

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

VOLUME II

1953

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Friday, April 24, 1953

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

Prayer by the Rev. Mr. Robert Brackley of Hallowell.

The journal of the previous session was read and approved.

Mr. JACOBS of Auburn: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. JACOBS: For permission to address the House, Mr. Speaker.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, requests unanimous consent to address the House. Does the Chair hear objection? The Chair hears none, and the gentleman may proceed.

Mr. JACOBS: Mr. Speaker, I move that the rules be suspended, in order that I may take from the table an unassigned matter.

The SPEAKER: Does the Chair hear objection to the request of the gentleman from Auburn, Mr. Jacobs, that the rules be suspended at this time? The Chair hears none, and the gentleman may proceed.

Mr. JACOBS: Mr. Speaker, I move to take from the table the twenty-seventh unassigned matter.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves out of order and under suspension of the rules, to take from the table the twenty-seventh tabled and unassigned matter, Senate Paper 476, Legislative Document 1316, Bill, "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1954 and June 30, 1955, tabled by that gentleman on April 7, pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker, I move that this bill be returned to the Committee on Appropriations and Financial Affairs.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves that Legislative Document 1316, and

accompanying papers, be recommended to the Committee on Appropriations and Financial Affairs in non-concurrence. Is this the pleasure of the House?

The motion prevailed.

Mr. JACOBS: Now, Mr. Speaker, I move that this matter be sent immediately to the Senate for their consideration.

The SPEAKER: Does the Chair hear objection to the sending of Legislative Document 1316, and accompanying papers, forthwith to the Senate? The Chair hears no objection. It is so ruled.

**Papers from the Senate.
Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Legal Affairs on Bill "An Act Regulating Locksmiths" (S. P. 321) (L. D. 808) which was recommitteed, reporting leave to withdraw.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Providing for a Men's Dormitory at Gorham State Teachers' College (S. P. 22)) as it is covered by other legislation.

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Resolve in favor of the Madawaska Training School (S. P. 345) (L. D. 958) reporting same in a new draft (S. P. 543) (L. D. 1461) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Resolve passed to be engrossed.

In the House, Report was read and accepted in concurrence, the Resolve read once and assigned for second reading the next legislative day.

Ought to Pass with Committee Amendment

Report of the Committee on Labor on Bill "An Act to Clarify the Employment Security Law" (S. P. 356) (L. D. 967) 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. 356, L. D. 967, Bill "An Act to Clarify the Employment Security Law."

Amend said Bill by adding at the end thereof the following:

'**Sec. 5. R. S., c. 24, §17, sub-§III, ¶A, sub-¶3, repealed.** Subparagraph 3 of paragraph A of subsection III of section 17 of chapter 24 of the revised statutes, as repealed and replaced by section 1 of chapter 430 of the public laws of 1949, is hereby repealed.'

Committee Amendment "A" was adopted in concurrence, and the Bill was assigned for third reading the next legislative day.

Non-Concurrent Matter

Bill "An Act relating to Expenses of Maintaining Burying Grounds in Unorganized Territory" (H. P. 947) (L. D. 1001) which was indefinitely postponed in the House on April 8.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

The **SPEAKER**: The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. **BROCKWAY**: Mr. Speaker, I move that we recede and concur.

The **SPEAKER**: The gentleman from Milo, Mr. Brockway, moves that the House recede. Is this the pleasure of the House?

(Calls of "No" and "Yes")

As many as are in favor of the gentleman's motion that the House recede from its former action where-

by it indefinitely postponed Legislative Document 1001 will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Fifty-two having voted in the affirmative and none having voted in the negative, the motion prevailed, and the House voted to recede from its former action whereby the Bill was indefinitely postponed.

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

SENATE AMENDMENT "A" to H. P. 947, L. D. 1001, Bill "An Act Relating to Expenses of Maintaining Burying Grounds in Unorganized Territory."

Amend said bill by adding at the end of the title the words "in Piscataquis County"

Further amend said bill by striking out the emergency preamble.

Further amend said bill by striking out everything after the enacting clause and inserting in place thereof, the following:

'**R. S., c. 54, §5, amended.** Section 5 of chapter 54 of the revised statutes is hereby amended by adding at the end thereof the following:

'**All expenses and costs incurred in Piscataquis county while carrying out the provisions of this section shall annually be assessed, by the county commissioners of Piscataquis county, against the estates of said county.'**

Further amend said bill by striking out all of the emergency clause.

Senate Amendment "A" was adopted in concurrence, and the Bill was assigned for third reading the next legislative day.

Non-Concurrent Matter

Resolve to Repeal Certain Special Resolve Pensions (H. P. 612) (L. D. 732) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in the House on April 22.

Came from the Senate with that body voting to insist on its former action whereby the Resolve was passed to be engrossed as amended by Committee Amendment "A".

In the House:

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

Mr. DICKEY: Mr. Speaker, I believe we should go along with the other Branch. I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Brooks, Mr. Dickey, moves that the House insist on its former action and request a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Resolve in favor of the Town of New Gloucester (H. P. 960) (L. D. 1050) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 22.

Came from the Senate with Report "B" of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" accepted in non-concurrence.

In the House:

On motion of Mr. Edwards of Raymond, the House voted to insist on its former action and ask for a Committee of Conference.

On motion of Miss Lawry of Rockland, the House voted to suspend Rule 25 for the remainder of today's session, in order to permit smoking.

House Reports of Committees Ought to Pass in New Draft

Mr. Turner from the Committee on Highways on Resolve in favor of Mt. Chase Plantation (H. P. 4) reported a Bill (H. P. 1277) (L. D. 1513) under title of "An Act Providing for Maintenance of Road Leading to Baxter State Park" and that it "Ought to pass"

Mr. Trafton from the Committee on Judiciary on Bill "An Act relating to Trespass" (H. P. 1157) (L. D. 1305) reported same in a new draft (H. P. 1278) (L. D. 1514) under same title and that it "Ought to pass"

Reports were read and accepted, the Bills read twice and assigned for third reading the next legislative day.

Ought to Pass Printed Bills

Mr. Potter from the Committee on Claims reported "Ought to pass"

on Resolve in favor of Bert W. Paul of Skowhegan (H. P. 488) (L. D. 508) which was recommitted

Report was read and accepted, the Resolve read once and was assigned for second reading the next legislative day.

Tabled and Assigned

Mr. Currier from the Committee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act relating to Bounty on Bears" (H. P. 1043) (L. D. 1185)

Report was read.

(On motion of Mr. Moulton of Sweden, a viva voce vote being taken, the Report, with accompanying Bill, was tabled pending acceptance of Committee Report, and specially assigned for Tuesday, April 28)

Ought to Pass with Committee Amendment

Mr. Watson from the Committee on Inland Fisheries and Game on Resolve in favor of Flying Pond Improvement Association (H. P. 594) (L. D. 634) which was recommitted reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith as originally reported.

Report was read and accepted, and the Resolve, having been reported by the Committee on Bills in the Third Reading, and having had its two several readings, was passed to be engrossed as amended by Committee Amendment "A" and was sent to the Senate.

Mr. Caswell from the Committee on Labor on Bill "An Act relating to Benefits for Total Unemployment Under Employment Security Law" (H. P. 1102) (L. D. 1243) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1102, L. D. 1243, Bill "An Act Relating to Benefits for Total Unemployment Under Employment Security Law."

Amend said Bill by indicating the striking out of the words and figures "April 2, 1950" in the 6th line by drawing a line through said words and figures and inserting immediately after the stricken out words and figures the underlined words and figures 'April 1, 1953'

Further amend said Bill by striking out the last 19 lines and inserting in place thereof the following:

1.	\$.00 up to	\$399.99	None	None
2.	400.00 "	" 499.99	\$ 9.00	\$180.00
3.	500.00 "	" 599.99	10.00	200.00
4.	600.00 "	" 699.99	11.00	220.00
5.	700.00 "	" 799.99	12.00	240.00
6.	800.00 "	" 899.99	13.00	260.00
7.	900.00 "	" 999.99	14.00	280.00
8.	1000.00 "	" 1099.99	15.00	300.00
9.	1100.00 "	" 1199.99	16.00	320.00
10.	1200.00 "	" 1299.99	17.00	340.00
11.	1300.00 "	" 1424.99	18.00	360.00
12.	1425.00 "	" 1549.99	19.00	380.00
13.	1550.00 "	" 1699.99	20.00	400.00
14.	1700.00 "	" 1949.99	21.00	420.00
15.	1950.00 "	" 2099.99	22.00	440.00
16.	2100.00 "	" 2299.99	23.00	460.00
17.	2300.00 "	" 2499.99	24.00	480.00
18.	2500.00 "	" 2699.99	25.00	500.00
19.	2700.00 "	" 2899.99	26.00	520.00
20.	2900.00 and over		27.00	540.00

Committee Amendment "A" was adopted, and the Bill was assigned for third reading the next legislative day.

Mr. Caswell from the Committee on Labor on Bill "An Act relating to Benefits for Partial Unemployment Security Law" (H. P. 1103) (L. D. 1211) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1103, L. D. 1211, Bill "An Act Relating to Benefits for Partial Unemployment Under Employment Security Law."

Amend said Bill by indicating the striking out of the words and figures "September 1, 1949" in the 6th line by drawing a line through said words and figures and inserting immediately after said stricken out words and figures the underlined words and figures 'April 1, 1953'

Further amend said Bill by striking out the last 26 lines and inserting in place thereof the following:

" 1	0 —	4.00	2
2	4.01 —	5.00	3
3	5.01 —	6.00	4
4	6.01 —	7.00	5
5	7.01 —	8.00	6
6	8.01 —	9.00	7
7	9.01 —	10.00	8
8	10.01 —	11.00	9
9	11.01 —	12.00	10
10	12.01 —	13.00	11
11	13.01 —	14.00	12
12	14.01 —	15.00	13
13	15.01 —	16.00	14
14	16.01 —	17.00	15
15	17.01 —	18.00	16
16	18.01 —	19.00	17
17	19.01 —	20.00	18
18	20.01 —	21.00	19
19	21.01 —	22.00	20
20	22.01 —	23.00	21
21	23.01 —	24.00	22
22	24.01 —	25.00	23
23	25.01 —	26.99	24"

Thereupon, Committee Amendment "A" was adopted and the Bill was assigned for third reading the next legislative day.

Mr. West from the Committee on Labor on Bill "An Act Amending the Maine Employment Security Law as to Benefit Eligibility Conditions" (H. P. 754) (L. D. 779) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 754, L. D. 779, Bill, "An Act Amending the Maine Employment Security Law as to Benefit Eligibility Conditions."

Amend said Bill by striking out everything after the underlined word "child" in the 9th line thereof and inserting in place thereof a period.

Thereupon, Committee Amendment "A" was adopted, and the Bill was assigned for third reading the next legislative day.

Mr. Gowell from the Committee on Legal Affairs on Bill "An Act to

Provide for the Appointment of a Board of Commissioners for the Police and Fire Departments of the City of Saco" (H. P. 832) (L. D. 948) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill read twice.

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

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

Amend said Bill by striking out all of the Emergency preamble.

Further amend said Bill by striking out, in the referendum clause at the end thereof, the headnote and 1st sentence and inserting in place thereof the following: **Referendum, effective date; certificate to secretary of state.** This act shall take effect 90 days after adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the city of Saco at the next annual city election to be held in March, 1954, or at a special election to be held not later than 4 months after the effective date of this act.'

Thereupon, Committee Amendment "A" was adopted, and the Bill was assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Authorize Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans of World War II and Korean Campaign" (H. P. 1132) (L. D. 1282) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. REID of Kennebec
WARD of Penobscot
HARDING of Knox

—of the Senate

Messrs. FITANIDES of Saco
CIANCHETTE of Pittsfield
MARTIN of Augusta
LOW of South Portland
FULLER of Bangor

— of the House

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

Report was signed by the following members:

Messrs. TRAFTON of Auburn
McGLAUFLIN of Portland
— of the House

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: It is true that several years ago the people of the State of Maine defeated a bonus, but I would like to point out to this House that if you analyze that vote carefully, I think you will find that the people of Maine did not defeat the bonus; they defeated the tax bill that was attached to the bonus.

Your Committee on Judiciary, or at least the majority of them, felt that the question should be resolved once and for all in this State as to whether or not the people of Maine do want to pay their Veterans a bonus. I think we are one of the few states left that have not done so.

There are two bills presented to the committee, and the committee has taken the best parts of each of the two bills and combined them into this present bill. This bill will provide for a bond issue, with no tax attached to it. In this way the committee felt that the people of Maine could decide once and for all whether or not they wanted to pay their returning veterans and service men a bonus.

I therefore move that the majority report of the committee be accepted.

The SPEAKER: The gentleman from Augusta, Mr. Martin, moves that the majority report of the committee, "Ought to pass" as amended by Committee Amendment "A", be accepted.

The Chair recognizes the gentleman from Portland, Mr. McGlaufflin.

Mr. McGLAUFFLIN: Mr. Speaker and Members of the House: I want to explain my reason for voting on the minority.

The Constitution of Maine provides that when two-thirds of the members of both branches of the Legislature deem it necessary, they shall submit to the people such an amendment.

I don't deem it necessary to raise a bond issue of twenty million dollars. I don't want to mislead the people of the State into thinking that I think that is necessary. I do not. That is why I signed the minority report.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: I know I am treading on very dangerous ground. That is perhaps why I am slightly confused. So all that I can say to the people who think that the veterans should have a bonus is what I told my son when the matter was up before. He was in the Service and came home with a hundred per cent disability, and he didn't want that disability, and without being asked he would go to Augusta every three months to be examined, and they kept taking it off as he recovered, and he has got it down to ten per cent.

Now undoubtedly he may be entitled to more, but he doesn't want any more, but he knows this: He knows that if the time ever comes when he needs more, that this government of ours, these people who make up the government, will gladly give it to him, and that is true of every veteran. There never was, since the beginning of time, a time when soldiers and veterans were so well looked after as ours are, and that is true, and I am glad it is true, and I am glad that I am a part of it.

But what I told my son, and he was very much for the bonus when it first started. I said: "Go ahead, Arthur, and get this bonus." At that time I think it was to be a tax on tobacco or something and I

said "I don't use too much of that so I don't worry about it." And then when they brought it out that it would be a bond issue I said "I am not going to live long enough to pay for it and so I don't care. Now you are getting along all right, as all the other veterans are, in Maine. If you are in need, you will be taken care of. Now if you are fool enough to go to work and get this couple of hundred dollars and spend it for something that you don't really need, now go ahead and do it and see if I care, because I probably won't be here in twenty years to pay for it."

I feel just the same now. I do not think that there is a great need of it. I might add also that I ran for the Senate four years ago, I think it was, or two years ago, and I put out twenty-two hundred postcards, a double postcard, and on it I asked a series of questions. One of them was: "Are you a veteran?" Another one was "Are you the parents of a veteran?" Another one was "Do you think the veterans should have a bonus at this time?"

I had eight hundred of them that were answered by either parents or veterans, and at least six hundred of them the veterans answered themselves — said they were not in favor of a bonus.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Albert.

Mr. ALBERT: Mr. Speaker and Members of the House: Earlier in this session there were four bills introduced pertaining to veterans bonuses. Two of the bills were for the payment of bonuses and two of the bills were for a bond issue to raise the money to pay for them. The Judiciary Committee one afternoon heard all four bills, and it was the opinion, and evidently it is now, of the majority of the Judiciary Committee, that the two bills had some merit, and they combined the two of them, that is the bond issue bill and the bonus bills and came out with a package.

The gentleman from Portland, Mr. McGlaufflin, speaks of a constitutional amendment whereby the vote of two-thirds of this House is required to pass a bonus. I would

point out to this House that eighty per cent of the members of the Judiciary Committee have deemed it wise at this time to report favorably upon a bonus.

The State of Maine, back in the twenties, deemed it wise to pay a bonus of \$100 to the veterans of World War I. No reflection in any way against those who served in World War I, but I will point out to you that that war was about forty per cent in duration as compared to World War II. It was just as vicious however, but much shorter.

Back in the twenties, when the State paid that bonus of \$100 there was pending in Federal legislation a bonus bill for all veterans who served during that war. They did not in those days have what we have come to call the G. I. Bill, so in the thirties the veterans who served in the first World War were paid a bonus, some amounting to sixteen and seventeen hundred dollars in cash. It was a substantial sum for those days.

This bonus here calls for a maximum payment of \$200 to a veteran who has served overseas and has more than one year's service. If back in the twenties this Legislature deemed it wise to pay \$100, it seems to me that \$200 is not too much to ask for today.

After the second World War, the State of Maine, through its legislative bodies, sent to the people a referendum question whereby the people had an opportunity to vote on a bonus bill. Attached to that referendum was a one-cent increase per pack on cigarettes and five per cent across the board on tobacco and cigars. I submit to you that the people did not reject the bonus but they rejected the tax provision. However, the next Legislature in its wisdom came back here and applied the very same tax that the people had turned down and the veterans still did not get their bonus.

I think it would be only fair if this Legislature would give the people of the State an opportunity to vote on a bonus question, strictly the question of: shall we or shall we not pay a bonus?

I hope the majority report of the committee will be accepted.

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

Mr. FOGG: Mr. Speaker and Members of the House: I want to go on record as being in favor of the majority report on this bill.

I was not living in Maine after World War II and I did not come back here until 1948. I received my soldier's bonus in Michigan, so this does not apply to me at all and I am not going to gain anything from it. But it does seem to me, from what I have heard, that the State offered the soldiers of this State a bonus and they told them they would give them a tobacco tax to pay for it. It seems to be a matter of record that they got the tobacco tax but they did not get the bonus.

Now I think that the State made a promise to the soldiers and I think the State should carry that promise out. It may be that the veterans will be taken care of if they do get into dire need, but anybody that went into the Army gave up an opportunity to make good money, and a lot of people who did not go into the Army gained by it financially to an extent that the soldier did not gain, and I do not think it is out of reason to expect to give the soldiers now something in compensation for the amount of financial loss that they did suffer from going into the Army.

I am very much in favor of this Majority Report and I move that the vote be taken by a division.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Trafton.

Mr. TRAFTON: Mr. Speaker and Members of the House: I think it is only fair to the general public that the proponents of this bill explain how the money is going to be obtained to pay these bonds.

The SPEAKER: The gentleman from Auburn, Mr. Trafton, requests information.

The Chair recognizes the gentleman from Augusta, Mr. Albert.

Mr. ALBERT: Mr. Speaker and Members of the House: The original bill that I introduced had a tax rider on it. The committee saw fit to remove it. I think some member of the committee probably has some idea how this money can be raised.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I feel like a stranger, because I have been a little quiet for the last few days here. I am not a member of the Judiciary Committee. I shall attempt, however, to answer the gentleman from Auburn, Mr. Trafton.

I recall vividly the last bonus bill. It was a combination of a bill introduced by myself, amended by Mr. Jacobs, and passed finally in the wee hours of the morning, then indefinitely postponed, then reintroduced by the gentleman from Clinton, Mr. Williams. The bill called for five per cent on luxuries, and, as I recall, also one cent on cigarettes. The veterans themselves opposed the bill. I think I spoke some twenty-five or thirty times in many sections of the State, stating in effect that if the veterans did not accept that bonus, even though it had a one cent tax on each pack of cigarettes, they would eventually wind up with a tax and no bonus. I was wrong. They wound up without the bonus, they did wind up with a tax, but instead of it being one cent on each pack it was two cents.

This bill here, as far as payment is concerned, would affect everybody. As far as the bonds are concerned, they would necessarily have to be paid out of what surplus we might gather. You might ask: What is the assurance that we will have a surplus? Let us remember two years ago, when the then Governor Payne, now United States Senator, called a special session and we members of the House, as was stated very many times from the floor of the House, cleaned out the barrel, that is we appropriated funds of a recurring nature, extended services, and naturally when we came back in regular session we had the services and no funds. The sales tax was passed. No at-

tempt has been made to repeal the sales tax. Apparently the members of both parties are reconciled to it.

Let us remember that we are now enjoying a ten and a half million dollar surplus based on the end of this present fiscal year. Let us also remember that in order to balance the budget two years ago you who were here then and you who were not here can certainly recall that in order to balance the budget we came back on a Monday afternoon and very quickly raised the anticipated revenue from the sales tax, so that the budget was balanced practically to the penny.

I feel very certain that the same situation will exist this time. However, in that we did step up the anticipated revenue of the tax, we still are winding up at the end of the fiscal year with a ten and a half million dollar surplus, which certainly can give us some assurance that we would naturally have some sort of a surplus at the end of this biennium. So, based on a period of some twenty odd years, the bond issue would be paid from part of the revenue that we will enjoy from surplus.

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

Mr. FULLER: Mr. Speaker, as a signer of the majority report I would like to read the financing provisions which appear on Page 2 of the bill:

"Beginning April 1, 1955 and for each and every succeeding year for nineteen years, there shall be appropriated from the general fund a sum sufficient for the redemption of such bonds to an amount not exceeding one million dollars per year and such additional sums as may be required for the payment of interest on all such bonds outstanding."

That simply means that each successive legislature will have that item as a part of its budget to be dealt with along with all other expenses of the State.

I concur in what has been said by the other signers of the majority report that we feel, in view of the controversy that arose over the tax provision the other time, that it is fair to allow the people to vote on

this question without any side issues to confuse the situation.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Augusta, Mr. Martin, that the majority report of the Committee on Judiciary, "Ought to pass" as amended by Committee Amendment "A" on Bill "An Act to Authorize Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans of World War II and Korean Campaign", H. P. 1132, L. D. 1282, be accepted. A division was requested by the gentleman from Madison, Mr. Fogg.

As many as are in favor that the majority report of the committee be accepted will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had. Seventy-eight having voted in the affirmative and seventeen having voted in the negative, the majority report of the committee was accepted.

Thereupon, the bill was given its two several readings.

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

COMMITTEE AMENDMENT "A"
to H. P. 1132, L. D. 1282, Bill, "An Act to Authorize Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans of World War II and Korean Campaign."

Amend said bill by striking out in the last line of Section 4 the words and figure "the sum of \$200." and inserting in place thereof the following:

'a bonus in sums as follows:

I. One hundred dollars to each veteran who performed active service for more than 6 months but less than 1 year, but served no part thereof in Alaska or in any place outside the continental limits of the United States;

II. One hundred fifty dollars to each veteran who performed active service for more than 1 year, but served no part thereof in Alaska or in any place outside the continental limits of the United States;

III. Two hundred dollars to each veteran who performed active service outside the continental limits of the United States or in Alaska.'

Thereupon, Committee Amendment "A" was adopted and the Bill was assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution to Provide for a Bonus to Maine Veterans of World War II and the Korean Campaign (H. P. 1133) (L. D. 1283)

Report was signed by the following members:

Messrs. REID of Kennebec
WARD of Penobscot
HARDING of Knox
—of the Senate

Messrs. LOW of South Portland
FULLER of Bangor
FITANIDES of Saco
CIANCHETTE of Pittsfield
MARTIN of Augusta
—of the House

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

Report was signed by the following members:

Messrs. TRAFTON of Auburn
McGLAUFILIN of Portland
—of the House

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Albert.

Mr. ALBERT: Mr. Speaker and Members of the House: I move that the majority "Ought to pass" report of the committee be accepted, and I would explain that this is a companion bill. The first bill that we discussed was the amount of money in question, and this one is the graduated scale and as to how it will be paid. I therefore move that the majority report be accepted.

The SPEAKER: The gentleman from Augusta, Mr. Albert, moves that the majority report of the Committee on Judiciary, "Ought to pass", be accepted. Is this the pleasure of the House?

The motion prevailed and the majority "Ought to pass" report was accepted.

Thereupon, the resolve was given its first reading and was assigned

for second reading the next legislative day.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Labor on Bill "An Act relating to Compensation for Death Under Workmen's Compensation Act" (H. P. 427) (L. D. 474) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. ST. PIERRE
of Androscoggin
—of the Senate

Messrs. WEST of Stockton Springs
LEGARD of Bath
GATES of Millinocket
SMALL of Mexico
LETOURNEAU of Sanford
COUTURE of Lewiston
—of the House

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "B" submitted therewith.

Report was signed by the following members:

Messrs. WARD of Penobscot
REID of Kennebec
—of the Senate
Mr. CASWELL of New Sharon
—of the House

Reports were read.

(On motion of Mr. Caswell of New Sharon, the two Reports, with accompanying papers, were tabled pending acceptance of either report, and were specially assigned for Tuesday, April 28).

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Labor on Bill "An Act relating to Compensation for Total Incapacity Under Workmen's Compensation Law" (H. P. 428) (L. D. 475) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. ST. PIERRE
of Androscoggin
—of the Senate

Messrs. WEST of Stockton Springs
LEGARD of Bath
GATES of Millinocket
SMALL of Mexico
LETOURNEAU of Sanford
COUTURE of Lewiston
—of the House

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "B" submitted therewith.

Report was signed by the following members:

Messrs. WARD of Penobscot
REID of Kennebec
—of the Senate
Mr. CASWELL of New Sharon
—of the House

Reports were read.

(On motion of Mr. Caswell of New Sharon, the two Reports, with accompanying papers, were tabled pending acceptance of either report, and were specially assigned for Tuesday, April 28)

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Labor on Bill "An Act relating to Dependency Allowances Under Employment Security Law" (H. P. 525) (L. D. 563) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. ST. PIERRE
of Androscoggin
—of the Senate

Messrs. WEST of Stockton Springs
LEGARD of Bath
GATES of Millinocket
SMALL of Mexico
LETOURNEAU of Sanford
COUTURE of Lewiston
—of the House

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

Report was signed by the following members:

Messrs. WARD of Penobscot
REID of Kennebec
—of the Senate
Mr. CASWELL of New Sharon
—of the House

Reports were read.

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

Mr. COUTURE: Mr. Speaker and Members of the House: I move that the majority report "Ought to pass" be accepted.

The SPEAKER: The gentleman from Lewiston, Mr. Couture, moves that the majority report "Ought to pass" as amended by Committee Amendment "A" be accepted.

The Chair recognizes the gentleman from Rockland, Mr. Low.

Mr. LOW: Mr. Speaker, I am informed that this bill will cost a great deal of money, so much, so that it might wreck the Unemployment Compensation Commission on its present rates. I would like also to table this matter until next Tuesday.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Rockland, Mr. Low, that Legislative Document 563, and accompanying papers, lie on the table and be specially assigned for Tuesday next, pending the motion of the gentleman from Lewiston, Mr. Couture, that the majority report of the Committee on Labor, "Ought to pass," be accepted. Is this the pleasure of the House?

The motion prevailed and the two reports, with accompanying papers, were so tabled and so assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act relating to Charges for Medical Examination by Applicants for Employment" (H. P. 659) (L. D. 702)

Report was signed by the following members:

Mr. ST. PIERRE
of Androscoggin
—of the Senate
Messrs. WEST of Stockton Springs
GATES of Millinocket
SMALL of Mexico
LETOURNEAU of Sanford
COUTURE of Lewiston
—of the House

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by

Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. WARD of Penobscot
REID of Kennebec
—of the Senate
Messrs. LEGARD of Bath
CASWELL of New Sharon
—of the House

Reports were read.

(On motion of Mr. Legard of Bath, the two Reports, with accompanying papers, were tabled pending acceptance of either report, and were specially assigned for Tuesday, April 28)

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Medical and Legal Expenses Under Workman's Compensation Law" (H. P. 751) (L. D. 790)

Report was signed by the following members:

Messrs. WARD of Penobscot
REID of Kennebec
—of the Senate
Messrs. WEST of Stockton Springs
CASWELL of New Sharon
LEGARD of Bath
GATES of Millinocket
SMALL of Mexico
—of the House

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. ST. PIERRE
of Androscoggin
—of the Senate
Messrs. LETOURNEAU of Sanford
COUTURE of Lewiston
—of the House

Reports were read.

(On motion of Mr. Legard of Bath, the two Reports, with accompanying papers, were tabled pending acceptance of either report, and were specially assigned for Tuesday, April 28)

Divided Report

Majority Report of the Committee on Labor reporting "Ought not

to pass" on Bill "An Act relating to Unemployment Compensation Regarding Waiting Period" (H. P. 1100) (L. D. 1234)

Report was signed by the following members:

Messrs. WARD of Penobscot
REID of Kennebec
—of the Senate

Messrs. WEST of Stockton Springs
CASWELL of New Sharon
LEGARD of Bath
GATES of Millinocket
LETOURNEAU of Sanford
COUTURE of Lewiston
SMALL of Mexico
—of the House

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

Report was signed by the following member:

Mr. ST. PIERRE of Andros-
coggin
—of the Senate

Reports were read.

Thereupon, the Majority Report of the Committee was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Repeal Running Horse Racing" (H. P. 662) (L. D. 705)

Report was signed by the following members:

Messrs. WEEKS of Cumberland
CHAPMAN of Cumberland
—of the Senate

Messrs. STEWART of Paris
CHILDS of Portland
WOODCOCK of Bangor
GOWELL of Berwick
HAND of New Limerick
MARTIN of Eagle Lake
—of the House

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

Report was signed by the following member:

Mr. STEWART of Portland
—of the House

Reports were read.

The Chair recognizes the gentleman from Portland, Mr. Stewart.

Mr. STEWART: Mr. Speaker, I rise to support the minority report.

I move the acceptance of the minority report "Ought to pass."

The SPEAKER: The gentleman from Portland, Mr. Stewart, moves that the minority report of the Committee on Legal Affairs, "Ought to pass," be accepted.

The gentleman may continue.

Mr. STEWART: Mr. Speaker, I would like to present to the House the materials that have convinced me that the running race track is unmistakably an evil, that the harm to the State far outweighs any revenue from the track.

I would like to call to your attention the statements of three former Governors, corroborating my view that running racing is a detriment to the people of Maine.

First, I call attention to a letter which I received from former Governor Baxter. This was at the time when this bill was before the people for consideration of a referendum to veto the running race law. He said:

"Please send me a petition to circulate to obtain a veto referendum on the running race law enacted by the Legislature. Enclosed is a three-cent stamp for your convenience."

I would like to relate incidentally that later in that campaign to obtain a veto former Governor Baxter contributed one hundred dollars to enable us to get signatures to prevent a veto referendum.

I would like to call your attention too to a statement made by former Governor Payne during his campaign for the Senate. This statement is found in the Portland Evening Express for May 7, 1952, at Page 2. It states:

"Payne, who is a candidate for the Republican U. S. Senate nomination, remarked that parimutuel betting first was legalized to help the agricultural fairs," and he said, "The fairs themselves got away from the original intent of the law by having meets before actual fair time and running overcoat meets after the fair season. It's nothing but legalized gambling now."

And listen to this concluding paragraph. "He added that if the lawmakers want to do something about it they should go back to the original concept of the law and confine racing to the agricultural fairs alone."

I would like to call your attention, too, to a statement made by former Governor Hildreth, in the Press Herald for February 13, 1951:

"Running Race Evils Outweigh Tax Income, Says Hildreth.

"Running races have brought evils to Maine far in excess of the tax income they have returned to the State," former Governor Horace A. Hildreth told fellow members of the Portland Club Monday night.

"The President of Bucknell University declared he had the pleasure of vetoing running racing bills during his two terms in office and that he is still against such racing.

"It is amusing to see," he noted, "that a bill is now being offered to repeal such racing on the grounds that it was all right while the racket was being conducted by Maine men but it is wrong now that it is in the hands of out-of-staters."

It seems to me that the views of these former Governors might lead you to conclude that racing is not such a benefit to the State of Maine, that the pari-mutuel revenue is hard-got.

I would like to quote the opinions of local business men about the financial impact of the running race law upon the community. Listen to the way the local merchants feel about this activity which was licensed by a former Legislature.

Seavey's Market on Newbury St.: "I'll be the first to vote the track out of business. I don't know whether the men who own the track made money or lost money out there at the running race track, but I do know that the little man who can least afford it lost money out there. It's the worst thing that ever happened to the City of Portland. You can tell Governor Payne that for me. If the people are given a chance they'll vote it out of business the same as they were voted out of business by the track."

The statement of Model Market, a corner grocer:

"Nine out of ten stores down this way were hard hit by the running race track. Many people down this way would cut out their Sunday dinners after they had bet heavily at the track. One man lost his business on this street because of his own and his customers betting

at the track. If I buy 25 pounds of hamburger from the wholesalers and people don't buy it from me because they've spent their money at the track, the wholesalers feel the effects of betting, too. That is just what happened during the summer."

The statement of Caizzo's Middle Street Store:

"The running race track made things quiet around here especially when night racing came in. It isn't good for business. People around here haven't got the money to spare. If they spend their money on the track they don't spend it on food, they cut down on their food purchases."

The statement of William Foley of the Portland Credit Bureau:

"Some types of collections fall off during the racing season; other types of collections were up during that time. I haven't any doubt it affected the grocery stores that extend neighborhood credit."

The statement of Mr. A. R. Clifton, a Portland business man:

"I believe the running race track is not beneficial to our community. My experience in other states in which the gambling fever resulted in poor people betting from wages convinced me that it is harmful to legitimate business. I know one family which bet \$15 regularly at the track, week in and week out (in another state). It would have been far better for them to put the money in the bank toward future needs. It isn't good to encourage spend-thriftness and gambling when the community may be called upon sometime to make up for the money that it wasted."

The statement of the Victory Market, Cumberland Avenue:

"The track had little effect on my business, especially when the horses ran nights."

The statement of Sam's, on Lancaster St.: "Having a track beckons them to go to the races. When they've lost twenty, they want to get their twenty back, so they go again. As to whether that affected my business, it's a half and half proposition—half bet out at the track and the other half bet at the bookies. As for hurting my business, business is poor anyway, so nothing from nothing is nothing."

The statement of Block's Variety Store:

"When races were on business really dropped off. Summer is the best part of our business. Some of the fools would come in bragging about how much they'd lost at the track, and then they would come and try to get trusted for a package of cigarettes. People who cannot afford to put their money in at the track are betting at Scarborough."

The statement of J. L. Brackett, a downtown business man:

"I am opposed to running races in the State of Maine as a merchant for the following reasons:

"Earned income disappears and consumer buying is restricted to bare needs. All classes of society in the vicinity of Portland spend less because of losses. My observations led me to the opinion that the unskilled labor class and skilled labor class of which we have the most, are the most inclined to bet recklessly.

"To sum it all up, all the cream is removed from the top, merchants and retailers feel this reckless gambling hurts business in general from a native viewpoint and definitely shortens the length of tourist vacations in the State of Maine."

He wished to place himself so emphatically on record that he wanted to make a sworn statement to that effect.

Nick's Market, Arthur Gikos:

"It isn't any good for the business men to take all that money from Portland. I've met people who buy groceries from me on relief (with city stamps) who were out at the track. Money goes to the horse races that they should spend on food. They don't leave money in Portland. They take it away, thousands of dollars a day."

Nicholas Nanos:

"I believe that the track definitely hurts my business. People went out there to the running race track and came back broke, especially when they opened nights. Every night in the week except Sunday for sixty days was a terrible drag, taking five to seven thousand people from the City of Portland. They would be broke until the next week, and they would come in to put groceries on the cuff."

Statement of the Federal Reserve:

"Summaries of retail figures for Portland for the month of August show that it was two per cent behind the rest of the State in the month of August of the year past, the year 1951. These figures, include the relative gains in retail trade."

So we find that while the rest of the State was enjoying an increase in the summer time of one per cent greater than Portland, Portland was suffering.

A Portland business leader whose position enables him to know what the whole business picture is in the city, stated that Portland business did not gain from having the running race track. The consensus of privately expressed opinion among Portland business men is that it definitely lost.

There is no substantial gain in revenue from having the running race track activity. That was the basis upon which it was brought into the State. Statements were made that it would bring from two to six million dollars of revenue. Perhaps the higher estimates were a little on the optimistic side, but many of the estimates indicated one and a half to two million dollars.

We have merely discriminated in favor of a new industry at the expense of a traditional Maine sport, harness racing, in which Maine's interest goes back to the days when Maine was admitted as a State to the Union. We have really substituted the revenue from the runners for the revenue we used to get from harness racing. We have hobbled the harness horse and helped the runners.

I would like to corroborate that statement with an item from the Bangor Daily News of December 29, 1949, presenting the financial picture to the State at the time when we had only harness race meets.

"Lots More Racing But Little Jump in Betting at Horse Meets in 1949. Maine racing fans went to a lot more meets this year," and then it goes on to state that the sums received in wagers, in pools, amounted to six million dollars during the 1949 season. It quotes the receipts in the pools for the season before that as \$6,154,486. I would like to have you compare that with the figures from the report of the

Running Race Commission, in which, in 1951, they report that running racing brought in to the State a pari-mutuel handle of \$6,867,000. In 1952 the pari-mutuel handle was \$6,833,128. An examination of these figures will show us that we have merely substituted one type of racing activity for another in preference, and that the amount of revenue coming from the running race people is not substantially greater than came in from the harness people.

What has this done to the fairs? I pointed out from the Bangor Daily News of 1949 that the sum of six million had been bet and that the sum turned into the State Treasury based upon that amount was \$316,511.75. \$316,511.75 came into the State as revenue when we had harness racing exclusively. Let us see what the figures shown in the budget report are for the season past, and see if we have not merely substituted one racing activity for another, that we have depressed the revenue of the harness racing people at the same time when we have allowed in this new activity. The revenues for 1951 to 1952, licenses and commissions on Harness Horse Racing, \$223,000 compared with the \$316,000 that came in when harness racing was an activity in the State or the only type of racing activity.

If we are interested in fairness, if we are opposed to discrimination, we should consider well what has happened here by giving encouragement to running racing, by giving them twilight privileges.

More than that, under the control of the Federal courts, the running race people did not even permit the Gorham track and the Lewiston track to operate at all while Scarborough was having running racing during their regular season because it would limit their chance, they said, for a successful business operation. Nice people, these running race operators. Give them an inch and they will put the other fellow out of business. That is what they have been trying to do to harness racing. There is only so much money that will be bet, and if one gets it the other activity does not.

It is interesting to note that this was an analysis which was made by Governor Payne at the time when it was attempted to license two track activities within eleven miles of each other. Governor Frederick Payne, in a statement quoted by Lorin Arnold in the Bangor Daily News in 1949 says, referring to running both Old Orchard and Gorham tracks jointly: "I would not think there is money enough in Maine to warrant running the dual meets."

That brings out the picture that there is only so much money to be bet and if you allow one to have the ascendancy and give him the privilege where he can squeeze out the other you are just allowing a discrimination against the other type of activity.

I would like to present the peculiar history of the track. Every step of its existence has been shot through and through with charges of corruption. There is a lot of smoke. Is there any fire? I will leave it to you to decide after going down through the evidence.

Let me take the strongest-smelling item first. This is the report of testimony that was brought out at a Federal court hearing last summer. Wilfred A. Hay, attorney for Scarborough Downs, Inc., asked the questions regarding a lease for operation during the season. Here is the question Hay asked Bourisk in court, and how Bourisk replied. I would like to have you follow very carefully the questions which implied that Mr. Hay had the information. It is a Federal court rule that you cannot ask a question calling for information on cross-examination unless you are prepared to substantiate the facts that would be brought forth by the question, and so presumably Mr. Hay knew what he was talking about when he asked the questions.

"Q. Do you recall making a suggestion to Mr. (Mayo) Levenson and Mr. (Robert) Verrier to create a pool for the purpose of fixing certain jockeys to fix races at Scarborough Downs?"

"A. May I explain? A discussion came out sometime that Mr. Wilson put in so much money and that he had nothing to worry about

because his money was coming in. There was many discussions taking place at a race track. Mr. Verrier talked to me at the track and I said I didn't know. I have no experience. They talked about it and they said it could be fixed. Now whether they can or not I don't know, so we went down and talked in Mr. Levenson's office and I said I have no idea that there is such a thing. Mr. Verrier went to the racing secretary at that time. There was a question about how much money it would take and what they do generally to fix a race. I may have said at the time, I don't know, but they talked about several thousand dollars in order to fix races. That is the way they generally handled them."

Hay also pressed Bourisk for information on a man named Frank Farrara and the subject of comeback money. The attorney tried to connect Farrara with phones that might have been installed at the Downs.

(Editor's Note: The Maine Running Race Commission bans use of phones other than those used by track officials, while a race meet is in progress)

Bourisk acknowledged he knew Farrara; said he was introduced to him by a Boston judge. Farrara is now in prison, the Court was told.

These questions were then asked by Hay and Judge Clifford and answered by Bourisk:

"Q. Do you know of any telephones that were installed by Mr. Farrara to have for his use? (at Scarborough Downs)"

"A. May I explain that? There was a lot of talk about comeback money. I have had no experience up to that year about running races. We hear a lot of people talking about comeback money, and at that particular time they thought it might be an asset to have someone up there and have what they called comeback money into the track. What their methods are I don't know, and I never did know."

"Judge Clifford: What do you mean by comeback money?"

"A. Right now I can't explain that. Somebody calls on the phone and they tell them to place a bet at the track. As long as the money

goes into the track the State has a percentage of it."

(Editor's note: Comeback money in racing parlance is money bet at a track by a bookie.)

"Judge Clifford: Would the money come from outside?"

"A. That's right."

"Judge Clifford: And there would be money deposited there to the credit of that party?"

"A. That's right. In fact they had something similar to that last year. That is what I heard. I have no way to prove it."

"Q. How many phones were installed? A. No."

At another point the questioning went like this:

"Q. Do you recall sometime in August you called for a conference with Verrier and Mr. Levenson in a certain place in Scarborough Downs and stated to Mr. Verrier and to Mr. Levenson that the time was getting short. That we were in here for a lot of money and this was one way to get this money back, to fix certain races. Do you recall that conversation with Mr. Verrier and Mr. Levenson?"

"A. I don't recall that at all."

Earlier Hay asked Bourisk:

"Q. Do you recall sometime in 1950 going to Mr. Levenson's office and having a talk with Mr. Levenson because you had a fear that the races or some of the races were being fixed at Scarborough Downs?"

"A. I recall being in Mr. Levenson's office with Mr. Verrier."

"Q. Do you recall an occasion when you alone visited Mr. Verrier in regard to certain races that might possibly be fixed at Scarborough Downs?"

"A. Not in regard to fixed races."

That is the questioning and the answers in the court, questions that tend to assume that there was at least serious discussion of race fixing. Whether any occurred or not is undoubtedly another question, but it was seriously discussed by the operators of the track.

The decision made by Judge Clifford on this evidence is very interesting.

"They concluded that Mr. Robert Verrier, Mr. Thomas Merkas, and the attorney, Mr. Mayo Levenson and the Goldfines were persons in whom this Court could repose com-

plete confidence. I think it should be clear to everyone after the testimony before me in the past several days that there is need for operators in whom the Court can have confidence."

There is a resume of testimony on Page 2.

"There is a need for men in whom the Court can repose confidence and who are alert to protect the public against possibility of corruption."

Judge Clifford stated that he is satisfied they have demonstrated themselves as worthy of confidence, those gentlemen named. The decision apparently resulted in one of the gentlemen being turned down for a track lease.

It is interesting here that an offer was made to the two tracks at Lewiston and Gorham. A decision was made to allow them to run only at times they did not conflict with Scarborough Downs. There you have, in my mind, discrimination, serious discrimination.

And some of the testimony further. An attorney asked Bourisk if he suggested to Verrier and Levenson that a pool be set up to fix races. Bourisk answered "Mr. Verrier talked to me at the track. Whether they can or can not, I don't know, but we went down and talked in Mr. Levenson's office and I said, 'I have no idea there is such a thing.' Mr. Verrier went to the racing secretary at the time. There was a question about how much money it would take to fix a race. I may have said at the time, I don't know, but they talked about several thousand dollars to fix races."

It strikes me that this testimony brought out in Federal Court warrants the belief that some of the men at the track at least entertained the idea of fixing races.

I would like to bring out a statement from the Bird Report indicating or suggesting that there was money offered to some unknown person. A quotation from Talberth, on Page 59:

"Well, like I say, Herman, I don't***. In the long run I'm better off, see. A year from now, or even today, I'd go to bed tonight if there was a story came out in the paper this morning, there was

going to be an investigation of say, of Scarborough Downs, I'd go to bed tonight with a clear conscience. I don't think he can from the stories I've heard, and while money is always good, I'll get along, I mean. I'm not, ***I don't need money that badly."

Statement in the Evening Express, Tuesday, June 3, 1952:

"State Digs Into Race Pay-Off Report. Maine's attorney general is investigating reports of a 'payoff' in connection with the state's only running horse race track."

"Attorney General LaFleur disclosed today that when he questioned members of the Maine Running Racing Commission yesterday he asked if they knew anything about a possible payoff, but they told him they knew nothing about it.

"LaFleur was asked if the payoff he was trying to track down involved a \$30,000 check. He replied 'I never heard of a \$30,000 check, but I have heard stories about a payoff.'

"He said yesterday he had discussed with the commission a rumor of 'fixed' races, but added that 'there is no evidence of fixing of races at the present time.' "

I would like to have you look at that oracular statement: "There is no evidence of fixing of races at the present time." Whether there is evidence at the present time or whether the fixing of races applies to the present time, I don't know, but it does suggest there has been serious question of the officials at Scarborough Downs about whether or not they were involved in racing payoffs.

From the Portland Press Herald, June 6, 1952:

"Officers of Scarborough Downs have been subpoenaed by the Kennebec County Grand Jury, but an official said tonight the jurors would not consider evidence of 'pay-offs' to state officials. Assistant Attorney General William H. Niehoff disclosed that 'other individuals'. He denied, however, that the Grand Jury will consider reported 'pay-offs' to any State officials."

At about this time we find the newspaper editorialists getting a little bit restless about this touch and go battle, as to whether or not the officials are going to be asked

about pay-offs, and an editorial in the Express states: "Let's have the facts. Reports of pay-offs to unnamed State officials in connection with Scarborough Downs have been widespread for a considerable time. They were given further circulation when the Attorney General acknowledged earlier this week that his office was investigating the matter. It also was known that the Legislative Research Committee was aware of the rumors, and many took it for granted that this panel would look in to the affair. Now, however, it appears that the sensational reports are to be left in circulation, their truth or falsity unanswered. For the counsel for the legislative committee announces that the committee chooses not to bother to learn whether there is fire behind so much smoke, passing the buck to the Attorney General's office. And that department tells the public that the pay-off reports will not be among Scarborough Downs matters the Kennebec Grand Jury will consider next week."

It is interesting to listen to the response of track officials to this. Of course they denied it as vigorously as they could, as brought out in this statement in the paper:

"The jury also is going to look into rumors of pay-offs to unidentified State officials in connection with operations at Scarborough Downs.

"General Manager Robert A. Verrier claimed Saturday night that the track should get some credit for putting bookmakers out of business in Maine. Instead, he said, it has become the target of untrue statements 'concerning bribery, fixing rates and whisper-veiled hints—all detrimental.'"

And now flaring into prominence again there is this same question of bribery of high State officials in connection with the race track:

"Ex-Prober Bird Claims Knowledge of \$40,000 Bribe. A former investigator for the attorney general's department and legislative research committee said today he had knowledge of a 1951 \$40,000 bribe in connection with a running horse race track bill.

"Stanley L. Bird said he and at least one other person presented

facts on the alleged \$40,000 bribery to the Kennebec County Grand Jury last year."

It is interesting to note that this statement was made not under the protection of any immunity such as we have here in the Legislature, but it was made before a service club, it was made in such a way that if it were not true this gentleman could be sued for libel and slander when he made the statement. Again I say that where there is smoke there must be some fire.

Right from its earliest day the track interests have operated in a singularly reckless manner. Before this Legislature in 1949 the stories were current that some members of the Legislature were receiving money in connection with bills which were before the Legislature. These statements were deemed of such importance by the Committee on Elections that they conducted a thorough investigation of the matter. Their investigation may be found in the Legislative Record for 1949, when their report indicated their belief that the rumors grew out of statements made in jest by members of the Legislature and that there was nothing serious in the charge. Nevertheless, those rumors were current at the time, were persistent, and did need to have the attention of the Election Committee of this Legislature.

In May, 1951, Attorney LaFleur told a service club in Lewiston that while they were considering the running race track as a measure to be brought to the Legislature he was offered \$25,000 to lobby the bill through the Legislature. It is my understanding from that newspaper report that at that time he was State Commander of the American Legion, and I am very happy to state that the now Attorney General did not feel that he should abuse the position that he had as Commander of the American Legion by using that influence to sell a running race activity to the State of Maine.

During its first season of racing, the running race track was responsible for a considerable increase in bookmaking. This is brought out in a newspaper report, Press Herald, April 3, 1951, in a statement of Captain Kochian:

"Captain Kochian agreed that 'there has been an increase in book-making' since Scarborough Downs opened, but he was quick to add that 'the track was well managed.'"

I would like also to review briefly the episode involving the injunction sought by the racetrack operators against a law passed by this Legislature.

During the summer of 1951 the racetrack intentionally flouted a law passed by the Maine Legislature banning night running races, and now they have the nerve to come back here again and ask for the privilege, after deliberately disobeying a previous law passed by the 1951 Legislature. They went to one justice, got an injunction in a most extraordinary proceeding, and the Law Court upheld the right of the one justice to grant such an injunction but questioned the wisdom of this procedure by one justice acting on his own.

The Court stated that the violation of the law by the track could be prosecuted criminally. Attorney General LaFleur at the time threatened such prosecution, but I would like to call to your attention that, so far as I know, from examining the papers since then and making a study of track activities, there has never been anything done about this intentional violation of the law by the running race track during that summer.

The Civic League challenged the decision by one Judge granting an injunction and allowing the track to operate, and, as a result, two Law Court opinions have been handed down, one holding that that injunction of a single Judge did not mean that the violation of law by the track was legal and indicated that the track could be prosecuted if the law was constitutional. A later decision upheld the law passed by the 1951 Legislature which had been flouted by the track and held that it was constitutional.

It is interesting to note that while the Governor and Council could find thousands of dollars to try to find out whether Carroll committed incest with his daughter it never paid one nickel of compensation for the upholding of a law passed by the Legislature; it did not pay one cent to the Assistant Attorney Gen-

eral who successfully took the case to the Law Court. The Governor and Council even balked at one stage at paying the court costs for stenographer's work on the court record. Someone was behind the scenes trying to trig the works so the case would never be brought to the Law Court.

It is further interesting to note that during the taking of the case through the courts crews of State Auditors who would show up one day to go over track records would suddenly be called off the case and be assigned to other business, and when State Auditors were to appear in court to testify to their findings the State Auditor's Department suddenly became so short-handed they had to assign our witnesses of that day to some other business.

It is further interesting to note that promises made by the attorneys for the track in open court, stipulations that we could examine the records in the Federal court, were met with rebuff in the Federal court officers or by dangling diplomatic dalliance by an overzealous guardian of the records, records as to which the State is supposed to have jurisdiction as matters of public record.

It is further interesting to note that the offer to examine the records of the corporation was again made at the hearing by attorneys for the track, the hearing here in the Legislature, as an answer to charges of race fixing and bribes. They said, "You may go over our corporate records, and our cancelled checks," as if we suspected any person who might be involved in race fixing or bribery would be so stupid as to write out a check for \$40,000 and present it to the person whom he was seeking to bribe! It does not seem to me that an opportunity to examine their records is any answer to the charge of race fixing or to the charges of bribery.

I tell you this whole track deal is a sinister operation, a baneful influence upon our State affairs, and if you are serious, as I believe you were in caucus and in this House, about doing a thorough job of housecleaning I believe the place to start is here, to remedy the mistake made by the Legislature of 1949 and

repeal running racing, and accept the Minority Report.

Mr. Speaker, I move for the acceptance of the Minority Report and I ask for the yeas and nays.

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

Mr. CHILDS: Mr. Speaker, speaking for the majority of the committee, I move the indefinite postponement of L. D. 705, "An Act to Repeal Running Horse Racing."

The SPEAKER: The Chair understands the gentleman moves indefinite postponement of L. D. 705, the two reports and Bill.

Mr. STEWART of Portland: Mr. Speaker, in regard to that motion for the yeas and nays—

The SPEAKER: The Chair understands the gentleman from Portland, Mr. Stewart, requests a roll call vote in connection with the motion for indefinite postponement.

The gentleman from Portland, Mr. Stewart, has requested a roll call. All those who desire that the yeas and nays be taken will rise and stand in their places until the monitors have made and returned the count.

The SPEAKER: Obviously less than one-fifth of the members present having expressed their desire, the yeas and nays are not ordered.

The pending question before the House is on the motion of the gentleman from Portland, Mr. Childs, that the two reports and Bill "An Act to Repeal Running Horse Racing" (H. P. 662) (L. D. 705) be indefinitely postponed. The Chair recognizes that gentleman.

Mr. CHILDS: Mr. Speaker, I move the vote be taken by a division.

The SPEAKER: The gentleman from Portland, Mr. Childs, requests a division.

As many as are in favor of the motion of the gentleman from Portland, Mr. Childs, that the two reports and House Paper 662, L. D. 705, Bill, "An Act to Repeal Running Horse Racing" be indefinitely postponed will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Fifty-seven having voted in the affirmative and twenty-nine in the negative, the motion prevailed and the two Reports and Bill were indefinitely postponed and sent up for concurrence.

Divided Report Tabled

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Membership of State Harness Racing Commission" (H. P. 663) (L. D. 706)

Report was signed by the following members:

Messrs. WEEKS of Cumberland
CHAPMAN of Cumberland
—of the Senate

Messrs. STEWART of Paris
STEWART of Portland
HAND of New Limerick
—of the House

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

Report was signed by the following members:

Messrs. GOWELL of Berwick
CHILDS of Portland
WOODCOCK of Bangor
MARTIN of Eagle Lake
—of the House

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: I move the acceptance of the majority "Ought to pass" report.

The SPEAKER: The gentleman from Standish, Mr. Center, moves that the majority report of the committee, "Ought to pass," be accepted.

The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I rise for a parliamentary inquiry.

The SPEAKER: The gentleman may make his inquiry.

Mr. CHILDS: Mr. Speaker, I desire to take up out of order Item 20, rather than Item 19. My purpose is, that if Item 20 passes, Item 19 would be of no avail because there would no longer be a State Harness Racing Commission.

The SPEAKER: The Chair would suggest that the gentleman may

put before the House a motion to table this item, with the idea of suspending the rules and then taking up Item 20.

Mr. CHILDS: Mr. Speaker, I then move to table Item 19, under suspension of the rules, and then take up Item 20.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that Item 19, Legislative Document 706, Bill "An Act relating to Membership of State Harness Racing Commission," with accompanying papers, be tabled. Is this the pleasure of the House?

The motion prevailed, and the matter was tabled temporarily.

Mr. TAYLOR: Mr. Speaker and Members of the House, if Item Number 19 has been taken care of, I move that Item 20, House Paper 1188, Legislative Document 1337, be tabled and unassigned.

The SPEAKER: The matter will be before the House in a few minutes, and at that time the Chair will entertain the gentleman's motion.

Divided Report Tabled

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Creating a Racing Commission" (H. P. 1188) (L. D. 1337)

Report was signed by the following members:

Mr. CHAPMAN of Cumberland
—of the Senate

Messrs. STEWART of Paris
WOODCOCK of Bangor
CHILDS of Portland
STEWART of Portland
MARTIN of Eagle Lake
—of the House

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

Report was signed by the following members:

Mr. WEEKS of Cumberland
—of the Senate

Messrs. GOWELL of Berwick
HAND of New Limerick
—of the House

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Norridgewock, Mr. Taylor, who moves that Item 20, Legislative Document

1337, and accompanying papers, lie on the table unassigned. Is this the pleasure of the House?

(Calls of "No" and "Yes")

All those in favor that this matter will lie on the table will kindly rise and remain standing in their places and the monitors will make and return the count.

A division of the House was had.

Forty-one having voted in the affirmative, and twenty-seven having voted in the negative, the motion prevailed, and the two reports, with accompanying papers, were tabled without assignment, pending acceptance of either report.

The SPEAKER: In regard to Item 19, Legislative Document 706, the gentleman from Portland, Mr. Childs, has tabled that matter, pending the motion of the gentleman from Standish, Mr. Center, that the majority "Ought to pass" report of the committee be accepted.

Passed to Be Engrossed Tabled and Assigned

Bill "An Act relating to Duties of Clerk of the Lewiston Municipal Court" (S. P. 177) (L. D. 436)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. Trafton of Auburn, the Bill was tabled pending third reading and specially assigned for Tuesday, April 28)

Bill "An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945, 1947, 1949 and 1951" (S. P. 490)

Bill "An Act to Validate Acceptance by the Town of Bristol of a Contract with Maine School Building Authority" (S. P. 514) (L. D. 1401)

Bill "An Act relating to Inspection of Boilers" (S. P. 535) (L. D. 1440)

Bill "An Act relating to Apprentices Barbers" (S. P. 539) (L. D. 1453)

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

Tabled

Bill "An Act Declaring All Court Papers, Books and Records Pertaining to Adoption Confidential and Providing for Release Thereof" (S. P. 541) (L. D. 1454)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. Cianchette of Pittsfield, the Bill was tabled without assignment, pending third reading.)

Tabled and Assigned

Bill "An Act Transferring Maine School for the Deaf to Department of Education" (H. P. 685) (L. D. 720)

Was reported by the Committee on Bills in the Third Reading.

Mr. Roundy of Portland, offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 685, L. D. 720, Bill "An Act Transferring Maine School for the Deaf to Department of Education."

Amend said Bill by striking out the underlined words and punctuation "at Portland," in the 2nd line of that part designated "Sec. 162-B".

Further amend said Bill by striking out all of that part designated "Sec. 162-D" and inserting in place thereof the following:

"Sec. 162-D. Admittance of children to school. With the consent of its parent or guardian, the department may admit to said school for a term not exceeding 16 years, any deaf and dumb child residing in this state and not less than 2 years of age, and the sums necessary for the support and instruction of such children while attending said school shall be paid by the state."

Thereupon, House Amendment "A" was adopted and the Bill was given its third reading.

Mr. CAMPBELL of Guilford: Mr. Speaker - - -

The SPEAKER: For what purpose does the gentleman rise?

Mr. CAMPBELL: I would like to make a motion to table this, Mr. Speaker, until next Tuesday.

The SPEAKER: The gentleman from Guilford, Mr. Campbell, moves that Legislative Document 720, and

accompanying papers, lie on the table and be specially assigned for Tuesday, pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled and so assigned.

Bill "An Act Accepting from Dorothea Dix Memorial Association a Deed of Gift of Dorothea Dix Park" (H. P. 1213) (L. D. 1386)

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

Tabled

Bill "An Act to Include the Typing of Blood in Prenatal Examinations" (H. P. 1274) (L. D. 1510)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Ford of Waterford, the Bill was tabled without assignment pending passage to be engrossed.)

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

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

Resolve Authorizing Treasurer of State to Convey Interest of the State in Property in Portland to Frank and K. Louise Bieske (S. P. 518) (L. D. 1406)

Resolve to Create a Special Committee to Study Safeguards in Construction Projects (S. P. 536) (L. D. 1441)

Resolve in favor of the Town of Stoneham (H. P. 1239) (L. D. 1434)

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

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 relating to Licensing of Electricians" (S. P. 455) (L. D. 1269)

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

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

Bill "An Act relating to Organization of Police Department of City of Lewiston" (H. P. 1052) (L. D. 1193)

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

Orders of the Day

The SPEAKER: There are no specially assigned matters for today and the House is proceeding under tabled and unassigned matters under Orders of the Day.

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

Mr. FULLER: Mr. Speaker and Members of the House: I want to give you just a few — —

The SPEAKER: Does the Chair understand that the gentleman requests unanimous consent to address the House?

Mr. FULLER: Excuse me, Mr. Speaker, I would like unanimous consent to address the House very briefly.

The SPEAKER: Does the Chair hear objection to the request of the gentleman from South Portland, Mr. Fuller, that unanimous consent be granted in order that he may address the House? The Chair hears none and the gentleman may proceed.

Mr. FULLER: Thank you, Mr. Speaker. I want to give you a few statistics. Statistics are not always interesting, especially when it is almost time to adjourn, I realize, but I think this is a rather serious matter. There were, before today's session, sixty-five unassigned matters on the table, and with today's matters there are probably nearer seventy-five matters at the present moment.

The cost of printing these unassigned matters is approximately \$9.50 per page, or approximately \$1.35 an item. Some of these items

have already been on the table thirty days, which means a cost to the State of Maine of \$40 already for printing that item. All non-controversial matters should be moved immediately, I think. There are a few of the matters that very definitely should remain on the table, but there are a lot of matters on the table that are unanimous "Ought not to pass" reports, and it does not seem to me that they would have a ghost of a chance of passing, and from what I have already told you, I hope that some of you will get them off the table and do something with them. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Charleston, Mr. Rich.

On motion of Mr. Rich, the House voted to take from the table, the third tabled and unassigned matter, House Report "Leave to Withdraw" of the Committee on Liquor Control on Bill "An Act Prohibiting the Sale of Malt Liquor in Non-Returnable Bottles" (H. P. 351) (L. D. 367) tabled by that gentleman on February 25 pending acceptance of the report. Is this the pleasure of the House? It is a vote.

(Calls of "No")

The SPEAKER: The Chair apologizes and did not recognize the gentleman. At this moment we will declare the third tabled and unassigned matter not off the table and the motion is before the House as to whether or not the House wishes to take it from the table at this time. Is it the pleasure of the House that the third tabled and unassigned matter be taken from the table?

The matter was taken from the table.

The SPEAKER: The motion of the gentleman from Charleston, Mr. Rich, was that the bill, Legislative Document 367, be substituted for the report of the committee.

The Chair recognizes the gentleman from Rockland, Mr. Low.

Mr. LOW: Mr. Speaker and Members of the House: This matter has been thoroughly discussed in this House and we made our deci-

sion. It was also discussed in the other branch and there has been a Committee of Conference, which found no grounds for agreement, either under this bill or the other bill which was under discussion.

It seems to me that we are simply wasting time to argue it again and have another Committee of Conference, and I move that the bill be indefinitely postponed.

The SPEAKER: The gentleman from Rockland, Mr. Low, moves that the report and bill be indefinitely postponed.

The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker and Members of the House: I agree with what the gentleman from Rockland, Mr. Low, has said in regard to the discussion of the other bill. We would like to take this from the table and have the report for the purpose of amending the present bill which we are discussing. I think perhaps the amendment will qualify the bill in such a way that it will pass through the other body, and I think that the bill, as it will be amended, will have some considerable support from some in the other branch; at least, we should give it a chance.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Albert.

Mr. ALBERT: Mr. Speaker, the gentleman from Rockland, Mr. Low, has expressed my sentiments fully. However, I think Mr. Potter, from Medway, has an amendment which does have merit, and in order to give him the opportunity to introduce his amendment, I think we should substitute the bill for the report, and then if we don't like the amendment, we can kill the whole business.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Rockland, Mr. Low, that the report and bill be indefinitely postponed.

Mr. FULLER of South Portland: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, requests a division.

As many as are in favor that the report and bill be indefinitely postponed will kindly rise and remain standing in their places until the

monitors have made and returned the count.

A division of the House was had.

Six having voted in the affirmative and sixty-one having voted in the negative, the motion did not prevail.

The SPEAKER: The question before the House at this time is the motion of the gentleman from Charleston, Mr. Rich, that the bill be substituted for the "Leave to withdraw" report. Does the gentleman from Medway, Mr. Potter, wish to speak?

Mr. POTTER: No, Mr. Speaker.

The SPEAKER: Is it the pleasure of the House that the bill be substituted for the report, on the motion of the gentleman from Charleston, Mr. Rich?

The motion prevailed, and the bill was substituted for the "Leave to withdraw" report of the committee.

Thereupon, the bill was given its two several readings.

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

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

HOUSE AMENDMENT "A" to H. P. 351, L. D. 367, Bill "An Act Prohibiting Sale of Malt Liquor in Non-Returnable Bottles."

Amend said Bill by striking out all of the second paragraph thereof and inserting in place thereof, the following:

'Sec. 23-A. Non-returnable bottles prohibited. No malt liquor shall be sold in non-returnable bottles.'

The SPEAKER: The pending question before the House is on the motion of the gentleman from Medway, Mr. Potter, on the adoption of House Amendment "A" to Legislative Document 367.

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

Mr. OSBORNE: Mr. Speaker and Members of the House: I personally appreciate very much, and I know the other members who have worked so hard for a bill of this nature also appreciate your willingness to consider this bill and amendment. I might add that the wording of this amendment is exactly as drawn by a member of the other branch who was formerly opposed to the other bill. We have some assurance and hope that by presenting it in its

present form that it will receive a more favorable reception than the previous bill.

I am not going to take any more of your time—I know that this has been thoroughly discussed—but I do hope that the motion of Mr. Potter, of Medway, will prevail.

The SPEAKER: Is it the pleasure of the House that House Amendment "A" be adopted? As many as are in favor will please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and House Amendment "A" was adopted and the Bill as amended was assigned for third reading the next legislative day.

On motion of Mr. Jalbert of Lewiston, the House voted to take from the table the ninth tabled and unassigned matter, Bill "An Act relating to Salary of the Clerk and Clerk Hire of the Lewiston Municipal Court" (S. P. 342) (L. D. 838) tabled on March 24 by that gentleman pending passage to be engrossed.

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

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

HOUSE AMENDMENT "A" to S. P. 342, L. D. 838, Bill, "An Act Relating to Salary of the Clerk and Clerk Hire of the Lewiston Municipal Court."

Amend said Bill by striking out at the end of the seventh line thereof the underlined figure "2,800" and inserting in place thereof the underlined figure "\$2,600".

Thereupon, House Amendment "A" was adopted, and the bill as amended was passed to be engrossed in non-concurrence and was sent up for concurrence.

On motion of Mr. Jalbert of Lewiston, the House voted to take from the table the tenth tabled and unassigned matter, Bill "An Act relating to Salary of Judge of the Lewiston Municipal Court" (S. P. 336) (L. D. 841) tabled on March 24 by that gentleman pending passage to be engrossed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This item is being taken care of in its identical form in another bill. I now move the indefinite postponement of the bill.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that Senate Paper 336, Legislative Document 841, be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the bill was indefinitely postponed in non-concurrence and was sent up for concurrence.

On motion of Mr. Cates of East Machias, the House voted to take from the table the thirtieth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Orange and Rocky Lakes in Washington County (H. P. 515) (L. D. 578) tabled by that gentleman on April 8 pending acceptance of report.

On further motion of the same gentleman the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

On motion of Mr. Center of Standish, the House voted to take from the table the fifth tabled and unassigned matter, House Divided Reports, Majority Report reporting "Ought to pass" as amended by Committee Amendment "A" and Minority Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act relating to Taking of Smelts from Songo River, Cumberland County" (H. P. 259) (L. D. 289) tabled by that gentleman on March 17 pending acceptance of either report.

On further motion of Mr. Center, the majority report "Ought to pass" as amended by Committee Amendment "A" was accepted, and the bill was given its two several readings.

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

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

Amend said Bill by striking out in the second line thereof the word "unlawful" and inserting in place thereof the word 'lawful'.

Further amend said Bill by striking out in the second line thereof the words and punctuation "not a resident in the towns of Naples and Casco, Cumberland county."

Further amend said Bill by striking out in the sixth line thereof the words "such resident" and inserting in place thereof the word 'person'.

Further amend said Bill by striking out in the sixth line thereof the figure "3" and inserting in place thereof the figure '2'.

The gentleman from Standish, Mr. Center, then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 259, L. D. 289, Bill "An Act Relating to Taking of Smelts from Songo River, Cumberland County."

Amend said Bill by inserting after the word "smelts" in the third line thereof the words 'not exceeding six inches in length.'

Further amend said Bill by inserting before the word "smelts" in the sixth line thereof the word 'such'.

The SPEAKER: At this moment the Chair will state that it believes the sponsor of House Amendment "A" to Committee Amendment "A" and every member of the House will concur in the possible clerical error that should read: "Amend said amendment" instead of "Amend said bill".

Mr. CENTER: Mr. Speaker, may I approach the rostrum?

The SPEAKER: The gentleman may approach the rostrum.

The SPEAKER: For the purposes of the record, referring to Committee Amendment "A" alone, we will now act on the adoption of Committee Amendment "A". Is it the pleasure of the House to adopt Committee Amendment "A"?

Thereupon Committee Amendment "A" was adopted.

The SPEAKER: We have now before us House Amendment "A", not House Amendment "A" to Committee Amendment "A". Is it the

the pleasure of the House to adopt House Amendment "A"?

House Amendment "A" was adopted, and the bill as amended by Committee Amendment "A" and House Amendment "A" was assigned for third reading the next legislative day.

On motion of the gentleman from Portland, Mr. Albee, the House voted to take from the table the fourteenth tabled and unassigned matter, Bill "An Act relating to Taking of Smelts in Cumberland County" (H. P. 13) (L. D. 7) tabled by that gentleman on March 25 pending first reading.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. ALBEE: I have talked with the sponsor of this bill and also with the presidents of two of these sportsman's associations and they have agreed to allow me to move to indefinitely postpone this bill.

The SPEAKER: The gentleman from Portland, Mr. Albee, moves that the fourteenth tabled and unassigned matter, Bill "An Act relating to Taking of Smelts in Cumberland County" (H. P. 13) (L. D. 7) be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the Bill was indefinitely postponed and sent up for concurrence.

On motion of the gentleman from Sweden, Mr. Moulton, the House voted to take from the table the second tabled and unassigned matter, Resolve Regulating Fishing in Stearns Pond and Tributaries in the County of Oxford (H. P. 100) (L. D. 88) tabled by that gentleman on February 24th, pending first reading.

On further motion of the same gentleman, the resolve was given its first reading.

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

COMMITTEE AMENDMENT "A" to H. P. 100, L. D. 88, Resolve Regulating Fishing in Stearns Pond and Tributaries in the County of Oxford."

Amend said bill by striking out the word "boat" in the 5th line thereof and inserting the word 'person' in its place.

The SPEAKER: Is it the pleasure of the House to adopt Committee Amendment "A"?

The Chair recognizes the gentleman from Sweden, Mr. Moulton.

Mr. MOULTON: Mr. Speaker, I move that Committee Amendment "A" be indefinitely postponed.

The SPEAKER: The gentleman from Sweden, Mr. Moulton, moves that Committee Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and Committee Amendment "A" was indefinitely postponed and the resolve was assigned for second reading the next legislative day.

On motion of the gentleman from Raymond, Mr. Edwards, the House voted to take from the table the forty-third tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Resolve Opening Upper Rang Pond, Androscoggin and Cumberland Counties, to Ice Fishing (H. P. 518) (L. D. 521) tabled by that gentleman on April 15 pending acceptance of report of the committee.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. EDWARDS: Mr. Speaker and Members of the House: At the time this bill came up for hearing I was busy and did not know anything about it. Since I tabled this bill I have talked with quite a few back home and I can find no one who is opposed to this pond being reopened to ice fishing.

There are three lakes in this chain, Upper, Middle and Lower Rang Pond. The other two are open. I asked the reason for this pond being closed and I was told it was stocked with trout and they closed it to save the trout. I asked if there were any trout in the pond now and they said no. I checked with the Fish and Game Department and they told me the same as the people around home do, that most of the fish they get here are pickerel, white perch, and fish of that kind. I asked if they had any objection to it being opened to ice fishing and they said no. I therefore move, Mr. Speaker, that the resolve be substituted for the report.

The SPEAKER: The gentleman from Raymond, Mr. Edwards, moves that the resolve be substituted for the report.

The Chair recognizes the gentleman from Moose River Plantation, Mr. Watson.

Mr. WATSON: Mr. Speaker and Members of the House: This bill originally came in to our committee entered by request. It was advertised, as all bills are, for public hearing. There were no proponents and no opponents. We had absolutely no information on the bill. Now I think this is a pretty late date to start holding an executive session again in the House when there was nobody that appeared for or against this bill. That is why we reported it out "Ought not to pass" and I think that is the way it should stand.

The SPEAKER: The question before the House is on the motion of the gentleman from Raymond, Mr. Edwards, that the resolve be substituted for the report.

As many as are in favor of that motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the resolve was substituted for the "Ought not to pass" report of the committee.

The resolve was thereupon given its first reading and assigned for second reading the next legislative day.

On motion of the gentleman from Hodgdon, Mr. Williams, the House voted to take from the table the thirty-first tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Resolve Opening Brackett Lake, Aroostook County, to Ice Fishing (H. P. 817) (L. D. 901) tabled by that gentleman on April 8 pending acceptance of report.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. WILLIAMS: Mr. Speaker, the other day I listened with interest to a lot of discussion on Portage Lake ice fishing. However, Portage Lake has several differences from Brackett Lake. Mr. Morris had one member of the com-

mittee on his side and I did not have any on mine.

Another thing about this lake, it does not have any game warden sitting on the shore and watching it all the time. It is a small lake, has one cottage on it, and therefore the taxes do not enter into the picture. The only one against this was the President of the Fish and Game Association and he was against opening lakes to ice-fishing the same as a lot of people are against sin.

I had a petition signed by almost everyone that lives within several miles of the lake for it to be open. It seems to me there is not a reason in the world why the people who live around there cannot go there and catch a few pickerel once in a while during the winter.

I move that the resolve be substituted for the report.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, moves that the resolve be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Caribou, Mr. Currier.

Mr. CURRIER: Mr. Speaker, it is not very often that Aroostook County takes opposite sides, but on this one we have got to.

A few years ago Aroostook County was closed to ice fishing, all types of ice fishing, and in that grand and glorious county up there with four or five hundred lakes we have three lakes that are open to ice fishing. All of our Fish and Game Associations in Aroostook County area are opposed to opening any lake for ice fishing. That has been unanimous. I am not speaking for the committee; I am speaking for Aroostook County. I do not feel that this lake should break the precedent. I cannot see any reason why this lake should be open or that any good will come from it. There are trout, salmon and other fish in that lake and we feel they should be left there. I hope that the motion of the gentleman from Hodgdon, Mr. Williams, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I think

the Fish and Game Committee that seemed to oppose this resolve are good, average-sized men, and I am sure they wish they were under the orders of the Fish and Game Department. They seem to be willing to go along with this resolve from the department. Still, I think this committee could be wrong. There is a short thoroughfare that connects this lake with Eastern Grand Lake which the Department will tell you is the best fishing in the State of Maine and is open to ice fishing. There is probably a half or three-quarters mile thoroughfare between these two lakes. If the big lake is open, and this is a small lake, I can't see why any of those residents that have fishing licenses cannot go down there and catch pickerel. As far as trout go, I do not think there are many in there anyway.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker and Members of the House: I feel we have just gone along with a minority party here in opening up a lake to ice fishing and it seems as though we ought not to make a party issue of this, so I think it would be nice to go along with my seatmate and let him open up his pond.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Hodgdon, Mr. Williams, that Resolve Opening Brackett Lake, Aroostook County, to Ice Fishing (H. P. 817) (L. D. 901) be substituted for the "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed and the resolve was substituted for the "Ought not to pass" report of the committee, and the resolve was given its first reading and assigned for second reading the next legislative day.

The SPEAKER: The House may be at ease.

(House at Ease)

Called to order by the Speaker.

The SPEAKER: On the committee of conference on the disagreeing

action of the two branches of the Legislature on H. P. 960, L. D. 1050, "Resolve in favor of the Town of New Gloucester", the Chair will appoint the following members on the part of the House: The gentleman from Raymond, Mr. Edwards, the gentleman from Guilford, Mr. Campbell, the gentleman from Harrison, Mr. Davis.

On the committee of conference on the disagreeing action of the two branches of the Legislature on H. P. 612, L. D. 732, "Resolve to Repeal Certain Special Resolve Pensions", the Chair will appoint the following members on the part of the House: The gentleman from Brooks, Mr. Dickey, the gentleman from Kennebunkport, Mr. Bibber, the gentleman from Belfast, Mr. Clements.

Senate Order Out of Order

The SPEAKER: A paper has just been received from the Senate. Does the Chair hear objection to taking up this paper out of order and under suspension of the rules at this time? The Chair hears no objection.

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet on Monday, April 27th, 1953, at ten o'clock in the forenoon, Daylight Saving Time. (S. P. 582)

Came from the Senate, in that body read and passed.

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

Mr. FULLER: Mr. Speaker, I present House Amendment "A" to Joint Order, S. P. 582 and move its adoption.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, presents House Amendment "A" to Joint Order, S. P. 582 and moves its adoption. The Clerk will read the amendment.

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

The CLERK: The Committee on Rules and Business of the House has recommended the consideration of this amendment without reproduction.

HOUSE AMENDMENT "A". Amend said order by striking out the words "ten o'clock in the fore-

noon, Eastern Daylight Saving Time" and inserting in place thereof the words "nine o'clock in the forenoon, Eastern Standard Time."

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

Mr. FULLER: Mr. Speaker, I have been advised by the leaders of the other body that there is an outside possibility that we might finish at the end of next week. I am sure that if there is any chance of getting through at the end of next week that we all want to give it everything we have got. I hope that we will do just that and I hope that we will all be here promptly at the sessions, get these bills and resolves off the table, and let us all get our shoulders to the wheel and see if we cannot get out of here at the end of next week.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, may I ask Mr. Fuller: does that mean four o'clock on Sunday morning?

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, addresses a question through the Chair to the gentleman from South Portland, Mr. Fuller. The gentleman from South Portland, Mr. Fuller, may answer if he so desires.

Mr. FULLER: Mr. Speaker, that is a hard question to answer. Of course when there is work to do it must be done. Personally, I for one do not like night work, so if we can get done sooner I say amen to that.

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

Mr. MCGLAUFLIN: Mr. Speaker, I will answer Mr. Winchenpaw's question. We get through at twelve o'clock Saturday night even though it is eight o'clock Sunday morning.

The SPEAKER: At this time the Chair will state that on Page 44 of the Rules of the House it states: "No business shall be transacted in the House after the hour of 9:00 P. M." The House is privileged at that time to vote on the suspension of the rules of the House if they wish to amend that hour of 9:00 P. M. if that ever occurred.

The question before the House is on the motion of the gentleman from South Portland, Mr. Fuller, for the adoption of House Amendment "A" to Joint Order, S. P. 582. Is it the pleasure of the House to adopt House Amendment "A"?

The motion prevailed and House Amendment "A" was adopted.

The SPEAKER: Is it now the pleasure of the House that the order as amended receive passage in non-concurrence?

The motion prevailed, and the order as amended was passed in

non-concurrence and sent up for concurrence.

The SPEAKER: The House may be at ease until the Senate acts on the non-concurrent matter.

House at Ease

Called to order by the Speaker.
On motion of the gentleman from South Portland, Mr. Fuller,

Adjourned until 9:00 A. M. Eastern Standard Time, Monday, April 27.