

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

# Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

### HOUSE

Wednesday, February 5, 1941.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Withee of Gardiner.

Journal of the previous session read and approved.

From the Senate: The following Communication (S. P. 291)

STATE OF MAINE  
EXECUTIVE DEPARTMENT  
AUGUSTA

February 3, 1941

To the Honorable Senate and House of Representatives:

I am submitting herewith the Fourth Annual Report of the Maine Unemployment Compensation Commission which was submitted to me by the Commission in accordance with law.

Respectfully,  
(Signed) Sumner Sewall,  
Governor.

Came from the Senate ordered placed on file.

In the House, ordered placed on file in concurrence.

From the Senate: The following Communication: (S. P. 292)

EXECUTIVE DEPARTMENT

Augusta, Maine January 30, 1941  
To the Honorable Senate and House of Representatives:

As required by Section 7 of the Maine Unemployment Compensation Law of 1936 the Unemployment Compensation Commission has duly submitted to me a report on the benefits payment experience of employers subject to the Maine law, together with the Commission's recommendations as to the advisability of establishing a system of merit rating.

I now transmit this complete report to the Legislature in order that it may receive the careful study and consideration which it merits.

Respectfully,  
(Signed) Sumner Sewall  
Governor

Came from the Senate ordered placed on file.

In the House, ordered placed on file in concurrence.

Resolves from the Senate requiring reference disposed of in concurrence.

From the Senate:

Resolve in favor of the town of Atkinson (S. P. 288)

Came from the Senate, referred to the Committee on Ways and Bridges.

In the House, on motion by Mr. Pratt of Turner, referred to the Committee on Claims in non-concurrence, and sent up for concurrence.

### Senate Bills in First Reading

Bill "An Act relative to Joint Control by Sureties" (S. P. 92) (L. D. 96)

Bill "An Act relating to the Reorganization of Corporations under the National Bankruptcy Act" (S. P. 66) (L. D. 40)

Bills were read twice and tomorrow assigned.

The following communication: (H. P. 1168)

STATE OF MAINE

Department of Health and Welfare  
Bureau of Health

Augusta

February 3, 1941.

To the Honorable Senate and The House of Representatives:  
Gentlemen:

Herewith is submitted additional information with reference to kind and amounts of pollution of the Androscoggin River, in compliance with request dated October 22, 1940.

The accompanying information, concerning amounts of industrial wastes discharged into the Androscoggin River, was obtained through correspondence with the various industries along the river.

(Signed)

ROSCOE L. MITCHELL, M. D.

Director of Health.

JOEL EARNEST

Commissioner of Health  
and Welfare.

### Approximate Amount of Pollution From Sewage and Mill Waste Carried by the Androscoggin River

The pollution load of the Androscoggin River from sewage is estimated to be the equivalent of 50 gallons per capita daily and calculations are made on the basis of the population figures from the 1930 census. Industrial wastes are estimated as gallons per day with supplemental information relating to certain waste products which are lost or discarded and carried away

by exhausted process water, wash water, or other liquids.

City or Town	Population	Pollution Load Equivalent Gallons Sewage	Industrial Wastes Gal.
Bethel	2,025	101,250	
Rumford	8,726	436,300	18,955,000
Mexico	4,761	238,050	
Dixfield	1,518	75,900	2,580
Canton	767	38,350	
Jay	3,106	155,300	9,175,000
Livermore Falls	3,148	157,400	
Turner	1,362	68,100	
Auburn	18,571	928,550	41,250
Lewiston	34,939	1,746,950	7,151,800
Lisbon	4,002	200,100	24,000,000
Topsham	2,111	105,550	
Brunswick	7,604	380,200	
		4,632,000	59,325,630

The industrial wastes are estimated for the industrial plants starting at Rumford and ending at Lisbon Falls. Information available includes the following wastes for each working day.

Kind	Amount
Process Water	19,652,750
Spent Dyes	2,027,380
Sulphite Liquors	3,130,000
Bleach Water	6,010,000
Wash or Soap Water	20,005,000
Starch Waste	500
White Water	8,500,000
Total	59,325,630 gal.

The above includes in addition to a miscellaneous group of wastes, the composition of which could not be ascertained, the following ingredients—240 pounds of spent dyes, 100 pounds of soap, 1,900 pounds of salt, 2,500 cubic feet of organic matter from meat-packing plants, the weight of which could not be obtained, 12,300 pounds of ground wood fiber, and 4,800 pounds of clay.

The minimum flow of the river near Auburn, during the period of observation, was 510 cubic feet per second, which is the equivalent of nearly 330,000,000 gallons per day (329,621,670). The average daily flow for the month of August, when the conditions were at their worst, was 2,410 cubic feet per second, or 1,557,623,970 gallons per day. At the time in October when conditions had materially improved, the flow was somewhat less, averaging 2,245 cubic feet per second, or the equivalent of 1,450,981,665 gallons.

The dilution factor for the month of August, at the time of investigation, for the 63,957,630 gallons of

sewage and industrial wastes would be on the basis of 1 part of waste to 24.3 parts of river water, providing that all the wastes were emptied into the river at one point where the flow was measured. However, the dilution factor for all the wastes entering the river above Lewiston and Auburn is only 1 part of waste to 55 parts of river water, calculated on the average flow for the month of August. It should be observed that the flow of the river as measured includes the waste water which is originally drawn from the river or tributaries for use in the various establishments and returned again to the river with the added increments of waste materials produced by all the activities of the community.

It may likewise be observed that during the year 1937 a very serious condition developed comparable to that of August, 1940, and was the source of many complaints similar to those of the past year. Because of this fact, tables have been prepared so that the flow of the river in that year can be compared with the flow during 1940.

**Flow of Androscoggin near Auburn, Maine**

Month	Total Flow	Average Flow Cubic Feet/Sec.	Average Flow in Gals. Per Day
Oct. 1936	123,940	3,996	2,582,682,732
Nov. 1936	109,990	3,496	2,259,524,232
Dec. 1936	209,010	6,749	4,361,992,433
Jan. 1937	176,400	5,690	3,677,343,730
Feb. 1937	147,640	5,270	3,406,090,590
Mar. 1937	191,350	6,175	3,991,007,475
April 1937	440,980	14,700	9,500,859,900
May 1937	773,190	24,900	16,093,293,300
June 1937	194,430	6,480	4,188,134,160
July 1937	115,215	3,720	2,404,299,240
Aug. 1937	85,085	2,745	1,774,140,165
Sept. 1937	79,015	2,645	1,709,508,465
Oct. 1939	73,745	2,382	1,539,527,094
Nov. 1939	100,195	3,335	2,155,467,195
Dec. 1939	96,325	3,110	2,010,045,870
Jan. 1940	63,825	2,060	1,331,413,026
Feb. 1940	59,205	2,010	1,318,486,680
Mar. 1940	73,905	2,385	1,541,466,045
April 1940	409,920	13,600	8,789,911,200
May 1940	589,480	19,000	12,280,023,000
June 1940	194,760	6,490	4,194,597,330
July 1940	103,710	3,345	2,161,930,365
Aug. 1940	74,745	2,410	1,557,623,970
Sept. 1940	89,150	2,965	1,916,329,995
Oct. 1940	69,665	2,245	1,450,981,665
During the interval between August and November inclusive, 1940:			
Minimum flow, Oct. 20, 1940		Cu. Ft. Per Sec. 510	Equivalent to 329,621,670 Gals. Per Day
Maximum flow, Sept. 3, 1940		5,840	3,774,491,280

On motion by Mr. Lambert of Lewiston, the communication, with accompanying papers, was ordered placed on file, 2000 copies ordered printed, and sent up for concurrence.

The following Communication:

STATE OF MAINE  
STATE DEPARTMENT OF AUDIT  
AUGUSTA

February 3, 1941.

Honorable Members of the House of Representatives of the 90th Legislature:

In response to an order from the House of Representatives dated January 29, 1941, we transmit to you herewith a list of all municipalities audited by this Department under the provisions of Chapter 216, Public Laws of 1937 together with fees and expenses charged to such municipalities.

Respectfully yours,

(Signed) William D. Hayes  
State Auditor.

On motion by Mr. Downs of Rome, the communication, with accompanying list, tabled pending consideration.

The following Bills and Resolves were received, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

**Banks and Banking**

Bill "An Act relative to Guaranty Fund of Loan and Building Associations." (H. P. 1228) (Presented by Mr. Shesong of Portland)

(750 copies ordered printed)

Bill "An Act relative to Rate of Interest to be Charged by Loan and Building Associations" (H. P. 1229) (Presented by same gentleman)

(750 copies ordered printed)

Bill "An Act relative to Annual Examination of Affairs of Loan and Building Associations" (H. P. 1230) (Presented by same gentleman)

(750 copies ordered printed)

Bill "An Act relative to Rate of Interest to be Charged by Loan and Building Associations" (H. P. 1231) (Presented by same gentleman)

(750 copies ordered printed)

Sent up for concurrence.

**Claims**

Resolve to reimburse the city of Portland for the Support of Edwin F. Darling, Sr. (H. P. 1232) (Presented by Mr. Payson of Portland)

Sent up for concurrence.

**Inland Fisheries and Game**

Bill "An Act Prohibiting the Use of High-powered Rifles for Hunting other than Deer and Bear" (H. P. 1233) (Presented by Mr. Rodrigue of Waterville)

(500 copies ordered printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act Amending the Unfair Sales Act" (H. P. 1234) (Presented by Mr. Hinckley of So. Portland)

(750 copies ordered printed)

Sent up for concurrence.

**Labor**

Bill "An Act relative to the Employment of Females in Executive, Administrative, Professional or Supervisory Capacities and as Personal Office Assistants" (H. P. 1235) (Presented by Mr. Arzonico of Yarmouth)

(750 copies ordered printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act relating to Fees of Constables Enforcing the Dog License Law" (H. P. 1236) (Presented by Mr. Jones of Rockland)

(750 copies ordered printed)

Sent up for concurrence.

**Pensions**

Resolve providing for a State Pension for George Kovaly of Lisbon (H. P. 1237) (Presented by Mr. Sichel of Lisbon)

Sent up for concurrence.

**Public Utilities**

Bill "An Act relative to Taxation of Street Railroad Corporations" (H. P. 1238) (Presented by Mr. Jordan of Saco)

(500 copies ordered printed)

Sent up for concurrence.

**Taxation**

Bill "An Act Amending the Gasoline Tax Act" (H. P. 1239) (Presented by Mr. Richardson of Strong)

(750 copies ordered printed)

Sent up for concurrence.

**Ways and Bridges**

Resolve in favor of the town of Cushing (H. P. 1240) (Presented by Mr. Smith of Thomaston)

Resolve in favor of the town of Cushing (H. P. 1241) (Presented by same gentleman)

Resolve in favor of the town of South Thomaston (H. P. 1242) (Presented by same gentleman)

Resolve in favor of the town of

Friendship (H. P. 1243) (Presented by same gentleman)

Resolve in favor of the town of Thomaston (H. P. 1244) (Presented by same gentleman)

Resolve in favor of the town of Owl's Head (H. P. 1245) (Presented by same gentleman)

Sent up for concurrence.

**Orders**

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. Flagg of Portland, be excused from attendance today in order to attend an Episcopal Convention.

On motion by Mr. Lambert of Lewiston, it was

ORDERED, that there be printed 1000 additional copies of the Report of the Department of Health and Welfare on Pollution Conditions of the Androscoggin River Waters to this Legislature.

**Reports of Committees**

**Ought Not to Pass**

Mr. Grua from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to the Commissioner of Inland Fisheries and Game" (H. P. 309) (L. D. 118)

Mr. McGlauffin from same Committee reported same on Bill "An Act relating to the Commissioner of Sea and Shore Fisheries" (H. P. 308) (L. D. 197)

Mr. Mills from same Committee reported same on Bill "An Act relating to the Forest Commissioner" (H. P. 307) (L. D. 117)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass**

Mr. Williams from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Inland Fish and Game Wardens" (H. P. 311) (L. D. 120)

Mr. Grua from same Committee reported same on Bill "An Act relating to Liens on Watches, Clocks, Jewelry and Radio Equipment" (H. P. 337) (L. D. 133)

Mr. Hinckley from same Committee reported same on Bill "An Act relating to the Old Folks Home at Bath" (H. P. 336) (L. D. 132)

Mr. Payson from same Committee reported same on Bill "An Act relating to the Protestant Episcopal

Church in Maine" (H. P. 428) (L. D. 177)

Reports were read and accepted.

**First Reading of Printed Resolves**

Resolve Regulating Fishing in Pierce Pond in Somerset County (H. P. 43) (L. D. 26)

Resolve Regulating Fishing in Grass Pond in the county of Somerset (H. P. 44) (L. D. 27)

Resolve Regulating Fishing in Kilgore Pond in Bowtown and Pierce Pond Townships (H. P. 45) (L. D. 28)

Resolve Regulating Fishing in Puffer's Pond in the town of Dexter (H. P. 98) (L. D. 54)

Resolve Regulating Fishing in Peters Pond (H. P. 242) (L. D. 81)

Resolve Regulating Fishing in Lincoln County (H. P. 243) (L. D. 82)

Resolves were read once and tomorrow assigned.

**Passed to be Engrossed**

Bill "An Act relating to Penalty for Leaving Scene of Accident" (S. P. 69) (L. D. 42)

Bill "An Act providing for Orders for the Protection of the Rights of the Parties, While Appeal is Pending from Equity Decrees" (H. P. 248) (L. D. 87)

Bill "An Act to Incorporate the Town of Oakfield School District" (H. P. 870) (L. D. 303)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

**Amended Bill**

Bill "An Act relating to Costs in Contested Cases" (H. P. 49) (L. D. 33)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended and sent to the Senate.

**Orders of the Day**

On motion by Mr. Mills of Farmington, the House voted to take from the table the fifth tabled and unassigned matter, "Joint Order Relative to Joint Select Committee to Study Activities of Health and Welfare Department (H. P. 1227), tabled on February 4th by that gentleman, pending passage.

Mr. MILLS: Mr. Speaker, I offer House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Farmington, Mr. Mills, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

#### House Amendment "A"

Amend said order by striking out in the 8th and 9th lines thereof the words "and examine thoroughly every phase of activity within the Department of Health and Welfare" and inserting in place thereof the following: "the laws of the State and rules and regulations of said department pertaining to State Pauper Relief."

The SPEAKER: The Chair will rule that the amendment must lie on the table pending reproduction.

Mr. RICHARDSON of Strong: Mr. Speaker, I would like to inquire of the Chair if a motion to indefinitely postpone this Order is in order at the present time?

The SPEAKER: The Chair will rule that the amendment cannot be acted upon until its reproduction under the rules, therefore such a motion would not be in order at this time.

Mr. MILLS: Mr. Speaker, if I am in order, I would like to make the motion that the amendment be taken from the table at this time for the purpose of asking for permission to introduce it notwithstanding the rule requiring reproduction.

The SPEAKER: The Chair will rule that the motion is out of order.

On motion by Miss Clough of Bangor, the House voted to take from the table the third tabled and unassigned matter, Bill "An Act ratifying the change of Name of Bangor Gas Light Company" (H. P. 1199), tabled on February 4th by that member, pending reference; and on further motion by the same member, the Bill was referred to the Committee on Public Utilities and sent up for concurrence.

On motion by Miss Clough of Bangor, the House voted to take from the table the fourth tabled and unassigned matter, Bill "An Act to Amend and extend the charter of the Bangor Gas Light Company (H. P. 1200) tabled on February 4th by that member, pending reference; and on further motion by the same member, the Bill was referred to the Committee on Public Utilities and sent up for concurrence.

Mr. HANOLD of Standish: Mr. Speaker, out of order and under suspension of the rules, I present a Resolution and move its adoption.

The SPEAKER: The gentleman from Standish, Mr. Hanold, out of order and under suspension of the rules, presents a Resolution and moves its adoption. The Clerk will read the Resolution.

#### STATE OF MAINE HOUSE RESOLUTION

February 5, 1941.

WHEREAS, the members of the House of Representatives of the Ninetieth Legislature have learned with profound sorrow of the untimely death yesterday of an esteemed colleague, Honorable Oscar C. Robbins, Representative from Harrison, and member of the Eighty-ninth Legislature; and

WHEREAS, in his associations with the members of this House he was ever honorable and kindly, being highly regarded for his character and sterling qualities of mind and heart; and

WHEREAS, the members of the House of Representatives sense in his passing a personal loss and a genuine grief;

NOW, THEREFORE, BE IT RESOLVED, that the State of Maine mourns the loss of a faithful and valued public servant, and the members of the House of Representatives lament the departure of an esteemed and trusted friend; and

BE IT FURTHER RESOLVED, that a Committee be appointed to represent this House at the funeral; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the Journal of the House and a copy transmitted to the widow of the deceased.

The SPEAKER: All those in favor of the adoption of this Resolution will rise and stand in their places.

The entire membership of the House thereupon arose.

The SPEAKER: The Chair declares the Resolution unanimously adopted.

The Chair will appoint as members of the Committee on the part of the House the following: The gentleman from Standish, Mr. Hanold; the gentleman from Yarmouth, Mr. Arzonico; the gentleman from Portland, Mr. LaFleur; the gentle-

man from Bridgton, Mr. Rankin; the gentleman from South Portland, Mr. Hinckley; and the gentleman from Wilton, Mr. Hall.

Mr. HANOLD: Mr. Speaker, as a further mark of respect to our late member, Oscar C. Robbins, I move we now adjourn.

The SPEAKER: The gentleman

from Standish, Mr. Hanold, moves, as a further mark of respect to our late fellow member, that the House do now stand adjourned for the remainder of the day. Is this the pleasure of the House?

The motion prevailed, and the House adjourned until ten o'clock tomorrow morning.