

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

1929

PROCLAMATIONS

PROCLAMATIONS

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

Special Primary Election for State Senator

To the Mayors and Aldermen of the several cities and the Selectmen of the several towns in the county of Androscoggin,

GREETING:

Whereas, a vacancy now exists in the representation of Androscoggin County in the Senate of the Eighty-third Legislature of the State of Maine caused by the death of Senator Charles B. Carter, and

Whereas, the Constitution and laws of Maine provide that when the seat of a State Senator shall become vacant by death, resignation, removal from the State or like cause, the vacancy shall be filled by an immediate election, and

Whereas, the Governor has, by his writ of election issued this day, designated the third Tuesday of October next, being the eighteenth day of said month, as the day on which an election to fill the aforesaid vacancy shall take place, and

Whereas, the laws of the State of Maine provide that all nominations of candidates for the office of State Senator shall be made at and by primary elections, and that when special elections are to be held for any office as required or permitted by law, primary elections for the nominations of candidates to be voted for thereat shall be ordered by the Governor by proclamation, and he shall therein fix the time within which nomination papers shall be filed.

Therefore, you are hereby directed and required, in the name of the State of Maine, to notify and warn all legally qualified voters to attend at the regular voting places within the county of Androscoggin, on the fourth Tuesday in September, A. D., 1927, being the twenty-seventh day of said month, for the purpose of voting for persons to be nominated by their respective parties as candidates for the office of State Senator from the county of Androscoggin in the Eighty-third Legislature at the election to be held on the eighteenth day of October next, as aforesaid, and Tuesday

the sixth day of September, A. D., 1927 is hereby fixed as the time within which nomination papers shall be filed with the Secretary of State by such candidates as desire their names to appear upon the primary ballot, and seven days prior to the day fixed for said election is hereby fixed as the time for transmitting to the city and town clerks lists of candidates proposed for nomination.

And you, the said mayors, aldermen, and selectmen in conducting said primary election, and in making your records and returns of the same, are hereby directed to fully comply with all the provisions of the law relating to the nomination of candidates at primary elections and known as the primary election law.

[Seal]

Given at the Executive Chamber, at Augusta, this twentieth day of August, in the year of our Lord, one thousand nine hundred and twenty-seven, and of the Independence of the United States of America the one hundred and fifty-second.

RALPH O. BREWSTER,
Governor of Maine.

By the Governor:
EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

Thanksgiving Day, 1927

To recount our material blessings is but a sorry way of giving thanks. "Your Father knoweth that ye have need of these things." Four hundred billions is now the measure of what is called our national wealth. Ever greater barns are being built. America meanders near a material morass. The Pilgrims voyaged in a search for God. Their memory at this season turns our thought naturally toward the Man of Galilee.

"And he said unto them: Take heed, and beware of covetousness; for a man's life consisteth not in the abundance of the things which he possesseth. And he spake a parable unto them: The ground of a certain rich man brought forth plentifully. And he thought within himself, saying, What shall I do, because I have no room where to bestow my fruits? And he said, This will I do: I will pull down my barns, and build greater; and there will I bestow all my fruits and my goods. And I will say to my soul,

Soul, thou hast much goods laid up for many years; take thine ease, eat, drink, and be merry. But God saith unto him, Thou fool, this night thy soul shall be required of thee: then whose shall those things be, which thou hast provided? So is he that layeth up treasure for himself, and is not rich toward God."

Now, therefore, in accordance with the provisions of our Statutes, and in appropriate recognition of an ancient custom,

I, Ralph O. Brewster, Governor of the State of Maine, do hereby proclaim

Thursday, November 24, 1927

A Day of Thanksgiving and Prayer in the State of Maine.

Let us go to church in spirit and in truth. May America continue as an example of a nation that places first things first for where our treasure is, there will our heart be also.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this sixteenth day of November, in the year of our Lord one thousand nine hundred and twenty-seven, and of the Government of the State of Maine the one hundred and eighth.

[Seal]

RALPH O. BREWSTER,
Governor of Maine.

By the Governor:

EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

Referendum Upon An Act Relating to the Excise Tax on Railroads

Whereas; the Eighty-third Legislature of the State of Maine, convening upon the first Wednesday of January in the year of our Lord one thousand nine hundred and twenty-seven, duly enacted a public law entitled, "An Act Relating to the Excise Tax on Railroads" which law appears in the Public Laws of the State of Maine for the year 1927, as Chapter 27 thereof, and which law provides as follows, namely:

"Be it Enacted by the People of the State of Maine, as follows:

Section twenty-seven of chapter nine of the revised statutes is hereby amended so that said section, as amended, shall read as follows:

'Sec. 27. The amount of such annual excise tax shall be ascertained as

follows: The amount of the gross transportation receipts as returned to the public utilities commission for the year ended on the thirty-first day of December preceding the levying of such tax shall be compared with the net railway operating income for that year as returned to the public utilities commission; when the net railway operating income does not exceed ten per cent of the gross transportation receipts the tax shall be an amount equal to three and one-half per cent of such gross transportation receipts; when the net railway operating income exceeds ten per cent of the gross transportation receipts but does not exceed fifteen per cent, the tax shall be an amount equal to four per cent of the gross transportation receipts; when the net railway operating income exceeds fifteen per cent of the gross transportation receipts but does not exceed twenty per cent, the tax shall be an amount equal to four and one-half per cent of such gross transportation receipts; when the net railway operating income exceeds twenty per cent of the gross transportation receipts but does not exceed twenty-five per cent, the tax shall be an amount equal to five per cent of such gross transportation receipts; when the net railway operating income exceeds twenty-five per cent of the gross transportation receipts, the tax shall be an amount equal to five and one-half per cent of such gross transportation receipts; provided, however, that in the case of railroads operating not over fifty miles of road, the tax shall not exceed two per cent of the gross transportation receipts; and provided further that when the net railway operating income of any narrow gauge railroad located wholly in this state exceeds five per cent but does not exceed ten per cent of its gross transportation receipts, the tax on such railroad shall be one-half of one per cent of its gross transportation receipts; and when the net railway operating income of such railroad exceed ten per cent of its gross transportation receipts, the tax shall be one per cent of its gross transportation receipts; and when the net railway operating income of such a railroad does not exceed five per cent of its gross transportation receipts, no excise tax shall be assessed upon it. When a railroad lies partly within and partly without the state, or is operated as a part of a line or system extending beyond the state, the tax shall be equal to the same proportion of the gross transportation receipts in the state as herein provided, and its amount shall be determined as follows:

The gross transportation receipts of such railroad, line or system, as the case may be, over its whole extent, within and without the state, shall be divided by the total number of miles operated to obtain the average gross transportation receipts per mile, and the gross transportation receipts in the state shall be taken to be the average gross transportation receipts per mile multiplied by the number of miles operated within the state, and the net railway operating income within the state shall be similarly determined.

The term "net railway operating income" means the railway operating

revenues less the railway operating expenses, tax accruals and uncollectible railway revenues, including in the computation thereof debits and credits arising from equipment rents and joint facility rents. The public utilities commission, after notice and hearing, may determine the accuracy of any returns required of any railroad, and if found inaccurate, may order proper corrections to be made therein.' ”

And whereas; said public law above recited became a law notwithstanding the objections of the Governor.

And whereas; Sections 16 and 17 of Part Third of Article IV of the Constitution of Maine, as amended, provides as follows:

“Sec. 16. No act or joint resolution of the legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the legislature passing it, unless in case of emergency, (which with the facts constituting the emergency shall be expressed in the preamble of the act), the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate.”

“Sec. 17. Upon written petition of not less than ten thousand electors, addressed to the governor and filed in the office of the secretary of state within ninety days after the recess of the legislature, requesting that one or more acts, bills, resolves or resolutions, or part or parts thereof passed by the legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until thirty days after the governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a general or special election. As soon as it appears that the effect of any act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next general election not less than sixty days after such proclamation, or in case of no general election within six months thereafter the governor may, and if so requested in said written petition therefor, shall order such measure submitted to the people at a special election not less than four nor more than six months after his proclamation thereof.”

And whereas; it appears that written petitions of not less than ten thousand electors of this State, addressed to the governor were filed in the office of the Secretary of State within ninety days after the recess of the said Eighty-third Legislature, requesting that said public act as recited above be referred to the people, and it further appearing that the effect of said public act was suspended by said petitions, under the Constitutional provisions above quoted;

Now therefore, I, Ralph O. Brewster, Governor of the State of Maine, in accordance with said provisions of the Constitution of Maine hereby declare that the act as recited above has been suspended and I hereby designate the Second Monday of September, being the tenth day of said month in the year of our Lord one thousand nine hundred and twenty-eight, as the time on which the above mentioned public act shall be voted on by the people of said State in accordance with the Constitutional provisions above mentioned.

[Seal]

In witness whereof, I have caused the seal of the State to be hereunto affixed at Augusta, Maine, this ninth day of December, in the year of our Lord one thousand nine hundred and twenty-seven, and in the year of the Independence of the United States, the one hundred and fifty-second.

RALPH O. BREWSTER,
Governor of Maine.

By the Governor:
EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

Special Primary Election for Judge of Probate in Androscoggin County
To the Mayors and Aldermen of the several cities, selectmen of the several towns in the County of Androscoggin,

GREETING:

Whereas, a vacancy now exists in the representation of this State in the office of Judge of Probate, within and for said County of Androscoggin, occasioned by the resignation of William H. Newell.

Whereas, the Constitution and laws of the State of Maine, provide that whenever a vacancy occurs in the office of Judge of Probate, the Governor shall issue his proclamation for an election to fill the same, and it shall be

filled by an election at the September election next after the said occurrence, and in the meantime, the Governor, with the advice and consent of the Council may fill the vacancy by appointment, and the person so appointed shall hold office until the first day of January thereafter.

Whereas, the laws of the State of Maine provide that all nominations of candidates for the office of Judge of Probate shall be made at and by primary elections, and that when primary elections for the nomination of such candidates to be voted for shall be ordered by the Governor by proclamation, he shall therein said proclamation fix the time within which said nomination papers shall be filed.

Therefore, you are hereby directed and required, in the name of the State of Maine, to notify and warn all legally qualified voters to attend at the regular voting places in the several cities and towns in said Androscoggin County, on the first Monday in August, A. D. 1928, being the sixth day of said month, for the purpose of voting for the office of Judge of Probate at the election to be held on the second Monday in September next, and Monday, the sixteenth day of July, 1928, is hereby fixed as the time within which such nomination papers shall be filed with the Secretary of State by such candidates as desire their names to appear upon the primary ballot, and seven days prior to the day fixed for said election is hereby fixed as the time for transmitting to town clerks, lists of candidates proposed for nomination.

And you the said mayors, aldermen, selectmen in conducting said primary election, and in making your records and returns of the same, are hereby directed to fully comply with all the provisions of the law relating to the nomination of candidates at primary elections and known as the primary election law.

Given at the Executive Chamber, at Augusta, this third day of July, in the year of our Lord, one thousand nine hundred and twenty-eight, and of the Independence of the United States of America the one hundred and fifty-second.

RALPH O. BREWSTER,

Governor of Maine.

[Seal]

By the Governor:

EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Special Primary Election for Judge of Probate in Cumberland County

To the Mayors and Aldermen of the several cities, selectmen of the several towns in the County of Cumberland,

GREETING:

Whereas, a vacancy now exists in the representation of this State in the office of Judge of Probate, within and for said County of Cumberland, occasioned by the death of Joseph B. Reed.

Whereas, the Constitution and laws of the State of Maine, provide that whenever a vacancy occurs in the office of Judge of Probate, the Governor shall issue his proclamation for an election to fill the same, and it shall be filled by an election at the September election next after the said occurrence, and in the meantime, the Governor, with the advice and consent of the Council may fill the vacancy by appointment, and the person so appointed shall hold office until the first day of January thereafter.

Whereas, the laws of the State of Maine provide that all nominations of candidates for the office of Judge of Probate shall be made at and by primary elections, and that when primary elections for the nomination of such candidates to be voted for shall be ordered by the Governor by proclamation, he shall therein said proclamation fix the time within which said nomination papers shall be filed.

Therefore, you are hereby directed and required, in the name of the State of Maine, to notify and warn all legally qualified voters to attend at the regular voting places in the several cities and towns in said Cumberland County, on the first Monday in August, A. D. 1928, being the sixth day of said month, for the purpose of voting for the office of Judge of Probate at the election to be held on the second Monday in September next, and Monday, the sixteenth day of July, 1928, is hereby fixed as the time within which such nomination papers shall be filed with the Secretary of State by such candidates as desire their names to appear upon the primary ballot, and seven days prior to the day fixed for said election is hereby fixed as the time for transmitting to town clerks, lists of candidates proposed for nomination.

And you the said mayors, aldermen, selectmen in conducting said primary election, and in making your records and returns of the same, are hereby directed to fully comply with all the provisions of the law relating to the

nomination of candidates at primary elections and known as the primary election law.

[Seal]

Given at the Executive Chamber, at Augusta, this sixth day of July, in the year of our Lord, one thousand nine hundred and twenty-eight, and of the Independence of the United States of America the one hundred and fifty-third.

RALPH O. BREWSTER,
Governor of Maine.

By the Governor:

EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

Excise Tax on Railroads

Whereas, the Eighty-third Legislature of the State of Maine passed an Act entitled "An Act Relating to the Excise Tax on Railroads" which act was passed over the Governor's Veto on March 25, 1927, and appears as Chapter 27 of the Public Laws of 1927, and which act was as follows, to wit:

Section twenty-seven of chapter nine of the revised statutes is hereby amended so that said section, as amended, shall read as follows:

'Sec. 27. The amount of such annual excise tax shall be ascertained as follows: The amount of the gross transportation receipts as returned to the public utilities commission for the year ended on the thirty-first day of December preceding the levying of such tax shall be compared with the net railway operating income for that year as returned to the public utilities commission; when the net railway operating income does not exceed ten per cent of the gross transportation receipts the tax shall be an amount equal to three and one-half per cent of such gross transportation receipts; when the net railway operating income exceeds ten per cent of the gross transportation receipts but does not exceed fifteen per cent, the tax shall be an amount equal to four per cent of the gross transportation receipts; when the net railway operating income exceeds fifteen per cent of the gross transportation receipts but does not exceed twenty per cent, the tax shall be an amount equal to four and one-half per cent of such gross transportation receipts; when the net railway operating income exceeds twenty per cent of the gross transportation receipts but does not exceed twenty-five

per cent, the tax shall be an amount equal to five per cent of such gross transportation receipts; when the net railway operating income exceeds twenty-five per cent of the gross transportation receipts, the tax shall be an amount equal to five and one-half per cent of such gross transportation receipts; provided, however, that in the case of railroads operating not over fifty miles of road, the tax shall not exceed two per cent of the gross transportation receipts; and provided further that when the net railway operating income of any narrow gauge railroad located wholly in this State exceeds five per cent but does not exceed ten per cent of its gross transportation receipts, the tax on such railroad shall be one-half of one per cent of its gross transportation receipts; and when the net railway operating income of such railroad exceeds ten per cent of its gross transportation receipts, the tax shall be one per cent of its gross transportation receipts; and when the net railway operating income of such a railroad does not exceed five per cent of its gross transportation receipts, no excise tax shall be assessed upon it. When a railroad lies partly within and partly without the State, or is operated as a part of a line or system extending beyond the state, the tax shall be equal to the same proportion of the gross transportation receipts in the state as herein provided, and its amount shall be determined as follows:

The gross transportation receipts of such railroad, line or system, as the case may be, over its whole extent, within and without the state, shall be divided by the total number of miles operated to obtain the average gross transportation receipts per mile, and the gross transportation receipts in the state shall be taken to be the average gross transportation receipts per mile multiplied by the number of miles operated within the state, and the net railway operating income within the state shall be similarly determined.

The term "net railway operating income" means the railway operating revenues less the railway operating expenses, tax accruals and uncollectible railway revenues, including in the computation thereof debits and credits arising from equipment rents and joint facility rents. The public utilities commission, after notice and hearing, may determine the accuracy of any returns required of any railroad, and if found inaccurate, may order proper corrections to be made therein.

And Whereas, under the provisions of Section 17 of Part Third of Article IV of the Constitution of Maine, the effect of such act was suspended by the filing in the office of the Secretary of State within ninety days after the recess of such legislature, of a written petition of not less than ten thousand electors, addressed to the Governor of the State, requesting that such act be referred to the People;

And Whereas, I, Ralph O. Brewster, Governor of said State by public proclamation gave notice thereof and that such measure should be voted upon at the general election to be held on the second Monday in September,

nineteen hundred and twenty-eight to wit: on September ten, A. D. nineteen hundred and twenty-eight;

And Whereas, it appears that by the return of votes given in by electors of the various cities, towns and plantations voting upon said act upon the tenth day of September, nineteen hundred and twenty-eight, and canvassed by the Governor and Council on September twenty-seven, nineteen hundred and twenty-eight, that a majority of the votes given thereon were in favor of the enactment of said law, to wit, 119,762 for and 52,350 opposed;

Now Therefore, I, Ralph O. Brewster, Governor of the State of Maine, acting under the provisions of Section 19 of Part Third of Article IV of the Constitution of Maine, do proclaim the result of the vote on said act to be as above stated, and that the same has become a public law of this State under the provisions of said Constitution.

In Witness Whereof, I have caused the Seal of the State to be hereunto affixed at Augusta, this sixth day of October in the year of our Lord one thousand nine hundred and twenty-eight, and in the year of the Independence of the United States of America, the one hundred and fifty-third.

[Seal]

RALPH O. BREWSTER,
Governor of Maine.

By the Governor:
EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Thanksgiving Day, 1928

Log huts in a winter wilderness of savages and snow first inspired our Pilgrim fathers to rejoice and give thanks to God. Gratitude for their most meagre blessings poured out from overflowing hearts. With difficulty may America today imagine the conditions under which those sturdy pioneers sent up their hymns of praise.

The State of Maine has passed through another year of peace and plenty with constant increase of those resources in property and intelligence that enable us ever more wisely and easily to carry on.

The heirs of three centuries of frugal toil upon these shores, the citizens of Maine have each year more abundant reason for giving thanks.

Free from the catastrophes of nature with which many of our fellow-men have been obliged repeatedly to contend, the State of Maine goes forward with more and more of confidence built upon its granitic rocks. The character and the prosperity of our State seem to partake of the permanency of our hills.

No generation has ever had more occasion for gratitude than citizens of Maine in recent years. Each recurring anniversary sees the progress of our country to ever greater heights—spiritual and material alike—if we read aright the meaning of the vast increase in our wealth and the ever greater measure in which its blessings are diffused.

Now, therefore,

Thursday, November 29, 1928

is hereby proclaimed as

Thanksgiving Day in the State of Maine.

This is properly a day for rejoicing and re-uniting of family ties, but it was also dedicated in its inception to a reminder of our most intimate dependence upon things above the flesh. The significance of this day, unique in American history, may be happily realized by assembling in our several places of worship and rendering thanks to God for all the blessings of this country revelling in a bounty of which our humble ancestors could not even dream.

Three centuries have tested the capacity of America to survive adversities of many kinds. Prosperity is now the problem and gratitude the leaven for all materialistic lumps.

The investment of this holiday will pay abundant dividends if the citizens of Maine shall lift themselves for a little from the earth and rededicate their purposes to the guidance of the Giver of every good and perfect gift.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this seventeenth day of November, in the year of our Lord one thousand nine hundred and Twenty-eight, and of the Government of the State of Maine the one hundred and ninth.

RALPH O. BREWSTER,
Governor of Maine.

[Seal]

By the Governor:
EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Arbor Day, 1929

Perhaps no gift bestowed upon us by Nature brings a more ready and deserving appeal than the tree. Its beauty and sturdiness furnishes inspiration and encouragement for human life.

In our own State of Maine the tree bears a special significance, not alone in the diversity of three score varieties, but from the great part it has played in affording our people a happy, healthy and prosperous livelihood.

In the hope that the worth of our trees may constantly stand forth in our minds, and in accordance with the statutory requirement, I hereby proclaim

Friday, May 10, 1929

Arbor Day in the State of Maine.

It is furthermore suggested and desired that the schools, clubs, various civic bodies and individuals will see fit to take some part in giving proper observance to this day.

[Seal]

Given at the Office of the Governor and sealed with the Great Seal of the State of Maine, this seventeenth day of April, in the year of our Lord one thousand nine hundred and twenty-nine, and of the Independence of the United States of America the one hundred and fifty-third.

WM. TUDOR GARDINER,
Governor of Maine.

By the Governor:
EDGAR C. SMITH,
Secretary of State.