

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, March 19, 1947

The Senate was called to order by the President.

Prayer by the Reverend Shibley D. Malouf of Hallowell.

Journal of yesterday read and approved.

Papers from the House referred in concurrence.

House Committee Reports

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of the University of Maine for Operations and Maintenance of the Brunswick Campus." (H. P. 78) (L. D. 66) reported that the same ought to pass.

The Committee on Inland Fisheries and Game on "Resolve Closing Pleasant Pond, in Oxford County, to Ice Fishing," (H. P. 1388) (L. D. 1007) reported that the same ought to pass.

The same Committee on "Resolve Opening Virginia Lake in the Town of Stoneham to Ice Fishing," (H. P. 1387) (L. D. 1006) reported that the same ought to pass.

At this point the President designated Mr. Denny of Lincoln as President pro tem of the Senate, and that Senator was escorted to the rostrum by the Sergeant at Arms.

The same Committee on "Resolve Closing Mountain Catcher Pond in Penobscot County to Ice Fishing," (H. P. 1386) (L. D. 1005) reported that the same ought to pass.

The same committee on "Resolve Closing Lost Pond in Penobscot County to Ice Fishing," (H. P. 1385) (L. D. 1004) reported that the same ought to pass.

The same Committee on "Resolve Regulating Ice Fishing in Greenwood Pond in Elliottsville Plantation, Piscataquis County," (H. P. 1066) (L. D. 698) reported that the same ought to pass.

The same Committee on "Resolve Closing Wilson Stream in Piscataquis County to All Fishing," (H. P. 1063) (L. D. 695) reported that the same ought to pass.

The same Committee on "Resolve Establishing a Daily Limit on Trout in Penobscot County," (H. P. 973) (L. D. 639) reported that the same ought to pass.

The same Committee on "Resolve Establishing the Opening Date for Fishing for White Perch in Ebeemee Lake, T. 5, R. 9, N. W. P. and Brownville in Piscataquis County," (H. P. 913) (L. D. 611) reported that the same ought to pass.

The Committee on Maine Publicity on Bill "An Act to Designate Route 1 in Aroostook County as the Aroostook Scenic Highway," (H. P. 932) (L. D. 549) reported that the same ought to pass.

Which reports were severally read and adopted in concurrence,, the bill and resolves read once and tomorrow assigned for second reading.

Orders

Mr. Bishop of Sagadahoc, presented the following Order and moved its passage:

ORDERED, the House concurring that the State Controller be directed to pay according to lists certified by the Secretary of the Senate and the Clerk of the House, one half of the legally established amount allowed for attendance of the representatives to legislature of the Passamaquoddy and Penobscot Tribes of Indians, the balance to be paid according to similar lists furnished at the end of the session.

On motion by Mr. Cross of Kennebec, the Order was laid upon the table pending passage.

On motion by Mr. Cleaves of Cumberland, it was

ORDERED, that 200 additional copies each of (L. S. 1163) and (L. D. 1158) be printed.

First Reading of Printed Bills

Bill "An Act Relating to Prohibiting the Use of an Airplane in Driving or Molesting any Wild Birds or Animals." (S. P. 464) (L. D. 1305)

Bill "An Act Relating to Transportation of Deer Within State." (S. P. 465) (L. D. 1304)

Which bills were severally read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Haskell from the Committee on Salaries and Fees on Bill "An Act Relating to the Salaries of Various Officers in Aroostook County," (S. P. 135) (L. D. 281) reported that the same ought to pass.

Mr. Barnes from the same Committee on Bill "An Act to Increase

the Salaries of Members of the State Police," (S. P. 297) (L. D. 796) reported that the same ought to pass.

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

At this point, President Varney resumed the Chair, Mr. Denny of Lincoln retiring amid the applause of the Senate.

Passed to be Engrossed

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Washington County to Ernest Stover of Lambert Lake." (H. P. 127) (L. D. 83)

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Washington County to Roland Hayward, of Lambert Lake." (H. P. 128) (L. D. 84)

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County to George Lagasse of Guerette, Maine." (H. P. 133) (L. D. 89)

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Washington County to Mrs. Lester Hayward of Lambert Lake." (H. P. 139) (L. D. 153)

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Somerset County to Leo Tessier of Rockwood." (H. P. 272) (L. D. 195)

"Resolve Authorizing the Treasurer of State to Convey the Interest of the State in Certain Land in Bangor to Fred M. Cousins." (H. P. 886) (L. D. 498)

Bill "An Act Relating to Taxation of Domestic Fowl." (H. P. 1096) (L. D. 708)

Bill "An Act Relating to Alternative Method for the Enforcement of Liens for Taxes on Real Estate." (H. P. 1178) (L. D. 775)

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Piscataquis County to Bradbury Memorial Hospital of Belfast." (H. P. 1218) (L. D. 857)

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in the Unorganized Territory." (H. P. 1221) (L. D. 858)

Bill "An Act Permitting Trustees of Berwick Academy to Issue Bonds." (H. P. 1293) (L. D. 900)

Bill "An Act Relating to Fees in the Small Claims Law." (H. P. 1299) (L. D. 906)

(On motion by Mr. Dube of Androscoggin, tabled pending passage to be engrossed.)

Bill "An Act Relating to Tax Exemption of Property." (H. P. 1325) (L. D. 894)

"Resolve for the Laying of the County Taxes for the Years Nineteen Hundred Forty-Seven and Nineteen Hundred Forty-Eight." (H. P. 1263) (L. D. 1283)

Bill "An Act Relative to Bounty on Bobcat, Loupcervier and Canada Lynx." (H. P. 1624) (L. D. 1284)

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

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Oxford County to Leon Millett of Bethel." (H. P. 271) (L. D. 194)

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Franklin County to Ivan U. Baker of Kingfield." (H. P. 350) (L. D. 219)

Bill "An Act Relating to the Licensing of Life Insurance Agents." (H. P. 1026) (L. D. 666)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be engrossed.)

Bill "An Act Relating to Power of Certain Corporations to Hold Property." (H. P. 1294) (L. D. 901)

Bill "An Act Amending the Financial Responsibility Law." (H. P. 1301) (L. D. 908)

Bill "An Act Relating to Qualifications for License to Sell Real Estate." (H. P. 1392) (L. D. 998)

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

Bill "An Act Relating to Rights of Creditors and Beneficiaries Under Policies of Life, Endowment, or Accident Insurance, and Under Annuity Contracts." (S. P. 286) (L. D. 803)

Bill "An Act Relating to Protection of Interest of Employees, Beneficiaries or Joint Annuitants Under Group Annuity Contracts and Pension Trusts." (S. P. 462) (L. D. 1297)

Which were severally read a sec-

ond time and passed to be engrossed.

Sent down for concurrence.

Orders of the Day

Mr. DAVIS of York: Mr. President, I would like to inquire if H. P. 20, L. D. 11, Bill, An Act to Provide a Town Council and Manager Form of Government for the Town of Old Orchard Beach is in the possession of the Senate?

The PRESIDENT: The Chair will state that it is in the possession of the Senate.

Thereupon, on motion by Mr. Davis the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

Mr. Davis presented Senate Amendment "A" and moved its adoption. Senate Amendment "A" was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. Dube of Androscoggin was granted unanimous consent to address the Senate.

Mr. DUBE: Mr. President and Members of the Senate:

I would like to review briefly what happened February 23, 1947 at the Sacred Heart Convent at Jackman. This convent takes care of about 300 boarding students and the school population of the town of Jackman.

About 3:45 A. M. fire was discovered by an attendant and it was already out of control. The nuns saved 230 boys and girls, who were asleep, by their heroic deeds and action in quick thinking by averting panic and fright. One particular instance was cited by Sister St. Andrew, she woke up the children in her particular ward by the usual bell, then stated, "All of you immediately pick up the bed clothing, put it around you and file out in silence." Not one word was heard all through the evacuation and not a scratch was received by the students.

Every family in Jackman helped to feed and clothe the children until outside help came. Many heroic deeds were carried out by the towns people, such as chopping off corridors with picks and shovels in trying to save the adjoining buildings. The loss of the Jackman School Center was one of the worst disasters we have had. All records

and precious documents of 40 years faithful work was lost. By this appeal coming from all the radio networks, newspapers, cities and towns, to bring out the Alumni of Jackman to form, organize in their localities, to help raise funds to rebuild this town treasure.

Checks should be made payable to Sacred Heart School, Jackman, Maine. Receipt books may be obtained from me.

In the canvass of house to house, business establishments, etc., all should be given a receipt for their contribution.

This dire need was brought to my attention while in Jackman on a trip to take clothing and cooking utensils to these people. Being a former alumnus I am asking all others to go all out in helping on this three months drive for this worthy cause, which we pray will not be in vain. Thank you.

On motion by Mr. Batchelder of York, the Senate voted to take from the table Bill, "An Act Relating to Incorporation of Kittery Water District (H. P. 72) (L. D. 52) tabled by that Senator on March 14th pending the motion by Mr. Hopkins of Kennebec to indefinitely postpone.

Mr. BATCHELDER of York: Mr. President, this bill a while ago had some consideration and it now appears several questions have been raised concerning this bill. One is whether funds of the United States government could be diverted to any particular town. Another is whether the funds of several towns could be diverted to any one town. Another is whether funds could be used to cause dissention among the civic men in the several towns.

It is true in this particular case that the United States government is one of the heavy users of water in this district. They do not pay any tax to the town of Kittery and although the rate is one of the lowest rates of any district in the State, I feel that the federal government, if they believe they are paying an unreasonable rate for water, are able to take care of themselves and they have the privilege of appealing to the Public Utilities Commission to have the rates adjusted.

As to funds in towns being diverted to another town, I might say in the creation of these districts, the districts do not always include the

whole town. Often it takes in a small portion of a district. That being so, whoever pays water rates in this district are paying to this particular water company and may later, through their charter, divert money to the town. We have several charters that have been organized in the past which grant this privilege.

As to dissention among town fathers, I might say it is something practically impossible to overcome because we find that thing often in our own town—we run into more or less dissention.

Going back, I might say I do not believe we are setting up any new idea on this particular subject. As I understand it, going back into 1899, taking the Kennebec Water District which was chartered as I understand it at that time, they had a clause to turn back surplus funds to the city of Waterville. We also find in the Portland Water District charter in 1907 they had the same privilege and funds were returned to the city of Portland. The Augusta Water District, created in 1903 has that same privilege. The town of Kennebunk has a water district which includes several towns. Their funds are applied to a sinking fund.

Only recently it was called to our attention that the Van Buren Light and Power District has accumulated considerable assets—approximately \$45,000. At the present time they have loaned the town \$15,000. They recently lost a school building and they came before us and asked for the privilege of applying \$15,000 to the town. I believe that bill has been reported out favorably.

As I see it, we are not setting up new policies in the State, in view of the fact we are asking the same privileges which have been granted in prior charters, and I hope the motion of Senator Hopkins to indefinitely postpone does not prevail.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I am sure the Senator from York (Senator Batchelder) as well as myself, is doing everything he can to bring before the Senate the particular features of this bill in order that you may have the full information available before you when you cast your vote.

I stated on previous occasion that all public service corporations should be so regulated that their rates shall reflect the cost of their service. That, with the other features which the Senator as explained to you,

is the principle matter involved in this charter. No one has come forward with any analysis of public utilities charters to show the number of instances and the particulars in which they have been misused in the state of Maine and the information is not available to me at this time. So I cannot verify what is being done in that particular field.

In the case of the Kennebec Water District which was just cited to you, I think I am correct in saying that there never has been any diversion of funds from the Water District to the treasury of any community, and if my memory serves me correctly, in my own city of Waterville, there was recently brought an action against the trustees of the Kennebec Water District in order to get what was thought to be a proper share of the accumulated surplus of that district. Waterville lost the suit. It cost as I remember, some nine thousand dollars in legal fees to bring the action but we lost and we should have lost.

The issue I think is perfectly clear. It isn't personal in any way of course. We are talking about the use of public service charters in the state of Maine and I tried to make it clear to you that this to me at least is a policy measure.

Will we or will we not regulate public service charters so that the rates will reflect the cost of the services, so that they will not promote friction between the towns in which the services may be extended, so that they will not divert money from the people of one town to the treasury of another, and so they will not divert money from the federal government (which I realize would not often apply but does apply in this charter).

The issue is before the Senate. I am glad to note that the Senators are all present except one who is ill, and we ought to get a fair test on the matter.

Mr. SPEAR of Cumberland: Mr. President, when the vote is taken, I ask for a division.

A division of the Senate was had. Ten having voted in the affirmative and twenty-one opposed, the motion to indefinitely postpone did not prevail.

Thereupon, the bill was passed to be engrossed in concurrence.

On motion by Mr. Blanchard of Aroostook, the Senate voted to take

from the table Bill, An Act to Authorize Frazer Paper, Limited, to Merge with and into, or to Consolidate with, a Corporation Organized under the Laws of the State of Maine (S. P. 454) (L. D. 1274) tabled by that Senator on March 13 pending assignment for second reading; and on further motion by the same Senator, the bill was tomorrow assigned for second reading.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on

Library on Resolve for the Purchase of Four Hundred Copies of "The Length and Breadth of Maine" (S. P. 336) (L. D. 967) tabled by that Senator on March 7 pending adoption of the report; and on further motion by the same Senator, the "Ought Not to Pass" report of the committee was adopted.

Sent down for concurrence.

On motion by Mr. Welch of Aroostook

Adjourned until tomorrow morning at ten o'clock.