

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

1953

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, January 13, 1953

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

Prayer by the Rev. Mr. Ernest B. Johnson, Jr. of Hallowell.

The Members then recited the Pledge of Allegiance.

The journal of the previous session was read and approved.

Bills and Resolves Requiring Reference

The following Resolve was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Highways

Resolve for the Maintenance and Repair of Roads and Bridges (H. P. 1) (Presented by Mr. Dickey of Brooks)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Fuller of South Portland, presented the following Order and moved its passage:

ORDERED, that the Legislative Research Committee be commended for their sincere efforts to be of service to the State in their investigation of the State Liquor Monopoly System. It is the feeling of the House that the public should and ought to be fully informed as to the contents of the report made to the Legislative Research Committee by Stanley L. Bird, Esq., the attorney employed by the committee.

AND IT IS FURTHER ORDERED that a copy of the report be printed as a part of the Legislative Record of the House.

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

The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

Mr. **JALBERT**: Mr. Speaker and Members of the House: As one of the two House Members on the Legislative Research Committee, I would like to take this opportunity to explain briefly why the report has not been made public. It was the feeling of the committee as a

whole that the matter be handled in a confidential way, not necessarily for a selfish reason but certainly for a reason that you people would understand, that under the Constitution of the State of Maine no committee has immunity. Immunity, as far as a Legislator is concerned, if I read the Constitution correctly, restricts itself to debate, be it in this Branch or the other Branch.

It was then the thinking of the committee that the Legislature basically, here is number one—others had personal reasons—without divulging in these comments what was in the report, for instance, some members felt that there was a great deal of hearsay in the report and that there was a great deal of character assassination, shall I say, sometimes by innuendo. There was, however, a great deal of factual information that has heretofore been brought forward and also factual information that has been brought to the attention of the proper authorities. The counsel for the committee, Mr. Bird, spent a great deal of time and effort making a complete report with no commas or periods eliminated.

From a personal standpoint, for instance, as a member of the committee, the report mentions my name in that one individual who had made recordings in conversation that was recorded with another individual discussed the feasibility of possibly influencing a certain legislator. As the report stands at present, it says "a certain legislator". That certain legislator was I. However, in the next sentence, the report very definitely states that there was absolutely nothing to it.

Another paragraph states to the effect that one individual who would make recordings not being possessed of an automobile, one afternoon when we had a meeting of the sub-committee on liquor of which I was a member, that individual who likes to make recordings invited me for a ride home to Lewiston and unbeknownst to me he turned on the machine from the Augusta House to Lewiston. Fortunately, I didn't lose my temper and I didn't say anything that I feel couldn't be printed and the report states that. I make that observation because I wouldn't want

anybody to feel that if I oppose the publishing of the report or the printing of the report or the injection of the report into the record that that would be my reason for doing so.

I appreciate as a member of the committee the fact that the Majority Leader of the House thanks the Research Committee for their efforts. I would like, however, and I do this honestly, I do not do this as a party member; I do this as an individual. I would like to very definitely and honestly tell you before you take a vote on this matter to think twice.

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

Mr. FULLER: Mr. Speaker and Members of the House: I should like to concur with the sentiments expressed by the gentleman from Lewiston. As he says, he and I are the remaining members, House members, of the Legislative Research Committee now serving in this body.

There is another item which should also be taken into consideration that is that in the publication of this document in its present form we should exercise considerable care not to embarrass the Attorney General's Department or any of the County Attorneys who may have occasion to continue criminal prosecutions in connection with it. We should also be careful that any respondents in the future are not in a position where they can claim that their right to a fair trial was impaired by the publication of any matter that might be in this report. That is a very real matter, ladies and gentlemen, because in the case of the United States vs. Dennis Delaney, Mr. Delaney being the former Collector in Boston, Mr. Delaney obtained a new trial because of matter that was published by a Congressional committee. He claimed that it did impair his right to a fair trial to which he was entitled under the Constitution, and the Circuit Court of Appeals agreed with him and he did get a new trial. So I hope that we will not do anything that will cause that to happen in this State in connection with any proceedings contemplated by the Attorney General.

It is also a fact that there are persons who could be embarrassed and that we would not want to see them embarrassed because they don't deserve to have that happen to them.

In conclusion, my wish would be not to withhold anything from the Legislature which would be useful to it, not to suppress anything that is helpful but that in doing this it be done in such a way that it will be helpful to the Legislature and will not be harmful to other departments or other persons.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Fogg.

Mr. FOGG: Mr. Speaker and Members of the House: I realize that this so-called Bird report which we have before us today is a very highly controversial issue. I realize that there are some people who feel that it should not be revealed to the public. However, I do feel it should be. After discussing this matter with the several members of my minority party, I have found overwhelming support that this report should be presented to the Legislature in its entirety with nothing left out. During the recent fall elections, one of the major political parties, as a basic issue of its campaign, placed a great deal of emphasis on the cleaning up of corruption in public office and the uncovering and punishing of corrupt public officials.

As a Leader of this party sounded what they called their Clarion Call for clean and honest government, the word "whitewash" was used very frequently, and the word "mess" came over the radio so frequently that it almost became a call signal. The two expressions "Clean Up" and "Let the Chips Fall where they may" were used very frequently also.

Prominent members of this party from other parts of this country came to the State of Maine to assure the people here that their party, from the local level up, would never shirk their duty to carry out this righteous doctrine. Prominent members of this party in Maine traveled to other states to be sure that this golden creed would reach every corner of this country, and we were assured that after every-

thing was said and done we would be living in an atmosphere of purity which would not only be new but would be refreshing.

As I listened to these sermons on goodness in public office there were certain beliefs which I have always had and which I have always felt were of a righteous nature, that I began to believe in with a passion greater than I have ever felt before. More than ever I came to realize the very sinfulness of misconduct in public office. More than ever I came to realize that the dereliction of duty for any person or group of persons to fail to reveal facts which would be for the public good. More than ever I came to realize that concealment of facts is the method whereby evil and wrongdoing seek their own salvation.

Knowing that the passing of time and events would prove the degree of sincerity with which these people were expressing themselves, I realized that whether they were on the right course or not, whether or not we were on the right course, this is the right course to take and it is the course that we must follow. I feel that the time has come when we must decide whether we will follow this course or abandon it before we even get started.

My first reason for wanting this report to come out is because I believe that this report belongs to the people of the State of Maine. They are the ones that paid for it; they footed the bill; and I understand it cost close to \$20,000 for this report. We are the duly elected representatives of the people of the State of Maine, therefore I considered it our business. I have never heard of anything quite so silly as to pay \$20,000 for a report and then to cast it aside or burn it simply because some people did not like the sound of it. If that is what we are going to do I feel uncertain as to why this investigation was ever started into the Liquor Control Commission because, after all, the purpose of the investigation is to find out information. When we find out that information, it is the foregone conclusion that it is either going to be good or bad.

Now if this Committee entered this investigation with the intention that when it was through

they were going to cast aside everything that sounded bad, then I think it was a deliberate waste of people's money. I think that this report should be released so as to protect the names of innocent people. Ever since this report had such wide publicity I have heard so many rumors involving very prominent public figures, it simply staggers my imagination. If these people are not in any way connected with this thing, their names should be cleared; the thing should come out so that they will stand in the clear. If not, these rumors will snowball. You know the way rumors travel, one person after another embellishes them with his own fancy and it is eventually going to damage some innocent person's reputation and it is going to damage it seriously. On the other hand, if any of these rumors are true, then I think that we have a very sordid political picture which the people of this State should know.

The claim has been made that the report is full of hearsay evidence. I have every faith that anything which is hearsay is carefully catalogued and declared as such and that which is fact is catalogued and declared as such. I believe that it is the people who are not mentioned in this report whom we should protect; not the people who are mentioned in it. Any person who has a clean record, in my opinion, a clear conscience and a good stiff American backbone, is not going to be at all afraid of any damage to his name which might come from this report.

Last May the Legislative Research Committee held public hearings in this room in connection with this liquor control business. During one of the days of this hearing I sat here and listened while a little dark man took the oath down here and was sworn in, and he swore to tell the truth. After a lengthy and detailed account of how he had told wild and fantastic stories to Herman Sahagian to impress upon him that he had the Governor of Maine under his thumb and that the Governor would do his bidding, this witness was asked if it were true that he had called the Governor vile and obscene names. Now I am telling you this because this is

something that I have seen myself and I don't like the looks of it, and I want the answer to it, and I think maybe this report will show the answer to it.

Anyway, after much reluctance on the part of the witness and considerable prodding by the counsel for the Committee, he did admit that he had called the Governor of Maine vile and obscene names. It was a painful experience for me to sit here and hear this man, with no apparent pride, character or decency, cast such a reflection upon the office of the Chief Executive of this State, and it was even more painful for me to sit here and know that that was happening right here in this State House, which is the symbol of the sovereignty of the people of the State of Maine. However, the grand finale of this whole thing came to me when the Governor of the State of Maine went to Cumberland County and appeared as a surprise witness for this same man who had cast such an indignity upon his office, and the reason why he appeared as a witness was to save this man from conviction for attempting to bribe a public official.

I do not know what the basis of this enduring friendship between our former Chief Executive and this little man was, but I do think this Bird Report will cast some light on it, and, believe me, this thing certainly needs some light. This situation has all of the disgusting and revolting characteristics of a "mess". We members of this Legislature are faced with a challenge to clean up this deplorable condition. We should do the job with thoroughness and let the chips fall where they may. Our duty is clear and distinct, and it guides us with the same clarity that the Shining Star of Bethlehem guided the Wise Men across the desert.

I want to say this: That we members of the Minority Party look to the Majority Party for the initiative. We look to you for leadership in these things, we look to you to take the initiative, to take the leadership, which is so rightfully yours and which you have pledged us to take. We look for you to step forth and start this thing out, so

that we can step forth with you and advance against this monstrous evil which has cast such discredit against the State of Maine.

The SPEAKER: The question before the House is on the passage of the order.

Thereupon, the order received passage.

(Tabled and Assigned)

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, I present an order and after reading I move it be tabled pending passage and assigned for tomorrow morning.

ORDERED, the Senate concurring, that the Joint Committee on Highways be authorized and directed to receive directly from Senators and Members of the House requests for allocation from the usual one hundred and fifty-thousand dollar annual appropriation for maintenance and repair of roads and bridges; and be it further

ORDERED, that the Joint Committee on Highways be authorized and directed to hold such hearings upon requests so filed as it shall deem necessary and desirable; and be it further

ORDERED, that the Committee on Highways is hereby authorized to report a Consolidated Resolve for the Maintenance and Repair of Roads and Bridges for the purpose of allocating such amounts as may be set up in the act making an allocation from the General Highway Fund.

The motion prevailed and the Order was tabled and specially assigned for tomorrow morning.

The gentlewoman from Presque Isle, Mrs. Christie, presented the following Order and moved its passage:

WHEREAS, the House is informed of the birth of a baby boy last Saturday at midnight to Representative Austin W. Wylie of Madawaska and Mrs. Wylie;

AND WHEREAS, the Members of the House are much pleased and wish to extend their heartiest congratulations to Mrs. Wylie and her husband;

BE IT ORDERED, that the baby boy be named David John Wylie,

and that the Clerk of the House be directed to send to Mrs. Wylie an engrossed copy of this Order.

The Order thereupon received passage, the Members applauding.

Orders of the Day

House at Ease

Called to order by the Speaker.

The SPEAKER: Is there any further business to come before the House at this time?

Mr. McGlauffin of Portland was granted unanimous consent to address the House.

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: My object in speaking briefly at this time is the hope that the few words I say may be of some assistance to some of the new members of this body.

We are all highly honored to be members of this body. There is only one person out of more than 6000 inhabitants in the State who can ever sit in this House at any one time, and if you come from Portland it is only one out of more than 11,000 persons. But with that honor comes responsibility. We are the ones who are responsible for what takes place in this House. The Governor may make suggestions and the Research Committee may make recommendations, but bear in mind, the responsibility is ours.

In every Legislature in which I have had a part there have always been some members who wanted to refer some or more measures back to the people to decide. From my point of view, that is an entirely wrong attitude to take, and for this reason: This State is not a democracy; it is a republic. What is the difference between a republic and a democracy? It is simply that in a pure democracy all of the members have a right to take part while in a republic the people choose representatives to act for them. They select us to come here because they believe that we have good judgment and that we will honestly try to work for their good. So I say again: the responsibility is ours and rightly so. We have the opportunity to study the measures that come before the House, to hear the dis-

cussion before committees, and to hear the debate that takes place on this floor; therefore we are in a much better position to pass judgment on the merits of any measure than most of the people at home who have given the matter no consideration.

We must, however, be on our guard against certain things. We must be on our guard against Communism, to see that we are not misled by some organization that claims to be for civic benefit or patriotic order. But we must be on our guard not against Communism alone; we must see that the national government does not get control of our schools; we must be on guard against lobbyists in this Legislature. We should listen to what they have to say and we should base our judgment upon sound argument, but we should make certain that the argument is sound. We should be on our guard against corruption.

In this month's issue of the Readers Digest there is an article that gives the impression that most legislators are corrupt, that many people in many states buy or sell their vote. I want to say to you that any man or woman who would sell his vote for money or self-profit deserves to be shot.

How are we going to guard against these things? It must be by the high Christian and moral character of the members of this body. If we are true to ourselves and to our constituents, they have nothing to fear from our hands.

In connection with this little talk I have composed a short poem which I wish to read:

"When the world is full of danger
And uncertainties arise;
When our people are in peril
That a bomb may fall from skies;

"When the Russians plan our ruin
And the Chinese lend their aid,
And when traitors to our country
Sell our secrets or are paid

"To destroy our federal system
And to try to do us harm,
And when men take bribes for
profit
There is cause for real alarm.

"It is then that men of honor,
Men who are not bought or sold

Are the men we need as statesmen
Our security to hold.

“We who represent the people
Of this grand old State of Maine
Can, if we each do our duty,
Restore confidence again.”

(Applause)

The SPEAKER: If there is no
further business to come before the

House, the Clerk will read the no-
tices.

On motion of Mr. Gates of Milli-
nocket.

Adjourned until 10:00 o'clock to-
morrow morning.