

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

AUGUSTA
KENNEBEC JOURNAL PRINT
1921

SENATE

Friday, January 28, 1921.

Senate called to order by the President.

Prayer by Rev. W. J. Layton of Augusta.

Journal of previous session read and approved.

On motion by Mr. Garcelon of Androscoggin, under suspension of the rules, it was

Ordered, the House concurring, that when the Senate and House adjourns it be to meet on Monday afternoon, January 31, at half past four o'clock.

Sent down for concurrence.

The PRESIDENT: The Chair would announce the personnel of the joint committee to investigate the agricultural conditions in this State, which was created under a joint order passed by this body and the House. On the part of the Senate the Chair will place upon that committee the senator from Kennebec, Senator Cobb; the senator from Waldo, Senator Clement; the senator from Penobscot, Senator Morison; the senator from Somerset, Senator Bemis, and the senator from Hancock, Senator Sargent.

Papers from the House disposed of in concurrence.

From the House: Resolve to create a State insurance fund. In the Senate this resolve was referred to the committee on judiciary. In the House the resolve was indefinitely postponed.

On motion by Mr. Clark of Lincoln the Senate receded and concurred in the action of the House.

Communications From the Executive and Heads of Departments

STATE OF MAINE

Department of State Auditor

Augusta, January 25, 1921.

To the Honorable Senate and House of Representatives:

Section 84 of Chapter 2, Revised

Statutes, requires that "whenever any appropriation or fund is expended all bills and accounts presented to the State Auditor and drawn on said expended appropriation shall not be approved by him, but shall be reported by him to the next session of the Legislature." The law establishing the State Contingent Fund authorizes warrants to be "drawn upon," charged to, and paid out of said fund, to pay outstanding bills, or accounts that were properly chargeable to the several appropriations previous to the first day of January of each year.

In 1918 the Attorney General in an opinion to this office interpreting the two acts above said: "It was undoubtedly the intention of the Legislature, to limit the claims which could be paid out of this fund, to those which became properly chargeable to the several appropriations within a year previous to the year in which the bill is presented to the Governor and Council. Any other interpretation would involve such sweeping powers and so much authority over the money of the State, that we cannot believe that the legislature ever intended to relinquish so much authority to the Executive Department." Bills for 1920 are therefore referred to the Governor and Council for payment from the State Contingent Fund, while bills contracted prior to Jan. 1, 1920, are herewith referred to the Legislature.

The bill of Harry S. Coombs, of Lewiston is for plans for a nurses' home at the Augusta State Hospital. The request for an appropriation for a nurses' home at the Augusta State Hospital was made to the Legislature of 1919, but was unfavorably reported from committee. The Legislature, however, authorized a dormitory, or "a building to accommodate one hundred patients," as provided by Chapter 66, of the Resolves of 1919. The bill for plans for nurses' home was incurred without my knowledge and when presented was refused payment, there having been not only no appropriation for same, but a definite refusal by the Legislature to appropriate money for that purpose.

If favorable action is taken upon the bills from towns for destruction of domestic animals by dogs and wild animals, I suggest that the resolve be so worded that the required amount be charged to the current appropriation, as payments on all such claims are not charged to money raised in the ordinary course of taxation, but are paid from licenses on dogs.

Likewise if the bills incurred by the Board of Registration of Medicine and the Commissioners of Pharmacy are allowed, authority should be granted to pay them from the current appropriation, as these boards have no authority to expend any more than they collect in fees.

Referring to the two bills for aid to soldiers' dependents, authority to pay, if granted, should state that these may be taken from the current account for war purposes.

The bills, affidavits and correspondence relative to these matters are on file in the office of the State Auditor and will be furnished to the Committee on application. They should likewise be returned to be filed there.

(Signed) R. L. WARDWE7LL,
State Auditor.

The report was received, read, referred to the committee on claims, and sent down for concurrence.

The following bills, petitions, etc., were received and upon recommendation of the committee on reference of bills were referred to the following committees:

Appropriations and Financial Affairs

By Mr. Parent of Androscoggin: Resolve providing for orphaned, dependent and neglected children at the Healy Asylum, Lewiston.

By the same Senator: Resolve providing for the care of orphaned, neglected and dependent children at the Girls' Orphanage, Lewiston.

By the same Senator: Resolve providing for hospital treatment at the Central Maine General Hospital in Lewiston for persons who are in need of the same, and are unable to pay for it.

By the same Senator: Resolve providing for hospital treatment at the

St. Mary's General Hospital in Lewiston for persons who are in need of the same and are unable to pay for it.

By Mr. Gillin of Penobscot: Resolve for appropriating money for the erection of a Memorial Monument in honor of the Mayflower Pilgrims in Maine.

Education

By Mr. Allen of York: An Act to amend Section 146 of Chapter 16 of the Revised Statutes as amended, relating to the appropriation for maintenance of normal and training schools.

Inland Fisheries and Game

By Mr. Clement of Waldo: An Act to amend Section 32 of Chapter 33 of the Revised Statutes relating to mill waste deposited in lakes and ponds. (Subsequently referred to the committee on sea and shore fisheries.)

Judiciary

By Mr. Gurney of Cumberland: An Act to amend Section 77 of Chapter 82 of the Revised Statutes relative to clerk hire for reporter of decisions.

By the same Senator: An Act to amend section 9, chapter 117 of the Revised Statutes relative to salary of reporter of decisions.

By the same Senator: An Act relative to the marking, sale and installation of range boilers.

By Mr. Spencer of York: An Act to provide for the removal of property from land intended to be flowed and the assessment of damages caused thereby. (500 ordered printed.)

By Mr. Eaton of Oxford: An Act to amend Section 3 of Chapter 29 of the Revised Statutes relative to loss of pauper settlement. (300 ordered printed.)

Legal Affairs

By Mr. Parent of Androscoggin: An Act to regulate the payments of appropriations for the care, treatment, support and education of persons in charitable or benevolent institutions not wholly owned or controlled by the State.

Ways and Bridges

By Mr. Holt of Hancock: Resolve in favor of the city of Ellsworth and the town of Hancock for reconstructing a road.

Orders

On motion by Mr. Holt of Hancock, it was

Ordered, that 2000 additional copies of the Senate and House registers be printed for the use of the Senate.

On motion by Mr. Putnam of Washington, it was

Ordered, that 2500 copies of the address of the President of the Senate relative to the Mount Katahdin State Park, delivered before the Maine Sportsmen's Association, be printed for the use of the Senate.

Reports of Committees

Mr. Thombs from the committee on legal affairs, An Act to amend Sections one and three of Chapter 116 of the Revised Statutes, relating to duties payable by public officers, reported same ought to pass.

The report was accepted and the bill tabled for printing under the joint rules.

Mr. Folsom from the committee on Public Utilities, on order of the last Legislature directing the Public Utilities Commission to investigate farm crossings and cattle passes reported that Legislation thereon is inexpedient.

The report was accepted and sent down for concurrence.

Mr. Emerson from the committee on State lands and forest preservation, on resolve presenting a Memorial to Congress in favor of the bill now pending therein entitled "A bill for the establishment and maintenance of a forest experiment station on the White Mountain National Forest in the State of New Hampshire," submitted the same in a new draft under title of "Joint resolution favoring the establishment and maintenance by the United States Government of a forest experiment station on the White Mountain National Forest in the state of New Hampshire," and that the same be adopted.

The report was accepted, and the joint resolution adopted and sent down for concurrence.

The committee of conference on the disagreeing action of the two branches of the Legislature on "Memorial to Congress urging the amendment of the Federal Water Power Act so that Maine's Water Powers shall be saved for the benefit of Maine people," reported that the House passed the Memorial to be engrossed under suspension of the rules, in concurrence with the action of the Senate.

The report was accepted and sent down for concurrence.

Orders of the Day

On motion by Mr. Gould of Aroostook the Senate took a recess subject to the call of the President, while awaiting the return of the adjournment order from the House.

After Recess

Senate called to order by the President.

The PRESIDENT: The joint order in relation to the time of adjournment has come back from the House concurred in by that body.

On motion by Mr. Clement of Waldo the Senate reconsidered the motion whereby An Act to amend Section 32 of Chapter 33 of the Revised Statutes, relating to mill waste deposited in lakes and ponds, was referred to the committee on inland fisheries and game. On further motion by the same Senator the bill was referred to the committee on sea and shore fisheries, and sent down for concurrence.

On motion by Mr. Gould of Aroostook,

Adjourned until next Monday afternoon, January 31, at half past four o'clock.