

# 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, May 1, 1953

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

Prayer by the Rev. Mr. John Barker of Gardiner.

The journal of the previous session was read and approved.

### Papers from the Senate Senate Reports of Committees Senate Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act relating to Liquor Billboards and Signs" (H. P. 275) (L. D. 262) reporting that they are unable to agree.

(Signed)

Messrs. TABB of Kennebec

DENNETT of York

BOUCHER of Androscoggin

—Committee on part of Senate

Mrs. CHRISTIE of Presque Isle

Messrs. McGLAUFILIN of Portland

SANFORD of Dover-Foxcroft

—Committee on part of House

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

From the Senate; the following Order:

ORDERED, the House concurring, that (H. P. 830) (L. D. 861) Bill "An Act relating to Definition of Employer Under Employment Security Law," be recalled to the Senate from the Legislative Files (S. P. 577)

Came from the Senate read and passed.

In the House:

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

Mr. TURNER: Mr. Speaker, I move that this order be indefinitely postponed.

The SPEAKER: The gentleman from Auburn, Mr. Turner, moves that this Order be indefinitely postponed in non-concurrence. Is this the pleasure of the House? As many as are in favor will please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the Order was indefinitely postponed in non-concurrence and was sent up for concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee be requested to study the general proposal of annual sessions of the Legislature and present to the 97th Legislature a summary of the study (S. P. 600)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

### New Resolve

Resolve Providing for State Pension for Rose LaPointe of Turner (S. P. 601)

Came from the Senate received by unanimous consent and passed to be engrossed without reference to a Committee.

In the House:

The SPEAKER: Does the Chair hear objection to the receiving of this Resolve by unanimous consent in concurrence? The Chair hears none and the resolve is received.

The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

Mr. BIBBER: Mr. Speaker, I move that this Resolve be indefinitely postponed.

The SPEAKER: The gentleman from Kennebunkport, Mr. Bibber, moves that this Resolve be indefinitely postponed.

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

Mr. JACOBS: Mr. Speaker, this Resolve relates to a lady in Turner who is the sole support of her sister, who is an invalid. This lady in question, Mrs. Lapointe, has for several years been employed by the Federal government. Now she has lost this position; the government does not require her services any longer; and on account of this she feels that she cannot take care of this sister any longer because she has no income.

I think it is a very deserving case; it is only ten miles from my city; and I believe that we should concur with the Senate.

The SPEAKER: The question before the House is on the motion of gentleman from Kennebunkport, Mr. Bibber —

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

Mr. FULLER: Mr. Speaker, I have talked about this Resolve with several members of both branches and this does seem to be a very deserving case. I have absolutely no interest in the matter at all but it was presented by unanimous consent and was passed by the Senate, and I hope that we will concur with the Senate.

The SPEAKER: The question before the House is on the motion of the gentleman from Kennebunkport, Mr. Bibber, that this resolve be indefinitely postponed. As many as are in favor of that motion will please say aye; those opposed, no.

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

Thereupon, the Resolve was given its first reading under suspension of the rules and was assigned for second reading the next legislative day.

#### **Ought Not to Pass Resolve Substituted for Report**

Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve in favor of George S. Bradbury of West Franklin (S. P. 98) (L. D. 233)

Came from the Senate with the Resolve substituted for the "Ought not to pass" Report of the Committee and passed to be engrossed.

In the House:

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

Mr. DICKEY: Mr. Speaker, I move we concur with the Senate.

The SPEAKER: The gentleman from Brooks, Mr. Dickey, moves that the Resolve be substituted for the "Ought not to pass" report of the committee, in concurrence. Is this the pleasure of the House?

The motion prevailed, and the Resolve was substituted for the "Ought not to pass" report in concurrence.

Thereupon, the Resolve was given its first reading and was assigned for second reading the next legislative day.

#### **Non-Concurrent Matter Tabled**

Resolve Providing for Construction of Highway to Sugar Loaf Mountain, Franklin County (S. P. 296) (L. D. 828) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on April 29.

Came from the Senate with the "Ought not to pass" Report of the Committee failing to be reconsidered.

In the House:

The SPEAKER: The Chair understands that the gentleman from Woolwich, Mr. Bailey, moves that this matter lie on the table pending further consideration? Is this the pleasure of the House?

Thereupon, the Resolve was so tabled.

#### **Non-Concurrent Matter**

An Act relating to Liquor Commission Functions (S. P. 223) (L. D. 593) which was passed to be enacted in the House on March 11.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The House voted to recede and concur with the Senate in the indefinite postponement of the Bill.

#### **Non-Concurrent Matter**

Resolve in favor of Rodolphe H. Morias of South China (H. P. 498) (L. D. 1354) which was finally passed in the House on April 8, and passed to be engrossed on March 18.

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

In the House: On motion of Mr. Fuller of South Portland, the House voted to recede from its action whereby it finally passed the Resolve on April 8; and on further motion of Mr. Fuller, the House voted to recede from its action whereby it passed this measure to be engrossed on March 18.

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

SENATE AMENDMENT "A" to H. P. 498, L. D. 1354, Resolve, in Favor of Rodolphe H. Morias, of South China.

Amend said Resolve by striking out the figures \$230 and inserting in place thereof the figures \$115.

Thereupon, Senate Amendment "A" was adopted and the Resolve was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

#### Non-Concurrent Matter

Bill "An Act Amending Law on Ferry Between Beals and Jonesport" (H. P. 443) (L. D. 487) on which the House accepted the "Ought not to pass" Report of the Committee on March 25.

Came from the Senate with the Bill substituted for the Report and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Hanson of Machiasport, the House voted to recede from its former action whereby it accepted the "Ought not to pass" Report of the Committee on March 25; and on further motion of the same gentleman the Bill was substituted for the Report.

Thereupon, the Bill was given its two several readings.

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

SENATE AMENDMENT "A" to H. P. 443, L. D. 487, Bill "An Act Amending Law on Ferry Between Beals and Jonesport."

Amend said Bill by striking out, at the beginning of the 1st line, the underlined abbreviation and figure "Sec. 1."

Further amend said Bill by striking out all of section 2 thereof.

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

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

#### Non-Concurrent Matter

An Act relating to Aid to the Disabled (H. P. 1181) (L. D. 1309) which was passed to be enacted in the House on March 25.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The Chair recognizes the gentleman from Belfast, Mr. Clements.

Mr. CLEMENTS: Mr. Speaker, I move we adhere to our former

action and ask for a Committee of Conference.

The SPEAKER: The Chair understands that the gentleman from Belfast, Mr. Clements, moves that the House insist on its former action and request a Committee of Conference.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In moving that we recede and concur, I might state that as of eight o'clock this morning we are now on an operating gain basis of \$169,009.66 for the first year, and \$169,826 for the second year.

The price tag on this is \$150,000 for the first year, which would leave us \$19,000 in operating gain for the first year, and \$250,000 for the second year, which would put us in the red approximately \$70,000, with all of these other worthy measures coming up.

The figures that I give you I assure you are accurate to the penny. In view of that, and in view of the fact that the Governor himself has stated oftentimes that he would not sign a budget that is in the red, I see no other recourse but to recede and concur.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House recede and concur in the indefinite postponement of the Bill. As many as are in favor of that motion will please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the House voted to recede and concur with the Senate in the indefinite postponement of the Bill.

#### Non-Concurrent Matter Tabled Until Later in Today's Session

Resolve Authorizing Alfred Howard, Sr. and Ethel M. Howard of Bingham to Sue the State of Maine (H. P. 1171) (L. D. 1326) on which the House accepted the Majority Report of the Committee reporting "Ought to pass" as amended by Committee Amendment "A" and passed the Resolve to be engrossed as amended by Committee Amendment "A" on April 29.

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

In the House:

The SPEAKER: Is it the pleasure of the House to recede and concur with the Senate in the acceptance of the "Ought not to pass" Report of the Committee?

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

Mr. FULLER: Mr. Speaker, Mr. Watson, from Moose River Plantation, has just arrived. He might possibly want to speak on this, and I think, in deference to him, that maybe he should know what is going on.

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

Mr. WATSON: Mr. Speaker, could I lay this on the table temporarily, just until some time later today? I so move.

The SPEAKER: The gentleman from Moose River Plantation, Mr. Watson, moves that this matter lie on the table until later in today's session. Is this the pleasure of the House?

The motion prevailed and the matter was so tabled pending further consideration.

#### Non-Concurrent Matter

Bill "An Act relating to the Taking of Soft Shell Clams, Quahogs and Mussels in Jonesport" (H. P. 234) (L. D. 259) on which the House accepted the Report of the Committee reporting "Ought to pass" as amended by Committee Amendment "A", and passed the Bill to be engrossed as amended by Committee Amendment "A" on February 24.

Came from the Senate with the Report and Bill indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Hanson of Machiasport, the House voted to recede and concur with the Senate in the indefinite postponement of the Bill and accompanying papers.

#### Non-Concurrent Matter

Resolve in favor of Clyde W. Tibbetts of Hampden (H. P. 492) (L. D. 574) on which the House ac-

cepted the Report of the Committee reporting "Ought to pass" as amended by Committee Amendment "A" and passed the Resolve to be engrossed as amended by Committee Amendment "A" on March 24.

Came from the Senate with the Report and Resolve indefinitely postponed in non-concurrence.

In the House:

On motion of Mr. Potter of Medway, the House voted to recede and concur with the Senate in the indefinite postponement of the Resolve and accompanying papers.

#### Senate Reports of Committees Ought to Pass Tabled Until Later in Today's Session

Report of the Committee on Appropriations and Financial Affairs under authority of Joint Order (S. P. 599) reporting a Resolve (S. P. 602) (L. D. 1547) under title of Resolve relating to Appropriation for Recess Committee to Study Maine State Retirement System and Titles of Social Security Act 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.

(On motion of Mr. Ferguson of Hanover, the Report, with accompanying papers, was tabled until later in today's session pending acceptance of Committee Report)

#### Placed on File

Report of the Committee on Judiciary on Petition of Victor A. Schlich, President, and 3 others of the Portland Newspaper Guild, in favor of (S. P. 409) (L. D. 1110) Bill "An Act relating to Public Utility Rates," and commending Frank E. Southard, former Commissioner, for his high sense of public service, etc. (S. P. 519) reporting that it be placed on file.

Came from the Senate with the Report read and accepted.

In the House, Report was read and accepted in concurrence.

#### Non-Concurrent Matter

Bill "An Act relating to Expenditures of Potato Tax Funds" (H. P. 1253) (L. D. 1462) which was received by unanimous consent and

referred to the Committee on Agriculture in the House on April 17.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" without reference to a Committee in non-concurrence.

In the House:

The House voted to recede from its former action whereby it referred this Bill to the Committee on Agriculture.

Thereupon, under suspension of the rules, the Bill was read twice.

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

SENATE AMENDMENT "A" to H. P. 1253, L. D. 1462, Bill "An Act Relating to Expenditures of Potato Tax Funds."

Amend said Bill by striking out all after the enacting clause and inserting in place thereof the following:

"R. S., c. 14, § 215, sub-§ IV, amended. Subsection IV of section 215 of chapter 14 of the revised statutes is hereby amended by adding at the end thereof the following sentence:

'The commission may expend annually a sum of money not in excess of \$10,000 for the purpose of enforcing laws relating to the branding of potatoes.'

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

#### Non-Concurrent Matter

Resolve in favor of Arthur Payson of Brooks (H. P. 1098) (L. D. 1232) on which the House substituted the Resolve for the "Ought not to pass" Report of the Committee, and passed the Resolve to be engrossed on April 30.

Came from the Senate with the Report read and accepted in non-concurrence.

In the House:

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

#### Non-Concurrent Matter

Bill "An Act Amending the Charter of the City of Portland re Election of Members to City Council" (H. P. 935) (L. D. 1029) on which the House accepted the Majority Report of the Committee re-

porting "Ought to pass" and passed the Bill to be engrossed on April 30.

Came from the Senate with the Minority Report "Ought not to pass" accepted in non-concurrence.

In the House:

On motion of Mr. Roundy of Portland, the House voted to recede and concur with the Senate in the acceptance of the "Ought not to pass" Report of the Committee.

#### Non-Concurrent Matter

Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees (H. P. 400) (L. D. 453) on which the House substituted the Resolve for the "Ought not to pass" Report of the Committee and passed the Resolve to be engrossed as amended by House Amendment "A" on April 29.

Came from the Senate with the Report read and accepted in non-concurrence.

In the House:

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

Mr. MARTIN: Mr. Speaker, in view of the large vote on this matter in the House the other day, and in order to keep the bill alive, I now move that the House insist on its former action and ask for a Committee of Conference.

The SPEAKER: The gentleman from Augusta, Mr. Martin, moves that the House insist on its former action and ask for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

#### Divided Report

#### Tabled Until Later in Today's Session

Majority Report of the Committee on Judiciary on Bill "An Act Creating a State Crime Commission" (S. P. 521) (L. D. 1422) 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  
FULLER of Bangor  
MARTIN of Augusta

CIANCHETTE of Pittsfield  
LOW of South Portland  
—of the House

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

Report was signed by the following members:

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

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

In the House: Reports were read.

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

Mr. McGLAUFLIN: Mr. Speaker and Members of the House: I signed the minority report in this case and before you vote on it I wish you to have some idea what you are voting on.

This bill creates a Crime Commission consisting of five members. So far as I can see, there is no compensation for their services, but in Section II it says the commission may appoint a general counsel and the Governor and Council shall determine what his pay shall be.

In Section III, on page 3, it says: "The Commission may appoint such other attorneys, investigators, clerks and employees as it may from time to time find necessary for the proper performance of its duties, and fix their compensation . . ."

In another place it says that they can go to any part of the United States for their investigation and, as I see it, they have got unlimited power to employ attorneys anywhere in the United States, pay them anything they please, and the State has got to pay the bills.

Then in their reports, Section V, page 3 at the end: They shall make reports ". . . with the power, however, to omit the names of undercover investigators, and an account of all moneys it has received and disbursed."

Perhaps I misinterpret that but it looks to me as if an investigator can spend all the money he pleases without accounting for it.

Now, on page 4, section 1: ". . . The commission, may, by one or more of its commissioners, or by

its general counsel, or by such agents or agencies as it may designate, conduct any inquiry necessary to its functions in any part of the United States . . ."

In section II it says: "The commission shall have the power to extend assistance to, and demand and receive assistance from all public officers engaged in the investigation or the prosecution of crimes or organized crime in the United States of America . . ." and so on.

And if they suspect anybody, "The commission . . . shall at all reasonable times have access to, for the purpose of examination and the right to copy, any germane documentary evidence of any person being investigated . . ." They don't have to through the usual custom of issuing a subpoena for that purpose.

On page 5: ". . . No hearing shall be televised or broadcast by radio, nor shall any mechanical, photographic or electronic record of the proceedings . . ." be had.

Now as the bill was drawn originally, section 8 provided that a man must be compelled to testify himself when so ordered, which is clearly unconstitutional. I pointed that out to the author of this bill, and I see this morning that he has stricken that out.

I just want you to know what you are voting on. I am not particularly concerned about the thing excepting this: I feel that our Attorney General and its Department are handling our crime matters well, and I don't see any need of this extra expense or this extra commission. I therefore move for the indefinite postponement.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, moves that the two reports and bill be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker, I notice that Representative Fitandides is not in the House, Representative Martin is not in the House, Representative Cianchette is not in the House, and Representative Low is not in the House, all signers of the majority report, "Ought to pass." Therefore, in fairness to them, I move that this matter lie on the table until later in the day.



The **SPEAKER**: The gentleman from Portland, Mr. Childs, moves that this matter lie on the table until later in today's session, pending the motion of the gentleman from Portland, Mr. McGlauffin, for indefinite postponement of the reports and the bill. Is it the pleasure of the House that this matter lie on the table? All those in favor will please say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Forty-three having voted in the affirmative and thirty-five having voted in the negative, the motion prevailed, and the two reports, with accompanying papers, were tabled until later in today's session, pending the motion of the gentleman from Portland, Mr. McGlauffin, for indefinite postponement in non-concurrence.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Providing for Three State Senators from Each County (S. P. 405) (L. D. 1114)

Report was signed by the following members:

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

Messrs. McGLAUFLIN of Portland  
TRAFTON of Auburn  
FULLER of Bangor  
LOW of South Portland  
MARTIN of Augusta  
—of the House

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

Report was signed by the following members:

Mr. HARDING of Knox  
—of the Senate

Messrs. FITANIDES of Saco  
CIANCHETTE of Pittsfield  
—of the House

Came from the Senate with the Majority Report read and accepted. In the House: Reports were read.

The **SPEAKER**: Is it the pleasure of the House that the Majority Report be accepted in concurrence?

(Calls of "No" and "Yes")

As many as are in favor that the Majority Report, "Ought not to pass," be accepted in concurrence will please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the Majority "Ought not to pass" Report was accepted in concurrence.

From the Senate: The following Communication:

#### STATE OF MAINE SENATE CHAMBER

April 30, 1953

Hon. Harvey R. Pease  
Clerk of the House of  
Representatives  
96th Legislature

Sir:

The President of the Senate today appointed the following conferees on the part of the Senate on the disagreeing action of the two branches of the Legislature on:

Resolve to Reimburse the Town of Jefferson for Conveyance of School Children. (H. P. 719) (L. D. 1368)

Senators: HASKELL of Penobscot  
WARD of Penobscot  
CHASE of Cumberland

Respectfully,

(Signed) Chester T. Winslow  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### House Reports of Committees Ought Not to Pass

Mr. Tuttle from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the Town of Pittston for Support and Medical Aid Extended to Certain Families (H. P. 903) (L. D. 982) which was recommitted.

Report was read and accepted and sent up for concurrence.

#### Placed on File

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

Report was read and accepted and sent up for concurrence.

### Ought to Pass with Committee Amendment "A"

Mr. Hussey from the Committee on Claims on Resolve to Reimburse Calais Regional Hospital for Aid to Edmund Lee (H. P. 1079) (L. D. 1217) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 1079, L. D. 1217, Resolve to Reimburse Calais Regional Hospital for Aid to Edmund Lee.

Amend said resolve by striking out the figure "\$1,489.86" in the first line thereof and inserting in place thereof the figure '\$893.91'.

Committee Amendment "A" was adopted and the Resolve as amended was assigned for second reading the next legislative day.

The SPEAKER: On the Committee of Conference on the disagreeing action of the two branches of the Legislature on House Paper 1098, Legislative Document 1232, Resolve in Favor of Arthur Payson of Brooks, the Chair will appoint the following members on the part of the House: The gentleman from Brooks, Mr. Dickey, the gentleman from Belfast, Mr. Clements, and the gentleman from Liberty, Mr. Cole.

### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Bookmobile Service" (H. P. 2) (L. D. 2) which was recommitted, reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. COLLINS of Aroostook  
HASKELL of Penobscot  
SINCLAIR of Somerset  
—of the Senate

Messrs. JALBERT of Lewiston  
CAMPBELL of Guilford  
COLE of Liberty  
DAVIS of Harrison  
CATES of East Machias  
BURGESS of Limestone  
—of the House

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

Report was signed by the following member:

Mr. JACOBS of Auburn  
—of the House

Report was read.

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

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

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

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

Mr. JACOBS: Mr. Speaker and Members of the House: Evidently you can see the change of opinion from one day to another. This bill was reported out of the "Appropriations Committee" unanimously "Ought not to pass."

It carried with it, at the time, \$85,000 for the Department of the Bookmobile Service to send out cars equipped with books into the far recesses of this State.

This automobile will have to be manned by a chauffeur or a driver and one person from this department to handle the books, and we felt, at that time, when this was reported out unanimously "Ought not to pass" that the need was not necessary. Every town, city and plantation of this State has access to the State Library, and most every town has a small library, and we felt that the price of \$85,000 we should not recommend, and we did not.

Since that time an amendment has been placed in the bill, trying out one unit. One unit, ladies and gentlemen, in my opinion, would not scratch the surface of this bill.

For that reason I stood on my same position which I stood with the rest of the committee, that this bill "Ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mr. Campbell.

Mr. CAMPBELL: Mr. Speaker and Members of the House: I would like to explain my position on this bill, as a member of that committee.

It is true that we agreed unanimously that it should not pass in its original draft, which called for \$85,000 the first year and \$60,000 the second year. It was reported out in that way and then the proponent of the bill asked to have it re-committed to our committee, and the majority agreed on the amount that is in the amendment before you, which is \$20,000 for two years.

I am of the opinion that this is one of the most important bills that we have had before us as far as helping the youth of rural Maine is concerned.

We have two hundred and fifty-two towns that have a public library and two hundred and fifty-seven towns that have no library. It is true that the service is available to those people who have no library from the library here in the Capitol building, but it is very difficult for some of these people who live far away to obtain these books and to return them.

I certainly hope that the motion of the gentleman from Auburn (Mr. Jacobs) does not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Lord.

Mrs. LORD: Mr. Speaker and Members of the House: I think that this committee will admit that there was no bill that had stronger support when it was offered to them for consideration. We had the support of the Council of Churches all over the State of Maine, and the Federation of Women's Clubs, of university women, the P.T.A., and many other organizations. Since then many petitions have been received for this bill and have been filed with the Clerk; these petitions have hundreds of names signed to them.

One-half of the towns in Maine, with about a third of the population, have no public libraries. They probably never will have any, because they are too small to support libraries. The other half which have public libraries receive State Aid and have received it since 1893. For the coming year this State Aid will amount to \$12,000, and for the next year \$12,250.

There are approximately 1,300 rural schools in the State and most of them desperately need books. Experience in other states shows the

level of intelligence of school children substantially increased after the Bookmobile Service is established. Educators say that the child who reads good books is far ahead in all studies of the one who does not read.

Maine's rural children don't read books because they do not have them to read.

I hope the motion of the gentleman from Auburn, (Mr. Jacobs) will not prevail.

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

Mr. ROUNDY: Mr. Speaker and Members of the House: I rise to speak in behalf of the value of the Bookmobile Service. It will be remembered by those of us who were members of the Ninety-fifth Legislature that this bill was unanimously and enthusiastically approved by the Committee on Education to which it was referred at that time, and I am certainly most happy that this bill, with its amendment which is before us now, that we may take favorable action looking toward the establishment, not of the full six units that might very well be in service, but at least of one.

I talked more than once with the State Librarian, Mrs. Stubbs, and I know what careful attention she has given to this matter through the years, and I know of the position of the State Librarian in the matter by urging that this has such importance that the sooner that we can get the matter going in this State, the more truly are we serving the better interests of the boys and girls in our schools, and of very many homes and families that are not now provided with library service.

If you would take a map of the State of Maine in which there is library service and which there is not, you would be perfectly amazed to see the blank spaces where no service now is available, even in Cumberland County, and certainly in many of the others that are somewhat further removed from library facilities.

We are anxious, and rightly so, that everything possible should be done to improve the roads in all the areas of Maine, and I am all for doing that even though the sum

runs up into millions of dollars. Certainly these few thousand dollars may be most finely used, in my judgment, in helping to minister, not to the ways of travel which we all approve, but to the ways of men's lives and understandings and further promotion of abilities, to be good citizens of the State, whether young or old.

I certainly hope that we shall decide favorably on this one unit of the Bookmobile Service.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Senter.

Mr. SENTER: Mr. Speaker and Members of the House: We have a fine library, the Maine State Library. If we want that library to better serve the citizens of our State, particularly the younger citizens of our State, we will vote against the motion of the gentleman from Auburn, Mr. Jacobs.

The SPEAKER: The Chair will clarify and say that the pending motion before the House is the motion of the gentleman from Limestone, Mr. Burgess, for acceptance of the "Ought to pass" report of the committee.

Mr. SENTER: I stand corrected. I beg your pardon, Mr. Speaker, and Members.

It is my belief that if we want to do something positive, to counteract the reaction of comic books, that we should pass this bill.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the majority report of the committee, "Ought to pass," be accepted.

Mr. BURGESS: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, requests a division. As many as are in favor of the acceptance of the majority "Ought to pass" report will kindly rise and remain standing in their places until the monitors make and return the count.

The SPEAKER: Ninety-seven having voted in the affirmative and not any having voted in the negative, the motion to accept the majority "Ought to pass" report prevails.

Thereupon, 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. 2, L. D. 2, Bill "An Act Relating to Bookmobile Service."

Amend said Bill by striking out the figures "\$85,000" in the 2nd line of section 2 and inserting in place thereof the figures '\$12,000'

Further amend said Bill by striking out the figures "\$60,000" in the 3rd line of section 2 and inserting in place thereof the figures '\$8,000'

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

### Divided Report Indefinitely Postponed

Majority Report of the Committee on Claims on Resolve in favor of Francis M. Carroll of South Paris (H. P. 1191) (L. D. 1360) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. SILSBY of Hancock  
—of the Senate

Messrs. HUSSEY of Windsor  
TUTTLE of Pownal  
WALKER of Calais  
FOGG of Madison  
POTTER of Medway  
ALDEN of Gorham

—of the House

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

Report was signed by the following members:

Mr. PARKER of Piscataquis  
Mrs. KAVANAGH of Androscoggin  
—of the Senate

Mr. BROWN of Bangor  
—of the House

Reports were read.

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

Mr. POTTER: Mr. Speaker and Ladies and Gentlemen of the House: This is probably one of the most famous cases and one of the most talked about criminal cases in the history of the State. Over these famous cases there is apt to come a great deal of hysteria and emotion.

People who are reading in newspapers and taking only such information as the newspapers see fit to give are apt to become biased in their conclusions. I am asking the members of this body to consider this report on an unbiased basis.

When the committee found this bill was coming in, with the exception of one member of the committee who favored this claim two years ago, the committee were in one accord. We will soon take care of this thing; we will write it off the books at our next executive session as "Ought not to pass."

It so happened that after hearing the evidence presented at the hearing one or two of the members of the committee began to ask questions as to why these things had taken place and as to the reason for certain decisions being made which didn't seem to be in accord with the evidence. We asked for more information, we had the Archibald report which I understand several members of this body refused to read when they found out what was in it.

Two years ago, this body voted, I think unanimously, to appropriate \$25,000 to clear up this Carroll situation. We voted it with the explanation, I think, that we were going to be able to prove beyond any doubt that Francis Carroll was guilty. It so happened that because things in the eyes of certain members backfired and this report in which Attorney Archibald from Houlton, who is a very honorable man, a man of high integrity, says there is a reasonable doubt that Francis Carroll is guilty. Now, we are not willing to accept that report whereas if the report said he is guilty, it would have been unanimously accepted. The question is: Did the State illegally confine Francis Carroll for twelve years? You all probably have read the decision at the habeas corpus proceedings before the Honorable Albert Beliveau, Justice of the Maine Superior Court. I would like to refresh your memory in regard to his final paragraph in the decision: "A careful study of the record in the Carroll trial for murder, and the evidence in this case, convinces me beyond any doubt, that the prosecution deliberately, purposely and intentionally violated the Fifth and

Fourteenth Amendments to the Federal Constitution, the provision in the Maine Constitution which guarantees to an accused an impartial trial, and practiced fraud and deception on the court and jury. If I were to do otherwise I would be derelict in the performance of my duty, false to my oath, and would thereby perpetuate a gross miscarriage of justice.

"It is ordered that the writ issue as prayed, and that the petitioner, Francis M. Carroll, be discharged from custody to go without day." Signed by Albert Beliveau, Justice of the Superior Court.

Now, after the hearing, the committee obtained a great deal of material, volumes of it, of which I have some here. We had access to this material. We talked in our executive session at some length with one of the men who was instrumental in making the investigation and, by the way, it wasn't Attorney Bird who presented this case for Carroll, and he, being an honorable man, being very familiar with our courts, said: There was no basis legally to confine Francis Carroll. Francis Carroll was convicted on the evidence of a man who, by his own testimony, wrote the extortion letter which I am going to read to show you the workings of the mind of the man on whose testimony and solely his testimony Francis Carroll was convicted.

"Fifth Avenue  
New York City  
December 2, 1936

"Paris Manufacturing Company  
South Paris, Maine

Mr. George Morton:

Due to the widespread fame of your factory, the Paris Manufacturing Company, you have been chosen to become a member of the "Manufacturers Syndicate, Incorporated." You may term it as a racket, if you wish, I care not but if you do call it such please regard it as one that you cannot beat. We mean business. I have under me many agents who cover a lot of territory. Two of these agents, X-40 and L-16, are centered in Lewiston, Maine, at the present time. X-40 spent three days last week checking your factory and your business. From his reports, I find you have suffered great losses during the past few

years but that you, yourself, are pretty well off. I find that you do not pay especially good wages. Rather a skinflint, I take it. Good. I love to deal with people like you. I also understand that you are in the midst of one of the busiest seasons of your career. That too is good. I had your "entrance fee" listed on our roll of candidates at \$50,000, but X-40 informs me that this is too steep for your present financial condition. Therefore, I have given him permission to cut it as he sees fit as we do not intend to break anyone. The only encouragement that I can offer you is that if you compromise with us at this time, you need not fear another attack along this line.

"Now to get down to business. Here are the rules of the game. You will show this letter to no one. You will destroy this letter as soon as you have its idea firmly placed in your mind. You will have whatever sum X-40 requests ready on demand. After paying your donation on to us, you will still remain silent about this matter."

I will skip the next paragraph because it is non-essential. Anyone can read it, it is in the record.

"Only two men have been foolish enough to try to resist us. The first, a big textile man in New York, thought he would notify the police. He did, and twelve hours later his body riddled by machine gun bullets was found in an alley off Seventh Avenue. The second, a smaller man, owning a canning factory in a little town outside Boston did not wish to pay our fee and tried to scare us by placing guards around his building. Three nights later, his building caught fire (by bombs, incidentally) and burned nearly to the ground. During this event, two of his guards were killed.

I do not like this kind of business as it brings on murder, which is needless. Please do not force us to take measures on this matter. You will receive further orders from X-40." Signed, HZ

The F.B.I. was brought into the case and Mr. Dwyer admitted writing this extortion letter. Now, it was on the testimony of a man who wrote such stuff as that that Francis Carroll was convicted. It is a question of his being convicted on

evidence trumped up, how much we owe Francis Carroll. As you notice, the committee has amended the bill. They felt the original claim was probably too high. A man confined twelve years illegally, the State can never repay him, but in view of what other states have done, we amended the bill to go along with what has happened in several other states where a man was illegally deprived of his liberties.

It has been brought up as to the reason why we waited until Attorney Ingalls and some of the other parties in the prosecution were dead before this claim was presented. That was not necessarily the case. They didn't wait; they had to. He was convicted for murder in 1938 and sentenced to life imprisonment. In 1939, now this was before Attorney Ingalls had passed on, in 1939 the Legislature declined to investigate his conviction. In 1939, the Legislature passed a law which would enable him to have a new trial but it was vetoed by the Governor. In other words, this man did not have the chance to have a new trial which he was asking for. The Governor vetoed the bill after it was passed by both bodies. In 1949, he had a pardon hearing which, as I understand it, was perhaps not just as it should be inasmuch as I think a pardon hearing for Paul Dwyer came up at the same time and it was rather an awful situation. In 1950, he was released on habeas corpus under which Judge Beliveau says that he did not have a fair trial. The 1951 Legislature, you see that he didn't wait, he kept following this thing through from the time he was first convicted, at the 1951 Legislature a resolve came in to reimburse Francis Carroll. I was a member of that committee which had held a hearing. We were very busy like very many members of the House, we were very much biased in our decision. We had read the papers and knew all about the crime. Therefore, we didn't bother, we simply sat down in executive session and said it "Ought not to pass" and that was it, without reviewing it in the least.

Now, as I have explained in this case, we have gone through volumes and volumes of this material. Our Senator, the Chairman of the

Committee, a very able man, happened to be at home sick during this hearing and during this time we were working on it. He told me that this would never pass. This was before the hearing, you understand. He said: "We won't bother with this thing; this is out the window." But he became interested and he requested more and more material. He asked for records from the Oxford County court, he asked for all of the material he could obtain and he spent hours of his time in his home studying, going over this material. His statement was: "I was biased. I didn't know the true facts and as a lawyer, as an attorney and as a citizen of this State this man should be compensated for the injustice that has been done."

Now, I would ask that you be unbiased by what you have read in the papers, by what you have heard on the street in forming your conclusions. We had one person say: "Well, I think it must have been Carroll, look at how those ropes were tied. They could only have been tied by a seafaring man." I said: "What ropes?" "Well, his body was tied up by ropes and the knots could only have been tied by a seafaring man." I said: "There is nothing in the evidence to show there were any ropes. We have the pictures in the Attorney General's office. There were no ropes at all." But that person maintained that because the newspapers came out and the man on the street came out with this story of how the bodies were tied that they were tied with ropes and they wouldn't take the evidence.

Now, other people have said: "How was he able to get the two bodies into the trunk?" Members, according to the police reports from Arlington, New Jersey, he didn't have the two bodies in the trunk. Mrs. Littlefield's body was in the back of the car where he strangled her to death and covered her with a blanket. Yet, I venture to say **many members of this body think that those two bodies were in the trunk which they were not.**

After a careful study of this problem and we had given it a careful study, your committee has come up with the conclusion that Francis

Carroll was illegally confined and therefore entitled to damages, and that while the State can never atone for the suffering caused this man it should make some contribution towards that end.

I am going to ask this House if they will consent to let the members of the committee express their reasons for voting as they did in the committee before the previous question is moved. I think each member of the committee should have the opportunity to state his views on this case. Thank you.

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

Mr. **BROWN**: Mr. Speaker and Members of the House: My position on this claim of Francis M. Carroll is that it was incumbent upon him to satisfy the members of the Claims Committee that he is innocent of the crime of which he was convicted by the jury. Mr. Carroll's appearance and testimony before the committee did not convince me that he had sustained the burden of proof that he was innocent. For this reason I signed the "Ought not to pass" report.

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

Mr. **McGLAUFFLIN**: Mr. Speaker and ladies and gentleman of the Legislature: I am going to move for the indefinite postponement of this bill.

The attitude of some of the members of the Legislature remind me of a story. I think I told it once before in this House, but it seems to me to be pat at this time.

A man was charged with shooting a dog, and the attorney for this man had not much evidence to contradict the evidence that went in, so he relied upon argument to clear his client. He said, "Gentlemen of the jury, you have heard how my client came out with a rifle, he raised the rifle and fired at the dog. You have heard that the dog dropped dead, but where, gentlemen of the jury, have you found the man who saw the bullet hit the dog?"

Now some of the members of this House cannot believe that Carroll is guilty unless they see the bullet hit the dog. I am going to run over

Judge Beliveau's findings and I am going to rake him over the coals somewhat. I want to say that this is not because I have any ill will towards Judge Beliveau. Personally, he is a fine fellow and I like him and I am not trying in any way to criticise him as a man.

When this report came out and I hastily looked over it, I said to Judge Beliveau, "You seem to have made out quite a strong case." I had not then studied his report.

I want to say further that Judge Beliveau's decisions are not always correct. In the case of Monahan vs. Monahan, I myself took the case to the Law Court and the Law Court reversed the decision of Judge Beliveau. He was wrong in that case; he may have been wrong in this one.

The argument that I am about to present I want my friend Small and my friend Crabtree to follow carefully, because those two men are sincere in their attitude toward this matter, and the more I see of those men the more pleased I am to be able to call them my friends, but I think they have been entirely misled.

I want to run over this decision of Judge Beliveau's. I do not know what, if any, reason Judge Beliveau may have had for wanting to clear Carroll. I think they come from the same county. Whether he knew him personally or not, I do not know. But Judge Beliveau was well aware that he was making a decision which was likely to be unpopular and therefore, if you read this report carefully, as I have, you will find that Judge Beliveau was trying to defend his own action by what he reported.

Now I presume that there may be many in this House who have never even read this report. The first four pages, nearly four and a half pages of his report, he takes up in trying to explain why he thought he had authority to do this. He based his decision on a statute that was passed in 1887 on which he admits that the interpretation of that statute had never taken place in this State.

I shall not waste your time commenting on the first four and a half pages, but I come next to the fifth page. He states: "The first act

was the arrest of the petitioner, the latter part of May, 1938, for the crime of incest. This apparently was the result of the questioning of the petitioner's daughter, then 17 years of age, by Lt. Shepard, on May 27, 1938. She stated that this occurred perhaps five times when she was eleven years old."

He goes on to state that he was to come up to South Paris to be arraigned on this charge of incest, that he engaged a lawyer by the name of Beauchamp. He said that Beauchamp went up there to South Paris to defend Carroll on this charge of incest, that he waited for a while and then he found that Carroll had been taken away and had been arraigned without the benefit of counsel. And Judge Beliveau said, "I must conclude this was done deliberately and for the purpose of depriving Carroll of the service of counsel." Then he says: "This occurred several years before, and was based on a story, uncorroborated, and the story, from the facts disclosed, sounded improbable. Why was he deprived of counsel?"

If there is a charge of incest made by the man's own daughter, and Judge Beliveau thinks that her uncorroborated testimony isn't sufficient, how, under God's heaven, are you going to get any other testimony? You could not make Carroll testify against himself under the Constitution. If that girl's statement was not worth consideration, I don't know how our courts are going to function. But he said "Why was he deprived of counsel." Now I want you to get this: "It shows," he said, "that the alleged incest was used by the prosecution to effect some other purpose than of having Carroll prosecuted for this charge."

Now note this: it was the latter part of May that Carroll was charged with this incest. Then Judge Beliveau says: "The record shows nothing else until Carroll was arraigned in the Superior Court on June 24, 1938." And I want you to note this because it is important. This act on which Judge Beliveau says Carroll was deprived of counsel was nearly a month before he was arraigned on the murder charge. Ralph Ingalls had not even been engaged, and there had not even



been probable cause found by the grand jury. This happened, note this, about a month before, on a case that was never tried. How could that incest charge have any bearing in influencing the prosecution that had not even been hired, did not even know that Carroll was charged with murder?

Yet Judge Beliveau said, "It shows again that this alleged incest was used by the prosecution to effect some other purpose than having Carroll prosecuted for this charge," which I submit to you, ladies and gentlemen of this House, was an impossibility. The prosecution could not have had that in mind. There was no charge of murder against this man. And this is what I want to point out to you: that statement in itself shows that Judge Beliveau himself was prejudiced in favor of his own finding. It is not correct, and it is misleading, right then and there.

Now let me give you another one. That's No. 1. This is on Page 6 of Judge Beliveau's finding. I am going to read this to you.

"On his arraignment Carroll informed the court that he wished to have Beauchamp and Chapman as his attorneys."

Now get this: "In the words of the Lewiston Journal of that day, 'then came the biggest sensation of the day for the court refused to name either one for that purpose.' The court is quoted as saying 'I will appoint any reputable lawyer you may select to conduct your defense.' Upon being informed by Carroll that he had sent for Beauchamp the court said again, 'I rely on what the Sheriff tells me.'"

Now upon this wholly hearsay out of the newspapers this is what Beliveau finds. He is talking about Judge Fisher who presided on that case and who is the one that gave these words, and I will repeat them, "I will appoint any reputable lawyer you may select to conduct your defense." "I rely on what the Sheriff tells me."

He, Judge Beliveau, says, "The court may not have any damage, but such a statement, quoted in the Lewiston Journal, a newspaper having a large circulation in Oxford County, several weeks before the case was tried and jurors chosen, must of necessity have had a dam-

aging and detrimental effect on the defense and would tend at least to create a public opinion unfavorable to Carroll."

I ask you — and I want to read the statement again — "I will appoint any reputable lawyer you may select to conduct your defense"—is there anything in that statement that anybody anywhere on earth could feel was prejudicial to the rights of Carroll? And the further statement, "I rely on what the Sheriff tells me," would indicate to me that he did not have confidence in Beauchamp, not a single intimation of anything against Carroll whatsoever. Now that for the second time shows how prejudiced Judge Beliveau was and how far he would go to prejudice your minds. That is just what he has done. He has prejudiced the minds of the people all over the state into thinking that this fellow has not had a fair trial.

Now let me call your attention to the fact that up to now he hasn't even come to trial, and the question we are trying to ask is: Did he have a fair trial? Is there anyone in this House that cannot see that both of the points that I have mentioned up to now do not have any bearing at all upon the trial because it is something that took place prior to the trial and it would be impossible?

I am amazed that a man of Judge Beliveau's intelligence should take such hearsay evidence as the Lewiston Journal. That is only hearsay evidence. It is not admissible in any court in the country, and yet he takes that as gospel truth, but he does not show himself that it could possibly have been prejudicial to Carroll.

Now the trial began on the first of August. Lieut. Shepard, a fingerprint expert whom I know personally, a fine fellow, he made some tests — I am taking this entirely from Judge Beliveau's report — and he said that he found "one set of tracks in the bathroom were made by the shoes of Dr. Littlefield and the other by shoes worn by Paul Dwyer." Judge Beliveau says that Ingalls did not put that fact in evidence. Now whether it was of any importance or how it was of any importance whatsoever, Judge Beliveau fails to show. Two foot-

prints in that bathroom surely would not have prevented a man who stood just outside the bathroom from striking Littlefield on the head with some kind of an iron bar. I will come back to that a little later.

But what does Judge Beliveau say about that? He said, "The State deliberately suppressed and failed to make known that testimony, testimony which was vital and by all means should have been submitted to the jury." He fails to show in any respect whatsoever why that testimony was of any importance whatever.

Now the next point. He comes to the gun. They introduced a gun that was found in Carroll's car at the time he was arrested for incest, and Shepard told Ingalls that he, Shepard, made all the required tests and reported that the gun in evidence did not cause the injury to Littlefield's head, and he says that Ingalls replied, "Make the damn thing fit."

That remark is one of the things that prejudices you people who favor the payment of this money.

He says also that prior to the trial they called in a Dr. Morrill, and he apparently agreed with Mr. Shepard that the gun did not fit.

On Page 8, Judge Beliveau says, "It would seem from this testimony that the Assistant regardless of his oath, deliberately" — no, that is in his argument, and I will come to that later.

Beliveau condemns Ingalls for suppressing the evidence that the gun didn't fit. But let me point out to you that there wasn't any testimony at all by anybody that the gun did fit. Shepard did not so testify, nobody testified it did fit. Now how can you say it was the duty of the Attorney General to produce evidence to deny a thing that had not even been charged? That is the kind of reasoning Judge Beliveau works on. There was no evidence before the jury at all, according to this report, that the gun did fit, no matter what Ingalls said later in argument. The evidence was, and I am talking about the evidence in the first part of this argument, when he said "Make the damn thing fit,"—how could that hurt Carroll? How could it hurt

Carroll? It did not affect the evidence.

Can't you see that even Judge Beliveau is prejudiced and influenced by statements outside that do not have a thing to do with the case at all?

Another thing. Shepard was put on the stand and he was allowed to be cross-examined, and if Lieut. Shepard is the man that I think he was, if he had felt that anything had gone in there about that gun that would have tended to hurt Carroll he would have called the attention of Mr. Chapman, Carroll's attorney, to the fact so that he could draw it out on cross-examination. The fact that they didn't care what Shepard's testimony was was because there was no reason to care; there had not been any allegation that the gun had anything to do with it.

Now I come to Point No. 5. I want you to see what you think of this one. This is on Page 8:

"One who was prominent in the investigation of the Carroll angle was one Deputy Sheriff Verrill. According to Mrs. Lois G. Foss, Verrill called on her just before the Carroll trial and offered her the sum of seventy-five dollars to memorize the license plate number of the Carroll car and testify that at the time of the murder she had seen this car in front or in back of the Dwyer home. When she refused the money, more was offered and when that was refused she was told not to mention it and cautioned that her children were still young." "I believe," Beliveau says, "her testimony. The conduct of Verrill rhymes with the attitude of the prosecution to secure Carroll's conviction and savors of a conspiracy to bring about that result." He has not connected Verrill with any testimony that is given in court at all, not any, and he shows that the offer to bribe this woman did not cause her to change her story at all. She never testified. How could that hurt Carroll when she didn't testify? And how could you connect the prosecuting attorney with somebody on the side who tried to bribe this woman for some purpose of his own and then he believes her testimony? Well, so do I, if she says so. But I cannot, for the life of me, see where you have got any connection

that could savor of conspiracy. Again, Judge Beliveau is affecting your prejudice. He wants you to be prejudiced in his favor. He is defending himself.

Now get the next one. The next statement on Page 9 is that the Attorney General asked for a copy of Dwyer's statement in State's Prison. Now Dwyer had made several statements in State's Prison. He says that when the Attorney General's department turned over to him the report he didn't turn over the report that Mr. Chapman wanted. But, at any rate, Chapman used the report that was given to him.

Now Beliveau does not show in any way whatsoever that that fact injured Carroll at all, so I call that the bunk too.

Get this next one. He said that there was a man by the name of Kavanaugh who was allowed to see Dwyer in State's Prison. Kavanaugh never testified at all. But what does Beliveau say about that? He said, "What transpired or what was concocted at these interviews does not appear."

Because a man talked with the prisoner and never testified at all, Beliveau concludes that we do not know what they concocted. That does not have any bearing on that trial at all.

No. 8. At the bottom of Page 9, he says, "Robert Smith, County Attorney, was dismissed from any participation in the case because he had directed the jailer, when the Sheriff was away, to allow Carroll to consult with his attorney." And he goes on to explain the reason why: the Attorney General had hoped to see Carroll alone and break down his testimony.

Can any of you, using any grain of common sense, see how Carroll got a mistrial because the County Attorney was dismissed from the case? I can't.

No. 9. Get this one. This is on Page 11. Listen. "Carroll's attorney brought out on cross-examination testimony which had no bearing on the killing and again could have no other effect than to prejudice his client." Judge Beliveau, a man who is supposed to have common sense, trying to convince you that the man had

a mistrial because his own attorney didn't conduct the case the way he should. If that is not asinine logic I don't know what it is.

Now I have analyzed that case pretty thoroughly, what Judge Beliveau found, and, to sum up, and you can read it yourself after I get through, what he found was suppressed, why he didn't have his constitutional rights. Beliveau says that they suppressed evidence that Shepard could have given that in the bathroom there were only two sets of foot-prints, one of Littlefield and one of Dwyer. To save my soul, I cannot see how it has any bearing on the matter at all, but if it did Beliveau couldn't find it out. The second is the false testimony, and the only false testimony I can find in this case is that there was some man who testified that he saw but one car when there were two. Now how that would make any difference does not appear. There is not any evidence to show that that false statement in any way prejudiced the case.

And so you just come to this: that you cannot find a thing in Beliveau's report that indicates that this man had a mistrial according to the evidence except those two things I have just stated, which, so far as I can see, were totally unimportant.

What they do find fault with is this. Mark you, the evidence is against Carroll. The evidence, now, if there is any injustice, if there is anything wrong, it is in the fact that Ingalls, when he testified he argued that Littlefield had been hit with a gun. Now I ask you, ladies and gentlemen of this Legislature: Littlefield had been hit with something. Did it matter whether he had been hit with a gun or a log?

All this prejudice about Ingalls' argument is that when he had been told that that gun wasn't what hit Dr. Littlefield, when perhaps he honestly believed that it did — but whether it did or whether it didn't Littlefield was hit by something. I do not see where it changes it a bit whether he was hit with a pistol or whether he was hit with an iron rod.

Now you won't have to listen to me very much longer. I do want to read one other statement that I think is prejudicial. I have a let-

ter before me, dated December 26, 1950, to a member of this House, and it is from the attorney that represented Mr. Carroll, writing to a member of this House:

“Unscrupulous officials, inadmissible evidence, and malicious perversion of a man’s rights to due process of law characterized the trial which stripped Francis Carroll of his freedom.”

If that isn’t a prejudicial statement! And it is based on Judge Beliveau’s finding.

Now, ladies and gentlemen of the House, we should not pay Carroll any money unless we are convinced that he is innocent. I think you will agree with that. Isn’t that a fair statement? We should not pay out the State’s money until we are convinced that he is innocent. What evidence do we have that he is innocent? A jury of twelve men and women heard the evidence that I have just run over, and from the evidence they decided that that man was guilty, and that man is guilty now before the court until he proves himself innocent.

Now in the first place the burden is on the State to prove his guilt. The State has done just that. Now the burden shifts. It is up to Carroll to prove that he is innocent. Now what proof have we that he is innocent? You have got the hearsay evidence of this report of Judge Beliveau and the hearsay evidence of Mr. Archibald, neither of whom heard the evidence, neither of whom saw the witnesses. Judge Beliveau didn’t find Carroll innocent. He couldn’t. It wasn’t his province. It was the jury’s province to find out whether he was guilty or innocent. And here is where this committee, made up of fine citizens, as they are, have made their mistake. They are trying to find that he is innocent. That is not the province of that committee, it is not the province of this Legislature.

Our government is divided into three branches, the executive, the judicial and the legislative. It is only a court, not the legislature or a legislative committee that can find that man innocent. You had no right to pass upon it; you had no authority to pass upon it. And the only thing you have got to work on at all is the hearsay evidence of these two men whose opinions are

no better than mine, and I don’t agree with either of them.

Judge Fisher, a man of high caliber, he heard this testimony, he heard the evidence, and he thought he had a fair trial. And one thing more. That jury was made up of twelve men and women, intelligent men and women, so far as I know. They heard the evidence. If Ralph Ingalls misinterpreted that evidence don’t you think there would have been someone on that panel to know there wasn’t any evidence to that effect?

They tried to make out that the argument that his gun hit Littlefield had a bearing on this case, but there was no evidence of that, and that jury found not according to Ingalls’ argument but according to the evidence that was presented before them.

If you pay this money to Carroll at this time, with the case as it stands, you are deliberately taking the State’s money and throwing it where you have no right to throw it.

Now I have taken some time to go over this case, and I defy anybody in this House to break down my argument.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, moves that the two reports and resolve be indefinitely postponed.

The Chair recognizes the gentleman from Island Falls, Mr. Crabtree.

Mr. CRABTREE: Mr. Speaker and Members of this House: I realize full well that I am at a great disadvantage in arising to oppose the good Judge. I am neither a Judge nor a trial attorney. But, Judge, let me say that I have not been misled. I have lived with this thing for a little more than two years, when, through accident, I found out what looked to me and has proved to me to be a horrible miscarriage of justice. I regret that it has seemed necessary to the Judge to make another trial of this matter at this time. It seems to me that we have done enough of that. I had hoped that we could point up to this matter through the channels that we have chosen to elect since the last Legislature and make an intelligent decision without covering all of the testimony again. It has been covered again

and again. I will promise you now that I will not take very much of your time. I certainly do not propose to try the case or attempt to try the case on this floor this morning.

I think it is—I think unfair is the word, I think it is unfair to bring up again the red herring matter of incest. Of course that is prejudicial to the case. I have always thought that is why it was brought up before. It prejudiced me in another state when I first read of the case. I remember of throwing the paper away in disgust because I thought it was just another one of those things. I have found out differently since.

There are just a few things that I just cannot let pass. Of course the Judge has picked out certain passages from the report of Judge Beliveau. He talked about the gun, when one of the prosecution said to another "Make the damn thing fit." If the scientific information which they had from Harvard University had not been withheld they couldn't have made it fit.

The matter of incest, it seems so unfair to me to bring that up. The poor man has tried to be tried on the charge of incest time and time again. He would like to be tried now on it, but they won't do it. His daughter told one story one day and one the next. Why should that be brought in to prejudice this House?

I do not think I could have understood the Judge correctly—he can correct me if I didn't—but I thought he said he had not read the legislative report which the 95th Legislature ordered two years ago. I do not believe I could have understood him correctly. He may answer me if he would like to.

Mr. McGLAUF LIN: Mr. Speaker, I did not. I did not make that statement.

Mr. CRABTREE (continuing): He did not. I thought I misunderstood that. I read it thoroughly.

Now rather than to make any attempt to try this case all over again this morning on the floor, let's consider for a minute who Judge Beliveau is. Why, he is a Superior Court Judge and has been for over twenty years. He has heard and passed on thousands of cases.

And who is the Hon. James Archibald who, through our own act, through the Attorney General's office, spent a long year of careful investigation going over all of the records, interviewing the witnesses? James Archibald is an honorable man, as Mr. Potter has so properly pointed out. He is a former county attorney, a man of unchallenged ability. We ordered that report two years ago and he has brought it in through the Attorney General's office, one of the finest reports that I have ever read and studied, and haven't I studied it. He went as far as he could. He could not declare the man guilty or innocent. But when he was asked the direct question: "If you were sitting on a jury trying Francis Carroll and had before you all the evidence covered in your investigation and review, how would you vote?" Without hesitation, he replied, "Not guilty."

Now we have Judge Beliveau, an honorable man, we have our own report which we ordered, paid thousands of dollars for, and then we have the majority of the Claims Committee who made a detailed study, as Mr. Potter has pointed out to you. There is a man, among other good men on that committee, who served as the Speaker of this House last year, Senator Silsby. Senator Silsby was prejudiced the other way before this claim was heard before his committee and before he studied it, but he is a big enough man, as I hope you are who have had prior prejudice, to accept the facts as laid before him, and he signed the majority report of this committee. He was taken ill, as you know, and he has told me in the corridor here just a day or two ago, that he put in a great deal of time reading and examining every particle of evidence, the transcript of the trial and the whole thing. Senator Silsby has been a big enough man to reverse himself in the prejudice which he had until he examined the facts and signed the majority report.

To my mind, this matter is whether or not Francis Carroll had a fair trial. How in the world could anybody think that he had a fair trial on all of the evidence before us? I am tempted, but I am not go-

ing to do it — I am tempted to follow the same procedure and read at length from these reports, but I am trusting to the fact, gentlemen, that you have read the Archibald report and the complete text of Judge Beliveau's decision. On the reasonable supposition that you have read those reports, and have decided as I have, that Francis Carroll did not have a fair trial, how in the world can we do otherwise, to clear the good name of the State of Maine but compensate him in some way for the twelve years that he stayed in prison? Under our Constitution every man is entitled to a fair and impartial trial and he didn't have it. I do not believe it is possible to pay any man enough money, there isn't enough in the world, for spending twelve years in State's Prison. Thank God, we do not have capital punishment in the State of Maine.

This thing could have happened to you, it could have happened to me or to our sons. Let us make restitution in some small way, the way that the majority of this intelligent committee reports to us that we should make restitution, and thereby at least make a small bow to this man who we imprisoned in our State Prison for twelve years.

Of course it is distasteful to the public, and particularly to lawyers and judges, to think that there is ever a miscarriage of justice in the criminal law. We all know that it has happened before, but I do not see, in spite of the wonderful plea that the Judge has made, I don't see how you can doubt the question of whether or not he had a fair trial. He simply didn't. The agencies of this Legislature and of the 95th Legislature have told us so. Now let us make this small bow in the matter of justice.

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

Mr. TUTTLE: Mr. Speaker, I feel that it is imperative that I say a few words in behalf of the attitude of the Claims Committee on this case. Firstly, I would like to dodge this issue but I have given it more careful study than I have ever had any case that has come before the Claims Committee. I am reminded, in dodging, I am reminded of the

case that came before Pontius Pilate. He tried to dodge and wash his hands of it. I would like to. But I call the strikes as I see them and it is necessary to say a few words on this question.

I want to say, in passing, that I have a great admiration for and this winter I have learned to love the gentleman from Portland, Mr. McGlaulin, and I really wish that I knew as little about the Carroll case as he does. If I did, I could save my conscience and save the time of this body. But, I have here, that I was going to call to your attention the decisions of some of the States in regard to matters of this kind, and I realize that we have been overworked to this extent and I will read them by title only.

On March 22, 1930, Alval Lytle convicted of bank robbery and sent to the State Penitentiary. On March 8, 1932 he was released. The Legislature in Nebraska awarded him \$2500 based on his prior earnings.

In 1938 one Joe Murray convicted of bank robbery was sentenced to 20 years in Nebraska. After two and a half years he was released. The Legislature awarded him \$250, the loss of his earnings.

The Legislature of Missouri in 1935 awarded \$1500 to Richard Maurice Taff who was tried and convicted and sent to the penitentiary for ten years and found to be innocent. They awarded him \$1500.

On November 23, 1934, Nancy L. Boise was convicted of forgery and sentenced for not less than two or more than 14 years in the Women's Prison in Indianapolis. She was later released and the Legislature awarded her \$4,000 for her two years in prison. Loss of earnings and suffering were considered as the basis.

In 1947 the Legislature of Illinois awarded \$24,000 to Joe Majizek who had wrongfully served 12 years of a life sentence in a case of mistaken identity.

In 1929 Robert Coleman was sentenced to life imprisonment in the State of Georgia. He was later released and he was awarded \$2500 by the Legislature of Georgia.

In the State of Alabama in 1933 one Herschell McCarn was sentenced to 25 years. He was later released because it was established that he

had been wrongfully imprisoned and their Legislature awarded him \$7,000.

In 1934 William Hathaway was convicted of the crime of bank robbery and he was awarded \$7,000.

In the Commonwealth of Massachusetts, Clement Molway and Louis Berrett, Brighton cab drivers, were arrested three days after a Bill Poster was found murdered at the Paramount Theater for armed robbery. They were sentenced. They went to trial on February 12, 1934. The evidence was in. Before the final arguments, the district attorney was informed that Abraham Faber of the Millen-Faber gang was guilty of that crime. They were released and the State awarded them \$2500 with their apology.

In the State of New York, Bertram Campbell, convicted of forgery and served two months and thirteen days and was paroled under restricted conditions. He was later pardoned by Governor Dewey and the State Legislature awarded him \$40,000 for loss of earnings and \$75,000 for the suffering he endured.

Similar problems have been considered in a number of different states and the formula was that it was based on loss of earnings and physical damage and damage to one's character.

Applying this formula to the Carroll case we find damages for twelve years at \$2500 or \$25,000 plus twelve years at \$10,000 or \$120,000, making a total of \$145,000. It is not proposed that the State of Maine pay Francis Carroll \$145,000 although there is a precedent for it. It is realized that a breath of freedom is worth more in Maine; it isn't worth any more in Maine than it is in New York and New York is a wealthier state. It has been pointed out and I think the facts have been established that the Carroll case is the only case on record where the State deliberately went and railroaded a man to jail and kept him there twelve years and resisted him all that time in his attempts to obtain justice. For these reasons, the State should now make amends by recompensing Francis Carroll for his loss of earnings and for the sufferings he endured. After a detailed study of the matter, the Claims Committee agreed to the

conclusion reached both by Judge Believeau and James Archibald, the assistant attorney general. There can be no doubt but that Francis Carroll's constitutional rights were violated and that he was deliberately railroaded to State's Prison. That has been brought to your attention by other speakers this forenoon and I will not repeat. This legislation should serve notice on all employees and agents of this State that such tamperings with justice will not be tolerated. The Legislature by its actions should assure the people of the State that final justice can be obtained. I quote a statement made by Francis Darrow, one of the greatest lawyers probably that this country has ever had, when he said: "Thank God, that there is always some judge who is willing to stand against the crowd in favor of the underprivileged." This State of Maine, in my opinion, owes an everlasting gratitude both to Stanley Bird, who brought this to the attention of Justice Believeau, and to Justice Believeau. I have carefully read Judge Believeau's decision and the Archibald report and I believe anyone who has will reach the same conclusion that I have reached and there is something else that we must be thinking about in passing. I am not pleading for Francis Carroll alone but for my children and for your children and for the unborn babes of this State and I hope that this Legislature will speak with such force that no man or party of men will ever dare to perpetrate so dastardly an outrage on our fair State of Maine again. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Hebron, Mr. Bearce.

Mr. BEARCE: Mr. Speaker and Members of the House: It is with extreme reluctance that I take any part in the discussion of this resolve. I would very much prefer to keep my nose strictly out of it. I feel, however, that I cannot properly do that. I come from Oxford County, not far from the scene of the murder and the trial. I am opposed to this resolve, I am opposed to paying Francis Carroll \$15,000 or any other sum.

If I believed Mr. Carroll was innocent, I would be among the first to try to do everything possible to make up to him for his suffering and the disgrace that has come upon him. Unfortunately, perhaps, I do not feel that he is innocent. Mr. Carroll was convicted of the murder of Dr. Littlefield. He was released twelve years later on the ground that he had been improperly convicted because of questionable evidence. Now, it may be true that some improper evidence was given and that some evidence in Mr. Carroll's favor was suppressed. However, I believe, and the jury believed, that there was sufficient solid, honest and admissible evidence to warrant a conviction. He was convicted on the basis of that evidence.

One point has not been discussed to any great extent, and that is the question whether Mr. Carroll was alone responsible for the murder of Dr. Littlefield or whether he was an accomplice. Now, so far as I am concerned and so far as the law is concerned, it doesn't make the slightest difference whether Mr. Carroll killed Dr. Littlefield with his own hand or whether he held a gun on young Dwyer while young Dwyer did the killing. I don't think there is a reasonable doubt or even a shadow of a doubt that Mr. Carroll was mixed up in the murder of Dr. Littlefield. Just what part he played is entirely unimportant. If he was an accomplice, he was guilty of murder, he is guilty of murder. Now, I think that is all that I need to say and all I want to say. If he took part in the murder, as I believe he did, I believe as the jury believed he did, then he was guilty of murder and there is no justification for this State paying him \$15,000 or any other sum for having been put in jail for a murder which he either committed himself or held a gun on young Dwyer while young Dwyer committed it.

The Chair recognizes the gentleman from Bridgton, Mr. Whitney.

Mr. WHITNEY: Mr. Speaker and Members of the House: Coming from a town located close to this case you may say that I am prejudiced. In this case, I will not state whether I believe Mr. Carroll guilty or not. We have had several worthy

claims turned down by the Claims Committee, the people who are sick, disabled, and some of this committee recommended that we pay this claim to a man who appears to be able to support himself.

Now, as for Mr. Carroll, he should feel that he is amply paid to be free today. A short time ago, the statement was made by a member of this House that certain things, if he went for them, he had to sleep with his own conscience. If I shall vote to pay this claim I question that I could sleep with my conscience. Thank you.

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

Mr. FOGG: Mr. Speaker and Members of the House: Mention has been made here that two years ago one member of the Claims Committee was in favor of paying Francis Carroll. I was a member of that committee and first, I would like to say that if anyone here thinks that I am in opposition to the members of the Claims Committee, all of them, and in opposition to members of this Legislature just for the fun of it, they certainly have another guess coming to them because it was not an easy thing to do. The reason why I took the stand that I did was because of two statements which were made before the last Claims Committee, which made me curious.

I had known Stanley Bird for years. He was in high school a couple of years ahead of me and he graduated and went on his way; later I graduated and went on my way. I lived in New York State and I lived in Michigan. I came back to Maine and one day I happened to look across the street and saw the sign "Stanley Bird". I thought, I wonder if that is the Stanley Bird who went to school with me. So I went over and renewed our acquaintance and he happened to mention something about the Carroll case and it didn't make much of an impression on me and I do not know as I saw him again until the case came up before this Legislature.

But the thing that got me curious about this whole thing was when Stanley Bird stood down here in front of this Claims Committee



right in this building here and publicly accused the administration assistant of the Governor of this State of being guilty of committing perjury. He publicly accused a member of the last Legislature and a gentleman who was the attorney general when the trial took place, he accused them publicly of being guilty of a conspiracy to commit perjury.

Now, I was rather shocked about that and I thought to myself, there are going to be tremendous headlines tomorrow. Boy, oh boy, the sky is going to fall. The next day there was a little piece in the paper how Stanley Bird had accused the state officials of railroading Francis Carroll to State's Prison. So I went to Stanley Bird and I said: "Stanley, you are a lawyer; you must know that you made some pretty serious charges before the Claims Committee." I said: "You must know that they can sue you and prove that you are wrong and get you in a lot of hot water." He said: "I know that but I can prove what I said." I said: "Stanley, I know this thing is politically a hot issue, I know there is an awful lot of prejudice against it, but I want to know more about it." He said: "Well, I am not going to try to influence you as a member of the Claims Committee in any unjust way." He said: "Anything I have got that you want you can have." He said: "I will provide you with an authentic copy of the Carroll trial testimony, the habeas corpus testimony and you can study it over yourself." So I did. I got everything that I could on it and I spent three weeks digging into it and when I got through digging into it I came out of it with the conviction that Carroll was innocent as well as having been railroaded to State's Prison. I am going to cover that later.

So I went ahead on the strength of what I had learned and I went contrary to the Claims Committee. I went contrary to this Legislature and I defended my stand. This thing has been investigated by a man who is recognized as being a very able investigator, Attorney Archibald is recognized everywhere as being a man of great honor.

Now, he has come out with his report and I am willing to abide by that report but there have been some things said here today which I would like to review. Before I go any further, I would like to correct one error which the gentleman from Medway, Mr. Potter, made in his statement when he was talking about the two bodies in the car, he said something about Carroll putting the two bodies in the car when I really believe he meant Dwyer.

And now to get down to the statements by the gentleman from Portland, Mr. McGlauffin. I admire Mr. McGlauffin; I think he is a grand old gentleman but I don't think he has informed himself properly on this thing which we have at hand. First he states: "How could the incest case have any bearing on the trial because it took place a month before." This is how it had bearing on the trial. It hung over that trial like a specter and it was brought up by Ralph Ingalls. Reference was made to it by Ralph Ingalls. Well, Carroll's attorney protested but the damage was done and I have always said when anybody has approached me on this incest angle, I have always said that I believe I have a pretty good name in my home town where I live. I have three lovely daughters. I am very proud of them but if anybody, not one of my daughters, but if just anybody in town made a casual charge against me in that town, I believe that half of the people of that town would probably pick it up right out of there. They wouldn't question: Is that true or isn't it true? The next day, a lot of people would treat me as an enemy.

Now, I am not trying to prove that the incest case is not true. I don't think it is and I don't believe that anybody who has read over that Bird statement and studied the thing carefully believes that it is. This is my experience. I took the statement, which the girl made and I showed it to my mother. My mother was just about as poisonous toward Francis Carroll as anybody could possibly be. I took it and showed it to her and I said: "Mom, I

want you to read this." I said: "This is a statement which Barbara Carroll made against her father in regard to the incest charge. I want you to read it and if you were sitting on the jury, would you convict a man on the strength of this statement?" She read it over and spent some time on it. She said: "Well, that is ridiculous", and I am going to quote her exact words to me: "Any married woman would think that girl was crazy." Now, the statement is available and you can get it and read it yourselves.

Now, to go on further with the statements of Mr. McGlauffin. He brings up Carroll's gun and he says that there was no testimony made in which the gun was used by Francis Carroll. There wasn't any testimony made but Ralph Ingalls took the picture of Dr. Littlefield's head in one hand and the 45 automatic in the other and he stood before the jury and he practically told them that Francis Carroll hit Dr. Littlefield over the head with the gun.

Now, two years ago, I reviewed this. There was no court record made at that trial of the summary to the jury. Unfortunately, there was no official reporter but there was a newspaper reporter there from the Portland Press Herald and he made a verbatim record of that because he could take shorthand and it was reported in the Portland Press Herald. I reviewed those statements two years ago and I am going to review them again for your benefit. Now, first I want to point out to you that Lieutenant Shepard had told Ralph Ingalls and he had told Franz Burkett that the gun could not have made these wounds on Dr. Littlefield's head. He went to Franz Burkett's camp and he ruined a human skull which he had covered with plasticine, showing them that the gun could not have made the wound. And Dr. Arch Morrell, the State pathologist, I think, also told him that the gun couldn't have made the wound. Now, after what he had been told, this is what Ralph Ingalls told the jury and this is a quotation from my speech two years ago.

Now, while bearing in mind what had been told Ingalls by Leon Shepard and Dr. Morrell, I would

like to read some quotations from the verbatim report of Ingalls' summation to the jury as reported in the Portland Press Herald. Unfortunately, in court cases, I understand that there is no record made of the summary of the jury. However, I think when you consider the build-up Rev. Bubar gave the Press Herald the other day, that it can be accepted as being quite authentic except maybe for a few possible little errors.

"You want to see something that fits the wound? Then take Francis Carroll's gun.' Then further on another quote: 'The diamond on Francis Carroll's gun fits the wound on Dr. Littlefield's head.' Then again further on: 'There is the gun print on Dr. Littlefield's head.' And again further on: 'Who in the State of Maine could Paul Dwyer have picked out, except Francis Carroll, whose gun would fit the wound in the head of Dr. Littlefield?' Here is another one: 'gun evidence seals his doom.' And here is one more, and this is a dilly: 'Look exactly on the scar surface on Dr. Littlefield's head and see the diamond marks of Carroll's gun.'"

No, there was not any testimony but I think that the prosecution injected that in rather cleverly because there was no court record made of it and if a newspaperman who could take shorthand hadn't been there there would never have been any record made of it. But the thing has come back now and it is harming the prosecution, just like a ghost.

Now, incidentally, I have noted that Judge McGlauffin has very consistently torn away at Judge Beliveau's decision. He has quite carefully steered clear of Archibald's report. He has pointed that Mrs. Foss made a statement about Sidney Verrill having someone offer her money to memorize Francis Carroll's license plate number and she refused. Now, Sidney Verrill was brought back from Missouri here and he did not deny that he did that. He did not deny it and as I understand he kept saying: "She says it is true. It must be true." And incidentally while Sidney Verrill was here in the State House there was a warrant for his arrest outstanding but that warrant was not served. That is a

question which I would like to have answered.

Now, Mr. McGlauffin points out he doesn't see how Dwyer's statements could have hurt Francis Carroll. Now when Dwyer, after he went into State's Prison, he was in there for a while, his imagination got to working I guess or something or other, so he wrote up a seventeen page statement, I think it is in the neighborhood of 15,000 words, I did know the exact number but I have forgotten. That statement was proven by affidavits to be in existence. Well, I suppose some people will say: "Now, we can't take anybody's word on it." But Jim Archibald told the Claims Committee that since this report was made, they were cleaning out some files and holding some police trials in one of the buildings over here and they found that seventeen page statement with Ralph Ingalls' notations on it at the very point where they ceased using the seventeen page statement. Now, if they had used that complete statement and had introduced it as evidence, it would have blown the whole State wide open. I think, and I really believe, the jury would have thrown it out because Paul Dwyer when he went onto the stand and testified at his trial, he contradicted himself twenty-eight different times. If you want to turn to page 1357 in last year's Legislative Record you will find where I reviewed some of those contradictions in his testimony in comparison with his statement.

Now, there is another little thing I would like to bring out. When the investigation for the murder of Dr. and Mrs. Littlefield first started, there were a couple of young men down in Portsmouth, New Hampshire, who reported to the State Police that Paul Dwyer and Mrs. Littlefield were seen by them down in Portsmouth, New Hampshire, about one o'clock in the morning. They were called up here to testify at the trial and, when they refused to testify that they had seen Paul Dwyer and Mrs. Littlefield down in Portsmouth at ten o'clock the night previous, they were sent home without testifying at all and if they had been put on the stand to testify, they would have killed the case right then and there because of the

fact that Paul Dwyer had insisted that Francis Carroll killed Mrs. Littlefield in South Paris at one o'clock in the morning. Now, there is a record and Jim Archibald has looked it up and he has found where these men were called up to testify, they were paid off early before the trial before anyone else was and they returned home. There is another little bit of evidence which if the State had presented would have knocked the case in the head.

Now, there have been quite a few people say to me: "Well, the Archibald report does not say that Francis Carroll is innocent." Archibald says that you can't categorically say that a man is innocent unless you have seen the person who killed, murdered anybody. He says: "Only the person who actually did the killing can say who is guilty or who is innocent." So I put it to him this way: "Well, Mr. Archibald, in your investigation of the case, did you find any evidence that would indicate that I killed Dr. and Mrs. Littlefield?" He laughed and he said: "Why, of course not." I said: "Did you find any evidence that would connect me in any way with the murder of Dr. and Mrs. Littlefield?" He said: "No, of course not." I said: "Very well. Now, if Paul Dwyer's imagination should get going again and he should make out a long statement saying that I killed Dr. and Mrs. Littlefield and you were assigned the job of investigating me, how would you report?" He said: "I would report it the same way I did with Francis Carroll, that there is a reasonable doubt that you killed Dr. and Mrs. Littlefield." He said: "I couldn't say anything else unless I actually saw Dr. and Mrs. Littlefield killed."

Now, Mr. McGlauffin talked lengthily and I couldn't make notes on everything that he said but there is one thing that I have noticed in this whole Carroll thing: if anybody listed all these false rumors, erroneous conceptions and untrue statements which have been going around concerning Francis Carroll and concerning his trial in general he certainly would have a big volume. It would take me hours to stand here and disprove everything but it can be done. There is evi-

dence that would disprove anything which connects Francis Carroll with this murder. A lot of people just don't accept the fact that he didn't have anything to do with it. But, in going over it, this is one thing which stands out in my mind very plainly and it seems to be the opinion of the investigators that went over this, that out of all the stuff, all the rumors, all the material that has been assembled in this there are only two points of evidence that would in any way connect Francis Carroll with the murder of Dr. and Mrs. Littlefield. The first is Paul Dwyer's statement. Now Paul Dwyer, as anybody who has read up on this at all can understand, has made a lot of different statements. First, when he was caught in North Arlington, New Jersey, he was arrested and he made a statement of confession to the city police. Then he made another confession to the county police. He was brought to Portland. He made another confession and he confessed then that he had strangled Mrs. Littlefield just outside of New Gloucester early in the morning. He was asked by the police: "How could you identify the location?" He said: "I could identify the location because shortly before I had eaten some bananas and threw the peelings and the bag out the window of the car." They took him to that point and they found the bag and the banana peelings. Now, they took him up to the State Hospital here and he made another confession. I don't know just what the wording of that confession is. I haven't read it yet but I do know in connection with it, I think it accused some narcotic men of killing Dr. Littlefield. He was asked if he was going to die and he was making this statement on his dying oath if he would swear that this was the truth. And he did. He contradicted himself, as I said before, twenty-eight times on the witness stand over his statement in which he charged Francis Carroll with murder. I don't think that the fellow's word could be taken on anything. I think he was a liar of the first order.

Now, the only other point of evidence was the statement by Hazel Talberth, testimony, that she had

seen Francis Carroll's car parked in a parking lot next to the Dwyer home at the time of the murder. I don't recall whether she said she saw Francis Carroll in it or not. But, it is a matter of record that Francis Carroll turned that car in three days before the murder and before the time she was supposed to have seen Francis Carroll's car in that parking lot.

And another thing, Mr. Archibald and some other men went there and they placed a car in that parking lot at the identical time of the year, the same hour and night on which Hazel Talberth said she saw this machine there and some of them would get into the car and others would drive by in the same identical manner in which she described she and her boy friend drove by there. Sometimes there would be two men sitting in the car, and sometimes there would be one. Sometimes there wouldn't be any. Sometimes one of them would hold up his hand. Another would take his hat off. He reported to us there wasn't once that you could identify whether there was anybody in the car or whether anybody had a hat on or anything else. Now, I think that was in Archibald's report.

Now, I don't know what you are going to do on this thing. I definitely feel that Carroll is innocent. I don't think he is guilty of the incest charge and I will wager this, I did two years ago, I made this statement to several people that if anybody would sit down and go over this thing as thoroughly as I did, it was my honest belief that they would come out feeling that Francis Carroll was innocent. Now, I believe that most of the members of the Claims Committee do feel that he is innocent. They certainly feel that he was railroaded to State's Prison and I know there is doubt in their minds about the incest charge. Now that was definitely hung up against him as something to discredit him in the eyes of the public.

This is the reason why I think that Francis Carroll should be compensated. I think that he has been wronged by the State of Maine in two ways, through the chosen officials and through the acts of the people themselves. There is no

doubt, according to the record, that he was railroaded to State's Prison and there is no doubt that there are an awful lot of people who have been saying things they did not know the truth on. They picked rumor and handed it on and amplified on it. Now, I would like to relate one instance which happened to me. That was two years ago when I came out in favor of paying Francis Carroll, a member of the clergy came to me and he said: "Irving, I want to talk with you." And I said: "What for?" And he said: "Well, I think there is something that you should know." He said: "You are in favor of paying Francis Carroll, aren't you?" I said: "Yes." "Well," he said, "there is something I think you should know." I said: "What is that?" He said: "Don't you know that Francis Carroll was convicted of incest?" I said: "No, I don't." And he said: "He was." I said: "What makes you think so?" He said: "Well, a person that I know very well told me that." I said: "No, he wasn't convicted of incest. He was charged with incest, the trial was never held, they never convicted him, he was never given a chance to disprove it." He said: "Well, I always thought that Francis Carroll was guilty of incest." I said: "There is no legal record of that." So I think it is just an example of the way public opinion has kicked this whole thing around and I think the people of the State of Maine share a certain amount of the guilt, and I certainly feel that this claim should be paid.

The **SPEAKER**: The Chair recognizes the gentleman from Naples, Mr. Fickett.

**Mr. FICKETT**: Mr. Speaker and Honorable Members of the House: This case has bothered me ever since I have been down here. Carroll's guilt or innocence does not enter into it. It is simply a question of whether the State of Maine was or was not a party to a miscarriage of justice. Francis Carroll is a free man today. Therefore, there must have been a miscarriage of justice. If I kill a man tomorrow, I shall hire the best, the most unscrupulous lawyer that I can to defend me. I want freedom. But on the other hand, I do not expect the State of Maine, the great State

of Maine to stoop to such tactics. Therefore, I shall vote to reimburse Francis Carroll.

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

**Mr. STEWART**: Mr. Speaker, at the commencement of this session I had not intended to either speak or vote on the side of the question which I will speak on and vote on today.

At the conclusion of the remarks of the gentleman from Portland, Mr. McGlauffin, he did utter a defiance to any member of the Legislature to try to break down his argument, point by point, and I had thought of doing that at first in connection with the Beliveau decision. However, it is late in the day and I do not think it would serve any useful purpose at this time.

I think the Judge did very well in picking out as his objective in this case the Beliveau decision, because that decision will, in my opinion, stand as one of the great landmarks of jurisprudence in the State of Maine, and it is my hope that some day an order will proceed from this Legislature to order it to be printed in the Maine Reports so that it may serve for future generations to guide them in the administration of justice.

It is my conviction that I have a duty, not only as to the oath that I took as a member of the Legislature but as to the oath I took as a member of the Bar when I was admitted as an attorney, to speak in this case and to try to evaluate just briefly what my view is as to what has taken place here.

It is my view that the statement that the Judge tried to refute point by point presents convincing evidence of a frame-up against Francis Carroll, and it is my further conviction that the evidence that has come out during the course of this legislative session, in the Beliveau decision, in the Archibald report, in the views expressed by the members of our own legislative committee, justifies us in trying to grant a remedy to a man who has been greatly wronged. So it is my hope today that you will go along with your own legislative Claims Committee, which has studied this case more thoroughly than any of

us could possibly do, and give Francis Carol his just deserts.

I oppose the motion to indefinitely postpone and hope the majority report will be accepted.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, for indefinite postponement of both Reports and Resolve in favor of Francis M. Carroll of South Paris (H. P. 1191) (L. D. 1360). Is the House ready for the question?

As many as are in favor of the motion for indefinite postponement of both reports and the resolve 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-two having voted in the affirmative and thirty-six in the negative, the motion prevailed and the reports and the resolve were indefinitely postponed and sent up for concurrence.

Mr. FULLER of South Portland: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman from South Portland, Mr. Fuller, seek recognition?

Mr. FULLER: Mr. Speaker, I ask unanimous consent that unless previous notice is given to the Clerk of the House of intention to move reconsideration that the Clerk be authorized to send to the Senate two hours after the House recesses all matters acted upon this morning that were passed to be engrossed and that require Senate concurrence, and after that time no motion to reconsider any such matter shall be entertained.

The SPEAKER: Does the Chair hear objection to the unanimous consent request of the gentleman from South Portland, Mr. Fuller? The Chair hears no objection.

On motion of Mr. Fuller of South Portland,

Recessed until 1:30 P. M., E.S.T.

#### After Recess—1:30 P.M., E.S.T.

The House was called to order by the Speaker.

#### Conference Committee Report

Report of the Committee of Conference on the disagreeing action

of the two branches of the Legislature, on Bill "An Act to Place a Bounty on Porcupines" (H. P. 646) (L. D. 661) reporting that they are unable to agree.

(Signed)

Messrs. RICH of Charleston  
WATSON of Moose River Pl.  
BUTLER of Franklin

—Committee on  
part of House

WIGHT of Penobscot

WEEKS of Cumberland

CARPENTER of Somerset

—Committee on  
part of Senate

Report was read and accepted and sent up for concurrence.

The SPEAKER: The House is proceeding under Item 6 under House Reports of Committees.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought to pass" on Resolve in favor of the Several Academies, Institutes and Seminaries (H. P. 1244) (L. D. 1446)

Report was signed by the following members:

Messrs. BROGGI of York  
FULLER of Oxford  
BUTLER of Franklin  
—of the Senate

Messrs. FULLER of South Portland  
ROUNDY of Portland

Miss CORMIER of Rumford

Messrs. DICKEY of Brooks

DENNIS of Litchfield

—of the House

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

Report was signed by the following members:

Messrs. REYNOLDS of Mt. Desert  
CRABTREE of Island Falls  
—of the House

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Gowell.

Mr. GOWELL: Mr. Speaker, in the first place, I wish to express my appreciation to the members of this Legislature in allowing me to present this resolve by unanimous consent.

It was called to my attention by the Treasurer of Berwick Academy

— — —

Mr. Speaker, I would like permission of the House to explain this for just a minute.

The SPEAKER: The gentleman may proceed.

Mr. GOWELL: (Continuing) from the Treasurer of Berwick Academy, saying that he had received a communication from the State Educational Department, saying that the aid that the academy had been receiving from the State would be discontinued as of June 30th, 1953 this year.

I will say that Berwick Academy is one of the oldest schools in the State of Maine. It was incorporated in 1791, when Maine was a part of the Commonwealth of Massachusetts. Its charter was signed by John Hancock, who was then Governor of Massachusetts, and I believe it is the oldest academy in the State, although I am not sure that Fryeburg might have been incorporated a year sooner or it might have been a year later.

Berwick Academy has been an institution that has furnished college preparatory courses to those attending college and has served as a high school for the greater part of the time for the town of South Berwick.

It has been the custom, and several times during my lifetime, I have appeared before the Committee on Education here at Augusta to obtain State Aid. It has never been refused, and so far as I know, and from what I understand, the academy has always maintained very good courses.

They have, at the present time, one hundred and fifty-two students; a large majority of them are from the town of South Berwick, from which they collect tuition. They have tried to keep up the standard of the school by complying with the suggestions and the recommendations of the State Department here at Augusta.

About three years ago they purchased the property adjoining Berwick Academy and fitted it up with equipment for the Home Economics and Industrial Arts courses.

They have five courses at the present time. a General course, and the College Preparatory course, a Commercial course, the Home Econ-

omics course and the Industrial Arts Course.

They have some income from some invested funds, but they sustained a deficiency loss last year of a little over two thousand dollars.

In a communication from the Treasurer he says, "We have been advised by the Department of Education that State of Maine payments, as previously made to this academy, will be discontinued as of June 1953."

In looking up the matter, I went to the records of 1951, and found that there was a provision there that after 1952 it said all aid to academies would be discontinued. I think probably it was a misunderstanding of the several academies because they would probably have been there and made their wants known before this.

I spoke to some of the members in regard to the matter, and I found that I probably could get a permit, through your courtesy, to present this resolve out of order. I thought it was only fair to the other academies, situated as we were there in Berwick, to include the same list that received State Aid the last few years, and the resolve that I presented had a list approximately the same as was paid last year and the year before, and it calls for the sum of \$25,100.

Of course I know that it is the feeling of the Legislature that during the last days of the session they should not pass any bills or resolves requiring funds without knowing where the money will come from, but I will say in defense of this resolve — as I have just told you, it was only recently it was called to my attention — and it means quite a good deal, not only to Berwick Academy but probably to every academy on the list. There are thirty-three, I think, on the list. None receive more than \$1,000 and none receive less than \$500. That adds up, I believe, to \$25,100. While we do not ask any special favors down there in that section of the State, it is my honest opinion that there is no money expended for education that will be better expended than it will be by those small institutions that take

quite a little pride in their local self-government and in the traditions and the support of their academies.

I hope this may receive a passage, and I move at this time that the majority report of the committee be accepted.

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: The real good feature of this resolve is the sponsor, the gentleman from Berwick, Mr. Gowell. I assure you that it is not altogether a pleasant job to stand before you — to use an expression that we have heard very much this session throughout the corridor — and "clobber" legislation. In this particular instance, this is no doubt deserving, but you must agree with me that it is pure and simple a pork barrel measure.

The thought has been brought to me that we should let a lot of these things go in to the Senate—I am sorry, Mr. Speaker, to the other branch, for their consideration. Frankly, I don't think that is too fair. It is the first time in my ten years that we don't have a special calendar in your Appropriations Committee, and some of the members in the other branch have reminded us that we should take care of some of these items ourselves.

I gave you the figures as to where we stood financially by enactment in the other branch earlier today of \$169,000 each year. We figure now it is \$136,009.66 for the first year and \$136,826 for the second year. These measures have been enacted in the other branch as far as recurring expenditures are concerned, with other very worthy measures to come forward. Aside from that I assure you that eventually this measure, regardless of its worthiness, will be indefinitely postponed anyway. If we are to believe, and certainly we should believe, the remarks of our Clerk, through the Speaker of last week,

of the cost of engrossment, we should proceed to do our work, and consequently I move the indefinite postponement of this resolve.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the indefinite postponement of both reports and Resolve in favor of Several Academies, Institutes and Seminars.

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

Mr. DICKEY: Mr. Speaker and Members of the House: I was very happy to sign the majority report. I am very happy to stand up in front of you now because my good friend, the gentleman from Lewiston, Mr. Jalbert, brought up that old topic of "pork barrel."

These academies serve a very useful and necessary purpose in the education of our youth. I signed the report with full knowledge that the finances of the State were getting very thin, but how better could we help education than to help these academies?

I don't think it would take too much time, but I would like to read the names of these academies. I am sure they are spread throughout the State, and you Ladies and Gentlemen in the House, certainly understand the needs of the academies in your own communities. In the bill they are listed as Anson, Aroostook Central, Berwick, Bluehill-George Stevens, Bridge, Bridgewater, Bridgton, Cherryfield, Coburn, Corinna, East Corinth, Erskine, Foxcroft, Freedom, Greely, Hampden, Hartland, Higgins-Classical, Kents Hill, Leavitt, Lee, Limington, Lincoln, Litchfield, M. C. I., Monmouth, Monson, Oak Grove, Patten, Ricker Classical, Robert W. Traip, Somerset, Washington and Wilton.

I think, with the reading of the names, you people will understand that this is a good resolve and that it should pass, and that you will feel that the motion of the gentleman from Lewiston, Mr. Jalbert, that this be indefinitely postponed, should not prevail.

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

Mr. FULLER: Mr. Speaker, I just want to make it clear to you and



to the members of the House why I signed the majority report. I am not in favor of pork barrel legislation. On the other hand, there seemed to be a lot of these academies that had special resolves in this Legislature this year, and I find, in travelling over the State, that a lot of these academies find themselves in rather serious financial difficulties, and I thought, rather than to sign a minority report, that it was only fair to sign the majority report and bring it before the Legislature, to have each one of you, in your best judgment, deal with this matter the best way which you know how.

I think, and I know, that this resolve would do a lot of good to the State of Maine. I realize that our money is short but probably it could be found some way if you so felt that you wanted to find it.

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

Mr. POTTER: Mr. Speaker and Members of the House: Some two weeks before Mr. Gowell approached me in regard to his resolve regarding academies, the superintendent of the academy at Patten called me up and asked me if I would put in a resolve in favor of the academy, finding, as Mr. Gowell stated, that the academy would receive no money this year. I told him it was too late unless introduced by unanimous consent and I didn't feel perhaps that I would receive that consent.

This academy teaches subjects pertinent to the economy of the agricultural district in Patten, Mount Chase and Stacyville, and I think that they could very well use the money; it would certainly not be wasted. I hope this resolve receives favorable passage.

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

Mr. RICH: Mr. Speaker and Members of the House: I happen to be Treasurer of one of these academies, Higgins Classical Institute, and I can tell you that this amount, although small, which each academy will receive will be a great financial help. Previously we received, through our academy aid at Higgins, approximately \$5,000 a year; I believe the figure last year was

\$4,638. In addition we received aid to our vocational courses. Both of those aids have been thrown out, and the only alternative we have to operate in the black, and we do that at Higgins, is to raise our tuition, and that means the boys and girls who come to our school have to pay a higher tuition or the towns, and many of those are the poorer towns, have to pay the higher tuition.

I believe this bill is a good bill, and I want to voice my favor of it. Thank you.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I don't feel that this appropriation for the number of institutions represented is a very large demand, and I am certainly inclined to go along with it, but simply as a matter of information, as a matter of policy to let us know how the cost was decided, I would like to ask through the Chair for information from any member of the committee how what appear to be—I do not know for sure, but appear to be such as Oak Grove Academy and a few others what I believe are—private schools are included with the academies which I understand serve as high schools in towns that have no high schools.

Now if I am wrong in thinking that there are some academies in there which are not private, I would like to be corrected, but I understood that some of those were strictly private schools.

The SPEAKER: The gentleman from Bangor, Mr. Totman, addresses a question through the Chair to anyone.

The Chair recognizes the gentleman from South Portland, Mr. Fuller, for the purpose of answering the question.

Mr. FULLER: Mr. Speaker and Members of the House: Of course, strictly speaking, there are private schools, and you will notice, if the bill is written the same as was given them two years ago, that places like Oak Grove, who serve very few of our local students, the aid has been cut way down. Last year, or two years ago, we gave them three hundred dollars; we felt that that was all they deserved because most of their youngsters came from out of State and we

did not feel that we could afford to educate out-of-state youngsters.

I hope that answers the gentleman's question.

The SPEAKER: Is the gentleman from Bangor, Mr. Totman, satisfied?

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

Mr. BURGESS: Mr. Speaker and Members of the House: I want to address my remarks, not only to the measure before you, but to all of the separate L. D.'s which have to do with requested appropriations for academies.

It is not my desire or pleasure to speak later individually, if the occasion should require it, on the separate L. D.'s, as I mentioned, which are requests for State money to finance various academies. So that if I may be permitted, I do not wish to address my remarks to the amount of money involved or to any single academy, but to the matter of principle and policy with respect to the State expenditures of tax funds.

May I begin by stating this: That in the first place, this is an appropriation bill and not an educational bill. The money tag on it is \$25,100, and in my opinion it should have been referred to the Appropriations Committee to have been dealt with in what I believe to have been a fair, just manner with respect to the amount of money and the need.

Secondly, each individual academy listed on here should have been on a separate L. D. and stood or fallen on its own merits the same as Litchfield Academy or any other private or single resolve which has appeared before this Legislature.

Now believe me, I have no dislike for the academies. They are filling a place in education throughout the State, and there is no doubt about that, and I will further admit to you that there are inequities with respect to tuition. If my understanding is correct, the Education Department of the State fixed the amount of tuition which can be collected, and in most cases that is not sufficient to pay for the operational costs.

But let me take the other side of the picture, if I may, and my contention is this: That there is a

dual responsibility with respect to future financing, both in the operation costs and the capital investments needed with respect to the various academies.

First: The inequity with respect to tuition should be corrected by legislation, and academies should be allowed to collect, in the form of tuition, the per capita costs of operations.

Second: With respect to the capital investment, that the towns or town which is being served by an academy as a high school should share in the capital investment. And let me point that out to you just a little bit more in detail.

Take any academy that you wish, located in a town where the town does not have a separate high school. In that case the town has no capital investment, is collecting the subsidy from the State and is paying a tuition to the academy less than the operational costs.

Now you may raise the question: What can towns do about it if they so choose to correct the situation? I cannot cite you the chapter and the section, but I could find it for you, if you wished, in short order. There is already on our statute books ample legislation which provides or makes legal the assessment of taxes by a town for the purpose of investing or contributing capital investment funds in an academy where there is a contract existing for the high school education of the pupils of that town.

I could cite you case after case, town after town, in the State, where the town itself is in an enviable position with respect to schools. They have not a nickel invested in the constructional cost of the high school. They are paying a tuition that is lower than the cost on which they could operate their own high school, and they are also collecting subsidies from the State for the pupils who are being educated by the academy.

Now we may say that these towns cannot afford these various things. It may be true that there are isolated cases, but in general may I point out to you what has happened with respect to towns in the last two years only. We have repealed the property tax, five and a half million dollars, which has been

turned back to the various cities and towns through the State. This year alone you have increased your general school subsidy approximately a million dollars, which is a direct payment to the educational system in the various towns and cities throughout the State.

In the Highway Bill that is now printed and on your desks you have a million dollars annually or two million dollars in your Town Road Improvement Fund. Now you may say: What has that got to do with schools? It does afford a town an opportunity to reduce its appropriations for highways, and enable it to appropriate money for other just and needy causes.

You have in that same Highway Bill \$250,000 of flood damage repair work, which is, by virtue of the way the bill is drawn, to be expended on town roads alone. And I could enumerate several other instances where the towns had been benefitted, and justly so, by legislation passed at the previous and in the process of enactment at this session. So that it is my firm conviction that the time has come when the State should adopt the policy of correcting the matter of tuition, if there are inequities, but they should take a firm policy of contributing nothing to these private schools, that the towns that are being served should assume at least part of the capital investments that are needed, and that they should be allowed to pay, in the form of tuition, the full operational costs of their schools.

Now, last, with respect to this particular bill, how can we logically say that this group of academies should receive an appropriation of \$25,000 and if you want to look at the calendar belonging to the other branch of this august Legislature, you will find many separate L. D.'s requesting money for good academies. Now how can you logically vote \$25,000 for this group in a package and leave the other worthy L. D.'s to share the fate which may come to them before the session adjourns?

Now I wish to just repeat myself and point out to you that I believe it is a matter of principle, to correct the inequities whenever and wherever they appear, to al-

most force the various towns that are being served by these academies and high schools to accept and assume their just and fair share of the capital costs.

Mr. Speaker, I hope that the motion to indefinitely postpone prevails.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Small.

Mr. SMALL: Mr. Speaker and Members of the House: I put my voting record for this session on the barrel as to its consistency.

A few days ago, without contradiction, I made the statement in here that I had been informed that if these individual resolves for the poorer towns that needed a little bit of help between the amount they could raise and the addition of twelve and a half per cent of their tax rate available from the school subsidy fund, that sum, taken with what we could have granted to them would give them an amount by which they could build little schools. Now I find that we should not have been informed that way, perhaps, and that our individual resolve idea was the right idea. Yet, the Appropriations Committee turned down each one of those individual resolves.

I got you all confused the other day, and I don't want to do that, so I won't go into the matter of contracts between towns and academies, and how it affects the individual scholar. But it is not always for the best.

I hope that you will do a little thinking on this matter and consider it. I liked your attitude the other day in support of the resolve of the gentleman from Hanover (Mr. Ferguson) when you voted 111 to 6, showing the strong sentiment you had for education, and that you realized the need of worthy communities.

To me, this \$25,000 is but a token gift, a token aid, and no doubt it will do a lot of good, and I am for it.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Stanley.

Mr. STANLEY: Mr. Speaker and Members of the House: The gentleman from Limestone, Mr. Burgess, just raised a point of principle. I

wonder how he can be consistent when just a few days ago he voted to give Ricker \$10,000 each year.

The **SPEAKER**: The gentleman from Limestone, Mr. Burgess, requests permission to address the House, as a personal privilege.

Mr. **BURGESS**: May I answer the question, Mr. Speaker, by stating that not one nickel of Ricker's funds came from the State Treasury, that it was county funds.

The **SPEAKER**: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. **FINEMORE**: Mr. Speaker and Members of the House: Where Bridgewater Academy is in on this, I will have to say a few words. The gentleman from Limestone, Mr. Burgess, has said that we have no capital investment. That is all wrong. Most all of our towns have capital investment; in fact in our town all of the capital investment is Bridgewater's.

I would like to state here and now that by losing our academy grant we raised our total commitment fourteen per cent.

I also noticed that the gentleman from Lewiston, Mr. Jalbert, stated that maybe the other branch would like to have us turn this down. It seems rather odd, when three members of the other branch, signed the majority report "Ought to pass." He also mentioned the amount of money that the different towns will receive on roads. I would like to say that the two or three thousand dollars received under this million dollars that they claim they are giving us as a present, we always have to add two or three thousand dollars because today it will take fifteen hundred to two thousand dollars to move equipment in to start our roads.

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

Mr. **DICKEY**. Mr. Speaker and Members of the House: The gentleman from Limestone, Mr. Burgess, seems to be arguing with the Reference of Bills Committee instead of with the Education Committee. I assure you that I had nothing to do with sending this bill to the Education Committee. It came before us and we acted in the best of our ability. And I think

he is also trying to confuse the issue by saying that the calendar in the other branch is filled up with L. D.'s. I ran over it hurriedly and I cannot find a one.

He also brings up the question of policy, and that is just the point. There has been a policy over the years to help these academies in need, and now they are faced with not receiving any money, so I think that we should carry on the policy of the past, we should continue, for at least this two years, to help out these small academies who are in great need.

Again I say to you, I hope that the motion of the gentleman from Lewiston, Mr. Jalbert, does not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Berwick, Mr. Gowell.

Mr. **GOWELL**: Mr. Speaker and Members of the House: I will say, in answer to the question of the gentleman from Limestone, Mr. Burgess, with regard to reference of bills, I will say that formerly, to the best of my knowledge and belief, these resolves came before the Educational Committee, but in this particular instance I did not assign any reference to any committee but left it to the Committee on Reference of Bills. I talked with the other committee—I think I mentioned it to some of the members—but I thought that the Committee on Reference of Bills would place it in its proper place, the way they were doing business at the present time.

In regard to some of the academies not being in a position to need it, or have made other requests for assistance, I will say that I had no way of knowing—I had not noticed any special resolves going through here, and I thought it was the only fair way to do was to take the list of the academies that appeared on the list two years ago. I thought that if we continued this year, and the next year, that before the next Legislature met that if it needed any correction in regard to the standing of these schools or the policy of the State in regard to the system, they would have ample time to do it.

As I said before, I know that it requires quite a little sum of money,

but that is only a drop in the bucket compared with what has been passed, even at this session of the Legislature, in larger institutions and where they probably needed it, but don't need it to the same degree as these smaller academies and schools that are represented under that resolve. I hope that we won't be penny wise and pound foolish.

I think, probably down there to Berwick Academy, although we have a little deficiency at the present time, we will live by it, but it will be of considerable assistance if they get the sum that is asked for in the resolve. I think what would apply to that academy would apply, probably, to most of the others, if not to all. I had no other alternative, if I wanted to get action at this session of the Legislature, than to take the list that appeared two years ago.

The SPEAKER: In order that the matter might be clarified, the Chair will state that this matter was received, not by the Reference of Bills Committee, but by the unanimous consent ruling and was referred to the Committee on Education by a vote of the House.

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

Mr. STEWART: Mr. Speaker, in the remarks of the Representative from Limestone, Mr. Burgess, he brought out the fact that perhaps these bills should have come in in separate resolves rather than being lumped altogether, and then each one could be considered on its merit. It is my feeling that the same purpose may be served if we accept the majority report and bring the bill before the Legislature for their consideration, at which time the gentleman from Limestone, (Mr. Burgess) may be free to amend it if he finds on that list some particular institution which does not need it as much as others.

It is plain from the discussion so far that this bill is going to have a rocky road before it gets to the pearly gates of final enactment. It is my hope that you will help it along, to that stage at least, when the members of the Appropriations Committee who do consider the stage of final enactment may then have an opportunity to say whether

or not this resolve, along with other resolves, that might not be deserving of as much consideration, and it might very well be that they will feel that it is more deserving than some other measures which must take their final enactment hurdle.

It is my hope that you will go along with my friend, the gentleman from Berwick, (Mr. Gowell) and accept the majority report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Bridgewater, Mr. Finemore, in speaking of the other branch stated that three members there signed the report "Ought to pass."

This matter was referred to the Committee on Education. As Mr. Burgess has stated, it is very definitely an Appropriations bill, and I certainly am not taking issue with the personnel of the Education Department because I think if you look the names over, whether it is an "Ought to pass" or "Ought not to pass" report, certainly their opinion cannot be questioned.

However, I might reply to Mr. Finemore by telling him that had this been referred to the Committee on Appropriations, with the policy that the Committee on Appropriations accepts, there would be seven members of this branch "Ought not to pass" and three members of the other branch "Ought not to pass" - which adds up to ten members "Ought not to pass."

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

Mr. TRAFTON: Mr. Speaker and Members of the House: I like this bill, but I feel that we have got to be realistic. It seems to me that we are choosing between this grant of money to the academies and a reduction in assistance to old age school teachers. For that reason, I cannot go along with it, although I would like to.

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

Mr. BURGESS: Mr. Speaker, just for the purpose of correcting, if I may, any misconstruing on the

part of any member as to my attitude, I want to assure you that I have no grievance with academies, and as I stated in my opening remarks a few minutes ago, that what I had to say with respect to this measure would apply to each and every individual resolve for funds for the academies.

I think the House, at this late date, could expedite matters very well if they would disregard the fact that there is another branch and vote upon this and every other measure that we will have before us in the remaining days of the session, exactly as they would if they knew that was the final action. I feel sure that if you will follow that policy, regardless of what the measure is, that we will end up in a much more enviable position with respect to public opinion and our own actions than we will if we should decide to continue to pass the buck.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, for indefinite postponement of both reports and Resolve in favor of the Several Academies, Institutes and Seminaries.

The Chair recognizes the gentleman from Bremen, Mr. Hilton.

Mr. HILTON: Mr. Speaker, this bill concerns Lincoln Academy, in my district, and as I am one of the trustees of that Academy, I feel that I should say a few words on this matter.

Through the generosity of this Legislature two years ago we received a sum of money with which we purchased a building for a Home Economics Room which the Department of Education has told us even surpasses that of the University of Maine.

This year we are in the process, at the present time, of building a four-room addition for a building for science and manual arts. I want to go on record at this time as supporting this measure, and I hope the motion of the gentleman from Lewiston, Mr. Jalbert, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Warren, Mr. McCLUSKEY.

Mr. McCLUSKEY: Mr. Speaker and Members of the House: I am a

trustee of an academy, a private academy that is not on this list and we want to be on this list. I would like to ask a question through the Chair of the Chairman of the Education Committee, if I may. I would like to know if he has a financial statement of each and every one of these academies in this resolve.

The SPEAKER: The gentleman from Warren, Mr. McCluskey, addresses a question through the Chair to the House Chairman of the Joint Standing Committee on Education. The gentleman from South Portland, Mr. Fuller, may answer if he so desires.

Mr. FULLER of South Portland: Mr. Speaker and Members of the House: I have not. That is the only way I can possibly answer it.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and Members of the House: I agree with some of the statements that Mr. Burgess has made, but some of them I cannot quite go along with.

Now he made reference to towns entering into contracts with those towns in which there is an academy. Well, that is all right as far as it goes except that there is a question in my mind and I have jotted it down: If a student lives in a town where there may be a contract with the academy it would appear to me that they could not go to any other school which may be nearer their home unless they paid the bill themselves. Well, that just does not make much sense to me.

I attended one of these so-called academies myself and I know what the individual has to do in order to go there. I was not fortunate enough to live in a town in which there was a high school. I either had to pay my own board or work. I know what you get out of the academy is something that you remember the rest of your life. These academies, scattered throughout the State, serve the small towns similar to the one in which I lived, and I certainly think that those who do go from those towns to the academy have burden enough, the individuals who go, without asking their neighbor to contribute to their education.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, for the indefinite postponement of both reports and Resolve in favor of the Several Academies, Institutes and Seminaries, House Paper 1244, Legislative Document 1446.

As many as are in favor of the motion for indefinite postponement of both reports and the resolve 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.

The **SPEAKER**: Sixteen having voted in the affirmative and seventy-eight having voted in the negative, the motion for indefinite postponement does not prevail.

The motion before the House is the motion of the gentleman from Berwick, Mr. Gowell, that the majority report of the committee "Ought to pass" be accepted. Is this the pleasure of the House?

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

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

The **SPEAKER**: The Chair pauses at this time to speak for every member of the House in paying a well-deserved tribute to the gracious ladies, most of them wives of the members of the Legislature, who may be found behind the railing at the rear of the Hall of the House during the proceedings and who I am sure are an inspiration to many of us in our days of deliberation and debate.

The Chair hopes that those ladies present today will inform the others who are usually with them that the House and the Chair appreciate their many acts of cordiality. Will the House join me in standing and applauding?

(Applause, members rising)

The **SPEAKER**: The Chair understands that at this time the gentleman from Brunswick, Mr. Senter, desires unanimous consent to address the House. Does the Chair hear objection? The Chair hears none and the gentleman may proceed.

Mr. **SENTER**: Mr. Speaker and Ladies and Gentlemen of the House: It may be hard to believe,

but today is May Day. May Day is the traditional time when gentlemen think of the ladies. They think of the ladies that they love. In behalf of all of the gentlemen of the House, I want to express to the lady members of the House our appreciation of them.

You six lady members of the House have been good sports during the whole session. Your presence among us has lent an air of dignity to all our proceedings. You have joked with us, you have sympathized with us. You, yourselves, have been good representatives. The people of our State are proud of you. We are proud of you. We love you. You are the real minority party in this House. Your numbers are fewer than the Democrats. So on this May Day we want to express, all of the members of this House, want to express our thanks to you; we want to express our feelings to you by hanging you a Maybasket.

May I approach the rostrum, Mr. Speaker?

The **SPEAKER**: The gentleman may, and the Chair requests the following other bachelor members of the House to also approach the well of the House: Mr. Edwards, Mr. David Fuller, Mr. Hussey, Mr. Dennis and Mr. Fitanides. (Applause) One of you will be given the chance of seeing that Representative Downing gets this because unfortunately Representative Downing cannot be located at this time.

Mr. **SENTER**: We have had a great deal of discussion and some heated argument as to which one of us shall present the gifts. Now, in order to make it fair, I made up the list. (Laughter) I chose the lady that I wanted to present my Maybasket to, but one other member of this group asked me to change that. I was very happy, however, with the results of the change. And so now we, the bachelors of this House—there are some others—but we the bachelors of the House will present to the ladies this Maybasket in behalf of all the members, and will the members please rise after the presentation is made.

Now you gentlemen know the custom, I am sure, and if you wish, with the consent of the House mem-

ber, if you have her consent, I am told you may kiss her.

The SPEAKER: Unanimous consent is granted. (Laughter and applause)

Mr. TURNER of Auburn: Mr. Speaker, can't we let them operate one at a time so we can see them? (Laughter)

(Maybaskets were then presented to the lady members amid the applause of the House)

The SPEAKER: The Chair understands at this time the gentleman from Medway, Mr. Potter, requests unanimous consent to address the House. Does the Chair hear objection? The Chair hears no objection and the gentleman may proceed.

Mr. POTTER: Mr. Speaker and ladies and gentlemen of the House: We have with us in this House a lady who, although not a member of the body officially, is a member of our body in thought, heart and spirit. Through session after session she has sat here with her husband, and we would feel lost without her presence here at this session of the Legislature.

On behalf of the members of this House, I would like permission to leave my seat at this time and present Mrs. Harold Gates this token of their appreciation.

The SPEAKER: The gentleman may proceed, I am sure. (Applause, members rising)

At this time the Chair will request the gentleman from South Portland, Mr. Fuller, and the gentleman from Madison, Mr. Fogg, to escort Mrs. Virginia T. Bates to the rostrum.

(Mrs. Bates was thereupon escorted to the rostrum amid the applause of the House, the members rising)

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

Mr. FORD: Mrs. Bates, it gives me a great deal of pleasure at this time to present to you, a most gracious lady, these flowers from the members of this Legislature.

We appreciate all of the courtesies that you have extended to

us during our visit here, and we are taking home with us the happiest memory of our lives in knowing you. The simplest words I can say, Mrs. Bates, are three little words: "We like you." (Prolonged applause, members rising)

Mrs. BATES: Mr. Speaker and Members of the House: I am overwhelmed. I do want to thank you very much for the honor, the privileges, and the courtesy which you have extended to my husband and myself during these days of the session. I thank you sincerely. (Prolonged applause)

The SPEAKER: Isn't it wonderful, when you think of May Day in some places and May Day as we have just recognized it?

Miss STEEVES of Lincoln: Mr. Speaker—

The SPEAKER: The Chair recognizes the gentlewoman from Lincoln, Miss Steeves.

Miss STEEVES: Mr. Speaker, may I speak off the record also.

The SPEAKER: The gentlewoman from Lincoln, Miss Steeves, requests unanimous consent to address the House. Is there objection? The Chair hears none and the gentlewoman may proceed.

Miss STEEVES: Mr. Speaker, I am sure that I speak in behalf of all the other lady members of the House when I thank you for these lovely baskets and flowers, and we like you too. Thank you. (Applause)

### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Providing for Two State Senators from Each County (H. P. 1170) (L. D. 1325)

Report was signed by the following members:

Messrs. REID of Kennebec  
WARD of Penobscot  
— of the Senate  
Messrs. McGLAUFILIN of Portland  
LOW of South Portland  
FULLER of Bangor  
TRAFTON of Auburn  
MARTIN of Augusta  
— of the House



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

Report was signed by the following members:

Mr. HARDING of Knox  
—of the Senate  
Messrs. FITANIDES of Saco  
CIANCHETTE of Pittsfield  
—of the House

Reports were read.

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

Mr. BURGESS: I wish to move the acceptance of the minority "Ought to pass" report of the committee and, if I am in order, I would like to address myself briefly to the subject.

The SPEAKER: The gentleman may proceed.

Mr. BURGESS: Mr. Speaker and Members of the House: For the entire session, we have been confronted with one of the most difficult problems that has come before any group of people, that of reapportionment, and many of us have consistently hoped that the time would come when we could have equal representation in the opposite end of the State House. This plan, which would be a copy of our federal government and which seems to be working very, very well, could be adopted in the State of Maine, and, if it were adopted, I believe that it would do away entirely with the controversy which we have been through this session and two years ago that of reapportionment of the House members. It seems to be the general over-all plan in most of the states and a great many of the states throughout the Union, and particularly with the federal government, to give each sub-division, namely, the states, equal representation and I am convinced that that same plan if applied in Maine so that our sixteen counties with their sixteen varied industries would enjoy equal opportunity and good government in the State of Maine. I had hoped that this Legislature would pass out to the people a constitutional amendment required to place the branch, the other branch, namely the Senate, on this equal footing as far as each county is concerned.

I, for one, would be only too happy to vote for reapportionment if the other branch could be equalized. I have not publicly made any statement on the floor of this House and, to my knowledge, otherwise, but it has been my consistent opinion that the Senate should be equalized. Two members, I believe, is the correct number. More than that would give you a larger group than you have now and would seem unnecessary. I hope that this House will voice itself exactly how it feels on this matter and with the probable result that we might end with a committee of conference with the other end of the corridor and that something might be worked out at this session.

If this should be done, I believe, as I stated before, that our problem of reapportionment with all its grievances would immediately disappear. Therefore, Mr. Speaker, I repeat myself and move you, sir, that the minority "Ought to pass" report of the committee be accepted.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that the minority "Ought to pass" report of the committee be accepted.

The Chair recognizes the gentleman from Boothbay Harbor, Mr. Tupper.

Mr. TUPPER: Mr. Speaker and Members of the House: While this is probably an academic question, I would like to go along with the "Ought to pass" report. Lincoln County is in the same relationship in the State of Maine as Maine is to the United States in relative size and I think there is a great deal of merit in this idea.

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

Mr. JACOBS: Mr. Speaker and Members of the House: I think that we are pretty well fixed in the present way we are doing business. Androscoggin would lose one member, we trust being a Republican, which would be rejoiceful for many people perhaps. But I feel that we are doing an injustice to those who have more representation according to population and I feel that we are all satisfied now, and I will vote against the amendment to the bill.

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: At the first of the session, I had quite a lot of ammunition for this bill but during the May Day shuffle I lost the most of it. (Laughter) I would like to read just a few figures from this paper. Nevada has 17 counties and 17 Senators; North Carolina has 100 counties and 50 Senators; South Carolina has 46 counties and 46 Senators; Idaho has 44 counties and 44 Senators; Montana has 56 counties and 56 Senators, so I would like to go on record as approving two senators from each county and I believe that we, in Knox County, are much interested in this reapportionment and I believe with the gentleman from Limestone, Mr. Burgess, that that would settle a lot of difficulty because they have sort of looked down their noses at some of us fellows from Knox County who voted on this reapportionment for the last two sessions.

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

Mr. CHILDS: Mr. Speaker, I would like to ask Mr. Winchenpaw a question. What is the disposition of the other 43 states, he named 5?

The SPEAKER: The gentleman from Portland, Mr. Childs, addresses a question through the Chair of the gentleman from Friendship, Mr. Winchenpaw. The gentleman from Friendship, Mr. Winchenpaw, may answer if he chooses.

Mr. WINCHENPAW: Mr. Speaker, I could read them all but I will not take the time. I will give the gentleman from Portland, Mr. Childs, this paper and most of them are on—, Maine has 16 counties and 33 senators; Utah has 29 counties and 23 senators and some of the others only have one branch of the legislature, anyway. I will be glad to give him this paper.

The SPEAKER: The Chair will be satisfied if the gentleman from Portland, Mr. Childs, is satisfied.

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

Mr. LOW: Mr. Speaker and Members of the House: I agree with Mr. Burgess but I will go one step further. I would like the Constitution so plain that there could be no mistaking about who got what and furthermore I would so arrange it that if the Legislature did not reapportion during the session following the federal census that the Secretary of State would be empowered to do so.

That would avoid all these rows we have, all these delays, and the whole thing will be straightened out with equal representation for both the urban and the rural sections.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the minority report of the committee "Ought to pass" be accepted.

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

Mr. CENTER: Mr. Speaker and Members of the House: I just want to say that I also have a list here of the various states and how they handled this matter of senatorial distribution and my figures don't seem to agree entirely with those of the gentleman from Friendship, Mr. Winchenpaw. I find there are four states in the United States that have one from each county. All the others have more than one or have certain provisions whereby there should be at least one from every county and those that have senators elected at large and then one or more from the various counties. That is all I care to say about the bill except as a matter of clarification.

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

Mr. WINCHENPAW: Mr. Speaker, on the information of the gentleman from Standish, Mr. Center, I would say that North Carolina has a half a one from each county and some other one here has two-thirds of a senator from each county.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Fitanides.

Mr. FITANIDES: Mr. Speaker and Members of the House: As you can plainly see, I signed on the minority report here. I did not have

any interest politically. I just think it is unfair the way we are going now. Every once in a while we shake the State and the senators appear at the bottom of the State. My county has three but in all fairness I think that we should follow the system that we have in Washington. When we set up the structure of our federal government, at that time we had some very learned men and they did an excellent job. They were trying to lay out a program which we could all work along with, one that would last a long time and they set one branch of the House on a geographic representation and the other branch on population, with a nice check and a balance. And I think it is an excellent idea and a much better one than the one we have today. I also voted against reapportionment because I don't think the system that was used in determining it was good. And I hope that the members of this House will go along with the minority report.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the minority "Ought to pass" report of the committee on Resolve Proposing an Amendment to the Constitution Providing for Two State Senators from Each County, House Paper 1170, Legislative Document 1325, be accepted. As many as are in favor of the motion will please say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Sixty-nine having voted in the affirmative and forty-one having voted in the negative, the motion prevailed and the minority "Ought to pass" report of the committee was accepted.

Thereupon, the Resolve was given its first reading and was assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Sea and Shore Fisheries reporting "Ought to pass" on Bill "An Act Repealing Law on Canning of Clams and Mussels" (H. P. 1112) (L. D. 1247) which was recommitted.

Report was signed by the following members:

Messrs. BROWN of Washington  
LITTLEFIELD of York  
DOW of Lincoln

—of the Senate

Messrs. STANWOOD of Steuben  
TUPPER of Boothbay

Harbor

BILLINGS of Stonington

HANSON of Machiasport

—of the House

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

Report was signed by the following members:

Messrs. HIGGINS of Scarborough  
GILMAN of Portland

—of the House

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Tupper.

Mr. TUPPER: Mr. Speaker, I move acceptance of the "Ought to pass" report of the committee.

The SPEAKER: The gentleman from Boothbay Harbor, Mr. Tupper, moves that the majority report of the committee "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 Bill was given its two several readings and assigned for third reading tomorrow.

The SPEAKER: At this time, the Chair will request the Sergeant-at-Arms to escort the gentlewoman from Portland, Mrs. Lord, to the rostrum for the purpose of presiding as Madam Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mrs. Lord to the rostrum where she assumed the Chair amid the applause of the House, the members rising, and Speaker Bates retired from the Hall.

The SPEAKER pro tem: Bills and Resolves reported by the Committee on Bills in the Third Reading and on their passage to be engrossed.

In the interest of procedure, the Chair states that if there is an item under Third Readers which involves amendment or discussion, the Chair should be so notified at this time in order to temporarily pass over the item.

Thereupon, upon request of the members, Items 6, 26 and 25 were temporarily passed over, and also Items 1, 2, 3, 4 and 5.

#### Passed to Be Engrossed

Resolve in favor of a Retirement Allowance for Gertrude E. Durost of Mars Hill (S. P. 450) (L. D. 1268)

Resolve in favor of a Retirement Allowance for Harriet McClaskey of South Portland (S. P. 451) (L. D. 1266)

Resolve in favor of a Retirement Allowance for Donald Mathieson of Freedom (S. P. 452) (L. D. 1267)

Resolve in favor of a Retirement Allowance for Annie Pierce of Weeks Mills (S. P. 453) (L. D. 1265)

Resolve in favor of Althea C. Ward of Augusta (S. P. 473) (L. D. 1295)

Resolve in favor of Edward Alvin Hodsdon of Presque Isle (S. P. 548) (L. D. 1463)

Resolve in favor of Mrs. Ruth Spear Sturtevant of Rockland (S. P. 597)

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 Retirement of Policemen Under Maine State Retirement Law" (S. P. 79) (L. D. 187)

Bill "An Act relating to Pensions for Dependents of Deceased Officers of State Police" (S. P. 114) (L. D. 310)

Bill "An Act to Incorporate the Fidelity Finance Company" (S. P. 302) (L. D. 918)

Bill "An Act to Incorporate the Aetna Finance Company of Maine" (S. P. 310) (L. D. 923)

Bill "An Act to Incorporate the Union Loan Company of Maine" (S. P. 311) (L. D. 924)

Bill "An Act relating to Membership in State Retirement System" (S. P. 374) (L. D. 1037)

Bill "An Act Regulating the Marketing of Irish Potatoes Grown in the State of Maine" (S. P. 527) (L. D. 1423)

Bill "An Act relating to Charges for Medical Examination by Applicants for Employment" (H. P. 659) (L. D. 702)

Bill "An Act relating to Pari Mutuel Pool Contributions and Night Running Racing" (H. P. 976) (L. D. 1064)

Resolve in favor of Frank B. Adams of Thomaston (S. P. 112) (L. D. 313)

Resolve in favor of Vera A. Gordon of West Sullivan (S. P. 130) (L. D. 339)

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 as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act relating to Election of Members of School Board in Town of Camden" (H. P. 1282) (L. D. 1522)

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

Bill "An Act relating to Compensation for Total Incapacity Under Workmen's Compensation Law" (H. P. 428) (L. D. 475)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" thereto and by House Amendment "A" to the Bill.

Thereupon, at the request of Mr. Gilman of Portland, unanimous consent was granted to have Item 22, Bill "An Act relating to Pari Mutuel Pool Contributions and Night Running Racing", House Paper 976, Legislative Document 1064, sent forthwith to the Senate.

At this point, Speaker Bates returned to the rostrum.

Speaker BATES: Madam Speaker, Vermont is not the only State that can have a Madam Speaker. I am sure that each and every member of the House has enjoyed having you serve as Madam Speaker and for the Members of the House and as an individual, I thank you very sincerely.

Thereupon, Mrs. Lord of Portland was escorted to her seat on

the Floor amid the prolonged applause of the House, the members rising, and Speaker Bates resumed the Chair.

The CLERK: Now, returning to Item 1 under third readers:

Bill "An Act to Incorporate the 'Portland Investment Co.'" (S. P. 206) (L. D. 539)

Bill "An Act relating to Membership on the Maine School Building Authority" (S. P. 442) (L. D. 1152)

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1954, and June 30, 1955" (S. P. 591) (L. D. 1536)

Bill "An Act relating to Town's Share for State Aid Reconstruction" (S. P. 592) (L. D. 1537)

Bill "An Act to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1954, and June 30, 1955" (S. P. 595) (L. D. 1540)

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

### Third Reader Indefinitely Postponed

Item 6, Bill "An Act relating to Adulterated Meat or Meat Products" (H. P. 1295) (L. D. 1543)

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

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker and Ladies and Gentlemen: Yesterday, I was quite mortified in the way this bill was taken in the House.

It appeared as though they were trying to railroad it through under the pretext that by passing this bill it would help the farmers dispose of their surplus products, their livestock. I am willing to admit at this time that the farmer's outlook with the surplus of all farm products including potatoes, milk, livestock and whatever they have is not too rosy on account of the decrease in prices but at the same time, I firmly believe that the farmers of the State of Maine and especially the members of this House have not come to the posi-

tion whereby they are going to try to dispose of their product by getting a permit to put a chemical in, especially on meat products, whereby the defect or the age, showing age, under-color and the smell of it for the sake of getting rid of their product.

Now, we all know that the only way that you can hold a market is to put a good product on the market and if you put something of that sort where the purchaser can't tell whether he is buying meat which is fresh and in first-class condition by looking at it even though it may have been in the store for a week it is not helping the industry, because that meat may be in decay or even reaching the first stages of rot. As you buy it there done up in a paper, you don't know about it until you get home and try to use it. Now, we are very much opposed to the passage of any such a bill and we are willing to dispose of our stock in such a way that it can be handled and the people, the purchaser, will know what he is getting.

Now, this law has been in operation here in the State, is in operation now, a similar law is in operation in about one-half of the states of the Union. The remainder of those states have laws similar under the Food and Drug Act which protects those. The Federal Government also forbids the use of this chemical or any chemical of similar nature in the interstate commerce and it looks to me as though it would be taking a great step backward if we should retract from our present position.

Now, Mr. Speaker, I move the indefinite postponement of this bill and accompanying papers and I ask that when the vote is taken, it be taken by division.

The SPEAKER: The gentleman from Woolwich, Mr. Bailey, moves that Bill "An Act relating to Adulterated Meat or Meat Products", House Paper 1295, Legislative Document 1543, and accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Bangor, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: The argument that possible tainted meat can

be made to look eatable by the addition of preservatives is only sound to the extent that the consumer would only buy a poor product, once, and if the consumer were made ill by the poor product, then the retailer and the meat distributors are only eliminating themselves from the business in which they are engaged. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Gosline.

Mr. GOSLINE: Mr. Speaker, I arise in opposition to L. D. 1543, Bill "An Act relating to Adulterated Meat or Meat Products". This bill is exactly what it purports to be, a bill to allow the sale of adulterated meat and meat products. The Federal Pure Food Laws prohibit the use of preservatives in hamburg and I have here a copy of the Annual Meat Packer's Guide and it lists the states which specifically prohibit the use of these preservatives. They are: Alabama, Colorado, Connecticut, Delaware, Georgia, Illinois, Kentucky, Maine, Michigan, Mississippi, Nebraska, Nevada, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Washington and West Virginia.

The following states also have laws which are interpreted to prevent the use of sodium sulphite without specifically mentioning the chemical, California, Minnesota, Montana, North Carolina, Wisconsin and Wyoming.

I am a livestock raiser myself and have about a hundred head of cattle and also have the usual number of cows which for one reason or another must be disposed of. I do not believe that the passage of this bill would increase the consumption of hamburg or add one cent to its value.

The SPEAKER: The Chair recognizes the gentleman from Portage Lake, Mr. Morris.

Mr. MORRIS: Mr. Speaker and Members of the House. I rise in support of this bill. I have a letter from a small concern up in Caribou, Maine, that we do business with, they buy approximately \$2500 worth of meat a month. They are very sincere. I don't think that they would put any spoiled meat on the

market. I don't believe any company would put any spoiled meat on the market.

I would like to quote from one paragraph in their letter and I quote: "In the years we have been in business we know very well that old meat cannot be made to appear fresh and tasty by the use of any ingredient. You can retard the growth of bacteria for a few days but you cannot destroy it. All this ingredient does is to give all the stores a chance to sell fresh hamburg, especially the out-of-the-way stores, which can only be supplied once or twice a week."

I just received a telegram from Bangor from the Star Beef Company reading: "I certainly appreciate your support of the hamburger bill." I hope that Mr. Bailey's motion does not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Portland Mrs. Lord.

Mrs. LORD: Mr. Speaker and Members of the House: I just received a communication telling me that the home economists and the nutritionists and bio-chemists are against L. D. 1543 and think it should not pass. There is a danger of food poisoning and epidemic. It also destroys Vitamin B.

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

Mr. BROCKWAY: Mr. Speaker and Members of the House: Yesterday, when they voted on this bill, I voted in favor of it but learning that the federal government prohibits the use of preservatives in interstate commerce, I think that we should go slow on it. I believe that the majority of the people would rather eat their hamburg even though it wasn't quite so red as to have tainted meat doctored up so it would look good. So I have completely reversed my thinking in the matter and I hope that the motion of the gentleman from Woolwich, Mr. Bailey, prevails.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I have bought a great many cattle and I have sold a great many cattle in my lifetime. I have also operated

a meat delivery service, known in the trade as a meat cart. Never have I bought cattle with the thought in mind: How much can I get the seller to take for this animal? Neither has any dealer ever bought cattle from me when he ever gave the least hint that he was doing it for my benefit. Therefore, this claim made by the meat dealers that they wish by adulterated meat to help the producer is not true as far as I can see. As a meat producer I have never been greedy enough to try to sell poor cattle or meat by deceiving the consumer, and from my experience as a meat producer and dealer I feel that this bill would do just that. The report read yesterday from the research department of the University of Maine, which we are supporting by our taxes, read by the gentleman from Standish, Mr. Center, seems to me should be seriously considered when deciding on this bill.

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

Mr. CURRIER: Mr. Speaker and Members of the House: Yesterday I voted in favor of this bill. Today, I am going to do the same thing. I think my mind was made up yesterday and I don't think that anything has been said yet to change it. This bill with its accompanying amendment to me is a good bill. I have faith in our Pure Food and Drug Act. If there is any food going onto the market that isn't fit to eat, they are going to take care of it. I don't believe we have any worries. For that reason I go along with Mr. Brown in favor of this bill.

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

Mr. CENTER: Mr. Speaker and Members of the House: I would like to point out that for some reason the proponents of this piece of legislation, a great majority of them, all seem to come from the Bangor and Waterville area. Now, as I pointed out yesterday, in answer to a question, sodium sulfite in itself in small quantities is not harmful. What I strenuously object to is the fact that by putting it into meat you do preserve the color and take out the foul odor.

A great majority of the packers in this state are opposed to this bill. They claim there is no need for it. A great majority of those appearing at our hearing on this bill were opposed to it.

Now, the gentleman from Caribou (Mr. Currier) has just said he has faith in our Pure Food and Drug Act. I will say to him that the passage of this bill would greatly weaken our Pure Food and Drug Act.

The gentleman from Gardiner, Mr. Gosline, has just pointed out to you that there are many states, and he read them to you, which have legislation on their books definitely prohibiting the use of such chemicals in pre-ground meat. The gentleman from Woolwich, Mr. Bailey, has pointed out to you that it is not allowed in interstate commerce. I will say also that there is not one single state in the Union that has legislation permitting putting sodium sulfite into pre-ground meat. As I said, about half of the states have legislation against it and the other half take care of it through their Pure Food and Drug Act. Do we want to be the only State in the United States with a statute permitting the addition of sodium sulfite to hamburger?

I have been asked by several members of the House if I would repeat some of the figures that I gave yesterday. I am not going into all of them. Suffice it to say that this work which was done by Mr. Edward O. Merrow, chemist at the University of Maine, in his specimens definitely showed that fresh meat when the tenth of one per cent of sodium sulfite was added and kept under refrigeration at 40 degrees temperature for 48 hours remained bright red in color and had a fresh odor. That a mixture of fresh and tainted meat with the sodium sulfite added had a brown and dark red color when first mixed, had a spoiled odor and, at the end of 48 hours under refrigeration at 40 degrees had a bright red color and a fresh odor. In other words, the odor was definitely removed.

Now, much has been said about this new draft which in reality simply gives a license to those who

wish to sell this product provided they label the product. Now, to my mind, if it is wrong to commit any act, it is still wrong even if you can get a license to commit that act by paying a license fee. This amendment in the form of this new draft does not change this bill one iota as far as I am concerned except possibly to further confuse and fool the House by it.

Representative Lane, yesterday, if my memory serves me correctly, questioned the statement that I made about sulfites taking the odor out of spoiled meat. I was quoting Mr. Edward O. Merrow, chemist of the University of Maine and as further proof of the correctness of my statement I would like to read from a letter. This letter is addressed to Mr. C. P. Osgood, Chief of the Division of Inspection of the Department of Agriculture, Augusta, Maine under date of February 19, 1953.

"Dear Mr. Osgood:

"This is in reply to your telegram of February 19 in which you ask why sulfites are not permitted in meat products.

"The reason this Division objects to the use of sulfite in federally inspected meat food products is because of its property of maintaining a fresh appearance of meat after the meat has become old and even unsuitable for food. The off-color and odor which normally are developed by oxidation and bacterial growth are suppressed by the action of the sulfur dioxide so that the physical characteristics of the meat normally present under such conditions are not apparent to serve as a warning to the consumer. Our experience indicates that when meat products are prepared with clean materials, handled in a sanitary manner and kept properly refrigerated, no added preservative is necessary. Furthermore, sulfite exerts a deleterious effect on the thiamine naturally occurring in meat." And this letter is signed by R. M. Mehurin, Chief of the Laboratory Division, Meat Inspection, of the Bureau of Animal Industry in Washington, D. C.

I sincerely hope, ladies and gentlemen of this House, that you will not go on record in this 96th Legislature as favoring this piece of

legislation, which results in deceiving the buying public and is a public health menace of primary importance. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Woolwich, Mr. Bailey, for the indefinite postponement of Bill "An Act relating to Adulterated Meat or Meat Products," House Paper 1295, Legislative Document 1543.

The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker and Members of the House: The gentleman from Standish, Mr. Center, used the names of Bangor and Waterville as the chief offenders, not offenders but at least proponents to change this bill. He is right. As a matter of fact, I think he is very courteous. He didn't ask you to go up and check the department of the State which you pay to protect the health of the people of the State of Maine by checking the food where the greatest violations have come from.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: It amuses me and I don't want to take any offense against anyone but it certainly amuses me to hear the people talk here on something they know very little about. I think it is about time that somebody who understands the meat business or ought to understand it because I have been in the meat business 17 years Memorial Day providing you don't change Memorial Day (Laughter) and it amuses me to hear members like the gentleman from Woolwich, Mr. Bailey, a very good friend of mine, talk about something that he hasn't any idea what he is talking about and some of the others here. I will tell you why I say this, it is very discourteous I know, but there is one thing I would like to mention before I start, I have never seen so many cattle men, knowing cattle men as I do after 17 years experience with them and I am in with them. I might add that I have number one slaughterers permit for World War II and number one slaughterers permit for the Korean affair in the State of



Maine and that is quite a thing to hold on to all of that time. But I never saw so many cattle men as there are here in this House, who have halos around their heads, who have never sold a bologna beef or have never sold a thin cow, that can't be used for anything else, solely hamburg.

As the gentleman from Standish, Mr. Center, has said, this is centered mostly around Bangor and Waterville. Aroostook County considers that it has one of the finest and best meat processors in the State of Maine. Maybe not as large but one of the best. And, when anyone stands on the floor of this House and tells you that any operator, that any meat company or any processor is going to put spoiled meat into hamburg, they are wrong, because hamburg above all is one place where spoiled meat will show up. If you take spoiled hamburg home, even if it has the one-tenth of one per cent of sodium sulfite, even if it has that in it, and it is old, the minute you put it in the frying pan or on a grill, you are going to smell it. And I do not believe that there is a store in the State of Maine, a lot of storekeepers here, who handle meat will go along with me, that will sell it because an older customer isn't going to come back or he is going to bring it back. And if he doesn't come back, then you have simply lost a customer. And my good friend, Mr. Center, didn't go along—I thought maybe he would as I mentioned it to him this morning — he mentioned the bacteria content in this hamburg with the sodium in it; he mentioned the bacteria count in it. Why didn't he go along to tell you how much that bacteria count is in a piece of beefsteak which you raise for your own use for your own table? You aren't going to take a piece of fresh beefsteak that has been killed overnight and take it home and feel that it is going to blast out at you out of the frying pan. You are going to get a piece of meat today and let me tell you, when it is aged, you can't put it into hamburg as any member of this House who handles meat will tell you.

I do not use this and I am not fighting for myself for I never will use it because I grind my own meat

as I need it, ten, fifteen or twenty pounds at a time but those who use it — in fact, you are hurting your small dealers who buy five and ten pounds of hamburg, and if the hamburg is all right and this doesn't hurt it and it does hold the color, but as far as being a preservative it is not. And I am not going to defy anybody to question me like some have in the House but I am telling you facts that I know and I am going to vote in favor of this bill because I do not think that it will hurt the State of Maine and I don't think that it will hurt the people in the State of Maine.

As far as poisoning is concerned, we seem to have thrived pretty well for about 50 or 75 years on this poisoning and I believe we can survive another 7 or 8 years on it.

The SPEAKER: The Chair recognizes the gentleman from Portage Lake, Mr. Morris.

Mr. MORRIS: Mr. Speaker and Members of the House: I think we have had enough hamburgers. I move the previous question.

The SPEAKER: The gentleman from Portage Lake, Mr. Morris, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present.

All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until the monitors have made and returned the count.

Forty-seven members arose.

The SPEAKER: Will the monitors please count the number of members each in their division?

One hundred and seven being present and forty-seven having voted for the previous question, the motion for the previous question is entertained.

The SPEAKER: The question before the House now is: Shall the main question be put now? All those in favor will please say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House is on the motion of the gentleman from Woolwich, Mr. Bailey, for the indefinite postponement of Bill "An Act relating

to Adulterated Meat or Meat Products", House Paper 1295, Legislative Document 1543, and the same gentleman has requested a division.

As many as are in favor of the motion for indefinite postponement of the Bill will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-seven having voted in the affirmative and thirty-three having voted in the negative, the Bill was indefinitely postponed and was sent up for concurrence.

### Third Reader Tabled and Assigned

The SPEAKER: The House is proceeding under Item 25.

Bill "An Act to Revise the Biennial Revision of the Inland Fish and Game Laws", Senate Paper 496, Legislative Document 1369.

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

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and Members of the House: I have discussed this proposed amendment that I have with the Committee on Inland Fisheries and Game. In the first place, I told them I didn't like it in the bill but if they insisted on having it in the bill, I thought it should be changed, to protect their own agents which they have seen fit to do in their committee amendment.

My objection to allowing any agent of the commissioner to buy or sell deer meat for the purposes of securing convictions is based on some occurrences that happened some years ago. As some of you may recall, a few years back, the wardens of the State were permitted to go about the State in civilian clothes and to buy deer from those poachers who had them for sale and then bring the culprit into court and attempt to secure a conviction. Well, they carried the goat a little too far and as a result legislation was introduced, I believe, in 1941 prohibiting anyone from doing just what this provision will now allow them to do.

As I recall, there were 17 cases in Hancock County in which the

poachers were brought to court and were defended by one attorney and as they proceeded with the cases, all were thrown out of court because of the practice involved and possibly other reasons, just what they were I do not know. That was my reason in introducing House Amendment "A" to the Committee Amendment to strike out that part which will allow the wardens to go about the State buying deer for the express purpose of securing convictions.

I offer House Amendment "A" to Committee Amendment "B".

The SPEAKER: The Chair understands that the gentleman from Greenville, Mr. Anderson, moves that the House reconsider its action whereby it adopted Committee Amendment "B" without amendment.

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

Mr. WATSON: Mr. Speaker, I wanted to make another motion.

The SPEAKER: Does the Chair understand that the gentleman is not interested in this particular matter at the moment? Is that correct?

Mr. WATSON: Yes, Mr. Speaker. I want to indefinitely postpone that amendment. Am I in order now?

The SPEAKER: The question before the House is the motion of the gentleman from Greenville, Mr. Anderson, that the House reconsider its former action whereby it adopted Committee Amendment "B" without amendment. Will the gentleman kindly approach the rostrum?

As explained to the gentleman from Moose River Plantation, Mr. Watson, for purposes of clarification, the gentleman from Greenville, Mr. Anderson, has offered House Amendment "A" to Committee Amendment "B". The way the bill stands at the present time, it has been amended by Committee Amendment "B". In order for the gentleman from Greenville, Mr. Anderson, to offer House Amendment "A" to Committee Amendment "B", the House must reconsider its former action whereby it adopted Committee Amendment "B". If that

is voted, then the House votes on adoption of House Amendment "A" to Committee Amendment "B". If that is voted, the House then votes on adoption of Committee Amendment "B" as amended by House Amendment "A" thereto.

The pending question before the House is on the motion of the gentleman from Greenville, Mr. Anderson, that the House reconsider its action whereby it adopted Committee Amendment "B".

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

Mr. Osborne: Mr. Speaker, I would like to call your attention to the fact that I also propose to offer House Amendment "B" to the Committee Amendment.

The SPEAKER: The Chair thanks the gentleman and was not aware of that.

In order for the Chair to entertain either House Amendment "A" or proposed House Amendment "B" to Committee Amendment "B" the House must recede from its action whereby it adopted Committee Amendment "B".

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

Mr. WATSON: Mr. Speaker and Members of the House: I am very much opposed to the amendment the gentleman tried to offer. I am a little confused on the procedure here but I think if I can stop them from reconsidering I will do the same thing rather than indefinitely postpone his amendment.

We asked the gentleman to come down into committee and we discussed this very thoroughly with him as we did several other items with several other various fellows who were interested in them. We did not feel that his argument had justification. The only thing it does, it adds up to this: If you want to go along with the gentleman from Greenville, you are saying to the deer poachers, themselves, "Okay, boys, we are helping you. The game wardens can't touch you. We have tied their hands." But if you want to help the law-abiding citizens of Maine and the sportsmen, you will not go along with the motion of the gentleman from Greenville.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Butler.

Mr. BUTLER: Mr. Speaker and Members of the House: I think I can answer Mr. Anderson's question, especially on his reference to cases in Hancock County because I will admit that that is one of the worst ones when it comes to poaching.

We took this question up with Mr. Ingraham, the head of the wardens' service the other day, this question of buying meat to procure convictions against poachers and he said that where any warden or any spotter with plain clothes or uniform on or anything else approached a person and asked him if they had either deer or deer meat for sale and they sold meat to him and the case was brought into court that the court immediately threw it out and afterwards, hearing that, I checked on one of the cases that Mr. Anderson spoke about in Hancock County a long time ago and that was just the reason that they were all defeated because the spotters, as he calls them, went out and asked individuals if they had meat for sale and they sold it to them.

But this paragraph was put in by the department to cover cases where resident or non-resident hunters arrived in a locality and are approached by somebody who wants to know if they want to buy a deer. If they are approached by the person, any one of these wardens or spotters or whatever you call them, is approached by another party who volunteers to sell them deer or deer meat and they buy it then the courts will uphold it and have consistently.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Whitney.

Mr. WHITNEY: Mr. Speaker, this is one time when I can go along with my friend, the gentleman from Moose River Plantation, Mr. Watson. I oppose this and argued against it until I got to the bottom of the thing and now I believe it is a good bill.

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

Mr. OSBORNE: Mr. Speaker, I can sort of foresee what is coming and under parliamentary procedure I just wonder where I am going to be left.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. West.

Mr. WEST: Mr. Speaker, would it be in order for the gentleman from Fairfield (Mr. Osborne) to explain what his amendment would accomplish?

The SPEAKER: The Chair will state that although the gentleman cannot ask for his amendment to be offered at this time he can speak on any subject, including the Holy Bible.

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

Mr. OSBORNE: Mr. Speaker, I would like to thank the gentleman from Stockton Springs, Mr. West, for his inquiry. On page 12 of Legislative Document 1369, Section 66, I will read: "Sunday closed to hunting of birds and animals. It shall be unlawful to hunt on Sunday". That was in the previous law. It is now amended by adding: "and possession of firearms in the fields and forests or on the waters or ice of this state on Sunday shall be prima facie evidence of such hunting unless such firearm is carried fastened in a case or carried in at least 2 separate pieces in such a manner that it cannot be fired unless the separate pieces are joined together again." There is another clause which is not too important.

What I propose to add is between the words "is carried", "unless such firearm is carried securely wrapped in a complete cover or fastened in a case or carried in at least two separate pieces." In other words, it might prevent an interpretation that if a person didn't have a case they couldn't wrap it up in a paper or a blanket or something so that it was securely fastened and completely covered. I know that there has been some difficulty sometimes in interpretation of the laws. I thought it would only help to further prevent any misunderstanding between the game warden and the person apprehended.

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

Mr. WATSON: Mr. Speaker and Members of the House: I am still speaking on the first amendment. We have no objections to the second one.

The SPEAKER: The Chair does not wish to take issue but it senses a definite confusion. The Chair might suggest that if there is any desire on the part of the House to adopt either House Amendment "A" or House Amendment "B" to Committee Amendment "B" the proper procedure would be to reconsider our action whereby Committee Amendment "B" was adopted and then allow House Amendment "A" to rise and fall on its own merits and House Amendment "B" to rise and fall on its own merits. However, if House Amendment "A" to Committee Amendment "B" and House Amendment "B" to Committee Amendment "B" should both fail, we would then not have Committee Amendment "B".

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and Members of the House: I certainly do not want to defeat my own amendment but I surely am confused at this point. Nor do I want to see Mr. Osborne defeated but if I am not mistaken his amendment is an amendment to the bill and not to the Committee Amendment. Now, I would say that I am asking you to kill my own amendment. I certainly am not. I am sincere and I think the thing ought to pass because I do not think anyone ought to be allowed to go about the State as an agent, whether he be a warden or who he might be, buying deer for the purpose of securing convictions and I certainly hope that my amendment is adopted but I don't know where I am right now.

The SPEAKER: The Chair will state that the Chair understood the gentleman from Fairfield, Mr. Osborne, to say that his amendment was House Amendment "B" to Committee "B". The Chair at this time, for the purpose of clarification will ask the gentleman from Fairfield, Mr. Osborne, if his proposed amendment is House Amendment "B" to Committee Amendment "B" or House Amendment "B" to the bill.

Mr. OSBORNE: Mr. Speaker, I believe I am in error. I think Mr. Anderson was correct in calling your attention to the fact that House Amendment "B" would be to the bill and not to the amendment.

The SPEAKER: Under those circumstances, the Chair will state that the proper motion before the House is the motion of the gentleman from Greenville, Mr. Anderson, that the House reconsider its former action whereby Committee Amendment "B" was adopted for the purpose of entertaining the motion of the gentleman from Greenville, Mr. Anderson, to adopt House Amendment "A" to Committee Amendment "B".

Is the House ready for the question?

The question before the House is on motion of the gentleman from Greenville, Mr. Anderson, that the House reconsider its former action whereby it adopted Committee Amendment "B".

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

A viva voce vote being taken, the motion to reconsider did not prevail.

The SPEAKER: The Chair now understands the gentleman from Fairfield, Mr. Osborne, offers House Amendment "B" to Bill "An Act to Revise the Biennial Revision of the Inland Fish and Game Laws", Senate Paper 496, Legislative Document 1369, as amended by Committee Amendment "B".

The Clerk will read House Amendment "B" to Legislative Document 1369.

HOUSE AMENDMENT "B" to S. P. 496, L. D. 1369, Bill "An Act to Revise the Biennial Revision of the Inland Fish and Game Laws."

Amend said Bill in Section 38, by adding after the underlined word "carried" at the end of the 4th line of that part designated "Sec. 66", the underlined words and punctuation 'securely wrapped in a complete cover.'

Thereupon, House Amendment "B" was adopted on motion of Mr. Osborne of Fairfield in non-concurrence.

Mr. ARCHER of Brewer: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman from Brewer, Mr. Archer, desire recognition?

Mr. ARCHER: Mr. Speaker, I would like to table this bill for the purpose of further amendment until the next calling of the session.

Thereupon, the Bill as amended by Committee Amendment "B" and House Amendment "B" with accompanying papers was tabled pending third reading and specially assigned for tomorrow.

The SPEAKER: The House is proceeding under Item 26.

Bill "An Act relating to Line Budget for County Estimates" (S. P. 335) (L. D. 840).

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

The SPEAKER: The Chair recognizes the gentleman from Wales, Mr. Scott.

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: This bill came before the Towns and Counties Committee and it was sent out "Ought not to pass". It went through the House "Ought not to pass". All of a sudden, yesterday morning, it comes back into the House with an amendment on it "the provisions of this paragraph shall apply to Androscoggin County only."

Now, when this bill was before the committee there were county auditors from half a dozen counties, including Androscoggin. There were county commissioners, county attorneys, sheriffs and they said the bill was not workable. And in my opinion, it is no more workable in Androscoggin than in any other county so why should Androscoggin County be made, in other words, a guinea pig? And that is just what you are going to do if you pass this bill.

For instance, last night, I was the host to the Androscoggin County Deputy Sheriffs Association. This subject was brought up. One of the sheriffs said a few words on this thing. On his expenses for this year, he had for medical supplies the sum of \$500. He had one prisoner taken sick, he went to the hospital, he got the bill from the hospital for \$430. Another prisoner got sick and went to the hospital. It cost

over \$100. His \$500 is gone and he has eight months still to go. Who can tell what is going to happen today or in a month or in a year from now?

There is another thing that also comes up under that same department. Say this year, he had to send deputies out to Illinois, Massachusetts, Connecticut. It will cost money. Unforeseen things would turn up. If this bill is so good, why only Androscoggin County? There is not a county delegation here if they went into their county system and started looking for every penny and every dollar they would find quite a few and that also goes for the cities and states.

With regard to this amendment. What members of the delegation I talked with did not know anything about it, this amendment, until yesterday morning when it came up. Now, an amendment that important, in my opinion, should have been brought up before the full delegation. I strongly recommend that Item 26, L. D. 840, and accompanying papers, be indefinitely postponed.

The SPEAKER: Does the Chair understand that the gentleman's recommendation means a motion?

Mr. SCOTT: Mr. Speaker, I would make a motion that it be indefinitely postponed.

The SPEAKER: The Chair thanks the gentleman. The gentleman from Wales, Mr. Scott, moves that Bill "An Act relating to Line Budget for County Estimates," Senate Paper 335, Legislative Document 840, be indefinitely postponed in non-concurrence.

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

Mr. JALBERT: Mr. Speaker, yesterday morning, I took issue with the gentleman from Wales, Mr. Scott, on a statement that he made by saying it was not true. I have here the record of the House and the action of the other branch. He makes the statement that this came out of Committee "Ought not to pass" and went through the House. Again I say that is not true. Yesterday morning was the first time this measure hit the Floor of the House. Now, if we are going to get up here and kill bills, let's make the statements and stick to the

facts as we know the facts. If we don't know the facts, let's not say anything about them.

This is not my bill and I want to state that I am not ashamed as far as this bill is concerned but I am proud that we are going in for line budgeting in Androscoggin County. We don't have to because of any dishonesty anywhere. As I stated, yesterday, the plan is feasible and it is workable and if any prisoners are to be taken from a jail to a hospital, we have three county commissioners who have a surplus in Androscoggin County to the tune of about \$20,000. I think that will take care of the hospital bills. It isn't certainly a popular measure for a few county office holders. Let's just remember that the Androscoggin County building is loaded with Democratic county office holders. I am not a deputy sheriff; Mr. Scott is.

One of the reasons why we would like to have line budgeting is because in our deliberations we found that the deputy sheriffs were getting a day off with pay. That is all right with me but we also found that the deputy sheriff who replaced that regular sheriff was getting paid also by the county at the expense of the people. That isn't all right with me. So it works both ways. We also found, for instance, the clerk hire in the sheriff's department was under "miscellaneous." When we deliberated, we found "miscellaneous" so often that I thought miscellaneous actually was an individual. Don't think I stand here and present legislation for purely political reasons. I think the people of any community, any county, any state or any nation are sick and tired of political bosses and political machines. I know a little something about politics and I want to play good, practical politics on a principle basis.

I certainly hope that the motion of the gentleman from Wales, Mr. Scott, does not prevail.

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

Mr. JACOBS: Mr. Speaker and Members of the House: As part of the evidence, this is an Androscoggin problem and not any part of the other part of the State. Since yes-

terday, I have received several telephone calls against this line budgeting for Androscoggin County. They feel that they have been separated from all the other counties and this has been placed upon them. After due consideration, and I have to deal with men and women of both parties in Androscoggin County, it happens that this time the sheriff's department is Republican, the rest is Democratic. I have no grievance against either party or any favoritism for either party excepting that these people down in Androscoggin County feel that they have been separated from the other counties and this has been placed upon them, and they don't want it, both Republicans and Democrats, alike. So, I am going along with the motion that Mr. Scott has made that this be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Wales, Mr. Scott.

Mr. SCOTT: I did say it went through the House. For that I wish to apologize to the gentleman from Lewiston, Mr. Jalbert. I am sorry I made that remark; I didn't intend to.

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

Mr. JALBERT: I might state, Mr. Speaker and Members of the House, that I haven't had one phone call and I was home all evening yesterday evening, or one visit from either a Republican or a Democrat or an office holder pro and con on this bill. I will say this: That when this sub-committee that was named to go into unofficial line budgeting by my very dear friend and colleague, the gentleman from Auburn, Mr. Jacobs, every paper in the city, individuals would stop us on the street, the papers commended him editorially as well as the committee and as well as the members of the Legislature. I just wanted to get that into the record.

The SPEAKER: The question before the House is on the motion of the gentleman from Wales, Mr. Scott, that Bill "An Act relating to Line Budget for County Estimates", Senate Paper 335, Legislative Document 840, be indefinitely postponed in non-concurrence.

As many as are in favor of the motion 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.

Eleven having voted in the affirmative and twenty-nine having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Bill was given its third reading, passed to be engrossed as amended by Senate Amendment "A" and sent to the Senate.

### Orders of the Day

The SPEAKER: For what purpose does the gentleman from Auburn, Mr. Jacobs, desire recognition?

Mr. JACOBS: Mr. Speaker, perhaps out of order and under suspension of the rules, if that is proper, I wish to take up Item 1 on the first page of the calendar.

The SPEAKER: The Chair is happy to inform the gentleman. Under suspension of the rules, the gentleman from Auburn, Mr. Jacobs, moves that the House reconsider its action in relation to Item 1 on today's calendar, a joint Order, Senate Paper 577, on House Paper 830, Legislative Document 861, Bill "An Act relating to Definition of Employer under Employment Security Law", that it be recalled to the Senate, which matter was indefinitely postponed this morning.

The Chair will ask the gentleman from Auburn, Mr. Jacobs, if that is correct?

Mr. JACOBS: Mr. Speaker, I didn't know that it was indefinitely postponed. If it was, I am out of order, am I not?

The SPEAKER: The Chair states that the matter was indefinitely postponed earlier in today's session. Does the Chair understand that the gentleman wishes to move to reconsider?

Mr. JACOBS: Yes, I do, Mr. Speaker. This vitally concerns several small operators.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves that the House reconsider its action taken this morning whereby it indefinitely postponed the Joint Order, Senate Paper 577, recalling from the Legislative Files, Bill "An Act relating to Definition of Em-

ployer under Employment Security Law", House Paper 830, Legislative Document 861.

Mr. JACOBS: The gentleman from Mexico, Mr. Small, may carry on from here, Mr. Speaker, if you approve it.

The SPEAKER: The Chair awaits debate. The Chair requests the Sergeant-at-Arms to see if he can find the gentleman from Mexico, Mr. Small, who the Chair believes is vitally interested in this matter, in the interest of fairness.

The Chair recognizes the gentleman from Greenville, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, I think it might help all of us, certainly it would me, if the gentleman from Auburn (Mr. Jacobs) would explain the reason for reconsidering our action of this morning. Unless I can see some good reason, I certainly don't think the bill ought to be recalled.

The SPEAKER: The Chair has stated that the House awaits debate.

Mr. JACOBS: Mr. Speaker, I thought Mr. Small was in his chair when I made this motion. He is to explain the reason why.

I don't know much about it, Mr. Speaker. Please table it, Mr. Speaker, for the time being.

The SPEAKER: The Chair will state that the motion to reconsider can not be tabled.

The Chair recognizes the gentleman from Westbrook, Mr. Travis.

Mr. TRAVIS: Mr. Speaker, is this motion debatable?

The SPEAKER: The gentleman may proceed.

Mr. TRAVIS: Mr. Speaker, I speak just briefly. This Legislative Document 861 was turned down in the House, I believe, and was the heavy tail to my kite the other day. We rejected it by an overwhelming vote. I can see no justification at the moment for reconsideration.

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

Mr. TURNER: Mr. Speaker, I am the guy who killed that thing this morning and the gentleman from the other House was interested in trying to get some life back into it and he wanted to get an amendment on it to have it optional for anyone who was employing any-

wheres from eight down to four to procure the workmen's compensation or not. I told him I didn't want to reconsider it so I am going to let the other fellow do it.

The SPEAKER: For the purposes of clarification, more particularly for the gentleman from Mexico, Mr. Small, the gentleman from Auburn, Mr. Jacobs, has moved that the House reconsider its action as of this morning whereby it indefinitely postponed the recalling of a joint order.

The Clerk will read the joint order.

The CLERK: The order indefinitely postponed this morning that had previously been passed in the Senate reads as follows:

"ORDERED, the House concurring, that H. P. 830, L. D. 861, Bill 'An Act relating to Definition of Employer under Employment Security Law' be recalled to the Senate from the legislative files."

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Small.

Mr. SMALL: Mr. Speaker and Members of the House: My apologies.

This bill was resurrected in the Senate. I will explain the purpose of it here so that there won't be any delay later. One of the Senators wishes to address the Senate for about five minutes upon this bill. I do not know the purpose. The Senate leader has agreed to give him permission to do it and the Senate agreed to allow him to resurrect it, and they wish that we would go along with them in that. I assure you there will be no debate, according to my understanding, and the bill I do not think is being resurrected with any intention that it will be passed.

As a member of the Labor Committee, I hope that you members will go along with the Senate order and concur in your action. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, I don't see much sense in bringing it up again. Mr. Turner has said that someone might wish to go along with this if they like. Well,



I would just like to explain a little on this going along with it that they mention. If this had been left this way, last year it would have cost me some \$929, and anyone else under similar circumstances it would have cost them the same, so I do not believe anyone is going into anything voluntarily that will cost them \$900.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker, I feel that for once Mr. Finemore and I will have to go along together. I can see that this bill, as I understand it, is going to be injurious to the small operator, very often the farmer who might have more than four employees, and the garage man and any small operator.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Jacobs, that the House reconsider its former action whereby it indefinitely postponed this order in non-concurrence.

As many as are in favor of the motion of the gentleman from Auburn, Mr. Jacobs, will say aye; those opposed no.

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

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

Mr. FULLER: Mr. Speaker, I move that the House recess until 6:00 P. M. Standard Time.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, moves that the House recess until 6:00 P.M. Standard Time, 7:00 P.M. Daylight Time.

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

Mr. TRAFTON: Mr. Speaker, would a motion to adjourn have precedence?

The SPEAKER: The gentleman is correct. A motion to adjourn is in order.

Mr. TRAFTON: Mr. Speaker, I move that we adjourn until Monday morning 8:30 Standard Time, 9:30 Daylight Time.

The SPEAKER: The gentleman from Auburn, Mr. Trafton, moves that the House adjourn until Monday morning. The Chair will

state that Article 4, Section 12 of the Constitution states: "Neither House shall during the session, without the consent of the other, adjourn for more than two days nor to any other place than that in which the Houses shall be sitting."

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

Mr. TRAFTON: Is it possible to recess for three minutes so that a joint order may be prepared and offered?

The SPEAKER: The House may be at ease.

### House At Ease

Called to order by the Speaker.

The gentleman from Auburn, Mr. Trafton, was granted unanimous consent to address the House.

Mr. TRAFTON: Mr. Speaker and Members of the House: In the light of the parliamentary difficulty in adjourning for a period that exceeds two days and with the Senate not here now to concur, I am going to withdraw my motion with the hope that we will reconvene immediately after supper and that the motion will then be offered again at that time.

Mr. Speaker, I wish permission to withdraw my motion.

The SPEAKER: The Chair understands that the gentleman from Auburn, Mr. Trafton, withdraws his motion.

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

Mr. FULLER: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The motion before the House is the motion of the gentleman from South Portland, Mr. Fuller, on a recess motion. Does the gentleman wish to withdraw his motion in order to speak?

Mr. FULLER: Yes, I do, Mr. Speaker.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, withdraws his recess motion.

The gentleman from South Portland, Mr. Fuller, asks unanimous consent to address the House. Does the Chair hear objection?

The Chair hears none and the gentleman may proceed.

Mr. FULLER: Mr. Speaker and Members of the House: A few weeks ago you were all coming to me and to the Speaker and wanting to get through, and we, along with the leaders of the other branch, sincerely feel that if we do not keep working that we won't even get through next Saturday night, and that is why we feel that we have got to keep going. We did not intend to have a long session tonight anyway. If at that time you want to adjourn until Monday it is perfectly all right with me. I want to go home just as badly as anyone.

Mr. Speaker, I now move that we recess until 6:00 P. M. Standard Time.

The SPEAKER: The Chair understands the gentleman's motion is to recess until 6:00 P.M. Standard Time, 7:00 P.M. Daylight Time. The motion is debatable from the standpoint of time only.

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

Mr. BURGESS: Mr. Speaker, I do not know how to handle myself under those circumstances. Would a request for unanimous consent to address the House be in order?

The SPEAKER: The Chair will have to rule the gentleman out of order. The gentleman from South Portland, Mr. Fuller, may withdraw his motion if he so desires, in order to give the gentleman from Limestone, Mr. Burgess, permission to ask unanimous consent to address the House.

Mr. BURGESS: Mr. Speaker, I promise you I won't take more than a minute.

Mr. FULLER: I withdraw my motion, Mr. Speaker.

The SPEAKER: The Chair understands the gentleman from South Portland, Mr. Fuller, withdraws his motion.

The gentleman from Limestone, Mr. Burgess, was granted unanimous consent to address the House.

Mr. BURGESS: Mr. Speaker, the purpose of my asking for this privilege is to get an off the record opinion while we are here as to the

thinking about work over the weekend and not when we come back after supper. It will simply take up our time at that time debating an issue which I believe could be solved off the record and avoid the introduction of any order otherwise.

Now having had the experience of four previous sessions here, I am fully aware that there is an awful lot of work to be done, and there are enough items on our table and on the table in the other House, to consume, in my opinion, at least three days of solid debate. From a selfish standpoint—I live 250 miles away, and I do not enjoy the weekly travel. Now I am tired and I know that you people are, but I do believe that we will be accomplishing the most and for our own best good if we will work every hour that it is possible to work, but I would not want to work late into the night. I hope that you will express yourself off the record, and for the purpose of getting your expression, I would like to ask the Chair to put the question off the record: How many favor working as many hours as there is material to work with but not later than nine o'clock at night?

The SPEAKER: The Chair will simply state that the amount of debate here will make the time for recessing that much further in advance of the time that has now been suggested.

(Off record discussion)

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

Mr. FULLER: Mr. Speaker, I move that the House adjourn until tomorrow morning at 8.30 A. M. Standard Time.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, moves that the House adjourn until 8.30 A. M. Eastern Standard Time, 9.30 Daylight Time.

As many as are in favor of the motion will rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Fifty-four having voted in the affirmative and twenty-three in the negative, the motion prevailed and the House so adjourned.