

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

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HOUSE

Thursday, March 17, 1921.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Young of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Two petitions for better observance of Memorial Day comes from the Senate referred to the committees on Judiciary and Military Affairs jointly.

In the House, on motion by Mr. Buzzell of Belfast, these petitions were referred to the committee on Military Affairs in non-concurrence.

From the Senate: Report of the committee on countries to which was referred the various county estimates as transmitted by the Secretary of State, reporting two resolves, to wit:

Resolve for laying the county taxes for the year 1921 and resolve for the laying of the county taxes for the year 1922, and that they ought to pass.

Came from the Senate report read and accepted and the resolves passed to be engrossed.

In the House, the report was read and accepted in concurrence, and on motion by Mr. Buzzell of Belfast, the resolves were given their two several readings and were passed to be engrossed in concurrence.

From the Senate: Bill, an act to increase the bounty on bears in Penobscot and Washington counties. This was passed to be engrossed as amended by House Amendment A in the House, March 8,

Comes from the Senate indefinitely postponed in non-concurrence.

Mr. WEATHERBEE of Carroll: Mr. Speaker, I want to say first that I have no special personal interest in this bill. It came into the Senate

from the Committee on Inland Fisheries and Game with the unanimous report "ought to pass." It had the support and sanction of the department of agriculture as well as of the sheep raisers generally in the counties in which the bill applied. I do not want to take your time unnecessarily, and without further comment, I move you, Mr. Speaker, that the House insist upon its former action, and ask for a committee of conference.

The SPEAKER: The Chair recognizes an Oxford bear, the gentleman from Paris, Mr. Forbes. (Laughter.)

Mr. FORBES: Mr. Speaker, I arose to my feet to make a motion to recede and concur, I am not informed as to which motion would take precedence. If my motion takes precedence, I will make it.

The SPEAKER: The Chair will rule that the motion to recede and concur has precedence.

Mr. PERKINS of Orono. Mr. Speaker and gentlemen: As a member of the inland fisheries and game committee, which has discussed skunks and bears and every other sort of a four footed animal during the greater part of this session, I for one wish to go on record as being in favor of Mr. Weatherbee's bill. We had a very thorough hearing down in our committee room and we signed an unanimous report "ought to pass," and I believe at that time that enough evidence was presented to that committee to make it plain to every man that such a bill was needed. All the opposition that appeared at that hearing was from a few fellows who wished to shoot bears. To my way of thinking, it has reached the stage whether or not we are going to protect the agricultural interests of Penobscot and Washington counties, or whether or not we are going to cater to the hunters who come here to shoot bears; and I sincerely hope that the motion of the gentleman from Carroll (Mr. Weatherbee) will prevail.

Mr. WILSON of Presque Isle: Mr. Speaker, in the committee we heard a lot about bears and wild cats

and everything. There first came up for consideration a bill applying to the entire State with a bounty of fifteen dollars, and that bill the committee reported "ought not to pass." That bill came back to us and figures were submitted of the damage the bears did to sheep and cattle in Penobscot and Washington counties, and we took it under consideration, and we thought if those two counties alone wanted a bounty of fifteen dollars placed upon the nose and ears of bruin, if that was a good proposition for the agriculturists of those two counties, that it ought to be granted, and there was no objecting voice in the committee to it. I hope that the gentleman's motion from Carroll (Mr. Weatherbee) will prevail.

The SPEAKER: The motion of the gentleman from Paris, Mr. Forbes, carries precedenc. All those who are in favor of receding and concurring with the Senate will say aye, contrary minded, no.

A viva voce vote being taken, the motion to recede and concur failed of passage.

On motion by Mr. Weatherbee of Carroll, a viva voce vote being taken, it was voted that the House insist on its former action and call for a committee of conference.

The SPEAKER: The Chair will later announce the appointment of that committee.

From the Senate: Bill, An Act relating to the transcribing of deeds and other instruments conveying real estate in Knox county, the records whereof are in other counties. This was passed to be engrossed in the House, February 25, and passed to be enacted, March 8.

Comes from the Senate passed to be engrossed as amended by Senate amendment A in non-concurrence.

The SPEAKER: The Chair will table the bill. The House will note the measure that is supposed to be of interest to some of its members. The Chair will now state that it was introduced in the Senate by a gentleman from Knox county. Some member of that delegation should be

ready to make the proper motion when the matter comes up. This particular bill is tabled by the Speaker and may be taken from the table, of course, at any time when the House so desires.

From the Senate: Report of committee on ways and bridges on bill, An Act to enable the towns of Dixfield and Peru in the county of Oxford to free the Dixfield and Peru toll bridge to public travel, reporting same in a new draft under same title and that it "ought to pass."

Comes from the Senate report read and accepted and the bill passed to be engrossed as amended by Senate amendment A.

The SPEAKER: What is the pleasure of the House. (No response.)

The SPEAKER: It is placed upon the table.

Communication from the Governor:

**Office for the Governor
State of Maine**

March, 17, 1921.

To the Senate and House of Representatives of the Eightieth Legislature:—

In 1919 I drafted and introduced the act which became Chapter 132 of the Laws of 1919 and which is entitled "An Act to Create the Maine Water Power Commission." Under the provisions of this law, Sections 4 and 5, the Commission is instructed to "thoroughly investigate the Water Power resources within the State of Maine," and "report upon what rights remain to the State in the storage reservoirs and basins and in the developed and undeveloped water powers within the State." Sections 7 and 8 of this law provide that "if the Commission is of the opinion that the State itself should acquire and develop these storage reservoirs and basins and undeveloped water powers, the Commission shall report a plan for the same," and "shall present a comprehensive and practicable plan whereby the water power resources of the State may be conserved, used and developed for the benefit of the people of Maine."

At the same session of the Legislature I drafted and introduced House

Order dated February 27th, 1919, which propounded certain water power questions to the Justices of the Supreme Judicial Court, and the Justices in their answers to these questions gave their opinion that an amendment to the State Constitution was necessary if the State is to develop the storage reservoirs and undeveloped water powers within the State.

The Water Power Commission in its first annual report says "It has seemed impracticable, if not legally impossible, for the Commission to work out a satisfactory plan for State control of storage reservoirs unless by some proper amendment to the Constitution," and "it is our intention to submit this plan (River Regulating Districts) to the Legislature should the necessary Constitutional amendment be presented." The Commission also says that "The interests of the State are greater than those of any person, or corporation, within it."

From this it will be seen that the Commission has prepared a definite plan for submission to the Legislature, and in a letter addressed to me, under date of March 11th, 1921, the Commission writes, "We believe that the Constitution of Maine should be amended in regard to reservoirs and water powers."

I have prepared and herewith submit a constitutional amendment for your consideration.

This amendment will give the people of Maine the opportunity to decide for themselves whether or not the State shall have the power to control and develop water storage basins, and undeveloped water powers. If the State today were to adopt a new constitution the people would doubtless reserve to themselves the right to control and develop water powers and storage reservoirs, the possibilities of which were unknown in 1820 when our present constitution was adopted. The people should be allowed to vote upon this question after ample opportunity has been given for thorough discussion so that intelligent action may be taken.

This amendment has incorporated in it only those features which seem to me to be needed as the basis for future constructive legislation. It is generally accepted that "conservation" of our water resources is necessary in order to stop the present economic waste of the State's water resources, and the only question involved is by whom, how and when this conservation is to be done.

The storage and control of waters is the foundation of conservation and the next step is their development and improvement.

Should the State take these preliminary steps it must have the power to use and sell its developed and improved water resources, and in addition thereto it should have the right to connect the various electrical systems throughout the State, so that a surplus of power in one section can be used in another where there is a scarcity.

The amendment submitted herewith in my opinion fulfills the present day requirements. The grave responsibility of submitting to the people of the State a comprehensive water power Constitutional amendment rests both upon this Legislature and upon myself and should such an amendment fail to meet the needs of the situation we both would be remiss in our duty to those who sent us here.

The opponents of any and all forms of State control and development will attack the constitutionality of all legislation based on whatever amendment is submitted to the people, and for this reason there should be no doubt about its meaning and purposes, else the work of the past four years will become of no avail. A Constitutional amendment must stand every test to which able attorneys will subject it.

I am of the opinion that under this amendment the people of the State of Maine, through their representatives in the 1923 Legislature, will be able to take a forward step in water power development. A Constitutional amendment would be valueless which in any way restricts or limits the

power of the people of this State to decide this question for themselves and upon its language depends to a large extent the future health, safety and prosperity of this State.

Taxation

The last paragraph of the proposed amendment deals with the taxation of water powers and the Water Power Commission has made no recommendation on this phase of the question.

By the terms of the Federal Water Power bill the water powers of Maine are in danger of passing under Federal control, and it well may be that the only method of preventing this is to levy a tax upon hydro-electric energy generated within the State and shipped beyond its borders.

Under the decisions of the supreme court of the State water powers although they represent great value are not taxable property. This decision is not in conformity with the law of many other states but is binding upon our courts until the State Constitution is changed. These water powers today virtually escape taxation and it has well been said, "for the State to receive no compensation of any kind for the utilization of such a great wealth producer (water flowing over a dam, or horsepower developed) is to bring into existence the greatest possible injustice in the matter of taxation." In Maine there are about 400,000 developed water horsepower, the fair value of which is not less than \$100 per horsepower and in some developments its value is even larger. There is also 1,000,000 horsepower undeveloped in the State. These great values should become a source of revenue to the State. If the Legislature adopts this amendment and if the people later ratify it, the Legislature of 1923 will be in a position to pass some reasonable tax laws under which these valuable rights will share in the burdens of taxation.

Professor George F. Swain of the Harvard Engineering School, a water power expert, in a lecture delivered in the Maine House of Representatives on March 10, 1921, stated that every developed horsepower in

Maine can do the work of at least five tons of coal. He stated that this means a saving of at least \$50 per horsepower per year on a coal basis. If each horsepower will save \$50 per year in coal, it is easy to compute what the annual saving to the people of Maine would be if our water resources were fully developed and gives an idea of the value of Maine's water power. With the ever increasing demands for appropriations now made upon our Legislature some new sources of revenue must be obtained, also the burden of taxation can no longer be borne by our citizens.

It was my intention to submit this amendment to you at an earlier date but circumstances over which I had no control prevented my doing so. This Legislature in my opinion will act wisely if it passes this constructive legislation, for under the first paragraph of the amendment the people can derive direct benefit from the development of storage reservoirs and water powers if they later determine by proper legislation that they desire to do so and under the second some relief from the crushing burden of taxation can be obtained without injustice being done to those who will be called upon to pay.

Water Power Constitutional Amendment

"The conservation, storage, control and use of waters, and the development, improvement, transmission, utilization, electrical interconnection, control and sale of water powers, by the State of Maine, either directly or through such public district or districts, as the Legislature may authorize and not otherwise are declared to constitute paramount public uses, for the accomplishment of which the right of eminent domain may be exercised, and in furtherance of which the right of taxation may be employed; and the Legislature may also provide therefor and for the apportionment to, and assessment upon, the lands and property which shall, or may be benefited thereby, and according to the extent of such benefits, the whole or any part of the cost of such conservation, storage, development, improvement, transmission, control, electrical interconnec-

tion, and utilization of said waters and water powers, including the cost of maintenance and operation thereof."

"For the purposes of taxation water powers and water privileges within the State, and hydro-electric energy generated therefrom, may be treated by the Legislature as property distinct from the land or structure to which they may be appurtenant, or from which they may be derived, and such powers, privileges and energy may be assessed for taxation in such manner as the Legislature may determine, at rates differing from the rate imposed upon real and personal property within the State; and such powers and privileges may be classified as developed, partially developed, and undeveloped, and a different rate of taxation may be imposed upon each class; provided, however, that all such taxes shall be apportioned and assessed equally at uniform rates of taxation throughout the State upon the same class of property."

Respectfully submitted,

PERCIVAL P. BAXTER,
Governor of Maine.

On motion by Mr. Brewster of Portland, it was voted that the message be received and placed on file.

On further motion by the same gentleman the rules were suspended and that gentleman was granted permission to introduce out of order a resolve proposing an amendment to the Constitution as recommended by the Governor; and on further motion by the same gentleman that resolve was referred to the committee on Legal Affairs and 2000 copies ordered printed.

On motion by Mr. Chalmers of Bangor the rules were suspended and that gentleman was granted permission to introduce out of order Bill, An Act to legalize and make valid the annual municipal election held in the city of Bangor on Monday, March 14, 1921. On further motion by the same gentleman, under suspension of the rules, and without reference to a committee, the bill was given its three several readings.

The SPEAKER: Without reading the entire statement of facts, with the permission of the House, the Chair will suggest that that statement of facts shows that through error the polls were closed in one ward in the city one hour before the time specified by Statute. The city, like many other municipalities, is under the necessity of hiring money in anticipation of taxes, and feels that it would be at a disadvantage relative to floating its notes at the present time. The Chair will read Section one, omitting the emergency clause.

(Bill read.)

On further motion by Mr. Chalmers of Bangor, the bill was passed to be engrossed.

Orders

On motion by Mr. Brewster of Portland, it was

Ordered, that 500 copies be printed of a certain Act entitled, "An Act to amend Section 22 of Chapter 51 of the Revised Statutes, relating to records, and stock books of corporations, said Act being now assigned for hearing before the committee on Legal Affairs.

The following bills and remonstrances were received and upon recommendation of the committee on reference of bills were referred to the following committees:

Placed on File

By Mr. Teague of Waldoboro: Remonstrance of Rev. George S. Davis and 16 others against the Barwise Sunday Bill.

Education

By Mr. Varney of Windham: Bill "An Act relating to the election and the term of office of members of superintending school committees.

Legal Affairs

By Mr. Brown of Abbot: Remonstrance of John L. Howard and others of Sangerville against passage of Bill, legalizing a vote of the inhabitants of Sangerville at the annual town meeting held Monday, March 23, 1920.

Public Utilities

By Mr. Wadsworth of Winthrop: Bill, An Act to amend Sections 1 and 4 of Chapter 81 of the Private and Special Laws of 1915, relating to Winthrop Water Company.

Reports of Committees

Mr. Murchie from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act to amend Chapter 19 of Revised Statutes relating to registration of undertakers."

Mr. Wing from the same Committee reported the same on Bill, An Act to amend the Revised Statutes, Chapter 11, Section 28, relating to the collection of taxes by suit.

Mr. Hinckley from the same Committee reported the same on Resolve in favor of the Economy Printing and Manufacturing Company for losses on State printing for the years 1919 and 1920.

Mr. Brewster from the Committee on Legal Affairs reported the same on Bill "An Act authorizing the town of Bar Harbor, county of Hancock, State of Maine, to elect the Chief of Police."

Mr. Myrick from the Committee on Salaries and Fees reported the same on Bill "An Act to increase the salary of the Judge and Recorder of the Presque Isle Municipal Court."

Same gentleman from same Committee reported the same on Bill "An Act to amend Chapter 117, Section 46 of the Revised Statutes relating to the pay of Hospital Trustees."

Same gentleman from same committee reported same on bill An Act to amend section 37 of chapter 117 of the revised statutes increasing the salary of county attorney for Hancock county.

Same gentleman from same committee reported same on bill An Act to increase the amount allowed for clerk hire in the office of register of deeds and offices of clerk of courts in Waldo county.

Same gentleman from same committee reported same on bill An Act to increase the salaries of the board of registration.

Same gentleman from same committee reported same on bill An Act to increase the salary of the register of deeds in Waldo county.

Same gentleman from same committee reported same on bill An Act to allow clerk hire to the sheriff of Kennebec county.

Same gentleman from same committee reported same on bill An Act relative to salaries of justices of the superior courts.

Same gentleman from same committee reported same on bill An Act to amend paragraph 22 of section 5 of the revised statutes as amended by chapter 222 of the public laws of 1919, and as further amended by chapter 244 of the public laws of the special session of 1919, relating to the fees of deputy sheriffs for attendance upon court.

Same gentleman from same committee on bill An Act to reimburse the county commissioners for services incurred at public meetings away from the county seat, reported that the same be referred to the committee on claims.

Mr. Dunning from the committee on State School for Boys, State School for Girls, and State Reformatories reported ought not to pass on Resolve in favor of State School for Girls.

Same gentleman from same committee reported same on Resolve in favor of the Reformatory for Women for period from July 1, 1921 to July 1, 1922.

Same gentleman from same committee reported same on Resolve in favor of Reformatory for Women from January 1 to July 1, 1921.

Same gentleman from same committee reported same on Resolve in favor of Reformatory for Women for period from July 1, 1922 to July 1, 1923.

The reports were accepted and sent up for concurrence.

Mr. Murchie from the committee on judiciary on bill An Act to establish the Washington county municipal court reported same in a new draft under title of "An Act to establish the Western Washington

Municipal Court" and that it ought to pass.

Mr. Hinckley from the same committee on bill An Act amending section 33 of chapter 88 of the revised statutes relating to giving of counsel by a municipal or police judge, reported same in a new draft under same title and that it ought to pass.

Mr. Murchie from the same committee on bill An Act authorizing towns to elect certain municipal officers by secret ballot, reported same in a new draft under same title and that it ought to pass.

Mr. Brewster from the committee on legal affairs reported ought to pass on bill An Act to extend the charter of the Boothbay Harbor Water District.

Mr. Murray from the same committee on bill An Act to establish a fiscal year of the State reported same in a new draft under same title and that it ought to pass.

Mr. Thomas from the committee on mercantile affairs and insurance reported ought to pass on bill An Act relating to life insurance for minors and the surrender of such insurance.

Mr. Crabtree from the same committee reported the same on bill An Act relating to licenses for lightning rod agents.

Same gentleman from same committee reported the same on bill An Act to amend chapter 53, section 65, paragraph 5 of the revised statutes, relating to insurance on glass.

Mr. Myrick from the committee on salaries and fees reported the same on bill An Act to amend section 8 of chapter 325 of the private and special laws of 1897, as amended by chapter 150 of the private and special laws of 1915, and as further amended by chapter 198 of the private and special laws of 1917, increasing the salary of the recorder of the municipal court of Waterville.

Same gentleman from same committee reported same on bill An Act to amend section 22 of chapter 5 of the revised statutes relative to the compensation of boards of registration.

Same gentleman from same committee on bill An Act to increase the salary of the adjutant general, reported same in a new draft under same title and that it ought to pass.

(Tabled by Mr. Crafts of Greenville, pending acceptance of report.)

Mr. Myrick from the committee on salaries and fees on bill, An Act to amend Chapter 117, Section 17 of the Revised Statutes, relating to the salary of the State Auditor, reported same in a new draft under same title, and that it "ought to pass."

Mr. CRAFTS of Greenville: Mr. Speaker, I move that this bill lie on the table.

Mr. MURCHIE of Calais: I will ask the gentleman, through the Chair, if he will assign a time for the consideration of these reports.

The SPEAKER: The gentleman from Calais (Mr. Murchie) inquires through the Chair whether the gentleman from Greenville (Mr. Crafts) cares to assign a time; and pending the answer of the gentleman from Greenville, the Chair will hazard the statement that from a day in the very early future until the end of the session matters tabled and not specially assigned will be attended to at any time when a majority of the House takes them up. If the gentleman from Greenville (Mr. Crafts) cares to answer the query of the gentleman from Calais, (Mr. Murchie) through the Chair he may now do so.

Mr. CRAFTS: I will not name a definite date.

The SPEAKER: The motion of the gentleman from Greenville (Mr. Crafts) is that the matter be tabled indefinitely.

Mr. MURCHIE: I hope that motion will not prevail—

The SPEAKER: The gentleman from Calais must know that this is not a debatable question. Those who are in favor of tabling the matter will indicate it by saying aye, contrary minded, no.

A viva voce vote being taken, the motion to table failed of passage.

Mr. MURCHIE: Mr. Speaker, I move that the report of the commit-

tee be accepted, and I will say simply this: This matter comes in as a unanimous report from the committee on salaries and fees. The House does not know what the report is except that some small increase is recommended, and I think the House is entitled to know what it is. If the report is accepted, the bill will be tabled for printing, and every member of this House will have an opportunity to read it after it is printed.

The SPEAKER: The gentleman from Calais (Mr. Murchie) suggests that if the report is accepted, the bill in new draft will be printed and placed upon the desks of the members. The gentleman moves the acceptance of the report. Those in favor will say aye, contrary minded, no.

A viva voce vote being taken, the report was accepted.

Mr. MURCHIE of Calais: Mr. Speaker, I move that we reconsider the vote whereby we tabled the report on the salary of the Adjutant General.

The SPEAKER: The bill and report relative to the salary of the Adjutant General is upon the table, and under the rules can be taken from the table at any time. The gentleman from Calais moves that we take from the table the report of the committee on bill, An Act to increase the salary of the Adjutant General.

The motion prevailed; and on further motion by the same gentleman the report was accepted.

Mr. Peaslee from the committee on State prison reported "ought to pass" on Resolve in favor of the Maine State prison for maintenance and current expenses.

Same gentleman from same committee reported same on Resolve providing for the improvement of the State prison at Thomaston.

Reports were read and accepted and the Bills and Resolves ordered printed under the joint rules.

Mr. Farnsworth from the committee on public utilities reported same on bill, "An Act additional to and amendatory of Chapter 20 of the Private and Special Laws of 1917, relating to the operation of Egge-

moggin Reach Ferry in Hancock county."

Report was read and accepted and the bill having already been printed (House Document No. 115) was given its two several readings under suspension of the rules.

Majority report of the committee on public health on bill, "An Act to prevent the marriage of persons having syphilis," reporting the same in a new draft under title of "An Act to require the filing with town and city clerks of clean bills of health by persons filing certificates of intentions of marriage," and that it "ought to pass."

Report was signed by the following members:

Messrs. Holt of Hancock, of the Senate; Messrs. Croxford of Newport, Snipe of Bath, Peabody of Richmond, Davis of Freeport and Phillips of Bar Harbor, of the House.

Minority report of the same committee reporting "Ought not to pass" on the same bill.

Report was signed by the following members:

Messrs. Allen of York and Hall of Franklin, of the Senate; Mr. Poore of Casco, of the House.

The SPEAKER: The question comes on the acceptance of either report.

Mr. GERRISH of Lisbon: Mr. Speaker, I move the acceptance of the majority report, and I wish to say that my objection to the original bill was, first, that if a person failed to get a certificate it was for the reason of this disease in question, thereby branding their presence, as it were, with a scarlet letter. In the redraft this word is not mentioned. It simply brings up the question of active contagious disease, which might include tuberculosis as well as the other mentioned condition. My second reason was on the uncertainty of the test. If you will examine this redraft, you will see that the clean bill of health is dependent upon the physicians' opinion—his opinion—not on the tests. I think this bill must work great good; it can do no harm.

Thereupon the majority report "ought to pass" was accepted.

First Reading of Printed Bills and Resolves

House 302: An Act to amend Chapter 356 of the Private and Special Laws of 1883, relating to the construction of a bridge over Tide Waters between Orr's Island and Bailey's Island.

House 303: An Act to provide for Temperance Day in the Public Schools in the State of Maine.

(Tabled by Mr. Bragdon of Perham, pending its assignment for third reading.)

House 305: Resolve appointing a committee of investigation to procure plans and estimates for a State Library Building.

House 306: Resolve to increase the salary of judge of the Municipal Court in Gardiner.

Passed to Be Engrossed

Senate 110: An Act to amend Section 37 of Chapter 24 of the Revised Statutes relating to the appropriation for the abolishment of grade crossings.

Senate 113: An Act to amend Section 43 of Chapter 2 of the Revised Statutes, relating to the appointment of Dedimus Justices.

House 124: An Act to amend Section 29 of Chapter 8 of the Revised Statutes, providing for the appointment of deputy forest fire wardens in towns and fixing their compensation.

House 238: An Act authorizing the Ashland Company to construct and maintain booms and piers in the Aroostook River below its dam in the town of Ashland.

House 286: An Act to legalize acknowledgments taken, oaths administered, and marriages solemnized by Adelm G. Humphrey.

House 287: An Act to amend the charter of the city of Calais increasing the jurisdiction of the Calais Municipal Court.

House 288: An Act authorizing the Princeton Terminal Company to erect and maintain piers and booms in the waters of Lewys Lake and

Long Lake in the county of Washington.

House 289: An Act to enable the inhabitants of the town of Caribou to raise money for the benefit of Cary Hospital.

House 290: An Act authorizing the payment of an annuity by the city of Portland to Nettie M. Hamilton.

House 291: An Act to amend Chapter 436 of the Private and Special Laws of 1834, entitled "An Act to incorporate the city of Bangor and Acts amendatory thereof or additional thereto."

House 292: An Act to amend Chapter 145, Section 47 of the Revised Statutes, relating to the duties of Hospital Trustees, admitting to Home for Feeble Minded.

House 293: An Act to amend Section 1 of Chapter 139 of the Private and Special Laws of 1899, as amended by Chapter 145 of the Private and Special Laws of 1915, amending the charter of the Dixfield Village Corporation by extending the territory of said Corporation.

House 297: An Act to amend Section 57, of Chapter 8 of the Revised Statutes relating to the duties of the Forest Commissioner.

House 298: An Act for the preservation, perpetuation and increase of the forests of the State of Maine.

(Tabled by the Speaker at the request of Mr. Granville of Parsonsfield, pending third reading.)

House 299: An Act to amend Section 69 of Chapter 8 of the Revised Statutes, increasing the compensation of chief forest fire wardens and their deputies.

Senate 58: Resolve to appropriate money for the purchase of history of the town of Williamsburg.

Senate 62: Resolve to appropriate money for the purchase of a history of York.

House 225: Resolve in favor of Commission of Labor and Industry and State Factory Inspector.

House 295: Resolve appropriating money for general forestry purposes.

House 296: Resolve appropriating money for further maintenance of the State Forestry Nursery.

House 294: Resolve authorizing the Land Agent to sell a parcel of land not exceeding two acres from one of the Public Lots in West Forks Plantation, Somerset County.

Passed to Be Enacted

An Act to amend Section 98 of Chapter 82 of the Revised Statutes, relating to the exchange of justices of superior courts.

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

An Act to amend Paragraph V of Section 38 of Chapter 16 of the Revised Statutes, relating to the duties of superintending school committees.

An Act to amend Section 1 of Chapter 10 of the Revised Statutes, relating to poll tax.

An Act to amend the charter and change the name of Portland Realty Association to Portland Mutual Loan Association.

An Act to legalize the granting of certain fish weir licenses in tide-waters of what was formerly Muscle Ridge Plantation.

An Act to extend the charter of the Penobscot Valley Gas Company.

An Act to amend Chapter 134 of the Public Laws of 1834, as amended by Chapter 167 of the Public Laws of 1835, as amended by Section 11 and Amendments thereto of the city charter of the City of Bath, which is Chapter 5 of the Private and Special Laws of 1847; as amended by Chapter 135 of the Public Laws of 1895, relating to a municipal court in the City of Bath.

An Act to authorize the town of Sanford to raise and expend money to erect a memorial to its soldiers and sailors.

An Act to amend the charter of the Mutual Fire Insurance Company of Saco, Maine.

An Act to amend Section 11 of Chapter 46 of the Revised Statutes as amended by Chapter 74 of the Public Laws of 1919, relating to the furnishing of slips by weighers.

An Act to amend Chapter 218 of the Public Laws of 1917, providing for the establishment of a bureau of markets.

Finally Passed

Resolve in favor of Mary S. Hillman for State pension.

Emergency Measure

An Act to amend Section 2 of Chapter 176 of the Private and Special Laws of 1887, entitled an Act creating the Fryeburg Village Fire Corporation, as amended by Chapter 238 of the Private and Special Laws of 1901.

This bill requires the affirmative vote of two-thirds of the entire membership of this House in order to be passed to be enacted. All those in favor of its passage to be enacted will rise and stand until counted, and the monitors will return the count.

A division being had,

One hundred and fifteen voting in favor and none against, the bill was passed to be enacted.

Orders of the Day

The SPEAKER: Under the heading of "tabled and today assigned" on the calendar, the Chair will present report of Committee on salaries and fees, on Bill, An Act relating to salaries of Legislators, tabled pending the acceptance of the report of the committee, on motion by the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS: Mr. Speaker, this bill is like another bill that we had before the committee on salaries and fees, relating to the same issue, and I would like to have it retabled until we hear something from that other bill which will come up today for hearing, and as soon as we get a report on this other matter, we can act upon both; and for that reason I move that the bill be again tabled.

The motion was agreed to.

The SPEAKER: The next matter on the calendar for today is the report of the Portland delegation on Bill, An Act relating to the Portland Fire Department, tabled pending the acceptance of the report of the dele-

gation, on motion by the gentleman from Portland, Mr. Rounds.

Mr. Rounds then yielded to the gentleman from Portland, Mr. Dodge.

Mr. DODGE: Mr. Speaker, this is a matter of considerable importance to the Portland delegation, and we expected to be able to have a meeting and discuss this matter so that a final disposition could be made of it, but as yet we have not been able to meet, and therefore I move that this be again laid upon the table and specially assigned for consideration on Tuesday of next week.

The motion was agreed to.

The SPEAKER: The next matter for consideration is House Doc. No. 158, report of committee on sea and shore fisheries on Bill, An Act to abolish the Sea and Shore Fisheries Commission, tabled pending the acceptance of the report, on motion by the gentleman from Portland, Mr. Rounds. The Chair will state that the unanimous report of the committee is that the bill "ought not to pass."

Mr. Rounds then yielded the floor to the gentleman from Eliot, Mr. Cole.

Mr. COLE of Eliot: Mr. Speaker, I move that this matter be again tabled and be specially assigned for consideration on Wednesday of next week.

A viva voce vote being taken.

The motion was lost.

Mr. HINCKLEY of South Portland: Mr. Speaker, this act provides that the Sea and Shore Fisheries Commission shall be abolished, without any provision being made for a new commission; it provides that all laws on our statute books at the present time pertaining to the Sea and Shore Fisheries, to the taking and catching of fish, including shell fish, from Kittery to Eastport be repealed; third, it provides that it shall become a law when signed by the Governor. That is to say, this Legislature is attempting to amend the Constitution, and that is absurd, it is ridiculous, and I move that the

report of the committee, which is unanimously that the bill ought not to pass, be accepted.

The motion was seconded.

Mr. ROUNDS: Mr. Speaker, it has been said a great deal here during this session that we want to economize, and we have heard a great deal said about economy. I hold in my hand here sixteen yachts flying around the coast of Maine in the summer time—(Laughter). I mean to say, Mr. Speaker, that I have in my hand here a list of sixteen yachts that are flying around the coast of Maine in the summertime spending our money and having a good time. I have been told, but I may be wrong, that in the winter time some of these yachts are hauled up with the crews still remaining on board and living on the fat of the land, and we are paying the bills. It may be true that they do not stop at the Augusta House, but they may be stopping at some other place that costs just as much, and therefore I thought that if we wanted to economize some, that we could do away with some of these things.

I want to say right here that the United States government some time ago, did away with the practice of buying shell-fish because they had got all the mother fish of the State with the holes punched in their tails, so that they are waiting to get some more that have reached the age of consent so that they can have some more mother fish to bring in. So, for that reason, I do not know why we should keep on paying the expenses of all these yachts flying around the coast of Maine at a large expense to the State of Maine; if we want to economize, let us start now and economize and stop some of these yachts going around. And as I understand it, the shell-fish now have a right to roam of their own free-will, and next summer you will see these same yachts flying around our shore, and therefore I would like to see the bill substituted for the report.

Mr. HINCKLEY: If the House will pardon me just a moment, I would like to read this bill because it is very short so that the House will grasp

its full significance. The bill reads as follows:

"Resolved: That all laws pertaining to taking of fish, including shell fish, from the water and shore of the State, from Kittery to Eastport, and in the bays and rivers adjacent thereto, be and are hereby repealed.

"Resolved: That the office of the sea and shore fisheries commission be and is hereby abolished, and all properties belonging thereto be sold by and for the benefit of the State.

"Resolved: That this Act shall take effect when signed by the Governor."

Now, if the House wants to pass this measure, they may do so.

Mr. COLE: Mr. Speaker, it was not my intention in asking that this matter be tabled for a week, to ask the members of this House to take this report too seriously in regard to the opposition to the acceptance of this particular report. Every one of you had upon your desk, but perhaps it has reached the wastebasket some time ago, the second biennial report of the commission on sea and shore fisheries, one of the greatest departments of the State, expending a very large amount of money, intimately connected with one of the greatest industries of the State of Maine, and yet I defy you in reading that report to get one word of intimation as to the expense, or anything pertaining to the question of sea and shore fisheries, the only department that runs wild in the State of Maine, and it seems to me that this department is well worthy the attention of this Legislature without passing it over with as much as a single consideration when the matter comes here before me, although I think perhaps this bill may be extreme in its claims, and although none of us would perhaps vote for the bill as it stands, and yet I believe there should be something done to curb these large expenditures, something that the people of the State should have by which they may know what is being done by that department.

This department has its office in Rockland, and it is not connected with the State House, and yet your sea and shore fisheries commission-

ers are around here all winter, I don't know what for, it may be that they are here on their own private matters, and it may be that they are here on State matters, it may be that they are here lobbying; it may be that they are here watching you and me, for all I know, thinking perhaps we may put something over on them, and I think it might be well for us to watch lest they put something over on us.

Now, gentlemen, I haven't any particular interest in this measure excepting that I live on the seashore and I know something of the sea and shore fisheries commission's work, and I know that it is a commission that is busy with a great many different things and that it has a large responsibility. I presume if I had been a member of that committee myself, I should have voted "ought not to pass," on this particular bill, because it is too broad; but it does seem to me that it is unwise to pass over a department of this kind without giving to it any consideration whatever and simply saying that the thing is not worth considering. It is the responsibility of the Legislature, and the gentleman from Portland (Mr. Rounds), had something in his system that he wanted to get out, and he has evidently gotten it out, and I simply wanted to give him the opportunity by letting him collect a few more facts and figures and letting him collect a few more yachts in his other hand, because he only had 16 of them in one hand. Now, if this Legislature is satisfied, I am perfectly satisfied with the acceptance of the report.

Mr. BAKER of Steuben: Mr. Speaker and gentlemen, I have those figures, and I want to call attention to the fact that the Sea and Shore Fisheries Commission had appropriated for their use last year the sum of \$55,000 for the purchase of seed lobsters and other things that they deemed necessary for the interest of the large industry which they represent. They overdrew that amount \$26,000 last year. I wish that all the departments in this State had been as easy about the overdraft as this commission has been. The Commis-

sion has at the present time 15 patrol boats, three owned by the State, one owned and loaned by the United States Government to them for their use.

I am willing to admit the justness of the remarks of the gentleman preceding me in some measure, but in justice to the fishermen whom I have the pleasure to represent here, I want to say that the commission and that the directors stand well with them. There has never been to my knowledge in the whole State such unanimity, such coordination and such cooperation of interest as has been shown by the fishermen of this State with the present director and all the members of the commission. It has been hinted and said that the Commission are high salaried men, and the facts in regard to this could be determined from the statement of facts which was presented to us at that time. On my own behalf, I have looked up the expenses of one of the members of that commission, and he received \$343 last year for his expenses and salary, at the rate of \$5.00 per diem. I wish to say that I hope that all the commissioners in this State will render as much service to the people of the State for so small an amount of money as has Commissioner Wilbur. I believe this, that we represent about one-eighth of the people of the State of Maine, and this department received \$55,000 last year, while the department of Agriculture received \$343,000. If one-eighth of the people of this State received practically one-sixth as much as we say all the rest received, it is evident that they have not received their just amount. I know that the fishermen along the coast of Maine are prospering, and I am glad that they are. They have received some benefit from the increased production and increased prices by reason of the United States pounds and the propagation of lobsters. I believe that the industry can be cared for, and I believe that the industry cannot be cared for any better than it is under the present commission and by the present director. This matter had a very careful and full

hearing before our committee and we were unanimous, and there was no dissenting vote against it. If you want to abolish one commission, why not go ahead and abolish all commissions; it is a good rule that works both ways, and I move that the report of the committee be now accepted.

Mr. ORAM of Bristol: Mr. Speaker, I don't know as I am in a position to make any such speech, but I will say that the gentleman from Portland (Mr. Rounds) must be a very strong man if he can hold 16 yachts in his hand. Now gentlemen, what will be the result if you table this matter indefinitely? I live on the coast of Maine, and I have handled thousands of bushels of herring for the lobster fishermen and for the trawlers, and if you postpone indefinitely this bill and do away with your fishing department, what will be the result? I have heard it said that these departments are all corrupt, but I don't believe it; I think they are honest men. You do away with this department, the fisheries department, and I assure you that in less than a year there won't be a lobster to be obtained to put upon your tables. When I went down to this department, at the time of the hearing, I was surprised to see one gentleman get up there and advocate the abolishing of the whole sea and shore fisheries department. These fishermen who live along our coast have obtained their living from the ocean, and they are great producers, and they should be protected. The entire committee were in favor of this bill, and if you turn it down you are going to say that we haven't intelligence enough and we haven't brains enough to sift out the true and honest sentiment of the people of our State. I think the report of the committee should be accepted.

Mr. BUZZELL of Belfast: Mr. Speaker, this is another bill in which I have no particular personal interest. In the very first days of this session of the Legislature a prophecy was made by a certain gentleman in the State of Maine. At that time it was suggested that possibly

this Legislature might be a dash reactionary, that there might be a difference between constructive legislation and destructive legislation. Now, so far as this bill is concerned and so far as this commission is concerned, I hope that the report of the committee will be sustained, for I, as a member of this Legislature, wish to qualify in the ranks of the constructive element.

The question being on the motion by Mr. Hinckley of South Portland, that the report of the committee, reporting "ought not to pass" be accepted,

A viva voce vote being taken,
The motion was agreed to.

The SPEAKER: The Chair presents for consideration, Report of the committee on Education on Bill, An Act relating to the payment of salaries of superintendents of schools, tabled pending acceptance of the report of the committee on motion by the gentleman from Windham, Mr. Varney. The Chair will state that the report of the committee was "ought not to pass."

Mr. VARNEY of Windham: Mr. Speaker, I understood yesterday that this measure was tabled until next week, because there is another bill pending relative to this same matter, and upon the adoption or rejection of that depends this bill, and that is why I wish to have it tabled.

The report was again tabled and specially assigned for consideration on Wednesday of next week.

The SPEAKER: The Chair presents for consideration Senate Doc. No. 105, Bill, An Act to prevent the manufacture and exhibition of motion picture films depicting or involving cruelty or suffering of animals, tabled pending assignment for third reading, on motion by the gentleman from Gardiner, Mr. Gardiner.

On motion by Mr. Gardiner, the bill received its third reading and was passed to be engrossed.

On motion by Mr. Reed of Harmony, report of committee on claims on Re-

solve to reimburse the town of St. Albans for overpaid tax, was taken from the table.

The SPEAKER: The Chair will state the situation in regard to this measure. On March 11th, the House voted to accept the report of the committee, reporting "ought not to pass."

Mr. Reed then moved that the vote of the House be reconsidered whereby it accepted the report of the committee reporting "ought not to pass."

Mr. REED of Harmony: Mr. Speaker, this claim comes about by the town of St. Albans in the year 1915 returning to the State Treasurer the total amount of dogs inventoried that year instead of the correct amount of dogs licensed, making a difference of \$29.00. The error was not discovered by the town of St. Albans until the following year, and they immediately got in correspondence with the department here and had not got a final statement from the department of what was necessary until the year 1917, in which year there was a change officially and politically in the department head. While the matter was still under consideration, the time for introduction of special resolves had passed by; and again in 1919 the matter was brought to the attention of the representative from this district, but it was too late for the introduction of the resolve at that time; and this year the matter comes before us again asking that the town be reimbursed in the sum of \$29.00, which was the amount that they claim was overpaid, and which was conceded by the State Treasurer. I have been in that office and have looked over their files, and those files show this amount to be still due, and although it is a small matter to occupy the attention of this House, it is apparent to me that it is simply a question of the "square deal." The town of St. Albans claims the amount, and the State realizes and acknowledges the amount to be due, and for that reason I move that the resolve be substituted for the report of the committee.

The SPEAKER: The resolve provides that there be paid to the town of St. Albans the sum of \$29.00, being the amount of tax collected on

dogs which was overpaid to the State. And the gentleman from Harmony, Mr. Reed, now moves that the resolve be substituted for the report of the committee, reporting "ought not to pass."

A viva voce vote being taken,

The motion was agreed to, and the

resolve was substituted for the report of the committee.

On motion by Mr. Murchie of Calais,

Adjourned until ten o'clock tomorrow morning.