

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

Friday, Feb. 25, 1921.

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

Prayer by the Rev. Mr. Irving of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on Sea and Shore Fisheries on bill "An act to regulate the laws of fishing in waters around Monhegan Island," reporting that the same "ought not to pass" which was read and accepted in the House February 21.

Comes from the Senate, the bill substituted for the report, and passed to be engrossed.

In the House, on motion by Mr. Baker of Steuben, the House voted to recede from its former position; and on further motion by the same gentleman, it was voted to substitute the bill for the report.

On further motion by Mr. Baker of Steuben, the bill received its first and second readings, and on motion by Mr. Hinckley of So. Portland, was tabled pending its third reading.

From the Senate: Report of the committee on salaries and fees on bill "An act to amend Section five of Chapter 117 of the Revised Statutes, as amended by Chapter 170 of the Public Laws of 1917, relating to salaries of the justices of the Supreme Judicial Court, reporting the same in a new draft under same title, and that it "ought to pass."

Comes from the Senate report read and accepted, and bill "passed to be engrossed," Senate amendment A, having been offered and rejected.

In the House, on motion by Mr. Winter of Auburn the report was tabled pending acceptance.

Mr. ROUNDS of Portland: Will the gentleman (Mr. Winter) indicate

what time he will assign for a hearing.

The SPEAKER: The matter would come up at the pleasure of the gentleman from Auburn, within reasonable time, but in any event next Wednesday.

Mr. COLE of Eliot: May I inquire through the Chair whether the gentleman (Mr. Winter) tabled it for next Tuesday, or tabled it indefinitely?

The SPEAKER: It is tabled indefinitely.

Senate Bills in First Reading

Senate 73: An act to authorize the construction of a weir in the tide waters of Roque Harbor, in the town of Jonesport.

Senate 74: An act to authorize the construction of a weir in tide waters of what was formerly Muscle Ridge Plantation in the county of Knox.

Senate 75: An act to amend Section 15, Chapter 58, Revised Statutes, relating to street railroads.

From the Senate: An act to authorize the sale of the property and assets of the Moose River Log Driving Company and to provide for the dissolution of said corporation. This was passed to be enacted in the House February 7.

Comes from the Senate, recommitted to the committee on Legal Affairs.

On motion by Mr. Viles of Augusta, under suspension of the rules the House voted to reconsider its former action whereby this bill was passed to be enacted; and on further motion by the same gentleman it was recommitted to the committee on Legal Affairs in concurrence with the Senate.

From the Senate: An act to amend the Charter of Kennebec Log Driving Company, as amended by Chapter 402 of the Private and Special Laws of 1885 and by Chapter 13 of the Private and Special Laws of 1917. This was passed to be enacted in the House February 7.

Comes from the Senate, recommitted

ted to the committee on Legal Affairs.

On motion by Mr. Viles of Augusta, under suspension of the rules, the House voted to reconsider its former action whereby this bill was passed to be enacted, and on further motion by the same gentleman, it was recommitted to the committee on Legal Affairs in concurrence with the Senate.

From the Senate: Ordered, the House concurring, that when the Senate and House adjourn, it be to meet on Monday, February 28, at 4.30 o'clock in the afternoon.

In the House the order received passage in concurrence.

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

Placed on File

By Mr. Hayes of Gorham: Remonstrance of Mrs. W. Z. Dow and 30 others against the "Barwise Sunday Bill."

By Mr. Landers of Eustis: Remonstrance of A. N. Barden, members of Kingfield W. C. T. U. against same.

By Mr. Hussey of Blaine: Remonstrance of A. J. Fulton and 46 others of Blaine and Mars Hill against same.

By Mr. Heal of Weston: Remonstrance of Howard Lycette and 19 others of Amity against same.

By the same gentleman: Remonstrance of Pearl Howe and 42 others of Danforth against same.

Appropriations and Financial Affairs and Judiciary

By Mr. Willard of Sanford: Petition of Mrs. W. P. Scott and 19 others of Sanford in favor of bill relating to Maine Medical School.

Agriculture

By Mr. Williams of Webster: Bill, "An act to protect the bee industry in the State of Maine."

By Mr. Willard of Sanford: Petition of the Sanford butchers and

merchants in favor of the bill relating to the inspection of meat.

Inland Fisheries and Game

By Mr. Wadsworth of Winthrop: Petition of H. D. Ward of Winthrop and 134 others in favor of closing tributaries of Lake Annabessacook.

Legal Affairs

By Mr. Moody of York: Bill, "An act providing a labor lien on manufactured lumber." (500 copies ordered printed.)

By Mr. Wing of Auburn: Bill, "An act to amend Chapter 147, Section 2 of the Revised Statutes, as amended by Chapter 80 of the Public Laws of 1917, relating to the State Board of Charities and Corrections."

Mr. WING of Auburn: Mr. Speaker, I think the suggestion of reference of the bill relating to Charities and Corrections was to the committee on judiciary. Do I understand that the committee on reference of bills changed it?

The SPEAKER: The committee on reference of bills suggested its reference to committee on legal affairs.

Judiciary

By Mr. Moody of York: Bill, "An act to amend Section 19 of Chapter 129 of the Revised Statutes, relating to malicious mischiefs and trespasses."

By Mr. Cole of Eliot: Bill, "An act to facilitate the collection of franchise taxes of corporations organized under the general law." (500 copies ordered printed.)

Sea and Shore Fisheries

By Mr. Rounds of Portland: Remonstrance of T. T. Johnson of Chebeague Island and 21 others, county of Cumberland, against a nine-inch lobster law.

By the same gentleman: Remonstrance of G. A. Linscott and 43 others of Orr's Island against same.

By the same gentleman: Remonstrance of George W. Johnson and 27 others of Bailey's Island against same.

By Mr. Clarke of Stonington: Remonstrance of B. S. Thurlow and 68 others of Stonington, county of Hancock, against same.

By the same gentleman: Remonstrance of G. W. Trask and 23 others of Barnard, county of Hancock, against same.

By the same gentleman: Remonstrance of H. S. Dolliver and 38 others of Swan's Island against the same.

By the same gentleman: Remonstrance of H. E. Conary and seven others of Bluehill, county of Hancock, against same.

By Mr. Hinckley of So. Portland: Remonstrance of O. L. Harris and 14 others of So. Portland, county of Cumberland, against same.

By the same gentleman: Remonstrance of Albert E. Wallace and 11 others of Portland against same.

By the same gentleman: Remonstrance of Caleb B. Collins and 20 others of Pine Point against same.

By the same gentleman: Remonstrance of E. W. Loreitt and 15 others of Cliff Island against same.

By the same gentleman: Remonstrance of E. W. Scott and 20 others of West Point against same.

Towns

By Mr. Atherton of Stacyville: Bill, "An act to incorporate the town of Drew."

Orders.

On motion by Mr. Rounds of Portland, it was

Ordered, that the Portland Delegation be authorized to procure the services of a stenographer to report the hearing to be held by said delegation at Portland on Saturday night.

On motion by Mr. Buzzell of Belfast, it was

Ordered, that the use of the hall of the House of Representatives be granted to the Department of Health for the evening of March 9 for the purpose of an illustrated lecture by Dr. Coombs.

Reports of Committees

Mr. Holley from the committee on appropriations and financial affairs on Resolve in favor of the Maine School for Feeble Minded for additions and improvements for the years 1921, 1922 and 1923, reported that the same be referred to the committees on School

for Feeble Minded and appropriations and financial affairs jointly.

Mr. Downs from the committee on agriculture reported ought not to pass on Bill An Act to amend Section 8, Chapter 36 of the Revised Statutes relating to adulterated, misbranded or inferior commercial fertilizers.

Reports read and accepted, and sent up for concurrence.

Mr. Baker from the committee on sea and shore fisheries reported the same on Bill An Act amending Chapter 45, Section 81 of the Revised Statutes relating to the protection of alewives in Damariscotta river.

(Tabled pending acceptance of report).

Mr. Nickerson from the committee on taxation reported the same on Bill An Act relating to taxation of steam railroads during the years 1921, 1922 and 1923.

Mr. WINTER of Auburn: Mr. Speaker, I move that the report be accepted, and I would like a few moments' time to speak on it.

Mr. Speaker and Gentlemen of the House: Now the legal and constitutional requirements that power of taxation shall not be suspended and that all property shall be taxed equally according to its just value, if applied to the railroads would very nearly double their taxation.

The railroads in Maine have never borne their fair share of the tax revenue. The total tax paid by the steam railroads in Maine in 1917 was \$1,029,797.12. The total tax paid in 1920 by the steam roads in Maine was \$1,576,087.61, or an increase in the tax from 1917 to 1920 of \$546,290.49, amounting to 47% increase. The total municipal valuation in Maine for 1916 was \$456,567,068. The rate of assessment for 1916 was practically 24 mills. The total valuation in 1920 was \$568,617,715. The rate of assessment for that year in round numbers was 35 mills. A very marked increase in both valuation and rate, making an average increase of 87%. The Maine Central Railroad complain that the increase of 47% in their tax is unfair and burdensome, and yet the increase has been only about one-half the increase of the tax on the homes and farms of Maine.

The Maine Central Railroad have furnished numerous public statements intimating that they were in a very hazardous situation, even going so far as to suggest that there might be danger of their being forced into the hands of the receiver. The press of the State have elaborated these statements and the effect of so much aggressive propaganda together with the fact that dividends had been passed on both the common and the preferred stock has quickened our common interest in the affairs of the Maine railways.

I am deeply interested in Maine's welfare and I have the most kindly feeling for its transportation lines and the gentlemen who manage them. I believe, however, there is great danger in the hypothetical and one-sided method employed by the railroad managers in presenting their case to the public. In the case of the Maine Central Railroad, this is our very own, nearly 75 per cent. of the common stockholders and almost 90 per cent. of the preferred stockholders are residents of Maine. It is almost fair to say that the road is owned by the widows and orphans of Maine. Reading the daily press and receiving no dividends, they are naturally apprehensive. I want to say to these people; do not worry, your stock represents intrinsic value in your own road which you may safely estimate at \$150 per share.

What are the real facts in regard to the Maine Central Railroad? Mr. McDonald has said many times that previous to federal control the road had been one of the staunchest and most successful of roads, and he testified on the floor of this house on the 9th day of this month as follows:

"We thought when they arrived at the basis of making the federal compensation that we had a very satisfactory period of the three years and our compensation was entirely satisfactory, gave us enough to take care of our fixed charges, rentals, dividends and a very handsome surplus in addition."

And he testified further that in addition to this standard return, which of course for the two years and two months would amount to six

and one-half millions, there was still due from the government approximately a million three hundred thousand dollars for depreciation, etc., under government control, and a million, seven hundred thousand dollars under the guarantee since last March. They complain of government control and yet in two years and eight months they have received and are to receive nearly ten million dollars compensation for the rental of their line. In addition to this they have lately borrowed in round numbers a million, seven hundred thousand dollars of the federal government on favorable terms at reasonable rates. The last published balance sheet of the Maine Central Railroad shows assets in excess of liabilities of more than seven million dollars, and this at a book or cost value of forty million dollars and carrying the common stock as a liability at par. When you consider that this road was largely built and equipped during normal times at normal expense, you can readily appreciate the reason why the interstate commerce commission place a tentative value upon the physical property of the Maine Central Railroad far in excess of the value carried on its own books, this going far to prove that the stock is not only worth its book value of over \$150 per share, but if the road can be assured of virile and efficient management, I honestly believe the stock will later have a real market value of considerable more than \$150 per share. Business conditions for the last four months have been serious and exasperating. No doubt railroads, in common with all the rest of us, have been losing money, but already there is a brighter outlook, and you who travel with your eyes open see passengers standing in the aisles, and sidings congested with loaded freight cars waiting movement. In the petition of the eastern roads for a large division of the through rate, an offer of \$15,700,000 has been refused. There is little doubt but that a larger sum will be granted, if not the entire \$27,000,000 asked for. There will be a saving in coal of from half a million to a million dollars; a saving in labor of more than two million dollars, and

there can be and should be a very considerable saving by reason of stronger and better management. I have made a somewhat extended and careful investigation of the affairs of the Maine Central Railroad, and I am confident that with good management, rates can be reduced, service improved and dividends resumed in the near future. I believe that the road is entirely solvent, that the stock is good property and should be held right here in Maine without change of ownership. The Maine Central Railroad is amply able to pay the full tax on the present method of assessment, and they are not then bearing their fair share of the burden.

This bill calls for an abatement of approximately three and one-half million dollars, and if passed would necessitate the levying of a special and further tax upon Cumberland county alone of seven hundred thousand dollars.

It is for you, gentlemen, to say whether the Maine Central Railroad shall shirk this burden of three and one-half million dollars and your constituents shall carry the load instead.

The motion of the gentleman from Auburn, Mr. Winter, that the report be accepted, prevailed.

Mr. Warren from the committee on public utilities reported "Ought to pass" on Bill, "An Act to authorize the proprietors of Portsmouth bridge to discontinue the public use of its bridges and to sell its property and franchises to and merge the same with the Boston & Maine Railroad."

(Tabled by Mr. Cole on pending acceptance of report.)

Mr. Hunton from the same committee reported the same on bill, "An Act to extend the provisions of Chapter 155 of the Private and Special Laws of 1917 as extended and amended by Chapter 9 of the Public and Special Laws of 1919 entitled 'An Act to authorize the town of Yarmouth to supply gas and electricity.'"

Mr. Farnsworth from the same committee on bill, "An Act to amend and enlarge the corporate powers of

the Fort Kent Electric Company," reported the same in new draft under the same title and that it "Ought to pass."

Mr. Baker from the committee on sea and shore fisheries reported "Ought to pass" on bill, "An Act regulating the taking of clams in the town of Jonesboro in Washington county."

Same gentleman from same committee reported the same on bill, "An Act relating to the catching of smelts in Piscataqua river and its tributaries."

The same gentleman from the same committee reported the same on bill, "An Act for the better protection of clams within the limits of the town of Brunswick."

Reports were read and accepted and the bills were ordered printed under the joint rules.

First Reading of Printed Bills and Resolves

The SPEAKER: At this time the Chair would suggest that so far as it is informed there has been no abrogation of the understanding that business on which there is a difference of opinion that might lead to a contest is not finally disposed of on a Friday or Monday. This rule will soon be set aside, but it governs until next Friday, unless notice is given to the contrary. The Chair would suggest, however, that it is frequently best to give a bill its first and second reading so that it may be before you in printed form before the contest is injected into the House.

House 173: An Act requiring political advertisements to be signed.

House 174: Resolve authorizing the land agent to sell Public Lot 85 in Moro Plantation Aroostook county.

House 175: Resolve authorizing the State Land Agent to sell lot numbered 93 in the town of St. Agatha, in the county of Aroostook.

House 176: Resolve authorizing the State Land Agent to sell certain lots in the Public Lot in Dennistown Plantation in Somerset county.

Passed to Be Engrossed

Senate 36: An Act relating to the records of instruments affecting or conveying title to real estate in the county of Knox and now recorded in other counties.

House 61: An Act to amend Chapter 10, Section 1 of the Revised Statutes relating to poll tax.

(Tabled by Mr. Murray of Portland, pending third reading and specially assigned for Tuesday, March 1.)

House 165: An Act to amend subparagraph "A" of Paragraph 2 of Section 7 of Chapter 188 of the Public Laws of 1917, relating to the duties of superintendents of schools.

House 172: An Act to incorporate the Cumberland Center Water Company and to authorize that company to take over the properties of the Cumberland Water Company.

House 171: Resolve to reimburse the town of Dixfield for money paid for sheep killed by bears.

Orders of the Day

The SPEAKER: According to the House calendar for today, the report of the committee on Judiciary on Bill, An Act to repeal the divorce law, House Doc. No. 46, is tabled pending the acceptance of the report, on motion by Mr. McIlheron of Lewiston, and is specially assigned for consideration this morning. The pending question is the acceptance of the report of the committee.

Mr. McILHERON: Mr. Speaker, I move that we substitute the bill for the report.

Mr. BUZZELL of Belfast: Mr. Speaker,—

The SPEAKER: The Chair would state for the information of the House that this is a measure repealing certain sections of the present statute governing divorce.

Mr. BUZZELL: Mr. Speaker and gentlemen, I do not think it is necessary for me to make any extended remarks, only to say that I hope the motion of the gentleman from Lewiston, Mr. McIlheron, will not prevail.

The SPEAKER: Is the House

ready for the question? The motion of the gentleman from Lewiston, Mr. McIlheron, is that the bill repealing the divorce statute be substituted for the report of the committee, which was, "ought not to pass."

A viva voce vote being taken,

The motion was lost.

Mr. Hinkley of South Portland moved that the report of the committee, reporting "ought not to pass," be accepted.

The motion was agreed to.

Mr. McIlheron: Mr. Speaker and gentlemen of the House, I presented that bill to the House with the view that it should receive just consideration. It was referred to the committee on judiciary. That committee was composed of ten lawyers. Just think seriously for a moment what that means! I consider that this bill is one of the most important bills that has come before this House or that may come before this House in the next fifty years. We have had since the institution of this State a divorce law. You go back to the inception of the State as a State and you will find a divorce law on the statute books. What, I ask you, have been the fruits of that law? The State of Maine stands first in insanity and feeble-mindedness. Trace it back, if you wish, and where do you find the origin? You find it in the hearts that have been rent with despair by a law that is contradictory to the Divine law. The same God that created the universe, placed love in the hearts of the men and women for His adoration, and is it proper that contemptible men and miserable men as we are should interfere with this Divine law and say that we will destroy this Divine law?

I cannot find words, Mr. Speaker and gentlemen of the House—I cannot find words to bring the importance of this question so that it will sink deep into your hearts. By desolation, is the State of Maine to be made desolate by a committee on judiciary that will force through this House a measure which is contradictory to the Divine Will of Almighty

God, and try to stifle it in this House? Gentlemen, we have all sworn by that God that is sometime to judge us that we would come in here as servants of our State, servants of the people of our State, serving to the best of our ability the interests of those people; and, gentlemen, I want to tell you now that while I was born on a foreign shore, on the shore of a country that I love, yet, nevertheless, I love the country and the State of my adoption, and I feel that it is true that you can measure a man's patriotism by his love for his God. I love the people of the State of Maine to such an extent that I am willing to stand here for the people of the State of Maine and plead for their welfare, and I plead for their decency, and I plead for the dignity of the American citizen. I plead for their morals that is what I am pleading for. The motto of our State is "Dirigo," meaning "We lead." Will the gentleman from Belfast (Mr. Buzzell), get up and tell the members of this House that we live in immorality? God forbid that he should attempt to assume any such courage as to get up and tell the members of this House that we want, as a State, to live in immorality, and that it should follow that "As Maine goes, so goes the Union." Will he dare to get up and face the members of this House, you gentlemen who have pledged yourselves before God on your oath that you will do justice to the citizens of this State and that you will raise up the standard of morality of the State? Will he dare to get up on the floor of this House and try to stifle that bill? If he does and if he cares to assume the responsibility, he may do it.

The SPEAKER: The gentleman from Lewiston, Mr. McIlheron, doubts the declaration of the vote,

whereby the report of the committee on the bill was accepted. All those in favor of accepting the report of the committee, reporting "ought not to pass," will rise and stand in their places until counted. The monitors will return the count.

A division being had,

Eighty-eight voted in the affirmative, and two in the negative.

So the report was accepted.

The SPEAKER: The Chair will state that on the list of tabled and unassigned matters upon the calendar for today, the gentlemen of the House interested in measures, will find several bills tabled practically for the purpose of being submitted to the committee on appropriations and financial affairs. Under the suggestion contained on page 54 of our rules, if any gentlemen interested in any of these measures have attended to the formality, those matters probably can be taken from the table at this time and disposed of.

On motion by Mr. Tilden of Hal-
lowell, House Doc. No. 6, Resolve
in favor of Frank S. Wingate for
material furnished by him in con-
struction of central school building
for Maine State School for Girls, was
taken from the table.

The pending question being the
second reading of the resolve,

On further motion by the same gen-
tleman, the resolve received its sec-
ond reading and was passed to be
engrossed.

On motion of Mr. Davis of Free-
port,

Adjourned until Monday afternoon,
February 28th, at 4.30 o'clock in the
afternoon.