

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Second Legislature

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Friday, March 2, 1945.

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

Prayer by the Rev. Mr. Mesler of Wayne.

Journal of the previous session read and approved.

Papers from the Senate**Senate Reports of Committees****Ought Not to Pass**

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Eliminate Needless Duplication in Travel in State Departments" (S. P. 246) (L. D. 638)

Report of same Committee reporting same on Bill "An Act to Provide for a State Garage and for Purchase and Use of State-Owned Automobiles" (S. P. 247) (L. D. 637)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Non-Concurrent Matter**Tabled and Assigned**

Bill "An Act relating to the Chief Engineer and Assistant of the City of Lewiston" (H. P. 428) (L. D. 236) which was passed to be engrossed in the House on February 20th, as amended by Committee Amendment "A".

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence.

(In the House, on motion by Mr. Payson of Portland, tabled pending further consideration and specially assigned for Wednesday, March 7th.

Orders

On motion by Mr. Downs of Rome, it was

ORDERED, that Mr. Berry of Livermore Falls, be excused from attendance today and Tuesday because of business; and that Mr. Cyr of Grand Isle, be excused from attendance next week because of business.

The following paper from the Senate was taken up out of order and under suspension of the rules:

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, March 6th, 1945, at eleven o'clock in the forenoon (S. P. 377)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

House Reports of Committees**Ought to Pass in New Draft**

Mr. Warren from the Committee on Legal Affairs on Bill "An Act to Provide a Town Manager Form of Government for the town of Fairfield" (H. P. 432) (L. D. 168) reported same in a new draft (H. P. 1323) under same title and that it "Ought to pass"

Mr. Weeks from same Committee on Bill "An Act to Amend the Charter of the Brunswick Village Corporation" (H. P. 1304) (L. D. 950) reported same in a new draft (H. P. 1324) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

Ought to Pass**Printed Bills**

Mr. Anderson from the Committee on Inland Fisheries and Game reported "Ought to pass" on Resolve Opening Androscoggin Watershed and Tributaries to Smelt Fishing (H. P. 694) (L. D. 311)

Mr. MacKinnon from same Committee reported same on Resolve Regulating Fishing in Pleasant Pond (H. P. 509) (L. D. 249)

Mr. Peirce from the Committee on Judiciary reported same on Bill "An Act relating to Changes Under the Public Utility Holding Company Act Approved by Court of Competent Jurisdiction" (H. P. 245) (L. D. 93)

Mr. Snow from the Committee on Legal Affairs reported same on Bill "An Act to Amend the Charter of the city of Saco by Providing for the Appointment of a Civil Service Commission" (H. P. 653) (L. D. 301)

Mr. Welch from same Committee reported same on Bill "An Act to Repeal the Pension Law for Police in the town of Houlton" (H. P. 826) (L. D. 441)

Reports were read and accepted, and the Bills and Resolves, having already been printed, under suspension of the Rules the Bills were read twice, the Resolves read once and assigned for the next legislative day.

Ought to Pass with Committee Amendment

Mr. Rankin from the Committee on Legal Affairs on Bill "An Act Creating the Passamaquoddy District Authority" (H. P. 1200) (L. D. 759) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted. This being a printed bill, the rules were suspended and the bill was read twice.

Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to H. P. 1200, L. D. 759, Bill "An Act Creating the Passamaquoddy District Authority."

Amend said bill by striking out all of section 17 thereof and adding thereto the following new sections:

"Sec. 17. Power restriction. The rights and powers hereinbefore granted to the authority shall not become effective or operative, except for the purpose of constructing a two pool test plant in Cobscook bay and for supplying the territory comprising the city of Eastport with electric energy for all purposes, until said authority has constructed and completed an electric power plant for the utilization of the power of the tides in said Cobscook bay capable of producing a minimum of 10,000 kilowatts of electric power during a minimum period of 10 hours in every 24 hour period, provided, however, that the authority shall have the power of eminent domain, and such of the other powers herein granted as may be necessary or convenient to the construction and completion of such tidal power plant, and provided further, that the authority shall not have the right at any time to develop electric energy from any source of power other than the power of the tides except as an auxiliary or auxiliaries, to

such tidal power plant and that the aggregate installed capacity of such auxiliary of auxiliaries shall not exceed the capacity of said tidal power plant.

Sec. 18. Limitation of act. The rights and powers granted by this act shall terminate at the expiration of 7 years from the day this act becomes effective unless the work of construction of a tidal power plant has actually been commenced before that date and shall so terminate at the expiration of 10 years unless a tidal power plant is then in operation. A tidal power plant shall include a tidal power test plant for the purposes of this section.

Sec. 19. Validity. If any term or provision of this act shall be declared unconstitutional or invalid in whole or in part by a court of competent jurisdiction, then to the extent that it is not unconstitutional or invalid such term or provision shall be enforced and effectuated, and such determination shall not be deemed to invalidate the remaining terms or provisions thereof."

Committee Amendment "A" was adopted, and the bill was assigned for third reading the next legislative day.

Mr. Welch from the Committee on Legal Affairs on Bill "An Act Authorizing the town of Mount Desert to Improve the Port of Northeast Harbor and Facilities" (H. P. 339) (L. D. 152) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted. This being a printed bill, the rules were suspended and the bill was read twice.

Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to H. P. 339, L. D. 152, Bill, "An Act Authorizing the Town of Mount Desert to Improve the Port of Northeast Harbor and Facilities."

Amend said bill by striking out all of subsection II of section I of said bill and inserting in place thereof the following:

"II. To reclaim by drainage and/or fill, lands in and about said harbor, including lands within tide waters and areas over which tide waters ebb and flow, said lands, including said rights and privileges, bordering said shores and waters,

which shall have been so acquired, or taken as hereinafter provided, and reclaimed for said purposes, are the property of said town by virtue of this act.'

Further amend said bill by striking out all of section 5 and inserting in place thereof the following:

'Sec. 5. How financed. The town of Mount Desert is hereby authorized and empowered to raise, appropriate and expend moneys necessary and required for the carrying out of the purposes of this act. Said town is authorized and empowered to borrow sums of money, not exceeding its constitutional debt limit, to be expended in the carrying out of the purposes of this act.'

Further amend said bill by striking out all of sections 8 and 9 thereof and inserting in place thereof the following:

'Sec. 8. Referendum. This act shall take effect when approved only for the purpose of permitting its submission to the legal voters of the town of Mount Desert at any regular or special town meeting of such town. Such meetings shall be called for that purpose by an appropriate article inserted in the call for such meeting, and shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in such town of Mount Desert shall not be required to prepare for posting, nor the town clerk to post, a new list of voters. The town clerk shall prepare the required ballots for the meeting, upon which he shall reduce the subject matter of this act to the following question: "Shall 'An Act Authorizing the Town of Mount Desert to Improve the Port of Northeast Harbor and Facilities' passed by the 92nd legislature be accepted?" and the voters shall indicate by a cross placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes of this act immediately upon the acceptance of this act by a majority of the legal voters voting at such meeting.

The result of the vote in such town shall be declared by the municipal officers and a certificate thereof filed by the town clerk with the secretary of state.'

Further amend said bill by striking out all of the last paragraph of said bill.

Committee Amendment "A" was adopted, and the bill was assigned for third reading of the next legislative day.

First Reading of Printed Bill

Bill "An Act relating to the Solennizing of Marriages" (H. P. 1320) (L. D. 966)

Bill was read twice and assigned for third reading the next legislative day.

Passed to be Engrossed

Bill "An Act relating to Interest Payments by Counties on Lost Heir Funds, So Called" (H. P. 1063) (L. D. 660)

Bill "An Act relating to Proxies" (H. P. 1185) (L. D. 746)

Bill "An Act relating to Speed Limit on Bridges" (H. P. 1205) (L. D. 706)

Bill "An Act relating to Inspection of Motor Vehicles" (H. P. 1207) (L. D. 708)

Bill "An Act relating to Special License for Motor Service Stations" (H. P. 1209) (L. D. 710)

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 Bills

Bill "An Act relating to Adoption of Children" (H. P. 820) (L. D. 424)

Bill "An Act relating to Witnesses Summoned to Appear before the State Liquor Commission" (H. P. 1071) (L. D. 804)

Were 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.

Tabled

Bill "An Act to Increase State Aid to Towns for the Support of Schools to Establish Minimum Salaries for Teachers" (H. P. 1268) (L. D. 901)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Sargent of Bucksport, tabled pending third reading.)

Resolve relating to Sale and Distribution of Index to Private and Special Laws (H. P. 962) (L. D. 581)

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

Orders of the Day

On motion by Mr. Rollins of Greenville, the House voted to take from the table the 19th tabled and unassigned matter, "An Act to Increase the State Contingent Account." (H. P. 405) (L. D. 161), tabled on February 28th by that gentleman pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: I find, upon checking up on this item, that we had a contingent fund of \$300,000 and another fund of \$150,000,

which was unconstitutional. The Appropriations Committee and the Budget Committee, between them, have evidently done a good job, and, instead of that looking like an additional \$100,000 expenditure it looks like a credit of \$50,000. So I am proud to compliment them upon their job. I now move, Mr. Speaker, that this bill be passed to be enacted.

Thereupon, the motion prevailed, and the bill was passed to be enacted signed by the Speaker, and sent to the Senate.

The SPEAKER: If there is no further business, the Clerk will read the notices.

On motion by Mr. Dutton of Bingham,

Adjourned until Tuesday, March 6th, at eleven o'clock in the forenoon.