

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, January 18, 1933.

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

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed on in concurrence.

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

Claims

Resolve in favor of George Mawhinney of Jonesboro. (H. P. 42). (Presented by Mr. Drisko of Jonesboro).

Inland Fisheries and Game

Bill, An Act relating to Beaver. (H. P. 44). (Presented by Mr. Ellis of Rangeley).

Bill, An Act relating to Non-resident Fishing Licenses. (H. P. 65). (Presented by Mr. McKinney of Bridgton).

Bill, An Act relating to Trapping of Wild Animals. (H. P. 46). (Presented by Mr. Fenlason of Anson).

Bill, An Act relating to Hunting in Washington and Hancock Counties. (H. P. 45). (Presented by Mr. Drisko of Jonesboro).

Resolve relating to Fishing in Pleasant Lake, in Island Falls. (H. P. 63). (Presented by Mr. White of Crystal).

Resolve relating to Fishing in Whitney Brook. (H. P. 64). (Presented by same gentleman).

Resolve extending Open Season on Penobscot Stream. (H. P. 43). (Presented by Mr. Fenlason of Anson).

(500 copies of each ordered printed)

Resolve for Screening Pierce Pond, in the county of Hancock. (H. P. 47). (Presented by Mr. Devereux of Penobscot).

Interior Waters

Bill, An Act relating to the maintenance of the Androscoggin Lake Dam. (H. P. 66). (Presented by Mr. Norris of Wayne).

Tabled by Mr. Plouff of Dexter pending reference and 500 copies ordered printed)

Bill, An Act empowering William L. Milliken of Presque Isle in the

county of Aroostook, to erect and maintain Piers, Piles and Booms in the Aroostook River. (H. P. 67). (Presented by Mr. Bennett of Presque Isle).

(500 copies ordered printed)

Judiciary

Bill, An Act authorizing the city of Lewiston to enlarge its municipal electric plant, and to sell light, heat and power to its inhabitants and creating the Lewiston Electric Authority. (H. P. 68). (Presented by Mr. Forgue of Lewiston).

(Tabled by Geo. Hamel of Lewiston pending reference and 1,000 copies ordered printed).

Bill, An Act relating to Liens on Lands and Artesian Wells or Drilled Wells. (H. P. 48). (Presented by Mr. Fernald of Winterport by request).

Bill, An Act relating to the Printing of Public Laws in Newspapers. (H. P. 69). (Presented by same gentleman).

Bill, An Act to Validate a Loan negotiated by the city of Lewiston and to authorize said city to issue its Bonds in payment thereof. (H. P. 70). (Presented by Mr. Forgue of Lewiston).

Bill, An Act for a Lien for Hospitals and Doctors. (H. P. 71). (Presented by Mr. Farris of Augusta).

(500 copies of each ordered printed)

Bill, An Act Validating the Election of the City Assessor of Eastport. (H. P. 50). (Presented by Mr. Eldridge of Eastport).

Bill, An Act Validating the Renewal of Town Notes in the town of Orland. (H. P. 51). (Presented by Mr. Devereux of Penobscot).

Resolve proposing an Amendment to the Constitution Increasing the Limit of Municipal Indebtedness. (H. P. 49). (Presented by Mr. Fernald of Winterport).

(500 copies ordered printed)

Legal Affairs

Bill, An Act relating to Air Transportation. (H. P. 72). (Presented by Mr. White of Crystal).

(500 copies ordered printed)

Mercantile Affairs and Insurance

Bill, An Act authorizing Life Insurance Companies organized under the laws of Maine to Pay Pensions. (H. P. 73). (Presented by Mr. Plummer of Portland).

(500 copies ordered printed)

Pensions

Resolve providing for a State Pension for Charles A. Frohock of

Lincolntonville. (H. P. 52). (Presented by Mr. Hills of Northport).

Resolve providing for a State Pension for Agnes Gilson of Gardiner. (H. P. 53). (Presented by Mr. Cobb of Gardiner).

Resolve providing for a State Pension for Mary L. Merrill of Gardiner. (H. P. 54). (Presented by the same gentleman).

Resolve providing for a State Pension for Mary A. Leighton of Gardiner. (H. P. 74). (Presented by same gentleman).

Resolve providing for a State Pension for Frank F. Clark of Gardiner. (H. P. 55). (Presented by same gentleman).

Resolve providing for an Increase in State Pension for Lester Patten of Hermon. (H. P. 56). (Presented by Mr. Leathers of Hermon).

Resolve providing for a State Pension for Augusta O. Goodwin of Augusta. (H. P. 75). (Presented by Mr. Farris of Augusta).

Public Health

Resolve in favor of Charles L. Lindsey. (H. P. 76). (Presented by Mr. Graves of Mt Desert).

Public Utilities

Bill, An Act to Extend the Charter of the Quebec Extension Railway Company. (H. P. 77). (Presented by Mr. Farris of Augusta).

Bill, An Act to Extend the Charter granted to the Sandy River and Rangeley Lakes Railroad Co. (H. P. 78). (Presented by Mr. Ellis of Rangeley).

Salaries and Fees

Bill, An Act relating to Fees for Jurors. (H. P. 79). (Presented by Mr. Flanders of Auburn).

(Tabled by Mr. Breen of Lewiston pending reference to a committee, and 500 copies ordered printed).

Sea and Shore Fisheries

Resolve relating to Smelt Fishing in East Machias. (H. P. 80). (Presented by Mr. Lindsey of East Machias).

(500 copies ordered printed)

Ways and Bridges

Resolve in favor of the town of Penobscot. (H. P. 57). (Presented by Mr. Devereux of Penobscot).

Resolve in favor of the town of Orland. (H. P. 58). (Presented by same gentleman).

Resolve in favor of the town of Edgecomb. (H. P. 59). (Presented by Mr. Haggett of Wiscasset).

Resolve in favor of the town of Edgecomb. (H. P. 60). (Presented by same gentleman).

Resolve in favor of the town of Pittston. (H. P. 61). (Presented by Mr. Fowles of Pittston).

Resolve in favor of the town of Pittston. (H. P. 62). (Presented by same gentleman).

Resolve in favor of a road in the town of Pittsfield. (H. P. 81). (Presented by Mr. Cook of Pittsfield).

Resolve in favor of the town of Fort Fairfield. (H. P. 82). (Presented by Mr. Ashby of Fort Fairfield).

Orders

On motion by Mr. Farris of Augusta, it was

Ordered, that the Speaker be authorized to designate Frank H. Treworgy as acting Sergeant at Arms during the absence, on account of illness, of H. Ralph Hayes, and that the Speaker be further authorized and empowered, when and if he deems necessary, to appoint a special Assistant Sergeant at Arms to serve as long as he deems such assistant necessary.

The SPEAKER: Acting under this order, it gives me pleasure to designate Frank H. Treworgy as acting Sergeant at Arms during the absence of Mr. Hayes. Word comes from Brunswick this morning that Mr. Hayes passed a comfortable night and there is reason to hope for his recovery.

I want to call the attention of the members of the House to the fact that during Mr. Hayes' absence the assistant, Mr. Treworgy, and the pages, have carried on his work, working over hours, and they have said to me that they are willing to assume that added responsibility and added work as long as he is out on account of sickness. I think the House is to be congratulated on having three such splendid young men working for it under these conditions. I want to commend their work to the House.

On motion by Mr. Ashby of Fort Fairfield, it was

Ordered, that the Clerk of the House be directed to furnish each member and officer of the House during the present session with one daily newspaper printed in the State, as each member and officer may select.

On motion by Mr. Rounds of Portland, it was

Ordered, that the Attorney General shall investigate all seeming violations of Sections 31 to 33, inclusive, of Chapter 138 of the Revised Statutes of Maine, relating to all contracts, combinations or conspiracies in the restraint of commerce and all manipulation or profiteering in the prices of coal in the several towns and cities of the State; and if upon investigation it appears to him that the laws of this State relating to the prices of coal and fuel have been violated in any respect, he shall forthwith prosecute the guilty parties and present all available information bearing upon such apparent violations to the proper prosecuting officer of the United States, and the expense of such investigation shall be paid from the appropriation provided by Section 90 of Chapter 91 of the Revised Statutes.

Orders of the Day

On motion by Mr. FARRIS of Augusta, it was voted to take from the table the first unassigned matter on the Calendar this morning, being House order relative to investigation of coal prices, tabled by that gentleman January 10, pending passage.

Mr. FARRIS: Mr. Speaker, I yield to the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS of Portland: Mr. Speaker, my order just passed will supersede the order of January 10th and I would like to have the order of January 10th indefinitely postponed, and I so move.

The motion prevailed, and the order was indefinitely postponed.

**Communication from the Secretary of Senate
(Out of order)**

"Augusta, Maine, Jan. 18, 1933.

Hon. Harvey R. Pease,
Clerk of the House,
Augusta, Maine.
Sir:

I have the honor to transmit herewith copy of the Senate resolutions on the death of our late ex-President, Calvin Coolidge.

Respectfully submitted,

(Signed) ROYDEN V. BROWN,
Secretary of the Senate,"

The communication was received and ordered placed on file.

The SPEAKER: Reverting again to orders of the day, the Chair recognizes the gentleman from Portland, Mr. Rounds.

On motion by Mr. Rounds of Portland, it was voted to take from the table the third unassigned matter bill an act to amend the charter of the Portland Water District, S. P. 23, L. D. 25, tabled by that gentleman January 12, pending reference in concurrence.

Mr. ROUNDS: Mr. Speaker, I would like to have this bill indefinitely postponed and I will state as my reason for it that the cities of Portland and South Portland are all that would be affected by this bill, although it is a matter of far-reaching importance. It will be before this Legislature in time with reference to most every water company in this State. In Portland and South Portland we are paying over one-tenth of the taxes of the town of Standish and now they are asking us to pay \$150,000 more on the conduits, pipes, and so forth, which is contrary to the Revised Statutes. I would like to have the Clerk read Chapter 13, Section 6, of the Revised Statutes as I am unable to do so. He need read only the section that includes the pipe lines and conduits.

(Clerk of the House reading),
"Sec. 6. Exemptions. R. S. c. 10. Sec. 6. The following property and polls are exempt from taxation:

1. The property of the United States and of this State, and the property of any public municipal corporation of this State, appropriated to public uses, if located within the corporate limits and confines of such public municipal corporation, and also the pipes, fixtures, hydrants, conduits, gate-houses, pumping stations, reservoirs, and dams used only for reservoir purposes, of public municipal corporations engaged in supplying water, power, or light, if located outside of the limits of such public municipal corporations, but nothing herein contained shall abridge any power of taxation possessed by any city or town by virtue of any special act. 101 Me. 153."

Mr. ROUNDS continuing: Mr. Speaker, as I say, we are paying over one-tenth of the whole town of Standish tax at the present time by agreement with the selectmen of that town, and it does not seem advisable that we should pay any

more because in time, with the Portland Water District, which is composed of part of the city of Portland and part of South Portland, it will affect every town that is taking water from the Water District. Therefore, I think in justice to the taxpayers of Portland and South Portland, paying so much as they do, and by reason of the fact that the law specially provides that they shall not pay any more, yet they are asking for \$150,000 more for the town of Standish, that the bill should be indefinitely postponed, and I move its indefinite postponement.

Mr. PLUMMER of Portland: Mr. Speaker and members: I think it might be well to make it clear in regard to this matter of the town of Standish tax. Some years ago the Water District condemned a large amount of property that bordered on Sebago Lake, in fact it took the whole village of Smith's Mills. That reduced the valuation in the town of Standish quite materially. There was an agreement made at that time, and which has been carried on ever since, that the Water District should pay taxes on the reduction of the valuation and that is why the Portland Water District has paid this tax each year.

Last session the Senator from Cumberland County put in this bill to tax. We had a meeting of the Cumberland county delegation and talked it over before adjournment. Mr. Moulton, of the Portland Water District, raised the point at once that while we wanted to pay the tax of the town of Standish, the District was not legally liable, and if the Water District was forced under this bill to pay the taxes, they would raise the point and refuse to pay. It was considered carefully by the delegation, and there was a promise that if this was done, and the point raised by Mr. Moulton was correct, the town of Standish should not receive any more for taxes than they do now, and not quite as much. So the matter was not pushed, and the Senator was let down kind of easily. They passed the buck and turned it over to this Legislature so you see back of it there is nothing serious about it, and they will merely raise the point that the payment they have been making is voluntary. So I second the motion to indefinitely postpone. There will be nobody injured in any event, and the town of Standish

did not make any fight at the last meeting.

Mr. SCATES of Westbrook: Mr. Speaker, this bill affects the city of Westbrook as well as the cities of Portland and South Portland. I know nothing about it and I want time to look into it to see where the city of Westbrook fits in. Therefore, I move that it be tabled.

The motion prevailed and the bill was re-tabled, pending reference in concurrence.

The SPEAKER: The Speaker has received a proclamation from an organization calling itself the American Legislators' Association, and I am going to suggest that the Clerk read it.

Proclamation

On Friday, February 3, 1933, the first interstate conference of legislators will convene in Washington, D. C., to discuss the problems of conflicting taxation and to consider means of cooperation between the States in dealing with each other and with the Federal Government in respect thereto.

This notice and invitation is presented to the Speaker of the House of Representatives of the State of Maine for the official consideration of this body. The Senate and the House of Representatives of each of the forty-eight States is entitled and is urged to send a delegate, and the Governor of each State is invited to send an advisor to represent him.

A prompt response to this invitation is cordially invited.

(Signed) The American Legislators' Association by its President, Vice Presidents and Directors.

On motion by Mr. Graves of Mt. Desert, the Proclamation was referred to the committee on Rules and Business of the House for such action as that committee may recommend.

On motion by Mr. Rounds of Portland it was voted to take from the table the second unassigned matter, being Joint Order relative to Salaries and Fees of State, County and Municipal Officers, S. P. 34, tabled by that gentleman January 11th, pending passage in concurrence; and on further motion by the same gentleman the order received passage in concurrence.

The SPEAKER: The Chair will call the attention of the members to the fact that on each desk is placed a blank for the use of the members in specifying the one State paper to be furnished to the members under the order introduced by Mr. Ashby of Fort Fairfield this morning, which was passed. If you will fill out that blank, designating

the name of the paper you wish and the address to which you wish it sent, pages will collect them after the session.

On motion by Mr. Hall of Bar Harbor,

Adjourned until tomorrow morning at ten o'clock.