I have been to Reid Park and I have no objection to the fee they charge, but I do object to the fact that they turn people back on account of the present inadequate facilities which they have for parking. If this money is going to help that situation then I am all for it. If this is going to make Reid Park available to all citizens and visitors who drive there to enjoy its beautiful scenery and its other advantages, then I am in favor of it.

Mr. COLLINS: Mr. President, in the list of improvements to be done, the \$45,000 was allocated for parking area and although the recommendation was cut, I presume that a certain portion would be used for that purpose.

Mr. DOW of Franklin: Mr. President, this Park is not in my county but I have been there several times and I would like to say that it is one of the very few spots left on the coast of Maine where both natives and summer people are allowed to go. Most of our land up and down the coast of Maine has been bought up and owned by private individuals and the public is excluded.

"Resolve in favor of the Reformatory for Men." (S. P. 574) (L. D. 1506)

Mr. COLLINS: Mr. President, this calls for \$9500 out of surplus.

"Resolve in favor of the Department of Public Buildings." (S. P. 575) (L. D. 1507)

Mr. COLLINS: Mr. President, this item involves \$15,000.

"Resolve in favor of Farmington State Teachers College." (S. P. 576) (L. D. 733)

Mr. COLLINS: Mr. President, this calls for \$322,000.

Which bills having been severally passed to be enacted, and resolves finally passed, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

"Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons." (H. P. 1273) (L. D. 1509)

Which resolve being an emergency measure and having received the affirmative vote of 29 members of the Senate, and none opposed, was finally passed.

Constitutional Amendment

"Resolve Proposing an Amendment to the Constitution Permitting Indians to Vote." (H. P. 423) (L. D. 470)

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, first, I want to go on record as favoring the voting privilege however, that the Indians themselves do not care to vote. I have here in my drawer, petitions with 123 names of Indians on Indian Island, who are against this document. They asked me to make this statement in the Senate and I am going to make it, although I do favor the bill.

The Indians believe that if we grant them the right to vote that we probably will next ask for a poll tax from them and then a property tax and so on. I am telling you this only because I think it is my duty to do as they have asked me.

Mr. HASKELL of Penobscot: Mr. President, at times the Senator from Androscoggin, Senator Boucher, has permitted me to share with him the responsibilities of the Indians of Indian Island, and sharing that with him, I would speak to that petition.

It does represent the wishes of not all of the Indians there and the basis of their thinking is the fear that the right to vote will in some way make more difficult their opportunities of placing their financial responsibilities upon the State of Maine. I think there might be two observations made in that respect. First, that the aid granted to the Indians in the two tribes is a matter of appropriations passed by both branches of the legislature. The second and more important consideration is the same argument that compelled both branches of the legislature to take \$140,000 out of the unappropriated surplus of the general fund in 1949 and build a bridge across there, realizing that with the bridge, they would be better able to themselves be as-

simulated into what they call the "white man's civilization."

I believe that granting them the right to vote is a step just as important as building bridges to them. I think despite the fears of the minority groups, removing that stigma that adds them to the pauper restriction with reference to voting, is a step in the right direction with reference to voting, is a step in the right direction and if ever the Indian problem in the State of Maine is going to be solved, it will be solved by principals that were supported when we gave them a bridge and are now giving them the right to vote. It would be my hope that when this Constitutional Amendment is voted upon it will have the support of every member in this Senate Chamber this morning.

Mr. DUNHAM of Hancock: Mr. President, it was my privilege on several occasions to visit these reservations and I recall with pride listening to several of the more intelligent members of this reservation, point with a great deal of satisfaction to the fact they were able to vote in the last election, and it did my heart good to see these people stand up and say how proud they were to exercise that right, and I never heard more intelligent remarks than those people made. Therefore I am very happy to go along with this.

Mr. BOUCHER: Mr. President, I want to make my position very clear. I personally do want the Indians to vote. I simply felt that where they had requested that I tell the Senate that they do not want the right to vote, that I should tell you about it. I personally am in favor of going along with this.

Mr. PARKER of Piscataquis: Mr. President, I hesitate to try to add anything to what has already been said on the question of the Indians voting, but having served my first term on the Welfare Committee, probably I might have been more deeply impressed with the arguments for and against the Indians having an opportunity to vote. I just want to rise and tell the members of the Senate of one young man who was before the hearing on Indian Island, or perhaps it was

at Pleasant Point. Anyway, one young man who told us he had served in the armed forces of the United States, I believe with distinction, and when he went to the polls last fall and wanted to vote, he was denied that privilege because in the State of Maine, he had not that right.

I certainly feel that when a young man who has served in his country's behalf, regardless of this color or his background, I believe he should have an opportunity to express his preference at the polls.

Mr. BOUCHER: Mr. President, when the vote is taken, I request that it be taken by the Yeas and Nays.

Mr. BROWN of Washington: Mr. President, I have not had much to say during this session but I would like to express my views on this subject.

In 1949, the Indians came in here from Old Town and asked for the right to vote and they found that if they were given the right to vote, they would have to pay a tax.

Now this is the situation in my county, and I think it applies to Old Town. They would like to have these fellows vote, but they want them to vote on their reservation. The Indians are getting roughly \$108,000 for one tribe, and about \$65,000 for the other. That is a lot of money. They cost a lot of money and the only reason they don't want to vote is because they are afraid that they will be deprived of some of those benefits.

The only solution in my mind to the Indian problem is to assimilate them into the regular population of the state. As soon as you get them away from those reservations, they become good citizens and those children don't ask for anything from us. They become good, self-respecting citizens of the state and live just like the rest of us.

In Old Town as you probably know, there are a lot of manufacturing plants there and they are right near the reservations and a great many of the young people work in those plants, and seem to be working out very well.

I think this Indian situation has got to be straightened out and it

should start along the lines of getting them off the reservations and assimilated into the regular population of the state. This is the first time I have said anything about the Indian problem in three sessions and I could go on for hours but I won't. I think the Indians should be allowed to vote. I believe it would be a step toward helping the Indians and the Indian problem in the State of Maine.

Mr. HASKELL: Mr. President, I move the pending question.

The PRESIDENT: The question before the Senate is on the enactment of the resolve, and the Senator from Androscoggin, Senator Boucher, has requested that the vote be taken by Yeas and Nays. To order the Yeas and Nays requires the affirmative vote of more than one-fifth of the members present. Is the Senate ready for the question.

A division of the Senate was had. Obviously more than one-fifth having risen, the Yeas and Nays were ordered.

The Secretary called the roll.

Thirty-two Senators having voted yea and no Senators having voted nay, the Resolve was passed to be enacted.

Mr. COLLINS of Aroostook: Mr. President, I would move that the Senate reconsider its action taken earlier in today's session whereby it enacted Item 14, L. D. 1511. In support of the motion I would say that the finance office sent me up a copy of those items involving either expenditures or loss of revenue. I did not get the copy of this until after this item came up and I find that it involves a loss of revenue of about \$8,000. For that reason I think it would be wise to reconsider our action after which I would move that the bill be tabled pending enactment. It is no attempt to try to kill the bill, but is just a matter of procedure.

The motion prevailed and the Senate voted to reconsider its action taken earlier in today's session whereby it passed to be enacted, Bill, "An Act Relating to the Law of Manufacture and Sale of Bedding and Upholstered Furniture," (H. P. 1275) (L. D. 1514); and on motion by Mr. Collins of Aroos-

took, the bill was then laid upon the table pending passage to be enacted.

The PRESIDENT: For the information of the Senate, the Chair would state that among the items acted upon by the Senate yesterday was H. P. 24, L. D. 19, "Resolve Relating to the Construction of a Road and Terminal in the City of Rockland."

This Resolve was taken from the table and finally passed. Somehow, it was not noted that the Resolve contained an emergency preamble. In order that the matter might be handled in a proper manner, the Chair at this time would like to ask that the Senate vote upon the resolve as an emergency item.

A division of the Senate was had.

Twenty-nine having voted in the affirmative and none opposed, the Resolve was finally passed.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Bill, "An Act Relating to Salary of the Clerk and Clerk Hire of the Lewiston Municipal Court," (H. P. 342) (L. D. 838) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Haskell of Penobscot

Recessed for five minutes.

After Recess

The Senate was called to order by the President.

Additional House Papers, out of order and under suspension of the rules

The Committee of Conference on the disagreeing action of the two branches of the Legislature on (H. P. 819) (L. D. 850) Bill "An Act to provide for the Observance of Legal Holidays," reported that the Senate recede and concur with the House in the indefinite postponement of the Reports and Bill.

Which was read and accepted and the bill was indefinitely postponed in concurrence.

The Committee of Conference on the disagreeing action of the two

branches of the Legislature on Bill "An Act Creating a Division of Indian Affairs," (H. P. 245) (L. D. 226) reported that the Senate recede from its action whereby the bill was passed to be engrossed as amended by Committee Amendment "A" and its action whereby Committee Amendment "A" was amended and the bill passed to be engrossed without amendment in concurrence.

Which report was read and accepted in concurrence, and under suspension of the rules, engrossing was reconsidered, Committee Amendment A was indefinitely postponed and the bill was passed to be engrossed, without amendment, in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on (H. P. 7269) (L. D. 1483) Bill "An Act relating to Salary of Treasurer of State," reported that they are unable to agree.

Which report was read and accepted in concurrence.

Joint Order

ORDERED, the Senate concurring, that the members of the Joint Standing Committee on Judiciary and Legal Affairs be given the copy of the Revised Statutes and the Laws of 1945, 1947, 1949 and 1951 that they have been using this session.

Which was read and passed in concurrence.

The Committee on Taxation on Bill "An Act Relating to Sales Tax on Farm Machinery," (H. P. 1062) (L. D. 1199) reported that the same ought not to pass.

Report "A" of the Committee on Public Health on Bill "An Act to Include the Typing of Blood in Premarital Examinations," (H. P. 355) (L. D. 371) reported the same in a new draft (H. P. 1274) (L. D. 15'10) under a new title Bill "An Act to Include the Typing of Blood in Parental Examinations," and that it ought to pass.

(Signed)

Senator:

KAVANAGH

of Androscoggin

Representatives:

TARDIF of Lewiston

DOWNING

of No. Kennebunkport
SENTER of Brunswick
WYLIE of Madawaska

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

(Signed)

Senators:

JAMIESON of Aroostook
HANSON of Washington

Representatives:

FORD of Waterford
DICKER of Lakeville PIt.
CAVERLY of Bath

Comes from the House, Report "A" read and accepted and the bill in new draft and under new title passed to be engrossed.

In the Senate, Report A "Ought to Pass" was accepted in concurrence and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

The Majority of the Committee on Public Health to which was re-committed Bill "An Act Transferring Maine School for the Deaf to Department of Education," (H. P. 685) (L. D. 720) reported that the same ought not to pass.

(Signed)

Senators:

JAMIESON of Aroostook
KAVANAGH
of Androscoggin
HANSON of Washington

Representatives:

TARDIF of Lewiston
CAVERLY of Bath
FORD of Waterford
DICKER of Lakeville PIt.
DOWNING
of No. Kennebunkport
WYLIE of Madawaska

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

(Signed)

Representative:

SENTER of Brunswick

Comes from the House, the Minority Report read and accepted, and subsequently the bill was indefinitely postponed.

In the Senate, on motion by Mrs. Kavanagh of Androscoggin, the bill was indefinitely postponed in concurrence.

The Majority of the Committee on Labor on Bill "An Act Relating to Medical and Legal Expenses Under Workmen's Compensation Law," (H. P. 751) (L. D. 790) reported that the same ought not to pass.

(Signed)

Senators:

WARD of Penobscot
REID of Kennebec

Representatives:

WEST of Stockton Springs
CASWELL of New Sharon
GATES of Millinocket
SMALL of Mexico
LEGARD of Bath

The Minority of the same Committee on the same subject matter reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 413)

(Signed)

Senator:

ST. PIERRE of Androscoggin

Representatives:

LETOURNEAU of Sanford
COUTURE of Lewiston

Comes from the House, the Majority Report read and accepted.

In the Senate, on motion by Mr. Ward of Penobscot, the Majority Report "Ought Not to Pass" was accepted in concurrence.

**First Reading of a Printed Bill,
Out of Order and Under
Suspension of the Rules**

"Resolve Providing for an Increase in State Pension for Nancy A. Gilbert of Belfast." (S. P. 425) (L. D. 1545)

Which was read once, and under suspension of the rules, read a second time and passed to be engrossed.

Sent down for concurrence.

**Communication, Out of Order and
Under Suspension of the Rules**

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

April 30, 1953

Hon. Chester T. Winslow
Secretary of the Senate
96th Legislature

Sir:

The Speaker of the House has appointed the following Conferees

on the part of the House on the disagreeing action of the two branches of the Legislature on

Bill "An Act Relating to Reclassification of State Aid Highways as Town Ways" (H. P. 1153) (L. D. 1301)

Messrs. LUDWIG of Hope
CAMPBELL of Guilford
TURNER of Auburn

Respectfully,

Harvey R. Pease
Clerk of the House

HRP/rwb

Which was read and ordered placed on file.

Out of order and under suspension of the rules, the Committee on Engrossed Bills reported as truly and strictly engrossed the following Bill:

Bill "An Act Amending the Creating of the Legislative Research Committee (S. P. 222) (L. D. 588)

Which bill was passed to be enacted.

At this time, the President appointed as Senate members of the Committee of Conference with respect to the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Reclassification of State Aid Highways as Town Ways (H. P. 1153) (L. D. 1301) Senators, Parker of Piscataquis, Sinclair of Somerset and Littlefield of York.

The Majority of the Committee on Judiciary on Bill "An Act to Create the Lewiston Parking District" (H. P. 1092) (L. D. 1226) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 444)

(signed)

Senators:

REID of Kennebec
WARD of Penobscot
HARDING of Knox

Representatives:

McGLAUFN of Portland
FULLER of Bangor
LOW of South Portland
CIANCHETTE of Pittsfield

The Minority of the same Committee on the same subject matter

reported that the same ought not to pass.

(signed)

Representatives:

TRAFTON of Auburn
MARTIN of Augusta
FITANIDES of Saco

Comes from the House, bill and reports indefinitely postponed.

Mr. REID of Kennebec: Mr. President, I move the acceptance of the Majority Report. This is one of two parking district bills, both local matters and both carrying referendum provisions and so far as I am concerned I think this could better be debated by the distinguished Senator from that area.

Mr. BOUCHER of Androscoggin: Mr. President, I want first to thank the Senator from Kennebec for his kindness. I am vitally interested in this bill and for more reasons than one. During my term of office as mayor of Lewiston, in 1943, 1944 and 1945 the government bought two parking lots, one on each end of the business district of Lewiston. One was situated in back of Peck's store and the other at the end of Lisbon Street, which seemed to be a fine thing to take care of off-street parking in the city of Lewiston. So far, to the best of my knowledge the north side only of Main Street in Lewiston has been cleared of traffic. There is still parking on the south side, which is not in accordance with an agreement which we had with the federal government.

The administration that succeeded mine immediately in order to keep the tax rate low, sold two lots, one for \$160,000 and the other for \$40,000 and it gave them \$200,000 to use during their administration in order to keep the tax rate low. The first year they did reduce the tax rate one mill to 37, but the following year the same administration had to raise it to 39. Since that time, individuals have bought parking lots, one group bought the so-called Bates Mills block, tore it down and turned it into a very large parking area. The A and P next to it also has a very large parking lot for customers only. Another individual bought the lot

in back of Peck Company and they have a large lot.

I read in the newspaper this week that another individual is going to buy a piece of property at the corner of Park and Oak Streets and turn that into a parking area. I don't believe we need any more parking lots in Lewiston. I don't believe that any government, be it state, county or municipal, should compete with its own private citizens when it comes to parking facilities. Outside of Easter, Christmas and such big holidays we have sufficient parking facilities. And those holidays tax the parking facilities of any city.

In 1945 I called this to the attention of the Chamber of Commerce, who apparently at that time were not interested. Later on an attempt was made to take a lot near the business district. This was sent to referendum for the people to vote on and they voted to turn it into a playground, instead of a parking ground and I think they did the right thing.

We in Lewiston can take care of our problems. We don't need a referendum on this question, and I don't like to see any government go out and compete with private citizens who have the courage to go out and make parking lots. I say to you it is an unfair proposition. These people have invested money in these parking lots and they are doing very well. I am not saying that in future years we may not need a municipal parking lot but if you pass this law you are wasting the money of the citizens of Lewiston because I am satisfied that the citizens of Lewiston would turn it down.

Mr. ST. PIERRE of Androscoggin: Mr. President, I want to go along with Senator Boucher. I believe he has said all that needs to be said and I wish to go along with him on his motion.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Reid, that the Senate accept the ought to pass as amended report of the committee.

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

Thereupon, the bill was indefinitely postponed in concurrence.

The Majority of the Committee on Labor on Bill "An Act Relating to Dependency Allowances Under Employment Security Law," (H. P. 525) (L. D. 563) reported that the same ought to pass as amended by Committee Amendment A.

(Signed)

Senator:

ST. PIERRE of
Androscoggin

Representatives:

WEST of Stockton Springs
LEGARD of Bath
GATES of Millinocket
SMALL of Mexico
LETOURNEAU of Sanford
COUTURE of Lewiston

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Senators:

WARD of Penobscot
REID of Kennebec

Representative:

CASWELL of New Sharon

Comes from the House, bill and reports indefinitely postponed.

In the Senate, on motion by Mr. Ward of Penobscot, indefinitely postponed in concurrence.

The Following Final Reports:

Mr. Butler from the Committee on Natural Resources:

Mr. Tabb from the Committee on Liquor Control:

Mr. Reid from the Committee on Judiciary:

Mr. Dunham from the Committee on Welfare:

Mr. Squire from the Committee on Veteran's and Military Affairs:

Mr. Wight from the Committee on Inland Fisheries and Game:

Mr. Dennett from the Committee on Business Legislation:

Mr. Fuller from the Committee on Agriculture:

Mr. Brown from the Committee on Sea and Shore Fisheries:

Mr. Weeks from the Committee on Towns and Counties:

Mr. Broggi from the Committee on Education:

Mr. Robbins from the Committee on Highways:

Mr. Silsby from the Committee on Claims:

submitted their Final Reports.

Which were severally read and accepted.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate, bill An Act relating to Elderly Teachers' Pensions (S. P. 49) (L. D. 77) tabled on April 30 by the Senator from Androscoggin, Senator Kavanagh pending adoption of Senate Amendment A, and especially assigned for today.

Mrs. KAVANAGH: Mr. President and members of the Senate, would that I were a silver tongued orator like some of the good Senators here, but alas I am not. I can only speak in my humble way for these elderly teachers who are asking an increase of \$200 to their pensions, and that they may receive that, instead of the \$100 which this amendment would give to them.

How can anyone of us in this Senate find it in our hearts to think for a minute of not giving these teachers the meager amount they are asking? To them this is a small fortune. It is perhaps the difference between existing and living. How many of us realize how these teachers are living today? Many of them cannot afford even a small apartment, but are living in one room with perhaps a little electric grill to cook their meals on.

These teachers are old—seventy-five, eighty and some eighty-five years old and like the old soldier, they are fading fast away. In the last three years more than a hundred of these teachers have passed away. I heard one legislator say, "Why couldn't these teachers save enough money when they were working, to take care of them in their old age?" I will tell you why they couldn't. In the larger cities in Maine, when a young man or woman graduated from normal schools, they were sent to the country to teach for three or four years. This was in order that they might get experience. They taught eight grades and they had pupils ranging from four to sixteen years of age. They left the city in the morning about 7:30, took a trolley out to the country and then went probably as far as the five cent limit and a man with a horse and buggy met them there where they entered

a cold school. If they were lucky and had a big boy who liked the teacher and maybe the teacher was pretty, then he would help her build a fire. Otherwise she did it herself. Then at four in the afternoon, the horse and buggy was there to take her back to the trolley to probably ride until five or five-thirty until she got home.

And how much did she get for all this? I am stating from reports I had from various teachers. When they started in they had \$5.00 a week. They paid ten cent a day for carfare. They paid the horse and buggy man \$1.50 a week. After deducting \$2.00 for these expenses they had \$3.00 left with which to clothe and feed themselves. They could not have done that if they did not have a home to live in with their parents. After three years, one particular teacher was receiving \$8.50 and after deducting her expenses she had \$6.00 left. Seventeen years ago this teacher retired. At the time of her retirement she was earning \$16.00 per week. How anyone could save money on such wages I would like to know.

If these teachers were unusually thrifty and had a home where they could live with their parents, they might have been able to save a little, but that money has been spent on illness which as you know has a habit of creeping up on people as they grow older. And furthermore, many of these teachers had responsibilities in their homes. Gentlemen, the sons of the family when they grow up, leave the home usually and leave its responsibilities to the daughters.

When we give these old teachers the \$200 they ask, let us not feel too smug about it. We are only giving to them what really belongs to them. They earned every cent of it and I think it is our bounden duty to see that these old teachers don't suffer. And from some of the letters I have received, they are suffering.

Gentlemen, I know you will agree with me that Maine is a great state, but any state is only as great as its men and women and I ask you who has been a tremendous influence in making these men and women great? It has been the teachers of the State of Maine. I

hope that when you vote, you will vote for this bill and indefinitely postpone the amendment so that our teachers may receive this \$200 which they rightfully deserve.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, I am sure that the Senators are all very much in sympathy with the remarks of the Senator from Androscoggin, Senator Kavanagh, I am sure we all would like to see this \$200 increase to the elderly teachers, but it seems to me that it is just impossible to do it at this time. It seems to me that the issue was decided last week when we voted the exemption on the automobile situation. I would like to report to you that as of this time there is left for operating gain for the first year of the biennium \$136,000 and for the second year of the biennium a similar amount. If the \$200 increase were granted, then it would more than wipe out the amount of operating gain.

By your action this morning in passing the consolidated pension resolve, we took \$33,000 each year to come out of the balance that I reported to you yesterday. I do not see how we can possibly accept this bill without the amendment.

Mrs. KAVANAGH: Mr. President and members of the Senate, last week we voted against a bill to tax casual sales of automobiles. I voted against it because it was such a strong argument that if we passed that bill it would cost more to collect the tax than we would receive and of course we all know that is poor business. But I have a schedule here in which it would not cost us one cent to collect that tax. If we tax the casual sales of automobiles, everyone of the automobile owners must get their registration. When they go to get that registration they can pay that tax and it would not cost the state a penny. In this way we could give the old teachers the \$200 they are asking. I have been told that the estimated amount we would receive is \$150,000. To give these teachers the \$200 we would only have to have \$70,000 because the \$75,000 to take care of the \$100 increase is already taken care of. Then we would have left \$80,000 and with that, perhaps we might

give back to the University of Maine some of the money we have taken away.

Mr. BROGGI of York: Mr. President and members of the Senate, the Senator from Androscoggin, Senator Kavanagh has stated this morning that this is an excellent opportunity for a silver tongued orator to appeal to your emotions. Not being a silver tongued orator I will not go into some of the heart rending things involved in this bill. I do feel, however, in my stand on the tax on automobiles when I voted for the gross rather than the net tax, my vote was based largely upon the worth of this particular L. D. I am going to vote with Senator Kavanagh to indefinitely postpone this amendment. If the amendment lives, I think it is the burden of those who voted for the net tax on the automobile, to cut these teachers back \$100.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I have seen all kinds of voting here lately, voting with heads and voting with hearts. On this one I want to be on record as voting both with my heart and with my head. I guess nobody is going to question the necessity of increasing the pension of these teachers to \$200 a year more. I think that is quite definite in all our minds. The only question seems to be "Where are we going to get the money?"

I want to offer my tribute of admiration to the Senator from Androscoggin, Senator Kavanagh for giving you the answer this morning before it was even asked.

When I first started school, I went to parochial school and after a couple of years I went to public schools and one of those old teachers that I had wrote to me last week and I remember her very well and I remember what she did for me and I for one, certainly want to go on record as in favor of that increase to \$200.

I know that the Appropriations Committee will cry wolf. That is their job. I don't blame them. They are faced with a problem and I realize that but again I repeat to you that this money is not sacred. We have spent it by the millions this morning. I think most of our

spending was well done but I do dispute with you on the fact that we can spend millions on buildings and still have the heart to deprive these old teachers of a fair living, not a sumptuous living, just a bare existence.

Mrs. KAVANAGH: Mr. President, when the vote is taken I ask for the Yeas and Nays.

Mr. SQUIRE: Mr. President, I would like to ask through the Chair, of the Appropriations Committee a question. I am sympathetic to this problem of the old teachers. I want to ask if the plan presented by the Senator from Androscoggin, Senator Kavanagh, is feasible and could be worked out? I do feel that if we are going to do this, we have to provide the money.

Mr. HASKELL: Mr. President, I will address myself to the pending question. And I shall try to answer the question just posed by the Senator from Kennebec, Senator Squire.

The various cities and towns in the State of Maine did not provide a pension plan for teachers and up until the time that such a pension plan was set up, the legislature in its generous treatment of cities and towns, took over from those communities the responsibility for what was at the start a token pension to retired teachers. I won't go into the details of the twenty, twenty-five, and thirty year groups but they were set up in those groups and related to length of service and it started in July 1947. When this task was taken over by the present retirement system, the retirement funds were \$400, \$500 and \$600. The action of succeeding legislatures has raised it to \$600, \$700 and \$800 where it now is.

I well remember at the last special session of the legislature, the legislative research committee attempted to put together its recommendations as to how unappropriated surplus of the general funds would be spent to pull the state out of an emergency situation wherein services could not be continued without the use of surplus. That we did, prior to the enactment of a general tax measure and I well remember standing practically alone on that committee and insisting that there be included in

that package a \$100 increase for the elderly teachers. The Special Session did enact that and that is the level where they now stand.

I recite that mainly for the fact that I have stood against the employees; I intend to stand against the bonus measure and I would like to see some group in the State of Maine who would not be thoroughly convinced that I have stood against them in this legislature.

What we are talking about here today is roughly \$145,000 a year with a contingent liability of \$1,680,000. There are 612 elderly teachers receiving this pension and while there is no question but that every member of this Senate could recite the pitiful need of many of them, I would like to point out that our treatment of recipients of state funds should have some consistency. To me it doesn't matter much whether the recipient is a recipient of an aid program, a recipient of salary income, the income so received is a source of livelihood. We have granted a 4½ percent increase to employees. Looking at it over a period of years, we have attempted at the state level to get elderly teacher pensions up as high as state finances could stand.

There is nothing to prevent municipalities from augmenting these teachers' incomes if they see fit, but our action in this legislature has left us with substantially less than the amount required for this \$200 item. I voted against the major cut in the sales tax revenue. I shall try to debate against the remaining major cut in sales tax revenue, the exemption relating to gas.

I supported the committee stand in relation to other tax cuts. So far as the cut on casual sales is concerned, I should oppose again the imposition of that tax if by any parliamentary procedure now unknown to me, such a measure could come before this Body. The legislature had lengthy and complete debate on the subject and my memory is that the vote was fairly indicative of the feeling of the Senate.

I believe that the teachers in getting another \$100 added to the present pension will be accomplishing for themselves the rare granting of a substantial part of what little

we have left. I don't believe, and I am privileged to say this from the Executive Office, that we can expect bills to be signed in excess of revenue. That, the Chief Executive recited in his budget message, that the Chief Executive has correctly and soundly insisted on since the first of January. It would be my advice, if I were privileged to counsel the elderly teachers, that they should take as fast as may be, by concurrent action of the two Bodies of the legislature, the same \$100 increase by means of which we have been able to get the pension to where it now is.

If the amendment does prevail, I would be very hopeful that the measure would be speeded to the House where I would hope it would have concurrence and where I would hope we could put on ahead of any other general fund spending bill—and I will participate in that procedure—an earmarking in effect of roughly \$75,000 a year for this worthy group of teachers.

To do it any other way I think will confound the issue and end up with a bill impossible of accomplishment and for that reason I shall vote, if the Yeas and Nays are ordered, against the motion.

The PRESIDENT: In order that there may be no confusion, the Chair would state that the pending question is on the motion of the Senator from Aroostook, Senator Collins that Senate adopt Senate Amendment A.

Mr. DUNHAM of Hancock: Mr. President and members of the Senate, it seems that this always waits until adjournment before we get ready for it. Two years ago I put in the same kind of a bill and the teachers were increased \$100. I was told at that time, if I would be patient and wait two years more and put it in again I would get another \$100 for them.

I regret that I have to say this. I regret that I can't go along with the \$200 raise and now you will understand why I took the position I did on the automobile tax measure, because I knew that this was going to happen. I feel this morning that I must face reality and unless you can tell me where the money will come from I cannot go along with

Senator Kavanagh, because I am afraid that if I do, we will perhaps lose the \$100 raise and won't get anything.

Mr. CHASE of Cumberland: Mr. President, since it has been suggested that this bill should in effect, be amended by putting on a tax rider, I also suggest the propriety of appending also an amendment relating to education to the effect that no child deemed likely to succeed in politics should ever be taught arithmetic.

I have been deeply impressed by the remarks of the Senator from Androscoggin, Senator Boucher. In fact, during the past week as we have discussed these measures, I have several times been prompted but have resisted so far to suggest that in order that his remarks receive special emphasis in the record, they should be appropriately printed in red ink.

I have consistently voted to increase the pensions for elderly teachers. I have voted to reduce taxes in some respects. I urged upon this Senate the propriety of raising taxes in other respects and so far as I can recall, the Senate has not gone along with me in raising any revenue. But as I compute my own personal budget to which I recently had reference, if the taxes which I have suggested, and the appropriation reductions I have urged had been the record of this legislature, we would now be in the black approximately \$700,000 a year.

My rough computation similarly compiled for the Senator from Androscoggin, Senator Boucher, is that his would be in the red approximately \$1,250,000.

My suggestion to those who want to do something for the elderly teachers is that they had better accept the accurate arithmetic which has been presented to us from the Appropriations Committee and get this bill moving along with the amendment. Otherwise I fear that the sympathies of certain members may be so deeply moved by other bills to be presented, that by the time this teachers bill gets back here, the facts will be such that the elderly teachers will receive nothing.

Mr. BOUCHER of Androscoggin: Mr. President, I am very glad that the Senator from Cumberland,

Senator Chase, did not choose to give quotations this morning. I would have been tempted to answer him in the language of Louis the 14th.

He has called your attention to the fact that the all powerful taxation committee can figure. I am going to question that this morning so long as he has brought it up. I am going to question the accuracy of his figures.

Two years ago they told us that a sales tax would bring in eleven million dollars and that would be a cure-all and that is on the record. The sales tax brought in thirteen million dollars. That is how accurate they are. And they probably are just as accurate in their prophecy for the next two years. In the twenty years I have been here I have heard of phantom money and to my great surprise I find there is phantom money.

What I can't understand yet is how we have all kinds of dollars to spend for certain things but we have no money for the poor human beings in the State of Maine, the employees, the elderly teachers. That's beyond my comprehension. Probably my thinking is wrong but I can assure you, gentlemen and lady of the Senate, that so far as I am concerned, I prefer to give it to the human beings.

Mr. HASKELL of Penobscot: Mr. President, for the third time in this session we have had reference in the record to two facts: first that general fund income always exceeds general fund expenditures and that the state always has an operating profit as a result of operating the general fund for any fiscal year. We also have three references in the record to the gross inaccuracies of those responsible for general fund figures when they estimated only eleven million, two hundred thousand dollars and actually received thirteen million from the sales tax.

Now let us look at the record. I speak first to the operating statement of general fund for 1951. I will recite the figures slowly enough so that any interested Senator, if he believes a certified statement of the Controller, may make not of.

With respect to general funds for 1951 our total receipts were \$24,274,-

057.83 and our total general fund expenditures were \$35,829,299.44 showing an excess of expenditures over revenue of \$1,556,241.67. So much for the general fund revenue which is always so poorly estimated.

Now to the second point that those responsible for general fund estimates that the sales tax would return eleven million dollars while it did return thirteen million dollars.

Sales tax revenue for 1952 while it was estimated to yield \$11,200,000 did in fact yield \$11,212,241.73 which is something of a compliment to the Taxation Committee and our Department of Finance.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Collins, that the Senate adopt Senate Amendment A; and the Senator from Androscoggin, Senator Kavanagh has requested that the vote be taken by the Yeas and Nays. To order the Yeas and Nays requires the affirmative vote of one fifth the members present. Is the Senate ready for the question?

Mr. SQUIRE: Mr. President, through the Chair may I ask a question? Do I understand that if we vote for this \$200 we will be left with a deficit budget?

Mr. COLLINS: Mr. President, if you vote for the \$200 increase, we would have a deficit budget. If you vote for the amendment it would still be a black budget.

A division of the Senate was had. Obviously less than one-fifth having risen, the Yeas and Nays were not ordered.

A division of the Senate was had on the question to adopt Senate Amendment A.

Twenty-two having voted in the affirmative and ten opposed, Senate Amendment A was adopted and under suspension of the rules, the bill was passed to be engrossed as amended by Senate Amendment A.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot.

Recessed until one o'clock this afternoon, E. S. T.

After Recess

The PRESIDENT: Before proceeding with the record regarding

matters of business, the Chair is very happy to be able to present to the Senate this afternoon, a young man from Aroostook County and the Town of Mapleton, a senior of the Mapleton High School, who was President of the Senate of Boys State at their last summer session. Realizing that he was in Augusta because of the state-wide Spear speaking contest finals which were held last night, in incidentally of which he was the first place winner, it seemed only a proper gesture that he be asked by the Presiding Officer of the Senate to spend a part of the afternoon, or such period of time as he cared to do so, on the rostrum. So the Chair takes great pleasure in introducing to the Senate, Dwain Dow, a Senior of Mapleton High School.

Mr. DWAIN DOW: Thank you very much, Mr. President. I am sure it is a great pleasure to be here this afternoon. I have always had a desire to come some time to Augusta and sit in on the sessions of the Senate and House of Representatives, and of course being President of the Senate last year of Boys State, I cultivated a deep interest in political matters. Because I was in the Senate, as President of Boys State, I chose to come this afternoon to the Senate Session I am sure that I am going to enjoy every minute of my visit here.

I do want to thank Senator Haskell and Mr. Winslow for their kindness to me this afternoon, and for permitting me to sit up here on the rostrum.

The President laid before the Senate, bill, An Act Relating to Bounty on Bears (H. P. 1043) (L. D. 1185) tabled by the Senator from Penobscot, Senator Wight, on April 30th, pending motion by the Senator from Androscoggin, Senator Boucher, that the bill be indefinitely postponed.

Mr. WIGHT of Penobscot: Mr. President, there are numerous amendments on this bill so that the bill doesn't mean what it did in the first place. In the other Body on the table I believe, there is another Bear Bounty measure that I presume will be acted upon within a day or two and will come into

the Senate. So under those circumstances and taking into consideration the condition of this bill I am going to go along with the motion of the Senator from Androscoggin, Senator Boucher, to indefinitely postpone.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I was not aware that there was another bill in the other Branch pertaining to Bear Bounty. If that is true, and I am not questioning the veracity of my good friend, the Senator from Penobscot, Senator Wight, I would move, Mr. President, that this bill lie upon the table and at the same time we hear the other one that this one be taken up.

Thereupon, the bill was retabled pending the motion of the Senator from Androscoggin, Senator Boucher, that the bill be indefinitely postponed.

The President laid before the Senate bill, An Act Relating to Administration of the Highway Commission, (L. D. 598) (L. D. 1544), tabled by the Senator from Aroostook, Senator Robbins, on April 30th pending assignment for second reading.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, because, as was brought out yesterday by the Chairman of the Highway Committee, that this is one of the most important bills that will come before this legislature and because in my estimation there is not sufficient time in this session to give this bill the proper attention that it should have, I move that it be indefinitely postponed.

Mr. ROBBINS of Aroostook: Mr. President, and members of the Senate, I wish to offer Senate Amendment A and move its adoption. This amendment is offered to meet the point raised yesterday by the Senator from Penobscot, Senator Ward, to be sure that nobody would be legislated out of a job by the people and to meet the objection raised by the Senator from Cumberland, Senator Chase, so that the full time chairman would not receive his expenses while away from home.

In regard to the motion of the Senator from Piscataquis, Senator Parker, needless to say I hope it

will not prevail. There has been an intimation that this draft is somehow radically different from the old draft under which the bill was introduced and I would like to point out that it was introduced as a bill to establish a business administrator in the department. A hearing was held on this bill before the committee and only one person took the trouble to appear before us.

The committee felt that in our best judgment it would be better to constitute the chairman of the commission the full time business administrator because under the first draft there would be a conflict of duties between the chief engineer on the one hand and the business administrator on the other, at the same level, and that by placing the business administrator at the higher level there would be no question as to who was running the department. The administrator would have the direction of the department from a business and personnel point of view. Therefore, I hope the Senator's motion is not carried.

Mr. BROGGI of York: Mr. President, I rise to a point of information. I dislike to ask the Senator from Aroostook to explain his amendment again but I honestly do not understand it and if he would be willing to explain it I would very much appreciate it.

Mr. ROBBINS: Mr. President, the point made yesterday by the Senator from Penobscot, Senator Ward, was that by use of the word "repeal" there was some question raised as to whether the personnel involved weren't actually legislated out of office. As I said yesterday, the Revisor of Statutes does not agree with that point of view but in order that there be no mistake about it and no doubt that the commissioners retain their places, I offered this amendment to meet the objections raised by the Senator from Penobscot.

On the second point raised by the Senator from Cumberland, Senator Chase, he pointed out that we were carrying out the tradition of giving these members their expenses while away from home and if the chairman was a full time member there would be no reason for giving him his expenses while in Augusta, so I have offered the amendment so

that the other two members could continue to receive their expenses and the chairman would not receive any.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Robbins, that Senate Amendment A be adopted.

Mr. PARKER of Piscataquis: Mr. President, I ask for a division.

A division of the Senate was had. Twenty-five having voted in the affirmative and five opposed, Senate Amendment A was adopted.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the bill be indefinitely postponed, and the same Senator requests that when the vote is taken it be taken by division.

Mr. LITTLEFIELD of York: Being a freshman here I am very hesitant to speak to much more experienced legislators on legislative procedure. I am not going to speak on the merits of this bill but on the legislative procedure. For a long time after I came here I thought that the cloture rule against the acceptance of new bills naturally meant something. I thought we would only receive bills to take care of an emergency or some great seeming injustice and I thought it was a very good rule because I thought it would encourage, or tend to encourage, orderly procedure and careful and deliberate consideration of all bills.

Now we are presented with what is in effect a brand new bill which if it were advertised and hearings held on it there would be fewer of us here who know nothing whatever about it. I believe this is a very important bill. We were given the suggestion of an emergency when it was implied that Mr. Barrows might not last out the two years. I do not think we should give too much weight to that. I think there is a lot of life left in him yet. I have known Mr. Barrows as long or longer than any other one of you, probably. I was in college with him over forty-five years ago. Since then and up to this very moment I have always had a high regard for his ability and character, and knowing him

as I do, to be a prudent and conscientious man, I have no doubt that he has been training men to succeed him when the time comes that he retires. Furthermore, I believe in the principle of the philosophy behind the contradiction attributed to the late President Taft when he said, "One man is just as good as another." And then added, after thinking it over a minute, "And sometimes a darn sight better."

Even a cursory examination of this bill indicates it needs careful consideration. When first presented two of our Senators pointed out, first, that it needed further consideration of its financial implications, and secondly, as to its legal applications. And, there being no emergency and no injustice to be corrected I would hope that this bill would be referred to the next legislature and if the bill were given to that legislature early enough in the session it probably would be given the careful consideration that is due it. I support the motion of the Senator from Piscataquis, Senator Parker, that the bill be indefinitely postponed.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, I am a little perturbed over this bill. I voted for the amendment because I believe everyone should have an opportunity to correct anything they see that should be corrected. I can't see the bill. I may be a little bit prejudiced. All right, perhaps I am. Franklin County isn't very large but we do at times have a pretty good regard for fellows that come from Franklin County to serve the State of Maine and I think the State of Maine has reason to be proud of the men who have served the State from Franklin County.

Now, as to this bill, we didn't just like the set-up in the present situation so we came up with a committee amendment to the effect that we are not going to put anyone out of their present position, Oh no, they will continue to stay on. But can they stay on and will they stay on? Early in the session we received a request from the Highway Commission to make certain findings, which findings were presented, over the objections of the present

commissioner, and now for some reason there is a new bill which is presented to us under 1544 which isn't even recognizable as the original bill which was first admitted. This bill was explained to us yesterday afternoon. The committee found that they had to go one step further and had to change the whole thing over and so they did it. I am not finding any fault with the committee's report because that committee has done what it thought was the right thing to do and what it had an absolute right to do, to come out with a report which was entirely different from that which went in.

Mr. President and members of the Senate, I feel that our present Highway Commission have given us good service, have attended to their duties and that we should not make any changes of office or of duties at least until as a legislative body we have thoroughly studied the advantages and disadvantages of that proposed legislation. So I hope that the bill at this time will be indefinitely postponed.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I am sure the remarks I am about to make are not entirely germane to the subject under discussion but I note there is a substantial unbalance on the rostrum. I think that in debating a matter of this importance the aesthetic value is important and so, thoroughly out of order with the rules, I would move that the Senator from Cumberland, Senator Chapman and the Senator from Cumberland, Senator Weeks, look about such areas as they may under this dome and themselves select the most attractive lady in the room and forthwith escort her to the empty seat on the rostrum, that the vacancy may be corrected, and I move that they do so forthwith.

Thereupon, Mrs. Nathaniel M. Haskell was escorted to a seat on the rostrum beside the President, amid the applause of the Senate, the members rising.

Mr. CHASE of Cumberland: Mr. President and members of the Senate, now that we have as our guest one whom we have seen all too

infrequently during this session, the most favorable inference which we may draw from her absence during the session is that our President does not have to be watched so closely as was the case during the former session. We have had the pleasure and privilege of welcoming the off-spring of the family and I am sure we all want to welcome Mrs. Haskell here today, and I ask permission, Mr. President, to approach the rostrum, confident for once that it will be granted, in order that I may present this symbol of our affection and esteem to the wife of our presiding officer.

Thereupon, Mrs. Haskell was presented with a bouquet of flowers.

Mrs. HASKELL: Members of the Senate, I am not a speechmaker but I do thank the members of the Senate very much.

The PRESIDENT: The pending question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that bill, An Act Relating to the Administration of the Highway Commission be indefinitely postponed, and the same Senator 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.

Twenty-one having voted in the affirmative and ten opposed,

The bill was indefinitely postponed.

Mr. HASKELL of Penobscot: Mr. President, having voted in the affirmative on the previous question whereby the measure was indefinitely postponed, I would now move that reconsider our action just taken whereby the bill was indefinitely postponed, and in support of that motion I would note that I voted with the majority firm in the conviction that both the procedure and probably the content of the bill brought out in new draft should not have legislative acceptance. On the other hand, it being an administrative measure and in its original draft seems to me to be something that would not be objectionable to those of us who did vote against it, a motion to reconsider which if it prevails will

be followed by a motion to table would at least leave us in a position where before the bill should go before the other Branch we could at least confer on any possible merits of the original measure. If the Chairman of the Committee on Highways sees no merit in that, his opposition to my motion will indicate there is no merit in such a procedure. I hope that my motion to reconsider does prevail.

The motion to reconsider, prevailed.

Thereupon, on further motion by the same Senator the bill was laid upon the table pending consideration.

The Senate voted to reconsider its former action taken earlier in today's session, whereby Resolve Providing an Increase in State Pension for Nancy A. Gilbert of Belfast (S. P. 425) (L. D. 1545) was passed to be engrossed, Senate Amendment A was adopted and the resolve as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table, House Report, Ought to Pass in New Draft under the Same Title, from the Committee on Appropriations and Financial Affairs, on bill, An Act to Provide Additional State Office Space (H. P. 1285) (L. D. 1533) being a new draft of (H. P. 22) (L. D. 17), tabled by that Senator on April 30 pending consideration of the committee report, and that Senator yielded to the Senator from Cumberland, Senator Chapman.

Thereupon, the Ought to Pass in New Draft report of the Committee was accepted and the bill was given its first reading; the same Senator presented Senate Amendment A and moved its adoption which amendment was adopted without reading; and under suspension of the rules the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

**Additional House Papers,
Out of Order and
Under Suspension of the Rules**
"Resolve in Favor of Arthur
Payson of Brook." (H. P. 1098) (L.
D. 1232)

(In the Senate, on April 30, the
Ought Not to Pass report was ac-
cepted in non-concurrence.)

Comes from the House, that body
having insisted on its former action
whereby the resolve was submitted
for the report, and passed to be
engrossed, and now asks for a
Committee of Conference, the
Speaker having appointed as mem-
bers of such a Committee on the
part of the House:

Messrs. **DICKEY** of Brooks
CLEMENTS of Belfast
COLE of Liberty

On motion by Mr. Ward of Pe-
nobscot, the Senate voted to join
in the Committee of Conference
and the President appointed as
members of such Committee on the
part of the Senate, Senators Ward
of Penobscot, Wight of Penobscot
and Haskell of Penobscot.

The Majority of the Committee
on Claims on "Resolve, in Favor of
Francis M. Carroll, of South Paris,"
(H. P. 1191) (L. D. 1360) reported
that the same ought to pass as
amended by Committee Amendment
"A". (Amendment Filing 533)
(signed)

Senator:

SILSBY of Hancock

Representatives:

HUSSEY of Windsor

TUTTLE of Pownal

WALKER of Calais

FOGG of Madison

POTTER of Medway

ALDEN of Gorham

The Minority of the same Com-
mittee on the same subject matter
reported that the same ought not
to pass.

(signed)

Senators:

PARKER of Piscataquis

KAVANAGH of

Androscoggin

Representative:

BROWN of Bangor

Comes from the House, the re-
ports indefinitely postponed.

Mr. **SILSBY** of Hancock: Mr.
President and Members of the

Senate, as a member of the Claims
Committee I will make a motion
to accept the ought to pass report
of the Committee, and in support
of that motion I would like very
briefly, Mr. President and members
of the Senate, to explain to you
the reason that I had to sign an
ought to pass report in this fa-
mous and much publicized Carroll
Case. I am not unmindful of the
spot so to speak that I may be
occupying at this moment. I am
not mindful of the results of the
vote in the other end of this
building, and I am not mindful of
the many debates that have been
made in the corridors of this State
House on the matter that we are
now considering. I am also not
unmindful of the fact that in this
State of Maine and under this dem-
ocracy which we have all sacrificed
so much for, maybe in our indivi-
dual capacity or by our families,
that we make our conclusions upon
the record and not upon our su-
positions and emotions.

In 1937 there isn't any question
in my mind as to what took place
and there never will be, because as
we speak of it in a legal sense there
was a corpus delicti. We know
that in due course the executives of
this State made certain investiga-
tions, and we also know that in the
matter of the Carroll Case and the
Dr. Littlefield loss of life that cer-
tain individuals were indicted and
trials were had and that certain
people were convicted. We must
all bear in mind that this matter,
special matter, has been before this
Legislature in the last session and
I would like to call your attention
how this subject matter happens
to be before this Legislature at this
time, and I just want to refresh
your memory. If any of you have
not read the report of the Attorney
General's office I beg you to do so
now. May I read the order and
this is a very important matter
which led me to my conclusions.
Pursuant to the following direc-
tive of the 95th Legislature:

"ORDERED, the House concur-
ring that the Attorney General be
and hereby is instructed at his
earliest convenience to confer with
the law enforcement agencies, in
the County of Oxford, and exam-
ine whatever evidence, if any, they

may have relative to the murder of either Dr. James Littlefield, or Mrs. Littlefield, or both, and in co-operation with said law enforcement agencies, to take, dependent upon its findings, whatever steps are necessary to promote full justice in this matter, and be it further,

"ORDERED, that the Attorney General after reaching a decision on the matter communicate his findings to each member of the Ninety-fifth Legislature by mail."

I wish you would all bear in mind that particular order; there must have been some doubt in the minds of the legislature or this order would never have received passage, and I am informed although I have not had an opportunity to look at the record, but I believe the order was presented by a Senator of the last session, Senator Bowker, who was very much opposed to this Carroll Case so-called. Now bearing in mind the order and bearing in mind that the Attorney General's Office who prosecuted the case in 1938 are now investigating the case again, I believe as I have analyzed the facts from this case from the record, and believe me it is difficult to divorce from my mind my suppositions, and they are suppositions, I have tried to examine the record and I have had an opportunity during my illness and I have read the transcript of the trial and I have read the transcript of the investigation for the writ of habeas corpus, I have read the report of a gentleman from Aroostook County by the name of James Archibald whom I have every respect for, and in reading that record I asked myself what was the issue of this case, and I came to this conclusion.

Number 1, did the State of Maine illegally confine Francis Carroll for twelve years, and I say illegally Mr. President and members of the Senate. Number 2, if the state did so, is he entitled to damages. Three, if in your conclusion you feel he is entitled to damages, the next issue is how much. Now I am not unmindful that some will say witnesses are deceased, a long time has passed, yet I want to say to you as I read the record the important people are still available as they were available when Mr. Archibald made his investigation.

Now very briefly I would like to go back, just turn the hours of time back until 1938. I don't want to tire you and I will be as brief as I can, but this is a very, very serious matter to me. It is so serious I feel justified in taking a few minutes of your valuable time. If I remember correctly the crime that Mr. Carroll was illegally convicted of was committed in 1937. I believe he was convicted in 1938. I believe that the record will support me that the trial started—I think I am correct, I have notes—on the first day of August 1938, and that trial lasted through August 12. I think I am correct that among the exhibits there was nearly 30 witnesses in behalf of the respondent, Mr. Carroll and 70 odd witness in behalf of the State of Maine. There was also a special prosecutor, and then gentlemen the arguments were had and the jury retired at 5:34 on August 12, p.m., and at 7:30 p.m. they returned a verdict of guilty. I have my doubts as to whether or not anyone of you people here today could consider the volumes of evidence and exhibits that exist to give it careful consideration in that time and which indicated to me that there could be some prejudice in that particular. Now Mr. Carroll was sentenced to prison and he served his term in Thomaston until I think a writ of habeas corpus was presented to Justice Beliveau, and I have read the findings of Justice Beliveau and I hope that you have done likewise, and I want to say to you that the writ of habeas corpus has been one of the greatest writs that the legal profession has known since the early English law. It is the one writ that we have which will release a person who is improperly or illegally incarcerated against his constitutional rights. It is a writ which we would all make use of the occasion should demand. It is the writ which gives us our constitutional rights.

Now the writ was presented, and again I want to say to you because I want it to be tied back to the original order of this investigation, the Attorney General with all of the information, all the exhibits, the transcript of the evidence, appeared before Justice Beliveau and

presented its reasons why Mr. Carroll should not be released, and yet you all know the result. Justice Beliveau found that he had had an unfair trial and was illegally confined to State's Prison, and he was released.

Now I say to you if I recall the Statutes correctly, and I am sorry I haven't referred to it today, that under a writ of habeas corpus having been once released you cannot be arrested again for that crime except for murder and treason, and Mr. Carroll was not re-arrested.

Now some will say and I have heard it said by some of my own family what I am about to pronounce to you. He ought to be satisfied, he has his liberty, why does he want any more. I might say to you John Jones runs into me with his automobile and staves up my car and I survive with my life I should be satisfied, I shouldn't ask for my remuneration for my suffering or for the damage. That is not the law in this State. If we are injured by an individual we have the right of regress and the fact that we escaped with our scalp doesn't preclude us, and there is no moral obligation to waive our right.

Now after 1950, and I want you to have all the facts, and in 1938 Mr. Carroll was accused of incest, a distasteful crime, and I want to say that was over his head, but when he was released from prison the witnesses were available, he could have been prosecuted, he should have been prosecuted if he is guilty, but I say to you Mr. President in the office of Superior Court the records will support my statement the case was not prosecuted, it was not pressed. If that had been the evidence, and the girl was available, tell me why in the name of common sense they didn't come forward and prosecute this case and leave the Legislature at its peace, and not put you and I and others to decide this very important issue.

Now I want to say that I believe that Brother Archibald has done a commendable job in his investigating of this case. I want you to know that as I read the transcript, the important witness was one Paul N. Dwyer who is now serving a life

sentence in the State Prison. Some will say to you that the evidence was too cold, that it could not be reproduced, that Mr. Archibald did not have the opportunity to find the evidence that existed in 1938, but I say to you that the evidence that convicted Mr. Carroll, the pertinent evidence is still available. I say to you that I have read and I hope you have done likewise the results of our Psychiatrist investigation of Mr. Dwyer, and their conclusions, and I must say that a great many times I have to yield to the men who have more brains than I ever expect to have, I must give them consideration, and I believe you will find and as a matter of fact I know that a famous psychiatrist made the statement that he believed Paul Dwyer told the truth in the first instance as to who was guilty of this crime and it was not Mr. Carroll.

Now I could go on indefinitely, I don't want to be accused of arguing my case as I have made a few illustrations and indulged in a few comparisons, but yet by reason of that record I have come to the conclusion that I could not look myself in the face without signing an ought to pass report. And I say to you the part that spiked it down and I have measured it all very carefully, was this fact, the Attorney General's Office of the State of Maine prosecuted Mr. Carroll in 1938 and convicted him, and in 1951 or 1952 the Attorney General's Office made a report to this legislature, and I read from what the Attorney General's Office said, and if this isn't a confession of their error and their ways then what other conclusion can we have if we give the office creditability whatsoever.

I am sure that I can find where the Attorney General's Office has made this statement, final statement, and I quote: "Many other ramifications of the case could be discussed, but the foregoing reasons would appear sufficient to justify the conclusion reached, namely, that a reasonable and honest doubt exists in the mind of the investigation as to the guilt of Mr. Carroll for either homicide." If that isn't a confession I don't know what it would be otherwise.

Now they will say to you in the debate which will follow and I promise you at least I will try to say my share and no more, they will compare with you I am sure the case that happened in Aroostook County a short time ago where one man was serving a sentence in State Prison and another man confessed. I don't think you will find anyone in the corridors of the State House or in the newspapers who don't say oh, that is justice, of course he should be released, and I agree with them every step of the way, but to me how do we know. Has the Attorney General's office investigated thoroughly, have we got a report, and suppose a third person came up and said I did the crime, and surprises everyone, and we haven't too much to support it, but because someone has confessed, and I say to you the Attorney General's Office admitted their error, and that is the reason, one of the most important reasons that I have to come to the conclusion that I did, that they have admitted they were wrong. So much for the case.

Now with that conclusion, my next question is how much should the damages be. I have taken the time and examined similar situations in similar states. It wasn't easy, but the first matter that I find is out in the State of Nebraska. On March 22, 1930, one Alval L. Lytle was convicted of bank robbery and he was sentenced from 12 to 15 years in the Nebraska State Penitentiary. And in 1932 he was released, it having been established that he was wrongfully imprisoned because of mistaken identity. He had spent two years in prison and the legislature of Nebraska in 1933 awarded him \$2500.00 based on his prior earnings.

Now I have another case of a similar situation in the State of Missouri. The legislature of Missouri in 1935 awarded \$1500 to a man by the name of Taff who was tried and convicted and sentenced to ten years in the penitentiary and who after serving more than one year was found to be innocent. His conviction had been due to mistaken identity. Damages were awarded in the amount of \$1500.

The State of Maine is not the first time this situation has hap-

pened—I hope it may be the last. Then I find in the State of Indiana a woman by the name of Nancy L. Boise was convicted of the crime of forgery and sentenced to serve not less than two or more than four years in the Indiana Women's Prison at Indianapolis. She was released in 1936, it having been established that she had wrongfully been imprisoned, and she recovered from the Indiana Legislature \$4,000.

In the State of Illinois in 1947 the legislature awarded \$24,000 to a man who had been wrongfully serving twelve years of a life sentence for murder, mistaken identity.

In the State of Georgia in 1929 one Robert Coleman, a Negro, was sentenced to a life term for having murdered his wife. He was released in 1933, it having been found that he was wrongfully imprisoned. Based upon the fact of his prior earnings the legislature gave him \$2500.

In the State of Alabama in 1933 a man was sentenced to the State Penitentiary for the crime of bank robbery. He was released for wrongful imprisonment and in 1943 was awarded \$7,000, and so on.

Massachusetts had the same situation in the famous Millen and Faber trial. You will recall that two gentlemen by the name of Molway and Berrett who were being held at the time they apprehended the Millen Brothers and at that time they were ruled to be held in error and they received from the Legislature of Massachusetts \$2500.

In the State of New York, a message by Governor Dewey, in his message to the Assembly on January 10, 1946 he recommended a payment for a man who had been wrongfully imprisoned by the name of Campbell from 1944 or '45 the sum of \$40,000 for loss of earnings and \$75,000 for his conscious suffering. That is the formula which I used to arrive at my indemnity.

I considered very carefully the earning capacity of Mr. Carroll. I considered his livelihood that he received, and I considered over the years he spent that there was very little that I could give for his conscious suffering, or the committee and the gentlemen who signed with me, and that is how we arrived at our conclusion that he should have \$5,000 as a down payment. And we

concluded that in the event he lost his position in society that he had occupied as I understand today, that he would not have the total sum. The next legislature could do as it likes if this one sees fit to pass, and that he have \$100 a month with the limitation not to exceed \$15,000, a total settlement of \$20,000.

I doubt if it is necessary for me to say any more. I wish I had the nerve to go on, but I know you are all getting tired of listening to my conclusions, but I can say to you this, I hope that you will carefully weigh the record; I hope you will ask yourselves when you come to vote as I have asked myself, can I give a reason to sign an ought not to pass report, and the answer is this, if you want to entertain your suppositions, but I can't vote that way, and I am sure you members of the Senate are probably victims of the same circumstances. We must vote according to the record. We cannot vote without reason and we can't say our reasons are suppositions.

In conclusion I submit these facts to you gentlemen and lady Senator, that in your wisdom you may decide. I have done my part, and I may say to you if I may use the biblical expression, do unto others as you would have done unto yourself.

Mr. REID of Kennebec: Mr. President and members of the Senate, I would like to give my reasons why I cannot go along with the majority of the Committee in reporting favorably on the Carroll claim.

Two years ago at the close of the session, Jefferson C. Smith of Waterville, Maine, well known throughout the State I believe for the work he has done with young people all his life, came to me and asked me if I would represent Mr. Dwyer. I told him at that time that I was very busy and could not do so. He then asked me if I would please go down and talk to that young man and that I agreed to do. Having talked with him, I decided I would go through the very laborious effort of reading through all the records which I did this. I do not recall exactly how many times I have been to the State's Prison to talk to Mr. Dwyer, but certainly at least half a dozen, checking and re-

checking on the various things that came up while I ran through those reports.

I came to the final conclusion in my own mind that Paul Dwyer, except for arrest placed upon him, was not the guilty party. I say that not because the evidence, all of the known evidence in the case will allow you to come to that conclusion but because of my discussions with him and also my observations on two occasions of Mr. Carroll.

I think the issue is this. No state in my opinion, and I have checked the matter as far as the law is concerned, ought to award compensation to a person who has been incarcerated in State's Prison unless the evidence is clear and convincing that that person was innocent. Many times persons are pardoned, it having been determined they were absolutely innocent. In this case, Mr. Carroll was not released or not allowed to go out of the State's Prison, and neither was he released on the habeas corpus proceedings because he was innocent. The decision of that case specifically said if I remember correctly that there was not finding either of his guilt or innocence, the finding was that he had not had a fair trial. Now the issue before that Judge from the State's standpoint at that time was whether or not under the circumstances in the case the writ of habeas corpus would lie. The State at that time elected to stand alone on that issue and not defend the State's action of whether or not he had actually had a fair trial. Now I assume one of the reasons for taking that position was that the prosecutor had died some time before that matter came up.

I do know that there were present several former representatives of the state who would have testified in this case, but the state made the decision to stand on its position that that was not the proper remedy for Mr. Carroll. The Judge disagreed with the state.

Now this matter is a matter which could easily be debated for several hours, in fact it has been somewhere else. Bear in mind my position on the issue is that he ought not to be compensated unless

it is all clear and convincing that he is innocent. I wish to go through briefly my history of the important events.

Going back to the trial of Mr. Dwyer, he never had a trial, he was under 20 years of age at the time and he didn't have a trial because after the proceedings he confessed. I find evidence in the record that pressure was brought to bear on Mr. Dwyer by Mr. Carroll, there was evidence of that. There is evidence of his going into Dwyer's cell. I know that Dwyer's contention is that Carroll threatened to kill him and his mother if he didn't plead guilty. There is evidence that one of counsel at that time had known of this fact which was never brought to the attention of the court. I will say also it is rare indeed for a court to accept a plea of guilty on a charge of murder when actually it was admitted to the court by a young person 17 or 18 years old. Then after Paul Dwyer confessed and was confined for life in the State's Prison, it turned out that a charge was brought against Mr. Carroll, a charge of incest, developing that investigation which turned out that there might be good reason to say he was implicated in the homicide. About that point Mr. Dwyer told another story, repudiated his confession and told another story to which he has substantially clung since that time. Today in the Archibald Report you will find that the daughter of Mr. Carroll still insists that he was guilty of that charge. She has not retracted that. I understood the reason why he was not later after his release brought to trial on the charge of incest was because in the State's opinion that the Statute of Limitations of six years made that impossible.

Now when Mr. Carroll was tried as a result of the repudiation of the confession of Mr. Dwyer in 1938, there was a jury trial. It may well be that there were unfair tactics used against Mr. Carroll in some respects at that time, I do not know. The evidence that Mr. Archibald—and I certainly agree with Senator Silsby that Mr. Archibald is a man of great industry and integrity and has done a fine job

that he was appointed to do, but there have been some very misleading reports as to the meaning of the Archibald report. It has been said that that report exonerated Mr. Carroll. I didn't read that report, I went directly to Mr. Archibald and asked him if he intended that to be the interpretation and he said no. He said the report speaks for itself, that the investigators had a reasonable doubt in their mind about the guilt of Mr. Carroll.

Now, after the trial was over and the jury came in with a verdict of guilty, Mr. Carroll did not see fit to make an appeal, and that, I consider very important. I can't imagine an innocent man not going to the court of last resort if he felt he did not have a fair trial. Much of the evidence presented at the habeus corpus hearing was that certain evidence had been improperly admitted against him and if that were the case he had a perfect right of appeal. He could have gone to the Law Court and been granted a new trial. He didn't do so, which I think he would have done had he been innocent. Those are a few of the salient points I found in my investigation. And, incidentally, I am not being compensated for what I have done for Mr. Dwyer. I have done a considerable amount of traveling and have talked with many persons, such as the Warden of States Prison and others and I think I can say without exception, so far as I was able to find out, the people connected with that institution have the highest regard for Dwyer since he has been in prison. I talked with one person of great integrity who said he had received a letter from Paul Dwyer in which he said that he did not kill Dr. Littlefield but that Carroll did but that he was under threat to confess that he did. I didn't know that until after the Archibald investigation. In fact, there were several such letters and this person said they had impressed him a great deal with the fact of Paul Dwyer's innocence of the crime for which he was incarcerated in States Prison. I think those letters should be presented to the grand jury of either

Oxford or Cumberland County and that both Carroll and Dwyer should be tried for the murder of Mrs. Littlefield. I think there is enough evidence to bring them before a grand jury of men and women after listening to the evidence will have an opportunity to watch Dwyer and Carroll as they take the stand and tell their various versions of what happened. That is the way I should like to see this investigation concluded. But whatever happens then, I am at least convinced in my own mind that there is good reason for doubting Mr. Carroll's claim of innocence.

Now, in closing, and I could talk for hours but I don't think it is necessary, I have one more thing to say and that is that I was invited to go, with Attorney General and Mr. Archibald, to States Prison for an interview with Paul Dwyer so that they might ask him questions after they concluded their investigations, and I was very glad to do so. We all went down there and spent a day and a half with Dwyer and they asked him every conceivable question they could think of and we were all impressed with the manner in which he sat there and answered the questions. And then the Attorney General asked Paul Dwyer a final question. He said to him, "Paul Dwyer, if you were in this room alone with your God and He asked you whether or not you murdered Dr. Littlefield, what would your answer be?" And Paul Dwyer said to him, "My answer would be that I certainly did not and I never laid a hand on him." Then he asked him the same question about Mrs. Littlefield and he gave the same answer. And then he said, of his own accord, "Furthermore I carry my God with me," and he took out of his pocket a picture of the Lord Jesus and handed it to the Attorney General, and I believe that at that moment all of us there were convinced of his innocence.

The Archibald report is a factual report and if you read it you may still say, "I think Carroll is the guilty one," or you may say after reading it, "I have some doubt as to whether he was or not." And whichever way you feel, Mr. Presi-

dent and members of the Senate, I will say that I do not think there is any justification for awarding this compensation unless all of you are convinced that Carroll is absolutely innocent.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the majority report of the committee, Ought to Pass as amended, be accepted.

Mr. JAMIESON of Aroostook: Mr. President and members of the Senate, I have a resolve somewhat similar to this which I introduced in the Senate here and I think it is at the third reading in the House and will soon be in here. For that reason, I ask to be excused from voting on this measure and at the time my resolve is presented again I will also ask to be excused from voting on that measure.

Thereupon, the Senator from Aroostook, Senator Jamieson, was excused from voting at this time.

Mr. SILSBY of Hancock: Mr. President, I ask that when the vote is taken on this measure it be taken by division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the Senate do now accept the Ought to Pass as Amended by Committee Amendment A report of the committee, and the same Senator requests 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.

Seven having voted in the affirmative and twenty-three opposed, the motion to accept the report of the committee did not prevail.

Thereupon, the resolve was indefinitely postponed in concurrence.

On motion by Mr. Harding of Knox, the Senate voted to take from the table Senate Report Ought to Pass in New Draft and Under the Same Title (S. P. 593) (L. D. 1538), being new draft of (S. P. 44) (L. D. 57), from the Committee on Judiciary, on bill, An Act Relating to Hearings Before the Insurance Commissioner, tabled by that Senator on April 29th pending consideration of the committee report;

which report was accepted and the bill given its first reading.

The same Senator presented Senate Amendment A and moved its adoption, which amendment was adopted without reading; and under suspension of the rules the bill was read a second time and passed to be engrossed as so amended.

Sent down for concurrence.

On motion by Mr. Harding of Knox, the Senate voted to take from the table bill, An Act to Incorporate the Saco Sanitary District (H. P. 845) (L. D. 949) tabled by that Senator on April 21 pending consideration.

Mr. HARDING of Knox: Mr. President, may I inquire as to what is the present status of the bill?

The PRESIDENT: The Secretary will read the last endorsement on the bill.

The SECRETARY: The last endorsement from the House, read a third time and passed to be engrossed as amended by Committee Amendment A.

Thereupon, on further motion by the same Senator, the bill was passed to be engrossed as amended by Committee Amendment A in concurrence.

On motion of Mr. Harding of Knox, the Senate voted to take from the table, bill, An Act to Create the Jackman Sewerage District (H. P. 849) (L. D. 951) tabled by that Senator on April 17th pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion of Mr. Harding of Knox, the Senate voted to take from the table, bill, An Act Creating the Old Orchard Beach Sewerage District (H. P. 1225) (L. D. 1413), tabled by that Senator on April 29th pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Dennett of York, the Senate voted to take from the table, bill, An Act to Incorporate the Kittery Sewer District (S. P. 184) (L. D. 425) tabled by that Senator on April 16th pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, Resolve Providing for Construction of Dolphins at Maine Maritime Academy (S. P. 162) (L. D. 405), tabled by the Senator from Penobscot, Senator Haskell, on April 30th pending motion by the Senator from Androscoggin, Senator Boucher, that the bill be indefinitely postponed; and the Senator from Androscoggin, Senator Boucher, yielded to the Senator from Penobscot, Senator Haskell.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I rise full of confidence that the Senator from Androscoggin, Senator Boucher, will rise and ask that the Senate grant him permission to withdraw his motion to indefinitely postpone.

Thereupon, the Senator from Androscoggin, Senator Boucher, was granted permission to withdraw his motion to indefinitely postpone, and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Squire of Kennebec, the Senate voted to take from the table, bill, An Act to Provide for the Approval of Degree Granting Institutions (S. P. 464) (L. D. 1299) tabled by that Senator on April 29th pending passage to be enacted; and that Senator yielded to the Senator from Kennebec, Senator Reid.

Mr. REID of Kennebec: Mr. President and members of the Senate, for the purpose of offering an amendment I move that the Senate do now reconsider its former action whereby this bill was passed to be engrossed.

Thereupon, the Senate voted, under suspension of the rules, to reconsider its former action whereby the bill was passed to be engrossed.

Mr. REID of Kennebec: Mr. President and members of the Senate, at the hearing on this bill it received no opposition. However, the Committee undertook to change by Committee Amendment A the word "shall" to "may" in the second paragraph of the bill which now reads, "Any educational institutions seeking authority to grant

any educational, literary or academic degree shall make application to the Secretary of State in a manner prescribed by him, not later than May 1st immediately preceding the legislative session." Then after consultation with the sponsors and the Attorney General's Department it was concluded to change the word "may" back to "shall" which is the purpose of Senate Amendment A to Committee Amendment A, which I now present and move its adoption.

Mr. HASKELL of Penobscot: Mr. President, I would like to ask a question of the Senator from Kennebec, Senator Reid, which I am sure that Senator can answer by "Yes" or "No" if he desires to do so.

The PRESIDENT: The Senator from Penobscot, Senator Haskell, may ask his question through the Chair of the Senator from Kennebec, Senator Reid, who may answer if he wishes to do so.

Mr. HASKELL: Mr. President, my question is this: Does that mean that a cloture is imposed on any institution from instituting a bill providing for degree-granting powers if application is made to the Secretary of State after May 1st or following the convening of the next legislature?

Mr. REID: Mr. President, the answer is "Yes."

Mr. HASKELL: So long as the Senate understands that the passage of this act as amended does impose a cloture on any member of either branch seeking to institute a bill granting privileges, and thoroughly understands that that cloture is imposed before he is elected, I will offer no objection but I think the record should clearly show that that is what it does. However, if the sponsor is satisfied, I have had my share of degree-granting bills and I want no more.

Mr. BROGGI of York: Mr. President, I would like to inquire if this voids the statutory provision so that if some time at a later date than the cloture date if someone wanted to make application for the degree-granting privileges they could not do so?

Mr. REID: Mr. President, I guess I misunderstood Senator Haskell's question. The conclusion was reach-

ed in a conference by myself and the committee and the Attorney General's department that this legislature could not bind the incoming legislature and that if a degree-granting institution found later they would like to come to Maine and ask the legislature to grant them the right to grant degrees and the legislature wanted to do it, they could do it in spite of this provision put in this year.

Mr. HASKELL: Mr. President, I would like to ask the question, which also may be answered by "Yes" or "No", does that in effect make that about as worthless a bill as you could possibly conceive of?

Mr. REID: Mr. President, I will say that various people think this is a good bill. A college president and the Commissioner of Education are among them. I would like to have the Senator from Penobscot, Senator Haskell, ask them if they think it is a worthless bill.

Mr. BROGGI: Mr. President and members of the Senate, I would like to give an explanation of this as I understand it. In the last few years many institutions have come before this legislature asking for degree-granting privileges. It is the opinion of many in the field of education that the legal committees which have handled these requests have handled them wisely. In many cases, information that might be desirable and of much value has been given to the legal committees considering the requests. This bill states that on or before May 1st preceding the following convening of the legislature any institution seeking degree-granting privileges shall petition the Secretary of State who in turn will notify the Commissioner of Education. The Commissioner of Education in turn will examine the institution, look over its buildings, constructional facilities, provisions for the safety and well-being of the students, and so forth, and put into the hands of the legal committee of the legislature considering any institution for these privileges a statement of facts about the institution in question.

The purpose of the bill is not to take away from the legal committees the privilege that they have enjoyed over the years of

making these decisions, but merely to put into their hands more information relative to the institutions making the request. I think it is a good bill. I think the May date was put in there because it is a month prior to the graduation exercises of those institutions and the Commissioner felt that at graduation much pertinent information could be obtained. I sincerely hope that the discussion does not destroy this bill and I thank the Senate for allowing me to make this explanation.

Thereupon, Senate Amendment A to Committee Amendment A was adopted; Committee Amendment A as amended by Senate Amendment A was adopted; and the bill as so amended was passed to be engrossed.

Thereupon, on motion by Mr. Cummings of Sagadahoc, the Senate voted to reconsider its action just taken whereby the bill as amended was passed to be engrossed; and on further motion by the same Senator the bill and accompanying papers were laid upon the table until later in today's session, pending further consideration.

On motion by Mr. Haskell of Penobscot

Recessed until this evening at six o'clock, Eastern Standard Time.

After Recess

The Senate was called to order by the President.

On motion by Mr. Cummings of Sagadahoc, the Senate voted to take from the table bill, An Act to Provide for the Approval of Degree-Granting Institutions (S. P. 464) (L. D. 1299) tabled by that Senator earlier in today's session pending consideration.

Mr. REID: Mr. President, in order to clear up any confusion in this matter, I think I had better inform the Senate that I probably gave a wrong impression in my answer to the question by the Senator from Penobscot, Senator Haskell, that cloture was invoked. I should have said that cloture was invoked as a practical matter but not as a legal matter. I now move that the bill pass to be engrossed.

Thereupon, the bill as amended by Committee Amendment A as

amended by Senate Amendment A thereto, was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ward of Penobscot the Senate voted to take from the table Bill, "An Act Relating to Expenses of Aids Employed by Sheriff in Criminal Cases" (H. P. 948) (L. D. 1002) tabled by that Senator on April 24 pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Boucher of Androscoggin the Senate voted to take from the table, Bill, "An Act to Confer Additional Powers Upon Municipalities in the State of Maine in Relation to Parking Facilities" (H. P. 578) (L. D. 1518) being a new draft of S. P. 84, L. D. 191, tabled by that Senator on April 28 pending assignment for second reading.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I do not like this bill as it is now in the redraft and I didn't like it before. This will give an opportunity to every town and hamlet and city in the State of Maine to create a new government within their own government and I want to know what we are doing it for. Are we going to deprive private industry from going into business and create municipal or quasi municipal districts to operate in opposition to the people of the State of Maine? I don't believe that is a proper thing to do. It is not good legislation. It is depriving the people of the State of Maine from going into private business. If I think I have an opportunity of making a little money out of a parking area and can find a place that is suitable, I don't want to be prevented from doing it or put out of business from competition by the municipality. Mr. President, I move indefinite postponement of the bill.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, on many occasions I have been impressed by the clear-cut logic of the honorable Senator from Androscoggin, Senator Boucher. I say that in all fairness I have been impressed by his desire to reduce taxes and increase spending. In that regard he has been completely con-

sistent and good-natured. Now, as I understand his objections to this bill, he says that he doesn't want to deny himself or other holders of substantial capital in their private bank accounts of having the privilege of developing private parking lots. He is in the enviable position of being the only member of this Senate, in my opinion, who is sufficiently well financed to worry about the invasion of his right to build parking lots. I don't have that balance sheet myself. So I have sympathy for him if this bill denies him the opportunity of investing his private funds in parking lots.

But the trouble is that there are deficiencies in this bill which he hasn't mentioned and which will be immediately apparent to anyone who reads it. And I suspect that the good Senator from Androscoggin, Senator Boucher, like myself, hasn't read the bill too carefully. But the arguments presented by the Senator, I do not think are sufficiently compelling to kill the measure.

There are municipalities in the state which would like the privilege of issuing revenue bonds for the development of parking areas. I recognize in the powerful delegation on my left a Senator who can tear this bill apart paragraph by paragraph and throw it out the window but I think the record will show that this type of revenue bonds has had some acceptance in the statutes of forty-eight states. It is a method of financing capital improvement within a municipality very similar to the same situation you have with the toll roads in the State of Maine where you issue obligations of debt and receive private capital to build a facility which is of service to the public and yet do not impair the credit of the state. It is a good bill regardless of the red herrings with which the Senator from Androscoggin seeks to kill this legislation. I believe that there might be reasons advanced to convince any reasonable Senator that this might not be a good bill as it is now written but I would not admit to any of the arguments of the Senator from Androscoggin, Senator Boucher. So until some Senator does point out the real defects in the

bill, if such exist, I would oppose the motion of the Senator from Androscoggin, Senator Boucher.

Mr. CHASE of Cumberland: Mr. President and members of the Senate, I sometimes find myself in accord with the Senator from Androscoggin, Senator Boucher, when I let him speak first. That is the situation in which I now find myself. I know some very convincing arguments against the bill but I don't dare to advance them at the present time for fear that I might bet the Senator from Androscoggin, Senator Boucher, back on the other side against me and then I wouldn't have any support at all. So I shall be content to go along with the motion to indefinitely postpone the bill, at least in the hope that if it does survive this crucial test some substantial work may be done on it before it reaches this Senate in the enactment stage.

Mr. SQUIRE of Kennebec: Mr. President and members of the Senate, I did not intend to speak on this measure and I will say, Mr. President, that I haven't read the bill either, but I do want to say that I object to it in principle. I feel that conditions differ in different localities as to the need of anything. Sometimes one municipality needs something that another locality doesn't and I don't think it should be made too easy for a municipality to come before the legislature without the feelings of both sides being heard and I don't feel we should give a carte blanche to all the municipalities in the state in such matters.

Mr. BROGGI: Mr. President, having found out that the author of this bill hasn't read it himself, I am going to go along with the motion of the Senator from Androscoggin, Senator Boucher, to indefinitely postpone it.

Mr. CHASE of Cumberland: Mr. President, in case anyone is in doubt about the propriety of indefinitely postponing a bill which no one in the entire legislature has read, I would like to say that I have read it.

Mr. BUTLER of Franklin: Mr. President, I want to go on record as having read the bill.

Mrs. KAVANAGH: Mr. President, I wish to go on record of having read the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the bill be indefinitely postponed. Is the Senate ready for the question?

A viva voce vote being had, The bill was indefinitely postponed.

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Pari Mutuel Pool Contributions and Night Running Racing," (H. P. 976) (L. D. 1064) reported that the same ought not to pass.

(signed)

Senator:

CHAPMAN of Cumberland

Representatives:

STEWART of Paris
 CHILDS of Portland
 STEWART of Portland
 HAND of New Limerick
 MARTIN of Eagle Lake

The Minority of the same Committee on the same subject matter reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 423)

(signed)

Senator:

WEEKS of Cumberland

Representatives:

GOWELL of Berwick
 WOODCOCK of Bangor

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

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, I am going to move that the majority Ought Not to Pass report of the committee be accepted. I know that we are getting down to the end of the session and it is pretty near closing time and I doubt if what I have to say here tonight will change a single vote and I would like to say that nobody is under any commitment to me in this matter because I have not asked any Senator to commit himself. I believe this bill should be

debated on its merits and on its merits alone and regardless of the outcome I am sure we are all going to remain the best of friends.

This bill has come up before the legislature a number of times and I would like to take you back with me to the 94th session of the legislature in 1949 at which time there were two bills before the legislature. One of those bills was to permit night harness racing, and I say "night" because the bill didn't pass for day racing. The bill asked for a permit to operate night harness racing for the so-called Long Meets and it involved a period of eight weeks. That bill required that in order to qualify for a license to hold Long Meets the track had to meet certain qualifications, certain specifications, in order to be eligible for this license. Now, those specifications were designed to improve harness racing in the State of Maine. They called for certain things involving stable facilities, width of track, and the amount of money to be paid for the races. It involved public facilities or utilities and it was all done with the view of improving and promoting harness races to a higher level than had previously existed in the State of Maine. The intent was to promote better horse racing and a more honest type of harness races. I do not believe there is anyone who can deny that the only track in the state that did qualify for the Long Meet carried out the intent of that law. And I challenge anyone to produce one bit of evidence to indicate that that track ever entered into or allowed any racketeering or dishonest racing. That, I am sure of, and there has never been an accusing finger of suspicion, either public or private, so far as I know.

Now, let us go back to the other bill introduced at the same time in the 94th legislature. That bill asked that the runners of the so-called flat racing be legalized. The bill did not say night racing, nor did it say day racing. It asked that running races be legalized. It was fair to assume at that time that the intent was that the runners would be operating days. Now, why? Because every running track

in the country operated in the daytime and as far as I know they still do today. I am sure all the major tracks do. In fact, the Thoroughbred Racing Association and Jockey Club of America have always frowned on the runners at night. They are the parent organizations of the runners, the same as the U. S. Trotting Association that polices the harness racing. In fact, it is my understanding that the T.R.A. and Jockey Club have frowned on the runners at night to the extent that horses that run nights are barred from the Association and also barred from running at any accredited track. If that is so, it would appear that the better horses would certainly not be running nights. Nevertheless, both of these bills were before the 94th legislature.

Now, I feel I am right in assuming that had there been any question in anyone's mind or in the mind of any legislator at the 94th legislature that both of those bills were to be interpreted as night bills, that they would be in competition with each other, I would say that one or both of those bills would have been defeated. My opponents will say that that is O.K. but now we are here with another bill asking that night running races be allowed. And to that I would say O.K. if the promoters of the runners hadn't broken faith and circumvented the intent and the dictates of the last two legislatures. And it is my opinion that the promoters of the running races have done just that. The law to legalize runners passed in 1949 and in 1950 they opened up the plant, raced a few races in the daytime and then they decided it would go nights and without any consideration of their obligation to the harness horsemen or to the public or to the U.S.T.A., they repudiated their obligations to the harness horsemen, closed down their plant and operated nights for the rest of the season. That was in 1950. The legislature convened in 1951 and at that session voted that the runners should not be allowed to race nights. Whether that was the right thing to do I won't argue, but the legislature nevertheless did vote in 1951 that the runners should not operate nights.

And what did the running race promoters do? I think it is a matter of record that they speedily disregarded the intent and the dictum of the legislature in 1951 and opened up and operated nights at the running plant. And they finished the season running nights. In 1951 after the legislature had said they shouldn't run nights and ninety days after the adjournment when the law went into effect did they adhere to the law? No. They continued to operate nights and got a restraining order or injunction which prohibited the legislature or anyone else from interfering with their operating nights and they continued and finished the season in 1951, operating nights, in direct defiance of the law passed by the legislature in 1951.

Now even after the Court decided, after the 1951 season, that the legislature was right in so voting, they circumvented the law again in 1952 by operating twilight races. I assume twilight is part of the day but it is a matter of record that the complete program of races at the running track wasn't operated entirely in the daytime. It is a matter of record that some of their races at the tail end of the program were operated under the lights.

I don't want to prolong this or talk too long but I would like to mention the position I have heard up and down the corridors in regard to the fair associations. I have heard a great deal about the fair group approving this bill, going along with this bill. I think the Agricultural Fair Association, is a fine association. I was a member of that Fair Association for a number of years when I was connected with agricultural fairs and I have a great deal of respect for a good many of the members of the Fair Association. I understand that a good many of these operators and members of the Fair Association have been flooded with telegrams, even as late as today, pressing them into opposing this bill or voting for it. Now I hope I may be able to convince some of you people who may be on the fence or who may feel that you have a part obligation to the fairs,

because I don't believe the considered action for this bill is the action of the Fair Association one hundred percent. It is my honest opinion that some of the fairs are not entirely in sympathy with competing against the runners. I base that statement on the fact that the history of running races and harness racing since the runners came into Maine has indicated that the fair associations have always opposed the runners. The Fair Association has opposed the runners from the beginning, right up to now. What have the runners done for the fairs? I just don't understand this—shall I say—unholy alliance and I want to cite to you one or two of the so-called Fair Association Bills. In fact, this bill itself calls for one half of one percent of the pari-mutuel contributions to be contributed to the Fair Association stipend. Do you know that the Long Meet, harness meet, has always contributed one half of one percent to the Fair Association stipend? The runners have contributed nothing to the Fair Association stipend since they have been in operation. But this bill says one half of one percent shall go to the Fair Association stipend, but where does that one half of one percent come from? Does it come from the runners? No, it comes from the public. As a matter of record, when the Long Meet was established for the harnesses the contribution to the pari mutuel fund was fifteen percent when the Long Meet came into effect. Prior to that it had been ten percent. It was broken down into six and a half percent to the track and three and a half to the state. When the Long Meet came into effect it was increased to fifteen percent and the contribution was ten percent to the track and five percent to the state. The fair Association opposed the increase from ten to fifteen percent because they said the public couldn't stand it and yet this night running bill that fairs are going along with takes one half of one percent out of the public.

You have another Fair Association bill that increases it to fifteen and a half per cent. The bill is on table here in the Senate. I

understand it is being left there to see what happens to this bill. You also have another bill here in the Senate on the table—and I am speaking now with regard to the Fair Association and what I call the unholy alliance—the bill says there shall be harness racing from August 1 to October 20. Now, who and what track is that aimed at? I want to point out the inconsistency. They call it a Fair Association bill. The Fair Association bill. The Association is reputedly in favor of this bill, this night running bill. The night runners will be operating in July, August and September and there is no objection to these same fairs who solicited the harness horses have always been the backbone of their racing program. They say, "No, we don't want you to run a Long Meet from August 1 to October 20 but the harness horses can operate." I just don't understand why all of a sudden we seem to have the Fair Association feeling that the Long Meet for the harness races is not good and yet the running meet is good.

I spoke the other day here in the Senate is regard to what was happening to the harness horses and the harness horse racing. It was leaving our state to go to tracks outside the state where better facilities, better tracks, were available. Is it any wonder that the harness horses would leave the State of Maine when their own friends, the people who have depended on them and on whom they have depended, turn their backs to them. I simply bring this in, members of the Senate to point out that I just don't understand this unholy alliance.

I am not going to take any longer. I will give someone else a chance to talk but I would just like to say that on the basis of the history of running races since it has been legalized in Maine on the basis of the record, the flaunting of the legislature, the flaunting of the intent and dictates of the legislature, I just can't see where the runners are in a position to ask for any privilege from the voters of the State of Maine. So, Mr. President, I will move the acceptance of the majority Ought

Not to Pass report of the committee.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I will speak also very briefly. In doing so, it is my understanding that the bill before us is 1064 which deals with Pari Mutual Pool Contributions and doesn't deal with any other bill. As long as I have that thought in mind I think I am all right, but it doesn't provide for any additional $\frac{1}{2}$ of 1%.

Before remarking about some of the items which I have in mind, I make reference to some of the remarks of the Senator from Somerset, the remarks about an unholy alliance. They sent their bills down here for four terms to my knowledge, '47, '49, '51 and this year and I never heard anybody call anybody an unholy alliance, always a friendly group then. Possibly there is no alliance except on one side now. Perhaps this might not be the bad side and not quite so unholy, at least I am willing to stand up with it.

The Senator made a point about the track flaunting the Legislature. I suppose by the same token those who objected to the sales tax, those who didn't want the sales tax were flaunting the Legislature. After all it was a question of constitutionality, question of interpretation of the statutes, to understand their rights. I dare say the Senator would object vociferously if someone tried to prevent him from doing it. Of course the Courthouse is open to everyone. It's a question of constitutional law whether it is the sales tax or a race track, nobody is flaunting the law in trying to preserve what they think belongs to them. Some of these lawyers around here make their money that way.

The Senator spoke about the fair associations, maybe they are and maybe they aren't an unholy alliance, I wasn't certain there for a while, one moment he indicated he didn't think they were and the next minute he said they were and called them an unholy alliance and I kind of think that they are. At least if there are any race track or fair association directors or men around this State House and I think there have been quite a few, and I have talked with a good many of them,

and I don't hear them objecting to this. I don't know where they are, but not one has said anything but supporting words for this measure. I would like to have one of them speak up now and tell me if he is opposed. It seems to me it is one track against the field at the present moment. I was also interested to hear the Senator start off by saying it was going to be a debate on the merits. The merit of this bill is shall we run nights or shan't we run nights. Going to have one track in competition with another granted a legislative privilege passed by this legislature. There was a bill presented to this very body, heard by a committee, in which the proponents announced quite frankly that the purpose of the act was to put somebody out of business. Nobody heard a word about it, because the Committee reported ought not to pass and it didn't pass.

I heard some other Senator talk about legislation and discriminating purposes and he didn't speak complimentary toward it and the act wasn't passed. Discrimination is something that has never been countenanced in my opinion and it was never intended to be at least, when this act was passed in 1951 there was discrimination and there's no two ways about it in my opinion. I always remembered I went out the door after the vote was taken and it was very close. I think those of us that were here remember it was only two or three votes, and they couldn't get to the elevator before several of them that had voted in favor of this measure said how wrong they were. I hope nobody leaves this Senate Chamber tonight with that same idea in mind.

Just a little while ago the Senator from Androscoggin talked about taxation and talked about revenue and he also used the word discrimination I think. I think he speaks loud enough and I am sure he used the word, he was condemning discrimination, condemning it bitterly, he was condemning interference by municipal bodies in private activities. We still have competition, if anyone comes to this legislature and wants a legislative favor done for them to put them at a higher competitive level than his

opponents. I dare say if we were going to do that I dare say all you hard-headed business men would be there first ahead of me, you would like to have that advantage. It's an advantage you very well know we won't grant. If we granted it I would get back to 1064, the principle of it is wrong, miserably wrong, admitted by those who voted for the act and passed the act in 1951 it was wrong, and it is just as wrong if not worse now.

I suppose somebody—at least the Senator didn't say anything about the moral issue here. After all this body did pass this bill somewhere around 1935 to pool the very fair associations which are now in the unholy alliance out of the debt situation they found themselves in, and immediately of course there were those who started to look around to see how they could take advantage, and I don't think there has been a session go by when some haven't been trying to gain an advantage, at least to my personal knowledge since 1947, there hasn't been a year and I believe they will probably come in here every session even if we have annual sessions, we will have the same number of bills in here trying to gain advantage on something. It's time we called quits and do either one thing or the other, when you have a Pari Mutuel law on the books at least keep it fair, otherwise abolish it. I think the legislative record reveals they did the same thing two years ago.

There were several reasons why this body was impressed with passing this bill in 1949. I was around here, the very bodys opposing that bill that year had to join hands with the running races because they wanted advantages too, so they both worked for the runners because they couldn't very well effectively pass their own bill without being a party to the other. And subsequently what happened, the very individual who is supporting this measure now joined the combine, his own track wasn't put out of service, he was part of the combine, the Lewiston track closed up, they weren't put out of business, they were all part of the act. There were a lot of advantages. At least

some of those proponents talked about entertaining the summer visitors. I see quite a few of them, they don't like to go to the race track in the afternoon, they have all sorts of things to do in the afternoon. After all the State of Maine offers them many attractions they ought to see in the afternoon, but I know great numbers of them like to go at night, like to go to outdoor activities. From my personal knowledge I have been there several times, always with unfortunate results.

That is the issue, they passed the law in 1949, in 1951 they put the night racing ban on and as I have said before a good many Senators who voted for it then said perhaps they had committed an error. Again out of the hole those of us who are here tonight don't leave the door out here thinking you have made a mistake.

While we are talking about it, the $\frac{1}{2}$ of 1% it is estimated and I question sometimes, the Senator from Androscoggin questions estimates, says it will bring in \$40,000 to \$50,000, true or false I don't know, but obviously it will bring in a substantial sum. Any kind of fair racing whether it is fair conditions and a reasonable meet the return should yield more than that. I haven't attended the fairs and races at night but it is quite a substantial item, a lot more than the running races contributed and I believe a lot more could be contributed than has been contributed. I ask you not to support the motion of the Senator from Somerset, Senator Sinclair.

Mr. DENNETT of York: Mr. President and members of the Senate, I too arise in opposition to the motion by the Senator from Somerset, Senator Sinclair. I know but very little of horse racing, whether it be harness racing or running racing, flat racing, holy alliances or otherwise, but I do know that in the 95th legislature I was a member of this Senate, and we were at that time treated to what I consider a most appalling picture of seeing one competitor come into this legislature with legislation designed to put another competitor out of business.

I speak only and address myself only to a sense of justice. I truly think this was one of the most discriminatory bills at that time and up to that time that had ever been presented to this legislature. Again we were appalled many of us I believe when the legislation passed. It has been spoken of tonight that the will of the legislature was flaunted. It was flaunted perhaps in a legal way, an injunction was sought in the courts and an injunction was granted, and I too will concede that Scarborough Downs was allowed to finish the season. Of course we know the findings of the Court, the ultimate findings, and again it has been as ever that the legislature apparently can do no wrong, but despite the fact that they could do no wrong, didn't, at that time, make it right.

Again there has been mention of revenues. I think it entirely secondary to the situation. I don't know the exact estimates, I have heard it quoted from \$100,000 to \$200,000. I will say perhaps \$200,000 is pretty high, but if by running nights Scarborough Downs could produce a revenue of \$100,000 it would certainly be a welcome addition to the assets of this State. These past few days we have heard how dangerously we are approaching red figures. We can do a lot with that \$100,000 and yet again I will say I believe it is secondary to the situation. I believe the main thing we have before us tonight is whether it shall be justice or injustice, and whether a competitor shall be allowed to come before this legislature and legislate another competitor out of business.

Mr. DOW of Lincoln: Mr. President and members of the Senate, I didn't plan to get into this discussion tonight and I have no notes and what I have to say will take only a very few minutes. I was born and brought up to the hoof beats of John R. Braden which some of you may remember was known as the little Iron Horse from Aroostook who held the world's record for some eight or ten years. I came down in this part of the State and for several years was secretary of one of our County Fair Associations. I now live next door to a man who owns nine trotters and pacers. I love harness racing, I go to harness

racing, but there are some questions that I cannot seem to find the answer to and they are just plain questions such as these.

Now that the State of Maine has legalized the running races, how can we discriminate against them? I cannot see what difference it makes whether I bet my \$2.00 on a horse after dark or throw it away in the daytime. I cannot see what difference it makes whether the jockey rides on the horse's back or whether he rides on a cart behind the horse. To me this piece of legislation would be similar to one which would prevent this outdoor theatre on the Lewiston Road from operating after dark because of the competition it might create for the theatres in town.

I think this piece of legislation is highly discriminatory and I will oppose the motion to accept the majority report.

Mr. SINCLAIR: Mr. President and members of the Senate, I have heard considerable reference to discrimination and to the favor that I was soliciting, and I assure everyone of you that I am not asking any favor from anybody and I thought I made that clear at the beginning of my speech. I also have heard reference to the individual, whom I assume was me, who was joining up with the runners. I challenge that statement because at no time have I ever joined up with any attempt to pass such legislation, and if that was directed to me as an individual I seriously take exception to it.

Reference has been made to legislating another competitor out of business. Gentlemen, this bill we are referring to here tonight is not a bill that I introduced or that was introduced by the harness racers to legislate anybody out of business. This bill is to put a new law on the books. I still maintain that the runners asked to be legalized and I think it is fair to say to operate days. The long racing harness race bill asked to operate nights. Both of these were granted. I can't see where there is any discrimination.

I recognize the statement of the Senator from Cumberland, Senator Weeks, and my good friend from York, Senator Dennett in regard to discrimination, but a change, if

this change is made, it is a new law that would change conditions that now exist, and I don't feel that the law that I believe reference was made to, that it is the most discriminatory law we have ever passed on the Statute books of Maine, I can't go along with that statement at all. I think it is an established fact that the long race meets in New York, Yonkers Raceway, and the raceway in Foxboro, Massachusetts, have all tended to promote better types of harness racing as the long meet harness racing bill which intended to do exactly the same thing for the harness horses in Maine, and I believe that it did tend to improve and promote better types of harness racing in Maine. I honestly feel and to go back to my first statements, that had there been any question that these two bills would eventually end up to be competitive plants within a few miles of each other that one or both of the bills would have failed. I feel that if the runners are permitted to operate at night that will mean the end of the better type of harness racing in Maine. I also feel despite the statements that have been made in regard to the discrimination, favoritism, etc., that the record of the runners since they have been in Maine to me does not warrant their asking for additional privileges. I think it is legislation to improve one group at the expense of another, and it does mean a change in the present law.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, my ignorance is complete with respect to any arguments that may exist between Scarborough Downs and Gorham, that I say in all sincerity, that certainly I do not speak with any position as a floor leader, I speak only from a personal conviction, and I will confess that that conviction has been gained truthfully in the last few minutes or since this debate started in scanning the measure, and I would say in all honesty that this is the first time I have read Legislative Docket 1064.

I am going to have the unusual privilege, for me at least, to speak against a tax measure. Unless I am confused by what this bill says,

it levies a tax of $\frac{1}{2}$ of 1 per cent on something, I assume that is the total of sucker bets and gives it to the stipend fund. I may have missed the point in the debate, but I haven't heard any comparison between the needs of the stipend fund and the needs of the elderly teachers if this means that the public needs to be taken for $\frac{1}{2}$ of 1 per cent for the stipend fund, they may be suffering as bad as the elderly teachers but it hasn't been brought out in the debate. In that respect I am in a rare position of speaking against a tax measure, and on general principles unless the need of the stipend fund for some reason not disclosed in this debate that I have heard can later be made unless by change it is a need that I am not willing to acknowledge as being good and sufficient reason for taking the public for \$40,000 or \$50,000 and I simply pick that tax up as an estimate from the proponents, I'm against it.

Now all I know about the comparative income is what I have got out of this summary of the take from the suckers, and it looks to me as though a sucker betting at night might pay the State of Maine a little bit more than the same smaller number of suckers betting smaller sums in the afternoon. And I won't dispute the Senator from York, Senator Dennett, that the sucker take at night might be many thousand dollars more than the sucker take in the afternoon. Now I have never laid eyes on Gorham, I have never laid eyes on Scarborough. The impression that I have got is just what's been given to me tonight, but if the inference that the failure of the motion of the Senator from Somerset, Senator Sinclair, prevails, is that we are going to lose what might be the sucker take at Scarborough, if that's the one—Gorham I guess it is, if that is the one that is now operating and couldn't two years ago because the same individuals owned both, Mr. President and members of the Senate excuse me if I get my nomenclature mixed up, it looks to me as though if you want some elderly teachers money, a little backbone in the second year of the

biennium, you better vote which-ever will permit two bunches of suckers to come one in the morning, one in the afternoon and one at night, and if you can get two sessions at night I'll buy that. I may be confused, there are many things about general fund finance I think I know more about than racing, but it just makes sense to me that if you have a chance to take the public, and they are willing to be taken on this percentage cut, you better run just as many races as you can, if you can run 24 hours a day I'd vote that way if I know what legislative document to vote for. But however you vote, it seems to me somewhere along the line you ought to take out of the bill this deal that sticks the public another $\frac{1}{2}\%$ unless you leave it in and let the State take it, I'd be perfectly willing to leave the $\frac{1}{2}\%$ in and let the State take it, and unless there are some compelling reasons for a deficiency in the stipend fund which I may have missed in debate and there may be some good reason why some essential state service is being short-changed and will be unless these people get nicked a little bit more for the stipend fund, I hope we would amend that deal out of this thing.

I speak only because I have that rare opportunity it seems to me to speak against a tax measure and at the same time not take services away from some essential service in the State of Maine, and that privilege is rarely given to me, and that is the only reason I took a little interest in this bill on the tax angle, and the fact that if the bill can be amended to get more than 16 races in a day or more than 25 I will vote for that amendment. Let them run just as long and just as often and just as many months in just as many places as you can, because just as sure as I am standing here come the next budget hearing you are going to need more backbone of revenue to support such things as the subsidy bill to pay the cities and towns for the three-quarters of a million dollars that they are going up next year, and all of the other things that go to make up good state

services. So if voting with the Senator from Somerset means that somebody can blow up at least the second year figure in here by guessing there is going to be more sucker money bet, I'm for it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Sinclair, that the Senate do now accept the majority Ought Not to Pass report of the committee.

Mr. BROWN of Washington: Mr. President, when the vote is taken I would like to be excused, for this reason: The Senator from Hancock, Senator Silsby, was taken ill at supper time and is at the hotel and is unable to be here this evening, and he has asked me to pair my vote with him on this racing bill, as I am in favor of it and he was against it.

Thereupon, Mr. Brown of Washington was excused from voting on this matter.

Mr. HANSON of Washington: Mr. President, I also would like to be excused from voting as I would like to pair my vote with the Senator from Waldo, Senator Greeley. I believe he is against the night racing bill and I am for it. He is a one-man farmer with 15 cows to milk and I think he is justified in having these two or three hours off.

Thereupon, Mr. Hanson of Washington was excused from voting on this matter.

Mr. SINCLAIR: Mr. President, when the vote is taken I ask that it be taken by division.

Mr. TABB of Kennebec: Mr. President and members of the Senate, I don't know anything about runners. I don't know anything about harness racing. The only horse I even knew about was a saw horse on the farm and you had to ride on top of it to do any business. So I speak as one who is ignorant so far as racing goes. But it seems to me, after listening to my good friend and the Senator from Somerset, Senator Sinclair, that the whole argument is based on opposition to this bill for the Gorham Raceway. The Gorham Raceway, as a business proposition is practically the same as

Scarboro. Remember this, that the Gorham track isn't a fair and it is the only track in this state, as I understand, that is not connected with a fair. However, what right has any business got to come here and demand special legislation? As far as I know, most every fair association is in favor of this bill. The owners of Scarboro Downs, it is true, appealed to the Court, as everyone knows. We all know that. We read it in the paper and it is nothing new. Didn't they have a right to do it? Haven't you and I got the right to do it? Why criticize them for doing it. Anyone has a right to appeal to the court if they think they are getting hurt. That is nothing to be alarmed at.

The issue on this bill, just as clear as anything, is the Gorham Raceway vs. Scarboro Downs. That is all there is in this bill. The Gorham Raceway is a business proposition. So is Scarboro Downs. Why should we want to allow the Gorham Raceway to make any more money than anybody else. We are here in this legislature to make laws for the State of Maine and not for any private income bill. It is our job to regulate laws to protect the public and what difference does it make whether you race one hour, two hours or three hours? We can soon find out whether the public is in favor of this legislation. You will agree with me that if they don't attend, certainly night racing won't succeed. I think you have got to agree with that. You go down to the Gorham Track and you don't find mostly Maine people. Ninety percent of them are from out of the State and my good friend the Senator from Penobscot, Senator Haskell, ought to be glad to think we have a few suckers willing to come in here and give us a little money.

During the hearing, it was very unusual the people from Gorham made one play. Really you would believe that the town of Gorham was going to be wiped right off the map, they were all going to starve up there, they were all going to be hurt, if the Gorham Raceway didn't run. Well, what about the poor town of Scarborough? Of course, I suppose they will still stay there. It isn't going to hurt them if the

night racing doesn't run or Scarborough Downs doesn't run. But remember Gorham is going to suffer terrifically. I have heard in the corridor quite a lot about how many bankrupt cases there were while Scarborough Downs was running. Now, you know that isn't so. They all didn't go broke and go into bankruptcy because they went down to the Scarborough Track and spent a couple of dollars. Maybe they did go down and spend more than they should, but we live in a democracy and what we want to spend is our business. It is a strange thing to me that the owner of the Gorham Raceway should sponsor the original running horse-racing bill and didn't think at that time it was going to hurt the harness racing. Why he didn't, I can't answer. Perhaps my good friend, the Senator from Somerset, Senator Sinclair, may be able to enlighten us on that.

It is also hard to understand how this same owner of the Gorham Raceway desires to kill the running horse racing and think that the running races are hurting the Gorham race track. Back in 1947, I voted against the Gorham Race track. I voted with the Governor's veto at that time because I didn't believe, and I can surely see it now plainer than ever, that it is a matter of trying to control racing.

This Senate or this legislature is not the place to come and make complaints. It isn't this legislature's duty to favor any business, no matter what it is. So, Mr. President and members of the Senate, I trust you will consider seriously how you vote. Don't discriminate, as my good friend, the Senator from York, Senator Dennett, has stated. Be fair. Remember democracy. I believe in it. We all have a right to do what we think is best for our state. And I hope that the motion of my good colleague, the Senator from Somerset, Senator Sinclair, does not prevail.

Mr. SINCLAIR: Mr. President and members of the Senate, I apologize for rising the third time on this question. I understood the Senator from Kennebec, Senator Tabb, to say that ninety percent of the patrons at Gorham were from out of State. I think he probably

meant Scarborough, because I am sure that ninety percent of the patrons at Gorham are from Maine, people who love to go out and watch the harness racing.

Now there is another point. The Senator is right when he says that Gorham Raceway—and since it has come down to Gorham Raceway and Scarborough we might as well say both—Scarborough is not a fair association and never has been, although I can remember when it was first started every effort was made to have it so. But that is not the point. The Senator also says, what right has any individual to ask for special favors. I am not in here asking for anything. I am asking you not to give someone else special favors. I will just quote a statement here from the Portland Press Herald. It says, “the group of Maine businessmen who have invested over a million and a half dollars in Scarborough Downs and the businessmen of Scarborough and adjoining towns”—now look. “The Maine businessmen who invested over a million and a half dollars in like to ask you where those dollars are today. The stockholders in Scarborough Downs haven’t made any money. Their stock is no good. The stockholder hasn’t got anything left in the stock and can’t get it. What about the creditors who invested money in Scarborough Downs and are out the window because of foreclosure? And who is the owner of Scarborough Downs today? He is not a Maine man, regardless of what the paper has said. I have not objection to him being a Massachusetts man or a New York man or any other man, but when the good Senator from Kennebec asks what right has any individual to ask a special favor, I am sure the owner of Gorham track is not asking for any special favor at all. I am just asking that a Maine business be protected here. Why should Gorham make any more money than Scarborough? I don’t know. To me that isn’t any issue. I say that both of them can operate, both of them can make good money, both of them can make money for the State of Maine. Scarborough asked and was granted and can run afternoons. Gorham asked and was granted to run

evenings. That is a change in the law. It is the issue, gentlemen.

Mr. DENNETT of York: Mr. President and members of the Senate, I am going to be very brief for I am going to take issue with my friend, the Senator from Somerset, Senator Sinclair on the point of what this bill exactly is. Of course, I realize that we who have opposed his motion have cried discrimination. Of course, we may have planted in the minds of some Senators a false impression that is not intended, in my opinion. I regard this present bill as a petition for a redress of grievances.

The Senator from Somerset has stated that Gorham isn’t coming in here and asking for any special privileges to this Session. I will agree. He is right. They came in two years ago and asked for that and got that. This is simply the straightening out of the situation which many of us, even at that time, believed was wrong. Now, a statement as to who owns Scarborough Downs. If the mortgage was foreclosed it must have been a legal instrument. It is unfortunate that such a thing happened. But we have gone the length and breadth of this nation trying to bring industry and people to the State of Maine to invest money in the State of Maine. When that man, whoever he is — and I have no idea who he is — had that mortgage on Scarborough Downs, he was investing in the State of Maine. If by virtue of failure to meet the conditions of that instrument he has foreclosed that mortgage and become the owner why should he be penalized whether he lives in Massachusetts, New York, California or the Hawaiian Islands?

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I was hoping I wouldn’t have to get into this argument. I was going home tonight but I heard that gong and I must answer, and I am going along on another angle that hasn’t been touched at all. I am not interested in Scarborough Downs or in Gorham fair or race-tracks but I am interested in home industries. We have a fair in Lewiston and have had for many years and I want to keep that place

of business going. I am interested in that fair, not financially, but because it is a home product of Lewiston. It was in Lewiston fifty-three years ago when I came there and I want to see it stay there just as long as I remain a resident of Lewiston. I have been approached by a very small fair at New Gloucester. Some of my good friends in the bank are interested in that fair and I want to keep friendly with them because they have money. Don't believe the Senator from Penobscot, Senator Haskell, when he says I have money. I have more bills than money. They may not be in the red either, they are black and white. My worry is about the red deficit I have heard about this morning from the Appropriations Committee. I want to appeal to you Senators before you vote tonight for the small fair, the small racing outfit. I have heard about what the big organizations are going to do to the small racing fairs such as we have in Lewiston and New Gloucester. I am interested in those people and I want to see them doing business and making a living. And I want to remind you, members of the Senate, to consider this question very seriously. As far as I am concerned it is a fight between two big organizations. Whichever way you may decide you are going to hurt someone and I say, let's keep the status quo, let's stay exactly the way we are for two more years and see what happens.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Sinclair, that the Senate accept the majority Ought Not to Pass report of the Committee and the same Senator 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.

Ten having voted in the affirmative and eighteen opposed, the motion did not prevail.

Thereupon, the minority Ought to Pass as amended by Committee Amendment A report was accepted and the bill was read once.

Committee Amendment A was adopted and the bill as amended

by Committee Amendment A in concurrence was tomorrow assigned for second reading.

The Committee on Claims to which was recommitted "Resolve to Reimburse the Town of Pittston for Support and Medical Aid Extended to Certain Families," (H. P. 903) (L. D. 982) reported that the same ought not to pass.

The Committee on Judiciary on Communication of Hon. Burton M. Cross, Governor of Maine, dated March 3, 1953, relative to Public Utilities Law, (H. P. 1076) reported that the same be placed on file.

Which reports were severally read and accepted in concurrence.

"Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees," (S. P. 400) (L. D. 453)

(In Senate, on April 30 the "Ought Not to Pass" report was read and accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the resolve was substituted for the report, and passed to be engrossed as amended by House Amendment "A", and now asks for a Committee of Conference.

In the Senate, on motion by Mr. Squire of Kennebec, the Senate voted to adhere.

On motion by Mr. Chapman of Cumberland, the Senate voted to take from the table, House Report "Ought to Pass with Committee Amendment "A" from the Committee on Legal Affairs, on bill, An Act relating to Inflammable Oils and Liquids (H. P. 673) (L. D. 716), tabled by that Senator on April 21, pending consideration of the report; and on further motion by the same Senator the report was accepted and the bill was given its first reading.

On further motion by the same Senator Committee Amendment A was indefinitely postponed and that Senator presented Senate Amendment A and moved its adoption; and on further motion by the Senator the bill was laid upon the table pending the motion of the Senator from Cumberland Senator

Chapman that Senate Amendment A be adopted.

On motion by Mr. Chapman of Cumberland, the Senate voted to take from the table, House Report "Ought Not to Pass" from the Committee on Legal Affairs on bill, An Act Relating to Explosives (H. P. 671) (L. D. 714) tabled by that Senator on April 17 pending consideration of the report.

Mr. CHAPMAN: Mr. President, I move that the bill be substituted for the report in order that I may present an Amendment.

The motion to substitute prevailed and the bill was given in its first reading.

The same Senator presented Senate Amendment A and moved its adoption; and on further motion by the same Senator the bill was laid upon the table pending the motion of that Senator that Senate Amendment A be adopted.

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow at 9 o'clock Eastern Standard Time.