

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Seventh Legislature*

OF THE

STATE OF MAINE

VOLUME II

1955

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Monday, May 16, 1955

Senate called to order by the President.

Prayer by the Rev. Eugene F. Crommett of Hallowell.

Journal of May 13 read and approved.

### Papers from the House

"Resolve in Favor of Elizabeth J. Stevens, of Augusta." (S. P. 257) (L. D. 686)

In Senate on May 10, resolve substituted for Committee Report and passed to be engrossed.

Comes from the House, Committee Report Leave to Withdraw, from the Committee on Retirements and Pensions, read and accepted in non-concurrence.

In the Senate, on motion by Mr. Reid of Kennebec, that Body voted to insist on its former action and ask for a Committee of Conference.

Sent down for concurrence.

"Resolve in Favor of Wyman and Simpson, Inc., of Augusta." (S. P. 203) (L. D. 497)

In Senate on May 11, resolve and reports of Committee on Claims indefinitely postponed.

Comes from the House, Majority Report Ought to pass as Amended by Committee Amendment A (Filing No. 536) read and accepted and resolve passed to be engrossed as amended, in non-concurrence.

In the Senate:

Mr. LOW: Mr. President, I move that the Senate insist.

Mr. SILSBY of Hancock: Mr. President, I move that the Senate recede and concur.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the Senate recede and concur.

A division of the Senate was had. Ten having voted in the affirmative and fifteen opposed, the motion did not prevail.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Knox, Senator Low, that the Senate insist.

The motion to insist prevailed.

Sent down for concurrence.

Bill, "An Act to Create the Department of Development of Industry and Commerce." (H. P. 1196) (L. D. 1465)

In Senate on May 10, passed to be engrossed as amended by Senate Amendments A and B (L. D. 1536).

Comes from the House, passed to be engrossed as amended by Senate Amendment A as amended by House Amendment A (Filing No. 521) thereto, in concurrence.

In the Senate, on motion by Mr. Reid of Kennebec, tabled pending consideration; and especially assigned under Orders of the Day, to-day.

Bill "An Act Regulating the Solicitation and Collection of Funds for Charitable Purposes." (H. P. 111) (L. D. 119)

In House, bill substituted for Ought not to pass report from the Committee on Legal Affairs, and passed to be engrossed as amended by House Amendment B (Filing No. 383).

In Senate on May 12, Ought not to pass Committee Report read and accepted in non-concurrence.

Comes from the House, insisted, and asked for a Committee of Conference.

In the Senate, on motion by Mr. Woodcock of Penobscot, that Body voted to insist on its former action and join with the House in a Committee of Conference.

The President appointed as Senate conferees on said Committee, Senators: Woodcock of Penobscot, Martin of Kennebec and Lessard of Androscoggin.

"Resolve Regulating Fishing in All River Tributaries at Sebago Lake." (H. P. 743) (L. D. 824)

In Senate on April 8, passed to be engrossed in concurrence.

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Weeks of Cumberland, tabled pending consideration.

### Joint Orders

ORDERED, the Senate concurring, that the Committee on Appropriations and Financial Affairs of the Ninety-seventh Legislature be commended for their long hours of labor, their skill in handling a tough

assignment and their ability to bring before us a balanced budget, and

**BE IT FURTHER ORDERED**, that an attached copy of this Order be presented to each member of the Committee. (H. P. 1255)

Which was read and passed in concurrence.

**ORDERED**, the Senate concurring, that the Legislative Research Committee be, and hereby is, requested to study labor relations in the State of Maine to determine if a need exists for, or it is desirable to have, a labor relations law in Maine; and

**BE IT FURTHER ORDERED**, that the Committee report to the next Legislature the result of its study, with such recommendations as it may deem appropriate. (H. P. 1256)

On motion by Mr. Low of Knox, tabled pending passage.

**Report of Joint Select Committee  
To Study Gift of Marine Hospital by  
Federal Government**

The Joint Select Committee of the Legislature appointed by the two branches to study the acceptance of the Marine Hospital at Portland from the Federal Government makes the following report:

The Committee visited the premises at Portland and inspected the physical property involved. Conclusions of the Committee were to the effect that the location was ideal for many purposes but that unless some restricted use for the property was made which did not include any expansion, the property would not be suitable. Furthermore the hospital building itself would need extensive repairs or remodelling.

The Committee conferred with the Department of Education, the Department of Institutional Service, and the Department of Health and Welfare as to a possible use of the property. Apparently the Commissioner of Institutions and the Commissioner of Education did not have recommendations for the use of the property that would benefit the people of Maine. Dr. Dean Fisher, Commissioner of Health and Welfare, did propose a new service that could be of value to the State. This recommendation was to use the property on both an in-patient and out-

patient basis for the care, and particularly for the rehabilitation, of all types of chronically ill patients including selected alcoholics, the tuberculosis patient who may no longer need specialized tuberculosis care, the arthritic, the orthopedically deformed, the paraplegics, etc. Considerable numbers of people in these categories are now being inadequately cared for at home or in nursing homes or are receiving extremely expensive general hospital care; many of them are welfare recipients. Dr. Fisher also states that the most obvious disadvantage of establishing this type of service is a financial one, but on a long term basis the expenditure might be recovered for many of these individuals have a considerable rehabilitation potential, either in terms of return to employment or diminished need for personal services.

The Committee after considering this proposal came to the following conclusions:

1. It does not appear advisable to initiate a new service for rehabilitation at this time.

2. The property is not entirely suitable without spending a considerable amount in remodelling the reconstruction.

3. The per capita cost of maintenance is very apt to be high.

4. Funds from general revenue sources are not available at the present time for carrying out such a program.

For these reasons, the Committee does not recommend the acceptance of this property.

(Signed) Samuel W. Collins, Hazel C. Lord, Wilmot S. Dow, Charles F. Cummings—Senators. Leslie E. Jacobs, Lucia M. Cormier, Louis F. Finemore, Earl V. Bibber—Representatives.

Which report was read and accepted in concurrence.

**House Committee Reports  
Ought Not to Pass**

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of Rockland Armory Project." (H. P. 289) (L. D. 302) reported that the same Ought not to pass.

The Committee on Labor on Bill, "An Act Relating to a State Labor

Relations Law." (H. P. 625) (L. D. 630) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

**Majority—Ought Not to Pass  
Minority—Ought to Pass—New Draft  
New Title**

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Creating Hospital Service for the Indigent." (H. P. 1093) (L. D. 1276) reported that the same Ought not to pass.

(Signed)

Senator:

SINCLAIR of Somerset  
Representatives:

EDWARDS of Raymond  
STANLEY of Bangor  
BEAN of Winterport  
JACOBS of Auburn  
HENRY of North Yarmouth

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass in new draft (H. P. 1243) (L. D. 1535), New Title: "An Act Relieving the Burden of Indigent Costs Now Assessed to Paying Hospital Patients."

(Signed)

Senators:

COLLINS of Aroostook  
CHAPMAN of Cumberland

Representatives:

CATES of East Machias  
ROGERSON of Houlton

Comes from the House, Minority Report accepted, subsequently New Draft indefinitely postponed.

In the Senate, on motion by Mr. Low of Knox, tabled pending acceptance of either report.

**Senate Report  
Ought to Pass—as Amended**

Mr. Collins from the Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to an Expense Account for Governor-Elect." (S. P. 145) (L. D. 339) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted and the bill read once.

Committee Amendment A to L. D. 339. "Amend said bill by striking out in the 5th and 7th lines from the end thereof, the underlined figure

\$3,000 and inserting in place thereof the underlined figure **\$1500.**"

Which amendment was adopted and under suspension of the rules, the bill was 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 and resolves:

Bill, "An Act Relating to Descent of Real Estate in Divorce Cases." (S. P. 38) (L. D. 27)

Bill, "An Act Relating to Motor Vehicle Inspections." (S. P. 235) (L. D. 571)

Bill, "An Act Relating to Size of Fish and Number and Weight of Catch." (S. P. 550) (L. D. 1488)

Bill, "An Act to Revise the Laws Relating to Savings Banks." (S. P. 552) (L. D. 1501)

Bill, "An Act Relating to Airport Construction Fund." (H. P. 330) (L. D. 371)

Bill, "An Act Relating to Compensation Benefits Under Workmen's Compensation Law." (H. P. 670) (L. D. 746)

Bill, "An Act Relating to Real Estate of the Bath Water District." (H. P. 921) (L. D. 1029)

Bill, "An Act Increasing Salaries of County Attorneys of Cumberland County and Franklin County." (H. P. 945) (L. D. 1048)

(On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.)

Bill, "An Act Relating to State Sealer of Weights and Measures." (H. P. 1120) (L. D. 1318)

Bill, "An Act Providing for a Bounty on Porcupines." (H. P. 1153) (L. D. 1376)

(On motion by Mr. Martin of Kennebec, tabled pending passage to be enacted.)

"Resolve Providing for a Recess Committee to Study School Finance and Needs in the State." (S. P. 317) (L. D. 886)

(On motion by Mr. Low of Knox, tabled pending final passage.)

"Resolve Providing for Refund for Tobacco Tax Stamps." (S. P. 565) (L. D. 1520)

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

"Resolve Appropriating Moneys for Construction and Repairs at the Maine Vocational-Technical Institute." (H. P. 732) (L. D. 814)

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

"Resolve Appropriating Monies for the Purchase of 'Voter's Manual.'" (H. P. 733) (L. D. 815)

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

"Resolve in Favor of Knox Memorial Association, Inc., for Support and Maintenance of 'Montpelier.'" (H. P. 954) (L. D. 1057)

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

#### Constitutional Amendment

"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) (L. D. 852)

(On motion by Mr. Reid of Kennebec, tabled pending final passage.)

#### Emergency

Bill, "An Act Amending the Charter of the Gardiner Water District." (S. P. 563) (L. D. 1519)

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.

Out of Order and under suspension of the rules:

#### Communication

State of Maine  
Office of the Governor  
May 16, 1955

To the Hon. President and Speaker of the House of the Ninety-seventh Legislature  
Gentlemen:

In these closing days of the legislative session, you and I are concerned with fitting appropriations measures into the pattern of anticipated revenues. As is usually the case, it is easier to find ways to

spend money than it is to enact tax measures to provide it. As worthwhile appropriations measures pile up, there is an impulse to measure anticipated revenues optimistically. To yield to this impulse arbitrarily is dangerous and can lead to fiscal irresponsibility.

It is important, therefore, that, in estimating revenues, we rely upon the best advice available to us. In order that we might have the benefit of such advice, I have requested the Finance Commissioner and Budget Officer to give me his best educated guess, based upon past experience, and taking into account economic trends, as to the highest practical estimate of general fund revenues available for appropriations in the next biennium. His reply relates to current tax sources, the tax measures included in L. D. 1512, the so-called supplemental appropriations bill which you have sent to my desk, tax on telephone companies and breakage affecting Harness Horse Racing. His estimates for the next two fiscal years are as follows:

1955-56	\$37,321,003.00
1956-57	\$37,268,458.00
Total	\$74,589,461.00

These revenue estimates are sufficient to support the basic appropriations bill and the supplemental appropriations bill, leaving a balance of \$67,326.00 in the first year and a deficit in the second year of \$57,939.00, or a net balance for the biennium of \$9,387.00.

This balance obviously would not begin to support additional appropriations measures which you are considering and which ought to be supported. As an example, I list the following:

1. Industrial development	\$100,000.00
2. Provide 100% educational subsidies under the proposed new formula	296,000.00
3. Vocational rehabilitation	79,000.00
4. Centralized planning of capital construction	48,000.00
5. Salary adjustments for State Department Heads, Court Reporters and Jus-	

tices of the Supreme Judicial and Superior Courts 65,000.00

There are many others.

You are aware of my criticism of the supplemental appropriations bill and the tax measures attached. I am convinced that it does not meet minimum needs and that the tax program is narrow and inequitable. Nevertheless, it is not my purpose to press these points at this time.

However, at the time you finally enacted the supplemental appropriations bill, you did not have the benefit of the above revenue estimates. Many of you understood that there would be sufficient revenues to support some of the additional appropriations measures to which I have referred. Now that we have all the facts, it seems only fair that you should have an opportunity to review and reconsider the tax measures attached to the supplemental appropriations bill in order that you may provide additional revenues, if that is your wish.

A veto would not provide such an opportunity. Your only choice, in such an event, would be to support or override the veto. You would not have an opportunity to amend the bill.

In order to give you the opportunity which I think you ought to have, I recommend that, for the purpose indicated, you recall H. P. 1229, L. D. 1512, An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the fiscal years ending June 30, 1956 and June 30, 1957, and to provide additional Revenue to General Fund. Such action, to be effective, must be taken today. Otherwise, unless the bill is vetoed, it will become law at midnight tonight, with or without my signature.

Respectfully submitted,

EDMUND S. MUSKIE

On motion by Mr. Boucher of Androscoggin, the Communication was received and placed on file.

On motion by Mr. Reid of Kennebec,

Recessed for fifteen minutes.

### After Recess

The Senate was called to order by the President.

Mr. Boucher of Androscoggin presented the following Order and moved its passage.

ORDERED, the House concurring, that bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956 and June 30, 1957, and to provide Additional Revenue to General Fund" (H. P. 1229) (L. D. 1512) be recalled from the Office of the Governor to the Senate.

Mr. REID of Kennebec: Mr. President, when the vote is taken I move that it be taken by a division.

Mr. BOUCHER of Androscoggin: Mr. President, I ask for a roll call.

The PRESIDENT: To order the Yeas and Nays requires the affirmative vote of one-fifth of the members present. Is the Senate ready for the question?

A division of the Senate was had.

The PRESIDENT: There being thirty members present in the Senate, five members having voted in the affirmative and six being required for a one-fifth vote, the Yeas and Nays are not ordered.

The question before the Senate is now on the motion of the Senator from Androscoggin, Senator Boucher, that the Order receive a passage, and the Senator from Kennebec, Senator Reid has requested a division.

A division of the Senate was had.

Five having voted in the affirmative and twenty-five opposed, the order did not receive a passage.

The President laid before the Senate, the first tabled and especially assigned matter being, bill "An Act to Create the Department of Development of Industry and Commerce." (H. P. 1196) (L. D. 1465) tabled earlier in today's session by the Senator from Kennebec, Senator Reid, pending consideration; and on further motion by the same Senator, the Senate voted to recede and concur.

### Orders of the Day

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table "Resolve Regulating Fishing in All River Tributaries at Sebago Lake" (H. P. 743) (L. D. 824) tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator, the Resolve was indefinitely postponed in concurrence.

On motion by Mr. Lessard of Androscoggin, the Senate voted to reconsider its action taken earlier today whereby the Senate voted to insist on its former action whereby it indefinitely postponed "Resolve in Favor of Wyman and Simpson, Inc., of Augusta." (S. P. 203) (L. D. 497)

On motion by Mr. Reid of Kennebec, the resolve was laid upon the table pending consideration.

On motion by Mr. Cummings of Sagadahoc, the Senate voted to take from the table bill "An Act Relating to Legal Investments of a Town's Sinking Fund." (H. P. 178) (L. D. 185) tabled by that Senator on May 4 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Cummings of Sagadahoc, the Senate voted to take from the table bill "An Act Relating to Investment of Municipal Trust Funds." (H. P. 408) (L. D. 455) tabled by that Senator on May 4 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table bill, "An Act Relating to Deception as to Retail Prices of Motor Fuel." (H. P. 1219) (L. D. 1495) tabled by that Senator on May 13 pending motion by Senator Butler of Franklin, that the bill be indefinitely postponed.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I can appreciate the remarks that were extended by the Senator from Franklin, Senator Butler, last week on this act relating to deception as to retail price of motor fuel.

Now in our Committee on Business Legislation we had several bills, some of them very extensive and complicated bills, attempting to solve some of the problems which our gasoline dealers run up against in their everyday operations. We reported out unfavorably these large and complicated bills and did report out favorably one simple matter, the purpose of which would be to eliminate the so called circus signs that are displayed at automobile gasoline filling stations. We did feel in committee that many of the so-called abuses in the gasoline industry cannot solely be laid or probably in no way can be laid upon the small dealer. It would appear that the dealer has no choice other than to take the price which he is told by the industry which he must post on his pumps or on his premises.

Earlier in the session I had suggested not formally but informally that possibly the petroleum industry could stand some scrutiny to see why we had this wide discrepancy in gasoline prices in various areas of the state. One would think at first blush that this type of legislation might be placing a restriction upon the free enterprise of our gasoline dealers. I do not feel it is, because the so-called gas wars develop because of subsidies on the part of the major oil companies.

Now as to the suggested unconstitutionality of this particular bill, I can only report that the exact phraseology of this proposed law now exists in the Massachusetts statutes and the Supreme Court of Massachusetts has held this proposed law to be constitutional. There have been five or six other states which have declared similar legislation unconstitutional but the phraseology undoubtedly was not exactly the same so it is very difficult to tell actually as to whether or not our court would say that this particular law is unconstitutional or not. But inasmuch as we do have our sister state, the Commonwealth of Massachusetts and its Supreme Court saying it is constitutional—and its Supreme Court is well-respected in all legal circles and throughout the nation as being a Supreme Court of extreme legal ability—I certainly would be willing to support this legislation and vote



against the motion of the Senator from Franklin, Senator Butler, for indefinite postponement.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the bill be indefinitely postponed.

The Chair recognizes the Senator from Franklin, Senator Butler.

Mr. BUTLER of Franklin: Mr. President and Members of the Senate: Insofar as the legality is concerned, I simply threw that in as a thought. I query whether just because another state has said a particular thing is legal or is not legal has any rhyme, reason, sense or justification on whether we have got to follow suit. Is it good business on our part? That is what I am fundamentally interested in. Frankly I do not think that going into this particular phase of legislation is a good thing for the State, and on that account I make the motion for indefinite postponement.

Mr. BOYKER of Oxford: Mr. President and Members of the Senate: I have always voted, not only in this legislature but in previous legislatures against restriction, restriction, restriction, and I am going to so vote on the motion of the Senator from Franklin, Senator Butler.

Mr. CUMMINGS of Sagadahoc: Mr. President, I wish to state for the record the position of the Committee on Business Legislation on this particular matter.

The committee gave a great deal of time this winter to the question or prices of gasoline at the retail level in the State of Maine. We had many bills before us and we were forced to delete the greater portion of the bills. However, we did feel that the elimination of circus signs in front of gasoline stations would perhaps clarify a rather bad situation within the state. We felt that the public interest would be served because we felt that the price of gasoline would not be affected. To corroborate that: I had the experience last week of purchasing gasoline which sells in the City of Bath for 29.9 and I was able to buy the identical gasoline in Massachusetts where there are no circus signs permitted for the price of 21.9 or a difference of eight cents a gallon.

Incidentally, that might be a good argument for increasing the gas tax for the sake of building highways within the state, the eight-cent differential.

But to get back to this particular point, I feel that the retail gasoline dealers are having a real problem to exist under the present set-up. I feel that circus signs in retail gasoline stations are no small cause for the chaos that does exist in the retail gasoline business. The committee, after studying all the bills that we had before us this winter, finally came down to this final bill which we did feel might improve the present situation and not in any way hurt the public welfare, so, with that feeling in mind, we felt it would be well at least to try for two years the elimination of circus signs in the hope that it might improve the retail gasoline dealer's plight. For that reason, speaking for the committee, I hope that the motion to indefinitely postpone does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the bill be indefinitely postponed.

As many as are in favor of the motion of the Senator from Franklin, Senator Butler, that the bill be indefinitely postponed will say aye, those opposed no.

A viva voce vote being doubted, a division was had.

Nine having voted in the affirmative and twenty in the negative the motion to indefinitely postpone did not prevail.

Thereupon the bill was passed to be enacted.

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The PRESIDENT: The Chair at this time will name the Senate conferees on S. P. 257, L. D. 686, "Resolve in Favor of Elizabeth J. Stevens, of Augusta".

Mr. Butler of Franklin, Mr. Dunham of Hancock, Mr. Reid of Kennebec.

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On motion by Mr. Martin of Kennebec, the Senate voted to take from the table H. P. 1158, L. D. 1376, Bill, "An Act Providing for a Bounty on Porcupine," tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. MARTIN of Augusta: Mr. President, I move that the bill be passed to be enacted.

Mr. COLLINS of Aroostook: Mr. President, this is one of those bills the funds for which are supposed to come from the dog tax and I am a little concerned about that dog tax, so at the present time I would move that the bill be tabled pending passage to be enacted.

The PRESIDENT: The Senator from Aroostook, Senator Collins, moves that the bill be tabled pending passage to be enacted. Is this the pleasure of the Senate?

The motion prevailed and the bill was so tabled.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table the 41st tabled and un-

assigned matter (H. P. 129) (L. D. 132), Bill, "An Act Relating to Operation of Motor Vehicles to Inspection Stations for Inspection," tabled by that Senator on May 13th pending the motion of the Senator from Waldo, Senator Cole, for indefinite postponement.

Mr. SILSBY: Mr. President, I move the pending question.

Thereupon on motion by the Senator from Waldo, Senator Cole, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec,

Adjourned until 9:00 A.M. EST tomorrow.