

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, March 20, 1929.

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

Prayer by the Rev. Mr. Magraw of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on Interior Waters on bill an act to prohibit the erection of any dam on the public waters in the State unless and until all bushes, trees and stumps within the area to be flowed shall have been removed, (S. P. 339) (S. D. 145) reporting same in a new draft (S. P. 683) (S. D. 351) under same title and that it ought to pass.

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

In the House, on motion by Mr. Milliken of Old Orchard, report read and accepted in concurrence. On further motion by the same gentleman Senate Amendment A was indefinitely postponed; and on further motion by the same gentleman, this being a printed bill, the rules were suspended and the bill received its two several readings and tomorrow assigned.

Senate Bills in First Reading

(S. P. 684) (S. D. 353) An act to amend and extend the charter of Kennebec Reservoir Company, said charter being Chapter 113 of the Private and Special acts of 1927.

(S. P. 152) (S. D. 68) An act to authorize the Treasurer and County Commissioners of York County to procure a loan and issue bonds.

(S. P. 254) (S. D. 106) An act to remove the limit of expenditures of third class highway funds upon a section of road where buildings are nearer than two hundred feet apart.

(S. P. 644) (S. D. 352) Resolve in favor of the town of Lyman.

From the Senate: Report of the committee on State School for Boys, State School for Girls, and State Reformatories reporting

ought to pass on resolve for the construction and equipment of an Industrial Building at the State Reformatory for Men, (S. P. 327) (S. D. 119)

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

In the House, report read and accepted in concurrence, and the resolve received its first reading.

Mr. ROGERS of Yarmouth: Mr. Speaker, I wish to present House Amendment A and move its adoption.

House Amendment A to S. P. 327, S. D. 119, resolve for the construction and equipment of an Industrial Building at the Reformatory for Men.

Amend said resolve by inserting after the word "trustees," the words "from surplus revenue funds."

Thereupon House Amendment A was adopted, the resolve received its second reading and was passed to be engrossed.

STATE OF MAINE

Department of State Auditor
Augusta

March 19, 1929

To the Honorable House of Representatives:—

I am in receipt of House Order dated March 18, 1929 as follows:—

"Ordered, That the State Auditor be requested to furnish the House with a report concerning the claim of J. M. Norris against the State of Maine."

Voucher No. 27887 from the office of the State Highway Commission was duly manifested to this office for payment on or about February 21, 1929. This voucher was in favor of J. M. Norris, of Hampden, and was for the sum of \$10,000.00. It enclosed in addition to the bill of J. M. Norris rendered to the State Highway Commission and approved by L. D. Barrows, Chief Engineer, being ordered by him charged to Project 84-F Hampden, a record from the proceedings of the State Highway Commission at its meeting held in Augusta on November 20 and 21, 1928 said extract from their records pertaining to this matter reading as follows:

"The Commission had a conference with Louis Stearns of Ban-

gor and J. M. Norris. This conference was in regard to damage claimed by Mr. Norris on account of raising the grade adjacent to his property in Hampden on Federal Aid Project 84-F. Mr. Stearns stated that before the road was built Mr. Norris' property was about level with the grade of the highway and that the new grade of the road is much higher, making access to Mr. Norris' property difficult and causing water to drain under his land. Mr. Stearns stated that he considered that Mr. Norris' property had been damaged in the amount of \$15,000. The Commission stated that they could not agree to this amount and Chairman Smith suggested that a board of three disinterested men be named to appraise the damage and suggested that this board consist of Ned Merrill of Skowhegan, Herbert Wadsworth of Winthrop and Fred Gilbert of Hampden. The Commission stated that they would be willing to agree to the award of damage made by this board. Mr. Stearns, in behalf of Mr. Norris, stated that the personnel of this board as named by Mr. Smith was satisfactory and stated that he would draw up a form of agreement."

In pursuance to these proceedings the three referees were appointed to wit, Fred A. Gilbert of Hampden, Herbert E. Wadsworth of Winthrop and Edward F. Merrill of Skowhegan and their report dated Bangor, December 28, 1928 is attached to and made a part of said voucher. The report of the referees is as follows:—

"We, the undersigned, to whom was referred the assessment of damages to land of John M. Norris, in Hampden, Maine, occupied by him for a dwelling house, occasioned by the change of the grade of the State Highway passing the same in Hampden, Maine, met at the premises and viewed the same. Both Mr. Norris and the State Highway Commission having been notified of the time and place of hearing, Mr. Norris appeared in person with counsel and Mr. Charles Murray appeared representing the Commission. After hearing the parties and viewing the premises and considering the matter we determine that Mr. Norris

has been damaged by the change of the grade of said highway in the sum of Ten Thousand Dollars (\$10,000.00), the same to be paid to him by the State of Maine in full for all damages to said property by the change of grade in said highway."

This voucher I examined and being satisfied that the statute requirements as laid down in Section 13 of Chapter 25 of the Revised Statutes, which gives the State Highway Commission authority to alter, widen or change the grade of any State or State aid highway and to view such way and assess damages if any, that may have been occasioned thereby and to pay such damage accordingly, had been complied with I certified said voucher for payment on March 1, 1929.

I am informed that one of the members of the Executive Council, Honorable Lewis O. Barrows, of Newport, questioned the propriety of paying this amount to Mr. Norris with the result that the check was held up and the whole matter is now being held until a further investigation may be had of the facts.

The matter is now being considered by the Governor and Council and I respectfully refer you to them for further information.

Very respectfully,

(Signed) ELBERT D. HAYFORD,
State Auditor.

On motion by Mr. Kitchen of Presque Isle ordered placed on file and 500 copies ordered printed.

Orders

On motion by Mr. Leonard of Hampden, it was

Ordered, that the State Highway Commission be directed to furnish this House forthwith full information concerning the facts connected with the demand of J. N. Norris for damages against the State of Maine arising out of the construction of a road passing his property at Hampden.

On motion by Mr. Peacock of Readfield, it was

Ordered, that the Legal Affairs Committee be permitted to use the hall of the Representatives on Thursday, March 21, 1929, at two o'clock, P. M. for a public hearing

on the Sunday Sports or Recreation bill, so-called.

Reports of Committees

Mr. Perham from the Committee on Mines and Mining reported ought not to pass on bill an act relating to a State Geologist (H. P. 1025) (H. D. 323)

Mr. Williamson from the Committee on Revision of Statutes reported same on bill an act relative to the service of writs on corporations (H. P. 1486) (H. D. 521)

Reports read and accepted and sent up for concurrence.

Mr. Burkett from the Committee on Legal Affairs on bill an act to amend the charter of the city of Westbrook in reference to reducing the number of its aldermen and increasing the time of their office as well as that of the mayor and the Board of Assessors (H. P. 171) (H. D. 70) reporting same in a new draft (H. P. 1660) under the same title and that it ought to pass.

Mr. Perham from the Committee on Mines and Mining on bill an act relating to a State Geologist (H. P. 1924) (H. D. 322) reported same in a new draft (H. P. 1659) under the same title and that it ought to pass.

Mr. Comins from the Committee on Public Utilities on bill an act to extend the charter granted to the Sandy River and Rangeley Lakes Railway Company (H. P. 1477) (H. D. 517) reported same in a new draft (H. P. 1661) under title of an act to extend the charter granted to the Sandy river and Rangeley Lakes Railroad Company and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Sterling from the Committee on Agriculture reported ought to pass on bill an act relating to the apportionment of State Aid to Agricultural Societies. (H. P. 578) (H. D. 160)

Report read and accepted and the bill having already been printed was read twice under suspension of the rules and tomorrow assigned.

Mr. Jackson from the Committee on Library reported same on resolve providing for the purchase of "Minstrelsy of Maine". (H. P. 367)

Report read and accepted and the Resolve ordered printed under the Joint Rules.

First Reading of Printed Bills and Resolves

(H. P. 1650) (H. D. 682) An act to provide for the payment of a bounty on bears in towns where damage is being caused to valuable domestic animals.

(H. P. 1655) (H. D. 686) An act relating to the sterilization of milk utensils.

(H. P. 1656) (H. D. 687) An act relating to payment of damage by dogs and wild animals to domestic animals.

(Tabled by Mr. Aldrich of Topsham pending second reading and specially assigned for Friday, March 22.)

(H. P. 1657) (H. D. 688) An act relative to close time on moose.

(Tabled by Mr. Harrington of Patten, pending second reading)

(H. P. 192) (H. D. 676) Resolve in favor of the trustees of the bridge between East Machias and Machiasport.

(H. P. 479) (H. D. 677) Resolve in favor of the town of Kingman.

(H. P. 481) (H. D. 678) Resolve in favor of the town of Fort Fairfield.

(H. P. 533) (H. D. 679) Resolve in favor of the towns of Gardiner and Randolph.

(H. P. 709) (H. D. 680) Resolve in favor of the town of Dover-Foxcroft.

(H. P. 915) (H. D. 681) Resolve in favor of the town of Medway.

(H. P. 1651) (H. D. 683) Resolve providing for a State pension for Anna L. Gagan of Lewiston.

(H. P. 1652) (H. D. 684) Resolve to provide for a State pension for Mary W. Chamberlain of Portland.

(H. P. 1653) (H. D. 675) Resolve in favor of the Penobscot Tribe of Indians for the general care, maintenance and education thereof.

(H. P. 1654) (H. D. 685) Resolve in favor of Caratunk Plantation.

Passed to be Engrossed

(S. P. 211) (S. D. 343) An act relating to the annual payments to the Aroostook Law Library.

(S. P. 212) (S. D. 344) An act for the purchase of books for the Aroostook Law Library.

(S. P. 458) (S. D. 185) An act relating to the transportation or board of children in places of temporary residences.

(S. P. 460) (S. D. 187) An act

relating to the temporary closing of schools.

(S. P. 594) (S. D. 259) An act to regulate the plotting of private lands for streets or ways and imposing conditions for recording maps or plans of private land with streets or ways thereon.

(S. P. 604) (S. D. 265) An act relating to a State Entomologist.

(S. P. 615) (S. D. 286) An act relating to lights on vehicles.

(S. P. 618) (S. D. 285) An act to amend Sections 1 and 29 of the Revised Statutes relating to paupers, their settlement and support.

Mr. ROUNDS of Portland: Mr. Speaker, this bill is on account of paupers. We have before the committee on Claims, claims to the amount of about \$100,000 for State paupers. If you will look at the bill, Senate Document 285, you will find that the selectmen of the different towns have to report to the Governor and Council all these claims. Now I do not think that in the small towns that the selectmen know what the Governor and Council's orders are. These have to be approved by the Secretary of the Governor and Council. Section 29 of the bill reads as follows: "All claims of towns for support of State paupers shall be filed with the Governor and Council at such time and in such form as may be required by the Governor and Council." Therefore, I move that it lie on the table.

Thereupon the bill was tabled pending third reading.

(S. P. 678) (S. D. 346) An act relating to the expenses of the Justices of the Supreme Judicial Court.

(S. P. 679) (S. D. 347) An act relating to bonds of licensed detectives.

(S. P. 682) (S. D. 350) An act to amend Chapter 110 of Revised Statutes relating to easements.

(H. P. 1517) (H. D. 543) An act relating to the capacity of milk bottles and jars.

(H. P. 1518) (H. D. 599) An act relating to the capturing of bees.

(Tabled by Mr. Kitchen of Presque Isle, pending passage to be engrossed.)

(H. P. 1622) (H. D. 640) An act relating to county jails.

Mr. Heath of Guilford offered House Amendment A as follows:

House Amendment "A" to H. P.

1620: bill an act relating to County Jails.

Amend said bill by striking out beginning in the fourteenth line thereof the words "and if said commissioners, after such order, neglect or refuse to make such alteration, or to provide for the classification of convicts and persons charged with crime, the said board of commissioners may cause said convicts and persons charged with crime to be removed to any jail where such alteration or provision for classification has been made, and the expense of the removal and keeping of such convicts or persons shall be paid by the county from which such convict or person is removed,"

On motion by Mr. Holman of Farmington, the amendment was tabled pending adoption, and 500 copies ordered printed.

(H. P. 1645) (H. D. 672) An act relative to highways through towns of less than five thousand inhabitants.

(S. P. 463) (S. D. 188) Resolve in favor of the State Prison.

(S. P. 680) (S. D. 348) Resolve providing for moving pictures of Maine's wild life for recreational advertising purposes.

(S. P. 681) (S. D. 349) Resolve in favor of the Pownal State School.

Passed to be Enacted

(S. P. 444) (S. D. 178) An act relating to the York County Law Library.

(S. P. 547) (S. D. 224) An act relating to duties of superintending school committees.

(S. P. 668) (S. D. 330) An act to incorporate The Maine Foundation.

On motion by Mr. Chase of Cape Elizabeth, the House voted to reconsider its action whereby S. P. 668, S. D. 330, was passed to be engrossed; and Mr. Chase offered House Amendment A to correct a clerical error, and moved its adoption.

House Amendment A to S. P. 668, S. D. 330, an act to incorporate The Maine Foundation.

Amend said bill by striking out the word "or" in the fourth from the last line of said bill and inserting in place thereof the word "of"; on further motion by the same gentleman the bill as amended by House Amendment A was passed to be engrossed.

(S. P. 669) (S. D. 331) An act to license and regulate private hospitals and private houses for the treatment of patients mentally deranged.

(H. P. 1208) (H. D. 400) An act relating to Teachers' Retirement System.

(H. P. 1246) (H. D. 422) An act relating to the Superior Court in the county of Androscoggin.

(H. P. 1512) (H. D. 614) An act relating to the registration of nurses.

Mr. ALLEN of Sanford: Mr. Speaker, this bill has been taken care of up to this time by my colleague from Sanford, Mr. Tucker. He being absent this morning, I wish to correct a clerical error in the bill. I move that we reconsider the vote whereby this bill was passed to be engrossed.

The motion prevailed, and the same gentleman offered House Amendment A to H. P. 1514, H. D. 618, an act to grant a charter to the town of Sanford.

The SPEAKER: The Clerk will read the amendment.

House Amendment A to H. P. 1514, bill an act to grant a charter to the town of Sanford.

Amend said bill by striking out all that appears after the word "repealed" in Section 7 of Article IX in said bill.

The amendment was adopted; and on further motion by the same gentleman the bill was passed to be engrossed as amended by House Amendment A.

Passed to be Enacted Continued

H. P. 1618, H. D. 631: An act relating to the charter of the city of Saco.

Orders of The Day

The SPEAKER: Under tabled and today assigned the Chair presents the first matter, Senate report ought to pass from the committee on Public Health on bill an act relating to Dental Hygienists, S. P. 61, S. D. 35, reporting the same in a new draft, S. P. 664, S. D. 325, tabled on March 13th by the gentleman from Rockland, Mr. St. Clair, the pending question being the acceptance of the report in concurrence, and the Chair recognizes the gentleman.

Mr. ST. CLAIR: Mr. Speaker, I yield to the member from Gorham, Mrs. Day.

The SPEAKER: The gentleman from Rockland, Mr. St. Clair, yields to the member from Gorham, Mrs. Day.

On motion by Mrs. Day, the report was accepted in concurrence; and on further motion by the same member, the rules were suspended and the bill received its two several readings and tomorrow assigned.

The SPEAKER: The Chair presents the second matter today assigned, House report ought not to pass from the committee on Legal Affairs on bill an act relating to lien claims on real estate, H. P. 1253, H. D. 425, tabled on March 14th by the gentleman from Augusta, Mr. Farris, the pending question being acceptance of report, and the Chair recognizes the gentleman.

On motion by Mr. Farris, the report ought not to pass was accepted.

The SPEAKER: The Chair presents the third matter today assigned, bill an act relating to suspension or revocation of lobster license, S. P. 67, S. D. 37, tabled on March 14th by the gentleman from Franklin, Mr. Blaisdell, the pending question being third reading and the Chair recognizes the gentleman.

Mr. BLAISDELL: Mr. Speaker, I move the indefinite postponement of this bill. It was some one hundred years ago that the State of Maine became separated from the State of Massachusetts. Had we followed the policy of the State of Massachusetts relative to our lobster laws, we would have had no lobster industry. The Maine fishermen for lobsters would have been ruined and would have been out of business. That can be demonstrated from the fact that the ill-administered and ill-advised laws of the State of Massachusetts have forced the fishermen to go out of that industry to the extent of eighty per cent so that today there are in the whole State of Massachusetts only approximately seven hundred lobster fishermen. In the State of Maine there are approximately 5,000 lobster fishermen, fishing over 4,000 miles of coast line in and out of over 5,000 bays, rivers and

streams. In Washington county alone there are 755 lobster fishermen; Washington county alone has 34 more lobster fishermen than the whole State of Massachusetts. Hancock county has 800 lobster fishermen; Knox county has over 700 lobster fishermen; Lincoln county has over 650; Sagadahoc and Cumberland counties have 700 fishermen; and York county has 281.

The acknowledged authorities of the states of Massachusetts and Connecticut admit that unless they adopt and follow the stringent policies of the State of Maine, there will be no lobster industries in their states, and I am reliably informed that they are now in conference with our own Commissioners in order that they may determine the best methods of bringing back their own fishing industries. They admit that the progress in the lobster industry is entirely confined to Maine, and they admit the reason which is a well set up and well administered set of lobster laws. There is no question but our lobsters will decrease all up and down the coast of the State of Maine if the bill which is now before you receives passage. It is true that if there were as many lobster fishermen in Connecticut and Massachusetts as there are in the State of Maine, a majority of them would be "on the town."

There are over 4,000 homes up and down the Maine coast maintaining and being the whole support of some 23,000 wives and children that have to be fed, clothed and educated from this industry. Up and down the coast of Maine prosperity is shown among these fishermen, and there seems to be comfort in their home—the necessities of life—and there seems to be prosperity and happiness. From Eastport to Kittery the situation remains the same as to the lobster industry. Each individual lobster fisherman received on an average in 1928 \$860 for his catch. There are millions of dollars invested in pounds and other implements necessary for the taking of lobsters.

I am urging this House that it hold to the policy of the laws that we now have, because under those we have made progress. I have on my desk, and now show you, the names of over 2,000 lobster

fishermen who have signed petitions urging this body that the law shall remain as it is and not disturb something that is working splendidly.

In closing: If you had an automobile that made a slight noise—not serious—you would not take it to the garage or the mechanic and tell them to take it apart from beginning to end in order to remove a slight squeak. Now that is the situation in the lobster law. A very few fishermen in the State of Maine are asking that we absolutely destroy and remove all of the teeth from the lobster law to satisfy a few dissatisfied fishermen who have been required to live up to the law. That is where the trouble is. They have been required to live up to the law, and because of that fact they are asking us here this morning to pull out all of the teeth that the law has got.

I urge this House that they should vote for the indefinite postponement. Our lobster laws are satisfactorily arranged, we are making progress, and they should remain as they are, and I want to hear the shore representatives of the State of Maine voice their sentiments to some extent in this matter.

The SPEAKER: The gentleman from Franklin, Mr. Blaisdell, moves that Senate Paper 67, Senate Document 37, an act relating to suspension or revocation of lobster license, be indefinitely postponed.

Mr. LOCKE of Biddeford. Mr. Speaker and Members of the Eighty-fourth Legislature: The gentleman from Franklin (Mr. Blaisdell) has told you what would happen to the lobster industry if Maine had adopted the laws of Massachusetts, since its divorcement from that Commonwealth; but the law under which we work today has been on the statute books since 1921. I wonder what happened to the lobsters prior to that time! The fishermen of York county, my section of the State, are in accord with the lobster laws as laid down in our statute books except one, and that one is where there are dictatorial powers created by the law which have worked to disadvantage not only to the fishermen in York county, but to

the fishermen of every part of the State.

The hearing was held before the committee on this bill and the only opposition which appeared was the Director of Sea and Shore Fisheries. If you will pardon me a moment, I will read you the original bill, and this is what we intend to eliminate if we can:

Section 20 of Chapter 184 of the Public Laws of 1919, relates to persons receiving licenses for the catching of lobsters. In the middle of said section the paragraph which we object to stands out (if you will pardon the expression) like a sore thumb: "The director of sea and shore fisheries in his discretion may, before conviction, revoke or suspend the license of any person, firm or corporation, whenever he has evidence that such person has violated any of the laws relating to lobsters." That sentence there that the Director of Sea and Shore Fisheries is to act as a judge and jury would preclude a man from the right to earn his living in this manner.

I do not question the constitutionality of the act, but I do say that the act is inhuman because at the time of the suspension of the license the Director of Sea and Shore Fisheries can demand that the lobster fisherman remove his traps. When you consider that the fishermen have invested from two to three hundred dollars in ordinary traps, and when they have to have a boat to go out and take care of those traps, you can realize what a hardship is being brought upon those men when, upon suspicion before any evidence is brought before a court of competent jurisdiction, the Director of Sea and Shore Fisheries has declared the man guilty and suspends his license, and the reason we are asking that this bill be supported is because we feel that a man has a right to be heard before a court of competent jurisdiction.

I call your attention, Mr. Speaker and members of this House, to that part of this act where it says that the fisherman has a right to appeal. He has, but he cannot take his appeal until ten days after the Director of Sea and Shore Fisheries has refused to give him back his license. We on the coast in

York county—and that is the reason that this bill has been submitted here for action—we have the situation there where two members of the fishermen group of York county had their licenses suspended and they were unable to find out why. They asked the Director of Sea and Shore Fisheries to grant them back their licenses. He refused. Then they appealed to the court and before the appeal was perfected, because of the backing and filling of the dictatorial Director of Sea and Shore Fisheries, three months had elapsed, and just shortly before the appeal was to be heard, the license was granted back to the men which would show in any court that the proponents of the suspension of the licenses did not have the evidence with which to go before a court of competent jurisdiction, and that was the situation that existed there. Those men were from two to three months without opportunity to earn their living at fishing.

I will call your attention to 122 Maine, Page 450, a York county case, in which a member of the fishermen group was arrested for fishing without a license after his license had been suspended. As I stated before, we do not argue the constitutionality of the law because Mr. Justice Deasy has placed in this opinion here, ably written and ably decided as only Judge Deasy can decide—and those who know him will agree with me—he had decided that the Director of Sea and Shore Fisheries did not transcend constitutional authority when he suspended the licenses; but he goes further and says on Page 453 of the same case, "We would not be understood as approving the suspending of licenses without proper notice and opportunity for hearing. Such a practice is liable to abuses and might lead to gross injustice." That is just what it does lead to,—gross injustice; because under the present law a man has not the opportunity to go before a court of competent jurisdiction and have his case heard. We ask, and we ask in all sincerity, that the fishermen's licenses be taken away from them after conviction and not before on suspicion that he has violated any part of the law; and I sincerely request you

members to take this matter under advisement and that the motion of the gentleman from Franklin (Mr. Blaisdell) shall not pass.

Mr. McCART of Eastport: Mr. Speaker, I would like to give the House the history of the present act before making any statement. This act was introduced by the Senator from York county who is a member of the Sea and Shore Fisheries Committee of this Legislature. The bill was heard before the Sea and Shore Fisheries committee and unanimously reported ought not to pass. As the representative from Franklin, Mr. Blaisdell, has said, this bill tends to extract the teeth of the lobster law, and my friend Mr. Rounds of Portland proved himself a very capable dentist the other day by removing those teeth after the committee had decided to let it stay in there. In debating a question I believe any person should keep himself within the facts. The gentleman from Biddeford, Mr. Locke, has stated that the Director of Sea and Shore Fisheries may revoke or suspend these licenses before he has any evidence to do so. Now the act does not say that. The act says that when the Director has such evidence that a fisherman has violated these laws, then he may suspend his license.

Now to go still further: He stated that the fisherman must remove his traps from the water. That is not so. The fisherman is allowed to leave those traps in the water for five days; that is, within that period and an additional five days he is entitled to take an appeal to any Justice of the Supreme Judicial Court or Superior Courts, and if that Justice finds that the Director erred upon the facts of the case—he does not consider the law but considers whether the Director erred as to the facts—the license shall be restored.

The gentleman mentioned a case that hung fire for three months. I believe if I were a fisherman I would not let the Director hold me up for three months. Remember this is not a case that must be heard in a trial term of a court, but it can be brought before any Justice at any time. It does not require the services of a jury nor anything of the sort; simply one

Justice passes upon the facts. Now let us see why this clause was put in the first act. In the county of Hancock they have two terms of court each year, one in January and one in October. Washington has three, one in January, one in May and one in October. Knox has one in April and one in September. Lincoln in May and October; Sagadahoc January, May and October; Waldo, January, April and September; York, January, May and September. Now, members of the House, we have a fisherman violating the law in the month of July. He is arrested and brought before a trial justice or a municipal court. Perhaps he has in his possession three short lobsters. For that he could be fined fifteen dollars and, if convicted, his license may be revoked; so rather than face conviction in July, this fisherman appeals from the municipal court, therefore his license could not be revoked. He can go right back and fish if he wants to as long as the lobster season lasts, and then in October or September come up, withdraw his appeal, pay his fine of \$15 and costs, but he has gone all through the lobster fishing season about his business and enjoyed the same privileges that any of them have. I think you will find that is why these teeth were placed in the lobster law.

There is one other factor that I hope you will consider in this case. Practically all the opposition to this law and to most of the lobster laws, comes from York county. Now I am not in favor of sectionalism in this State. We should all be together, and I believe that New Hampshire lobster fishermen enjoy some privileges that York county fishermen do not enjoy. But, members of the House, they sell liquor right across the line from where I live and none of my constituents are asking me to do anything about it. We are content to abide by the law as a whole, and two thousand of the lobster fishermen of this State are satisfied with the law as it stands notwithstanding a few in York county who are dissatisfied.

I think that during the previous year there were just eight fishermen who had their licenses suspended. Some of them were caught with short lobsters, but the law has worked no great hardship. If

it had, there would not be so many coming here and protesting that the law be not revoked.

The SPEAKER: Is the House ready for the question?

Mr. ROUNDS of Portland: Mr. Speaker, when I tabled this bill a few days ago and it received its two readings, it was held up for the third reading. Now I am going to endorse all that the gentleman from Biddeford (Mr. Locke) has said, but whoever heard of a man being complainant, judge and jury! We are not in Italy, we are not in Russia. We are here in Maine trying to look after the people of the State of Maine, and therefore I hope that the motion to indefinitely postpone will not prevail, and that the bill will go along to its third reading.

Mr. MANSFIELD of Jonesport: Mr. Speaker and members of the House: I wish to support the motion of the gentleman from Franklin, Mr. Blaisdell, and in support of that motion I want to say to the members that there are more lobster fishermen in the district which I represent than in the whole of York county.

The SPEAKER: Is the House ready for the question?

Mr. ROUNDS: Mr. Speaker, I want to say to the gentleman from Eastport (Mr. McCart) that I asked the man who put in the bill, the Senator from York, why he did not sign the minority report. He said what is the use? I did not sign the minority report because I did not want to cumber the record. I think that it is right that we pass the bill. We are making laws for all time and it is not a question of any one Sea and Shore Fisheries Commission. Now why not make a law that is right for the people of the State of Maine to live under? Therefore I hope that the gentleman's motion will not prevail.

Mr. BISSETT of Portland: Mr. Speaker, I am not a lobster fisherman but I was brought up in Vinalhaven where there are plenty of them. There are sixteen counties in this State, and only one of these counties opposed this bill. This Legislature at the first of the session appointed a committee to investigate the pros and cons of everything concerning the Sea and Shore Fisheries. We have brought

to us an ought not to pass report which I believe, in the judgment of those men who heard this question pro and con, should be sufficient to satisfy this House that the action of our Sea and Shore Fisheries committee was o. k. and I simply hope that the motion of the gentleman from Franklin, Mr. Blaisdell, to indefinitely postpone, will prevail.

The SPEAKER: Is the House ready for the question?

Mr. MANSFIELD of Jonesport: Mr. Speaker, I move that when the vote is taken, it be taken by the yeas and nays.

(Calls of "No, No")

The SPEAKER: Is the House ready for the question? As many as support the motion for the yeas and nays will rise and stand in their places until counted and the monitors have returned the count.

A division being called for and none arising, the motion failed of passage.

The SPEAKER: Is the House ready for the question?

The question was called for.

The SPEAKER: The question is on the motion of the gentleman from Franklin, Mr. Blaisdell, that Senate Paper 67, Senate Document 37, bill an act relating to suspension or revocation of lobster license be indefinitely postponed. As many as are in favor of its indefinite postponement will say aye, those opposed no.

A viva voce vote being taken, the motion for the indefinite postponement of the bill prevailed.

The SPEAKER: The Chair now recognizes the gentleman from Portland, Mr. Burkett, who moves that the House reconsider its action whereby it passed to be engrossed House Paper 1028, House Document 324, an act relating to the incorporation of a Council of the Boy Scouts of America.

The motion prevailed.

Mr. BURKETT: Mr. Speaker, this bill in its present form proposes to extend to a local Council of the Boy Scouts the same rights to incorporate under our laws as are given to a long list of social, literary and scientific organizations. In 1925 this same privilege was extended to the order of Elks where some mistake was made in the name of that organization and I move the adoption of House

Amendment A in this case to correct such an error.

The SPEAKER: The Clerk will read the amendment.

House Amendment A to House Paper 1028, bill an act relating to the incorporation of a Council of the Boy Scouts of America.

Amend said bill by striking out the word "protected" in the twenty-first line of said bill and inserting in place thereof the word 'protective'.

House Amendment A was adopted and the bill as amended by House Amendment A was passed to be engrossed.

On motion by Mr. Heath of Guilford the House voted to reconsider its action whereby House Paper 1381, House Document 448, was passed to be enacted; and on further motion by the same gentleman the House reconsidered its action whereby this bill was passed to be engrossed.

Mr. HEATH: Mr. Speaker, I offer House Amendment B to said bill and move its adoption.

House Amendment B to House Paper 1381, bill an act to incorporate the Guilford and Sangerville Water District.

Amend said bill by striking out the words "and/or" in the fourth line of section ten of said bill and inserting in place thereof the word "and".

Amendment B was adopted and the bill as amended by House Amendment B was passed to be engrossed.

On motion by Mr. Williamson of Augusta the House voted to reconsider its action whereby Senate Paper 654, Senate Document 313, an act to incorporate the Monroe Loan Society of Maine, was passed to be engrossed.

Mr. WILLIAMSON: Mr. Speaker, I offer House Amendment A to correct a clerical error, and move its adoption.

House Amendment A to Senate Paper 654, bill an act to incorporate the Monroe Loan Society of Maine.

Amend said bill by striking out the word "powers" in the eighth line of section one, and inserting in place thereof the word 'power'; and by inserting after the word "to" in the third line of section five, the word 'any'; and by striking out the word "incorporate" in

the seventh line of section seven and inserting in place thereof the word 'corporate'.

Thereupon House Amendment A was adopted and the bill as amended was passed to be engrossed.

The SPEAKER: The Chair lays before the House the first unassigned matter, bill an act to incorporate the Mexico Water District, H. P. 332, H. D. 104, tabled on March 12th by the gentleman from Mexico, Mr. MacKinnon, pending third reading, and the Chair recognizes that gentleman.

Mr. MacKINNON: Mr. Speaker, I wish to offer House Amendment A and move its adoption.

On motion by Mr. MacKinnon the amendment was tabled, and 500 copies ordered printed.

The SPEAKER: The Chair presents the second unassigned matter, bill an act relating to the salary of the sheriff in Penobscot county, H. P. 620, H. D. 636, tabled March 13th, by the gentleman from Garland, Mr. Clifford, the pending question being the third reading of the bill; and the Chair recognizes the gentleman.

On motion by Mr. Clifford, the rules were suspended and the bill received its third reading and was passed to be engrossed.

The SPEAKER: The Chair lays before the House the third unassigned matter, bill an act to increase the salaries of the Judge and Recorder of the Bangor Municipal Court being H. P. 1632, tabled on March 13th by Mr. Clifford of Garland, the pending question being the second reading; and the Chair recognizes that gentleman.

On motion by Mr. Clifford, the bill had its second reading and tomorrow assigned.

The SPEAKER: The Chair lays before the House the fourth unassigned matter, bill an act relating to salary of the Register of Probate for Oxford county, H. P. 1611, H. D. 621, tabled on March 13th by the gentleman from Porter, Mr. Stanley, the pending question being third reading; and the Chair recognizes that gentleman.

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

The SPEAKER: The Chair lays before the House the fifth unassigned matter, an act to repeal Section 27 of Chapter 37 of the Revised Statutes, relative to semi-monthly payments for cream and milk S. P. 492, S. D. 199, tabled on March 13th by the gentleman from Poland, Mr. McKnight, the pending question being passage to be enacted; and the Chair recognizes that gentleman.

Mr. McKNIGHT: Mr. Speaker and members of the Eighty-fourth Legislature: When that bill came before my notice, I was interested in it from the angle of the farmer because the bill itself, which I have here and which I will not take the time to read, was a very good bill for people living out in the country and selling their milk. For a great many years thousands and thousands of dollars have been taken away from country people on account of not being able to get pay for their milk; and when I saw this bill had been referred to the committee on Revision of Statutes, I wondered why it had not been referred to the committee on Agriculture, therefore I tabled the bill, but I find on going into the matter with Senator Oakes that this bill has been called unconstitutional. I was in hopes that I would have time enough to go into the matter with Senator Oakes and we could frame a bill that would be a protection to the farmers; but I find that it would be quite a little job at this time and rather than clutter up the House calendar I am going to move that this bill be passed to be enacted.

Thereupon the bill was passed to be enacted.

The SPEAKER: The Chair presents the sixth unassigned matter, resolve in favor of the State School for Boys, S. P. 121, S. D. 56, tabled by the gentleman from Ellsworth, Mr. Foster, on March 13th, the pending question being final passage; and the Chair recognizes that gentleman.

Mr. FOSTER: Mr. Speaker, the sixth, seventh, eighth and ninth unassigned matters are in no different condition than a week ago. You all know why these bills were tabled, and I would like to have them retabled for another week.

On motion by Mr. Foster, S. P. 121, S. D. 56, resolve in favor of

the State School for Boys was retabled, pending final passage.

On motion by Mr. Foster of Ellsworth, S. P. 163, S. D. 73, resolve in favor of the Western Maine Sanatorium for maintenance, personal services, repairs and equipment, was retabled, pending final passage.

On motion by Mr. Foster of Ellsworth, S. P. 328, S. D. 120, resolve in favor of the State Reformatory for Men, was retabled, pending final passage.

On motion by Mr. Foster of Ellsworth, S. P. 414, S. D. 166, resolve in favor of State School for Girls, was retabled, pending final passage.

The SPEAKER: The Chair presents the tenth unassigned matter, resolve in favor of the Reformatory for Women for maintenance and other purposes, H. P. 384, H. D. 530, tabled March 13th by the gentleman from Portland, Mr. Bissett, the pending question being final passage and the Chair recognizes that gentleman.

Mr. BISSETT: Mr. Speaker, I yield to the gentleman from Ellsworth, Mr. Foster.

Mr. FOSTER: Mr. Speaker, it was embarrassing for me last Wednesday that I overlooked this matter and that the gentleman from Portland, Mr. Bissett, picked it up. His eyesight must be better than mine. I would suggest that this be tabled along with the other four matters.

Thereupon the resolve was retabled, pending final passage.

The SPEAKER: The Chair presents the eleventh unassigned matter resolve in favor of the town of Peru, H. P. 1510, H. D. 540, tabled on March 13th by the gentleman from Cape Elizabeth, Mr. Chase, the pending question being final passage; and the Chair recognizes that gentleman.

Mr. CHASE: Mr. Speaker, final action should not be taken on this measure until the Legislature has disposed of another bill now on the table, and assigned for Friday, having to do with the appropriation for grade crossings. This is a companion bill and it ought not to pass until the other one has passed. I therefore move that it be tabled without assignment and

I will take it up as soon as the other matter is disposed of.

Thereupon the resolve was retabled, pending final passage.

The SPEAKER: The Chair presents the twelfth unassigned matter, House report, ought not to pass, from the committee on Judiciary on bill an act relating to the Police Commission of Lewiston, requiring the Commissioners to be appointed by the Mayor, and providing a referendum to the electors of Lewiston, H. P. 850, H. D. 276, tabled by the gentleman from Lewiston, Mr. Roy, March 14th, the pending question being the acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Roy the bill and report were retabled and specially assigned for tomorrow morning.

The SPEAKER: The Chair presents the thirteenth unassigned matter, bill an act relating to the compensation of Judge of Probate in Penobscot county, H. P. 1631, H. D. 654, tabled by the gentleman from Garland, Mr. Clifford, March 14th, the pending question being third reading; and the Chair recognizes that gentleman.

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

The SPEAKER: The Chair presents the fourteenth unassigned matter, resolve in favor of the Commissioners of Pharmacy, S. P. 192, S. D. 320, tabled on March 14th by the gentleman from Eastport, Mr. McCart, the pending question being second reading; and the Chair recognizes that gentleman.

On motion by Mr. McCart, the resolve had its second reading and was passed to be engrossed.

The SPEAKER: The Chair presents the fifteenth unassigned matter, House report ought not to pass on resolve in favor of the town of Thomaston, H. P. 637, H. D. 204, tabled on March 15th by the gentleman from Cushing, Mr. Vose, the pending question being the acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Vose it was voted to accept the report of the committee, ought not to pass.

The SPEAKER: The Chair presents the sixteenth unassigned matter being House report ought to pass in new draft from the committee on Public Utilities on bill an act granting the right of eminent domain to electric power companies doing a public utility business, H. P. 1644, H. D. 673, tabled on March 15th by the gentleman from Auburn, Mr. Sturgis, the pending question being the acceptance of the report; and the Chair recognizes that gentleman.

Mr. STURGIS: Mr. Speaker, I yield to the gentleman from Readfield, Mr. Peacock.

Mr. PEACOCK: Mr. Speaker and members of the Eighty-fourth Legislature: I move the indefinite postponement of this bill, and in support of that motion I will briefly call your attention to some provisions of this bill which is House Document 673, entitled an act granting the right of eminent domain to electric power companies doing a public utility business. That act provides that "corporations organized under the provisions of Section three of Chapter sixty of the Revised Statutes and corporations chartered by special acts of the Legislature for the purpose of making, generating, selling, distributing and supplying electricity for lighting, heating, or other public purposes are hereby authorized and empowered to take and hold by right of eminent domain such land and easements as may be necessary for the proper location of their transmission lines which are designed to carry voltages of five thousand volts or more and of necessary appurtenances thereto, located within the territory in which said corporations are authorized to do a public utility business, in the same manner and under the same conditions as set forth in Chapter sixty-one, Sections eleven to twenty-two, of the Revised Statutes and amendments thereto.

This right shall not apply to lands or easements located within three hundred feet of an inhabited dwelling, nor to lands and easements on or adjacent to any developed or undeveloped water power, nor to lands or easements so closely paralleling existing wire lines of other utility corporations that the proposed transmission lines would substantially interfere

with service rendered over said existing lines except with the consent of the owners thereof, nor to lands and easements owned or used by railroad corporations.

Any location to be so taken for such transmission lines shall be approved by the public utilities commission."

I come from a rural section and this bill applies more particularly to all the rural sections of the State of Maine. If this bill is passed it gives the right to these public utilities to take land wherever they see fit for their own use, provided it is not within three hundred feet of an inhabited dwelling. By that means it can go on or across any farm land within the limits of this bill. It seems to me that there is no demand for such an act as this at the present time, taking away from our private citizens the right of the use of their farms, or a certain portion thereof, to be delegated, to this particular use. This bill provides that the land so taken shall be appraised and the damages paid according to the apportionment of the County Commissioners. Further it provides, as you will note, that it shall not interfere with the rights of any other corporation. In other words, this is a bill designed for the benefit of the corporations of the State of Maine and against the ownership of the private citizen. In other words, it would lead to this: There are 60,000 farms in the State of Maine and the occupants of those farms would be delighted to have a reasonable use of electricity as generated by these powers. A large portion of them are unable to get results; but if this bill is passed these companies would have a right to go across the farms of these men with their high power transmission lines, and the farmers will get no benefit from it in return. There are hundreds of farmers who are desirous today to have electricity in order that they may electrify their farms and enjoy some of the modern conditions which those in cities and villages now enjoy; but they cannot do it.

Only a short time ago I sat over three hours in Cobbosseecontee Grange, not more than eight miles away, and heard a certain power company, through three of its officials or representatives, present to the Grange the proposition of the company to extend its lines so that the Grange and the farmers along the

lines could obtain the use of electricity.

Their proposition was this: That if these people would guarantee them the sum of not less than fifty dollars a year for a period of five years, that they would extend their lines and give them the use of electricity. They had to guarantee this company the same apparent profit that this company was making in the larger communities where it served the people. And there was not a single farmer in that gathering who could accept this proposition, the minimum of which would be over four dollars a month, while the city taker or the village taker is paying one dollar per month. And in that same village, only a mile away by air line, there is one of these high power transmission lines going across these farm lands, as I have indicated, and although the farmers who own those lands want and desire the electricity which is flowing across their lands, they cannot get it. Sometime it may come to them.

The only reason that I can see why there should be the least demand on the part of the companies for this great privilege is that when they take these lands they have to pay land damages, and I understand that they pay as little as they possibly can, varying from \$5 up. And so these representatives have come to this Legislature and are asking this body to give them the rights of eminent domain, to take from the people of the State of Maine certain usage of their lands for the public utilities companies' poles and transmission lines, but offer them nothing in return.

It is a matter of regret to me that the power companies cannot consider the rights of the private individual, and give to these people who live in these illy-populated country communities the use of electricity which they so much desire. If this act is passed and the right of eminent domain given, the right of the people in the use of their farms is gone forever. It does not seem to me that the people of Maine are ready yet to say to the power interests of the State: "Take any man's private property to your own use, but give him back nothing in return unless you elect so to do." I believe that it wrong. I believe that the country people who provide the sustenance for others to live upon are entitled to reasonable things in this life, and I do not believe that they

are demanding anything unreasonable when they ask for rural electrification on a reasonable basis. I trust, gentlemen, that your sense of fair play to the people of the State of Maine living in the rural sections will prevail, and that this bill will receive at the hands of this House the same treatment that was accorded to a similar bill in the eighty-third Legislature, and that it will be indefinitely postponed.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, before proceeding to explain this bill, on behalf of the committee I should like to comment briefly on some of the remarks of the gentleman from Readfield (Mr. Peacock). He said this meant the corporations could take any land they saw fit for their own use. I am sure there is nothing of the kind in the bill. It is not even contemplated, as I shall attempt to explain. He says the bill was indefinitely postponed by the eighty-third Legislature. That is inaccurate. This bill, which was in practically the present form, as far as any of the features on which he has commented are concerned, was introduced in the eighty-third Legislature, was referred to the committee on Legal Affairs, reported unanimously ought to pass, was passed by both branches of the Legislature without objection, and without vote, and, on the last end of the session, was vetoed by the governor. It was never indefinitely postponed, and no such action was ever taken on it.

Now this proposition of rural electrification, since this gentleman has raised it, is something which I have been trying to help out since I have been in the Legislature. I do not know that my help has been desired, but I do know this—that every time the question has been raised it has been raised not as a comprehensive measure for doing something, but as an argument for not letting somebody do something—don't let them do this until we get rural electrification. When some comprehensive appraisal proposition for rural electrification is put into this Legislature, or when I can find somebody who will work with me in trying to work it out, it will not have any more enthusiastic supporter than myself.

Now this eminent domain is not a survival of the divine right of Kings, and it is not a scheme on the part of these grasping institu-

tions to take something away from our citizens. There is no more democratic doctrine in our constitutional law than the right of eminent domain. It is in there not for the purpose of protecting the citizens against the corporations or vice versa, but to protect the citizens against each other. It says that private property cannot be taken except for public purposes, and then only when the public exigencies require it. Now under that provision of the constitution, how can anybody submit that any corporation having this right can go out and take any property that it sees fit?

Now eminent domain means treating everybody alike, and eminent domain means protecting the weak and curbing the strong. It means being fair. In this State that right has been conferred for the most part by charter to companies doing all kinds of businesses. The railroad companies have it, the telephone companies have it, and the water districts have it. You gentlemen right here have voted for eminent domain—I think the gentleman from Readfield (Mr. Peacock) has five or ten times in this Legislature, and nobody has said "boo" about it, but as soon as you raise it in connection with a power company, then there is a howl.

Now these rights of eminent domain, which have been conferred by charter by this Legislature and other Legislatures, are written into these charters in the form of a contract, and there is grave doubt whether that right can ever be taken back once it is given to a company by its charter. That has been the method in this State. We do not propose to do that here. This proposition is to grant a limited right of eminent domain by the general law, which the Legislature can repeal two years from now or ten years from now if it does not work well. We are not going as far as the other Legislatures have gone in this matter. We do not propose the power companies should have anywhere near as much right as the railway corporations have now, or the telephone companies, or any of the other public service corporations in this State. Nothing of that sort is contemplated.

Now what is a practical illustration of this matter? Here are all these corporations that have had the right of eminent domain, and who has been aggrieved by it? Is there anyone here, or do you know of anybody or any substantial group of people who have been grievously injured by the right which these other corporations have? I happen to have been familiar with the affairs of the Western Maine Power Company, which I think for a small company has done more in the way of rural electrification than any other company I know of serving a very sparsely settled territory. That company was granted the right of almost unlimited eminent domain by this Legislature. They operated and extended their lines in the section where York and Cumberland and Oxford counties corner together, and did business there for fifteen years, having the right of eminent domain, and in that fifteen years they exercised that right once. There is a gentleman in this Legislature who worked for that company for years, and he can bear me out, if you see fit to inquire of him.

Now what was the situation when that right was exercised by that company which we will take for an example? This company put a power station on the Little Ossipee river, and it was vital that that company should transmit that power into the town of Limerick. Between that power station and the town of Limerick there was one man who owned land which extended for a mile or two, and it was impossible to get from that power station to the town of Limerick without crossing that land or building around it. In that case that right was exercised.

Now to continue the illustration, let us suppose that this company had not had the right of eminent domain, and that they had to build a transmission line around this man's land. If that line had been a high voltage line such as is only included in this bill, of 5,000 volts or more, it might well have cost \$20,000. invested in line to go around this land. Now we will put out of consideration the line losses and everything which come out of

a crooked line instead of a straight line, and just talk about the investment, this \$20,000. in this assumed case for a line to go around this land. The company spends the money and builds the line around the land. And then what is the situation? There is \$20,000. in the capital account of that company on which they are entitled to earn seven or eight per cent, according to the law of this State, and to take out of the people in that territory in the form of rates. They are entitled to do it by law. This man who would not accept fair damages to his land — they cross his land,, and we will say it might have damaged him \$30. or \$40. or \$500., whatever you please—has by his action, and as an obstructionist, imposed upon the citizens in that particular town the necessity by law to pay rates on all of this unnecessary investment in this line which was built to go around him.

Now what happens in the instances where this right may be exercised and how are the rights of the men protected? It is ridiculous to assume that this right is going to be exercised except in rare instances. But in the particular instances where it is, what happens? In the first place the power company makes a location and puts it up to the County Commissioners, and the County Commissioners say what the damages are, and they also say whether they think the location is right, whether they think the location could be put in another place just as well. The line cannot be within three hundred feet of an inhabited dwelling. It cannot be less than 5,000 volts, which cuts out the distribution line. The location must have the approval of the Public Utilities Commission. If a man does not like the damages which are assessed by the County Commissioners, he can go to the court, and if the court finds more, the cost of the proceedings is on the company.

Now, coming right back, in all these processes taken to protect this man's interests, everybody is bound by the provisions of the constitution which says that private property can only be taken for public use and then when the public exigencies require it. It is

necessary, if a power company wants to build a line across a field, for them to prove there is no other reasonable location they can adopt that is in the public interest.

Now this bill means more to the people of this State who use electricity than it does to the companies. The companies are protected by law, and they can collect rates that will give them a fair return on their investment. If you make them spend more money, they have the right to charge you and me higher rates to get a return on it. The bill is intended and designed to provide for better service and lower rates, and it is not any proposition to reach out and take away anything from anybody. It is only going to be exercised in rare instances anyway. It is a right which has been conferred in a manner where it cannot be recalled upon practically every public service corporation in this State, and it is only a fair proposition, not only to the companies, but to the rate payers, that one man who wants to hold up a development should not have the right to make the other citizens pay more, simply because he wants to obstruct the enterprise.

Mr. LENFEST of Manchester: Mr. Speaker, and ladies and gentlemen of the House, I wish to state my views on this question. I can think of no better way to do it than to state my own experience.

I live out here four miles on the Winthrop road, on the road to Lewiston, and there is a power line that passes in front of my house, down by my field. About six rods away another power line passes; there is another power line that passes down the side of my field and across the lower end of it to the lakes. Another crosses at the road across a little field of mine up through the pasture to the golf links. They did not have many demands, and it did not take us half an hour in all to make this settlement. Everything was nice and amiable and there was no difficulty on either side.

Now back further than that, there was a steam railroad survey across my property. They cut the apple trees down, they stove the fences down. I spoke to them about it, and they said they had the

right of eminent domain, and after the road was built they would settle the damages. They came across that field, they stove the fences down, and they trampled the crops down. The road never was built, and I have never gotten the damages yet.

A few years later the electric road was built out through my town, on the public highway passing through my town, I was not damaged by it, but none of my neighbors could get anywhere near what their property was worth. If they had taken it to the courts, they would have had to hire lawyers, and they would have worn them out. These companies have lawyers retained, and they are glad, the same as they are to play a game of cards, to get you in there and fight you.

Now a few years later than that the Augusta Water District got a charter, and they got the right of eminent domain to go out to Carleton pond, and they crossed my land. When they got the bill and the time of settlement came, they told me my land was worth \$15 an acre, and that is all I could get. It was fifty rods where they went across, fifty rods wide, and they reckoned it a little less than \$18. I was the last man but one to settle. There were, I think, about thirty fine saplings on one side. They thought six cents apiece was about right. That was what they paid for cedar posts, and that is what they thought they should pay for them. They did settle with me for \$27.

The man next to me had a pasture of twenty-four acres. They settled with him for \$112 to go clear across. That pasture was exactly the same kind of land mine was. Two or three years later than that my neighbor sold his house and field for a summer place, and he wanted to sell the pasture to me, and I asked him what the price was, and she said \$50 an acre, \$1200 for twenty-four acres. I paid that man \$40 an acre for that land which the company was not willing to pay over \$15 for. There has not been a day since but I could have turned that over at a good profit.

With reference to the County Commissioners, these men come here and tell you what they will give you, and if you want to fight

it, you take it to the County Commissioners, but you had better let fighting alone, and take what you can get or not take anything. (Applause)

Mr. STURGIS of Auburn: Mr. Speaker, I think the gentleman from Manchester, Mr. Lenfest, has given a pretty good explanation of what eminent domain might do in the State of Maine. He is not blest with eloquence like our friend from Cape Elizabeth, Mr. Chase, he has not had so much experience, but to my mind he has told the truth, and he has told it in a straight-forward, farmerlike way. You know there is a difference.

Now I agree with Mr. Chase that my friend Mr. Peacock did make a mistake. It did go through the last Legislature, and praise the Lord for one thing, with all the mistakes of our former Governor, Ralph Brewster, he had wit enough to sign the remonstrance, and I will take my hat off to Governor Brewster absolutely. (Applause)

Now I am a little hoarse this morning, as you probably know, and I will try to get back on the question. The gentleman from Cape Elizabeth (Mr. Chase) is a very convincing speaker. He speaks from the heart, as we all know, but his heart is the Central Maine Power Company. (Laughter)

I was in the last Legislature and I know what went on at that time. We are not all fools, even back in the State of Maine, and we can read between the lines. Mr. Chase said that if we find it is a bad thing, in two years we can come back and repeal the law. For Heaven's sake, after they have gone through and set the poles, what is the use of repealing the law?

Now there is another thing: They go through wherever they have a mind to. As I said before the committee, between here and my home there are two heavy pole transmission lines going side by side. A man told me they ran this line a mile across his pasture. Now what have they done across this field? They are killing the soil. They couldn't run all of this line on one set of poles, two poles ten feet apart, but they have one set of poles here and another over there, and they go through there and trim that. Another man said he got \$400 for them going through his timber lot. Now that is an awful

price. I do not know how far they run. After they get that through, you sign a paper, a lot of printed matter, the same as the old lightning-rod swindle business, if you don't stop to read it. They will try to put it at probably \$5 a pole. They don't pay much more. Now you can imagine going through a timber lot, after they go through there and get signatures, etc—they send ax-men in there and cut that timber all down to a width of sixty or seventy feet, and they do that forever, long after our grandchildren are dead and gone—they keep that trimmed and cut forever and ever and ever and ever, and that, as I said before, is quite a while. And the price is to be fixed by the County Commissioners. As you know, even County Commissioners fall down on their jobs, and I hope the motion of the gentleman from Readfield (Mr. Peacock) will prevail, and when the vote is taken I want a yea and nay vote.

Mr. JACK of Lisbon Falls: Mr. Speaker, in order that we may get perhaps a little clearer viewpoint of the situation, I think it is well enough that this proposition, serious as it is, be properly debated.

To begin with, the history of it is that the measure has been once vetoed by a former Governor. I think the gentleman from Cape Elizabeth (Mr. Chase) said that the electrical companies were not to own the land, but according to the bill they are hereby authorized and empowered to take and hold by right of eminent domain such land and easements as may be necessary for the proper location of their transmission lines. Now for all intents and purposes that is as good as ownership, as long as they care to keep possession of the premises.

I think the first thing for us to consider is what is the matter with the present situation? Everyone seems to be satisfied other than the electrical companies themselves. In other words, I have heard no demand, nor no bill has been presented by the parties through whose land the lines would or might be run. Now under the present situation, the owner of the land has a right to have some views as to where the line shall be run. It might be important to a farmer, or what might be known as a village resident even, with a

few acres of land, as to where that line should run.

The line going through our town, because of the right that the individuals had to have some say in the proposition—they forced the company, instead of cutting slant-wise across a man's farm, to go up the line between the adjoining farms. It called for an angle in the line. They did not wish to make the angle, but it was made with the result that both farms were not mutilated nor cut up to the extent that would reduce them a large amount in value in case of sale.

Now these gentlemen that come round to get the rights are what you might term slick gentlemen, or, in other words, to use the more modern term, they "know their onions." They will take a strip somewhere around twenty feet wide across your field, through your woodlot, and it is there forever. Any growth there must be cut down, and it will be kept cut down until the end of time, or until such time as some other means of transportation of electricity is devised.

The most serious feature in this proposition, as I see it, is this: While the gentleman from Cape Elizabeth (Mr. Chase) has said we have voted the right of eminent domain to other institutions without a boo, that might be so, but a water pipe or a sewer pipe buried from four to six feet under ground is an entirely different proposition than a high voltage wire going across a man's property, which can and does come down during ice storms and heavy winds. Now those elements are not considered in the estimation of damages, because it ranges from \$5 to \$10 or \$15, all according, we will say, to the information, the courage, the financial backing, the willingness to fight, on the part of the farmer whose land is being taken for that purpose. Now this is one of the serious propositions confronting this Legislature, and I am not in favor of its passage.

Mr. HUGHES of Mapleton: Mr. Speaker, as a member of the Public Utilities Committee who voted for the unanimous report ought to pass on this bill, I feel I should say just a few words in respect to that report. I have owned a

small lighting company for several years where three-quarters of our customers are rural customers, all-rural lines, and I think that I know that rural lines are not profitable lines.

In the first place, in regard to the \$4 a month minimum charge: a line, I do not believe, could be built with any profit for less than that. I do believe, when you hold up the companies to make them go to more expense to run these lines, that the customers have to pay for that expense. I have always felt that if the power companies were antagonized less by the rural people, they would get better and quicker service.

Mr. McKNIGHT of Poland: Mr. Speaker and Members of the Eighty-fourth Legislature: It is with some interest I have listened to the various remarks by the other Representatives with regard to this particular bill. What I object to in this bill here is this 5,000 voltage. It seems to me that that is rather indefinite. We do not know whether that means a transmission line or a distributing line. Now I have had some experience in my town with electric companies running their lines through there. I am willing to admit that this rural electrification is a great problem, and it costs something to go out here and electrify the rural communities, but I say to the members of the House of Representatives at this time that I do not know why an electric company or any other company should have the right of eminent domain to go across a man's farm. Of course I do not propose to attempt to stop progress. You have got to go somewhere with these electric lines, but instead of going across a man's farm, it might be easy enough, as one member has said, to go on an angle or in between.

Under this bill here, where it mentions this 5,000 volts, I can see where any line running out through the country would start at that 5,000 volts, and be a distributing line from there. There is something peculiar about that 5,000 volts that I do not understand, and I cannot understand from the arguments that I have heard here in the last Legislature and this Legislature what the trouble is with the present regu-

lations. I am more in favor of this being left to our County Commissioners than to the Public Utilities Commission. I believe all over the State, so far as rural communities, or any communities, are concerned, that the County Commissioners are more familiar with the proposition.

Now they tell us about getting \$5 a pole and \$15 an acre for land. I do not believe there is a man in this House—a farmer in this House—that if he gets \$15 an acre for his land, just where that line is running through, is going to be satisfied with that. He would not be satisfied with it if he got \$50 an acre.

I say to every Member of this House that if there is a pole line running through your farm, when you come to sell that farm with that pole line through there, or a railroad through there, or anything else, you are going to have a hard job, and it spoils your farm. It is not the particular land they take for the pole line or pipe line or railroad and pay you half price for it. No man can get one-half of what it is worth that I know about. They spoil your whole farm.

Now the reason I am against this bill and against that 5,000 volts they mention in here, is because I do not like the looks of it. I am against changing this over from the regulation they have under the County Commissioners and placing it in the hands of the Public Utilities Commission.

Mr. ASHBY of Fort Fairfield: Mr. Speaker and Members of the Legislature: I can very well see from the standpoint of an Aroostook County farmer, despite the fact that this august committee has reported this out favorably, that this might be a very vicious and dangerous law up there. To illustrate the way it would affect the farmers in Aroostook county, perhaps I had better tell you a little story:

There was a Pentecostal Minister holding a revival one time. That is where the members go down front and give their religious experiences. That night there didn't seem to be very much enthusiasm—no one seemed to want to give their testimony—but there was a young man sitting down in front, cross-eyed, club-footed, one shoulder higher than the other, and a

few other infirmities, and the Minister pointed at him and said, "Young man, tell us what the Lord has done for you." The young man got up and sighed, and said, "Well, He damned near ruined me." (Laughter)

That is just what the high tension lines across Aroostook county are going to do to the county. Talk about your \$15 an acre. For Heaven's sake, land is held in Aroostook county at \$200 an acre, just for farming land. If a high tension line is built from Grand Falls, in the event of the exportation of power, it might almost ruin one thousand farms, because I do not believe there is any man in the county up there who would not consider that a high voltage line across his two to five hundred dollar an acre field would not depreciate its value more than one-half, because the thing is worked entirely by machinery, a good deal of it by tractors, and every obstruction placed there is a great detriment.

Now, the gentleman from Cape Elizabeth (Mr. Chase) would seem to indicate that it would only be in a very few cases where the right of eminent domain would be claimed by these companies. Now I have got better eyesight than he has. I can see where if they built a high voltage line from Grand Falls to the coast, it would go straight, regardless of what people wanted. More than that, I can also see where there would not be one farm that crossed that would ever incur any benefit from that line. I sincerely sustain the motion that this bill be indefinitely postponed.

Mr. QUINT of Limerick: Mr. Speaker, I happen to be the gentleman that Mr. Chase, of Cape Elizabeth, referred to as one who is operating under right of eminent domain. I started in with the Western Maine Power Company in 1908 as superintendent, and worked up to Vice President and General Manager, and was holding that position at the time it was sold to the New England Public Service Company in 1926.

We cover twenty-six towns in York County, Oxford and Cumberland Counties. Ninety per cent of our service is rural service. We serve the town of Bridgton, a town of 2,500 population. We built some

five hundred miles of line under right of eminent domain. In all probability eighty per cent of that is on rural property. Seventy-five per cent of that right of way I settled myself. In other words, I am one of the gentlemen that "knows his onions."

I think you will find that if you go into the Western Maine territory, the people in the territory covered by the Western Maine Power Company are as well satisfied as the people in the territory of the Central Maine Power Company or the Cumberland County Power and Light Company, who did not have the right of eminent domain. We used the right of eminent domain once. We could not get around the matter otherwise. One man made a fight and carried the case to the Law Court and won out. I believe the rural people in the State of Maine, and I have dealt with them all my life, and was born and brought up on a farm, and have dealt with them ever since I came out,—and I believe today the rural people of this State are making a mistake when they oppose limiting the right of eminent domain, which is only to be used in case of necessity.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, whatever may be the condition of my heart, I can only wish that the gentleman from Auburn (Mr. Sturgis) had been more explicit about it. I think there are some here who will agree with me when I say that I never stood up in this House and made statements that were not based on fact; and I say to you now that it is a fact, that out of those who opposed this bill, including lawyers, there is not one who in the essential text of his remarks knows his law or knows his facts. I accept to what Mr. Lenfest of Manchester said and part of his remarks are applicable here and partly not because railroad corporations and electric companies take the right of eminent domain under another section of the Statute. It is tough when a layman gets up in this House and reads the law to a lawyer; but you read in Section 15, on Page 194 of the revision there, and this is what it says about the county commis-

"The commissioners in awarding damages for property so taken on the application of the taker may prescribe such terms and conditions in all respects for the use of the property taken by the owner thereof and by the taker respectively as will secure the best accommodation of the owners of the properties and the convenient use of the same by the taker." Now that is right in the law and the law is referred to in the bill.

The gentleman from Poland (Mr. McKnight) says he had rather have the county commissioners pass on the approval of the location than the Public Utilities Commission. That is augmentative. Under this bill both pass on it, both the county commissioners who determine the damages and determine whether the location is fair and reasonable, and afterwards the Public Utilities Commissioner who passes on it for the same reason. They are both there.

Now this talk about fifteen dollars a pole. Somebody said that is what happened once, and the gentleman from Fort Fairfield (Mr. Ashby) proceeds on the assumption that that is the standard price. Now you have to pay damages. If you damage a man's property, directly or indirectly, you pay the damages. You pay what is fair. If you spoil his whole farm, you have to buy his whole farm, and it is up to the County Commissioners to say what the damage is. You are protected to the fullest extent.

I will not take up any more of the time of this House, but when I get up here to present a proposition to you after some study and knowledge of the facts, I think it only reasonable that those who speak in opposition should know their law and know something about their facts.

Mr. BURKETT of Union: Mr. Speaker, I have heard a lot about corporations grinding down the poor farmers. We have a high tension line that goes across our land. The Central Maine Power Company came there and made satisfactory arrangements with everybody in the town. It was perfectly satisfactory to everyone. There was one piece of land that I bought for one hundred dollars

and they gave me over two hundred dollars to put their poles across and I wish they would put another line over the same piece of land under the same arrangement. I had rather have it than a row of apple trees. Here is the idea. A man who was a non-resident and whose property was sold for taxes they wanted the Central Maine Power Company to put an angle in their line to include his property, and because he did not he roasted them. Outside of that everybody from Washington to Hope was perfectly satisfied with the adjustment. Now in this particular case where he roasted the Company, who was the gainer?

Mr. LITTLEFIELD of Farmingdale: Mr. Speaker, I move the previous question.

The SPEAKER: The previous question is moved. As many as are in favor of the Chair entertaining the previous question will rise and stand in their places until counted and the monitors will return the count.

A sufficient number arose.

The SPEAKER: The question before the House is shall the main question be now put? As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being taken, the motion that the main question be now put prevailed.

The SPEAKER: The question before the House is on the motion of the gentleman from Readfield, Mr. Peacock, that this bill an act granting the right of eminent domain to electric power companies doing a public utility business be indefinitely postponed; and the gentleman from Auburn, Mr. Sturgis, moves that when the vote is taken it be taken by the yeas and nays.

Mr. STURGIS: I withdraw my motion.

The SPEAKER: The gentleman asks leave to withdraw his motion for the yeas and nays. Is there any objection to his so doing? The Chair hears none, and the motion is withdrawn.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I make the same motion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that when the vote is taken, it be taken by the yeas and nays.

As many as are in favor of taking the vote by the yeas and nays will rise and stand in their places until counted, and the monitors have returned the count.

A division being had, and a sufficient number having arisen, it being over the one-fifth necessary, the motion prevailed and the roll call was ordered.

The SPEAKER: A vote of yes is in favor of the motion of the gentleman from Readfield (Mr. Peacock) for the indefinite postponement of the bill and is against the right of eminent domain. A vote of no is against the motion and in favor of the bill. The Clerk will call the roll.

YEA—Aldrich, Anderson of South Portland, Ashby, Bachelder, Bailey, Belleau, Bisbee, Briggs, Burr, Butler, Buzzell, Campbell, Carleton of Wintertport, Clifford, Crawford, Daigle, Day, Dudley, Fogg, Gagne, Hamel (George), Hamel (Rodolphe), Harrington, Hatch, Hawkes of Richmond, Hawkes of Standish, Hunt, Hurd, Ingraham, Jack, Jacobs of Auburn, Jones of Corinna, Jones of Windsor, Kitchen, Lenfest, Leonard, Lewis, Littlefield of Farmingdale, Littlefield of Monroe, Lombard, Lowell, MacKinnon, McKnight, Morin, Morse of Oakland, O'Connell, Patterson, Peacock, Perkins, Picher, Potter, Powers, Rea, Richardson, Roach, Robie, Rogers of Yarmouth; Roy, Sterling of Kittery; Stetson, Stone, Stuart, Sturgis, Varnum, Vose, Ward, Webster of Buxton; Wight.—68.

NAY—Adams, Allen of Camden, Allen of Sanford, Anderson of New Sweden; Angell, Bishop, Bissett, Blanchard, Blodgett, Boston, Bove, Boynton, Burkett of Portland, Burkett of Union, Burns, Carleton of Portland, Chase, Clark, Comins, Eaton, Farris, Folsom, Ford, Foster, Friend, Gay, Gillespie, Hammond, Hathaway, Heath, Holbrook, Holman, Hubbard, Hughes, Jackson of Bath, Jackson of Portland, Jacobs of Wells, Jones of Waterville, Kane, King, Laughlin, Libby, Locke, Mansfield, Melcher, Merrill, Milliken, Morse of Rumford, Palmer, Perham, Quint, Rackliff, Rounds, St. Clair, Sargent, Saucier, Seavey, Small of Freedom, Stanley, Sterling of Carantunk Pl., Sturtevant, Taylor, Thatcher, Towne, White, Williamson, Wing, Wright.—68.

ABSENT—Blaisdell, Couture, Hill, Jones of Winthrop, McCart, McLean, Pike, Pratt, Rogers of Greenville, Rumill, Small of East Machias, Tucker, Webster of Auburn.—13.

The SPEAKER: The vote being a tie, the Clerk will call the name of the Speaker.

Thereupon Speaker Hale voted
"No."

Sixty-eight having voted in the affirmative and sixty-nine in the negative the motion for indefinite postponement failed of passage.

On motion by Mr. Kitchen of
Presque Isle,

Adjourned until ten o'clock tomorrow morning.