

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

SENATE

Thursday, February 6, 1941.

The Senate was called to order by the President.

Prayer by the Reverend Cymbrid Hughes of Augusta.

Journal of yesterday read and approved.

Order

(Out of Order)

On motion by Mr. Friend of Somerset, out of order and under suspension of the rules, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, February 11, 1941, at ten-thirty o'clock in the forenoon. (S. P. 300)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

Papers from the House referred in concurrence.

From the House: "Resolve in favor of the Town of Atkinson." (S. P. 288)

(In the Senate on February 4, referred to the Committee on Ways and Bridges)

Comes from the House, referred to the Committee on Claims in non-concurrence.

In the Senate, that body voted to recede and concur with the House and the bill was referred to the Committee on Claims in concurrence.

House Committee Reports

The Committee on Judiciary on Bill "An Act Relating to the Commissioner of Inland Fisheries and Game," (H. P. 309) (L. D. 118) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to the Commissioner of Sea and Shore Fisheries," (H. P. 308) (L. D. 197) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to the Forest Commissioner," (H. P. 307) (L. D. 117) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Judiciary on 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) reported that the same ought to pass.

Which report was read and accepted in concurrence, the bill read once and Tuesday next assigned for second reading.

The Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Oakfield School District," (H. P. 6) (L. D. 5) reported the same in a new draft, (H. P. 870) (L. D. 303) under the same title and that it ought to pass.

Which report was read and accepted in concurrence, the bill in new draft read once and Tuesday next assigned for second reading:

The Committee on Judiciary on Bill "An Act Relating to Costs in Contested Cases," (H. P. 49) (L. D. 33) reported that the same ought to pass as amended by Committee Amendment "A".

In the House, the report was read and accepted and the bill as amended by Committee Amendment A, passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, Committee Amendment A was read and adopted in concurrence, the bill as amended was given its first reading and Tuesday next assigned for second reading.

Communication

STATE OF MAINE
Department of Health and Welfare
Augusta
February 4, 1941.

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

In accordance with your request dated October 22, 1940, the Department of Health and Welfare submitted a report of its investigations of the Androscoggin River. That report shows pollution to the extent that it is evident that some steps should be taken to remedy the situation. We hereby submit suggestions for remedial legislation concerning the conditions found in the Androscoggin River:

It is recommended that suitable legislation be enacted setting up a Sanitary Water Board consisting of the Commissioner of Health and

Welfare, Commissioner of Agriculture, Commissioner of Inland Fisheries and Game, Chairman of the Public Utilities Commission, a representative of the manufacturing interests of the State, and a municipal official to represent the municipalities of the State, who should serve without additional remuneration.

The members, representing the manufacturing interests of the State and the municipalities, should be appointed by the Governor to hold office for a term of years, to serve without pay except necessary travel expense.

It is recommended that the Director of the Bureau of Health serve as Secretary Ex Officio of the Board. He should receive no additional compensation but should, during the interim between meetings of the Board, handle correspondence, cause such investigations to be made and such reports and data assembled as the Board may authorize.

Powers and Duties of the Board. The Board should be authorized to study, investigate, and determine ways and means of eliminating such pollution as may be defined in the Act, from the inland waters of the State;

To require submission of plans and specifications for and securing of permits from the board before construction of any new sewerage or waste disposal systems covered by the Act;

To require owners of sewerage systems to submit such plans as may be required, and to make rules and regulations such as may be necessary for the review of all plans and the manner of submitting plans;

To order discontinued discharge of sewage or waste when, after investigation and hearing, the Board decides that such discharge of sewage or waste is contrary to public health or welfare;

To cooperate with any neighboring state for the purpose of carrying out the intent of law, with respect to waters that run through both states;

To make use of such assistance for investigations, surveys and review of plans as existing State Departments may be able to render;

To revoke or modify permits granted under this Act, when in the opinion of the Board it appears necessary to abate or prevent pol-

lution, after due hearing of the interested parties.

Provision should be made for authorization by the Governor and Council for additional necessary expenditures not included in regular departmental budgets, to carry out the purposes of this report or any legislation arising therefrom.

To provide for the repeal of any part of Section 13 of Chapter 62 of the Revised Statutes or of any other act or statute inconsistent with these recommendations or any legislation arising therefrom.

ROSCOE L. MITCHELL, M. D.
Director of Health
JOEL EARNEST,
Commissioner of Health
and Welfare.

C. CARROLL BLAISDELL,
Member of Public Utilities
Commission

JAMES L. BOYLE,
Member of Public Utilities
Commission

FRANK E. SOUTHARD,
Member of Public Utilities
Commission (Chairman)

(S. P. 301)

Which was read and accepted and ordered placed on file.

Sent to the House.

Referred to Committees

The following bills and resolves were received and on recommendation by the Committee on Reference of Bills were referred to the following committees:

Banks and Banking

Mr. Dow of Oxford presented Bill "An Act Relating to the Investment of Municipal Trust Funds." (S. P. 302)

(500 copies ordered printed)

Sent down for concurrence.

Counties

Mr. Bridges of Washington presented Bill "An Act Relating to the Collection of County Taxes on Unincorporated Lands." (S. P. 303)

(500 copies ordered printed)

Sent down for concurrence.

Federal Relations

Mr. Fellows of Kennebec presented Bill "An Act Permitting the Department of Health and Welfare to Cooperate with the U. S. D. A." (S. P. 304)

(500 copies ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Sanborn of Cumberland presented Bill "An Act to Amend the Workmen's Compensation Act." (S. P. 305)

The same Senator presented Bill "An Act Relating to Amendment of Pleadings in Cases Referred Under Rule of Court." (S. P. 306)

The same Senator presented Bill "An Act Relating to Approval of Suits by Infants." (S. P. 307)

The same Senator presented Bill "An Act Relating to the Resignation of Attorneys at Law." (S. P. 308)

The same Senator presented Bill "An Act Authorizing and Empowering the Chief Justice of the Supreme Judicial Court to Appoint a Committee to Study the Practice and Procedure of the Supreme Judicial and Superior Courts." (S. P. 309)

Mr. Farris of Kennebec presented Bill "An Act to Aid and Protect Crop Mortgages." (S. P. 310)

Mr. Hildreth of Cumberland presented Bill "An Act Relating to Vacating Attachments." (S. P. 311)

The same Senator presented Bill "An Act to Provide for the Reduction of the Ad Damnum in Writs in the Superior Court." (S. P. 312)

The same Senator presented Bill "An Act Relating to Valuation and Release of Attached Property." (S. P. 313)

Miss Laughlin of Cumberland presented Bill "An Act Relating to Compensation of Justices Upon Retirement." (S. P. 315)

(On motion by Mr. Farris of Kennebec, the bill was laid upon the table pending reference.)

The same Senator presented Bill "An Act Relating to Powers and Duties of the State Personnel Board." (S. P. 316)

Mr. Fellows of Kennebec presented Bill "An Act Relative to Stations for Weighing Trucks." (S. P. 317)

(On motion by Mr. Elliot of Knox the bill was laid upon the table pending reference.)

Sent down for concurrence.

Mr. Hildreth of Cumberland presented Bill "An Act Relating to Primary Nominations." (S. P. 318)

(1000 copies ordered printed.)

Sent down for concurrence.

Pensions

Mr. Friend of Somerset presented "Resolve Providing for a State

Pension for Harry Greene of St. Albans." (S. P. 321)

Sent down for concurrence.

Public Utilities

Mr. Batchelder of York presented Bill "An Act Providing for the Regulation of the Use of the Highways Transporting Property for Hire." (S. P. 322)

The same Senator presented Bill "An Act Providing for the Use of the Highways by Motor Vehicles Transporting Property for Hire." (S. P. 323)

The same Senator presented Bill "An Act Relating to the Business of Letting or Leasing for Hire of Motor Vehicles to be Used by any Other Person, Firm or Corporation." (S. P. 324)

(500 copies of each ordered printed.)

Sent down for concurrence.

Labor

Miss Laughlin of Cumberland presented Bill "An Act to Promote the General Welfare and to Protect the Health and Welfare of the People of the State by Providing for the Elimination of Wage and Hour Standards Detrimental to the Health and Welfare of Workers." (S. P. 314)

(500 copies ordered printed.)

Sent down for concurrence.

Library

The same Senator presented "Resolve for the Purchase of Five Hundred Copies of 'Vital Statistics of Georgetown.'" (S. P. 319)

Sent down for concurrence.

Motor Vehicles

Mr. Whitney of Penobscot presented Bill "An Act Relating to Headlights of Motor Vehicles." (S. P. 320)

(500 copies ordered printed.)

Sent down for concurrence.

Salaries and Fees

Mr. Stilphen of Lincoln presented Bill "An Act Relating to the Office of the Register of Probate of Lincoln County." (S. P. 325)

Sent down for concurrence.

Senate Committee Reports

Mr. Friend from the Committee on Pensions on "Resolve Granting a Pension to Eva Mae McShea," (S. P. 122) reported that the same be referred to the Committee on Education.

Which report was read and accepted.

Sent down for concurrence.

Mr. Morse from the Committee on Legal Affairs on Bill "An Act Exempting Certain Musical Instruments from Attachment," (S. P. 95) (L. D. 97) reported that the same ought to pass.

Mr. Chase from the Committee on Towns on Bill "An Act to Provide for the Surrender by Town of Brookton of Its Organization," (S. P. 126) (L. D. 151) reported that the same ought to pass.

Which reports were severally read and accepted the bills read once and Tuesday next assigned for second reading.

Sent down for concurrence.

Mr. Boothby from the same Committee on Bill "An Act to Provide for the Surrender of Topsfield Plantation of its Organization," (S. P. 127) (L. D. 152) reported that the same ought to pass.

Mr. Chase from the same Committee on Bill "An Act to Provide for the Surrender by Town of Baring of Its Organization," (S. P. 84) (L. D. 68) reported that the same ought to pass.

Which reports were severally read and accepted and the bills were given their first reading; on motion by Mr. Chase of Washington, under suspension of the rules the bills were given a second reading and passed to be engrossed.

Sent down for concurrence.

Passed to Be Engrossed

Bill "An Act Relating to Duties of Overseers of the Poor." (H. P. 18) (L. D. 13)

Bill "An Act Relating to Municipal Ordinances." (H. P. 19) (L. D. 14)

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

Bill "An Act Relating to the Port

of Portland Authority." (S. P. 102) (L. D. 146)

Bill "An Act Relating to Petitions for Discontinuance of Highways." (S. P. 117) (L. D. 155)

Sent down for concurrence.

The PRESIDENT: The Chair wishes to announce at this time that the legislature will be in session on Friday of next week.

Orders

On motion by Mr. Friend of Somerset, it was

ORDERED, the House concurring that notwithstanding joint orders now in effect that all resolves and public acts, data for which shall be in the hands of the Revisor of Statutes on or before four P. M., February 6, 1941, shall be received in the same manner as if received before four P. M., February 6, 1941; and be it further

ORDERED, that the said Revisor of Statutes shall file a list of the titles of the resolves and public acts the data for which is in his hands at that time, with the Secretary of the Senate and the Clerk of the House.

Orders of the Day

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table bill An Act Creating a State Board of Eugenics, (S. P. 295) tabled by that Senator on February 5 pending reference; and on further motion by the same Senator, the bill was referred to the Committee on Judiciary and 1,000 copies ordered printed.

Sent down for concurrence.

On motion by Mr. Friend of Somerset

Adjourned until Tuesday, February 11, 1941, at ten-thirty o'clock in the forenoon.