

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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SENATE

Friday, February 14, 1919.

Senate called to order by the President.

Prayer by the Rev. J. P. Irving of Gardiner.

Journal of the previous session read and approved.

On motion by Mr. Davies of Cumberland, under suspension of the rules, it was

Ordered, the House concurring, that when the Senate and House adjourn they adjourn to meet Tuesday, Feb. 18, at 10 o'clock in the forenoon.

Sent down for concurrence.

Subsequently the Chair reported that the House had concurred in the passage of the order.

Papers from the House disposed of in concurrence.

House Bills in First Reading

H. D. 132: An Act amending Sections 20 and 21 of Chapter 8 of the Revised Statutes as amended by Chapter 261 of the Public Laws of 1917, relating to moneys received from the sale of timber and grass on reserved lands.

H. D. 130: An Act to amend Section 23 of Chapter 78 of the Revised Statutes, relating to the acknowledgment of deeds.

H. D. 129: An Act to extend An Act entitled An Act to incorporate the Odd Fellows' Home of Maine.

H. D. 128: An Act to amend Section 5, Chapter 83 of the Revised Statutes relating to regular sessions of county commissioners of Hancock county.

From the House: S. D. 48: An Act to extend the charter of the Lincoln County Street Railway.

In the Senate this bill was passed to be engrossed.

In the House that body adopted House Amendment A, and passed the bill to be engrossed.

The Chair read House Amendment A.

Mr. DAVIES of Cumberland: Mr. President, I think that the amend-

ment is timely and perfectly proper, but it occurs to me that the bill is one of Senator Lewis, and he is not in his seat this morning. I move that the bill and amendment lie on the table.

The motion was agreed to.

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

Inland Fisheries and Game

By Mr. Ames of Washington: An Act to amend Section 57 of Chapter 33 of the Revised Statutes as amended by Chapter 219 of the Public Laws of 1917, relating to the protection of wild birds.

By Mr. Dearth of Penobscot: Resolve to aid in the propagation of fish.

Judiciary

By Mr. Dearth of Penobscot: Resolve to create a State insurance fund. (500 ordered printed)

Bills in the First Reading

S. D. 73: An Act to authorize the construction of a weir in the tide waters of the Pembroke river in the town of Pembroke.

S. D. 74: An Act to amend Chapter 37 of the Private and Special Laws of 1917, entitled An Act to provide a police commission for the city of Lewiston and to promote its efficiency.

S. D. 75: An Act to amend Section 79, Chapter 82 of the Revised Statutes, relating to the superior court for Cumberland county.

S. D. 76: An Act to amend Section 3, Chapter 134 of the Public Laws of 1895, in relation to the judge and recorder of the municipal court of the city of Portland acting as counsel or attorney.

S. D. 77: An Act to amend Chapter 67 of the Revised Statutes as amended by Section 1 of Chapter 133 of the Public Laws of 1917, relating to notices of appointments by registers of probate.

Reports of Committees

Mr. Clement for the committee on claims on Resolve in favor of Perley

J. Guptill of Machias, reported same ought to pass.

Mr. Googin for the committee on claims, on Resolve in favor of Harry S. Coombs for furnishing plans and specifications for four model school buildings for State board of education, as per contract with the Honorable Payson Smith, submitted the same in a new draft under the same title, and that it ought to pass.

Mr. Clement for the committee on claims, on Resolve in favor of J. Wilbur Day, reported same ought to pass.

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

Mr. Metcalf for the committee on interior waters, on S. D. 45, An Act to consolidate and revise the provisions of Sections 4 to 14, inclusive, of Chapter 59 of the Revised Statutes, relating to the provisions for safety on inland steamers, reported same ought not to pass.

The report was accepted and sent down for concurrence.

Mr. Walker for the committee on education, on Resolve in favor of the town of Union for payment of additional State school funds for the year 1918, reported same ought to pass.

The same senator for the same committee, on Resolve in favor of Lydia M. Chadwick, reported same ought to pass.

The reports were accepted and the bills tabled for printing.

The same senator for the same committee, on An Act relating to schooling in unorganized townships, S. D. 38, reported same ought to pass.

The report was accepted and the bill given its first reading.

The same senator for the same committee, on Resolve in favor of the town of Litchfield, reported the same ought to pass.

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

Passed to Be Engrossed

H. D. 117: An Act to amend Sections 3 and 5 of Chapter 57 of the Revised Statutes, regulating the sale of milk. (Tabled on motion by Mr.

Thornton of Aroostook, pending passage to be engrossed.)

S. D. 71: An Act amendatory of Section 27 of Chapter 84 of the Revised Statutes, relating to the examination of applicants for admission to the bar.

H. D. 113: An Act to change the name of Sand pond in Denmark to Walden pond.

H. D. 114: An Act relating to damage by flowage of public lands and highways on the islands in Penobscot river within the limits of the Indian reservation of the Penobscot Tribe of Indians.

H. D. 115: An Act to provide for conducting scientific investigation bearing upon the agriculture of Aroostook county.

H. D. 118: An Act to amend Section 35, Chapter 37, Revised Statutes, relating to unclean milk and unclean cream containers.

H. D. 119: Resolve making an appropriation for the continuation of agricultural investigations by the Maine Agricultural Experiment Station on Highmoor farm.

H. D. 120: An Act relating to leasing the shores of the Penobscot river belonging to the Penobscot Tribe of Indians, and to amend the same.

H. D. 121: An Act to amend Section 48 of Chapter 14 of the Revised Statutes, relating to the Passamaquoddy Tribe of Indians.

H. D. 122: An Act relating to sale of standing wood and timber on islands within the limits of the Indian reservation of the Penobscot Tribe of Indians.

H. D. 123: Resolve in favor of the Penobscot Tribe of Indians to aid in the purchase of a hearse.

H. D. 124: Resolve in favor of George A. Phillips.

H. D. 125: Resolve in favor of Charles P. Barnes, chairman of the committee on elections.

S. D. No. 41: Bill, An Act to authorize the county of Androscoggin to enlarge and repair the county buildings at Auburn in said county and erect a new building, and to enlarge and construct safety vaults.

S. D. No. 72: Bill, An Act to amend Sections 2, 3, 5 and 11 of Chapter

222, Public Laws of nineteen hundred seventeen, entitled An Act to provide for mothers with dependent children.

Orders of the Day

On motion by Mr. Babb of Cumberland, H. D. 112, An Act to amend Section 3 of Chapter 139 of the Revised Statutes relating to the sale of milk, was taken from the table, and on further motion by the same Senator was recommitted to the committee on Agriculture.

Mr. PEACOCK of Washington: Mr. President, I request the special privilege of considering the Governor's Message of last Friday at this time.

The PRESIDENT: The Senate will listen to the Senator from Washington.

Mr. PEACOCK: Mr. President. I feel it my duty as chairman of the Ways and Bridges Committee to take this matter up, as from the Governor's message there was evidently a misunderstanding with him and the Ways and Bridges committee. I would like to make the position of the committee plain to you if possible. First, I would like to review, as we understand it, the duties of this committee which is, that all matters pertaining to State highway legislation shall be referred to this committee and that they shall consider all acts and resolves that are referred to them, and in this matter they should try and take a broad view of the highways in the State of Maine. The people are inclined to think that the roads in each town belong to that individual town, and I feel that we should consider them as a whole. Our roads are not built and maintained for the people of one town alone but for the people of the whole state, and we should be interested in helping to repair any bad piece of road whether it is in Cumberland county or Washington county, for I have never seen that it makes any difference where the road is located the bad piece of road is just as bad to get over regardless of where it is located.

Now in order to understand our duties it was necessary for us to be fully acquainted with the state high-

way laws. We found upon investigation that in 1901 a law was passed appropriating \$300,000 to be used to help towns build what was then known as state roads. These roads were laid out by the county commissioners and they were to be the main roads in the town. Later when the bond issue was passed they were changed to state aid roads but the \$300,000 appropriation still continued. As the bond money was practically exhausted at the last session of the Legislature it became necessary to make further arrangements for carrying on the good road program and the Legislature passed a mill tax fund which furnished during 1917 and 1918 \$523,000 each year, and will furnish \$577,000 the next two years. Of this money there was to be set aside \$200,000 to be added to the \$300,000 available from the law of 1901 making \$500,000 available for state aid road building, but at the request of the Governor the Ways and Bridges committee had the bill redrafted and took out of the \$500,000 available for state aid roads, \$50,000 to be used for assisting towns having an excessive highway burden or to eliminate special bad sections on their principal roads. This left \$450,000 for state aid road building and we find from the Highway Commission records that there is about 500 towns which take advantage of this state aid law and there are about 3000 miles of state aid road in the state. We also found that the fees of automobiles could be used, first: to pay the interest on bonds; second, to create such fund to meet maturing bonds as the Governor and Council may deem necessary; third, to provide funds for all administration charges of the commission; fourth, to apply the balance to state aid road for maintenance and patrolling system. To sum up the situation we found that under the state highway laws the state or commission had no authority to spend any money for state roads except on state aid roads and state or trunk lines and as there are about 1300 miles of State roads laid out and 3000 of State-aid roads. This makes 4200 miles of road on which the highway commission or Governor and Council can expend money. State

or federal, with the exception of the so-called equalization fund of \$50,000. Now there are 25,530 miles of highway in our State so that there would be over 21,000 miles with no provisions to build or repair except by special resolves or equalization fund, notwithstanding that the people living on these 21,000 miles will be assessed their share of the mill tax fund.

Special resolves were being reported to our committee and not knowing what action the Governor and appropriations committee would take, and believing we could work better if we knew the amount the Governor felt could be spent on these special resolves, and also feeling that it would be of some assistance to him and help him in making up the budget, we appointed a committee to confer with him and the first question he asked us was what amount of money we felt would be required to take care of the necessary resolves, and we stated \$200,000 and that we would agree not to exceed that amount. He then asked us if we had thought of any method of financing these resolves, and we stated that we had not taken this question into consideration, that we felt that it was the business of the appropriations committee and himself. We also inquired in reference to the equalization fund, how that was spent, as this information, we thought, would be of some value to guide us on these resolves. We were told that it was not spent as we understood it was intended to be, namely, to help poor towns to repair bad pieces of road, but was spent to help towns take advantage of the five times act and the three times act, and from what information I can get there was \$150,000 of the State-aid money spent in this way. Last April Senator Ames and myself interviewed Mr. Deering, making a request for funds from the equalization fund to repair a piece of road running through two unorganized townships, as this was a road which was the only outlet from the town of Vanceboro. He told us that if the county commissioners would help on this road he would try and do something. We asked him for \$1500 and the county commissioners agreed to furnish a like amount, and not hearing from him for some time

I wrote him and received a letter stating that the Governor had ruled that there was no money for this purpose, it had all been spent to help the larger towns in their three and five times act. The Governor stated in his message Friday that a controversy had arisen in regard to the so-called equalization fund, and I am sorry that he misunderstood our position because we never for one moment considered the question of changing the present highway law and doing away with the equalization fund. We were asking \$200,000 for special resolves, expecting to leave this equalization fund as it is in the hands of the highway commission to spend in any way their good judgment saw fit, but from past experience we felt that it was not safe to depend on it to take care of the needs of special resolves.

In reference to the question of resolves for bridges we understood that an act was to be introduced to amend the present general bridge law increasing the appropriation to be paid from the State, the small towns having large or costly bridges to rebuild, and we have tabled every bridge resolve until we could have the amended bridge law and if it was satisfactory we planned to advise the people having bridge resolves to take advantage of the State bridge law, but if there was no change from the present law which we think is not fair as the State only contributes 20 per cent. of the cost of the bridges, and reports say that this does not much more than pay for the cost of plans and surveys. In many of the small towns they could have built a bridge for their own traffic at half the cost that is required to take care of the through traffic and for this reason we felt the State should bear a larger appropriation than the present law calls for.

The Governor criticizes our having hearings, but if I understand the laws of our State, when there are resolves that are referred to any committee, they are compelled to give these hearings, and that it is the privilege of any citizen of the State to appear for or against any bill that he is interested in. If we are wrong we respectfully request that the Senate and House so instruct us, and we would be pleased to discon-

tinue these hearings as I assure you it is no great pleasure to sit hour after hour and listen to the arguments for these resolves, and we would gladly welcome someone taking the responsibility of notifying the public that these hearings should not be held.

Referring to the number of resolves included in this program it is true that we never notified the Governor of the number as we were not in a position to give this information, but we did at each conference state the amount of money that we believed in our judgment would be necessary, and we understood that the amount of money, not the number of resolves, was the question that he was interested in, and at each conference we stated that we would guarantee not to exceed the amount which was \$200,000, or possibly one-third of a mill for one year, which I suggested to the Governor at our meeting last week, notwithstanding the fact that the amount of these resolves were over \$900,000, not including Portsmouth-Kittery and Martin's Point bridges.

Now fellow senators we will have, as the Governor states, about \$5,000,000 for road and bridge purposes for the years 1919 and 1920, but bear in mind that all this money that is spent by the Highway Commission under the present law has got to be spent on 4,200 miles of road, and that the other 21,000 miles have no assistance except from the Equalization Fund and when any of you, when driving over the State and going off the 4200 mile strips get your car stalled in a bad piece of road which might have been avoided by helping some of these poor towns with these special resolves, do not find fault with the roads in the towns you are going through.

The Governor states that the Ways and Bridges committee is opposed to the Budget system. Now I will leave this to you. We have gone to the Governor and appropriations committee for the sole purpose of working with them to help make the budget system possible and a success and do what we could to get it through the Legislature. If we were opposed to the Budget do you think we would have done as we have and asked for

hearings? No, we would have ignored both the Governor and the appropriations committee and went along as was the usual custom in the past. The Governor stated at one of the hearings that the money appropriated at the last session was well spent, judiciously awarded and showed good results. We believe we are right; that this 21,000 miles is entitled to some consideration as many of these are important connections in our highway system. I know of one piece of road in Hancock county which runs through two unorganized townships where no one lives, and unless this road is taken care of by special resolve no work will be done there, notwithstanding the fact that 95 per cent. of the travel in and out of Washington county travel over this road, and also the people going to the Province by way of Calais.

There is also similar conditions existing in most every county. Still no work can be done on these important pieces of road except by the Equalization Fund. It has been rumored that there was a general agreement last session that when this so-called Equalization Fund was passed that it should do away with or replace the special resolves. I emphatically deny this. What I remember the Governor said was, that he would like to try this method out and that if it worked out satisfactorily we would increase the Equalization Fund to \$150,000 or \$200,000 and then it would replace these special resolves. Now I have showed you how it worked out in 1918, but notwithstanding this fact I believe this law should remain as it is and be given another trial.

Now to sum up the situation the Ways and Bridges Committee have endeavored to work with the Governor as far as the Budget is concerned by furnishing him with whatever information they had acquired. They are, and always have been, in favor of retaining the Equalization Fund. If the bridge law is amended so that the state will pay a larger proportion of the cost of building the bridges which are built under the supervision of the Highway Commission they are in favor of referring bridge resolves to the general

state bridge law except in some very exceptional cases which we may think the bridge law will not cover. We also believe that after a full and careful hearing is given to these special road resolves that the most deserving requests should be taken care of even if it is necessary to increase our tax one-third of a mill, and if this is a fact we should state why this increase is made. We also believe in the necessity of legislation for a bond issue to provide for roads and bridges, so that the State will be in a position to take advantage of the federal money. This bond issue should also include the Portsmouth and Kittery Bridge.

I thank you.

Mr. AMES of Washington: Mr. President, I have listened with a great deal of interest to the remarks by Senator Peacock and now offer

the following order and move its passage:

Ordered, that 2000 copies of the remarks made by Senator Peacock be printed for the use of the Legislature.

The order was passed.

The PRESIDENT: The Chair would state that it would be advisable for the chairmen of the various committees to present at the earliest possible moment resolves covering the expenditures of their committees for travelling expenses or any other expenses incurred as committees, so that they may be referred at once to the committee on appropriations and financial affairs.

On motion by Mr. Grant of Cumberland,

Adjourned until next Tuesday, Feb. 18 at 10 o'clock in the forenoon