

# 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**

Tuesday, April 3, 1945.

The Senate was called to order by the President.

Prayer by the Reverend Elmer Colcord of Gardiner.

Journal of yesterday read and approved.

From the House:

The Committee on Appropriations and Financial Affairs on "Resolve, Providing for the Abatement of Certain Interest Owed by the Town of Linneus," (H. P. 410) (L. D. 164) reported that the same ought not to pass.

(In Senate on March 30th report read and adopted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill and report were recommitted to the Committee on Claims, and asking for a Committee of Conference, the Speaker having appointed as members of such a committee on the part of the House:

Representatives:

CORSON of Hodgdon  
LEATHERS of Hermon  
BENN of Smyrna

In the Senate, on motion by Mr. Owen of Kennebec, that Body voted to insist on its former action and join with the House in a Committee of Conference. The President appointed as members of such committee on the part of the Senate:

Senators OWEN of Kennebec  
SAVAGE of Somerset  
CLEAVES of Cumberland

**House Committee Reports**

The Majority of the Committee on Agriculture on Bill "An Act Relating to Rodent Control," (H. P. 305) (L. D. 106) reported that the same ought not to pass.

(Signed)

Senators:

BISHOP of Sagadahoc  
GOOD of Aroostook  
DENNY of Lincoln

Representatives:

BIRD of Rockland  
JEWETT of Pittston  
PROUT of Lubec  
SMITH of Newport  
KNIGHT of Clinton

The Minority of the same Committee on the same subject matter

reported that the same ought to pass as amended by Committee Amendment "A".

(Signed)

Representatives:

SWEETSER of Cumberland  
ADAMS of Kennebunkport

Comes from the House, the Majority Report read and adopted.

In the Senate, on motion by Mr. Denny of Lincoln, the Majority Report "Ought Not to Pass" was read and adopted in concurrence.

The Committee on Aeronautics on Bill "An Act Relating to the Aeronautics Commission," (H. P. 789) (L. D. 430) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Treatment by Chiropractors of Employees Under the Workmen's Compensation Act," (H. P. 147) (L. D. 49) reported that the same ought to pass.

Mr. MORRILL of Cumberland: Mr. President, I move this bill be indefinitely postponed.

Mr. DOW of Oxford: Mr. President and members of the Senate, before the vote is taken on the motion I would like to explain as well as I can remember, what happened before the Committee when this bill was there for hearing. As I understand this bill it is for this intent — it gives permission to an injured employee to secure and use the services of a chiropractic when he has been hurt. I think we were informed the reason for the bill being introduced was the Industrial Accident Commission had taken the stand that they didn't pay chiropractors—they didn't have to under the law—because the law didn't cover chiropractic practise and chiropractic use. We were told a large number of people avail themselves of chiropractic services and when they get hurt they want them for that, the same as they do for the treatment of themselves or their family at home. There appeared at the hearing Miss Deering from Bath who sponsored the bill and S. Arthur Paul of Portland who represented the chiropractors and some detail was laid before the committee as to how well chiropractors were qualified to carry out the work with injured people.

Mr. Weeks of Waterville appeared in opposition. I do not remember that anyone else appeared for it or against it. My records which are rather incomplete do not show that

anyone else appeared. At the time I was satisfied it was a good bill and I still feel as though it was. I merely make these remarks as to what happened before the committee and to say that the report that this ought to pass was not arrived at hastily.

Mr. MORRILL of Cumberland: Mr. President and members of the Senate, I would like to express my reason for opposition to this bill. As an employer during a year we have a number of accident cases and sickness cases in our plant as I believe every employer does and if we were required to allow the patients to make a choice between regular physicians and chiropractors we feel there would be a great deal of confusion and a great deal of additional expense because I know of a number of cases in industrial accidents where people go to chiropractors and perhaps are dissatisfied with the treatments and they go to physicians and then possibly go back again and it creates a great deal of confusion. I do hope my motion will prevail and I ask that the vote be taken by division.

Mr. GOOD of Aroostook: Mr. President, I didn't intend to say anything on this measure and seeing it come from the committee with the report "ought to pass" I didn't think there would be any objection to it. It seems when the state licenses a chiropractic doctor — it seems to me there is a discrimination when they will say if a man is hurt or injured and needs help from a chiropractic doctor that he won't be allowed to have it. I know in our section of the country there are people who patronize the chiropractic doctors who have been practically incapacitated for years. They went to these men and they received help. They said they received help. Whether they thought they received help or really did, they are better — I know that, and have been able to go out and earn their own livelihood. I think chiropractors have their place and they have been doing a fine job. If you don't think so, go to their offices and try to make an appointment. Men and women are going in there by streams. I believe they are qualified to administer to a man if he needs help, and I hope the motion of the Senator from Cumberland, Senator Morrill, does not prevail.

Mr. MORRILL of Cumberland: Mr. President, may I suggest to the Senator from Aroostook, Senator Good, that perhaps the reason chiropractors' offices are so crowded these days is because there are so few physicians remaining in the state of Maine.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Morrill, that this bill be indefinitely postponed and a division of the Senate has been asked.

A division of the Senate was had. Nineteen having voted in the affirmative and eight opposed, the motion prevailed and the bill was indefinitely postponed in non-concurrence.

The same Committee on Bill "An Act Relating to Decrees for Alimony," (H. P. 747) (L. D. 390) reported that same ought to pass.

The same Committee on Bill "An Act to Grant Powers of Arrest to State Parole Officers," (H. P. 1271) (L. D. 914) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Settlement of Suits By or Against Infants," (H. P. 1137) (L. D. 681) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Appointment of State Humane Agents," (H. P. 1168) (L. D. 687) reported that the same ought to pass.

The Committee on Legal Affairs on Bill "An Act to Provide Civil Service Rules for Police and Fire Departments," (H. P. 1201) (L. D. 760) reported that the same ought to pass.

The Committee on Motor Vehicles on Bill "An Act Relating to Rate of Speed of Commercial Vehicles," (H. P. 1210) (L. D. 711) reported that the same ought to pass.

The Committee on Legal Affairs on Bill "An Act to Incorporate the Portland Wharf District," (H. P. 1328) (L. D. 972) reported that the same ought to pass.

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

At this point the Senator from Aroostook, Senator Brown, was conducted by the Sergeant-at-arms to the Rostrum and assumed the Chair, the President retiring.

The Committee on Claims on "Resolve in Favor of William A. Johnson of Orrington," (H. P. 723) (L. D. 396) reported the same in a new draft (H. P. 1392) (L. D. 1080) under the same title, and that it ought to pass.

The Committee on Counties on Bill "An Act Relating to Advertising Resources, Etc., by Counties," (H. P. 933) (L. D. 525) reported the same in a new draft (H. P. 1393) (L. D. 1065) under a new title, Bill "An Act Relating to Advertising Resources, Etc., by Aroostook County," and that it ought to pass.

The Committee on Education on Bill "An Act to Increase Teachers' Pensions," (H. P. 811) (L. D. 504) reported the same in a new draft (H. P. 1394) (L. D. 1066) under the same title, and that it ought to pass.

The Committee on Inland Fisheries and Game on "Resolve Relating to Daily Bag Limit from Androscoggin Watershed Above Middle Dam," (H. P. 696) (L. D. 289) reported the same in a new draft (H. P. 1396) (L. D. 1081) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Control of Deer in Acadia National Park," (H. P. 1179) (L. D. 740) reported the same in a new draft (H. P. 1395) (L. D. 1067) under the same title, and that it ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Judge of Probate and the Register of Probate in Cumberland County," (H. P. 1094) (L. D. 781) reported the same in a new draft (H. P. 1397) (L. D. 1068) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to the Salary of the Sheriff of York County," (H. P. 679) (L. D. 272) reported the same in a new draft (H. P. 1398) (L. D. 1069) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to the Salary of the Sheriff of Oxford County," (H. P. 1095) (L. D. 782) reported the same in a new draft (H. P. 1399) (L. D. 1070) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relative to the Salary of the Judge of the Brunswick Municipal Court," (H. P. 545) (L. D. 214) reported the same in a new draft (H.

P. 1400) (L. D. 1071) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to the Salary of Judge of Probate of Hancock County," (H. P. 548) (L. D. 216) reported the same in a new draft (H. P. 1401) (L. D. 1072) under the same title, and that it ought to pass.

The same Committee on Bill "An Act to Increase the Salary of the County Treasurer of Cumberland County," (H. P. 1279) (L. D. 922) reported the same in a new draft (H. P. 1402) (L. D. 1073) under the same title, and that it ought to pass.

(On motion by Mr. Cleaves of Cumberland, tabled pending adoption of the report in concurrence.)

The same Committee on Bill "An Act Relating to Salary of Sheriff of Cumberland County," (H. P. 1212) (L. D. 763) reported the same in a new draft (H. P. 1403) (L. D. 1074) under the same title, and that it ought to pass.

The same Committee on Bill "An Act to Increase the Salary of the Judge of the Rumford Falls Municipal Court," (H. P. 1277) (L. D. 920) reported the same in a new draft (H. P. 1404) (L. D. 1075) under the same title, and that it ought to pass.

The Committee on Temperance on Bill "An Act Relating to Liquor Licenses in Unorganized Territory Where No Elections are Held," (H. P. 861) (L. D. 437) reported the same in a new draft (H. P. 1405) (L. D. 1076) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Selling of Malt Liquor Near National Soldiers' Homes, etc.," (H. P. 1156) (L. D. 699) reported the same in a new draft, (H. P. 1406) (L. D. 1077) under the same title, and that it ought to pass.

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

Thereupon, on motion by Mr. Bishop of Sagadahoc, the Senate voted to reconsider its former action whereby bill An Act Relating to Liquor Licenses in Unorganized Territory Where No Elections are Held (H. P. 1405) (L. D. 1076) was tomorrow assigned for second read-

ing, and on further motion by the same Senator, the bill was laid upon the table pending assignment for second reading.

The Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for the Issuance of Bonds of the State to Refund Waldo-Hancock Bridge Loan Bonds," (H. P. 618) (L. D. 281) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Provide for the Issuance of Bonds of the State to Refund Kennebec Bridge Loan Bonds," (H. P. 619) (L. D. 282) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Judiciary on Bill "An Act Relating to Inactive Savings Accounts of Former Inmates of the State School for Boys," (H. P. 1164) (L. D. 685) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Payments to County Law Libraries," (H. P. 1194) (L. D. 753) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Registration of Voters," (H. P. 1258) (L. D. 882) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act Relating to Licensing Automobile Dealers," (H. P. 1322) (L. D. 965) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and adopted in concurrence, and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended were tomorrow assigned for second reading.

The Committee on Public Health on Bill "An Act Relating to the Practice of Dentistry," (H. P. 734) (L. D. 392) reported that the same ought to pass.

Comes from the House passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and adopted in concurrence and the bill was given its first reading, House Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

#### First Reading of Printed Bills

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Penobscot County to Donald L. Haskell, of Old Town." (S. P. 412) (L. D. 1098)

Bill "An Act to Correct Typographical and Clerical Errors in the Revision." (S. P. 414) (L. D. 1100)

Bill "An Act Relating to Powers of County Commissioners." (S. P. 415) (L. D. 1099)

Bill "An Act Relating to the Excise Tax on Motor Vehicles." (S. P. 417) (L. D. 1102)

Which bills and resolves were severally read once and tomorrow assigned for second reading.

Bill "An Act Relating to Clerk Hire in the County Offices in Knox County." (S. P. 418) (L. D. 1101)

(On motion by Mr. Smith of Knox, tabled pending assignment for second reading.)

At this point the President resumed the Chair, Mr. Brown retiring amidst the applause of the Senate.

#### Senate Committee Reports

Mr. Sterling from the Committee on Towns submitted its Final Report.

Which was read and adopted.  
Sent down for concurrence.

The Majority of the Committee on Temperance on Bill "An Act Relating to Sale of Liquor in Glasses," (S. P. 339) (L. D. 812) reported that the same ought not to pass.

(Signed)

Senators:

TOWNSEND of Penobscot

GOOD of Aroostook

Representatives:

ELLINGWOOD of Rockland

COLE of Casco

BLAKE of Brownfield

WARD of Millinocket

SMART of Ellsworth

COOMBS of Belfast

The Minority of the same Committee on the same subject matter

reported that the same ought to pass.

(Signed)

Senator:

BOUCHER of Androscoggin

Representative:

JALBERT of Lewiston

Mr. BOUCHER of Androscoggin: Mr. President, noting the absence of Senator Currier whose bill this is, I move you, sir, that this bill be laid upon the table at this time pending acceptance of either report.

The motion prevailed and the reports and accompanying papers were laid upon the table pending acceptance of either report.

#### Passed to be Engrossed

Bill "An Act Relating to the Salary for Clerks in the Office of Register of Probate in York County." (H. P. 48) (L. D. 19)

Bill "An Act Relating to the Amount to be Paid for Clerk Hire in the Office of the Recorder of the Municipal Court of the City of Portland." (H. P. 102) (L. D. 33)

Bill "An Act Relating to the Salary of the Judge of the Municipal Court of Portland." (H. P. 103) (L. D. 34)

Bill "An Act Relating to the Salary of the Recorder of the Portland Municipal Court." (H. P. 104) (L. D. 35)

Bill "An Act to Increase the Amount to be Paid for Clerk Hire in the Office of the Register of Deeds in the County of Cumberland." (H. P. 191) (L. D. 57)

Bill "An Act to Increase the Amount to be Paid for Clerk Hire in the Office of Register of Probate in the County of Cumberland." (H. P. 192) (L. D. 56)

"Resolve Appropriating Money to Repair Fish Screen at Eagle Lake." (H. P. 322) (L. D. 143)

Bill "An Act Relating to Yearly Fees for Boxers." (H. P. 355) (L. D. 121)

Bill "An Act Providing for Equitable Apportionment of Estate Taxes and Collection and Payment Thereof." (H. P. 422) (L. D. 192)

Bill "An Act Relating to the Salary of the Recorder of the Brunswick Municipal Court." (H. P. 546) (L. D. 215)

Bill "An Act Relating to Tuition to be Paid by Towns." (H. P. 803) (L. D. 500)

Bill "An Act to Equalize Opportunities for Education in Occupational Training." (H. P. 804) (L. D. 501)

Bill "An Act Relating to Salary of Clerks in the Office of Register of Deeds in Hancock County." (H. P. 1000) (L. D. 600)

"Resolve Granting Additional Pension for Burtis P. Fowler, of Augusta." (H. P. 1103) (L. D. 787)

Bill "An Act Relating to the Salaries of the Judge and Recorder of the Northern Cumberland Municipal Court." (H. P. 1149) (L. D. 795)

Bill "An Act to Increase the Salaries of the Judge and the Recorder of the Westbrook Municipal Court." (H. P. 1151) (L. D. 730)

"Resolve Relating to Belgrade Stream." (H. P. 1183) (L. D. 744)

"Resolve in Favor of Dr. Charles H. Buck of Naples." (H. P. 1378) (L. D. 1048)

"Resolve in Favor of the Estate of R. Byron Flewelling, Late of West Gardiner, Deceased; for Loss of Life." (H. P. 1379) (L. D. 1049)

"Resolve in Favor of Charles B. Buck of Newfield." (H. P. 1380) (L. D. 1050)

"Resolve in Favor of Roy Marshall of Sanford." (H. P. 1389) (L. D. 1053)

"Resolve to Reimburse the Town of Amherst for Suppression of a Forest Fire." (H. P. 1381) (L. D. 1051)

(On motion by Mr. Good tabled pending passage to be engrossed in concurrence.)

Bill "An Act Relating to Towns Having No Free High Schools." (H. P. 1382) (L. D. 1044)

Bill "An Act Relating to Special Legislative Pensions." (H. P. 1383) (L. D. 1045)

"Resolve Granting a State Pension to Eva M. Farrington Cary, of Bowdoinham." (H. P. 1384) (L. D. 1052)

Bill "An Act Relating to Permits for Truck Loads Upon Designated Roads." (H. P. 1386) (L. D. 1047)

"Resolve, For the Laying of the County Taxes for the Year Nineteen Hundred Forty-six." (H. P. 1391) (L. D. 1079)

Bill "An Act Relating to Clerk Hire in the Office of Clerk of Courts, Cumberland County." (H. P. 214) (L. D. 97)

Bill "An Act Relating to Salary of Register of Deeds and Clerk Hire in Office of Register of Deeds in Penobscot County." (H. P. 1375) (L. D. 1038)

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

"Resolve, for the Laying of the County Taxes for the Year Nineteen Hundred Forty-five." (H. P. 1390) (L. D. 1018)

Which bill was read a second time and passed to be engrossed as amended in non-concurrence.

Sent down for concurrence.

"Resolve for the Purchase of Five Hundred Copies of 'The Length and Breadth of Maine.'" (S. P. 93) (L. D. 135)

Bill "An Act to Provide for Training and Licensing Nursing Attendants." (S. P. 404) (L. D. 1064)

Bill "An Act Relating to Licensing Hospitals and Related Institutions in the State of Maine." (S. P. 405) (L. D. 1063)

Bill "An Act Relating to the Salary of the Recorder of the Ellsworth Municipal Court." (S. P. 406) (L. D. 1062)

Bill "An Act Relating to Salary of Register of Probate and Clerks in Office of Register of Probate in Hancock County." (S. P. 407) (L. D. 1061)

Bill "An Act Relating to the Salaries of Certain County Officials in Knox County." (S. P. 408) (L. D. 1060)

Bill "An Act Relating to the Salary of the Clerk of Courts of York County." (S. P. 410) (L. D. 1059)

Bill "An Act Relating to Agents, Health and Other Officers of Indian Tribes." (S. P. 411) (L. D. 1058)

Bill "An Act to Simplify Finances of the Department of Education." (S. P. 191) (L. D. 490)

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

Sent down for concurrence.

Bill "An Act Relating to the Salaries of the Register of Deeds and Clerks in the Office of Register of Deeds in Androscoggin County." (S. P. 409) (L. D. 1057)

Which bill was given its second reading.

Thereupon, Mr. Boucher of Androscoggin presented Senate Amendment A and moved its adoption:

"Senate Amendment A to S. P. 409, L. D. 1057, bill, An Act Relating to the Salaries of the Register

of Deeds and Clerks in the Office of Register of Deeds in Androscoggin County.

"Amend said bill by striking out the underlined figures '\$2100' in the last line of Section One thereof and inserting in place thereof the underlined figures '\$2400.'"

Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

### Orders of the Day

The President laid before the Senate, Bill, An Act to Regulate the Practice of Architecture and to Create a Board to Provide for the Examination and Registration of Architects (S. P. 103) (L. D. 178) tabled by that Senator on March 29th pending motion to reconsider action whereby the bill was indefinitely postponed, and today assigned.

Mr. LEAVITT of Cumberland: Mr. President, Mr. Smith was to start this ball rolling, but I notice he is not in his chair at the moment so I will take the bill and attempt to start it rolling.

The other day when the vote was taken I was willing to abide by the decision of this body that this bill be indefinitely postponed but immediately after the vote I talked with several members of the Senate, in fact, enough who voted the other way who thought if a few changes were made in the bill they would be willing to go along with reconsideration.

We all know reconsideration must be taken within 24 hours so the next morning Mr. Smith, who voted against the bill asked for reconsideration and then immediately tabled it inasmuch as about four or five senators who had voted against the bill were off on a trip which was of necessity in their duties as Senators. In other words, we did not want to give any idea we were trying to put something over in the absence of people who had to be absent.

Since that time we have rewritten this bill, changing it around a little bit and taking away the objections of at least one or two Senators. They felt although the bill perhaps might not be what was intended, it was ambiguous and we went at it the wrong way. In fact, we set up a definition and then



carried along further to say that the definition did not apply in certain cases. We have now removed that objection, I believe, and I very humbly hope because of the fact I think this is good legislation that this Body will reconsider this matter and allow me to submit this new draft which I have taken up with the Committee on Legal Affairs and several members here so we do not feel we need to recommit to the Committee, and if it is printed we can go on from there.

As I say, I humbly ask that we reconsider this matter.

The PRESIDENT: The question is on the motion of the Senator from Knox, Senator Smith, that the Senate reconsider its action whereby this bill was indefinitely postponed.

Mr. BROWN of Aroostook: Mr. President, I am not going to attempt to re-argue the bill because you heard the bill argued and you all voted as you thought best.

From a legislative standpoint I think it is bad practice at this time in the session to begin reconsidering bills which are dead, in the hope the authors may present a new bill which will meet with favor. I want to call attention to the fact that we hope adjournment is not more than two weeks off. The farmers of this legislature, and there are many of them in the House and Senate, are not only anxious to get home but you should all be anxious that we should. After the winning of this war the next most important thing in the world is that farmers produce farm produce that will keep people from starving. If we begin reconsidering bills that we have killed, we will be here until June, and not only the farmers here will suffer but it will be a serious injury to the feeding of the world after the war.

I hope this motion to reconsider indefinite postponement and then have a new bill to consider, will not prevail.

Mr. LEAVITT: Mr. President, I think it is going to be one of the greatest debated controversies of this Senate, which will have the last word on this bill, Senator Brown or myself, but I will try to have the last word this time.

We are here in this legislature for just one purpose and that is to accomplish the business we have

been sent here to do and although I sympathize with the Senator from Aroostook, Senator Brown, who wants to go home to his plowing, I still feel our obligation to this legislature is to finish our work first, and I hope his plea to hurry will not in any way influence anyone in voting against this bill. If anyone is definitely against this bill it is another proposition, but please do not consider his plea to hurry up and go home.

The PRESIDENT: The question is on the motion of the Senator from Knox, Senator Smith, that the Senate reconsider its action whereby the bill was indefinitely postponed.

A viva voce vote being doubted.

A division of the Senate was had.

Fourteen having voted in the affirmative and thirteen opposed, the motion to reconsider prevailed.

Thereupon, Mr. Leavitt presented Senate Amendment "B" and moved its adoption.

On motion by Mr. Boucher of Androscoggin, the bill and accompanying papers were laid upon the table, pending consideration of Senate Amendment "B", and Senate Amendment "B" ordered printed.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table Majority Report "Ought Not to Pass", Minority Report "Ought to Pass" from the Committee on Legal Affairs on bill An Act Licensing Steam Engineers and Firemen for the Protection of Life and Property (S. P. 357) (L. D. 906) tabled by that Senator on March 30 pending motion by the Senator from York, Senator Batchelder, to adopt the Majority Report.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I move this measure be tabled at this time following consideration of the architects bill because it is one more measure setting up a special group within the state. Last week speaking on the architects measure, I stated that it seemed to me that such legislation should rest squarely on whether or not it is needed to protect the welfare of the people. I want to speak further on this phase on the bill which is before you.

There is on the books of the state of Maine a law at the present time which provides almost identical reg-

ulation as covered by this bill but that law is effective only in communities having forty thousand population or more. Whether that law on the books is a bad law or whether this is a good law is the question; whether boilers are more likely to explode and kill people in Portland than in Aroostook County or other parts of the state. As a matter of law proprietors of the principal industries of the state where boilers are in operation contend that their boilers are inspected and insured and the law is not needed by them. Whether or not that is true I leave to your judgment. Many other people in the state operate boilers of less capacity and not under licensed engineers and firemen. They contend it would be an inconvenience to have such a law put on the books. That leaves us with the problem of whether or not public welfare and safety demand that this law should be adopted for the operation of those boilers.

And also, the repealing clause does not fit in with the existing statutes. If the motion does not prevail I ask for the privilege of tabling it in order that it may be put in proper form.

Mr. DENNY of Lincoln: Mr. President, this bill, I think to a good many people represents a nuisance cost far in excess of any value that will be obtained from its passage. There are several hundred boilers in the state, several hundred industries. I think our installation in our particular creamery is typical of a good many of them. We have a boiler of 20 h. p. which is common for a small creamery. It is fed by a stoker. Some of them are fed by coal stokers; some are fed by oil burners; some by hand. In our case we carry head pressure of seventy-five pounds of steam. It requires not more than forty-five minutes a day for a man to take care of this boiler. I believe the safety of the employees who work in the building where the boiler is, is pretty well protected because this boiler, as do all boilers, has a plug which blows out with the pressure when the heat gets too high. There is also a valve which works automatically, and I think in most cases there is a water control which stops the feed to the boiler—fuel—which stops the fuel to the boiler, if the water gets too low or if the water gets too high, the fire goes out. In

addition to that I think now every boiler is insured, and inspected by the state and the insurance company, externally inspected every six months, internally inspected every six months.

It just happens, and I think this is typical, that our man who takes care of the boiler, the firing, perhaps forty-five minutes a day, spends about fifteen minutes a day shoveling coal from the coal bin into the hopper. We have had four different men taking care of that since the thirtieth day of June. The nuisance cost in having them come to Augusta and pass some kind of examination to secure a license to operate the boiler seems quite unnecessary. I think the requirements are quite sketchy in this bill. I think there is some question as to just what kind of a man you could send up here to pass an examination to operate a small boiler. It seems to me this bill is not going to accomplish the safety factor intended. I trust that Senator Batchelder's motion will pass.

Mr. BROWN of Aroostook: Mr. President, I hope the majority report "Ought Not To Pass" will be accepted. We have in our county quite a number of starch factories which require a boiler to generate heat as well as run the machinery. These boilers are run night and day during the starch season, as many as three firemen or three engineers having charge of them. It is not unusual that we hire an engineer. He has charge but also does the firing while on duty. I think it would be a great nuisance particularly in this time of labor shortage to have to have three licensed firemen or three licensed engineers on duty. It would be impossible to operate under those conditions.

I don't know what class we would come under but we have a 200 h. p. boiler and it happens we have an engine of about 100 h. p. It seems to me under the safety regulations of the state, as described, these boilers are inspected twice a year; they are equipped with all automatic features. In the forty years I have been in Aroostook, I have never known of a boiler blowing up in a starch factory. I think all proper methods have been taken as a safety measure. It would add immensely to the costs in an industry which cannot bear any more costs. I hope the Majority Report "Ought Not To Pass" will be accepted.

Mr. BATCHELDER of York: Mr. President, I might say the discussion of this bill before the Committee was on the question of the protection of life and property. There were a great many manufacturers appeared before the committee and they mentioned the fact that most boilers were under considerable inspection by insurance companies, and it was a help in the way of safety. Most accidents happen as the result of carelessness and I do not believe we can legislate as far as carelessness is concerned. I hope the motion will prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Batchelder, that the Majority Report "Ought Not To Pass" be adopted.

The motion prevailed and the "Ought Not To Pass" report of the Committee was adopted.

Sent down for concurrence.

On motion by Mr. Dow of Oxford, the Senate voted to take from the table, bill, An Act Authorizing the Highway Commission to Enter Upon Lands for Certain Purposes (H. P. 873) (L. D. 521) tabled by that Senator on March 21st pending assignment for second reading.

Mr. DOW of Oxford: Mr. President and members of the Senate: Reading this bill over, it struck me that maybe it was not good legislation, at least from my point of view, and I want to talk a minute to see if it is good legislation from your point of view. I wish to make a motion for indefinite postponement of the bill. I hesitate a little to do it—it is so hard to get it taken up later—but I had a little courage given me this morning, and it is going to last until you take a vote on it, anyway.

If you will look at Legislative Document 521, it reads as follows: "The commission and its authorized agents and employees may enter upon any lands, waters and premises in the state for the purpose of making surveys, soundings, drillings and examinations, as it may deem necessary or convenient for the purpose of this chapter, and such entry shall not be deemed a trespass."

Then we have Committee Amendment A submitted, which is: "Amend said bill by striking out

after the word 'chapter,' 'and such entry shall not be deemed a trespass.'"

It seems to me the very submission of this amendment shows the bill goes quite a ways. I have talked with a few people, and they tell me on some occasions when the Highway Commission wants to make surveys, soundings, drillings, and the people are away—maybe they left for the day, or maybe they have gone south. Under this bill, the Highway Commission can go in, I submit, if they want to and drill holes and these people will have a real pleasant surprise when they come back.

It will be argued that there won't be any damage done, under this. It seems to me we have heard a lot of talk about private rights, public rights. It would seem to me, as I read this bill, that any rights of private property which we still have should be paramount over any commission in the State of Maine. It seems to me, if a person owns land, if a person owns premises, he should own it and not be subject to encroachment by the various departments of the State of Maine. There must be some machinery whereby they can build roads, but I am not in favor of telling them they can drill, bore, survey, make soundings, do anything they want to.

Suppose the Senator and I live on opposite sides of the road; and it is decided to widen the road. They go and make some soundings on my land; they go and make soundings on his land. We are away, at the time. Then, when we come back, we find those drillings there.

The committee made an amendment, to strike out the word "trespass," which shows they are a little afraid of it, they think it is a little broad. I move indefinite postponement. I would like to hear a little discussion on this question, as it seems to me a person would have no redress except to appear before the Committee on Claims and present a bill, or to get permission from the Legislature to sue the State of Maine, something of that sort.

Mr. BROWN of Aroostook: Mr. President, as a member of the Ways and Bridges Committee, I want to say a few words in defense of the Committee in reporting the bill as 'ought to pass.' At the present time,

and in the future, as in the past, there is a great deal of road construction, and a great deal of straightening and relocating roads. As we come into the future, we are hoping to have a better road system. To prepare for the fast and heavy traffic, it is increasingly necessary that the roads be straightened. Sometimes the Highway Commission wishes to cut off curves, in straightening the roads, and if they have no authority to enter and make soundings and determine where the road is going to go and what the cost should be, they could not do it. Sometimes the people are not away; it is someone that is just stubborn and he does not want the road to go there, or he asks exorbitant prices. Until the state can start in and determine that it is going to locate the road there, it obviously does not want to take that land by eminent domain because they haven't decided that that is where they want it. And sometimes they have run up against someone who will not allow them to go in and determine that.

The Department asked for this bill. The Committee thought this ought to be struck off, because it was taking away the constitutional right of a man to have legal recourse for damages. Of course they have no right to sue the state without the state's permission, but if you take away the right to sue for trespass, you take away all his legal rights.

As for me, personally, I don't care whether it passes or not. But under the circumstances, I did think it was a good bill, and the Highway Commission should be given the right to go on any land to make the necessary preliminary soundings, borings,

drillings and excavations. Then, if damage is done, the land owner has the usual right of coming before the Legislature and presenting his claim, as in the past.

I hope the motion for indefinite postponement will not prevail.

The PRESIDENT: The pending question before the Senate is on the indefinite postponement of the bill.

A viva voce vote being doubted,

A division of the Senate was had.

Eighteen having voted in the affirmative and twelve opposed, the motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Dorr of Oxford, the Senate voted to take from the table Resolve Relating to Fly Fishing in Tributaries of Richardson Lake (H. P. 324) (L. D. 145) tabled by that Senator on March 27 pending passage to be engrossed; and on further motion by the same Senator, the resolve was passed to be engrossed in concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table (S. P. 324) (L. D. 827) Senate Report "Ought to Pass in New Draft" (S. P. 416) under the same title—bill "An Act Relating to Pari Mutuel Pools" tabled by that Senator on March 30 pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted and the bill was laid upon the table for printing under the joint rules.

On motion by Mr. Willey of Hancock,

Adjourned until tomorrow morning at ten o'clock.