

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***Ninety-Fifth Legislature***

**OF THE**

**STATE OF MAINE**

**VOLUME II**

**1951**

**DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE**

## SENATE

Friday, April 20, 1951

The Senate was called to order by the President.

Prayer by the Reverend Edna L. Knowlton of Augusta.

Journal of yesterday read and approved.

## Joint Order

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

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 23rd, 1951, at 4:30 o'clock in the afternoon. (S. P. 553)

Sent down for concurrence.

## House Committee Reports

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Beaver Dams," (H. P. 1008) (L. D. 595) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Transportation of Deer Skins Beyond Limits of the State," (H. P. 728) (L. D. 433) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Wearing Certain Insignia While Hunting," (H. P. 1411) (L. D. 1019) reported that the same ought not to pass.

The same Committee on Bill "An Act Changing the Date of Open Season on Muskrats," (H. P. 731) (L. D. 421) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Relating to Penalty for Operating Motor Vehicle While Under the Influence of Intoxicating Liquor or Drug," (H. P. 1618) (L. D. 1178) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Harry Lutterman, of Waterville," (H. P. 1621) (L. D. 1180) reported that the same ought not to pass.

The same Committee on "Resolve Permitting Harry Lutterman, of Waterville, to Sue State of Maine," (H. P. 1622) (L. D. 1181) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Notifying County Attorneys and Sheriffs After Shooting a Human Being," (H. P. 1546) (L. D. 1139) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Agriculture on Bill "An Act Relating to Fees and Duties of State Sealer of Weights and Measures," (H. P. 674) (L. D. 410) reported the same in a new draft (H. P. 1730) (L. D. 1289) under the same title, and that it ought to pass.

The Committee on Natural Resources on Bill "An Act Relating to Kindling of Fires on Land," (H. P. 1279) (L. D. 818) reported the same in a new draft (H. P. 1751) (L. D. 1295) under the same title, and that it ought to pass.

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

The Committee on Judiciary on Bill "An Act Relating to Investigations by County Attorneys and Sheriffs of Shooting of Humans While Hunting," (H. P. 1481) (L. D. 1088) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Natural Resources on Bill "An Act to Provide Partial Cutting Adjacent to Road-sides," (H. P. 1642) (L. D. 1206) reported that the same Ought to pass as amended by Committee Amendment "A".

The Committee on Taxation on Bill "An Act Relative to Excise Tax on Aircraft," (H. P. 553) (L. D. 324) reported that the same ought to pass as amended by Committee Amendment "A".

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

The Majority of the Committee on Labor on Bill, "An Act Relating to Practitioners' Services Under the Workmen's Compensation Act," (H.

P. 1586) (L. D. 1158) reported that the same Ought to Pass

(signed)

Senators:

MARSHALL of York

Representatives:

WEST of Stockton Springs  
BROWN of Baileyville  
LETOURNEAU of Sanford  
CASWELL of New Sharon  
CASTONGUAY

of Waterville

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

(signed)

Senators:

REID of Kennebec  
COLLINS of Aroostook

Representatives:

LARRABEE of Westbrook  
WALLS of Millinocket

Comes from the House, the Majority Report read and accepted and the bill read twice; subsequently the Bill was indefinitely postponed.

In the Senate: On motion by Mr. Reid of Kennebec the bill was indefinitely postponed in concurrence.

The Majority of the Committee on Taxation on Bill "An Act Relating to Exemption from Taxation," (H. P. 336) (L. D. 194) reported that the same ought to pass.

(signed)

Senators:

NOYES of Hancock  
WIGHT of Penobscot

Representatives:

SINCLAIR of Pittsfield  
DOW of Falmouth  
LOW of Rockland  
CHASE of Cape Elizabeth  
CARTER of Bethel

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

(signed)

Senator:

ALLEN of Cumberland

Representatives:

ROLLINS of Greenville  
DUQUETTE of Biddeford

Comes from the House, the Majority Report read and accepted

and the bill passed to be engrossed as amended by House Amendments "B" and "C".

In the Senate: On motion by Mr. Allen of Cumberland the bill and accompanying papers were laid upon the table pending acceptance of either report.

The Majority of the Committee on Claims on "Resolve in Favor of Francis M. Carroll of South Paris," (H. P. 959) (L. D. 571), reported that the same Ought Not to Pass.

(signed)

Senators:

SMART of Hancock  
WEEKS of Cumberland  
TURGEON  
of Androscoggin

Representatives:

HALL of Calais  
POTTER of Medway  
GOWELL of Burwick  
INGRAHAM of Rockport  
GAY of Damariscotta  
HAMILTON of Hartland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A".

(signed)

Representative:

FOGG of Madison

Comes from the House, Reports and Resolve Indefinitely Postponed.

In the Senate:

Mr. WEEKS of Cumberland: Mr. President, I move that the Senate concur with the House in the indefinite postponement of this resolve.

Perhaps at this time I would not be out of order if I made a few remarks which I feel the case seems to require. Some twelve years ago—and the event is very clear in my memory—two offenses were committed, if not others, in Oxford County by a man named Carroll and a man named Dwyer, as a result of which both Mr. Carroll and Mr. Dwyer were convicted of murder. At the time of the offenses the Hon. Franz U. Burkett was Attorney General and the Hon. William H. Fisher, Justice of the Superior Court, presided at the trials, both of whom are now living.

And I will say now that Mr. Burkett is a very honorable and upright man. He never would conspire to convict an innocent man, while Judge Fisher's repute is beyond question and needs no defense.

Mr. Ralph Ingalls an attorney in Portland and a man of high integrity conducted the prosecution of these two offenders. And I will say now that I have nothing but the utmost contempt for those who have been trying to sully his name. Besides these men there were others connected with the case and their names have been slandered through the years by those who with utmost abandon because they have no standing have nothing to lose.

Mr. Ralph Ingalls has been dead for some time, nearly ten years, and it is well for his maligners that they waited that long before casting their bitter aspersions on his conduct of the Carroll trial. If he were here today not one of those men would dare to look into his face and repeat their false and slanderous statements. Mr. Ingalls had his faults. He was positive and impetuous in his actions, and if I knew him aright—and I think I did—he never had it in his mind to convict an innocent man. On the other hand, if he were convinced of a man's guilt he was determined to see him punished and no evil influence could turn him from his purpose. At this time, when he is in his grave and unable to defend himself, to accuse him, as he has been accused, of offering perjured evidence in a malicious desire to send an innocent man to prison for life is absolutely obscene and indecent.

That Mr. Ingalls firmly believed Carroll to be guilty I personally know, for he was so concerned by the opposition he was meeting from some of Carroll's friends and associates in Oxford County that just before or during the trial he called me into his office and went over considerable of the evidence with me and showed me the plaster-of-paris replica of the murdered man's skull and showed me the revolver that fitted the injury to it. It is so long ago that I have made no attempt to retain the details in my memory but in my opinion the skull and the revolver

fitted very well together—and I am referring to the injury to the skull. There are no two ways about it. Most emphatically the butt of the revolver fitted the injury. He was incensed at this opposition. He showed the skull and a picture at the time of the trial. That has been criticized ad infinitum. He told me there about the evidence and we read the verbatim report of the evidence in the case. And I was always very convinced.

I am not going to undertake to express my opinion as to Carroll's guilt or innocence. The poor victims and God alone know what the real truth is. I do not undertake to say that Judge Beliveau's decision was right or wrong. I accept it as I must but I have reservations. But one thing I am sure of is that a great injustice has been done to the memory of Ralph M. Ingalls, who was one of the keenest trial lawyers in Cumberland County within the past generation who, however zealous he may have been to win his cases, never, in my humble opinion, would have suppressed evidence or introduced what he knew to be perjured evidence. He was hated in Oxford County by Carroll's associates and by men who considered him an interloper by being brought from another county to try a case for them.

And whatever is right or wrong from beginning to end of this nauseating affair, I believe this wrong to Mr. Ingalls' memory should not pass unchallenged. The case as it is presented to the 95th Legislature, twelve years after the trial, is filled with allegations of the basest variety. Many of them are predicated upon diabolically misconstrued incidents, many upon instances of omission and commission committed by the defense and in the opinion of all it was, to say the least, inept, and now by clever distortion they are laid at the door of the prosecution and tied together to give support to the vicious charge of conspiracy.

I call your attention to the fact that if Mr. Carroll were sincerely motivated at this time he might well, as we had a similar case this morning, have sought permission to sue and have tried out the facts before the proper tribunal. The

Claims Committee of the Legislature is not the proper place but lends itself admirably to those who seek publicity.

It is also interesting to note that at the habeas corpus proceedings at Rumford which Mr. Carroll brought before the Court he had an opportunity to make his statement. He did not deny his guilt. Why not? Did his words stick in his mouth? The stage was set for him beautifully in the Claims Committee. Why didn't he come down before that committee and proclaim his innocence? No, he simply said, "I was convicted by improper evidence." As far as I am concerned he is guilty.

With these few and entirely inadequate words I close with the hope that the action of this Legislature will convince those who have any doubt that this Legislature does not condone the conduct of those who indulge in unwarranted vilification of the names of those who serve the State, either living or dead.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the bill and report be indefinitely postponed.

Thereupon, the bill and report were indefinitely postponed in concurrence.

Report "A" from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Open Season on Muskrats," (H. P. 1224) (L. D. 778) reported that the same ought not to pass.

(signed)  
Senators:

ELA of Somerset  
WIGHT of Penobscot  
SMART of Hancock

Representatives:

PLUMMER of Lisbon  
BEARCE of Caribou

Report "B" of the same Committee on the same subject matter reported the same in a new draft, (H. P. 1752) (L. D. 1296) under the same title, and that it ought to pass.

(signed)  
Representatives:

CARVILLE of Eustis  
WATSON of Moose  
River Plt.  
DENNISON of East Machias

CHASE of Belgrade  
FRECHETTE of Sanford

Comes from the House, recommitted to the Committee on Inland Fisheries and Game.

In the Senate, on motion by Mr. Wight of Penobscot, recommitted to the Committee on Inland Fisheries and Game in concurrence.

The Majority of the Committee on Public Health on Bill, "An Act Relating to Barbers, Hairdressing and Beauty Culture," (H. P. 1028) (L. D. 600) reported the same in New Draft "A" under the same title (H. P. 1731) (L. D. 1290 and that it ought to pass.

(Signed)

Senators:

KAVANAGH  
of Androscoggin  
SAVAGE of Somerset

Representatives:

BATES of Orono  
LUDWIG of Hope  
DAGGETT of Ashland  
SENIER of Brunswick  
MARTIN of Frenchville  
ST. PIERRE of Lewiston

The Minority of the same Committee on the same subject matter reported the same in New Draft "B" (H. P. 1732) (L. D. 1291) under the same title, and that it ought to pass.

(Signed)

Senator:

HASKELL of Penobscot

Representative:

MOFFATT of Bath

Comes from the House New Draft "A" (H. P. 1731) (L. D. 1290) read and accepted and the bill in New Draft "A" passed to be engrossed.

In the Senate:

Mr. HASKELL of Penobscot: Mr. President, at the conclusion of some very brief comments on this report, I will move the acceptance of Report A in concurrence with the House. I think it might be well to explain to the Senate the question involved in this bill. As first presented, it made certain changes in both the barber section and in the beauty culture section. The barber reference was stricken from the bill by agreement of all interested parties. All interested parties agreed with reference to the apprenticeship

changes. The apprenticeship now provides that to be eligible to take the examination, a student must have served as an apprentice for not less than 18 months. If Draft A is successful that will be amended to describe 18 months as being not less than 2500 hours. The difference in committee was whether or not the beauty culture school should be nine months, 1500 hours duration or remain as they are at six months and 1000 hours duration.

I saw little evidence, compelling evidence at least, requiring that the beauty culture schools be stepped up from six months to nine months and from a thousand hours to 1500. However, the majority of the committee honestly believed they should. The other Body similarly believed they should and the Chairman of the Committee, Mrs. Kavanagh is not here this morning to state her side of the question so I am willing to acknowledge that the gentlewoman from Bath, Mrs. Moffatt and myself are probably wrong and for that reason I urge the acceptance of Report A in concurrence.

The motion prevailed; Report A was accepted in concurrence, the bill was read once and tomorrow assigned for second reading.

#### First Reading of a Printed Bill

Bill "An Act Relating to Payments to Towns by State in Lieu of Taxes." (S. P. 549) (L. D. 1305)

Which was read once and tomorrow assigned for second reading.

#### Senate Committee Reports

Mr. Collins from the Committee on Towns and Counties on Bill "An Act Increasing Salary of Cumberland County Commissioners," (S. P. 398) (L. D. 945) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Weeks from the Committee on Legal Affairs on Bill "An Act Creating a Zoning Board for the City of Lewiston," (S. P. 346) (L. D. 812) reported the same in a new draft, (S. P. 554) under the same title and that it ought to pass.

Mr. McKUSICK from the Committee on Welfare on Bill "An Act

Relating to Aid to Dependent Children," (S. P. 415) (L. D. 948) reported the same in a new draft, (S. P. 555) under the same title, and that it ought to pass.

Which reports were severally read and accepted, and the bills in new draft were laid upon the table for printing under Joint Rule No. 10.

Mr. Haskell of Cumberland from the Committee on Towns and Counties on Bill "An Act Authorizing Clerk Hire for the South Portland Municipal Court," (S. P. 286) (L. D. 625) reported that the same ought to pass.

Mr. Savage from the same Committee on Bill "An Act Authorizing Clerk Hire for the Westbrook Municipal Court," (S. P. 285) (L. D. 624) reported that the same ought to pass.

Mr. Collins from the same Committee on Bill "An Act Authorizing Clerk Hire for the Brunswick Municipal Court," (S. P. 287) (L. D. 626) reported that the same ought to pass.

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

Mr. Weeks from the Committee on Legal Affairs on Bill "An Act Relating to Board of Education of City of Lewiston," (S. P. 308) (L. D. 659) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill read once. The Secretary read Committee Amendment A.

Committee Amendment A to L. D. 659: "Amend said bill by adding at the end thereof the following underlined sentence, 'The terms of office of the members of the present Board of Education shall terminate on the third Monday of March of the 5th year following their appointment'."

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

Mr. Haskell of Penobscot from the same Committee on bill "An Act Relating to the Building Inspector of the City of Lewiston,"

(S. P. 307) (L. D. 658) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once. The Secretary read Committee Amendment A.

Committee Amendment A to L. D. 658. "Amend said bill by adding after the words 'fire protection' in the 5th line, the underlined words 'annual fire inspection'"

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

#### Passed to be Engrossed

Bill "An Act Relating to Liens on Electric Motors." (H. P. 1419) (L. D. 1027)

Bill "An Act Relating to Merger, Consolidation and Conversion of National Banks and Trust Companies." (H. P. 1482) (L. D. 1089)

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

Bill "An Act Designating Silicosis as an Occupational Disease." (H. P. 676) (L. D. 408)

Bill "An Act Relating to Automobile Travel by State Employees." (H. P. 791) (L. D. 471)

Bill "An Act Regulating the Digging of Marine Worms in the Town of Stockton Springs, Waldo County." (H. P. 1187) (L. D. 741)

Bill "An Act Relating to the Hire of Qualified Appraisers by Cities and Towns." (H. P. 1214) (L. D. 771)

Bill "An Act Relative to Revision and Publication of Municipal Ordinances." (H. P. 1543) (L. D. 1136)

Bill "An Act Relating to Licenses to Hunt or Fish for Members of the Armed Services of the United States." (H. P. 1696) (L. D. 1276)

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

Bill "An Act Relating to Suspension of Hunting and Fishing Licenses." (S. P. 374) (L. D. 900)

"Resolve Proposing an Amendment to the Constitution to Amend the Referendum Provision." (S. P. 492) (L. D. 1194)

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

Sent down for concurrence.

Bill "An Act to Authorize the Liquor Research Commission to Initiate an Educational Program." (S. P. 274) (L. D. 613)

(On motion by Mr. Haskell of Penobscot, the bill was laid upon the table pending passage to be engrossed.)

#### Enactors

Bill "An Act Relating to Transfers and Commitments to Pownall State School." (H. P. 436) (L. D. 256)

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

Mr. BREWER of Aroostook: Mr. President, in tabling this item, I would like to make this explanation to my colleagues in Washington County. It is simply that it involves an appropriation from the Attorney General's Department and it is a matter of policy to ask that these matters be tabled.

(The motion prevailed and the bill was laid upon the table pending enactment.)

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

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

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

Bill "An Act Relating to Trappers' Licenses." (H. P. 1343) (L. D. 918)

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

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

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

Bill "An Act Relating to Appropriations for Aid of Public and



Private Hospitals." (H. P. 1592) (L. D. 1164)

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

Bill "An Act Relating to Teachers' Contracts." (H. P. 1655) (L. D. 1216)

Bill "An Act Relating to Display of Unauthorized Signs Upon or in View of Highways." (H. P. 1691) (L. D. 1271)

(On motion by Mr. Allen of Cumberland, tabled pending passage to be enacted.)

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

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

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

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

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

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

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

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

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

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

Bill "An Act Relating to the Tag-ging of Beaver." (S. P. 356) (L. D. 871)

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

(On motion by Mr. Ward of Penobscot, tabled pending passage to be enacted.)

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

Bill "An Act to Clarify the Em-ployment Security Law." (S. P. 457) (L. D. 1071)

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

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

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

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

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

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

(On motion by Mr. Brewer of Aroostook, tabled pending final pas-sage.)

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

(On motion by Mr. Boucher of Androscoggin, tabled pending final passage.)

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

#### Emergency Measures

Bill "An Act Relating to the As-sets of the Farm Rehabilitation Corporation of Maine." (S. P. 153) (L. D. 327)

Which bill being an emergency measure and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act to Incorporate the George H. Robertson School Dis-trict in Belfast." (H. P. 200) (L. D. 122)

Which bill being an emergency measure and having received the affirmative vote of 25 members of the Senate and none opposed, was passed to be enacted.

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

Which bill being an emergency measure and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

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

Which resolve being an emergency measure and having received the affirmative vote of 26 members of the Senate and none opposed, was finally passed.

#### Orders of the Day

On motion by Mr. Crosby of Franklin the Senate voted to take from the table Bill "An Act Relating to Boards of Registration in Towns Under Three Thousand Five Hundred Inhabitants" (H. P. 1638) (L. D. 1263) tabled by that Senator on April 19 pending enactment.

Mr. CROSBY of Franklin: Mr. President, I present Senate Amendment "A" and move its adoption and in explanation I would say that there are two similar bills in the Legislature, one having already been enacted, and there are some conflicts in the bills.

This amendment is drafted to clarify the situation and has the approval of both sponsors of the bill

The PRESIDENT: The Senator from Franklin, Senator Crosby, moves that the Senate suspend the rules and reconsider its action whereby this bill was passed to be engrossed. Is this the pleasure of the Senate?

A viva voce vote being had, the rules were suspended and the motion to reconsider prevailed.

The PRESIDENT: The Secretary will read Senate Amendment A to L. D. 1263.

Thereupon, on motion by Mr. Crosby of Franklin, the amendment was adopted without reading and the bill as so amended 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 Concerning Coercion in the Placing of Insurance on Real Estate or Personal Property (S. P. 428) (L. D. 992) tabled by that Senator earlier in today's session pending passage to be enacted; and on further mo-

tion 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 in Favor of the Town of Cornville (S. P. 506) tabled by that Senator earlier in today's session pending final passage.

Mr. BOUCHER: Mr. President and members of the Senate, my only reason for tabling this was that I didn't know there was such a place as the Town of Cornville in the State of Maine and the next thing, I couldn't find an L. D. on it. I couldn't read the resolve and I was just wondering what we were trying to pass. I have found out now that it is a bona fide resolve for the Town of Cornville and it amounts to less than a thousand dollars, I am informed by the Floor Leader.

So in that case, I will go along with it and I move that it be enacted.

The motion prevailed and the resolve received a final passage.

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table House Report Ought to Pass from the Committee on Legal Affairs on bill, An Act to Establish a Civil Service Commission for the Town of Old Orchard Beach (H. P. 1206) (L. D. 764) tabled by that Senator on April 13 pending acceptance of the report.

Mr. WEEKS of Cumberland: After a few remarks, I would move to indefinitely postpone in concurrence with the House. This bill received a unanimous report from the Legal Affairs Committee, Ought to Pass. It is a bill introduced by request.

It was vigorously presented and opposed with equal vigor. However, it was progressive legislation, I believe, in tune with the times and it has considerable merit. However, at the present time there is no support for it in the House and it seems like an idle gesture for us to proceed with it further.

I, therefore, move indefinite postponement.

The motion prevailed and the bill was indefinitely postponed in concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report Ought not to Pass from the Committee on Judiciary on bill, An Act Relating to Order of Offices Printed on Ballots (S. P. 455) (L. D. 1069) tabled by that Senator on April 18 pending acceptance of the report.

Mr. HASKELL of Penobscot: Mr. President, I will explain my confusion in locating the item promptly by noting that both yesterday and today are Barnes' day in this Senate and he has a very appreciative audience to listen to him.

This bill was presented at an excellent public hearing before the Committee on Judiciary and it seeks to amend Section five of Chapter 8 which is that part of the statute that directs the Secretary of State in the matter of preparing ballots.

Since we have had the primary law in the State of Maine, the Legislature has seen fit to leave to someone—the statute is silent as to whom the someone should be—that the order the offices shall be listed on the ballot. And the Secretary of State's office having selected without too much good judgment, I think, a certain order of ballots, have denied all reasonable suggestions advanced by reasonable people that that order ought to be changed and when the bill was presented I asked if they were going to take any position in the matter and they said, "No, we will take no position except that we would be pleased to have some order set up so as to close the door to candidates who think that their position on the ballot should be on the ballot somewhere else."

So, with sound logic, the sponsors of the bill are parenthetically, the County Commissioners, set up a ballot and it is printed on page two and three of L. D. 1069 which provides that the United States Senator shall be at the top, the congressmen next, the governor next, and then these distinguished people next, the representatives in the other body next and then arranges logically the county officers, starting with the county attorney and continuing with the county commissioner, sheriff, clerk of courts, register of

deeds, judge of probate, register of probate and county treasurer.

The only excuse offered to me by the Judiciary Committee was, first—this is my interpretation of their answer—first, "we have heard all about the ballot bills we want to from you." Second, they said, "If we let any such thing go through, how do we know that at the next session of the Legislature, someone won't want to come in and amend it." And with that profound thinking, they announced their decision. But since this is the second of the Barnes' days, I move the substitution of the bill for the report.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, during the last three sessions of the Legislature, a certain senator whose name I won't mention seems to introduce a lot of bills into the Legislature, a lot of foolish bills.

Now, it may be that he gets so many bills because he is kind enough to put in foolish bills by request. That may be the reason. This is one of those bills. It has something to do with the dignity of man or the dignity of public office or the dignity of precedence of public office. And I suppose as long as there are different public offices, there will be disagreement on which office is the most important and which one should take precedence on the ballot.

We have gone along for some hundred and thirty-one years without any trouble on this ballot business until that certain Senator started plugging bills in here to change our ballots and this is another in a long series of such bills. The only thing that it does, in effect, is to move the county commissioner's name up on the ballots quite a ways and it takes, as I recall it, the representatives to the Legislature from the bottom position where people would pay a little attention to them, because if they are on the top or bottom, they notice them, and it pushes them around in the ballot.

It seemed to the Committee that not only was this a foolish bill and a useless bill but that if we started in changing the ballot every time some senator was good enough to take a bill and put in here and not put "by request" on it, that successive legislatures would be continual-

ly asked and requested to jiggle these different offices around on the ballot and no good purpose could come from it.

Now, I want to assure the members of the Senate that I have no such deep feeling about this particular measure as I had on some that I debated yesterday. As a matter of fact, if you decided to go along with the Senator from Penobscot and substitute the bill for the report, I can't see how it would do any great damage. Neither can I see how it would do any good.

So I oppose the motion of the Senator from Penobscot to substitute the bill for the report and hope that it will fail and that the Senate will later accept the unanimous Ought Not to Pass Report of the Judiciary Committee on this measure.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, that the bill be substituted for the report.

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had. Eleven having voted in the affirmative and fourteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Barnes of Aroostook, the Ought Not to Pass report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Boyker of Oxford, the Senate voted to take from the table Senate Report Ought to Pass in New Draft Under Same Title (S. P. 548) from the Committee on Natural Resources on bill, An Act Relating to Prospecting for Minerals and Metals (S. P. 310) (L. D. 661) tabled by that Senator on April 18 pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted and the bill was laid upon the table for printing under the joint rules.

On motion by Mr. Brewer of Aroostook

Adjourned until Monday next at 4:30 o'clock in the afternoon.