

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
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1919

SENATE

Friday, February 7, 1919.

Senate called to order by the President.

Prayer by Rev. Dwight A. Ball of Augusta.

Journal of previous session read and approved.

On motion by Mr. Chick of Kennebec, under suspension of the rules, it was

Ordered, the House concurring, that when the Senate and House adjourn they adjourn to meet next Tuesday, February 11, at 10 o'clock in the forenoon.

Sent down for concurrence.

Subsequently the House concurred in the passage of the order.

Papers from the House disposed of in concurrence.

From the House: Communication from the State auditor with list of unpaid bills and accounts for which there is no appropriation.

In the House this communication was referred to the committee on appropriations and financial affairs in non-concurrence.

The Senate receded and concurred.

From the House: An Act to amend Section 1 of Chapter 319 of the Public Laws of 1915, as amended by Chapter 304 of the Public Laws of 1917, entitled "An Act to provide for State and county aid in the construction of highway bridges."

In the House referred to the committee on ways and bridges.

In the Senate, on motion by Mr. Ricker of Hancock, tabled for printing.

House Bill in First Reading

Resolve in favor of William R. Roix.

Message from the Chief Executive

Governor Carl E. Milliken on Friday transmitted the following special message to the 79th Legislature: To the Honorable Senate and House of Representatives:

It is necessary to lay before you frankly and in some detail a situation which is delaying the preparation of the Budget and threatens to prevent the formulation of any orderly financial program and to interfere seriously with constructive legislation in general.

This condition arises out of a controversy as to whether the so-called equalization fund, or special aid by the State, to towns for road construction, shall continue to be distributed by the State Highway Commission as provided in the existing law or whether any money available for that purpose shall be apportioned by the committee on ways and bridges during the legislative session with no opportunity to foresee the road emergencies that may arise in the various towns during the next two years and with no chance even to inspect any particular road while the snow is on the ground. Another matter in controversy is the question whether the committee on ways and bridges shall distribute appropriations for special bridge projects in view of the fact that the general bridge law passed some years ago specifies the proportion which the State shall contribute to bridge construction. It is well to note that the matters in dispute do not include ferries, toll bridges, international bridges nor inter-state bridges, as none of these are within the scope of the act mentioned. Note also that the controversy does not include the Portsmouth-Kittery project relating to an inter-state toll bridge.

I have told the committee that I cannot approve special resolves for roads in view of the large expenditures for the general road program and the fact that the equalization fund is provided by law to take care of the emergencies which these special resolves seek to relieve, also that I cannot approve special resolves for bridges which are within the scope of the general bridge act.

The committee has nevertheless proceeded with its hearings and the members have notified me that they are seeking sufficient support to assure the passage in spite of an ex-

ecutive veto of such appropriations as the committee may see fit to approve. The House chairman who has been canvassing this subject since the very opening of the session is reported as feeling assured of a two-thirds vote.

How many of the total number of special resolves now before that committee would be included in this program, I am not informed. If it includes them all, the amount directly involved would be up towards a million dollars in addition to the program already provided by law. In this connection it is well to note that the law already authorizes joint expenditures by the State, the Federal government and the cities and towns of about five million dollars for road and bridge purposes in 1919-1920, in addition to the large amounts now raised by the cities and towns themselves for those purposes, and with the further prospect that within the years 1919-1920 the State may have to find additional funds to match on a 50-50 basis appropriations by the Federal Government amounting to \$1,924,925 for road purposes.

As soon as it becomes evident what form the Federal bill is to take, I shall probably have to request you to consider proposing to the people of Maine a constitutional amendment authorizing a considerable increase in the limit of bonds that may be issued for road and bridge purposes, in order that sufficient bonds may be issued to meet the Federal appropriation. It is proper also to note in this connection that the terms of the new Federal bill will be so liberal that this large joint expenditure of nearly four million dollars can be added to our present road building program and distributed widely over the State, not concentrated along comparatively few routes as at present. I have gone into this matter in some detail in order to make it plain that the probably proposed joint construction and maintenance program of the Federal government, the State and the towns will total about nine million dollars, reaching into every city and town in the State. The resolves proposed by the committee would be in addition to this amount.

The effect of the committee's proposal by directly increasing appropriations for roads, is, however, the least serious financial aspect of the situation. The total requests for appropriations amount to a staggering sum, beyond the utmost limit reached in any previous session. If all the projects now being urged should be approved and provided for by direct taxation, the increase in State tax for the various counties of the State for 1919-20 over 1917-18 would be not less than the following sums:

Androscoggin	\$ 716,982.60
Aroostook	826,998.54
Cumberland	1,802,476.71
Franklin	241,419.44
Hancock	349,830.50
Kennebec	623,756.55
Knox	245,584.16
Lincoln	155,640.90
Oxford	415,182.55
Penobscot	390,930.61
Piscataquis	366,236.10
Sagadahoc	260,163.76
Somerset	509,190.84
Waldo	185,022.48
Washington	305,656.83
York	748,385.02

The increase for the classes of towns represented by the House members of the committee on ways and bridges would be:

Lisbon, represented by Mr. Clason	\$51,478.92
Gray, New Gloucester and Raymond, represented by Mr. Jordan	31,102.42
Boothbay, Alna, Edgecomb, Newcasttle, Southport and Westport, represented by Mr. Love	41,156.21
Dixfield, Harford, Canton, Peru, Buckfield and Sumner, represented by Mr. Stanley	42,805.33
Harmony, St. Albans, Ripley, Hartland, Cambridge and Canaan, represented by Mr. Pattee	31,993.02
Perry, Pembroke, Meddybemps, Cooper, Alexander, Robbinston and Charlotte, represented by Mr. Washburn	16,575.34
Wells and York, represented by Mr. Williams	83,755.66

Nobody supposes, of course, that all these projects would be approved by the Legislature, but the serious point to consider is that any such program as that proposed by the committee must of necessity involve various trades of the time-honored give-and-take variety. In other words, it is the entering wedge for an old-fashioned log-rolling program, the total result of which would be somewhere inside the figures mentioned above,

but how far inside no one could now foresee.

While such a program is in progress, careful consideration of important general legislation is difficult, if not impossible, and such projects if considered at all are sure to stand or fall, not on their own merits but according to the relation which they chance to bear towards various private and special resolves carrying appropriations.

I am slow to believe that the impulse expressed in promises made by members of the Legislature in advance of opportunity for full study of the facts will finally represent their mature judgment, but if the program of the committee is sanctioned by you, and that committee, with the assent of a sufficient number of members, has assumed the task of proposing the financial program of the State for the next two years, then it is manifestly superfluous and a waste of time for myself and the budget committee, in consultation with other committees who have to do with appropriations, to continue the intricate and laborious task of trying to frame a budget which will meet the most urgent necessities of the various departments and institutions without unduly increasing the tax rate.

I shall therefore defer presentation of any budget proposal until it becomes apparent whether the Legislature definitely wishes to return to the old method of making appropriations. In the latter event there would, of course, be no purpose in presenting the budget at all, except later in the session as a matter of form to comply with the statutes. It would then become my duty merely to fulfill my constitutional responsibility of approving or disapproving every individual proposal as circumstances seem to indicate, and I should be compelled to confine myself to the strict necessities of government and decline to approve appropriations not strictly necessary, no matter how meritorious they might be.

This course would be plainly imposed upon me by a due regard for the public treasury, in view of the possible total of appropriations se-

cured by the process which the committee proposes to follow.

The unfortunate result of this procedure would be the failure of most of the new proposals involving the health and welfare of the people, the condition of workers, better care of dependents and unfortunates, progress in education, and relief of crowded conditions at State institutions. Most of these projects require money beyond the actual minimum upon which the business of the State could be run. The various committees concerned have devoted a great deal of time to the study of the problem of meeting as many of these needs as possible within a reasonable tax rate, but it is impossible to approve in advance those not actually indispensable without some assurance regarding the total amount of appropriations likely to be authorized. Without the budget, no such advance estimate is possible.

In short, gentlemen, the plain fact is that the pork barrel and the budget cannot live together in the same Legislative program. Whether you wish to continue the budget method or return to the old haphazard way of making appropriations, is for you to determine. I shall do my best to adjust myself to either plan you see fit to select, but I see no advantage in proceeding with any budget-making plan while there is any uncertainty about your wishes, especially in the face of the avowed purpose of the ways and bridges committee to abolish the budget in advance of its presentation.

Executive Chambers

February 7, 1919

CARL E. MILLIKEN,
Governor.

Mr. PEACOCK of Washington: Mr. President: If it is in order, I move that the communication be tabled until next Tuesday morning. I request this because I would like to make plain to the Senate the position of the committee on ways and bridges, but as many of the senators are absent, I feel it would be well to have the message lie on the table until Tuesday morning. At that time we

will probably have a better representation.

The PRESIDENT: The Chair would state to the senator from Washington that it was the desire to have this go before the Senate and the House. I think it was generally understood that the message would be sent to the House, but it seems that it is in one message. Would it not be advisable to have the message accepted and sent down for concurrence

Mr. PEACOCK: I will withdraw my motion. I understood that a similar message was sent to the House.

The PRESIDENT: That is as I understood it.

The message was accepted and sent down for concurrence.

The following bills were presented and on recommendation by the committee on reference of bills were referred to the following committees:

Education

By Mr. Ricker of Hancock: An Act to amend Section 104 of Chapter 16 of the Revised Statutes, relating to the reports of academies and private schools. (Tabled for printing on motion by the same senator.)

By the same senator: An Act to amend Section 66 of Chapter 16 of the revised Statutes, relating to the attendance of children at school. (Tabled for printing on motion by the same senator.)

By Mr. Babb of Cumberland: An Act to provide for the training of rural teachers. (500 copies ordered printed.)

Judiciary

By Mr. Gannett of Kennebec: An Act to regulate the practice of the system, method or science of healing known as osteopathy, creating a board of examination and registration for those desiring to practice the same, and providing penalties for violation of this act. (1000 copies ordered printed.)

Sea and Shore Fisheries

By Mr. Lewis of Lincoln: Remonstrance of Alden P. Swett and 167 others against the repeal of the laws preventing seining for herring within

2000 feet of a fish weir in Sheepscot river.

Bills in First Reading

S. D. 56: An Act to amend Section 15 of Chapter 12 of the Revised Statutes relating to indexes in the registries of deeds.

S. D. 55: An Act to amend Chapter 485 of the Private and Special Laws of 1901 as amended by Chapter 331 of the Private and Special Laws of 1909, relating to the Western Somerset municipal court.

S. D. 58: An Act to amend Section 2 of Chapter 194 of the Private and Special Laws of 1915 amending an act establishing a municipal court for the city of Auburn.

S. D. 59: An Act to amend Chapter 636 of the Private and Special Laws of 1871 establishing a municipal court for the city of Lewiston.

Reports of Committees

Mr. Chick of Kennebec for the Committee on Agriculture, on an Act to amend Section 36, Chapter 36, Revised Statutes, relating to hearings in case of violation of the Apple Packing law, reported same ought to pass.

The same Senator for the same committee, on an Act to amend Section 4, Chapter 48, Revised Statutes, relating to State scaler, reported same ought to pass.

The same Senator for the same committee, on an Act to amend Chapter 37, Revised Statutes, by repealing Section 16, relating to capacity of milk cans, reported same ought to pass.

The reports were accepted and the several bills tabled for printing under the joint rules.

Mr. Ricker of Hancock for the committee on Education, on an Act to amend Section 122 of Chapter 16 of the Revised Statutes, relating to the Duties of the State Superintendent of Schools, requesting that 1000 copies be printed and that the bill be then returned to the committee.

The report was accepted and the bill ordered printed.

Mr. Metcalf of Piscataquis for the committee on Inland Fish and Game on so much of the Governor's message

as relates to inland fish and game interests, reported that the recommendations therein relating to those interests have been embodied in a bill which is in the hands of the committee for consideration.

The report was accepted and sent down for concurrence.

Mr. Metcalf of Piscataquis for the committee on Interior Waters, on an Act to amend Section 32 of Chapter 33 of the Revised Statutes of 1916, relative to Mill Waste Deposited in Lakes and Ponds, reported same ought to pass.

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

Passed to Be Engrossed

S. D. 27. Resolve in favor of Westmanland Plantation for the payment of school funds forfeited by failure to file returns.

H. D. 83. An Act to amend Section 9 of Chapter 118 of the Revised Statutes, relating to fees of witnesses.

Finally Passed

Resolve in favor of W. W. Greateon for services as document clerk at the organization of the 79th Legislature.

Orders of the Day

On motion by Mr. Tuttle of Aroostook, S. D. 52, An Act authorizing the Penobscot Development Company to construct and maintain booms and piers in the Aroostook river in the town of Ashland, was taken from the table, and on further motion by the same Senator was referred to the committee on Interior Waters in concurrence.

On motion by the same Senator,

Resolve in favor of Glenwood Plantation was taken from the table, and on further motion by the same Senator was referred to the committee on Ways and Bridges.

Mr. PEACOCK of Washington: Mr. President, I would like to inquire in reference to the communication of the Governor, would it be open for discussion next Tuesday as now placed? I do not want to discuss this message, but I do want to make plain the position of the committee on Ways and Bridges, and I would like the privilege of doing it on Tuesday. I do not want to delay in any way the budget system.

The PRESIDENT: The Chair will reply to the Senator that it is the opinion of the Chair that the message will be placed on file. The Chair will further state that he is of the opinion that the Senator from Washington or any other Senator would have the right to make such reply as they deem advisable, or such explanation, on Tuesday next.

Mr. PEACOCK: Thank you.

The PRESIDENT: The Chair might say further to the Senator from Washington that it is the opinion of the Chair also that debate on a motion to reconsider would be in order Tuesday. Either way would be open to the Senator—or at any other time.

On motion by Mr. Folsom of Somerseset,

Adjourned until next Tuesday, February 11, 1919, at 10 o'clock in the forenoon.