

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, January 24, 1923.

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

Prayer by the Rev. Mrs. Hadley of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill an act providing for a tax upon gasoline and other products used in propelling motor vehicles.

In the Senate, referred to the committee on Judiciary.

In the House, on motion by Mr. Nickerson of Swanville, tabled, pending reference

From the Senate: Resolve appropriating money for further maintenance of the State Forest Nursery.

Resolve appropriating money for general forestry purposes.

Resolve appropriating money for salaries and clerk hire in the office of the Land Agent and Forest Commissioner.

Resolve appropriating money for the administration of Public Lands.

In the Senate, referred to the Committee on State Lands and Forest Preservation.

In the House the following occurred:

Mr. ROUNDS of Portland: Mr. Speaker, the resolves for salaries and appropriating money,—why should they not be referred to the committee on Salaries and Fees?

Mr. CURTIS of Brewer: Mr. Speaker, I think the resolve appropriating money for salaries and clerk hire, relates to their regular salaries.—no increase—just the regular salaries of the officers.

On motion by Mr. Phillips of Orrington, it was voted that the resolves appropriating money, above referred to, be tabled pending reference to any committee, in non-concurrence with the Senate.

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

Mr. Stevens of Belgrade: An Act to amend Section 4 of Chapter 48 of the Revised Statutes, as amended by Chapter 6 of the Public Laws of 1919, relating to the duties of State Sealer of Weights and Measures.

By the same gentleman: An Act to amend Chapter 46 of the Revised Statutes relating to the Measurement of Wood, Bark and Shingles.

Appropriations and Financial Affairs

Mr. Kitchen of Presque Isle: Resolve in favor of Presque Isle General Hospital.

Mr. Curtis of Brewer: Resolve appropriating money for general office expenses in the office of the Land Agent and Forest Commissioner.

Mr. Plummer of Bridgton: Resolve to retire Maine Forestry District deficit.

Banks and Banking

Mr. Jones of So Portland: An Act to amend Chapter 52 of the Revised Statutes relating to Loan and Building Associations.

Claims

Mr. McDonald of E. Machias: Resolve appropriating money to reimburse Machias Lumber Company for taxes paid.

By the same gentleman: Resolve appropriating Money to reimburse William O'B. Walker for taxes paid.

By the same gentleman: Resolve appropriating money to reimburse Annetta O'B. Walker for taxes paid.

Mr. Keefe of Vanceboro: Resolve in favor of Dr. Charles E. Johnson.

Mr. Sayward of Alfred: Resolve appropriating money to reimburse the town of Alfred for part of cost of bridge.

Education

Mr. Martin of Augusta: An Act to amend Chapter 416 of the Private and Special Laws of 1907 relating to the Board of Education in the city of Augusta.

(500 copies ordered printed)

Mr. Ranney of Winn: Resolve in favor of Lee Academy for maintenance.

Mr. Granville of Parsonsfield: Resolve in favor of Parsonsfield Seminary for general maintenance.

By the same gentleman: Resolve in favor of Limerick Academy for general maintenance.

By the same gentleman: Resolve

in favor of Limington Academy for general maintenance.

Inland Fisheries and Game

Mr. Moody of York: An Act to amend Chapter 14 of the Public Laws of 1921, prohibiting the hunting of deer in the counties of Cumberland and York.

Judiciary

Mr. Gardiner of Gardiner: An Act to amend an act to provide a charter for the city of Gardiner, as amended by Chapter 126 of the Private and Special Laws of 1917. (500 copies ordered printed.)

Mr. Maher of Augusta: An Act requiring an excise tax on gasoline.

Mr. Granville of Parsonsfield: Mr. Speaker, in regard to the gasoline tax, I think that bill should be referred to the committee on Ways and Bridges, for the reason that all funds coming from this tax will be used for their maintenance. Now during this session there will be quite a general revision of the old laws, and I do not see how the committee can very well get at these different things unless all bills and resolves carrying money come to it for its consideration. Therefore, I move that it be referred to the committee on Ways and Bridges.

Mr. Sanders of Portland: Mr. Speaker, was not that the bill that the gentleman just laid on the table?

The Speaker: The Chair will state for the benefit of the gentleman from Portland (Mr. Sanders) and the remainder of the House that the bill laid on the table by the gentleman from Swanville, Mr. Nickerson, was a Senate bill, sent here for concurrent action, with reference to a committee, and tabled by that gentleman. This is a House bill, introduced by the gentleman from Augusta, Mr. Maher, as to which the gentleman from Parsonsfield, Mr. Granville, moves that it be referred to the committee on Ways and Bridges.

Mr. Downing of Bangor: Mr. Speaker, I move that that bill be laid on the table, pending reference. The motion prevailed.

Legal Affairs

Mr. Curtis of Brewer: An Act relating to pensioning members of the police department of the city of Brewer.

Mr. Jones of South Portland: An Act to add to the purposes for which

the Charles M. Hay Co., a corporation was organized.

Mr. Oakes of Portland: An Act to amend Section 47 of Chapter 211 of the Public Laws of 1921, relating to motor vehicles, used for public hire.

Mr. Dain of Bath: An act to recognize the incorporation of the Bath City Hospital, and to confirm the validity thereof and of its doings.

Mr. Jones of South Portland: An Act to amend Chapter 399 of the Private Laws of 1885, relating to the First, Tenth, and Twenty-ninth Regiments' Association.

By the same gentleman: An Act to incorporate the Grand Temple Pythian Sisters of Maine.

Maine Publicity

Mrs. Pinkham of Fort Kent: Resolve in favor of the erection of a State of Maine building on the grounds of the Eastern States Agricultural and Industrial Exposition Inc., at West Springfield, Mass.

Military Affairs

Mr. Gardiner of Gardiner: An Act to revise the military law of the State of Maine. (500 copies ordered printed).

Public Utilities

Mr. Leland of Sangerville: An Act to amend the charter of the Dover and Foxcroft Water District.

State Lands and Forest Preservation

Mr. Granville of Parsonsfield: Resolve appropriating money for continuance of white pine blister rust control.

Ways and Bridges

Mr. Dudley of Woodstock: Resolve appropriating money to build a road in the town of Woodstock.

Mr. Cates of Machiasport: Resolve in favor of town of Machiasport to aid in building highway in said town.

Mr. Nickerson of Swanville: Resolve appropriating money for a road in the town of Swanville.

Mr. Brett of Otisfield: Resolve appropriating money for the building of an improved highway in the town of Otisfield.

Mr. Wills of Salem: Resolve for the repair of the Valley road, so called, in the towns of Salem and Freeman in Franklin county.

Mr. Adams of Litchfield: Resolve in favor of the town of Litchfield to aid in repairing the highway.

Mr. Morrison of Phillips: Resolve in favor of the town of Phillips to aid in rebuilding a Weld road.

Mr. Thomas of Chesterville: Resolve in favor of the towns of Chester-

ville and New Sharon to aid in rebuilding road.

Mr. Wood of Bluchill: Resolve in favor of the town of Surry to rebuild bridge.

Mr. Burns of Eagle Lake: Resolve appropriating money to aid in building a road in Winterville Plantation, Aroostook county.

By the same gentleman: Petition of R. C. Brown and others of Winterville in favor of same.

Orders of the Day

On motion by Mr. Plummer of Bridgton, it was voted to take from the table bill relating to the taxation of bank stock, tabled by that gentleman on Monday, January 22.

Mr. WINN of Lisbon: Mr. Speaker, I move you that the House insist in its action that the bill relative to the taxation of bank stock be referred to the committee on taxation and that a committee of conference be asked for. I will say to the members of this House that I believe this bill to be of vital importance to the taxpayers in general in the State of Maine, and, as it relates entirely to taxation, I believe that nearly everything of that nature should go to the committee on Taxation. It does not relate in any way to the system of banking but is simply a matter in regard to the taxation of something like \$10,000,000 of taxable property, and I believe that it will get just and fair consideration from the committee on taxation. It has been brought to my attention that the 80th Legislature referred it to the committee on banks and banking, but I do not believe that that should have anything to do with the 81st Legislature, and I hope that the House will insist on its reference to the committee on taxation.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker—I yield the floor to the gentleman from Eastport, Mr. Cherry.

Mr. CHERRY of Eastport: I just wish to say a word, Mr. Speaker, with reference to this bill, and that is that two years ago a similar measure was referred to the committee on banks and banking. I also recall that that matter seemed to be very satisfactorily handled by that committee, and in the premises I move you that we recede and concur with the Senate with reference to this bill.

Mr. DOUGLAS of Lamoine: Mr. Speaker, I second that motion.

Mr. ARCHIBALD of Houlton: In relation to this bill, Mr. Speaker and gentlemen, I have had conversation with a good many members of the House about it, and I have been into

the State Assessors' office and gleaned some information there, and from the financial viewpoint I feel that it should go, in concurrence with the Senate to the committee on banks and banking. The question of taxation must have been very thoroughly threshed out two years ago, and it seems to me that this is a matter particularly appropriate for the consideration of the committee on banks and banking and I concur in the motion, and second it, to refer this to the committee on banks and banking.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, as I understand it, this is the same matter that was referred to the committee on banks and banking by the 80th Legislature and that it was handled satisfactorily. I also second the motion.

Mr. CUMMINGS of Portland: Mr. Speaker, in my judgment this is purely a matter of taxation. I can very well understand as the gentleman from Houlton (Mr. Archibald) intimates that it was settled satisfactorily to certain parties two years ago; indeed, why should it not have been satisfactory? A man is usually satisfied when he has the privilege of approving his own bills. I want to call the attention of the House to what the situation would be if the farmers concluded that the tax on cows was too burdensome and that the profits in sheep raising were not what they thought they ought to be and presented a bill here to exempt cows and sheep from local taxation, and requested that the State assume the duty of taxing that class of property and return to the towns wherein they were owned one-half or less than one-half of the amount which has usually been set upon that class of property; and imagine, Mr. Speaker and gentlemen, the man presenting that bill, asking that it should go to the committee on Agriculture! That would be just as consistent as to ask that this bill go to the committee on Banks and Banking and not to the committee on Taxation. Why, gentlemen, it is too much of a tax to put upon frail humanity to put it in such a position as that. Don't do it. Insist upon your reference, and have it go to the committee on Taxation, where it belongs. (Applause)

Mr. STURGIS of Auburn: Mr. Speaker, I would also second Mr. Cummings of Portland.

Mr. HOUGHTON of Fort Fairfield:

Mr. Speaker, I rise to support the motion of Mr. Cherry. I am a farmer; I own cows and sheep; and I would like to say that I would like to see this bill referred to the committee on Banks and Banking.

Mr. HAMILTON of Caribou: Mr. Speaker, I see no reason why a corporation should be taxed and referred to its special committee any more than an individual. Now my brother from Fort Fairfield (Mr. Houghton) has just mentioned that he is a farmer. He is also a business man interested in banks, and it seems to me that we might as well line right up here at once and have the individual stand behind these matters as much as any corporation. It seems to me that this should be referred to the committee on Taxation.

The SPEAKER: The gentleman from Eastport, Mr. Cherry, moves that the House recede and concur with the Senate. This motion takes precedence, under the rules over the motion of the gentleman from Lisbon, Mr. Winn, to insist. Is the House ready for the question? As many as are in favor of receding and concurring with the Senate in referring this bill to the committee—

Mr. WINN of Lisbon: Mr. Speaker, I think that this matter is of great importance, and I wish to ask for a division of the House.

Mr. HAYES of Chelsea: Mr. Speaker, I would like to ask just what that motion was. I have forgotten what it was.

The SPEAKER: The Chair will state again that the question is on the motion of the gentleman from Eastport, Mr. Cherry, that the House recede and concur with the Senate in referring the bill in question to the committee on Banks and Banking, that motion taking precedence, under the rules, over the motion made by the gentleman from Lisbon, Mr. Winn, to insist. Is the House ready for the question? As many as are in favor of receding and concurring with the Senate, in referring this bill to the committee on Banks and Banking will rise and stand until counted and the monitors will return the count.

A division of the House was had,

Forty-one having voted in the affirmative and 87 in the negative, the motion to recede and concur was lost.

On motion by Mr. Winn of Lisbon,

seconded by Mr. Ramsdell of Milo a viva voce vote was had, and the House voted to insist on its former action in referring the bill to the committee on taxation in non-concurrence with the Senate.

Mr. WING of Auburn: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point.

Mr. WING: I think there is nothing in the record indicating that a committee of conference was asked for.

The SPEAKER: The Chair will state that it understood the motion of the gentleman from Lisbon, Mr. Winn, that the House insist and a committee of conference be appointed. The Chair, no doubt, is in error. The Chair would ask the gentleman (Mr. Winn) if that was not his motion.

Mr. WINN: Yes, Mr. Speaker.

Mr. WING of Auburn: The motion was to insist, Mr. Speaker. May I have the record read? I am perfectly willing, Mr. Speaker, that a committee of conference be appointed, but I wish the record clear on the point.

Mr. ROUNDS of Portland: I move that there be a committee of conference.

Mr. WING: I second the motion.

The motion prevailed.

Mr. WING of Auburn: Mr. Speaker, I move that that committee of conference to be appointed be instructed to insist.

Mr. McILHERON of Lewiston. I second the motion.

Mr. ROUNDS of Portland: Mr. Speaker, I do not like to be told what to do. I want to use my own judgment when I get into a committee of conference. (Applause)

Mr. BARWISE of Bangor: Mr. Speaker, I was just about to say that the very purpose of a committee of conference is to arrive at some kind of an equitable adjustment between the two Houses, and it would not be a committee of conference at all if we instructed our people to stand in their tracks and not budge an inch. I agree with Mr. Rounds that they must be allowed to use their own judgment after they get there.

A viva voce vote being had, the motion of the gentleman from Auburn, Mr. Wing, that the committee of conference be instructed to insist, was lost.

The SPEAKER: The Clerk will read a communication, out of order, from the Governor:

STATE OF MAINE
Office of the Governor

Augusta, January 24, 1923.

To the Honorable Senate and House of Representatives of the Eighty-First Legislature:

I have been in conference with the Attorney General and the Fuel Director in regard to the emergency coal situation in the city of Portland, and report to you that we are endeavoring to make arrangements whereby certain private dealers will purchase the 600 tons of anthracite now stored there at a fair price, and have it distributed in small lots where it is most needed. If it is possible to bring this about without seizing the coal and without involving the credit of the State, it is desirable to do so.

I should not want to establish a precedent in seizing private property unless it is absolutely necessary. It will require twenty-four hours more in order to determine whether or not the plans we have formulated can be carried out.

Faithfully yours,
Percival P. Baxter
Governor of Maine."

The message of the Governor was read, and it was ordered placed on file and sent up for concurrence.

The SPEAKER: The House will now suspend until 11 o'clock, at which time it will respond to the sound of the gavel.

After Recess

House called to order by the Speaker.

The SPEAKER: The Chair will announce at this time the members on the part of the House on the committee of conference, relative to the banking bill, so-called,—the taxation bill on banks. They are

Messrs. Winn of Lisbon, Cummings of Portland and Morrison of Phillips.

The SPEAKER: The Chair is informed by members of the Senate that a resolve in some form will soon be presented to the House from that body for its action, and it seems best that we recess until such measure is received, at which time the members will respond to the sound of the gavel.

After Recess

House called to order by the Speaker.

The SPEAKER: The Chair presents, out of order, the following resolve from the Senate directing the Attorney-General to investigate profiteering under Chapter 76 of the Laws of 1921:

Resolved, that whereas it has come to the attention of the Legislature that certain persons and corporations are making unreasonable profits on the sale of necessities, and more especially on the sale of coal and wood,

Be it Resolved, that the Attorney-General be directed to proceed forthwith to investigate such profiteering, as provided in Chapter 76 of the Laws of 1921; and if upon investigation it appears to the Attorney-general that the provisions of this act have been violated in any respect that he at once proceed to prosecute the guilty parties.

In the Senate, this resolve was read twice under suspension of the rules, and passed to be engrossed.

In the House, the resolve had its two several readings under suspension of the rules, without reference to any committee, and was passed to be engrossed in concurrence.

On motion by Mr. Palmer of Island Falls,

Adjourned until ten o'clock tomorrow morning.