

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF MAINE

1955

DAILY KENNEBEC JOURNAL
Augusta, Maine

SENATE

Tuesday, February 22, 1955

The Senate was called to order by the President.

Prayer by the Rev. Robert Bracketley of Hallowell.

Journal of February 17 read and approved.

**Papers from the House
Joint Order**

"Relative to Investigation of February 11th Derailment at Kennebec Siding." (S. P. 281)

Comes from the House, Indefinitely Postponed in non-concurrence.

In Senate, Indefinitely Postponed in concurrence.

House Papers

Bill "An Act Increasing Salaries of Members of Maine Employment Security Commission." (H. P. 699) (L. D. 767)

"Resolve, Authorizing Certain Monies in Possession of the Augusta State Hospital to be Added to the Hospital's Trust Funds." (H. P. 700) (L. D. 768)

"Resolve in Favor of Houlton Armory Project." (H. P. 701) (L. D. 769)

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

"Resolve in Favor of Cecil A. York, North Windham, for Damage by Escapees from State School for Boys." (H. P. 702) (L. D. 770)

"Resolve in Favor of Francis Qualey of Benedicta." (H. P. 703) (L. D. 771)

"Resolve in Favor of Harold B. Gross of Waldoboro." (H. P. 736)

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

Bill "An Act Providing for Maintenance of Certain Roads in Baxter State Park." (H. P. 704) (L. D. 772)

Bill "An Act to Authorize the Construction of a Bridge Across Jonesport Reach." (H. P. 705) (L. D. 773)

Which were referred to the Committee on Highways in concurrence.

"Resolve Regulating Fishing in Pemaquid River, Lincoln County." (H. P. 658) (L. D. 766)

Which was referred to the Committee on Inland Fisheries and Game, in concurrence.

Bill "An Act to Incorporate the Time Finance Corporation of Maine." (H. P. 706) (L. D. 774)

Bill "An Act to Confer Additional Rights and Powers upon East Branch Improvement Company." (H. P. 707) (L. D. 775)

Bill "An Act relating to Trespass by Cattle and Other Domestic Animals." (H. P. 708) (L. D. 776)

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

Bill "An Act relating to the Lisbon Water Department." (H. P. 709) (L. D. 777)

Bill "An Act relating to the Mayor, Members of the Board of Finance and the Corporation Counsel of the City of Lewiston." (H. P. 710) (L. D. 778)

Bill "An Act Repealing Laws on Beano." (H. P. 711) (L. D. 779)

Bill "An Act relating to Repair of Private Common Sewers in the City of Portland." (H. P. 712) (L. D. 780) 780)

Bill "An Act relating to Indebtedness of the Rockland School District." (H. P. 713) (L. D. 781)

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

"Resolve Authorizing Highway Commission to Cut Certain Growth on Route 117." (H. P. 714) (L. D. 782)

Which was referred to the Committee on Natural Resources in concurrence.

Bill "An Act relating to Qualification of Applicants for Hairdressing and Beauty Culture." (H. P. 715) (L. D. 783)

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

Bill "An Act to Incorporate the Moscow Water District." (H. P. 716) (L. D. 784)

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

"Resolve in Favor of Walter E. Dow of Washburn." (H. P. 756)

"Resolve Increasing Pension of Howard C. Hatch of Wells." (H. P. 757)

"Resolve Providing for an Increase in State Pension for Elmer McKenney of Lowell." (H. P. 758)

"Resolve Providing for State Pension for Harry O. Bickford of Lowell." (H. P. 759)

"Resolve Providing for State Pension for Harry Cook of Livermore Falls." (H. P. 760)

Which were severally referred to the Committee on Retirements and Pensions in concurrence.

Bill "An Act Repealing the Act to Regulate the Taking of Smelts in the Waters of Egypt Bay, Franklin Bay, Taunton Bay and River, in the Towns of Hancock, Franklin and Sullivan, Hancock County." (H. P. 721) (L. D. 785)

Which was referred to the Committee on Sea and Shore Fisheries in concurrence.

Bill "An Act relating to Taxation of Television Transmitting Equipment in Town Where Situated." (H. P. 722) (L. D. 786)

Bill "An Act relating to Biennial Assessment of State Property Taxes." (H. P. 723) (L. D. 787)

Which were referred to the Committee on Taxation in concurrence.

Bill "An Act relating to the Salary of the Judge of the Sanford Municipal Court." (H. P. 724) (L. D. 788)

Which was referred to the Committee on Towns & Counties in concurrence.

Bill "An Act Providing for Permits to Operate Vehicles on Part of Route 16 with Extra Weight When Loaded with Pulpwood, Logs or Bolts." (H. P. 727) (L. D. 789)

Which was referred to the Committee on Transportation in concurrence.

Bill "An Act Defining Veteran in Korean Campaign." (H. P. 726) (L. D. 790)

Which was referred to the Committee on Veterans and Military Affairs in concurrence.

House Papers Received by Unanimous Consent

"Resolve to Reimburse Town of Moscow for Aid to Certain Paupers." (H. P. 730) (L. D. 792)

Which was received by unanimous consent and referred to the Committee on Claims in concurrence.

Bill "An Act relating to Sale and Use of Electric Fences." (H. P. 729) (L. D. 791)

Which was received by unanimous consent and referred to the Committee on Judiciary in concurrence.

"Resolve Providing for State Pension for Eber Day of Stetson." (H. P. 810)

"Resolve Providing for State Pension for Edith Skinner of Eastport" (H. P. 811)

Which were received by unanimous consent and referred to the Committee on Retirements and Pensions in concurrence.

House Committee Reports Ought Not to Pass

The Committee on Claims on "Resolve to Reimburse Horace Hinkley of Richmond for Damages Done by Parolees." (H. P. 92) (L. D. 103) reported that the same Ought not to pass.

The same Committee on "Resolve in Favor of Newbert Spear of Milo." (H. P. 137) reported that the same Ought not to pass.

The same Committee on "Resolve in Favor of Charles Lumbert, Brunswick." (H. P. 250) reported that the same Ought not to pass.

The Committee on Inland Fisheries & Game on "Resolve Regulating Fishing for Black Bass in Washington County." (H. P. 259) (L. D. 243) reported that the same Ought not to pass.

The Committee on Judiciary on Bill "An Act relating to Highway Drains." (H. P. 194) (L. D. 199) reported that the same Ought not to pass.

(On motion by Mr. Parker of Piscataquis tabled pending acceptance of the report.)

The same Committee on Bill "An Act Establishing Maximum Speed Limit for Motor Vehicles." (H. P. 275) (L. D. 259) reported that the same Ought not to pass.

(On motion by Mr. Jamieson of Aroostook, tabled pending acceptance of the report.)

The same Committee on Bill "An Act relating to Consent for Adoption of Children." (H. P. 193) (L. D. 198) reported that the same Ought not to pass.

The Committee on Towns and Counties on Bill "An Act relating to Annual Statement by County Treasurers." (H. P. 313) (L. D. 290) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Highways on "Resolve Reappropriating Road Resolve Funds in Town of Carmel." (H. P. 100) (L. D. 108) reported that the same Ought to pass.

(On motion by Mr. Parker of Piscataquis recommitted to the Committee on Highways.)

The same Committee on "Resolve Designating Part of State Highway Three as 'The Acadia Highway'." (H. P. 185) (L. D. 190) reported that the same Ought to pass.

The same Committee on "Resolve Reappropriating Road Resolve Funds in Town of Boothbay Harbor." (H. P. 186) (L. D. 191) reported that the same Ought to pass.

(On motion by Mr. Parker of Piscataquis recommitted to the Committee on Highways.)

The Committee on Judiciary on Bill "An Act to Validate Actions at Certain Town Meetings." (H. P. 150) (L. D. 150) reported that the same Ought to pass.

The same Committee on Bill "An Act relating to Service on Foreign Corporations." (H. P. 272) (L. D. 256) reported that the same Ought to pass.

The same Committee on Bill "An Act Amending the Law Relating to Factors' Liens." (H. P. 273) (L. D. 257) reported that the same Ought to pass.

The Committee on Legal Affairs on Bill "An Act Amending the Charter of the Town of Orrington School District to Increase its Borrowing Capacity." (H. P. 196) (L. D. 201) reported that the same Ought to pass.

The same Committee on Bill "An Act relating to Property Held by Trustees of Fryeburg Academy." (H. P. 197) (L. D. 202) reported that the same Ought to pass.

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

The Committee on Sea and Shore Fisheries on Bill "An Act Permitting Harold E. Urquhart of Lubec to Build Weir in Cobcook Bay, Washington County." (H. P. 233) (L. D. 212) reported that the same Ought to pass.

(On motion by Mr. Carpenter of Somerset, tabled pending acceptance of the report.)

The same Committee on Bill "An Act Permitting Don H. Saunders of Lubec to Build Weir in Dennys Bay, Washington County." (H. P. 399) (L. D. 415) reported that the same Ought to pass.

(On motion by Mr. Carpenter of Somerset, tabled pending acceptance of the report.)

Ought to Pass—New Draft

The Committee on Towns and Counties on Bill "An Act Permitting Regional Planning." (H. P. 80) (L. D. 77) reported the same in a new draft (H. P. 728) (L. D. 765) under the same title, and that it Ought to pass.

Which report was read and accepted in concurrence, the bill in new draft read once and tomorrow assigned for second reading.

Ought to Pass—as amended

The Committee on Judiciary on Bill "An Act relating to Filing of Nomination Papers in Municipal Elections." (H. P. 153) (L. D. 153) reported that the same Ought to pass, as Amended by Committee Amendment A. (Filing No. 16)

The Committee on Legal Affairs on Bill "An Act Transferring Bath Academy to the City of Bath." (H.

P. 113) (L. D. 121) reported that the same Ought to pass, as Amended by Committee Amendment A. (Filing No. 17)

Which reports were read and accepted in concurrence and the bills read once. Committee Amendments A were read and adopted in concurrence, and the bills as so amended were tomorrow assigned for second reading.

**Senate Papers
Referred to Committees**

**Appropriations and Financial
Affairs**

Mr. Brown of Washington presented

“Resolve in Favor of the Eastport Highway Bridge.” (S. P. 310)

Which was referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

Inland Fisheries and Game

Mr. Low of Knox presented
“Resolve Regulating Fishing for White Perch in Knox County.” (S. P. 311)

The same Senator presented
“Resolve Regulating Fishing for Black Bass Through the Ice in Knox County.” (S. P. 312)

Which were referred to the Committee on Inland Fisheries and Game and ordered printed.

Sent down for concurrence.

Judiciary

Mr. Fuller of Oxford presented
“Resolve Proposing an Amendment to the Constitution to Exempt Rental Agreements with the Maine School Building Authority from the Limitations of Municipal Indebtedness.” (S. P. 313)

Which was referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

Retirements and Pensions

Mr. Low of Knox presented
“Resolve Providing for State Pensions for Madeleine Grant of Rockland.” (S. P. 314)

Which was referred to the Committee on Retirements and Pensions.

Sent down for concurrence.

Taxation

Bill “An Act Repealing the Gasoline Road Tax on Motor Vehicles.” (S. P. 315)

Which was referred to the Committee on Taxation and ordered printed.

Sent down for concurrence.

**Senate Committee Reports
Ought Not to Pass**

Mr. Farley from the Committee on Towns and Counties on Bill “An Act relating to the Salaries of the Judge and Recorder and Clerk Hire for the Caribou Municipal Court.” (S. P. 59) (L. D. 87) reported that the same Ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Jamieson from the Committee on Highways on Bill “An Act relating to Snow Removal from ‘Compact Areas.’” (S. P. 92) (L. D. 224) reported that the same Ought to pass.

Mr. Reid from the Committee on Judiciary on Bill “An Act relating to Recording of Deeds of Land of the Penobscot Tribe.” (S. P. 123) (L. D. 319) reported that the same Ought to pass.

(On motion by Mr. Boucher of Androscoggin, tabled pending acceptance of the report.)

The same Senator from the same Committee on Bill “An Act Repealing County Laws Relating to Meridian Lines and Standards of Length.” (S. P. 156) (L. D. 350) reported that the same Ought to pass.

(On motion by Mr. Weeks of Cumberland, tabled pending acceptance of the report.)

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

Ought to Pass as amended

Mr. Reid from the Committee on Judiciary on Bill “An Act to Incorporate

porate Associated Industries of Maine." (S. P. 160) (L. D. 354) reported that the same Ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once. The Secretary read Committee Amendment A:

Committee Amendment A to S. P. 160, L. D. 354, Bill "An Act to Incorporate Associated Industries of Maine."

Amend said bill by adding at the end thereof another section to be numbered 4 and read as follows:

"Sec. 4. Recording certificate, fees. Before commencing business the aforesaid corporation shall make and record a certificate of incorporation in accordance with section 4 of chapter 54 of the revised statutes, within the time limit therein expressed and pay the fees as required by said section 4."

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

Mr. Martin from the Committee on Legal Affairs on bill "An Act to Repeal the Act Creating the Bethel Village Corporation." (S. P. 96) (L. D. 227)

Which report was read and accepted and the bill read once. The Secretary read Committee Amendment A:

Committee Amendment A to S. P. 96, L. D. 227, "An Act to Repeal the Act Creating the Bethel Village Corporation." (Emergency)

Amend said bill by striking out the Emergency Preamble. Further amend said bill by striking out all of the 1st paragraph of section 4 and inserting in place thereof the following:

'Sec. 4. Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the town of Bethel at an annual or special town meeting held within one year after the effective date of this act, an appropriate article being inserted in the call for such meeting.'

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

Second Readers

The Committee on Bills in the Second Reading reported the following Bills and Resolves:

House

Bill "An Act Repealing the Size of Smoked Herring Boxes in Fish Packing." (H. P. 3) (L. D. 3)

Bill "An Act Relating to the Closing of County Offices on Saturday." (H. P. 79) (L. D. 76)

Bill "An Act relating to the Salary of the Judge and the Recorder of the Lincoln Municipal Court, Lincoln County." (H. P. 124) (L. D. 127)

Bill "An Act Clarifying the Definition of 'Compact'." (H. P. 140) (L. D. 140)

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

Senate

Bill "An Act relating to Fair Views at Railroad Crossings." (S. P. 47) (L. D. 48)

Bill "An Act relating to Financial Responsibility in Motor Vehicle Accidents Resulting in Death." (S. P. 58) (L. D. 86)

Bill "An Act relating to Permits for Outdoor Advertising." (S. P. 80) (L. D. 169)

Bill "An Act relating to Leases by State Park Commission." (S. P. 131) (L. D. 325)

Bill "An Act relating to Surveys by State Park Commission." (S. P. 133) (L. D. 326)

"Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory." (S. P. 132) (L. D. 335)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following Bills:

Bill "An Act Repealing the Law Prohibiting the Use of Motor Vehicles on a Certain Road in the Town of North Haven." (H. P. 18) (L. D. 17)

Bill "An Act relating to Stipend to Agricultural Societies." (H. P. 43) (L. D. 54)

Bill "An Act relating to Facsimile Signature of Secretary of State and Power of Deputy in Certain Motor Vehicle Notices." (H. P. 59) (L. D. 64)

Bill "An Act relating to a School District for the Towns of Limerick, Parsonsfield, Cornish and Others." (H. P. 66) (L. D. 71)

Bill "An Act relating to Turning Signals on Fire Department Vehicles." (H. P. 82) (L. D. 79)

Bill "An Act relating to Weighing Vehicles by Officers." (H. P. 128) (L. D. 131)

Which bills were severally passed to be enacted.

Emergency

Bill "An Act relating to Licenses for Spouses and Children of Members of the Armed Forces of the United States to Hunt or Fish." (H. P. 102) (L. D. 110)

Which bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, and 2 opposed was passed to be enacted.

Emergency

Bill "An Act relating to Maine Forestry District Taxes." (H. P. 121) (L. D. 124)

Which bill, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, and none opposed was passed to be enacted.

Orders of the Day

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table bill, An Act relating to Sirens on Motor Vehicles Operated by Department of Sea and Shore Fisheries (H. P. 126) (L. D. 129) tabled by that Senator on February 15 pending passage to be engrossed; and on further motion by the same Senator, the bill was recommitted to the Committee on Transportation.

Send down for concurrence.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table bill, An Act relating to Sirens on Automobiles Operated by Sheriffs, Police and Fire Officials (H. P. 83) (L. D. 80) tabled by that Senator on February 15 pending passage to be engrossed; and on further motion by the same Senator, the bill was recommitted to the Committee on Transportation.

Sent down for concurrence.

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

Mr. REID: Mr. President and members of the Senate: I just wanted to make a few remarks about the Bates Manufacturing Company matter in order to clear the record.

Of course, as you all know, a very violent controversy is raging at the moment and there has been a lot of publicity about it. It originated this way. Around the first of February persons representing the present management of Bates came to me and were interested in sponsoring or getting sponsored some legislation to prevent the possible exodus of that large manufacturing unit from the State of Maine. There has been some indication that action was rather hasty after that, but that is not so.

In the first place, I had an opportunity to read the bills, and the first question I asked them was whether or not the matter has been taken up with the Governor, and they assured me they had just come from the Governor's office. The next question was on the legality and the amount of time that had been spent on that, and I was assured and now find it is true that those who wish this legislation to pass have spent considerable time on the legal features of it.

I then waited approximately one week. During this time a redraft of the bills took place, and during that week I also contacted my good friend, the Senator from Androscoggin, and other members of the Senate and House in that area so that they knew what was up, so to speak.

Finally the bills were put into the hopper. After that there was

some publicity to the effect that we should go slow on that kind of legislation, to all of which I agree, but I did not think anyone would assume that as soon as the bills were put into the hopper that the legislature would act upon them, and of course they won't.

Since that time, I was requested in the first instance to tell two or three people who inquired when the bills would come up in the ordinary course of affairs, and I said the earliest possible date would be February 23rd, which is tomorrow. Afterwards persons connected with Consolidated Textiles, Inc. which is the company on one side of the controversy said they would like time, and that was immediately granted to them with the consent of the other side.

So as the matter now stands no hearing date has now been set and a hearing date will be set when the two parties who are parties to the controversy can get together on the proper date.

It obviously is a controversy between the present management of Bates on the one side and a strong minority holding on the other, and there are indications of controversy which certainly will not be decided, I assume, by anybody until after both sides have had an ample opportunity to present their case before the Judiciary Committee and afterwards before the legislature. Already the Judiciary Committee has a very substantial amount of information sent through the mails to it, so I hope nobody will be fooled that there is any need for great haste in this matter, and I am sure the legislature will have full information on both sides of the matter, legal as well as otherwise, before any decision is made on it.

These remarks are made because understandably in the newspapers the thing has been bruited about quite a lot and certain statements made about hearings being indefinitely postponed. There never has been a hearing set as yet, and when set both sides will be fully informed about it.

Mr. BOYKER of Oxford: Mr. President, with reference to L. D.

227, bill, An Act to Repeal the Act Creating the Bethel Village Corporation, I would like to say that I agreed to the amendment, not realizing that without the emergency, that bill would not be in effect until ninety days after the legislature adjourns. Now we want this bill passed so that the town of Bethel can take it up at their next town meeting in March. Without the emergency, it will not be effective until ninety days after we adjourn and so, Mr. President, I move that the Senate reconsider its action taken earlier in today's session whereby it adopted Committee Amendment A.

The motion prevailed and the Senate voted to reconsider its action taken earlier in today's session whereby Committee Amendment A was adopted.

Mr. BOYKER: Mr. President, I now move that Committee Amendment A be indefinitely postponed.

Mr. WOODCOCK of Penobscot: Mr. President, in regard to this matter, it was the sense of the committee on Legal Affairs that the alleged facts cited in this emergency preamble did not constitute an emergency and the committee was of the persuasion that it should move with caution in announcing the committee feeling as to an emergency on a bill of this nature. I have no objection, however, to accommodating Senator Boyker if this matter were tabled, and I so move.

The motion prevailed and the bill was laid upon the table pending motion by the Senator from Oxford, Senator Boyker, that Committee Amendment A be indefinitely postponed.

The Chair laid before the Senate, the first tabled and especially assigned matter, being House Report Ought to pass from the Committee on Claims on Resolve in Favor of The Richmond, Maine, Camp Grounds of the Church of the Nazarene. (H. P. 91) (L. D. 102) tabled on February 16 by the Senator from Knox, Senator Low, pending consideration of the report.

Mr. LOW of Knox: Mr. President, I am still somewhat confused as to whether I should vote for or against this resolve. However, it seems to

be a precedent that other legislatures have voted to pay such claims as this. In view of this, I am going to move that the ought to pass report be accepted, but I hope there may be some discussion on the matter.

Thereupon, the Secretary read the Resolve.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Reid.

Mr. REID: Mr. President, it seems to me it would also be advisable to have a full discussion of this matter.

Actually over the years there have been questions both ways involving escaped convicts, parolees and persons on probation. Two years ago I myself introduced a bill for a Maine farmer whose cows had been brutally killed by persons on probation from State Prison sentence and who, as a matter of fact, had been in State Prison before, and that bill was defeated. I do not use that as a precedent to defeat this bill but to give you an example of one type of situation where the legislature did not see fit to go along.

Basically, if all such bills were passed the State would in fact be in the position of indemnitor indemnifying every individual whose property was damaged by escaped convicts, parolees or probationees. Of course you could make a distinction in regard to escaped convicts because the State has a greater obligation to keep persons in prison in confinement than it would to pay for damage done by persons on probation who are supposed to be on good behavior. I offer no suggestion one way or the other as to how we

should proceed on this particular measure because of the conflict in precedent two years ago when in debate in the Senate it was pointed out in regard to my particular bill that there were, and I am sure there are, precedents years ago on the statute books where the State did pay for damage done by persons on probation. I cannot give you at the moment how many bills have been turned down and how many passed on these measures, but I suspect more have been turned down than passed.

Basically, we will certainly have to make up our minds either to take each individual case on its merits or establish a policy of not putting the State in the business of paying damages resulting in injury to property done by either one of these three categories of individuals. So I would speak neither for nor against this bill but just give you the benefit of my recollection of what has happened in the past and what the issue is.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Low that the Senate accept the Ought to Pass report of the committee. Is the Senate ready for the question?

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

Thereupon, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Hillman of Penobscot

Adjourned until tomorrow morning at ten o'clock.