

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

AUGUSTA
KENNEBEC JOURNAL PRINT
1921

HOUSE

Thursday, Jan. 27, 1921.

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

Prayer by the Rev. Mr. Quimby of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Memorial to Congress, urging amendment of Federal Water Power Act.

Was referred in the House to the committee on reference of bills in non-concurrence.

Came from the Senate with that body insisting on its former action whereby the Memorial was read twice and passed to be engrossed, and asking for a committee of conference, with the following conferees appointed on its part, Senators Gilin of Penobscot, Farrington of Kennebec and Allen of York.

In the House, on motion by Mr. Maher of Augusta it was voted to insist upon the former action and join in the committee of conference, and the Chair appointed Representatives Maher of Augusta, Hinckley of South Portland and Murchie of Calais.

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

Agriculture

By Mr. Perkins of Orono: Resolve making an appropriation for cooperative agricultural work between the College of Agriculture of the University of Maine and the United States Department of Agriculture.

Bangor Delegation

By Mr. Barwise of Bangor: Bill "An act to amend Chapter 349 of the Private and Special Laws of 1905, entitled 'an act relating to pensioning members of the police department of the city of Bangor.'"

Claims

By Mr. Lowe of Gray: Resolve in favor of Helen Vaun Bangs.

Education

By Mr. Perkins of Orono: Resolve in favor of the University of Maine for maintenance, etc.

By Mr. Weatherbee of Carroll: Resolve in favor of Lee Academy.

By the same gentleman: Resolve in favor of Eastern Maine Institute.

Inland Fisheries and Game

By Mr. Chadbourne of Baldwin: Petition of J. R. Shaw of East Sebago, in the county of Cumberland, and 49 others, asking that a law be enacted prohibiting the dipping or taking in large nets of smelts in any of the tributaries of Sebago Lake.

By Mr. Barney of Chelsea: Bill "An act to prohibit all hunting in certain territory in the city of Augusta, in the county of Kennebec.

Interior Waters

By Mr. O'Connell of Millinocket: Resolve in aid of navigation on the Lower Lakes.

Judiciary

By Mr. Maher of Augusta: Bill "An act to provide for retiring and pensioning employes of the State of Maine."

By Mr. Story of Washburn: Bill "An act to authorize the American Realty Company to construct and maintain a dam across the Aroostook river in Washburn."

By Mr. Maher of Augusta: Bill "An act to amend Section 1 of Chapter 84 of the Revised Statutes in relation to the appointment of Clerks of the Judicial Courts."

By Mr. Larrabee of Lewiston: Bill "An act to amend Chapter 465 of the Private and Special Laws of 1868, relative to the election of Superintending School Committee, and superintendent of schools in the city of Lewiston, also in regard to the method of taxation in connection with maintenance of city schools." (500 copies ordered printed.)

Legal Affairs

By Mr. Cherry of Eastport: Bill "An act to amend the corporate purposes of the Eastport Hotel Company."

By the same gentleman: Bill "An act to amend Section one of Chapter 62 of the Revised Statutes, relating to the corporate powers of secret fraternities as respecting the Improved Order of Red Men.

Military Affairs

By Mr. Granville of Parsonsfield: Bill "An Act to amend Chapter 239 of the Public Laws of 1919, relative to the use of armories, built by municipalities with state aid for public purposes."

By Mr. Doyle of Biddeford: Resolve to provide for a service button for certain members of the National Guard.

Pensions

By Mr. Crabtree of Island Falls: Resolve providing a State pension in favor of Mary S. Hillman.

By Mr. Roberts of Lyman: Resolve in favor of Zebedee M. Cushman.

By Mr. Small of Brewer: Resolve to pay Catherine Nelligan of Brewer a pension of twelve dollars per month.

Portland Delegation

By Mr. Rounds of Portland: Bill "An act to authorize the city of Portland to pay a pension to Henrietta M. Miller."

Public Utilities

By Mr. Oram of Bristol: Bill "An act to extend the charter of the Lincoln County Street Railway."

Salaries and Fees

By Mr. Carney of Newcastle: Bill "An act to increase salary of Clerk of Courts in Lincoln County."

Taxation

By Mr. Holley of North Anson: Bill "An act to provide for the earlier payment of the annual excise tax by railroad companies, parlor car companies, telephone and telegraph companies, and express companies." (500 copies ordered printed).

Ways and Bridges

By Mr. Elmore of Camden: Bill "An act to incorporate the Kennebec River Bridge Company." (1000 copies ordered printed).

By Mr. Wight of Newry: Resolve for the repair and improvement of a portion of Lake Road, so-called, lead-

ing to the South Arm of Richardson Lake, Oxford County.

By the same gentleman: Petition of W. C. Holt and 11 others in favor of same.

By the same gentleman: Petition of Albert J. Stearns and 46 others in favor of same.

By the same gentleman: Petition of H. H. Hastings and 21 others in favor of same.

By the same gentleman: Petition of Frank P. Thomas and 51 others in favor of same.

By the same gentleman: Petition of John M. Holland and 37 others in favor of same.

By Mr. Masse of Brunswick: Resolve appropriating money to aid in the permanent improvement of the Mere Point Road, so-called, in the town of Brunswick.

By Mr. O'Connell of Millinocket: Resolve in favor of Sourdahunk Road.

By Mr. Hcal of Weston: Resolve appropriating money to aid in the construction of a highway bridge over the Thoroughfare between North and Grand Lakes, and between the towns of Orient, in the county of Aroostook and Fosterville in the County of York and province of New Brunswick.

By Mr. Wood of Bluehill: Resolve for repair of highway in the town of Bluehill.

By Mr. Chase of Unity: Resolve in favor of the town of Troy for construction of road leading from Unity to Dixmont.

Orders

On motion by Mr. Ricker of Poland, it was

Ordered, that the Highway Commission file a report within one week for the use of the present Legislature, stating what the total cost of the garage will be when completed, which they are now constructing in Augusta; also the cost of the equipment already purchased and installed, together with the estimated cost of the equipment contemplated. To give in detail also plans regarding size of garage and capacity.

On motion of Mr. Ricker of Poland, it was

Ordered, that the State Auditor file a report within one week for the use of the present Legislature giving an itemized account of the total cost to date of the garage that the Highway Commission is building, or having built, in Augusta, to be known as the State Garage, and from what funds the money is taken for cost of the same.

On motion by Mr. Ricker of Poland, it was

Ordered, that the use of the hall of the House of Representatives be granted to the committee on Taxation for a hearing on the afternoon of February 2, 1921.

On motion by Mr. Moody of York, it was

Ordered, that the State Librarian shall furnish to each representative one copy of The Maine Book, of which he is the author.

Mr. Rounds of Portland presented the following order:

Ordered, that an invitation be extended by the House to the Hon. Timothy F. Callahan of Lewiston to appear before the House on Tuesday, February first, to give the House the benefit of his views on the State contingent fund, and upon any other items of a public nature.

Mr. HINCKLEY of So. Portland: Mr. Speaker, I move that it lie on the table.

Mr. ROUNDS of Portland: Mr. Speaker, if any of you gentlemen read the Lewiston Journal last night—

Mr. HINCKLEY: I rise to a question of order.

The SPEAKER: The gentleman from So. Portland (Mr. Hinckley) will state his point of order.

Mr. HINCKLEY: A motion to table is not debatable.

The SPEAKER: The point is well taken. Those in favor of having this order tabled will indicate it by saying aye; contrary minded, no.

A viva voce being taken, the motion to table did not prevail.

Mr. ROUNDS of Portland: Mr. Speaker, if any of you gentlemen in this House read the Lewiston Journal or the Portland Evening Express of yesterday and saw what was stated by

Timothy F. Callahan of Lewiston, you would say that you would like to know first hand what he has in the way of figures against this Contingent Fund or any other fund that he knows of, so as to enlighten us as to the way in which we should go ahead and do the work for the rest of the session. I hold in my hand the Evening Express of yesterday, and with your permission I will read therefrom:

"Extravagance is charge intimated by former auditor; Callahan questions certain budget features. Lewiston, Jan. 26.—(Special).—Hon. Timothy F. Callahan of Lewiston, former State auditor, came out today in a public statement questioning certain features of the budget system as it is administered at Augusta. He said that State expenses had increased alarmingly, and taxation is high, and he feels that a thorough examination should be made of financial conditions. He openly questioned the use of the State's contingent fund, which was created a few years ago by the Legislature. Its purpose was admirable, but today the officials have practically ceased to question whether or not there is a State debt, and instead ask how much is there in the contingent fund. He wants to know if the budget has been used in the interests of real economy or of extravagance; whether the budget of 1919 was drawn with the full knowledge of receipts and expenses for the years 1919 and 1920; and if the Legislature did not know these facts.

Mr. Callahan alleges that the budget was used 'to draw over two mills unnecessary taxation out of every city, town and plantation in Maine for the year 1920.' He gives figures in some detail to show total expenditures, and certifies that of the \$1,556,445.41 expended by order of the Governor and Council, \$1,195,586.30 came from the contingent fund, and \$360,859.11 came from 'any moneys in the treasury not otherwise appropriated.' He charges that never before in the history of the State has there been such a wholesale drawing of funds not otherwise appropriated. It is without precedent, in his opinion."

Now, gentlemen, we come here as representatives of the State of Maine, and if there is anything wrong, we would like to know it before we go too

far, and I for one would like to hear Mr. Callahan's views at first hand, so as to know how to vote the rest of this session. I think that his guidance as a former State auditor would be valuable to us. Therefore, I move the passage of this order.

A viva voce vote being taken, the order received a passage.

Reports of Committees

Mr. Hinckley from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to punishment for certain crimes."

Mr. Warren from the Committee on Public Utilities reported the same on Bill "An Act to empower the county of Aroostook to aid in the construction of a railroad through said county and acquire and hold bonds of the company building such railroad."

The reports were read and accepted and sent up for concurrence.

Passed to Be Engrossed

Senate 16. An act to amend Section 24 of Chapter 67 of the Revised Statutes, relating to certification of copies of wills by registers of probate to registers of deeds.

Orders of the Day

On motion by Mr. Buzzell of Belfast, it was voted to take from the table Bill "An Act to amend Section 69 of Chapter 8 of the Revised Statutes, increasing the compensation of Chief Forest Fire Warden and their deputies," and on further motion by the same gentleman it was referred in concurrence with the Senate to the committee as recommended.

On motion by Mr. Downing of Bangor, it was voted to take from the table resolve in favor of the Good Samaritan Home at Bangor; and on further motion by the same gentleman it was referred to the committee on appropriations and financial affairs.

On motion by Mr. Maher of Augusta, it was voted to take from the table resolve to create a State Insurance Fund; and on motion by Mr. Crabtree of Island Falls, it was voted that the further consideration of this bill be indefinitely postponed.

Finally Passed

The SPEAKER: The Chair presents at this time resolve providing for the maintenance of the Blaine House as the official residence of the Governor; and the gentleman from Belfast, Mr. Buzzell, moves that it have passage to be enacted. It being an emergency resolve, it requires the affirmative vote of two-thirds of the entire membership of this body. The rules prescribe that the vote shall be taken and returned by the monitors. Those in favor of the passage of this resolve to be enacted will rise and stand until counted, and the monitors will return the count.

A division being had,

One hundred and eighteen voting in the affirmative and nine in the negative, the resolve was finally passed.

On motion by Mr. Murchie of Calais, a recess was taken.

AFTER RECESS

The SPEAKER: Is there any further business to come before the House?

Mr. BUZZELL of Belfast: Mr. Speaker, the State finances are something that should interest vitally every one of us, and at the beginning of a legislative session, we are apt to be misled by wild rumors. We are apt to act impulsively when in my opinion we should take more time. I do not like the idea of inviting a man from a certain section of the State to come over here and give us figures from his point of view. It seems to me that we can dig into those things ourselves. Still, for all that, he may be able to give us something that we have not got, but where would we stop? Some other colleague of mine might think of someone else who had some figures, and we could chase the end of the rainbow for a long time in that way. Now, after thinking the order over, just passed, regarding the invitation to the gentleman from Lewiston to come over here and give us some facts and figures, I move you, Mr. Speaker and gentlemen of the House, that we reconsider the vote whereby we extended the invitation.

The SPEAKER: The gentleman from Belfast (Mr. Buzzell) moves reconsideration of the vote whereby an invitation was extended to the Hon. Timothy F. Callagan of Lewiston to address

this House, is it the pleasure of the House—

Mr. McLLHERON of Lewiston: Mr. Speaker, I was very much in favor of the order inviting Mr. Callagan to give this Legislature information, as Mr. Rounds of Portland said, first hand, not through the press.

We are all aware that sometimes we see things in the press of the State that are misleading, and why any member of this Legislature should want to re-consider that order that has been passed,—there is no honest, true and sincere motive in his moving its re-consideration.

The SPEAKER: If the gentleman will read the rule, he will hereafter proceed in parliamentary fashion.

Mr. McLLHERON: I am speaking on the re-consideration—

The SPEAKER: Aspersions on the intent or character of any member of this House will never be entertained. Proceed within the rule.

Mr. McLLHERON: I did not wish to cast any reflection personally.

The SPEAKER: This is the House of Representatives of Maine.

Mr. McLLHERON: May I proceed?

The SPEAKER: Certainly, the gentleman from Lewiston has the floor within parliamentary rules.

Mr. McLLHERON: I do not wish to speak in a detrimental way relative to the character of any member, but we came in here as representatives of the people of the State of Maine, and I, being a new member, and perhaps not familiar with the parliamentary rules that govern this body, want to apologize. I have read the rules over but my memory regarding them is not as retentive as it should be; but nevertheless I do not wish to cast any reflection on any member of the body. We came in here as members, representing the people of the State of Maine, and we took our oath before God that we would perform our duty honestly and fairly for the people of the State of Maine and guard their interests. Now there has been some matters come out in the paper in regard to the finances, and we want this man, who is the author of it, to come here and give us information, and I think that that information is necessary. When I came in this door I left political

parties aside. I cannot honestly represent the people of the State of Maine without representing them as a whole and not with reference to any political party; and if there is any information that we can get that will lead to economy, I think we should have it, and not have it said on the outside that the Legislature is putting its hands in the pockets of the people. Let us keep our hands out of the pockets of the people and be honest and spend the money in an economical way. I do not believe in plundering the public of this State, and if there is any way that we can save money for the citizens of the State, as men true to the oath that we have taken when entering upon our duties in this Legislature, we should do it. I do not wish to offend any member of the House or cast reproach upon his character and if I have done so, I wish to apologize to this House for doing it, but I want to see the people of this Legislature get all the information they can honestly and without prejudice. Let us be honest and above board in the transaction of the business of this Legislature.

The SPEAKER: Mr. Crabtree of Island Falls moves the previous question. Before a vote is taken, the Chair will crave the privilege of reading the order again. The oldest member of the House has a deal to learn as business is transacted and it is quite doubtful whether even the oldest member in the House noticed the wording of the order. It would authorize the invited guest to address the House in session for it reads as follows: "Ordered that an invitation be extended by the House to the Hon. Timothy F. Callahan of Lewiston to appear before the House on Tuesday, February first to give the House the benefit of his views on the State Contingent Fund and upon any other items of a public nature." The motion is that the vote taken this morning upon this order be re-considered. As many as are in favor will say aye; contrary minded, no.

A viva voce vote being doubted, a division of the House was had,

Ninety-one voting in the affirmative and 19 in the negative the vote

to re-consider the passage of the order prevailed.

On motion by Mr. Buzzell of Belfast, the order was then tabled.

On motion by Mr. Hammond of Van Buren,

Adjourned until 10 o'clock tomorrow morning.