

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

Thursday, February 1, 1923.

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

Prayer by the Rev. Mr. Harding of Bath.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to amend the second paragraph of Section 45 of Chapter 117 of the Revised Statutes, as amended by Chapter 153 of the Public Laws of 1917, and as amended by Chapter 219 of the Public Laws of 1921, relating to clerk hire in the Androscooggin registry of deeds.

In the Senate referred to the committee on salaries and fees.

In the House, on motion by Mr. McIlheron of Lewiston, tabled pending reference in concurrence, and 300 copies ordered printed.

From the Senate: An Act to amend Section 43 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1921, relating to the salary of the register of deeds for the county of Androscooggin.

In the Senate referred to the committee on salaries and fees.

In the House, on motion by Mr. McIlheron of Lewiston, tabled pending reference in concurrence and 300 copies ordered printed.

From the Senate: An Act to establish a ferry across Somes Sound between Southwest Harbor and Northwest Harbor.

In the Senate, referred to the committee on ways and bridges.

In the House referred to the committee on ways and bridges in concurrence.

Later in the morning's session, on motion by Mr. Blaisdell of Sullivan, the House voted to reconsider its action whereby it referred this bill to the committee on ways and bridges in concurrence; and on further motion by the same gentleman, the bill was tabled, pending reference in concurrence.

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

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;

Resolve appropriating money for general forestry purposes; which were referred in the House on January 30th to the committee on appropriations and financial affairs in non-concurrence.

Came from the Senate, that body insisting on its former action whereby the resolves were referred to the committee on State lands and forest preservation, and asking for a committee of conference, with the following conferees appointed on its part:

Messrs. Bailey of Penobscot,
Wadsworth of Kennebec,
Cram of Cumberland.

In the House it was voted to join in the committee of conference, and the Chair appointed on the part of the House, Messrs. Phillips of Orrington, Boulter of Kittery and Gagne of Lewiston.

(At this point Mr. Wing of Auburn assumed the Chair).

Communication from the Governor

January 30, 1923.

To the 81st Legislature of the State of Maine:

During the past two years in many public addresses I have referred to the State Contingent Fund, and have stated that the existence of this Fund in its present form is not in accord with modern methods of finance. During the period in question the Executive Councilors and myself have been very reluctant to approve payments from this Fund. I desire to have the Legislature fully understand the situation, so that each member will know just how this Fund has been handled by the Governor and Council.

At my request the State Auditor has made a tabulation of all payments made from the Contingent Fund during the past two calendar years. These total \$1,159,703.91. Of this amount \$256,117.19 will be or already has been returned to the Fund as will be shown by the following four items.

Maine Forestry District	\$55,968.74
Soldiers' Bonus Fund	117,917.11

Special Resolves, for roads & park.	75,800.00
Sale Centennial coins	6,431.34
Total	\$256,117.19

From this it will be seen that the net payments from the State Contingent Fund for the two calendar years in question were \$903,586.72.

The total payments made from the Contingent Fund are as follows:

(a) Payments required by law but for which no provisions were made by the Legislature	\$319,285.05
(b) Payments of overdrafts by State Departments and Institutions	389,631.17
(c) Payments under special resolves payable in 1923 for roads and State Park at Augusta; this money already has been refunded to Contingent Fund	75,800.00
(d) Payments in which Governor and Council have exercised their discretion	35,993.92
(e) Payments from Contingent Fund where balances of unexpended appropriations lapsed into the Fund, but later were used to pay outstanding bills presented after books were closed June 30, 1922	297,188.28
(f) Payments of bills contracted during 1919-1920 administration	41,805.49
Total	\$1,159,703.91

Class A—Payments required by law but for which no provisions were made by the Legislature

The Legislature often fails to make adequate provision to meet certain expenditures required by law, and during 1921-1922 it became necessary for the Governor and Council to pay out \$319,285.05 on a large number of items that were overlooked by the last Legislature. This should be guarded against in the future, and

care should be taken by the Legislature to go over the provisions of the Statutes and provide whatever funds are needed to meet the State's obligations whenever these can be foreseen. If the Governor and Council had not paid these bills, the financial standing of the State would have been injured.

Class B—Payment of overdrafts by State Departments and Institutions

The several State Departments and Institutions overdrew their accounts \$389,631.17. This does not reflect credit upon the Departments and Institutions that expend the State's money. The Departments and Institutions of the State should make every effort to live within their legislative appropriations, and early in 1921 I brought this to their attention. It is of course impossible to tell exactly what funds will be needed, but I believe that a stricter compliance with legislative appropriations is advisable. A department or institution should not overdraw its account unless a real emergency arises, and sound finance requires that some change be made in our present practice. The Governor and Council were obliged to pay these overdrafts; otherwise the State would not have met its obligations.

Class C—Payment under special resolves payable in 1923 for roads and State Park at Augusta; this money already has been refunded to Contingent Fund

Certain special road resolves were paid out of the Contingent Fund in 1921 and 1922. The last Legislature made a number of special appropriations for roads, the money to be available in the fiscal year of 1923. In many cases the local town authorities came to the Governor and Council and said that if they could use the 1923 money in 1922, they could spend it more economically and the citizens of their communities would get one year's extra service out of the roads built by it. It was agreed that if this money was paid to them in advance the appropriations would lapse to the Contingent Fund during the year 1923. This was done. This item of \$75,800 is merely a bookkeeping item, and does not represent any actual net draft from the State Contingent Fund.

Class D—Payments in which Governor and Council exercised their discretion

The \$35,993.92 covers those items that were paid out in the discretion of the Governor and Council. These are the only actual payments that the Governor and Council might have declined to authorize without affecting the State's credit. The total appropriations by the last Legislature amounted to \$19,760,537.93. The fact that the Governor and Council really drew out but \$35,993.92 indicates that great care has been used in taking money from this Fund, and that their discretionary powers have not been abused.

Class E—Payments from Contingent Fund where balances of unexpended appropriations lapsed into the Fund, but later were used to pay outstanding bills presented after books were closed June 30, 1922

The item of \$297,188.28 represents withdrawals from the Contingent Fund subsequent to July 1, 1922. In these cases balances of unexpended appropriations of \$536,789.26 were on July 1, 1922 transferred to the Contingent Fund from the several accounts given in the tables submitted herewith, but there were outstanding bills that had not been presented and that had to be paid after July 1st. It was necessary to draw from the Contingent Fund to pay these bills as the money already had lapsed to that Fund. These items therefore do not represent actual net overdrafts. The total withdrawals under Class E were \$297,188.28, but \$536,789.26 of unexpended appropriations had lapsed to the Fund, the net overdraft being \$7,686.24 and the net balance unexpended being \$247,287.22, less \$7,686.24 or \$239,600.98.

Class F—Payments of bills contracted during 1919-1920 administration

This item amounting to \$41,805.49 was to cover bills contracted during the former administration of the years 1919-1920.

Respectfully submitted,

PERCIVAL P. BAXTER,
Governor of Maine.

At this point in the reading of the Governor's Message, Mr. Jacobs of Skowhegan presented the following order, out of order:

Ordered, that 500 copies of the Governor's Message, relating to the State Contingent Fund be printed for the use of the Legislature.

The order received passage; and on motion by the same gentleman further reading of the Governor's Message was dispensed with, and the message was read, and the message and accompanying data were ordered placed on file and sent up for 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:

Agriculture

By Mr. Conant of Buckfield: Resolve in favor of Highmoor Farm in the town of Monmouth.

By the same gentleman: Resolve in favor of Animal Husbandry.

Appropriations and Financial Affairs

By Mr. Perry of Saco: Resolve in favor of York County Children's Aid Society of Saco.

By Mr. Curtis of Brewer: Resolve appropriating money for further public instruction in Forestry.

By Mr. Baker of Steuben: Resolve in favor of H. G. Smallidge for services at the organization of the House at the 81st Legislature.

By Mr. Chalmers of Bangor: Resolve in favor of Marjorie Lee, stenographer to committee on elections.

Claims

By Mr. Ranney of Winn: Resolve in favor of the town of Mattawamkeag to reimburse for cost of replanking bridge.

Education

By Mr. Hammond of Van Buren: Resolve in favor of St. Mary's College at Van Buren.

By Mr. Leathers of Hermon: Resolve in favor of Hampden Academy for general maintenance and repairs.

By Mr. Whitney of Corinth: Resolve in favor of Higgins Classical Institute, town of Charlestown, Penobscot County.

Inland Fisheries and Game

By Mr. Hayes of Gorham: An Act relating to the protection of deer in the eight southern counties of the State, namely, Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Waldo, Sagadahoc and York.

By Mr. Jacobs of Skowhegan: An Act to amend Section 32 of Chapter

219 of the Public Laws of 1917, as amended by Chapter 174 of the Public Laws of 1919, and Chapter 178 of the Public Laws of 1921, relating to the pollution of certain waters with saw-dust and other mill waste.

By Mr. Palmer of Island Falls: Resolve in favor of screening Pleasant Pond, in the town of Island Falls, in the county of Aroostook.

By Mr. Gillespie of Meddybemps: Resolve appropriating money to aid in screening Meddybumps Lake, in the county of Washington, with statement of facts.

Judiciary

By Mr. Perry of Saco: An Act repealing Chapter 66 of the Private and Special Laws of 1919 relating to Bid-deford & Saco Water Co.

By Mr. Maher of Augusta: An Act to amend Section 58 of Chapter 87 of the Revised Statutes relative to the setting aside of jury verdicts by a single justice.

By the same gentleman: An Act to amend Section 3 of Chapter 111 of the Revised Statutes as amended by Chapter 180 of the Public Laws of 1921, relating to the selection of jurors.

Legal Affairs

By Mr. Brewster of Dexter: An Act relating to Good Templar's Hall in Dexter.

By Mr. Rounds of Portland: An Act regulating bakeries and bakery products.

By Mr. Dudley of Woodstock: An Act in addition to and to amend Chapter 75 of the Special Laws of 1866, as amended by Chapter 164 and Chapter 304 of the Private and Special Laws of 1905, and as amended by Chapter 236 of the Private and Special Laws of 1911 entitled "An Act creating the South Paris Village Corporation, relating to a public sewer for said corporation."

By Mr. Morrison of Phillips: An Act relating to improvements on Nash Stream and the East and West branches thereof in Copkin Plantation, and in the township of Redington in the county of Franklin.

Library

By Mr. Moody of York: An Act authorizing the town of York to raise money to aid the York Public Library Association.

By Mr. Barwise of Bangor: Resolve providing for the purchase of a book entitled "Maine in the War of 1812."

Military Affairs

By Mr. Sayward of Alfred: An Act to amend Section 3 of Chapter 264 of the Public Laws of 1919 as amended by Chapter 100 of the Public Laws of 1921, relating to Application for Soldiers' Bonus.

Pensions

By Mr. Sanders of Lubec: Resolve creating a State pension for John B. Wallace.

By Mr. Moody of York: Resolve providing a State pension for Jane Anne Sewall.

Public Utilities

By Mr. Maher of Augusta: An Act to extend the Charter of the Quebec Extension Railway Company.

By Mr. Perkins of Orono: An Act to make valid the doings of the Penobscot County Water Company, and to define and confirm its powers.

Salaries and Fees

By Mr. Staples of Oxford: An Act to amend Chapter 508 of the Private and Special Laws of 1885, as amended by Chapters 403 and 443 of the Private and Special Laws of 1907, relating to the Norway Municipal Court and to establish the salary for the judge of said court.

By the same gentleman: An Act to amend Section 38 of the Revised Statutes, as amended by Chapters 152, 167 and 292, Public Laws of 1917, Chapter 214, Public Laws of 1919 and Chapter 219, Public Laws of 1921, relating to the Compensation of Judge of Probate.

Sea and Shore Fisheries

By Mr. Teague of Waldoboro: An Act to amend Section 74 of Chapter 45 of the Revised Statutes as amended by Chapter 71, Public Laws of 1917, relating to the regulation of smelt fishing.

State Sanatoriums

By Mr. Weeks of Fairfield: Resolve in favor of the Central Maine Sanatorium for fire protection.

By the same gentleman: Resolve in favor of the Western Maine Sanatorium for school building.

By the same gentleman: Resolve in favor of the Western Maine Sanatorium for nurses' building.

Ways and Bridges

By Mr. Adams of Liberty: Resolve appropriating money for a road in the town of Liberty.

By the same gentleman: Resolve

appropriating money for a road in the town of Freedom.

By the same gentleman: Resolve appropriating money for a road in the town of Montville.

By Mr. Clarke of Stonington: Resolve appropriating money for construction, extension, repair and maintenance of approaches and appurtenances to the ferry landings at Eggemoggin Reach.

By Mr. Morrison of Phillips: Resolve in favor of repairing road in Washington Plantation in the county of Franklin.

By Mr. Boman of Vinalhaven: Resolve appropriating money for repair of highway in the town of Vinalhaven.

By Mr. Drake of Bath: Resolve appropriating money to aid the town of Phippsburg in Sagadahoc County in repairing and reconstructing the town road from Phippsburg Center to Popham Beach, via Parker Head.

By the same gentleman: Resolve for the construction, maintenance and repair of a public highway within the limits of Birch Point Village Corporation.

By the same gentleman: Resolve for the improvement of certain roads in the town of Georgetown.

By the same gentleman: Resolve for the construction, maintenance and repair of a public highway within the limits of the town of West Bath, Maine.

By the same gentleman: Resolve in aid of the maintenance and repair of the River Road in the town of Woolwich.

By Mr. McDonald of East Machias: Resolve in favor of road in the town of Whitneyville.

By the same gentleman: Resolve in favor of Mopang Bridge, Township No. 30, M. D., Washington County.

By the same gentleman: Resolve in favor of Old Stream, Pembroke and Main River Bridges in Township No. 31, M. D., Washington County.

Orders

On motion by Mr. Hobbs of Hope, it was

Ordered, That the use of the hall of the House of Representatives be granted to F. W. Carlton, Senator, to present the plans and figures of the Kennebec Bridge proposition to the members of the House of Representatives, and whomever else may be interested, after the adjournment of

this morning's session of the House of Representatives, Feb. 1st.

Reports of Committees

Mr. Chalmers from the committee on elections on the communications from the Secretary of State transmitting the official returns of votes for representatives to the 81st Legislature (including the special election in Brunswick) reported that the official list of representatives prepared by the Honorable Secretary of State, and duly submitted, is the true list of persons elected to the House of Representatives of the 81st Legislature of Maine.

Report read and accepted.

Mr. Gillespie from the committee on agriculture on bill An Act to amend Chapter 46 of the Revised Statutes relating to the measurement of wood, bark and shingles, reported that 500 copies of the bill be printed and the bill recommitted.

Mr. Cherry from the committee on taxation reported same on bill An Act to amend Section 27 of Chapter 9 of the Revised Statutes, as amended by Chapter 42 of the Public Laws of 1917 relating to tax on railroads.

Reports read and accepted, and 500 copies of the bills ordered printed, and the bills recommitted.

Mr. Hodgkins from the committee on salaries and fees reported ought not to pass on bill An Act to increase the salary of the clerk of courts of Franklin County.

Report read and accepted and sent up for concurrence.

Mr. Wing from the committee on judiciary on bill An Act to legalize and make valid the doings of the inhabitants of the town of Harrison at the annual town meeting held on March 6th, 1922, reported same in a new draft under title of An Act authorizing the town of Harrison to raise money to build a clock tower in said town and that it ought to pass.

Mr. Clarke from the committee on legal affairs on bill An Act to incorporate the Boothbay Harbor School District reported same in a new draft under same title and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the joint rules.

Mr. Archibald from the committee on judiciary reported ought to pass on bill An Act to amend the Charter of the Augusta Water District.

Mr. Hodgkins from the committee on salaries and fees reported same on

bill An Act to increase the amount allowed for clerk hire in the office of clerk of courts in Franklin County.

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

First Reading of Printed Bills and Resolves

House 26: An Act to amend Section 56 of Chapter 96 of the Revised Statutes relating to lien on Vehicles.

House 24: An Act to amend Section 4 of Chapter 129 of the Private and Special Laws of 1917, entitled An Act to amend the Charter of the York Beach Village Corporation.

House 23: Resolve in favor of Joseph A. Pendleton, in payment of counsel fees and disbursements made by him in the contested Representative election case from the class towns of Searsports, Islesboro, Stockton, Prospect, Winterport and Frankfort.

House 22: Resolve in favor of Roy L. Fernald, in payment of counsel fees and disbursements made by him in the contested Representative election case from the class towns of Searsport, Islesboro, Stockton, Prospect, Winterport and Frankfort.

Passed to be Engrossed

Senate 13: An Act to unite the trustees of the Maine Conference of the Methodist Episcopal Church and the trustees of the East Maine Conference of the Methodist Episcopal Church.

Orders of the Day

On motion by Mr. Baker of Steuben, it was voted to take from the table the bill tabled by that gentleman Tuesday, January 30th, bill an Act repealing Chapter 100, Private and

Special Laws of 1921, creating the Belgrade Lakes Village Corporation.

Mr. Baker: I yield the floor to Mr. Stevens of Belgrade.

On motion by Mr. Stevens of Belgrade, the House voted to non-concur with the Senate in reference of this bill to the committee on towns; and on further motion by the same gentleman the bill was referred to the committee on legal affairs in non-concurrence.

On motion by Mr. Rounds of Portland the House voted to reconsider its action whereby it passed an order to have 500 copies of the Governor's Message on State Contingent Fund printed.

Mr. ROUNDS of Portland: Mr. Speaker, I will state my reasons for doing this. This is a small matter, to be sure; but the Governor is very economical in all his doings, and inasmuch as he has printed this himself and it will come out of the Executive Department and not the legislative, I move that the order be indefinitely postponed.

The SPEAKER pro tem: The gentleman from Portland, Mr. Rounds, moves the indefinite postponement of the order. The Chair recognizes the gentleman from Parsonsfield, Mr. Granville.

On motion by Mr. Granville of Parsonsfield, the order to indefinitely postpone was tabled.

The SPEAKER pro tem: The House is doing business under orders of the day. Is there anything further? (Speaker Holley assumes the Chair.)

On motion by Mr. Cates of Machiasport,

Adjourned until 10 o'clock tomorrow morning.