

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

SENATE

Thursday, February 22, 1945.

The Senate was called to order by the President.

Prayer by the Reverend Cleaves Henderson of Gardiner.

Journal of yesterday read and approved.

From the House:

Bill "An Act to Require the Enrichment of Flour and Bread to Meet Certain Standards of Vitamin and Mineral Content." (S. P. 354) (L. D. 909)

(In the Senate on February 16th, referred to the Committee on Agriculture.)

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

In the Senate, on motion by Mr. Townsend of Penobscot, that Body voted to recede from its former action taken on February 16 where-by the Bill was referred to the Committee on Agriculture; and the Bill was then referred to the Committee on Public Health in concurrence.

From the House:

Bill, "An Act Relating to White Pine Blister Rust Control." (H. P. 1295) (L. D. 941)

In the House, referred to the Committee on Towns.

In the Senate, on motion by Mr. Sterling of Somerset, tabled pending reference in concurrence.

Papers from the House referred in concurrence.

House Committee Reports

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Sabbathday Lake," (H. P. 514) (L. D. 250) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Relating to Rental of State-Owned Property," (H. P. 516) (L. D. 251) reported that the same ought not to pass.

The same Committee on Bill "An Act Relative to Competitive Bids and Bonds for Building Contracts," (H. P. 518) (L. D. 253) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to the Procurement

of Medical Services, Physicians and Surgeons for Injured Employees under the Workmen's Compensation Act," (H. P. 646) (L. D. 297) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Teachers' Pensions," (H. P. 639) (L. D. 293) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted in concurrence.

The Committee on Taxation on Bill "An Act Relating to the Assessment and Collection of the Potato Tax," (H. P. 447) (L. D. 197) reported that the same ought to pass.

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

The same Committee on Bill "An Act Relating to the Assessment and Collection of the Gasoline and Use Fuel Tax," (H. P. 448) (L. D. 172) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which report was read and accepted in concurrence, Committee Amendment "A" was read and adopted in concurrence, the bill as amended read once and tomorrow assigned for second reading.

The Committee on Judiciary on Bill "An Act Relating to Adoption of Persons Twenty-one Years of Age or Over," (H. P. 424) (L. D. 166) reported the same in a new draft, (H. P. 1283) (L. D. 910) under the same title, and that it ought to pass.

The Committee on Public Utilities on Bill "An Act to Amend the Charter of the Kennebec Water District," (H. P. 670) (L. D. 268) reported the same in a new draft, (H. P. 1284) (L. D. 911) under the same title, and that it ought to pass.

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

Orders

On motion by Mr. Brown of Arrostook, it was

ORDERED that 500 additional copies be printed of Senate Paper 206, Legislative Document 478, An Act Relating to Registration of Motor Vehicles."

On motion by Mr. Townsend of Penobscot, it was

ORDERED that 1000 additional copies of each of the following bills be printed: An Act to Require the Enrichment of Flour and Bread to Meet Certain Standards of Vitamin and Mineral Content, (S. P. 354) (L. D. 909) and An Act Establishing Minimum Wages of Labor on Public Works Projects Supported by State Funds (S. P. 320) (L. D. 831).

Passed to be Engrossed

Bill "An Act Relating to Use of Gill Net in Taking White Fish." (H. P. 321) (L. D. 108)

Bill "An Act to Confer Jurisdiction upon the United States District Court in Maine." (H. P. 327) (L. D. 110)

"Resolve Authorizing Kennebec Towage Company to Bring Suit at Law against the State of Maine." (H. P. 331) (L. D. 146)

Bill "An Act to Increase the State Contingent Account." (H. P. 405) (L. D. 161)

Bill "An Act Relating to the Deposit of Bonds, Notes, Etc., of the United States of America." (H. P. 408) (L. D. 163)

Bill "An Act to Simplify Payments by Employees' Retirement System." (H. P. 420) (L. D. 190)

Bill "An Act Relating to the Expense Fund of the State Employees' Retirement System." (H. P. 421) (L. D. 191)

Bill "An Act to Authorize Penobscot County Water Company to Supply the Inhabitants of the Town of Eddington with Water for Domestic and Other Purposes." (H. P. 439) (L. D. 193)

"Resolve in Favor of John H. Perkins of Brunswick." (H. P. 507) (L. D. 248)

Bill "An Act Relating to Castine Game Preserve." (H. P. 510) (L. D. 246)

Bill "An Act Amending the Charter of the City of Bangor." (H. P. 528) (L. D. 209)

Bill "An Act Relating to the Fire Department of the City of Portland." (H. P. 531) (L. D. 211)

Bill "An Act Relating to Municipal Planning and Zoning." (H. P. 553) (L. D. 212)

Bill "An Act Relating to Duties of Town Clerks as to Discharges of Soldiers and Sailors." (H. P. 647) (L. D. 298)

Bill "An Act Providing for the Proof of Wills Where Subscribing Witnesses are Unavailable, By Reason of Service in the Armed Forces of the United States." (H. P. 650) (L. D. 299)

Bill "An Act to Make Valid the Acts and Doings of Riverside Cemetery Association of Cape Elizabeth and to Authorize the Transfer by that Association and the Acceptance by the Inhabitants of the Town of Cape Elizabeth of that Association's Cemetery and Trust Funds." (H. P. 651) (L. D. 317)

Bill "An Act Relating to the Rules and Regulations of Nasson College." (H. P. 654) (L. D. 264)

Bill "An Act Amending the Charter of the City of Bangor." (H. P. 659) (L. D. 267)

Bill "An Act Relating to the Educational Requirements for Chiropractic Qualifications." (H. P. 155) (L. D. 52)

Bill "An Act Relating to Terminology on Certification for the Practice of Chiropractic." (H. P. 156) (L. D. 53)

Bill "An Act Relating to Outdoor Advertising." (H. P. 325) (L. D. 705)

Bill "An Act Relating to the Registration of Voters." (H. P. 526) (L. D. 257)

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

Bill "An Act Relating to the Salary of the Judge of Probate in Washington County." (S. P. 81) (L. D. 75)

Bill "An Act Relating to the Salary for Clerks in the Office of Register of Probate in Washington County." (S. P. 82) (L. D. 76)

Bill "An Act Relating to the Salaries of Clerks in the Offices of Register of Deeds, Register of Probate and Clerk of Courts in Piscataquis County." (S. P. 158) (L. D. 362)

Bill "An Act Relating to the Salary of the Register of Probate of Piscataquis County." (S. P. 165) (L. D. 368)

Bill "An Act Relating to the Salary of the Recorder of the Piscataquis Municipal Court." (S. P. 166) (L. D. 369)

Bill "An Act Relating to the Hunting and Trapping of Foxes." (S. P. 362) (L. D. 902)

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

Sent down for concurrence.

Bill "An Act Increasing the Salaries of the Members of the Industrial Accident Commission." (H. P. 20) (L. D. 9)

Mr. HOPKINS of Kennebec: Mr. President, I move that Legislative Document 9 be laid upon the table. The salaries in this bill seem to be out of line, and information as to why they are out of line has not been available.

The motion prevailed, and the bill was laid upon the table pending passage to be engrossed in concurrence.

Passed to be Enacted

"An Act Relating to the Annual Report of the State Auditor." (S. P. 63) (L. D. 43)

"An Act to Change the Name of the Yearly Meeting of Friends for New England" (S. P. 77) (L. D. 73)

"An Act Providing for the Printing and Distribution of Laws." (H. P. 17) (L. D. 7)

"An Act Relating to Clerical Assistance for Justices of the Supreme Judicial Court." (H. P. 95) (L. D. 30)

"An Act Relating to the Bonds of the Clerks of the Judicial Courts." (H. P. 98) (L. D. 29)

"An Act Transferring the Rights, Duties and Obligations of the Livermore Falls Sewer District to the Inhabitants of Livermore Falls and Abolishing the Livermore Falls Sewer District as a Separate Municipal Corporation." (H. P. 209) (L. D. 95)

"An Act to Ratify and Make Valid the Incorporation of the Harry G. Decker Post No. 51, The American Legion." (H. P. 210) (L. D. 91)

"An Act Relating to the Capitol Island Village Corporation." (H. P. 212) (L. D. 83)

"An Act Relating to the Port of Calais Authority." (H. P. 333) (L. D. 147)

"An Act to Amend 'An Act to Incorporate Madison Village Corporation.'" (H. P. 337) (L. D. 150)

"An Act to Consolidate Penobscot Lodge No. 7, I. O. O. F. and Oriental Lodge No. 60, I. O. O. F. as a New Corporate Entity Under the Name Penobscot-Oriental Lodge No. 7, I. O. O. F." (H. P. 338) (L. D. 151)

"An Act Relating to Assessment of Taxes in Plantations" (H. P. 340) (L. D. 118)

"An Act Relating to Accounting Systems in Towns." (H. P. 745) (L. D. 386)

(On motion by Mr. Bishop of Sagadahoc, tabled pending passage to be enacted.)

Emergency Measures

Bill "An Act Authorizing the Withholding of the Federal Income Tax." (S. P. 31) (L. D. 329)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate and none opposed was passed to be enacted.

Bill "An Act to Provide for the Surrender by the Town of Orneville of Its Organization." (H. P. 45) (L. D. 37)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act to Provide for the Surrender by Medford Plantation of Its Organization." (H. P. 46) (L. D. 38)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act to Provide for the Surrender by Kingman Plantation of Its Organization." (H. P. 47) (L. D. 39)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act to Provide for the of Its Organization." (H. P. 158) (L. D. 55)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table House Report from the Committee on Legal Affairs

"Ought to Pass as Amended by Committee Amendment A" on bill An Act Relating to the Chief Engineer and Assistant of the City of Lewiston (H. P. 428) (L. D. 236) tabled by that Senator on February 21 pending acceptance of the report in concurrence; and on further motion by the same Senator the report of the committee was accepted in concurrence and the bill was given its first reading.

Thereupon, the Secretary read Committee Amendment A:

"Committee Amendment A to H. P. 428, L. D. 236, bill An Act Relating to the Chief Engineer and Assistant of the City of Lewiston.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

P. & S. L. 1939, c. 8, Art. XII, Sec. 4 amended. Section 4 of Article XII of chapter 8 of the private and special laws of 1939, as amended by chapter 86 of the private and special laws of 1943, is hereby repealed and the following enacted in place thereof:

'Sec. 4. Officers; inspector of buildings; inspector of wiring. The commission may employ a chief engineer, a superintendent of fire alarm, such assistant engineers and such other officers, members and employees of the department as they deem necessary, shall direct their organization, prescribe their duties, set their compensation subject to the approval of the board of finance, and terminate their employment at pleasure; save that the chief engineer, assistant engineer and other permanent members of the department shall not be demoted nor removed unless for inefficiency or other cause detrimental to the service of the department and after hearing. They may also appoint an inspector of buildings, an inspector of electric wiring, equipment, and appliances, and such clerks and assistants to these officials as they may deem necessary, prescribe their duties, set their compensation subject to the approval of the board of finance, and terminate their employment at pleasure. They may designate any member of the department as defined in the 1st sentence of this section to perform any of the duties provided for in the 2nd sentence, and any member so designated shall lose none of his rights as a member of the department.'

The same Senator presented Senate Amendment A to Committee Amendment A.

The Secretary read the amendment:

Senate Amendment "A" to Committee Amendment "A" to H. P. 428, L. D. 236, Bill, "An Act Relating to the Chief Engineer and Assistant of the City of Lewiston."

"Amend said amendment by striking out all of the 1st sentence of that part designated as 'Sec. 4.' and inserting in place thereof the following sentence:

'The commission may employ a chief fire department engineer, a superintendent of fire alarm, such assistant fire department engineers and such other officers, members and employees of the department as they shall deem necessary, shall direct their organization, prescribe their duties, set their compensation subject to the approval of the board of finance, and terminate their employment at pleasure; save that the chief fire department engineer, assistant fire department engineer and other permanent members of the department shall not be demoted nor removed unless for inefficiency or other cause detrimental to the service of the department and after hearing.'

Senate Amendment A to Committee Amendment A was adopted.

Committee Amendment A as amended by Senate Amendment A was adopted in non-concurrence.

Thereupon, on motion by Mr. Boucher of Androscoggin, the bill and accompanying papers were laid upon the table pending assignment for second reading.

On motion by Mr. Dow of Oxford, the Senate voted to take from the table bill An Act Extending the Workmen's Compensation Act to Cover Occupational Diseases (H. P. 1238) (L. D. 864) tabled by that Senator on February 21st pending reference in concurrence; and on further motion by the same Senator, the bill was referred to the Committee on Judiciary in concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table bill, An Act Relating to the Salary of the Commissioner of Inland Fisheries and Game (H. P. 1003) (L. D. 551) tabled by that Senator on February 14 pending reference in concurrence; and on

further motion by the same Senator the bill was referred to the Committee on Salaries and Fees in concurrence.

On motion by Mr. Sterling of Somerset, the Senate voted to take from the table bill An Act Relating to White Pine Blister Rust Control (H. P. 1295) (L. D. 941) tabled by that Senator earlier in today's session pending reference in concurrence.

Mr. STERLING of Somerset: Mr. President, inasmuch as this bill is closely related to a bill that we now have before the Committee on State Lands for Forest Preservation and as we are holding the bill in com-

mittee we would like to have this bill to consider along with the other one, and I move that this bill be referred to the Committee on State Lands and Forest Preservation in non-concurrence.

The motion prevailed and the bill was referred to the Committee on State Lands and Forest Preservation in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Senate is proceeding under Orders of the Day.

On motion by Mr. Hopkins of Kennebec,

Adjourned until tomorrow morning at ten o'clock.