

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 II

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959." (S. P. 598) (L. D. 1603) tabled by that Senator earlier in today's session pending passage to be enacted; and that Senator moved the pending question.

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

Twenty-nine having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for other purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959" (S. P. 591) (L. D. 1594) tabled by that Senator earlier in today's session pending enactment; and that Senator moved the pending question.

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

Thirty having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table Bill, "An Act Relating to Travel by Inspectors of Table Stock Potatoes." (H. P. 497) (L. D. 709) tabled by that Senator on May 24 pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table "Resolve, Providing Funds for the Training of Firemen." (H. P. 636) (L. D. 903) tabled by that Senator earlier in today's session pending final passage; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Sinclair of Somerset, the Senate voted to take

from the table "Resolve, Appropriating Moneys for Construction of Eastport-Perry Causeway" (H. P. 807) (L. D. 1151) tabled by that Senator earlier in today's session pending final passage; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table bill, "An Act Relating to Salaries of County Attorneys and Assistant County Attorneys." (S. P. 572) (L. D. 1575) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the problem of recruiting and retaining employees in the mental institutions of the State with particular emphasis on Pineland Hospital and Training Center.

The Committee is further directed to report its findings to the 99th legislative session or to a Special Session of the 98th legislature if such be called. (H. P. 1109)

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

On motion by Mr. Hurley of Kennebec, the Senate voted to take from the table bill, "An Act Relating to Employment of Certain Persons." (H. P. 782) (L. D. 1115) tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator, the bill was indefinitely postponed in concurrence.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table the first tabled and unassigned matter, (S. P. 580) (L. D. 1581) Constitutional Amendment. Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Industrial Purposes, which was tabled by that Senator on May 28th pending final passage.

Mr. LOW of Knox: Mr. President and members of the Senate: If industrial competition remained

static, we could afford to go on in the old-fashioned way to attract new business to the State of Maine. Unfortunately that is not the case. Our neighboring states are trying every trick in the book; such states as Pennsylvania are offering one hundred per cent financing for new factories for new businesses, and we have got to do something to compete with them if we are to get our share of the new enterprises.

I would like to point out again to the Senate that what we need most in the State of Maine is jobs. We have not got enough jobs to support the taxes which make possible our roads, our institutions, our schools and all the other State functions. We must have more jobs. If we are going to sit by and trust they will somehow come here through wishful thinking, we are going to be left behind.

To do this, I have proposed this amendment to the Constitution which will make possible guaranteed loans for new industries, either those who come to Maine or those which are already in Maine. I know this is a new departure, a new kind of thinking for Maine. It means giving up some of our cherished concepts, it means doing things we have never done before; but we are up against competition we have never had before and we have got to meet it. I believe that the bill which eventually puts this amendment into operation will provide proper safeguards so that the State is not hurt; I believe that we will get the best citizens we have in Maine to administer the law; I think they will make it successful; they will keep us out of trouble; and that such losses as we may take will be kept at a minimum and probably will largely be covered by the insurance fund which undoubtedly will be set up.

I do not doubt for a minute, ladies and gentlemen, that it will go against the grain of many to abandon some of our old, cherished concepts of finance, but I think our great need for jobs justifies the risks which are proposed by this amendment. Therefore, Mr. President, I move enactment of the resolve.

The PRESIDENT: The question before the Senate is on the motion

of the Senator from Knox, Senator Low, that the resolve be finally passed.

Mr. SINCLAIR of Somerset: Mr. President, I tabled this resolve a few days ago because I was somewhat concerned about the pledging of the credit of the State for guaranteed loans for industrial purposes. I do not want to stand in the way of progress in any way, shape or manner. I recognize we have many needs in the State of Maine, industrial and otherwise. However, when we start amending our constitution I think we should think very, very clearly what it is going to do; and I think it would be well for us to be sure or have some degree of surety as to which direction we are going.

I am very much concerned about this particular proposition because I feel there are too many "ifs": If the economy continues, if this particular method of handling industry works out well in other states, if we are getting good industries to come into the State of Maine.

I am very much concerned because I feel that if a good industry, a sound industry, wants to locate in the State of Maine I am sure that money is available, finances are available to make that possible; and if it is not a sound industry I do not think that it is good business to solicit that type of industry just for the sake of having an industry in the State of Maine. It can work just as many hardships as it can values to our citizens.

I feel that because of the fact that there are so many "ifs" in this I am a little concerned as to what is going to happen when we amend our constitution to pledge the credit of the State. I think it deserves very, very serious thought. If this does not work, it means funds taken from our general fund. I am just wondering how far we can go. We have a highway indebtedness of some thirty-five million; we have just passed another twenty-four million dollar bond issue submitted to the people, and there are other bond issues that are in the making. We have a twenty million dollar proposition here, and I think it may be well for us to stop just a little and take stock as to just where we are

going and in what direction. Because there are so many "ifs" to this. I cannot go along with this particular bill, Mr. President, and I move that the bill and accompanying papers be indefinitely postponed.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: We have heard the Pennsylvania laws mentioned and what Pennsylvania is doing. Inquiry into Pennsylvania by our law and reference section of our Maine State Library brings a reply dated October 3, 1956, as to the method of operation of this Pennsylvania law:

"The loan powers of the Pennsylvania Industrial Development Authority as written into law by the General Assembly do not permit the making of loans to private firms. This is in accordance with the State Constitution which prohibits loans to firms operating for profit."

Now when we look at the bill under consideration we find that it states that it is "for the purposes of fostering, encouraging and assisting the physical location, settlement and resettlement" — I call your attention to the word "resettlement" — "of industrial and manufacturing plants." And as we look into the Pennsylvania situation according to their information, "evidence must be provided that the establishment of the industrial project will not cause the removal of an industry or a manufacturing plant or facility from one area of the commonwealth to another."

Now we have seen that under the Pennsylvania law the loans are not made to individuals, they are made to some political division of the Commonwealth of Pennsylvania. We have seen that Pennsylvania does not permit a loan to be made for a resettlement of a manufacturing plant as is proposed in this legislation.

This is really no new venture; it is only new because it is new to us. We do not for a moment need to think that localities prior to this had not thought of the same thing and, on a smaller scale, had asked of this Legislature the right of a town to do such a thing. And the Senate and the Legislature at that time was very much disturbed as to this, and accordingly, as we do now, asked

for opinions of the justices on this type of legislation. And we come up with the good old-fashioned philosophy which thus far has been the backbone of this country and which has been the backbone of this State.

Our Constitution provides that private property shall not be taken without just compensation unless public exigencies require it. If it were proposed to pass an act and substitute the word "towns" for "the State," by vote to transfer the farms, the horses or oxen, or part thereof, from the rightful owner or owners to some manufacturer whom the majority might select, the monstrosity of such proposed legislation would be apparent; but the fact that the property would be taken from one or many and given to another or others would make no difference in the underlying principles. By the Declaration of Rights, all men have certain natural, inherent and inalienable rights, among which are the acquisition and protecting of property.

Now some will say, "Well, this is nothing, we are only loaning a credit that may be repaid." And our forefathers thought of this too, and as to this point the Court replied: "As the bonds of the town should be paid at maturity and the payment must be met by taxation for that purpose, the issuance of the bonds or the raising of the money in the first instance for the objects contemplated presents the same question. To give the power suggested would be to enable the majority, according to their own will and pleasure, to give, lend and invest the capital of others, and, to the extent of the powers exercised, it would be depriving owners of the ability to give, lend or invest their own funds. Let this be done, and the remaining rights of property will hardly be worth preserving. To do this would be to impair or to take away the inherent and inalienable right of acquiring, assessing and protecting property. To deprive men of their property, neither by the judgment of their peers nor by the law of the land, to take private property not for public but for private use without just compensation and to undermine the very foundations upon which all good government rests."

I hope that we can be careful before we seek to alter our course

from the paths which they laid out and which we have followed. I concur in the suggestion of the Senator from Somerset, Senator Sinclair.

Mr. LOW of Knox: Mr. President and members of the Senate: I am sorry to say that I do not have legal training, and I find myself somewhat confused with all the words like "inherent rights" and "peers" and all kinds of things with which the State of Maine seems to be threatened; but I do know this, that in the legislation which was before this legislature, which was a sample of how the Building Authority might well run, it was provided that no loan should be made or guaranteed directly to corporations, but rather that the loans should be made by local, non-profit development corporations, and these would be the loans which would be guaranteed. No individual corporation would get a guarantee of their loan.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: I only call to your attention that "for the purposes of fostering, encouraging and assisting physical location, settlement and resettlement of industrial and manufacturing enterprises, the legislature by proper enactment may insure the payment of first mortgage loans on the real estate within the state on such industrial and manufacturing enterprises." There is nothing in the bill before us, except the words which I have read, as to who should receive these mortgages and loans.

Mr. DOW of Lincoln: Mr. President and members of the Senate: I can only speak to a thing like this in simple terms, but I am concerned about the type of industry that we might attract to our State with this kind of bait. I do not think that Maine would improve itself a great deal by attracting such industries that must, in order to be located somewhere, have a guaranteed loan. I think this is risky business, and in many cases it might mean that the State of Maine could be left holding the bag.

Mr. LESSARD of Androscoggin: Two years ago the Legislature saw fit to create in the State of Maine a new department, known as the Department of Industry and Commerce, and for two years this department has been functioning as a

regular department of our State government. We are appropriating some half a million dollars for the continuance of that department, and they come to us and ask for the tools with which to work, the tools to accomplish those things for which the department was dedicated, and this bill provides for just such tools; and yet there are some of us who say, "No, we do not want to give you those things with which you have to work."

Now if we are going to have a Department of Industry and Commerce, let us give to that department the money that it needs, the wherewithal it needs to accomplish its purpose. It would be rather ironical if we did the same thing with the Department of Agriculture or the State Highway Commission, to create them and then not give any funds to them to operate with.

The good Senator from Somerset, Senator Sinclair, said there were too many "ifs," but I notice in his remarks that he had too many "ifs." He said "if" a good industry could come to Maine, "if" such and such happened. Well, let me say to you, ladies and gentlemen of the Senate, we have had experience in the City of Lewiston: we brought an industry into Lewiston and we built a building for it, and the industrial development body of the City of Lewiston financed the building of that building, and they are a good, sound little industry and we are very happy to have them. I wish we had more of them.

Now if we are going to compete with these other states, such as the southern and midwestern states, who have many more things to offer, including buildings, lower taxes, free taxes, lower power rates, free rent and so forth, we have got to do something to bring them here to Maine. It does not necessarily mean they are bad because they are coming here. We are in competition in industry and we must do something to compete with these other states if we are going to continue to keep the industry we have and continue to get other industries to come here. I say to you: these are facts; we know that we are losing our industries, they have already left our cities and towns, and there are many

more ready to leave. If you do not think so, come down to my county and see what is happening. Or go down to the town of Sanford. I would like to take you down to the southern states sometime with me on a trip down there and go through the valleys down through Georgia and South Carolina and see our good old New England names down there, such as Burlington Mills, Goodall-Sanford, down there, in brand-new buildings which I am sure were built for them to come down there.

We have got to go forward; we cannot continue along with the philosophy of 1878 or 1872, or whatever that date was; we have got to go forward or else we are going to die. Now I hope that the motion of the Senator from Somerset, Senator Sinclair, does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Sinclair, that the bill and accompanying papers be indefinitely postponed.

Mr. SILSBY of Hancock; Mr. President and members of the Senate: This resolve was heard before the Judiciary Committee. I hesitate to take issue between my good friend, the Senator from Knox, Senator Low and the Senator from Franklin, Senator Butler, however I do feel that it is important that I call the attention of you members of the Senate to the fact that this resolve must be approved by the people of this State before it can be of any benefit or before we can draft any bill whereby industry could work under it. I would like to call your attention to Section 14-A, and I quote: "For the purposes of fostering, encouraging and assisting physical location, settlement and resettlement of industrial and manufacturing enterprises within the state."

I am not going to take any issue with my good friend, the Senator from Franklin, Senator Butler, in the matter of his analysis of the constitution, except to say that the Constitution is made for the people and by the people, and I believe that the people of this State can change it at their will.

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Sinclair, that the resolve be indefinitely postponed, and that Senator has asked for a division.

As many as are in favor of the motion of the Senator from Somerset, Senator Sinclair, that the bill and accompanying papers be indefinitely postponed will rise and stand until counted.

A division was had.

The PRESIDENT: Fifteen having voted in the affirmative and fifteen in the negative, the Chair voting in the negative, the motion does not prevail.

Mr. LOW of Knox: Mr. President, I now move that this resolve be finally passed.

The PRESIDENT: Under the Constitution this resolve for its final passage requires the affirmative vote of two-thirds of the Senators here present. As many as are in favor of the final passage of the resolve will rise and stand until counted.

Mr. SILSBY of Hancock: Mr. President, I rise to a matter of inquiry. The Senator from Aroostook, Senator Briggs, requested before he left—and I understand that he had to leave—that I would pair votes with him. It is my understanding that the Senator from Washington, Senator Brown, was also paired, this being a constitutional amendment. I would vote for the enactment and the Senator from Aroostook, Senator Briggs, would vote against the enactment. May I be permitted to pair?

The PRESIDENT: Would the Senator from Washington, Senator Brown, confirm his desire to be excused from voting, having paired with the Senator from Aroostook, Senator Briggs?

Mr. BROWN of Washington: I do, Mr. President.

The PRESIDENT: The Senator from Hancock, Senator Silsby and the Senator from Washington, Senator Brown, request permission to be excused from voting, having indicated that they are paired with the Senator from Aroostook, Senator

Briggs. Do these two Senators have the permission of the Senate?

The Senate has excused the Senator from Hancock, Senator Silsby and the Senator from Washington, Senator Brown, from voting.

Mr. LOW of Knox: Mr. President, the Senator from Aroostook, Senator Rogerson, made a similar request to me. I ask to be excused from voting. I have not at the present time found another who shall be paired with me, and I would suggest, if possible, that one of those who planned to vote yes should join me in pairing with the Senator from Aroostook, Senator Rogerson.

The PRESIDENT: The Senator from Knox, Senator Low, asks to be excused from voting, he having expressed to the Senate that he is paired with the Senator from Aroostook, Senator Rogerson. Is there objection to the Senator from Knox, Senator Low, being excused from voting on this issue? The Chair hears no objection and the Senator from Knox, Senator Low, is excused. Is the Senate ready for the question?

The question before the Senate is on the motion of the Senator from Knox, Senator Low, that the resolve be finally passed. Under the Constitution the final passage of the resolve requires the affirmative vote of two-thirds of the members of the Senate present here tonight.

As many as are in favor of the final passage of the resolve will rise and stand until counted.

A division was had.

Eleven having voted in the affirmative and fifteen in the negative, and eleven being less than two-thirds of the members present, the motion does not prevail.

The PRESIDENT: The Senate is proceeding under Orders of the Day. Unless there is a motion, the Chair would note that several Senators desire unanimous consent to address the Senate, at the top of that list being the Senator from Somerset, Senator Carpenter. The Chair gives unanimous consent to the next six speakers.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: It gives me a great deal of pleasure at this time to present

to our pages, Lois and Ruth, to Miss Gidney and Miss Crawford from Chet's office, to Mrs. Dennett, our Assistant Reporter, and to Miss Clark from our President's office, these corsages in appreciation of their good work and their effectiveness and graciousness here in the Senate this session. We all have enjoyed them; they have been very kind and courteous to us. I would present the corsages now, Mr. President, if I had them.

The PRESIDENT: The Senator may continue.

Mr. CARPENTER: I think each and every one of us who have had occasion to go into our good Secretary of the Senate's office have been very much impressed with the cordiality there and the friendliness. Whatever we happen to need, Chet's office can provide.

I wish they would bring out those corsages. Mr. President and members of the Senate, I think the good Senator from Kennebec, Senator Martin must have the corsages in cold storage and they must be bringing them up from downtown.

And now may I have the privilege of presenting to you ladies these corsages, and when you inhale their delicate aroma I trust that you will remember this particular legislature. These are aromatic stimulants and as they impinge upon your olfactory nerves I trust that they will bring many remembrances of this 98th legislature. I am sure we are all very thankful to you.

Senate Committee Report

Ought to pass — N. D.

Mr. Davis from the Committee on Retirements and Pensions on re-committed bill, "An Act Relating to Service Retirement under State Retirement System." (S. P. 184) (L. D. 463) reported same in a second new draft (S. P. 614) under new title: "Resolve in favor of Irving W. Small of Milbridge." and that it Ought to pass.

Which report was read and accepted and under suspension of the rules, the resolve in second new draft was read twice and passed to be engrossed.

Sent down for concurrence.