

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Thursday, February 3, 1927.

Senate called to order by the President.

Prayer by the Rev. Stuart B. Purves, D. D., of Augusta.

Journal of previous session read and approved.

On motion by Mr. Roberts of York, the rules were suspended and that Senator presented the following order, out of order.

Ordered, the House concurring, that when the Senate and House adjourn they adjourn to meet Tuesday, February 8th, at four-thirty o'clock in the afternoon.

Read and passed and sent down for concurrence.

Subsequently the foregoing order came back from the House, read and passed in concurrence.

Papers from the House disposed of in concurrence.

From the House: The following order.

Ordered, the Senate concurring, that the Committee on Mines and Mining be instructed to investigate the condition of mines and mining in the State, and to report what action the Legislature can take to promote most effectively the development of the mineral resources of Maine.

(In the Senate, February 1, indefinitely postponed in non-concurrence.)

In the House, that body voted to adhere to its former action whereby the order was passed.

In the Senate, on motion by Mr. Dwinall of Knox, that body voted to adhere to its former action whereby it was indefinitely postponed in non-concurrence.

From the House: An Act to change the closed time on deer in Hancock and Washington counties. (H. P. 233.)

In the House, referred to the Committee on Inland Fisheries and Game.

In the Senate, referred in concurrence and five hundred copies ordered printed.

From the House: Resolve in favor of a road leading from Long Pond to

Rockwood and from Tarratine to Greenville (H. P. 224.)

In the House, referred to the Committee on Ways and Bridges.

In the Senate, referred in concurrence and one thousand copies ordered printed.

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

Appropriations and Financial Affairs

By Mr. Holmes of Androscoggin, Resolve in favor of Central Maine General Hospital, Lewiston, Maine. (S. P. 97.)

By Mr. Miner of Washington, Resolve in favor of the Calais Hospital at Calais. (S. P. 98.)

Sent down for concurrence.

Claims

By Mr. Mitchell of Aroostook, Resolve to reimburse the town of Smyrna for support of John Pomeroy, a Civil War veteran. (S. P. 99.)

Judiciary

By Mr. Smith of Somerset. An Act to provide for the organization of electric transmission companies, with limited powers, and to provide for the issuing of permits to electrical companies and others to sell electricity thereto for transportation and sale outside of the State of Maine under certain specified conditions. (S. P. 100.)

Sent down for concurrence.

On motion by the same Senator, tabled pending reference and 1500 copies ordered printed.

Legal Affairs

By Mr. Harriman of Kennebec, An Act to amend Section 77 of Chapter 211 of the Public Laws of 1921, relating to reserved automobile registration numbers. (S. P. 101.)

Sent down for concurrence. (500 copies ordered printed.)

Thereupon on motion by Mr. Granville of York, the Senate voted to reconsider its action whereby it referred this Act to the Committee on Legal Affairs in concurrence and upon further motion by the same Senator the Act was tabled pending reference.

Ways and Bridges

By Mr. Crafts of Piscataquis, Re-

solve in favor of the town of Parkman. (S. P. 102.)

Sent down for concurrence.

Orders

On motion by Mr. Roberts of York, it was

Ordered, that bill 'An Act relating to the taxation of Forest Property in Organized Towns and Plantations' (H. P. 147) be recalled from the Committee on State Lands and Forest Preservation.

Reports of Committees

Mr. Woods, from the Committee on Insane Hospitals, on "Resolve appropriating money for the construction and equipment of a new wing for the Bangor State Hospital" (S. P. 6), reported the same in a new draft, under the same title, and that it ought to pass.

The report was read and accepted and the resolve laid upon the table for printing under the joint rules.

Mr. Holmes, from the Committee on Legal Affairs, on bill "An Act to assist in the examination of titles" (S. D. 5), reported that the same ought not to pass.

The report was accepted.

Orders of the Day

On motion by Mr. Granville of York, it was voted to take from the table, out of order, An Act to amend the charters of all corporations making, generating, selling, distributing and supplying electricity (S. P. 6), tabled by that Senator on February 1st pending motion to reconsider and specially assigned for today.

Mr. GRANVILLE of York: Mr. President, I now yield the floor to the Senator from Somerset, Senator Smith.

Mr. SMITH of Somerset: Mr. President, I wish to thank the Senator from York, Senator Granville, for his courtesy and his willingness to join in a reconsideration of the matter before us, also to ask the indulgence of this body for a few moments.

There has been more or less contention over the disposition of the so-called water power bills. Differences of opinion that may well be expected, disagreements that if imbued with fair play and conducted in good humor will in the end bring us closer together. It is with this thought in

view that I now move reconsideration of our former action on this matter and if that motion prevails it is my desire to move that the bill be referred to three committees, adding Judiciary. In my judgment it is for the best interests of all concerned to have this far-reaching proposition studied and investigated by both laymen and professional men. In fact its proper consideration calls for legal advice as well as business experience. I am well aware that it may be suggested that such a reference is unwieldy and cumbersome yet I fear such suggestions are largely imaginary.

It has been my pleasure to serve many times on joint committees and I have always found that members of more than one committee can work efficiently and harmoniously together and if I were sponsoring a bill that contained real merit I would prefer that thirty men have the opportunity to learn and study the virtues of that bill.

It is unnecessary for me at this time to call to the attention of this body that we are now in the second month of our session, quibbling over the references of bills. It seems to me it is high time that we stopped this joking and got down to business, and it is in the interest of fair play and in the hope, Mr. President, that we may go to work, that, as one who voted with the majority upon a previous consideration of this measure I now move its reconsideration and trust that this motion may prevail.

Mr. MAHER of Kennebec: Mr. President, agreeing, as I usually do, with the remarks of the Senator from Somerset, Senator Smith, I am interested and intrigued by his interesting manner of handling this proposition. I am convinced of the accuracy of one of his statements, certainly, and that is that it is about time we as a legislative body proceeded to do something definite along the lines of legislation; in other words that we move along towards consideration instead of recall and reconsideration.

I cannot agree at all, however, with his suggestion that it is a wise manner of handling legislative business, this merging of committees. I can see neither rhyme nor reason in it. A committee is nothing but a coordinate, subordinate group for convenience in facilitating the business of the legislature, and if a particular

committee that is suggested does not meet with the approval of the legislative mind, very well, send it to some other committee if the matter can thereby be expeditiously and efficiently handled.

There has grown up, I confess, within the past few sessions a sort of novel procedure of reference to joint committees. Manifestly, at once, the object of that is not the facilitating of legislation but rather the salving of the feelings of individual members of particular committees. That is the object because, manifestly, were it not so we would not be operating with committees of ten, we would be operating with committees of twenty, if that were the most efficient method of handling a matter. We have now gone one step further and it has remained for this legislature to have heard seriously suggested the proposition—and I have no doubt that you will adopt it—of having, instead of two committees, a triple-headed committee of thirty, if you please, equivalent in number to the membership of this body with the exception of the presiding officer, and I will ask a frank question that occurs to me at the outset. How is the committee going to function? Are they going to be tied up for a couple of weeks in deciding who is to preside over that triple-headed committee? Why not go the whole length and remove any contention of that sort, so that we may legislate correctly and expeditiously, by amending the motion of the Senator from Somerset, Senator Smith, to make the committee consist of thirty acting members and one member to preside thereover, possibly the President of the Senate, who would be the ideal presiding officer and then we would have as a method of expediting the business of the legislature a committee consisting numerically of exactly the membership of this august body. I am sure we would then have harmony.

Now, as one of the members who was over-ruled by the action of this branch of the Legislature the other day, I take the matter in the day's course. I cannot see that it makes any difference what committee has the consideration of these matters. Personally I thought it was better that precedent should have been followed and the matter referred to the Committee on Judiciary but as a member of that committee,

the Senate having voted to the contrary, I, for one, being in the minority, prefer to bow to the legislative will and say, "Let us go on and let us get busy."

This proposition here today of a triple-headed committee consisting of thirty members, what is that going to mean practically, gentlemen, at the outset? This bill will, I assume, following the suggestion already made, be referred by this body to the triple-headed committee. It will then go down to the co-ordinate branch, they will debate and discuss it and finally they in their wisdom will insist on their former action, as they have a right to do and ask for a committee of conference and this body will join and a committee of conference will be formed and that committee will either agree or disagree and the matter will come back to the various bodies. And in the meantime the water is going down to the sea and the power is going to waste as it has gone for millions of years.

They say that yesterday the mar-mot, coming out of his hole and seeing his shadow, would make up his mind for another six weeks flight. Now, we of Augusta like to have you here and if, emulating that little animal, the legislative body sees its shadow and desires another six weeks flight on these matters, go ahead. But I, for one, simply stating my views and not attempting to persuade a single member, say that it seems to me that the proper course is to refer these matters to the committees that you have selected and let us get down to business.

Mr. CARTER of Androscoggin: Mr. President, I wish to add my contribution, in a few words, to the discussion. As I develop what few remarks I have to offer I am doing it from a selfish motive in that I have some interest in two of the measures which are in controversy here, they being my own, as well as being very deeply interested in the principles involved in the other measures introduced.

I want to say first, with relation to the remarks of the Senator from Kennebec, Senator Maher, that considering his remarks as applying to new business coming before this Senate I endorse every word of them. I think that when this Legislature repudiates the work of the Commit-

tee on Reference, it does something in a trifling, joking way and does not realize what it is doing. On this Committee of Reference are two members from this body, one of them our presiding officer, with six years of services to his state in the two legislative bodies, having been the presiding officer of both branches and a member of the most important of lay committees. Our other member from the Senate is the chairman of the Judiciary Committee, a committee, presumably, in each legislature made up of lawyers of good repute. He is, I believe, serving now his fifth consecutive term in the Legislature of this State, is a member of many important committees and a member of this committee on reference for many years. In the House we are served equally well by two lawyers and a layman; one lawyer, I think, on his third term, a native of this town in which the Legislature meets; another lawyer from Androscoggin County serving, I think, his sixth term and many times a member of this committee on reference. The third member is a layman from the County of York, always interested in public welfare and serving on this committee.

Now, if this committee amounts to anything, if this committee is worth anything and if this committee is made up of those members of the Legislature who by their abilities and their service in public work are able to properly refer these bills, I think it is high time that we of the 83rd Legislature as a whole—not as little individual groups—resolve ourselves into the 83rd Legislature and as the 83rd Legislature proceed with business and follow the directions and recommendations, where we can, of the committees which we have elected. So much for the expedition of business. Business is always expedited by following the general routine of long established precedent.

For the particular situation which we are facing I am rather inclined to think that a different condition exists and prevails. Through a spirit of good natured rivalry, possibly, or whatever it may be, we arrive at this situation that exists today and the situation which exists today is the condition which we must meet. And we wish to meet it, all of us, everyone of us, in such a way that the business of the State and the busi-

ness of the people of Maine can best be taken care of.

The situation of the particular bill in question upon which we are apprehending another motion will be made as to reference, as I remember the remarks of the Senator from Somerset, Senator Smith, is this: We find ourselves here this morning with at least two measures that are entirely legal—three measures, I think which are entirely legal—and probably a fourth one which is now on the table and which also is entirely legal. Of those measures now before this Legislature two are now referred to a joint committee composed of two of the most important committees in the Legislature, the Committee on Public Utilities and the Committee on Interior Waters. These two committees to which this bill now stands referred are committees that have in the personnel of their membership no lawyer, no trained legal mind. These two committees find themselves in the situation of having bills referred to them that are bristling with legal points and they have upon their membership no lawyer. I apprehend—without discussing it with any member of the committee—this situation: I apprehend that these laymen in their own particular businesses in a similar situation would at once go to their legal advisors, because they are all good business men. That is the first thing they would do. Now, outside of this situation that we are now in, in regard to the matter of reference to three committees, I would sustain my brother from Kennebec absolutely. I do not think that reference to a joint committee of three expedites business. But in the situation in which we find ourselves I do think that the easiest way to accomplish the work of the 83rd Legislature—and I hope it is going to be the 83rd Legislature from now on instead of a lot of individuals—the easiest way and the best way to put our matters in line for work would be to adopt the suggestion of the Senator from Somerset, Senator Smith.

The PRESIDENT: The pending question is on the motion made by the Senator from Somerset, Senator Smith, that we reconsider the vote whereby we referred this bill—it being Senate Document No. 6—to the joint committees on public utilities and interior waters. As many as

favor reconsideration will say "Aye." Those opposed, "No."

A viva voci vote being taken the motion to reconsider prevailed, and on further motion by the same Senator the bill was referred to the committees on public utilities, interior waters and judiciary, jointly.

The PRESIDENT: Tabled and assigned for today, the Chair presents House Document No. 10, "An Act to Incorporate the Maine Water Storage and Power Transmission Company," tabled on January 25th by the Senator from Androscoggin, Senator Carter, pending reference.

Mr. CARTER: Mr. President, I will yield the floor to the Senator from Somerset, Senator Smith.

Thereupon, on motion by the Senator from Somerset, Senator Smith, House Document No. 10 was referred to the committees on public utilities, interior waters and judiciary, jointly, in non-concurrence.

The PRESIDENT: Tabled and assigned for today, the Chair presents Senate Document No. 7, "An Act to amend the charters of Maine corporations incorporated for transmission of electricity and to limit the rights of foreign corporations authorized to do business in Maine for similar purposes," tabled by the Senator from York, Senator Granville on February 1st pending motion to reconsider.

Thereupon, on motion by the Senator from York, Senator Granville, the Senate reconsidered its vote whereby this bill was referred to the committees on public utilities and interior waters, and on further motion by the same Senator the bill was referred to the committees on public utilities, interior waters and judiciary, jointly.

Mr. GRANVILLE: of York: Mr. President, I would like to take from the table Senate Document No. 15,

"An Act relating to the exportation of hydro-electric power from Maine," tabled by me February 1st pending reference.

The PRESIDENT: The Chair will state that, being specially assigned for today this matter comes off the table automatically.

Thereupon, on motion by the Senator from York, Senator Granville, Senate Document No. 15 was referred to the committees on public utilities, interior waters and judiciary, jointly.

On motion by the Senator from Somerset, Senator Smith, the Senate voted to take from the table, Senate Paper 100, "An Act to provide for the organization of electrical transmission companies, with limited powers, and to provide for the issuing of permits to electrical companies and others to sell electricity thereto for transportation and sale outside of the state of Maine under certain specified condition," tabled by that Senator earlier in today's session pending reference, and on further motion by the same Senator the bill was referred to the committees on public utilities, interior waters and judiciary, jointly.

From the House, the following resolution out of order:

"Resolution Favoring the Passage by Congress of Legislation Relative to the Retirement of Disabled Emergency Officers of the United States Army."

In the House, referred to the Committee on Federal Relations.

In the Senate, on motion by the Senator from Cumberland, Senator Slocum, referred in concurrence.

On motion by Mr. Miner of Washington,

Adjourned until Tuesday afternoon, February 8th, at four-thirty o'clock.