

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

1953

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Tuesday, February 10, 1953.

The Senate was called to order by the President.

Prayer by the Rev. Robert Hills of Gardiner.

Journal of Thursday, February 5, 1953, read and approved.

**House Papers
Communication**

STATE OF MAINE

Department of Health and Welfare
Augusta

February 4, 1953

President of the Senate
and
Speaker of the House of Representatives
Ninety-Sixth Legislature
State House
Augusta, Maine
Gentlemen:

This is to certify that John Mitchell at an election held at Indian Island, Old Town, Maine on September 2, 1952 was elected to represent the Penobscot Tribe of Indians at the Legislature from January 1, 1953 to December 31, 1954.

Respectfully

DAVID H. STEVENS
Commissioner of Health
and Welfare

(H. P. 476)

Which was read and ordered placed on file in concurrence.

Joint Order

ORDERED, the Senate concurring, that the chairmen of the several Joint Standing Committees be directed to have their respective clerks prepare before 2 P. M. of each Tuesday, copies of a list of all Bills and Resolves which have been assigned for public hearings the following week; and that copies of said lists shall be mailed to each of the weekly papers of the State. (H. P. 478)

Comes from the House, read and passed.

In the Senate, on motion by Mr. Wight of Penobscot, the Order was laid on the table pending passage in concurrence.

Bill "An Act Relating to Expenses of Dairymen's Conference." (H. P. 309) (L. D. 381)

Bill "An Act Relating to Marking of Containers of Skim-milk." (H. P. 310) (L. D. 382)

Bill "An Act Creating the Maine Food Law." (H. P. 344) (L. D. 351)

Which were severally referred to the Committee on Agriculture in concurrence.

"Resolve to Loan Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal." (H. P. 311) (L. D. 383)

"Resolve Appropriating Money for the Lands Reserved for Public Uses Trust Fund." (H. P. 312) (L. D. 384)

"Resolve Appropriating Money for the Purchase of 'The Length and Breadth of Maine.'" (H. P. 313) (L. D. 385)

Which were severally referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Relating to Harrison Mutual Fire Insurance Company." (H. P. 314) (L. D. 386)

Bill "An Act Relating to Examination of Domestic Insurance Companies." (H. P. 315) (L. D. 397)

Bill "An Act Declaring Certain Practices in the Sale of Books, Magazines and Periodicals Unlawful." (H. P. 316) (L. D. 388)

Bill "An Act Relating to Manufacturers and Bottlers of Non-Alcoholic Beverages." (H. P. 317) (L. D. 389)

Which were severally referred to the Committee on Business Legislation in concurrence.

"Resolve in Favor of the Town of Benedicta." (H. P. 318) (L. D. 352)

"Resolve in Favor of Mrs. Carol Hapworth of Winslow." (H. P. 319) (L. D. 390)

"Resolve in Favor of T. E. McSherry, of Fryeburg." (H. P. 320) (L. D. 391)

"Resolve in Favor of S. Gaudet and Son, of Rockwood." (H. P. 402)

"Resolve in Favor of Sherman Brown, of North Leeds." (H. P. 403)

"Resolve in Favor of Freelow Crummit, of Whitefield." (H. P. 404)

Which were severally referred to the Committee on Claims in concurrence.

Bill "An Act Relating to Minimum Salaries for Teachers." (H. P. 324) (L. D. 392)

Bill "An Act Relating to Salaries and Travel of Superintendents of Schools." (H. P. 325) (L. D. 393)

Which were severally referred to the Committee on Education in concurrence.

Bill "An Act Relating to Construction of State Aid Highways." (H. P. 326) (L. D. 394)

"Resolve in Favor of the Town of Waldoboro." (H. P. 406)

Which were severally referred to the Committee on Highways in concurrence.

Bill "An Act Repealing Simpson's Pond Bird Sanctuary." (H. P. 327) (L. D. 395)

Bill "An Act Relating to Imported Trout and Togue." (H. P. 328) (L. D. 396)

"Resolve Opening Simpson Pond, Washington County, to Ice Fishing." (H. P. 329) (L. D. 397)

"Resolve Regulating Fishing in Ell Pond, York County." (H. P. 330) (L. D. 398)

"Resolve Regulating the Taking of Smelts in Oxford County." (H. P. 331) (L. D. 353)

"Resolve Relating to Ice Fishing in Long Lake and Eagle Lake, Aroostook County." (H. P. 332) (L. D. 399)

Which were severally referred to the Committee on Inland Fisheries and Game in concurrence.

"Resolve Providing for a Retirement Pension for Lydia B. Otis, of Carmel." (H. P. 297) (L. D. 353)

Bill "An Act Relating to Settlement of Employees at Pownal State School." (H. P. 333) (L. D. 400)

Bill "An Act Relating to Penalty for Selling Narcotic Drugs to Minors." (H. P. 334) (L. D. 401)

Bill "An Act to Enable Party Conventions to Propose Candidates for Governor, U. S. Senator and Members of Congress to be Placed Upon the Ballots at Direct Primary Elections." (H. P. 335) (L. D. 402)

Bill "An Act Relating to Nominations of Independent Candidates in

General Election." (H. P. 336) (L. D. 403)

Bill "An Act Relating to Nomination of Candidates Not Included in the Primaries." (H. P. 337) (L. D. 404)

Bill "An Act Relating to Stockholders' Meetings." (H. P. 338) (L. D. 354)

Bill "An Act Relating to Rights and Stock Options of Stockholders." (H. P. 339) (L. D. 355)

Bill "An Act Relating to Approval by Towns of Agreements with Maine School Building Authority." (H. P. 340) (L. D. 356)

Bill "An Act Relating to Trustee of Wages." (H. P. 341) (L. D. 357)

"Resolve Granting Retirement Pension to Hugh A. Smith, of Charleston." (H. P. 342) (L. D. 359)

Which were severally referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to Unemployment Compensation with Regard to Paid Holidays." (H. P. 343) (L. D. 360)

Which was referred to the Committee on Labor in concurrence.

Bill "An Act Amending the Charter of the Town of North Yarmouth School District." (H. P. 345) (L. D. 363)

Bill "An Act Relating to Warrant Committee of Town of Sanford." (H. P. 346) (L. D. 361)

Bill "An Act Relating to the Airport Commission of the Town of Sanford." (H. P. 347) (L. D. 362)

Bill "An Act Relating to Tree Surgeons." (H. P. 348) (L. D. 334)

Bill "An Act Relating to High School Athletic Officiating." (H. P. 349) (L. D. 365)

Which were severally referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Prohibiting Sale of Malt Liquor in Non-Returnable Bottles." (H. P. 350) (L. D. 366)

Bill "An Act Prohibiting Sale of Malt Liquor in Non-Returnable Bottles." (H. P. 351) (L. D. 367)

Which were severally referred to the Committee on Liquor Control in concurrence.

"Resolve Authorizing the Forest Commissioner to Convey the In-

terest of the State (Maine Forestry District) in a Lot of Land in the Town of Brownville." (H. P. 352) (L. D. 368)

"Resolve Changing Name of Lily Pond, Waldo County." (H. P. 353) (L. D. 369)

"Resolve, Authorizing the Forest Commissioner to Convey the Interest of the State in Lot 102, in St. Agatha." (H. P. 354) (L. D. 370)

Which were severally referred to the Committee on Natural Resources in concurrence.

Bill "An Act to Include the Typing of Blood in Premarital Examinations." (H. P. 355) (L. D. 371)

Which was referred to the Committee on Public Health in concurrence.

Bill "An Act Relating to Excise Tax on Aircraft." (H. P. 356) (L. D. 372)

Bill "An Act Relating to Exemption of Airports from Taxation." (H. P. 357) (L. D. 373)

Which were severally referred to the Committee on Taxation in concurrence.

Bill "An Act Relating to the Polling Place in Connor, Aroostook County." (H. P. 358) (L. D. 374)

Bill "An Act Relating to Salaries of Certain County Officers of Washington County." (H. P. 359) (L. D. 375)

Bill "An Act Relating to Appropriation for Flags in Schools." (H. P. 360) (L. D. 376)

Bill "An Act to Provide Fire Protection for Unorganized Territory." (H. P. 361) (L. D. 377)

Bill "An Act Relating to the Boundary Line Between the Towns of Sanford and North Berwick, York County." (H. P. 362) (L. D. 378)

Bill "An Act Relating to the Salary of the County Attorney of Piscataquis County." (H. P. 363) (L. D. 379)

Which were severally referred to the Committee on Towns and Counties in concurrence.

Bill "An Act Relating to Hospital Aid." (H. P. 364) (L. D. 380)

"Resolve Providing for an Increase in State Pension for Chester Simpson of Monson." (H. P. 455)

"Resolve Providing for State Pension for Ronald Williams of Newcastle." (H. P. 456)

"Resolve Providing for State Pension for Marion Peasley of Whitefield." (H. P. 457)

"Resolve Providing for an Increase in State Pension for Ethel Merry of Waldoboro." (H. P. 458)

"Resolve Providing for an Increase in State Pension for Freda Potter of North Whitefield." (H. P. 459)

"Resolve Providing for State Pension for Arthur Thibodeau of Caribou." (H. P. 460)

"Resolve Providing for State Pension for Levi Bouchard of North Caribou." (H. P. 461)

"Resolve Providing for an Increase in State Pension for Thomas Bard of Fort Kent." (H. P. 462)

"Resolve Providing for State Pension for Lena Doucette of Fort Kent." (H. P. 463)

"Resolve Providing for State Pension for Carroll F. Crowley of Jonesport." (H. P. 464)

"Resolve Providing for State Pension for Christie Davis of Jonesboro." (H. P. 465)

"Resolve Providing for an Increase in State Pension for Daniel McCurdy of China." (H. P. 466)

"Resolve Providing for an Increase in State Pension for Geneva Gay of Fairfield." (H. P. 467)

"Resolve Providing for an Increase in State Pension for Colby Harding of Albion." (H. P. 468)

"Resolve Providing for State Pension for Shepard Harmon of Augusta." (H. P. 469)

"Resolve Providing for State Pension for Samuel A. Brackett, of Biddeford." (H. P. 470)

"Resolve Providing for an Increase in State Pension for Flora E. Mosher of Smithfield." (H. P. 471)

"Resolve Providing for State Pension for Nina Callahan of Houlton." (H. P. 472)

"Resolve Providing for a State Pension for Arthur Glasson of Rumford." (H. P. 473)

"Resolve Providing for an Increase in State Pension for Alwood E. Howard of Mexico." (H. P. 474)

"Resolve Providing for an Increase in State Pension for Charles Robie of Mexico." (H. P. 475)

Which were severally referred to the Committee on Welfare in concurrence.

Senate Papers

The following bills and resolves were received and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Appropriations and Financial Affairs

Mr. Fuller of Oxford presented Bill "An Act Relating to Tuition at State Normal Schools and Teachers' Colleges." (S. P. 200)

(Ordered printed.)

Sent down for concurrence.

Business Legislation

Mr. Dennett of York presented Bill "An Act Relating to the Uniform Health and Accident Insurance Law." (S. P. 201)

(Ordered printed.)

Sent down for concurrence.

Highways

Mr. Ward of Penobscot presented Bill "An Act Providing for Maintenance of a Road on the North End of Baxter State Park." (S. P. 202)

(Ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Dennett of York presented Bill "An Act Extending the Powers of the Maine-New Hampshire Interstate Bridge Authority." (S. P. 203)

The same Senator presented "Resolve, in Favor of Alice Knight Spinney, of Eliot." (S. P. 204)

Mr. Reid of Kennebec presented Bill "An Act to Permit Guardians and Trustees to Invest in Insurance Policies and Annuity Contracts." (S. P. 205)

The same Senator presented Bill "An Act to Incorporate the 'Portland Investment Co.'" (S. P. 206)

The same Senator presented Bill "An Act to Permit Testing of Military Weapons and Munitions on Great Ponds." (S. P. 216)

(Each ordered printed.)

Sent down for concurrence.

Legal Affairs

Mr. Butler of Franklin presented Bill "An Act Relating to Legal Voters of Farmington Village Corporation." (S. P. 207)

Mr. Hanson of Washington presented Bill "An Act to Create the Washington County Recreation Authority." (S. P. 208)

Mr. Haskell of Penobscot presented Bill "An Act Relating to Keeping Open of Grocery Stores on Sunday." (S. P. 209)

(Each ordered printed.)

Natural Resources

Mr. Fuller of Oxford presented Bill "An Act Relating to Insects and Diseases of Trees." (S. P. 210)

(Ordered printed.)

Sent down for concurrence.

Taxation

Mr. Carter of Oxford presented Bill "An Act to Clarify the Exemption from Sales and Use Tax of Prescribed Medicine." (S. P. 211)

(Ordered printed.)

Sent down for concurrence.

Transportation

Mr. Haskell of Penobscot presented Bill "An Act Relating to Guards on Rear of Motor Vehicles." (S. P. 212)

The same Senator presented Bill "An Act Repealing Law on Vehicles Approaching Stationary Street Car from Rear." (S. P. 213)

Mr. Cummings of Sagadahoc presented Bill "An Act Relating to Motor Vehicle Accident Reports." (S. P. 214)

Mr. Dennett of York presented Bill "An Act Relating to Signals for Turning Motor Vehicles." (S. P. 215)

(Each ordered printed.)

Sent down for concurrence.

Order

Mr. Haskell of Penobscot presented the following Order and moved its passage:

ORDERED, that the clerks of the joint standing committees by 10 A.M. on Wednesday of each week submit to the Secretary of the Senate on blanks furnished by the Senate office, a complete report on all bills and resolves referred to said committee.

Mr. HASKELL: Mr. President, I would simply state in support of the motion that that is a normal order and is designed to put into one spot the progress that each committee is making on its bills. If Waldo Clark has that informa-

tion in his office, anyone who wishes to see its progress or the progress of any other committee bills will find that information at any time he wants to look at it. We have done this in each session in recent years.

Thereupon the Order received a passage.

Senate Committee Reports

Mr. Carpenter from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Guide's License," (S. P. 78) (L. D. 185) reported that the same ought to pass.

Mr. Reid from the Committee on Labor on Bill "An Act Relating to Definition of 'Base Period' Under Employment Security Law," (S. P. 34) (L. D. 37) reported that the same ought to pass.

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

Passed to be Engrossed

Bill "An Act Relating to Perry Between Indian Island and Old Town." (H. P. 31) (L. D. 25)

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

"Resolve Regulating Fishing in the Sheepscot River." (S. P. 52) (L. D. 80)

"Resolve Relating to the Protection of Smelts in the Montsweag River." (S. P. 53) (L. D. 81)

"Resolve Relating to the Protection of Smelts in the Sheepscot River." (S. P. 54) (L. D. 82)

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

Sent down for concurrence.

Orders of the Day

On motion by Mr. Wight of Penobscot the Senate voted to take from the table Joint Order from the House directing chairmen of the several Joint Standing Committees to have prepared before 2 P. M. of each Tuesday copies of a list of all bills and resolves which have been assigned for public hearings the following week, etc. (H. P. 478), tabled by that Senator earlier in today's session pending passage in concurrence; and that Senator

yielded to the Senator from Penobscot, Senator Haskell.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I shall speak to a motion to indefinitely postpone the order. My reasons for thinking that this order should not have passage are tempered by my desire to show courtesy to the House and also a desire to show courtesy to the weekly papers, but the order does in effect tell the Senate chairmen that within two and one half hours from now, for example, each one of you must make up your legislative program of next week. It does not seem to me that to do this would be efficient or orderly operation of this legislature. I realize that there will be occasions when many chairmen can design their legislative program for succeeding weeks on Tuesday morning of the preceding week but by and large I do not believe that the best interests of the members of the legislature or the best interests of the people of the State of Maine would be served by setting up this mandatory provision that the committee chairmen shall prepare these programs and send them to the newspapers as early in the legislative week as this. There certainly is nothing to prevent a committee chairman from designing his committee hearings a week, or two or three weeks, ahead but to tell all of us that we must do so and thus close the door to any redesigning of the legislative program for the next week does not seem to me to be the thing for us to do. And thus, Mr. President and members of the Senate, my motion would be that the order be indefinitely postponed.

Mr. REID of Kennebec: Mr. President and members of the Senate, I hesitate to speak in opposition to the motion but I must say that I have extended the courtesy to an owner of a weekly newspaper to discuss this matter with her after the session today and therefore I hesitate to favor the motion and would like to move that the order be laid upon the table.

The PRESIDENT: The Senator from Kennebec, Senator Reid, moves that the order be laid upon the table pending the motion of the Senator from Penobscot, Sena-

tor Haskell, that the order be indefinitely postponed. Is it the pleasure of the Senate that the order be laid upon the table pending the motion of the Senator from Penobscot, Senator Haskell that the order be indefinitely postponed?

The motion to table prevailed.

Mr. Tabb of Kennebec was granted unanimous consent to address the Senate.

Mr. TABB of Kennebec: Mr. President and members of the Senate, about a week or ten days ago you had on your desks the recommendations of the Research Committee on County Government. At that time I asked for unanimous consent to address you and drew to your attention a paragraph in that report that stated that this was not the unanimous report of the committee. I also asked you not to make up your minds in any way until you had seen the report made by Professor Dow. And you may remember I said that there were two members who did not agree with the whole report and that we were going to be allowed, instead of writing a minority report, to have the privilege to express our feelings on the floor. My colleague in the House will undoubtedly do the same thing so now I am ready to tell you for my part, as a member of that committee, why I am opposed to the Dow report.

First I will say that I am not wholly opposed to it. I do agree with some things that it says in regard to jails because I know that our subcommittee investigated these jails and brought back practically the same report that is in here. There are other minor things that I am willing to go along with but the main part of the program that I am not willing to go along with is that in my opinion this report is the beginning of centralization of government in our state.

The principal thing that this report contains, and this comes under Summary of Recommendations, is that judges of probate shall be appointed, as they are at the present time the only elected judges in Maine. I can't see for the life of me why that privilege should be taken away from the people. I believe we have had some very fine judges of probate. I know our own

Judge in Kennebec County is a great credit and I don't believe any Chief Justice—I have no grudge against them in any way, shape or manner—but I don't believe that they could make any finer selection than we now have in Kennebec County and I feel that is generally the same feeling throughout the state.

It then goes on to say that clerks of court and registers of probate should be appointed by the Court, and then he says that county attorneys should be replaced by appointed district attorneys. That is another thing they want to take away from the rights of the people and the Attorney General would appoint the county attorneys.

I will admit perhaps we haven't always the best caliber or perhaps the highest standard in the legal profession for our county attorneys. I do not question in my own mind that some of the county attorneys have not lived up to what they should do as county attorneys and haven't kept their oath. Nevertheless I have been around the statehouse quite a number of years. I have seen a good many Attorney Generals in office and I don't think their judgment in selecting assistant attorney generals has been any criterion to go by that we should give the Attorney General the right to appoint these county attorneys.

"Municipal and trial justice courts to be replaced by district court." I quite agree that trial justices should be abolished after reading this report.

Then he goes on to say that sheriffs, county commissioners and county treasurers should be abolished. In fact he wants to put the sheriffs department in the hands of the state police. Now you realize that we have heard complaints from the state police that they have too much work to do now and cannot do it all unless they have more police officers and I don't believe that those boys, riding around in cars as we all see them, would care to take over the sheriff's duties and I don't believe they would do any better than the sheriffs. The last part, as I said, on jails and so forth I practically agree with.

Now while you are reading this report I want you to bear in mind that this is America. There isn't a man in this Senate but who, if he were asked today what form of government he wanted, would say naturally, the one we have. Democracy!

There isn't anybody who wants centralization of government. You know that the government was made for the people, and never the people for the government. You know as well as I do that ever since the founding of this country we have tried to bring about that political freedom, economic and religious freedom. That is the one thing we have strived for. And in this report he wants to centralize government. I think you will all agree with me that there is less freedom in the world today than ever before and even here in America before the signing of the Declaration of Independence, we had more freedom than we have now. Still this report wants to centralize government. What we have in this country is a government that will keep the aggressor out and also help us to be protected from the enemies within, and centralized government is nothing more than an enemy within.

In another part of this report he says that fewer elective offices mean less of a burden on the voter. Imagine that. Fewer elective offices mean less of a burden on the voter! In the inaugural address of the Governor he said that we want a government that is closer to the people. Surely this report does not

bring it closer to the people. They want to put this government under the control of just a few and take the rights away from the people.

Mr. Dow, on the first page of the report says that he accepts the full responsibility for the facts and opinions found in this report. At the research hearing he brought in a stack of books about that high and I questioned him about where he was getting his report and he informed me that it was from twenty-five years of teaching. I also asked him if he did not get some of it out of those books that he had there which were books written by a bunch of bureaucrats that believe in world government. That is what we have in this report and if that is what they teach at the University of Maine they had better teach them Democracy instead of centralization of government.

I hope, Mr. President and members of the Senate, that you will think seriously on any bills that ever come in on this report designed to take away the rights of the people of this state because I am warning you that the Professor belongs to that crowd that believes in world government.

The PRESIDENT: The Senate is proceeding under Orders of the Day.

On motion by Mr. Harding of Knox,

Adjourned until tomorrow morning at ten o'clock.