

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, March 3, 1953

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

Prayer by the Rev. Mr. Lewis W. Mills of Dixfield.

The Members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act Prohibiting Moving of Poultry from Quarantined Areas" (S. P. 386) (L. D. 1094)

Came from the Senate referred to the Committee on Agriculture.

In the House, referred to the Committee on Agriculture in concurrence.

From the Senate:

Bill "An Act relating to Reporter of Decisions" (S. P. 387) (L. D. 1100)

Bill "An Act relating to Salaries of Members of Superior Court" (S. P. 388) (L. D. 1099)

Bill "An Act Increasing Salaries of Members of Supreme Judicial Court" (S. P. 389) (L. D. 1095)

Bill "An Act relating to Retirement Compensation of Members of Superior Court and Their Widows" (S. P. 390) (L. D. 1098)

Bill "An Act relating to Retirement Compensation of Members of Supreme Judicial Court and Their Widows" (S. P. 391) (L. D. 1097)

Resolve Appropriating Funds for 1952 Educational Subsidy to Towns (S. P. 392) (L. D. 1096)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act relating to Change of Purposes of Domestic Mutual Insurance Companies" (S. P. 393) (L. D. 1102)

Bill "An Act relating to Insurance for Death or Injuries While Hunting" (S. P. 394) (L. D. 1101)

Bill "An Act relating to Filing Proof of Insurance Policy Under

Workmen's Compensation Act" (S. P. 411) (L. D. 1103)

Came from the Senate referred to the Committee on Business Legislation.

In the House, referred to the Committee on Business Legislation in concurrence.

From the Senate:

Joint Resolution to Congress of the United States to Consider the Question of Eliminating Federal Gasoline Tax (S. P. 395) (L. D. 1104)

Bill "An Act Providing for Bridges and Culverts on Certain Roads" (S. P. 396) (L. D. 1106)

Resolve in favor of the City of Belfast (S. P. 397) (L. D. 1105)

Came from the Senate referred to the Committee on Highways.

In the House, referred to the Committee on Highways in concurrence.

From the Senate:

Bill "An Act Prohibiting Hunting Within One Hundred Feet of Highways" (S. P. 398) (L. D. 1107)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate:

Bill "An Act relating to Banks Renting Safe Deposit Boxes Adjudged Trustees" (S. P. 373) (L. D. 1108)

Bill "An Act relating to Dismissal and Disciplinary Action Under the State Personnel Law" (S. P. 399) (L. D. 1120)

Bill "An Act relating to Election of Delegates to National Convention and Presidential Preference Primary" (S. P. 400) (L. D. 1119)

Bill "An Act Requiring Children to Care for Parents According to Ability" (S. P. 401) (L. D. 1118)

Bill "An Act relating to Number of Justices of Superior Court" (S. P. 402) (L. D. 1117)

Bill "An Act relating to Number of Justices of Supreme Judicial Court" (S. P. 403) (L. D. 1116)

Bill "An Act relating to Sales of Estates of Non-Resident Owners" (S. P. 404) (L. D. 1115)

Bill "An Act Repealing the Legislative Research Committee" (S. P. 406) (L. D. 1113)

Bill "An Act relating to Evidence of Offenses Before Grand Jury" (S. P. 407) (L. D. 1112)

Bill "An Act Clarifying the Law relating to Registration of Voters" (S. P. 408) (L. D. 1111)

Bill "An Act relating to Public Utility Rates" (S. P. 409) (L. D. 1110)

Bill "An Act relating to Judges of Probate and Spouses as Counsel in Cases Incompatible" (S. P. 410) (L. D. 1109)

Resolve Proposing an Amendment to the Constitution Providing for Three State Senators from Each County (S. P. 405) (L. D. 1114)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate:

Bill "An Act relating to Cousins and Littlejohns Islands Village Corporation" (S. P. 412) (L. D. 1122)

Bill "An Act Repealing Certain 'Blue Laws'" (S. P. 413) (L. D. 1121)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

On motion of Miss Steeves of Lincoln, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

From the Senate:

Bill "An Act relating to Qualifications of Liquor Licensees" (S. P. 414) (L. D. 1124)

Bill "An Act relating to Liquor Manufactured or Bottled in State" (S. P. 415) (L. D. 1123)

Came from the Senate referred to the Committee on Liquor Control.

In the House, referred to the Committee on Liquor Control in concurrence.

From the Senate:

Resolve Authorizing Commissioner of Inland Fisheries and Game to Grant Extension to Remove Lumber from Land in Franklin County (S. P. 416) (L. D. 1125)

Came from the Senate referred to the Committee on Natural Resources.

In the House, referred to the Committee on Natural Resources in concurrence.

From the Senate:

Bill "An Act Regulating the Manufacturing and Sale of Soft Drinks, Syrups and Non-alcoholic Beverages" (S. P. 417) (L. D. 1127)

Bill "An Act relating to Admission Age for Maine School for Deaf" (S. P. 418) (L. D. 1126)

Came from the Senate referred to the Committee on Public Health.

In the House, referred to the Committee on Public Health in concurrence.

From the Senate:

Bill "An Act relating to the Sales Tax on Motor Vehicles" (S. P. 421) (L. D. 1133)

Came from the Senate referred to the Committee on Taxation.

In the House, referred to the Committee on Taxation in concurrence.

From the Senate:

Bill "An Act relating to Tuition Contracts Between Towns" (S. P. 419) (L. D. 1132)

Bill "An Act relating to Salary of County Attorney of Knox County" (S. P. 420) (L. D. 1131)

Bill "An Act relating to Fees of Sheriffs and Their Deputies" (S. P. 422) (L. D. 1130)

Bill "An Act relating to Salary of County Commissioners of Waldo County" (S. P. 423) (L. D. 1129)

Bill "An Act Repealing Certain Laws relating to County Commissioners' Duties re Ferries and Toll-Bridges" (S. P. 424) (L. D. 1128)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

From the Senate:

Petition of Velma G. Peabody of Cape Elizabeth and Six Others, re Reapportionment of Representatives (S. P. 268)

Petition of Selectmen of the Town of Kittery re Reapportionment of Representatives (S. P. 344)

Came from the Senate referred to the Committee on Apportionment.

In the House, referred to the Committee on Apportionment in concurrence.

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act relating to Guaranteed Loans to Veterans" (S. P. 80) (L. D. 186) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, Report was read and accepted in concurrence, and the Bill read twice. Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 80, L. D. 186, Bill, "An Act Relating to Guaranteed Loans to Veterans."

Amend said Bill by adding at the end thereof, the following: "**Sec. 4. R. S., c 153, c 35, amended.** The 1st sentence of section 35 of chapter 153 of the revised statutes, as amended, is hereby further amended to read as follows:

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

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

Non-Concurrent Matter

Bill "An Act Regulating Liquor Advertising" (H. P. 191) (L. D. 202) which was passed to be engrossed as amended by House Amendment "A" in the House on February 25.

Came from the Senate recommit-
ted to the Committee on Liquor Control in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act relating to Divesting Property in Qualifications for Old Age Assistance and Aid to the Blind" (H. P. 199) (L. D. 209) which was passed to be engrossed as amended by Committee Amendment "A" in the House on February 25.

Came from the Senate recommit-
ted to the Committee on Welfare in non-concurrence.

In the House: On motion of Mr. Dickey of Brooks, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act relating to Sale of Malt Liquor in Non-Returnable Bottles" (H. P. 145) (L. D. 143) on which the House accepted Report A of the Committee on Liquor Control reporting "Ought to pass" as amended by Committee Amendment "A" on February 19, and passed the Bill to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto on February 24.

Came from the Senate with Report B of the Committee on Liquor Control reporting "Ought not to pass" accepted in non-concurrence.

In the House:

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

Mr. OSBORNE: Mr. Speaker, I would like to comment on this matter briefly and then place a motion before the House.

I was considerably heartened by the support given this bill in the House. I am not discouraged by the action of the Senate but rather do I feel that possibly there is a misunderstanding. Letters continue to pour in from all over the State; garden clubs, grange, Kiwanis Club, and others are heartily in favor of some action of this nature. I realize that possibly some amendment needs to be made. This is only a bill striving to accomplish something in regard to which I am very sincere in my desires. I do not feel that the House should be pusillanimous in this matter but rather that we should be coaptitious in trying to get together with the Senate on something that is workable.

I therefore move that we insist and ask that a committee of conference be appointed to consider this matter further.

The SPEAKER: The gentleman from Fairfield, Mr. Osborne, moves that the House insist on its former action whereby the House accepted Report "A" of the Committee on Liquor Control reporting "Ought to Pass" as amended by Committee Amendment "A" on Bill "An Act relating to Sale of Malt Liquor in Non-Returnable Bottles" (H. P. 145) (L. D. 143) and pass this Bill to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and request a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

From the Senate: The following Order:

ORDERED, the House concurring, that the intent of Senate Paper 29, the cloture order, passed by each branch on January 14, was that the list to be prepared by the Director of Legislative Research and presented on February 24 should contain all of the Bills and Resolves offered to the Director prior to the cloture dates but not completed by the Director on that date.

In the preparation of the list the Director assumed that such bills as had been completed and taken from his office had either been introduced by the sponsor or had been judged by the sponsor as measures that should not be introduced at this session.

Since some bills having been filed within the cloture provision were in the hands of the members when the list of bills was prepared and were therefore not included in the listing, be it now

FURTHER ORDERED, that the Director of Legislative Research shall file a supplemental list, containing such Acts and Resolves as were filed with him prior to the general cloture provision but which were omitted from his first listing because the measures were in possession of the members.

To be included in the supplemental list, each of the above mentioned measures must be returned to the Director not later than 1 p. m.,

Wednesday, March 4, 1953, and any measures then remaining in possession of the members shall be accepted only by unanimous consent. (S. P. 445)

Came from the Senate in that body read and passed.

In the House:

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

Mr. FULLER: I just want to say, Mr. Speaker and Members of the House, the same thing that I said the other day that we have no intention of keeping any member from introducing a bill that is a just bill. It might be through some honest mistake, it may be a bill that has been before the Director of Legislative Research and he has given it back for correction or something or another and the member has carried it around in his pocket and, therefore, we want every member to have every opportunity to introduce any bill that is a just and honest bill and one that should have been introduced.

Therefore, I hope that this order may receive passage.

The SPEAKER: Is it the pleasure of the House that this joint order receive passage in concurrence?

(Cries of "No" and "Yes")

As many as are in favor that this joint order receive passage in concurrence will please manifest their desire by saying aye; those opposed, no.

A viva voce vote being taken, the Joint Order received passage in concurrence.

The SPEAKER: The Chair notes the presence in the balcony of the Hall of the House of 18 pupils from the Wales Central School, under the supervision of Mrs. Lola Segil, Mrs. Lena Sherman and Mrs. Adelaide Clark. On behalf of the House, the Chair extends to you a cordial and hearty welcome. (Applause)

The SPEAKER: The Chair requests the Sergeant-at-Arms to escort the gentleman from Augusta, Mr. Albert, to the rostrum for the purpose of presiding as Speaker pro tem.

Thereupon, Mr. Albert assumed the Chair as Speaker pro tem amid

the applause of the House and Speaker Bates retired from the Hall.

Bills and Resolves Requiring Reference

The following Bills and Resolves (transmitted by the Director of Legislative Research pursuant to Joint Order, S. P. 29) were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act relating to Acceptance by State of Funds for Unorganized Territory Capital Working Fund" (H. P. 1072) (Presented by Mr. Burgess of Limestone)
(Ordered Printed)

Bill "An Act relating to Appropriation for Unorganized Territory Capital Working Fund" (H. P. 1073) (Presented by same gentleman)
(Ordered Printed)

Bill "An Act Establishing a Division of Alcoholism Within Department of Health and Welfare" (H. P. 1074) (Presented by Mr. Chase of Whitefield)
(Ordered Printed)

Resolve in favor of the Town of Blaine (H. P. 1075) (Presented by Mr. Finemore of Bridgewater)
(Ordered Printed)

Resolve in favor of Northern Maine General Hospital of Eagle Lake (H. P. 1077) (Presented by Mr. Martin of Eagle Lake)
(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act relating to Licensed Small Loan Agencies" (H. P. 1078) (Presented by Mr. Winchenpaw of Friendship)
(Ordered Printed)

Sent up for concurrence.

Claims

Resolve to Reimburse Calais Regional Hospital for Aid to Edmund Lee (H. P. 1079) (Presented by Mr. O'Dell of Eastport)
(Ordered Printed)

Resolve in favor of the Town of Fort Fairfield (H. P. 1080) (Presented by Mr. Dorsey of Fort Fairfield)

Resolve in favor of Fred E. Shapleigh of Lebanon (H. P. 1081) (Presented by Mr. Gowell of Berwick)

Resolve in favor of the Town of Jay (H. P. 1082) (Presented by Mr. Macomber of Jay)

Sent up for concurrence.

Education

Bill "An Act to Promote Safety with Firearms by School Instruction" (H. P. 1083) (Presented by Mr. Wadleigh of Mt. Vernon by request)
(Ordered Printed)

Sent up for concurrence.

Highways

Bill "An Act relating to Apportionment to Towns for State Aid Roads" (H. P. 1084) (Presented by Mr. Emerson of Corinna)
(Ordered Printed)

Bill "An Act relating to Highways Maintained by the State" (H. P. 1085) (Presented by Mr. Ludwig of Hope)
(Ordered Printed)

Resolve in favor of the Town of New Limerick (H. P. 1086) (Presented by Mr. Hand of New Limerick)
(Ordered Printed)

Resolve in favor of the Town of Bingham (H. P. 1087) (Presented by Mr. Watson of Moose River Pl.)
(Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act Increasing Fees for Hunting and Fishing Licenses and Creating a Capital Construction Fund Therefrom" (H. P. 1088) (Presented by Mr. Burgess of Limestone)
(750 copies Ordered Printed)

Resolve Closing Onawa Lake, Piscataquis County, to Ice Fishing (H. P. 1089) (Presented by Mr. Campbell of Guilford)
(Ordered Printed)

Resolve Restricting Sunday River to Fly Fishing Only (H. P. 1090) (Presented by Mr. Ferguson of Hanover by request)
(Ordered Printed)

Resolve Authorizing Survey by Commissioner of Inland Fisheries and Game to Cooperate with Other States to Reduce Hunting Fatalities (H. P. 1091) (Presented by Mr. Rogerson of Houlton)
(Ordered Printed)

Sent up for concurrence.

The SPEAKER pro tem: The Chair notes the presence in the balcony of the Hall of the House of four teachers from West Germany, who are guests of the Department of Education and, on behalf of the House, the Chair bids you a cordial welcome. (Applause)

Judiciary

Bill "An Act to Create the Lewiston Parking District" (H. P. 1092) (Presented by Mr. Jalbert of Lewiston)

Reference to the Committee on Judiciary was suggested and the printing of 750 copies.

Mr. JALBERT (of Lewiston): Mr. Speaker—

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

Mr. JALBERT: Mr. Speaker, I remember distinctly putting "yes" after the printing. This is a lengthy bill but I do not think, however, that it is important enough to have 750 copies printed. It is my error and I wonder whether it could just be ordered printed in the regular course.

Thereupon, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Bill "An Act relating to Preference in State Employment for Veterans" (H. P. 1093) (Presented by Mr. Bibber of Kennebunkport)

(Ordered Printed)

Bill "An Act relating to Persons Treating for Gunshot Wounds" (H. P. 1094) (Presented by Mr. Cianchette of Pittsfield)

(Ordered Printed)

Bill "An Act relating to Joint Ownership re Inheritance Tax Law and Joint Bank Accounts" (H. P. 1095) (Presented by Mr. Sanford of Dover-Foxcroft)

(Ordered Printed)

Bill "An Act relating to the Payment of Alimony Arrears" (H. P. 1096) (Presented by Mr. Stewart of Portland)

Bill "An Act to Limit Expenditures of Candidates for Major Office" (H. P. 1097) (Presented by Mr. Totman of Bangor)

(Ordered Printed)

Resolve in favor of Arthur Payson of Brooks (H. P. 1098) (Presented by Mr. Dickey of Brooks)

(Ordered Printed)

Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Two Four-Year Terms (H. P. 1099) (Presented by Mr. Stewart of Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act relating to Unemployment Compensation Regarding Waiting Period" (H. P. 1100) (Presented by Mr. Frechette of Sanford)

(Ordered Printed)

Bill "An Act relating to Unemployment Compensation Regarding Remuneration for Holidays" (H. P. 1101) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Benefits for Total Unemployment Under Employment Security Law" (H. P. 1102) (Presented by Mr. Macomber of Jay)

(Ordered Printed)

Bill "An Act relating to Benefits for Partial Unemployment Under Employment Security Law" (H. P. 1103) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Grant a Charter to the City of Brunswick" (H. P. 1104) (Presented by Mr. Tondreau of Brunswick)

(1000 Copies Ordered Printed)

Bill "An Act to Grant a New Charter to the City of Hallowell" (H. P. 1105) (Presented by Mr. Vaughan of Hallowell)

(1000 Copies Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act relating to Consumption Sale of Spirituous Liquor in Restaurants" (H. P. 1106) (Presented by Mr. Childs of Portland by request)

(750 Copies Ordered Printed)

Bill "An Act Prohibiting Employment of Females by Certain Liquor Licensees" (H. P. 1107) (Presented

by Mr. Gowell of Berwick by request)

(750 Copies Ordered Printed)

Bill "An Act to Authorize Liquor Commission to Hire Space in Stores for Sale of Liquor" (H. P. 1108) (Presented by Mr. Wylie of Madawaska)

(750 Copies Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act relating to Pollution of Waters" (H. P. 1109) (Presented by Mr. Turner of Auburn)

(1500 Copies Ordered Printed)

Public Health

Bill "An Act relating to Renewal of Certificates of Registration for Hairdressing and Beauty Culture" (H. P. 1110) (Presented by Mr. Childs of Portland)

(Ordered Printed)

Bill "An Act relating to the Registration and Practice of Osteopathic Physicians and Surgeons" (H. P. 1111) (Presented by Mr. Roberts of Dexter)

(Ordered Printed)

Sent up for concurrence.

Sea and Shore Fisheries

Bill "An Act Repealing Law on Canning of Clams and Mussels" (H. P. 1112) (Presented by Mr. Denbow of Lubec by request)

(Ordered Printed)

Bill "An Act relating to Canning of Clams" (H. P. 1113) (Presented by same gentleman by request)

(Ordered Printed)

Sent up for concurrence.

Tabled

Bill "An Act relating to Organization of the Maine Sardine Tax Committee" (H. P. 1114) (Presented by Mr. Hanson of Machiasport)

(On motion of Mr. Center of Standish, tabled pending reference to any committee, and ordered printed.)

Taxation

Bill "An Act relating to Taxation of Telephone and Telegraph Companies" (H. P. 1115) (Presented by Mr. Childs of Portland)

(Ordered Printed)

Bill "An Act relating to Taxation of Television Sets" (H. P. 1116)

(Presented by Mr. DeBeck of Holden)

(Ordered Printed)

Sent up for concurrence.

Towns and Counties

Bill "An Act relating to Response of Fire Departments for Aid from Other Municipalities" (H. P. 1117) (Presented by Mr. Alden of Gorham)

(Ordered Printed)

Bill "An Act Increasing Salaries of County Officers of Somerset County" (H. P. 1118) (Presented by Mr. Cianchette of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act relating to Moving Heavy Objects and Loads Over Highways" (H. P. 1119) (Presented by Mr. Cianchette of Pittsfield)

(Ordered Printed)

Bill "An Act relating to Permits for Moving Over Highways Heavy Objects to be Used on Government Projects" (H. P. 1120) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Welfare

Bill "An Act Creating the Division of Indian Affairs" (H. P. 1121) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Messages and Documents

The following communication from the Executive Department was taken up out of order and under suspension of the rules:

STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta

March 3, 1953

To the Members of the
Ninety-Sixth Legislature
Gentlemen:

Article 5, section 9, of the Constitution of the State of Maine, states that it is the duty of the Governor to convey from time to time, information of an urgent nature to the Legislature and to make recommendations thereby.

The recent decision of the Maine Supreme Court, in regard to the

Public Utilities Commission's denial of an increased telephone rate, was based on present Maine law. You are aware of the recent action of the PUC in increasing these rates following the mandate of the Courts. Let me quote from the Court decision in which the Supreme Court says: "In interpreting legislation such as this, we are the servant of the Legislature and of the people of this State. We do not make the law."

This would indicate that it is the duty of this Legislature to clarify our present Public Utilities law and to bring it into conformity with other New England states. Whatever you may do with respect to legislation, I have confidence that your treatment of this difficult problem will be fair both to rate payers and to the stockholders of the utilities. I urge you strongly to take immediate steps to consider this matter and to remedy the situation without delay. I consider the entire situation to be a grave one, as it affects every citizen in Maine. It merits your immediate attention, study and action. I urge that you give it top priority of decision.

Respectfully,

(Signed) Burton M. Cross,
Governor

The communication was read and referred to the Committee on Judiciary and sent up for concurrence.

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

Mr. FOGG: Mr. Speaker, I would like to have unanimous consent to address the House at this time, please.

The SPEAKER pro tem: The Chair will request the gentleman to defer until the House reaches Orders of the Day unless it is a pressing matter.

Mr. FOGG: It isn't a pressing matter, Mr. Speaker. It can wait that long.

House Reports of Committees Divided Report

Majority Report of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of the Town of Freeport (H. P. 500) (L. D. 1177)

Report was signed by the following members:

Mr. SILSBY of Hancock
Mrs. KAVANAGH of Androscoggin
Mr. PARKER of Piscataquis
—of the Senate
Messrs. WALKER of Calais
ALDEN of Gorham
—of the House

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

Report was signed by the following members:

Messrs. HUSSEY of Windsor
TUTTLE of Pownal
FOGG of Madison
—of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker, I move the acceptance of the minority "Ought to pass" report.

The SPEAKER pro tem: The gentleman from Medway, Mr. Potter, moves that the minority "Ought to pass" report of the Committee on Claims be accepted. Is this the pleasure of the House?

The Chair recognizes the gentleman from Gorham, Mr. Alden.

Mr. ALDEN: Mr. Speaker, this bill is a minor claim but the bill was presented to the State for a forest fire, for which the State is supposed to pay one-half, if it is delivered to the State within a 60-day period as required by law. Now, these fires occurred in July, between the first and the fifteenth; the claim was not sent in to the State until the first of November. There is a 60-day limitation on those bills when they should be in and through the negligence of a State-trained fire warden this bill was not presented and I move that the majority report be accepted.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Medway, Mr. Potter, that the House accept the minority "Ought to pass" report.

The Chair recognizes the gentleman from Pownal, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, it is with extreme reluctance that I arise to speak on this measure but

I believe that this matter should be fairly brought to the attention of this House.

This is a divided report. These are the circumstances under which this report is divided: This official performed his duty as required by the State but through a mistake in filing his bill, he filed this bill with his paid bills instead of the due bills and it was some time before that was discovered.

A representative of the Forestry Department appeared before the Committee on Claims and acknowledged that the bill was a true bill and should have been paid but he pleaded the statute of limitations that they were late in filing the bill.

Now, it seems to me that it is pertinent that we discuss for a second this statute of limitations, because of the fact that we have so many statutes of limitations within our State. Of course, our old statute of limitations that we have depended upon throughout the years, that comes down from the old common law, is the six year statute of limitations and that applies to not only criminal action but civil. If you don't get your claim in within six years, you are out of luck but our State Highway Department has a statute of limitations of nine months; our Welfare Department has a 90-day statute of limitations; our Forestry Department has a 60-day statute of limitations.

Now, I presume the representative of the Forestry Department said that if the committee should recommend paying that bill that it would upset the routine of our State department, regardless of the merits of the bill. I realize that our departments are overworked although the State has been rather favorable in providing the necessary clerkships, and I am rather proud of our department as a whole. I am proud of the fact that when we appear before one or more departments the chances are good that we can find from one to three clerks that are in a position to give us their undivided attention. That has pleased me and, as for me, I am proud of it and I wouldn't presume to criticize the departments of our State. I don't think it would be popular.

I am reminded of a story of an instance that happened in my own neighborhood not too many years ago. It was in the spring and a representative of the telephone company was travelling back and forth and cutting the muddy roads all up and I was talking with one of my neighbors about it and he said: "Well, I don't know what you can do about it but you can't shoot him." This boy, his brother, who was standing beside us said: "No, you can't do that but I will tell you what you can do, you can sass them when they go by." And perhaps we might make disparaging remarks about our departments but I realize that it would be just about as popular as it would be to go out there on the streets of Moscow and criticize Joe Stalin so I will refrain from that.

But coming down to the actual facts of the case, this is the situation: This man was an employee of the State Forestry Department. He was under pay. He went out and performed his services as required by the Department and he performed them faithfully and well according to the report of the department, but because of the fact that he neglected within 60 days to get that report in, that bill to the State of Maine, that does not square your bill or mine if we happen to owe him a little money. My position is that an honest debt is an honest debt and whether it is the State or whether it is an individual that is to pay it, it should be paid and paid as soon as we can find out that the bill is due, which it was upon presentation, but they pleaded the statute of limitations. But the State isn't entirely in the clear on that because this warden was trained by the State department, trained to do things right, trained to do things in time and if he has fallen down, it is the fault of the department as well as the rest of us, and the town of Freeport, upon the presentation of that bill, paid it promptly and referred it to the State.

Now, it seems to me that that is what our Claims Committee is for, to take care of those things that can not be taken care of in the ordinary routine. It is to take care of bills that are not presented on time and as long as the department

recognizes the justice of the bill and the only excuse that they shouldn't pay it is that it would upset their routine, I believe that it is only just and fair that that bill should be paid and the minority report "Ought to pass" be accepted and when the measure comes up for a vote, I should like to ask for a division of the House.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Medway, Mr. Potter, that the House accept the minority "Ought to pass" report of the Committee on Claims on Resolve in favor of the Town of Freeport (H. P. 500) (L. D. 1177). The gentleman from Pownal, Mr. Tuttle, has requested a division.

As many as are in favor of the motion of the gentleman from Medway, Mr. Potter, that the minority "Ought to pass" report be accepted will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-five having voted in the affirmative and three having voted in the negative, the motion prevailed and the minority "Ought to pass" report was accepted.

Thereupon, the Resolve, having already been printed, was given its first reading under suspension of the rules and assigned for second reading tomorrow morning.

Divided Report

Majority Report of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of the Town of Medway (H. P. 63) (L. D. 1176)

Report was signed by the following members:

Mr. SILSBY of Hancock
 Mrs. KAVANAGH
 of Androscoggin
 Mr. PARKER of Piscataquis
 —of the Senate
 Messrs. BROWN of Bangor
 WALKER of Calais
 —of the House

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

Report was signed by the following members:

Messrs. HUSSEY of Windsor
 FOGG of Madison
 TUTTLE of Pownal
 —of the House

Reports were read.

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

Mr. FOGG: Mr. Speaker, I move that the minority "Ought to pass" report be accepted.

The SPEAKER pro tem: the gentleman from Madison, Mr. Fogg, moves that the House accept the minority "Ought to pass" report on Resolve in favor of the Town of Medway (H. P. 63) (L. D. 1176). Is this the pleasure of the House?

(Cries of "No" and "Yes")

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

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

Thereupon, the Resolve, having already been printed, was given its first reading under suspension of the rules and assigned for second reading tomorrow morning.

Divided Report

Report A of the Committee on Claims reporting "Ought to pass" on Resolve in favor of Lloyd Sargent of Mt. Desert (H. P. 209) (L. D. 1178)

Report was signed by the following members:

Mr. SILSBY of Hancock
 Mrs. KAVANAGH
 of Androscoggin
 —of the Senate
 Messrs. TUTTLE of Pownal
 BROWN of Bangor
 ALDEN of Gorham
 —of the House

Report B of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Mr. PARKER of Piscataquis
 —of the Senate
 Messrs. HUSSEY of Windsor
 WALKER of Calais
 FOGG of Madison
 POTTER of Medway
 —of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker, I make the motion that the House accept Report "B" of the Committee, "Ought not to pass".

The SPEAKER pro tem: The gentleman from Medway, Mr. Potter, moves that the House accept Report "B" of the Committee on Claims, "Ought not to pass," on Resolve in favor of Lloyd Sargent of Mt. Desert. Is this the pleasure of the House?

The Chair recognizes the gentleman from Bar Harbor, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, I move that Report "A" of the Committee, "Ought to pass", be accepted. This man was driving along carefully on one of the roads on Mt. Desert Island and this deer jumped in front of him and damaged his car so that it cost him almost \$250 to repair it. I feel that where the State protects these deer that this man ought to be protected and his repairs should be paid for.

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

Mr. FOGG: Mr. Speaker and Members of the House: I don't want to appear to be trying to torpedo Mr. Peterson's resolve but I would like to sort of explain the situation that the Claims Committee is in on this. The last Legislature passed a law prohibiting the payment of deer damage claims on automobiles. Now I understand, when you get right down to brass tacks, that there wouldn't be any constitutional support for that bill and we feel that if we go ahead and throw everything out we would sort of be taking refuge behind a law where actually if somebody came up and moved in front of us we would be in a bad position. On the other hand, we don't want to come out and pass all these because we realize just what we would be doing: we would be opening the door to a whole lot more of these deer damage claims and the gentleman from Medway, Mr. Potter, and myself both sat on the Claims Committee last year and he feels very much the same way that I do about it that a good part of these deer damage claims

should not be paid. There are a few cases where a deer will jump out of the side of the road into the side of a car and certainly it is impossible for the person driving the car to miss the deer.

If you had listened to as many deer damage claims as we have, you would feel that a good many of these claims for deer damage accidents to automobiles are due to persons overdriving their headlights or being careless in some way or other. In fact, we feel that if everybody were as careful on the road at night as they should be there would be no where as many deer damage accidents.

So, the reason why we came out with a divided report on this, we divided in the committee as carefully as we could, was because we feel that it should be up for debate on the floor of the House and the more people who speak on this and air their views the better I am going to feel about it personally.

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

Mr. WATSON: Mr. Speaker and Members of the House: The gentleman from Madison, Mr. Fogg, has said about all that I was going to say that inasmuch as the Ninety-fifth Legislature passed this law that there would be no claims for deer damage. I think Report "B" should be accepted.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Medway, Mr. Potter, that the House accept Report "B" of the Committee on Claims, "Ought not to pass" on Resolve in favor of Lloyd Sargent of Mt. Desert (H. P. 209) (L. D. 1178). Is this the pleasure of the House?

The motion prevailed and Report "B," "Ought not to pass," was accepted and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Welfare on Bill "An Act relating to the Town's Share in Aid to Dependent Children" (H. P. 80) (L. D. 75) reporting "Ought to pass" as amended by Committee

Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. DUNHAM of Hancock
PARKER of Piscataquis
—of the Senate

Mr. CLEMENTS of Belfast
Miss LAWRY of Rockland
Mrs. LORD of Portland
Messrs. BROCKWAY of Milo
RICH of Charleston
LATNO of Old Town
—of the House

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. BOUCHER of Androscoggin
—of the Senate

Mr. BIBBER of Kennebunkport
—of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

Mr. BIBBER: Mr. Speaker and Members of the House: I move that Legislative Document 75 be tabled pending acceptance of either report.

The SPEAKER pro tem: The gentleman from Kennebunkport, Mr. Bibber, moves that the Divided Report of the Committee on Welfare on Bill "An Act relating to the Town's Share in Aid to Dependent Children" (H. P. 80) (L. D. 75) be tabled pending acceptance of either report. Is this the pleasure of the House?

(Cries of "No")

All those in favor of the motion of the gentleman from Kennebunkport, Mr. Bibber, that the Divided Report be tabled pending acceptance of either report will please say aye; those opposed, will please say no.

A viva voce vote being doubted, A division of the House was had.

Sixty-nine having voted in the affirmative and twenty-nine in the negative, the motion prevailed and the two Reports with accompanying papers were tabled pending acceptance of either report.

Mr. BIBBER: Mr. Speaker—

The SPEAKER pro tem: For what purpose does the gentleman rise?

Mr. BIBBER: Mr. Speaker, I would like to have that definitely assigned for one week from today.

The SPEAKER pro tem: If there is no objection, the matter will stand assigned for next Tuesday, March 10. The Chair hears no objection and it is so assigned.

Ought to Pass Printed Bills

Mr. Fitanides from the Committee on Rules and Business of the House reported "Ought to pass" on House Order amending House Rule 26.

Report was read and accepted and the Order received passage.

Mr. Henry from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act relating to Harrison Mutual Fire Insurance Company" (H. P. 314) (L. D. 386)

Mr. Fogg from the Committee on Claims reported same on Resolve in favor of Clyde Moores of Springfield (H. P. 139) (L. D. 1160)

Mr. Hussey from same Committee reported same on Resolve in favor of Freelow Crummit of Whitefield (H. P. 404) (L. D. 1159)

Mr. Tuttle from same Committee reported same on Resolve in Favor of Dr. Bernard R. Marcus of Auburn (H. P. 161) (L. D. 1161)

Mr. Carter from the Committee on Highways reported same on Resolve in favor of the Town of Friendship (H. P. 503) (L. D. 511)

Mr. Boston from same Committee reported same on Resolve in favor of the Town of Hudson (H. P. 505) (L. D. 513)

Mr. Martin of Augusta from the Committee on Judiciary reported same on Bill "An Act relating to Ballot Clerks in Small Towns" (H. P. 104) (L. D. 105)

Same gentleman from same Committee reported same on Bill "An Act relating to Acquisition of Schoolhouse Lots by Condemnation" (H. P. 269) (L. D. 297)

Same gentleman from same Committee reported same on Bill "An Act relating to Arrests on Execution" (H. P. 180) (L. D. 175)

Mr. Trafton from the Committee on Judiciary reported same on Bill "An Act relating to Police Officers in Uniform Stopping Motor Vehi-

cles for Examination" (H. P. 270) (L. D. 298)

Mr. Higgins from the Committee on Sea and Shore Fisheries reported same on Resolve Closing Georges River, Knox County, to Taking of Smelts (H. P. 605) (L. D. 604)

Mr. Stanwood from same Committee reported same on Bill "An Act Regulating the Dragging of Scallops in Harrington River and Bay and Pleasant River, Washington County (H. P. 150) (L. D. 147)

Mr. Albee from the Committee on Taxation reported same on Bill "An Act to Exempt the Sale of Meals by Hospitals and Nursing Homes" (H. P. 545) (L. D. 526)

Mr. Low of Rockland from same Committee reported same on Bill "An Act to Provide a Credit Against the Sales Tax when the Price is not Paid" (H. P. 152) (L. D. 134)

Mr. Call from the Committee on Towns and Counties reported same on Bill "An Act relating to the Salary of the County Attorney of Piscataquis County" (H. P. 363) (L. D. 379)

Same gentleman from same Committee reported same on Bill "An Act relating to Salary of Judge of the Winthrop Municipal Court" (H. P. 285) (L. D. 270)

Mr. Edwards from same Committee reported same on Bill "An Act relating to Rental for the South Portland Municipal Court" (H. P. 445) (L. D. 488)

Mr. Evans from same Committee reported same on Bill "An Act relating to Fees Payable to Registers of Deeds" (H. P. 442) (L. D. 486)

Mr. Hilton from same Committee reported same on Bill "An Act relating to the Salary of the County Treasurer of Lincoln County" (H. P. 549) (L. D. 529)

Same gentleman from same Committee reported same on Bill "An Act relating to Payment to Lincoln County Law Library" (H. P. 551) (L. D. 531)

Mr. Peterson from same Committee reported same on Bill "An Act relating to Fees of Jurors" (H. P. 440) (L. D. 484)

Mr. Scott of Wales from same Committee reported same on Bill "An Act relating to the Boundary Line Between the Towns of Sanford

and North Berwick, York County" (H. P. 362) (L. D. 378)

Same gentleman from same Committee reported same on Bill "An Act relating to Appropriation for Flags in Schools" (H. P. 360) (L. D. 376)

Mr. Stanley from same Committee reported same on Bill "An Act to Increase the Salary of the Clerk of Courts of Penobscot County" (H. P. 554) (L. D. 534)

Same gentleman from same Committee reported same on Bill "An Act relating to the Road Repair Tax Fund in the Township of Alder Stream, Coburn Gore, Chain of Ponds, and Jim Pond" (H. P. 444) (L. D. 498)

Reports were read and accepted, and the Bills and Resolves having already been printed, the Bills were read twice under suspension of the rules, the Resolves read once under suspension of the rules, and tomorrow assigned for third reading of the Bills and second reading of the Resolves.

Ought to Pass with Committee Amendment

Mr. McGlauffin from the Committee on Judiciary on Bill "An Act Amending the Charter of the City of Portland re Sinking Fund" (H. P. 420) (L. D. 467) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. McGlauffin.

Mr. McGLAUFLIN: Mr. Speaker, inasmuch as this is an emergency measure, I wish to explain briefly what it is about.

In 1923 the city of Portland was indebted in the sum of something more than \$4,000,000, and their charter provided that they should set aside a sinking fund of one and a half per cent, amounting to approximately \$100,000 a year, to retire the then outstanding indebtedness. It so happened that some of the bonds that were then outstanding were very long time bonds and would not become due until 1963. The city has paid off in the last thirty years all of this \$4,000,000 indebtedness except this \$200,000 that cannot be paid for a period of ten years.

Therefore this accumulation of \$100,000, if allowed to stand, would run up to a million dollars in the course of the next ten years, and the emergency consists in the fact that it would raise our taxes about a dollar a thousand when there is no need of it at all.

This bill merely provides that the sinking fund may be applied to discharge any indebtedness that Portland may have. This relates solely to Portland, and I trust it will pass without any opposition.

The SPEAKER pro tem: Is it the pleasure of the House to accept the report of the committee?

Thereupon, the report of the committee, "Ought to pass" as amended by Committee Amendment "A", was accepted.

The Bill, having already been printed, was then given its two several readings under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 420, L. D. 467, Bill "An Act Amending the Charter of the City of Portland re Sinking Fund."

Amend said bill by striking out in the fourth paragraph of that part designated as "Emergency preamble", the figures "1962" and inserting in place thereof the figures '1963'

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

Mr. Woodcock from the Committee on Legal Affairs on Bill "An Act Amending the Town of Orono High School District" (H. P. 433) (L. D. 480) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 433, L. D. 480, Bill "An Act Amending the Town of Orono High School District."

Amend said Bill by striking out the last paragraph thereof and inserting the following:

'Emergency clause; effective date; referendum. In view of the emergency recited in the preamble here-

of, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the town of Orono at any regular, or special meeting called and held for the purpose not later than 4 months after the approval of this act. Such special meeting shall be called, advertised and conducted according to law relating to municipal elections; provided, however, that the board of registration of the town of Orono shall not be required to prepare for posting nor the town clerk to post a new list of voters, and for the purpose of registration of voters, said board shall be in session 3 secular days next preceding such election, the first 2 days thereof to be devoted to registration of voters, and the last day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions. The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act to Amend the Town of Orono High School District be Accepted?" and the voters shall indicate by a suitable mark placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election.

The result of the vote in said district shall be declared by the municipal officers of the town of Orono and certificate thereof filed by the town clerk with the secretary of state.'

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

At this time Speaker Bates returned to the rostrum.

SPEAKER BATES: To the gentleman from Augusta, Mr. Albert, it gives me considerable personal satisfaction and it makes me very

happy to present you with this memento of this occasion.

Thereupon, Mr. Albert was presented with a name plate and was then conducted by the Sergeant-at-Arms to his seat on the floor, amid the prolonged applause of the House.

Speaker Bates then resumed the Chair.

Passed to be Engrossed

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

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

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

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

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

Bill "An Act relating to the Salary of the Register of Deeds of Hancock County" (S. P. 144) (L. D. 344)

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

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

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

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

Bill "An Act relating to the Use of the Prefix "Dr." by Optometrists" (H. P. 76) (L. D. 85)

Bill "An Act Repealing Law of Manufacture and Sale of Bedding and Upholstered Furniture" (H. P. 148) (L. D. 145)

Bill "An Act relative to Moosehorn Game Preserve" (H. P. 512) (L. D. 518)

Bill "An Act Amending the Charter of the Capitol Island Village Corporation" (H. P. 1071) (L. D. 1150)

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

Resolve Regulating Fishing in Sandy Stream and Heald Stream, in Jackman Plantation, Somerset County (H. P. 218) (L. D. 245)

Resolve Regulating the Taking of Smelts in Little Big Wood Pond and Long Pond in Somerset County (H. P. 268) (L. D. 303)

Resolve Closing Parker Pond, Cumberland County, to Ice Fishing (H. P. 513) (L. D. 519)

Resolve Closing Big Benson Pond, County of Piscataquis, to Ice Fishing (H. P. 589) (L. D. 630)

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

Amended Bills

Bill "An Act Establishing a Water Department of the Bridgton Centre Village Corporation" (H. P. 190) (L. D. 201)

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

Resolve Regulating Fishing in Nubble Pond and Its Tributaries in Cumberland County (H. P. 262) (L. D. 292)

Resolve Regulating Fishing in Coffee Pond, Cumberland County (H. P. 265) (L. D. 295)

Were reported by the Committee on Bills in the Third Reading, Bill read the third time, Resolves read the second time, all passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the tabled and today assigned matter, Bill "An Act relating to Definition of Elevator under Board of Elevator Rules" (H. P. 185) (L. D. 180) tabled on February 25 by the gentleman from Westbrook, Mr. Travis, pending third reading and the Chair recognizes that gentleman.

Mr. TRAVIS: Mr. Speaker, I move the third reading of the bill.

The SPEAKER: The gentleman from Westbrook, Mr. Travis, moves

that the bill receive its third reading at this time. Is this the pleasure of the House?

The motion prevailed, and the bill had its third reading.

Mr. Travis then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 185, L. D. 180, Bill, "An Act Relating to Definition of Elevator Under Board of Elevator Rules."

Amend said Bill by indicating the striking out the word "other" in the 4th line of the second paragraph by drawing a line through said word "other".

Thereupon, House Amendment "A" was adopted and the bill was passed to be engrossed as amended and was sent to the Senate.

The gentleman from Dover-Foxcroft, Mr. Sanford, was granted unanimous consent to address the House.

Mr. SANFORD: Mr. Speaker and Members of the House: Through no fault of mine I am a little late as usual, but when I was home this weekend the boys asked me to put in a bill relating to the Selectmen of the Town of Dover-Foxcroft, changing their number from seven to five. They think, and I do also, that five is plenty. I have sometimes thought it was too many.

I would now like to ask for unanimous consent to present this bill to the House. I do not think it means anything to anyone else except to our own town, and I would like very much to put it in.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Sanford, requests unanimous consent to introduce a bill. The page will present the bill to the Clerk and the Clerk will read the title of the bill.

The CLERK: Bill "An Act relating to number of Selectmen in the Town of Dover-Foxcroft."

The SPEAKER: Is it the pleasure of the House that this bill be received by unanimous consent? Is there objection? The Chair hears no objection and the bill is received.

Thereupon the bill was referred to the Committee on Towns and

Counties and sent up for concurrence.

The gentleman from Madison, Mr. Fogg, was granted unanimous consent to address the House.

Mr. FOGG: Mr. Speaker and Members of the House: I do not believe I have to call your attention to the headlines in the paper this morning as you have probably all read them. It does not cast a great deal of credit on the State of Maine. It seems to me that the State of Maine has suffered one set-back after another as far as publicity is concerned during the last year or so.

The headline reads: "\$40,000 Race Bill Bribe to 'High State Official.'" "Racing Probe Was Refused by LaFleur."

Now of course I am very much concerned about this because I am a citizen of the State of Maine just as much as anybody else. You probably have read this paper, but I would like to review a few things which interest me a great deal.

Stanley L. Bird made a speech before the Rotary Club—up in Waterville, I think it was, nearby, and I would like to point out his first statement:

"He informed the president of the Guy Gannett newspapers in April, 1952 that a man in his employ had acted as a go-between for a high state official in a \$40,000 bribery in connection with the running race track bill."

Now I do not know any more about that than you do, but I do know that one of the Gannett newspapers' key men resigned. It doesn't look very good. I would like to know more about it.

"A man had admitted to Bird of participating in the \$40,000 payment."

I think if this Legislature takes it upon itself they can find out more about that also.

Another item down in here:

"Mr. Bird and at least one other person presented facts on the \$40,000 bribery to the Kennebec County Grand Jury in October of last year."

I do not want to cast discredit upon the Grand Jury, but the Grand Jury is more or less working in the interest of the people, and if there is something here that is not

in the interests of the people I think this Legislature should be able, somehow or other, to find out more about that.

"At least two Maine newspapers have information concerning a man now holding public office which if made public the man would be impeached. I urge them to make it public. It is not relating to racing or liquor matters. (Bird did not identify either the newspapers or the public official.)"

I think we should know what newspaper it is and what public official it is.

He told the Rotarians: "It is important to know of pressure and control of out-of-state groups on our state government; of who is telling the truth; of who committed perjury, if anybody, during the testimony."

I think that is a very vital thing for us to know also. If there are any out-of-state groups exerting pressure on our public officials I think that we should find out about it.

Then he added: "I do not think we should allow such matters to go unanswered."

I certainly do not think that we should allow such matters to go unanswered. Speaking from an impartial standpoint and a nonpartisan view, I think that we should all protect the name of the State of Maine. It seems to me that despite all the denials a lot of people make that there is just too much smoke in this whole thing during the last year or so for there not to be a whale of a lot of fire. I do not think that we have had the action on this that we should have had.

I realize that there are a lot of people in the majority party which controls this State who would like to see this cleaned up as well as we Democrats and as well as I would myself. I think it is a problem of the majority party. I do not think that we have had the action that we should have had so far. It does seem to me that there are a lot of what you might call "The Republican Braves" who have been trying to create the impression that they have been on the warpath on this matter when actually they have not been too eager. They have beat their tom-toms, they have let out

loud war-whoops and have done their war dance but so far they have never seemed to get the all-out attack started. I hope it does start sometime. However, although I hate to say so, I have a feeling that the chances are against it, because if this all-out attack ever does take place the fighting is going to take place too close to the Republican wigwam. (Applause)

The SPEAKER: The House is proceeding under Orders of the Day.

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

Mr. BURGESS: Mr. Speaker and Members of the House: A few weeks ago I think I made my position very clear on the subject that the gentleman from Madison, Mr. Fogg, has just discussed. If I may, at this time, I would like to point out the action that has followed in order that we of the House may determine whether or not we have accomplished what we set out to do.

Our good Governor has assumed the responsibility of carrying on an investigation and has said that money would be appropriated from the contingent fund. I, for one, have no reason to doubt his word.

As a result of his public statement, a resolve which originated in this branch of the Legislature was defeated in the other body, for the reason that no appropriation seemed necessary.

We as Republicans certainly want the matter cleared up, and I feel that the responsibility is in the right place, that is in the executive office, and that it is the Governor's baby. I have absolute confidence that he will carry the investigation to its proper conclusions and let the chips fall where they may. (Applause)

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

Mr. JALBERT: Mr. Speaker and Members of the House: As a member of the Research Committee that delved into these matters I have never made a public statement. I have been chastised for that and kidded among other things. My reasoning, I felt, was sound, because first, the fact that I would or would not make a public statement is my concern, and certainly not through

any pressure being applied either way or fear on my part either way.

I would refer myself this morning to that part of the Bird speech of last night which states that there need be no more funds expended or need for any further probe in so far as liquor is concerned. I could not make a statement before because had I done so I would have divulged some of the committee's actions — and I am speaking now of the Appropriations Committee which certainly discussed the so-called Jacobs resolve calling for \$35,000. The resolve has been killed in the other branch after passing under the hammer here. Originally it was intended to suspend the rules and give the resolve its first and second readings without reference to a committee. Some of us on the Appropriations Committee felt that in that it had a price tag on it it should be referred to that committee.

After the resolve was passed under the gavel here and referred to the other body it was tabled there. The committee naturally discussed it. We were graced by the presence of the Attorney General and the Speaker one afternoon, and I informed the Attorney General that before a newspaper man and before Stanley Bird, — and upon inquiry — as to who made the inquiry it slips my mind now — but it was "Need there be any more funds appropriated?" To this Mr. Bird answered, "No. The material that I got as an employee of the Research Committee and which was turned over to the Attorney General is sufficient."

That, in my opinion, is the main reason why possibly the resolve was indefinitely postponed in the other body and also possibly thrown into its proper place where it has been referred to as "their baby" if it does belong to anybody.

I assure you, and I am on firm ground when I state this, that had the resolve been referred from the other branch to the Appropriations Committee it is very possible that the resolve would have had an overwhelming "Ought not to pass" report on it, and that is certainly by no means any reflection on the

sponsor of the resolve, my very dear friend from Auburn, Mr. Jacobs.

The Research Committee operated on the premise that its employee, Stanley L. Bird, would bring anything of an administration nature that could be corrected by legislation or administration to executive or legislative departments and anything of a criminal nature would be put into the hands of the Attorney General's office. Information so far as other departments were concerned was brought to its proper location. In so far as the Research Committee is concerned, that was the end of their problem.

Now I know nothing about other departments. Information was brought forward concerning Scarborough Downs; the liquor probe, so-called, was a rather extensive one. I would say that the matter is in the hands of the Governor and Council now. However, it might be that if the hearsay evidence bill or the bill that will prohibit hearsay evidence goes through both branches of the House it might help a little bit to clarify the situation.

I might also say at this time that it might be a happy thought to suggest to the Honorable Governor and his Council that they act in so far as this information that they have and name a group who would sift out the hearsay from what should go to the proper location, the Grand Jury room. We must bear in mind that so far as the Grand Jury is concerned, that when facts are presented to them—and I speak now, as I have told "Dave" Fuller, as a frustrated law student, and there is nothing more dangerous than that—I do not think that we are necessarily in a position to go to the Grand Jury and say, "These facts or non-facts were presented to you and why didn't you act?" If I know my law correctly, a Grand Jury answers to no one, and I certainly would not be the one to call a Grand Jury for misfeasance or malfeasance in office.

If we are to make any kind of a suggestion, would it not be in order that the leaders or powers to be, whoever they may be, might make the suggestion that that group of sound individuals, say three or five, would sift out what is

hearsay, what is sound, refer it to its proper place, and, for Heaven's sake, I will go along and let the chips fall where they may. But I stopped that \$35,000 order because it had a title on it "Resolve to investigate crime in Maine." Now, if we are all going to say that we love the State of Maine let us practice a little something of what we preach. We are up here to legislate; we are not up here to investigate. Let us refer it to where it belongs, let us stop talking about it. If we are going to argue

and debate let us debate on marine worms. We are here to legislate good or bad legislation.

The SPEAKER: If there is no further business to come before the House, the Clerk will read the notices.

On motion of Mr. Fuller of South Portland,

Adjourned until 9.30 o'clock tomorrow morning.