

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*Ninety-Eighth Legislature*

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Tuesday, March 19, 1957

Senate called to order by the President.

Prayer by Rev. Ralph W. Peterson of Augusta.

On motion by Mr. Bailey of Sagadahoc,

Journal of Thursday, March 15, read and approved.

**House Papers**

Bill, "An Act Creating the State Institutional Emergency Fund and the Personal Services Reserve Account." (H. P. 871) (L. D. 1239)

Bill, "An Act Relating to Program in Maintenance and Operation of Heavy Duty Equipment at Maine Vocational Technical Institute." (H. P. 872) (L. D. 1240)

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

Bill, "An Act Relating to Counter-signature on Insurance Policies by Resident Agents." (H. P. 873) (L. D. 1241)

Which was referred to the Committee on Business Legislation in concurrence.

Bill, "An Act Relating to Use of Decoys and Blinds in Merrymeeting Bay." (H. P. 874) (L. D. 1242)

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

Bill, "An Act Relating to Appeals from Decisions of Municipal Planning and Zoning Boards." (H. P. 875) (L. D. 1243)

Bill, "An Act Relating to Warrants on Sales and Use Tax Assessments." (H. P. 876) (L. D. 1244)

Which were referred to the Committee on Judiciary in concurrence.

Bill, "An Act Relating to Disqualification of Benefits Under Employment Security Law." (H. P. 877) (L. D. 1245)

Bill, "An Act Relating to Weekly Benefits for Total Unemployment Security Law." (H. P. 878) (L. D. 1246)

Bill, "An Act Establishing Minimum Wages for Employees." (H. P. 879) (L. D. 1247)

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

Bill, "An Act Amending the Charter of the City of Brewer." (H. P. 880) (L. D. 1248)

Which was referred to the Committee on Legal Affairs in concurrence.

Bill, "An Act Relating to Term of Office of Department Heads Appointed by Governor with Consent of the Senate." (H. P. 881) (L. D. 1249)

Which was referred to the Committee on State Government in concurrence.

Joint Resolution Memorializing Congress to Propose an Amendment to the United States Constitution Relative to Taxes on Incomes, Inheritances and Gifts." (H. P. 882) (L. D. 1250)

Bill, "An Act Relating to Registration Fees for Motor Buses Used for Transportation of Passengers for Hire." (H. P. 883) (L. D. 1251)

Bill, "An Act Relating to Exemptions from Excise Tax of Motor Buses Used for Transportation of Passengers for Hire." (H. P. 884) (L. D. 1252)

Bill, "An Act Relating to Time for Requesting Tax Exemptions by Veterans' Widows." (H. P. 885) (L. D. 1253)

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

Bill, "An Act increasing Salary of Clerk of Courts of Penobscot County." (H. P. 886) (L. D. 1254)

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

Bill, "An Act Abolishing Tribal Committee of Penobscot Indians and Transferring Duties to Governor and Council." (H. P. 887) (L. D. 1255)

Bill, "An Act Permitting Caucus for Penobscot Indians." (H. P. 888) (L. D. 1256)

Bill, "An Act Permitting Trust Funds of Penobscot Indians to be Used to Defend Indian Rights." (H. P. 889) (L. D. 1257)

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

---

**House Reports**  
**Ought Not to Pass**

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Stocking Certain Waters with Brown Trout." (H. P. 462) (L. D. 655) reported that the same Ought not to pass

The Committee on Retirements and Pensions on "Resolve Providing for a State Pension for Gladys Dutton of Gardiner." (H. P. 434) (L. D. 610) reported that the same Ought not to pass

The same Committee on "Resolve Providing for State Pension for Josephine DeLaite of Verona." (H. P. 436) (L. D. 612) reported that the same Ought not to pass

The same Committee on "Resolve Providing for State Pension for Charles A. Anderson of Bucksport." (H. P. 437) (L. D. 613) reported that the same Ought not to pass.

---

The same Committee on "Resolve Providing for an Increase in State Pension for Hilda Ambrose of Marsardis." (H. P. 438) (L. D. 614) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for a State Pension for Gertrude Craig of Mt. Vernon" (H. P. 440) (L. D. 616) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

---

**Ought to Pass**

The Committee on Judiciary on Bill, "An Act Relating to Unlawful Injuring or Tampering with Aircraft." (H. P. 216) (L. D. 300) reported that the same Ought to pass.

---

The same Committee on Bill, "An Act Relating to Payments to Piscataquis County Law Library." (H. P. 416) (L. D. 593) reported that the same Ought to pass.

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

**Ought to Pass — N.D. — New Title**

The Committee on Judiciary on Bill, "An Act Relating to Qualifications of Judge and Duties of Recorder of Brunswick Municipal Court." (H. P. 131) (L. D. 169) reported that same in New Draft (H. P. 890) (L. D. 1230) and Under New Title: "An Act Relating to Qualifications of Judge of Brunswick Municipal Court." and that it Ought to pass.

Which report was read and accepted in concurrence, the bill in New Draft and Under New Title read once and tomorrow assigned for second reading.

---

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Funds for the Promotion of Maine." (H. P. 652) (L. D. 933) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 95)

Which report was read and accepted in concurrence, and the bill read once. Committee Amendment A was read and adopted in concurrence, and on motion by Mr. Lowe of Knox, the rules were suspended, the bill read a second time and passed to be engrossed in concurrence.

---

The PRESIDENT: If there is no objection, the Chair will explain off the record, the various Senate Procedures to the group of students from the C. K. Burns School in Saco who are here today with Mr. Robbins and Mr. Gibbs. We welcome you to our session and I will explain that the Senate has just given me permission to briefly describe what we are doing as we go along on our Senate calendar today. We appreciate your visit with us and we hope you have a fine day. Everyone of us will dedicate his day to making your visit productive and enjoyable.

---

**Senate Papers**

The following bills were transmitted by the Director of Legislative Research, pursuant to Joint Order (H. P. 43)

**Judiciary**

Mr. Charles of Cumberland presented

Bill, "An Act Amending the Civilian Defense Law." (S. P. 453)

"Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Industrial Purposes" (S. P. 460)

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

Sent down for concurrence.

#### Legal Affairs

Mr. Ferguson of Oxford presented Bill, "An Act Revising Statutes Relating to Licensing of Electricians." (S. P. 454)

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

Sent down for concurrence.

#### Public Health

The same Senator presented Bill, "An Act Relating to Registration of Nurses." (S. P. 455)

Which was referred to the Committee on Public Health and ordered printed.

Sent down for concurrence.

#### Retirements and Pensions

Mr. Wyman of Washington presented

Bill, "An Act Relating to Service Retirement Credits for Teachers Employed by Veterans Administration." (S. P. 456)

Which was referred to the Committee on Retirements and Pensions, and ordered printed.

Sent down for concurrence.

#### State Government

The same Senator presented Bill, "An Act Relating to Powers and Duties of State Board of Barbers and Hairdressers." (S. P. 457)

Which was referred to the Committee on State Government and ordered printed.

Sent down for concurrence.

#### Taxation

Mr. Curtis of Cumberland presented

Bill, "An Act Exempting Commercial Aircraft Engaged in Geologic Exploration from Excise Taxes." (S. P. 458)

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

Sent down for concurrence.

#### Order

##### Joint Order

Mr. Low of Knox presented the following order:

ORDERED, the House concurring that no bills or resolves shall be transmitted by the Director of Legislative Research pursuant to Joint Order H. P. 43, after 1:00 p.m. Thursday, March 28, 1957. (S. P. 461)

Which was read and passed.

Sent down for concurrence.

#### Senate Committee Reports

##### Leave to Withdraw

Mr. Butler from the Committee on Judiciary on Bill, "An Act Repealing Certain Laws Relating to Foreign Banking Corporations and Loan and Building Associations." (S. P. 52) (L. D. 111) reported that the same be granted Leave to withdraw.

Which report was read and accepted.

Sent down for concurrence.

##### Ought Not to Pass

Mr. Fournier from the Committee on Claims on "Resolve in Favor of Ray Campbell of Phippsburg." (S. P. 407) (L. D. 1140) reported that the same Ought not to pass.

(On motion by Mr. Bailey of Sagadahoc, tabled pending consideration of the ought not to pass report.)

Mr. Ferguson from the Committee on Highways on Bill, "An Act Authorizing County Commissioners to Act as Advisory Boards to the State Highway Commission." (S. P. 279) (L. D. 738) reported that the same Ought not to pass.

Which reports were read and accepted.

Sent down for concurrence.

##### Ought to Pass

Mr. Pike from the Committee on State Government on Bill, "An Act Repealing the Merit Award Board." (S. P. 24) (L. D. 15) reported that the same Ought to pass

Mr. Rogerson from the same committee on Bill, "An Act Relating to Appointment of Institutional Heads

in Department of Institutional Services." (S. P. 186) (L. D. 465) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Relating to the Appointment of a Temporary Deputy Commissioner." (S. P. 375) (L. D. 998) reported that the same Ought to pass

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

#### Ought to Pass—N.D.

Mr. Silsby from the Committee on Claims on "Resolve to Reimburse Town of Whiting, Washington County." (S. P. 295) (L. D. 792) reported same in New Draft (S. P. 459) under same title, and that it Ought to pass

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

#### Ought to Pass—as amended

The same Senator from the same Committee on "Resolve Reimbursing Knox County General Hospital for Certain Aid." (S. P. 339) (L. D. 917) reported that the same Ought to pass as amended by Committee Amendment A

Mr. Hillman from the same Committee on "Resolve Reimbursing Knox County for Certain Court Expenses." (S. P. 338) (L. D. 918) reported that the same Ought to pass as amended by Committee Amendment A

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

#### Second Readers

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

Bill, "An Act Authorizing County of Somerset and Bingham Water District to Enter into Contract for Fire Protection in Concord Township." (H. P. 55) (L. D. 69)

Bill, "An Act to Incorporate the 'Able Loan Co.'" (H. P. 459) (L. D. 652)

Bill, "An Act Relating to Giving Notice Under Sales and Use Tax Law." (H. P. 487) (L. D. 680)

Bill, "An Act Relating to Deficiency Assessments Under the Sales and Use Tax Law." (H. P. 488) (L. D. 681)

Bill, "An Act Relating to Penalties and Evidence Under Law Regulating Operation of Motor Vehicles for Profit." (H. P. 511) (L. D. 721)

Bill, "An Act Increasing Insured Perils Underwritten by Union Farmers' Mutual Fire Insurance Company." (H. P. 564) (L. D. 874)

Bill, "An Act Relating to Source of Supply of the Brewer Water District." (H. P. 568) (L. D. 878)

Bill, "An Act Relating to Operating Motor Vehicles for Carrying Passengers for Hire." (H. P. 867) (L. D. 1204)

Bill, "An Act Relating to Expense of Care of Neglected Children." (H. P. 870) (L. D. 1205)

Bill, "An Act Creating the Limestone Water and Sewer District." (H. P. 868) (L. D. 1206)

Bill, "An Act Relating to the Measuring of Herring." (H. P. 869) (L. D. 1207)

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

#### House — as amended

Bill, "An Act to Amend the Charter of the Town of Mount Desert to Give the Selectmen Authority to Make Ordinances." (H. P. 23) (L. D. 28)

Bill, "An Act Increasing Indebtedness of Gardiner School District." (H. P. 335) (L. D. 420)

Bill, "An Act to Repeal Incorporation of Bridgton Centre Village Corporation and Incorporating Bridgton Water District." (H. P. 324) (L. D. 441)

Bill, "An Act in Relation to the Paris Village Corporation and Establishing a Municipal Water System for said Corporation." (H. P. 325) (L. D. 442)

Bill, "An Act Relating to Number of Councillors and Members of Superintending School Committee in Town of Fort Fairfield" (H. P. 473) (L. D. 666)

Bill, "An Act Relating to the Board of Harbor Commissioners for the Harbor of Portland and its Powers." (H. P. 474) (L. D. 667)

Bill, "An Act Amending the Charter of Baileyville School District." (H. P. 477) (L. D. 669)

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

#### Senate

Bill, "An Act Relating to Purposes of Knox County Libraries in Aroostook County." (S. P. 227) (L. D. 570)

Bill, "An Act Relating to the Duties of the Commissioner of Agriculture Re Sardine Canning Inspection Law and Standards of Contents of Cans." (S. P. 263) (L. D. 702)

Bill, "An Act Relating to Purposes of Knox County General Hospital." (S. P. 346) (L. D. 926)

"Resolve Opening Pineo Pond, Town of Deblois, Washington County to Fly Fishing Only." (S. P. 298) (L. D. 795)

(On motion by Mr. Carpenter of Somerset, tabled pending passage to be engrossed.)

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

Sent down for concurrence.

#### Senate — as amended

Bill, "An Act Relating to Service Retirement under State Retirement System." (S. P. 184) (L. D. 463)

Bill, "An Act Repealing Certain Game Preserves and Sanctuaries." (S. P. 195) (L. D. 540)

Bill, "An Act Relating to Membership in Maine State Retirement System of Maine National Guard Employees." (S. P. 286) (L. D. 745)

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

Sent down for concurrence.

#### Orders of the Day

On motion by Mr. Wyman of Washington, the Senate voted to reconsider its action taken earlier today whereby it passed to be engrossed, Bill, "An Act Relating to the Measuring of Herring." (H. P. 869) (L. D. 1207); and on further motion by the same Senator, the Bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table Bill, "An Act to Create the Bangor Water District," (H. P. 54) (L. D. 70) tabled by that Senator on March 14 pending passage to be enacted.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: I wish to address myself briefly to this question this morning. I know that many of you here probably question my judgment on these matters, but few of you, I believe, question my sincerity to make as much progress in this problem as is consistent with objective purposes all around.

This bill which I tabled Friday came about from my position that it is now a great shame that this burden of cost should be placed upon the citizens of Bangor. I know you have heard a great deal in recent sessions about the costs of improving the deplorable condition of our State's public waters. Short shrift is, however, given to costs other than those of pollution abatement, such costs as are related to this act.

It is submitted, as you know, that the citizens of Bangor will appropriate some five millions, estimated, in order to clear out of the Penobscot River, thereby giving it up almost entirely to the industries which are largely responsible for its contamination.

I have given quite a bit of study through the years to the question of water rights. Water being one of our most vital natural resources, this is, as you can understand, a question which has arisen in state after state in our United States right down through the years, and in every one of these cases it has been my finding that the prior and first consideration of water use rights, the legal use of water, has been that which was used for municipal water purposes.

I would like to cite for you a recent Arkansas Supreme Court ruling water rights. The opinion states in part: "When one lawful use of water is destroyed by another lawful use the latter must yield, or it may be enjoined."

The opinion holds further that: "Other than use of water for strict-

ly domestic purposes (which is held superior to other uses) all other lawful uses of water are equal. Some of the lawful uses of water in this state are: fishing, swimming, recreation, industry and irrigation."

I know there has been a lot of causes of contamination of the Penobscot, and I would like to state that the vast majority of that contamination results from the poor housekeeping and poor sanitary waste treatment methods of the industries above this great city.

I would like to read from a recent article in the Bangor Daily News. I am quoting Donald Johnson, who is the superintendent of the water works there. Johnson said: "Chemical wastes in the river from industrial plants in the northern part of the state have produced a dangerous situation." "Furthermore, he said, with large scale expansions planned by several industrial plants to the north, the situation will grow steadily worse."

"Sewage, one of the most common objections to the Penobscot as a source of water, is really no problem," Johnson said. "But the steadily growing presence of chemical wastes in the river presents an almost impossible problem.

I have received an unsolicited letter from a citizen of Bangor, a medical doctor as it happens. I quote:

"We agree with the comments of our local resident, who said: "The Penobscot river is too thick to drink and too thin to plow".

"We have found that by beating it with an egg beater and straining the water that we can remove a good portion of the debris. That makes it almost fit enough to serve to a dog.

Yours very truly,

(Signed)

JOHN F. RADEBAUGH, JR.  
M.D."

It is a most intolerable shame, I think, that the responsibility of water cannot be more equally borne by all of the persons on the various rivers using the water. I want to point out to the members of the Senate that these costs are not being fairly and equally shared. The citi-

zens of Bangor need a municipal sewage treatment plan. No one questions, I believe, that the portion of the municipal waste which is flowing, a good part of it, through the beautiful city, right through the city limits, is something that should be corrected at the earliest possible date.

Now they will be told they cannot afford municipal waste treatment. If they cannot, how can they afford this five million dollars to get out of the Penobscot and give it up to industry. There is no question, I think, but what had this problem of municipal waste treatment been faced squarely a number of years ago that the more equal use of water and the more equal share of the costs of the proper use of this most vital natural resource would be borne more proportionately today.

Several thousand years ago a man named Solomon, reputed to have profound wisdom, built a temple to exalt his ego. To accomplish this he cut down the cedar forests of Lebanon, and in so doing he set in motion the processes of land erosion that have cursed that land up to the present day. Much of the land has been washed away to bed-rock. Multitudes suffer long after the seekers of glory, pomp and power have returned to dust.

I now move the passage of this bill to enactment.

This being an emergency measure, a division of the Senate was had.

Twenty-eight having voted in the affirmative

The bill was passed to be enacted.

On motion by Mr. Charles of Cumberland, the Senate voted to take from the table bill, "An Act Relating to the Licensing and Distribution of Trading Stamps" (H. P. 831) (L. D. 1187) tabled by that Senator on March 13 pending reference to a committee; and on further motion by the same Senator, the bill was referred to the Committee on Business Legislation in concurrence.

On motion by Mr. Boucher of Androscoggin

Adjourned until tomorrow morning at ten o'clock.