

# 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 15, 1923

When Speaker Holley assumed the Chair, he was greeted with applause, the House rising.

Speaker HOLLEY: You are awfully good, just to think of me.

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

Prayer by the Rev. Mr. Fenn of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bill in First Reading**

Senate 67: An Act to amend Section 35 of Chapter 8 of the Revised Statutes, relating to building of campfires.

**Messages and Documents From Heads of Departments**

STATE OF MAINE,  
Department of State Auditor

Augusta, February 15, 1923  
To the Honorable Senate and House of Representatives:

I wish to call your attention to the fact that no provision was made by the Eightieth Legislature for the payment of the interest on the issue of bonds for the construction of the State Pier, at Portland, for the fiscal year 1923. This bond issue, which amounted to \$1,150,000, carries an interest charge of \$46,000 a year, of which \$23,600 will be due on March 1, 1923.

I ask your prompt consideration of this matter, as this interest must be paid two weeks from this date.

Very respectfully,

Elbert D. Hayford,  
State Auditor.

On motion by Mr. Chalmers of Bangor, the foregoing communication from the State auditor was referred to the committee on appropriations and financial affairs.

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

**Judiciary**

By Mr. Nichols of Portland: An Act to amend Section 7, Chapter 95,

Revised Statutes of Maine as amended by Chapter 47 of the Public Laws of 1921, relative to mortgagor may redeem within one year.

(500 copies ordered printed)

By the same gentleman: An Act to amend Section 76 of Chapter 11, Revised Statutes, as amended by Chapter 182 of the Public Laws of 1921, relative to certificates of sale of tax deed, and proceedings, if redeemed.

(500 copies ordered printed)

**Legal Affairs**

By Mr. Oakes of Portland: An Act to establish a domestic relations and juvenile court in the county of Cumberland.

(500 copies ordered printed)

By Mr. Cummings of Portland: Resolve amending Section 3 of Article IV, Part First of the Constitution, as amended by Resolution adopted by the Legislature April 17th, 1917, adopted by the people September 17th, 1917, and proclaimed by the Governor September 25th, 1917, relating to apportionment.

(500 copies ordered printed)

By Mr. Beckett of Calais: Resolve authorizing the Treasurer of State to accept from the executor of the will of John Prescott two \$500 United States Liberty Bonds in lieu of the legacy of \$1000 left by said Prescott to the Western Maine Sanatorium at Hebron.

By the same gentleman: Resolve authorizing the acceptance of donation to Blaine Memorial Fund.

**Mercantile Affairs and Insurance**

By Mr. Wing of Auburn: An Act to amend Section 8 of Chapter 53 of the Revised Statutes, relating to insurance.

(500 copies ordered printed)

**Taxation and Ways and Bridges**

By Mr. Whitney of Corinth: An Act providing for the imposition of a specific excise tax upon gasoline and all other fluid internal combustion fuels, except kerosene.

(500 copies ordered printed)

**Ways and Bridges**

By Mr. Leland of Sangerville: An Act to amend Chapter 25 of the Revised Statutes of Maine, 1916 Revision, as enlarged and amended by Chapter 258 of the Public Laws of the State of Maine for the year 1917, by Chapter 220 of the Public Laws of Maine for the year 1919, and by Chapter 263 of the Public Laws of Maine for the year 1919 as enacted at the Special Session of the Legis-

ture held November 4-8, 1919, relative to State Highways and to the creation and expenditure of the mill tax highway fund.

Mr. LELAND of Sangerville: Mr. Speaker, as this is a very important measure and of great interest to the people of the State generally, and as I have requests from many of our agricultural organizations for copies of this bill for distribution, I move that 2000 copies be printed.

The motion prevailed, and 2000 copies were ordered printed.

By Mr. Nickerson of Swanville: An Act to require gravel construction of roads, except in cases where a different type is especially authorized.

#### Reports of Committees

Mr. Weeks from the committee on judiciary reported ought not to pass on bill, 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.

Mr. Cherry from the committee on taxation reported same on bill, An Act to amend Paragraph 9 of Section 6 of Chapter 10 of the Revised Statutes, as amended by Chapter 105, Public Laws of 1919 and by Chapter 119, Public Laws of 1921, relating to taxation, and repealing such amendments.

Mr. Towne from the same committee reported same on bill, An Act to amend Paragraph 8 of Section 6 of Chapter 10 of the Revised Statutes, relating to taxation of the blind.

Mr. Nickerson from the committee on taxation 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, reported that the same ought not to pass.

Mr. Siddall from the committee on Legal Affairs on bill An Act to add to the purposes for which the Charles M. Hay Co., a corporation, was organized reported legislation thereon is inexpedient.

Mr. Dunn from the committee on Ways and Bridges reported same on Resolve to aid in rebuilding, repairing and maintaining portions of the road running from Bingham in Somerset county through Jackman to the Canadian line.

Reports read and accepted and sent up for concurrence.

Mr. Johnson from the committee on Appropriations and Financial Af-

fairs on Resolve in favor of Edward Gagne, secretary of the committee for School for Feeble-Minded, reported same in a new draft under same title and that it ought to pass.

Mr. Clarke from the committee on Legal Affairs on Bill An Act to legalize acknowledgments taken, oaths administered, and marriages solemnized by Fred A. Torrey, of Stonington, in the county of Hancock reported same in a new draft under title of An Act to Legalize Oaths Administered by Fred A. Torrey, of Stonington, in the county of Hancock, and that it ought to pass.

Mr. Rounds from the committee on Salaries and Fees on bill An Act to amend Section 38, Chapter 117, of the Revised Statutes, as amended by Section 38 of Chapter 219 of the Public Laws of 1921, increasing the salary of the Judge of Probate of Sagadahoc reported same in a new draft under same title and that it ought to pass.

Mr. Moody from the same committee reported same on bill An Act to amend Section 45 of Chapter 219 of the Public Laws of 1921 relative to Clerk Hire in the Registry of Deeds for York county.

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

Mr. White from the committee on Appropriations and Financial Affairs reported ought to pass on Resolve in favor of Thomas A. Sanders, secretary to committee on Appropriations and Financial Affairs.

Report read and accepted, and the Resolve ordered printed under the joint rules.

#### Passed to be Engrossed

House 91: An Act to amend Section one of Chapter 185 of the Private and Special Laws of 1823, relating to the limit of the Endowment Fund of Foxcroft Academy.

House 92: 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 sawdust and other mill waste.

House 93: An Act establishing Katahdin Park Game Preserve, in the county of Piscataquis.

House 94: An Act to amend Section 10 of Chapter 129 of the Revised Statutes, as amended by Chapter 127 of the Public Laws of 1917, relating to injuries to dams, canals, mill machinery, ponds, engines and electrical fixtures; obstruction of bridges and ways.

**Passed to be Enacted**  
(Emergency Measure)

An Act to amend Section 7 of Chapter 303 of the Public Laws of 1917, as amended by Chapters 147 and 223 of the Public Laws of 1919, and by Chapter 147 of the Public Laws of 1921, relating to amount of loan, rate of interest on Farm Land Loans and the general provisions on which the loan is made.

The SPEAKER: This being an emergency measure, and requiring under the constitution the affirmative vote of two-thirds the entire membership of this House on its passage to be enacted, all those who are in favor of the passage of the bill to be enacted will rise and stand in their places until counted, and the monitors will return the count.

A division being had.

One hundred and thirty-two voted, and all in the affirmative, so the bill was passed to be enacted.

**Passed to be Enacted**

An Act to amend Section 1 of Chapter 62 of the Revised Statutes, as amended by Chapter 48 of the Public Laws of 1919, as further amended by Chapter 101 of the Public Laws of 1921, relating to Corporations for Literary, Charitable, Educational and other purposes.

An Act to amend Section 120 of Chapter 16, of the Revised Statutes, relating to the appointment of the State Superintendent of Public Schools.

An Act to amend Section 10 of Chapter 137 of the Revised Statutes, as amended by Chapter 203 of the Public Laws of 1917, and by Chapter 76 of the Public Laws of 1919, and by Chapter 167 of the Public Laws of 1921, relating to the appointment of Probation Officers.

**Orders of the Day**

On motion by Mr. Granville of Parsonsfield, it was voted to take from the table House Document No. 88, resolve appropriating money for rebuilding steamship sheds at State

Pier tabled by that gentleman, February 14, pending second reading.

Mr. GRANVILLE: Mr. Speaker, I yield the floor to the gentleman from Portland, Mr. Rounds.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS of Portland: Mr. Speaker and Gentlemen of the House: In 1917 this bill was brought here for the purpose of making a survey of Portland Harbor to see what should be done about building a State Pier. In 1919 there was a bill put in here providing for a Constitutional amendment to see whether a State Pier should be built or not. In 1920 the people voted in favor of this proposition, five to one. Now in 1921 it was sanctioned by this Legislature and \$1,150,000 was put in to build the State Pier. I want to say here that we have had it built within the appropriation, the city of Portland and the city of South Portland giving \$350,000 to buy Franklin wharf and Galt wharf for the purposes of the State Pier. It has been said that "was a great sum of money to put out and that it only helped Portland. Now what helps Portland helps the total of \$219,600.

I want to give some figures that may throw some light. It has been stated here in a caucus or in a hearing before the Port of Portland committee, that the Nawsco Line carried last year 25,000 tons of freight at a reduction of 55 cents a hundred, making for the people of the State of Maine, \$275,000. I want to say further that the Nawsco Line pays \$15,000 a year. Now if this \$165,000 is granted—they are paying now \$16,000—but if this \$165,000 is granted, they would be paying \$29,000. Now the Randall and McAllister Company is paying \$600 a year; that makes a total of \$219,600.

I want also to say here that you have just heard read the auditor's report that there is an interest account of \$46,000. That interest account, and the taking care of the pier, will be less than \$100,000; so you see that at the present time you are getting almost \$200,000 income from that State Pier:—I do not mean the State of Maine is getting it, but I do mean that the citizens of the State of Maine are getting \$200,000.

It was stated here, and I think it is the truth, that you can ship shoes

from Auburn, Maine, to California cheaper than they can ship them from St. Louis. St. Louis is a competing point with Auburn, Maine. That is one thing for the Nawsco Line. Now on top of that, if it were not for the Eastern Steamship Company, there would today be an embargo on all your stuff going to New York over the New York, New Haven and Hartford, and most of your stuff going to Boston over the Boston and Maine Railroad.

Now in shipping these cars, you know how hard it is in the rural districts to get cars to load. When the cars can be kept in Maine, they have a hold on them and can get them back; and I want to say right here that with the \$200,000 saved for the citizens of Maine, it looks to me like a small sum which we have got to pay—\$50,000—to put the sheds in repair so that they will not fall down as the Grand Trunk shed recently did, which was fixed-over twenty years ago and built forty years ago.

Now this is a business proposition. It is not like a road proposition, which I think is all right, but it is a business proposition that we get this money, get it as soon as we can, start things going and have our boats going to the eastward, so that the people of Eastport and Calais and Rockland can get the same rate that they got when the old International Line was running from Portland. This is all in our State of Maine. We know it is going to help Portland, but what helps Portland, helps every man, woman and child in the State of Maine, because why? We pay one-sixth of all your taxes right in that little city of Portland, and I tell you it is no more than fair that this resolve should go right along on its second reading and not be held up any longer. It has been held up too long already. If the emergency clause had not been taken off, you would have saved \$9,000, but it has been taken off. If it had been left on, the money would have had to come from the Contingent Fund, which was objected to by some people on account of its effect on the tax rate. Gentlemen, I thank you.

I move that the resolve be given its second reading.

Mr. NICKERSON of Swanville: Mr. Speaker, I have no intention at this time of making any extended remarks on this proposition, but I do

feel in fairness to myself and my constituents that I ought to say a word at this time, because we all know that no provision has been made in the budget for this appropriation of \$165,000 and I want to say at this time, as this is about the first large appropriation that we have made, that if we pass this, and many others to follow, we must remember that we are going back to the people of the State of Maine with a higher tax rate than ever before. We must also remember that there are industries in the State of Maine that are not in a very prosperous condition. The great industry of agriculture is today passing through the valley of a great economic depression and we must be careful here as we make these appropriations. I have no doubt, that this is a good thing for this State. But that is not the question at this time. The question is, whether we ought to make this very large appropriation this coming year or whether we cannot get along without it for the next two years and try this matter out. I, for one, do not feel that I should give my approval to this appropriation without further consideration.

Mr. ROUNDS of Portland: Mr. Speaker, I move that this resolve have its second reading. May I answer the gentleman from Swanville (Mr. Nickerson) about one thing? That wasn't in the budget bill as he says, \$165,000 but the original bill was to be taken from the contingent, not from the tax rate. Now, you know that this contingent fund will grow and grow and we don't know where it will stop if we don't take something out of it by and bye.

The resolve then had its second reading and was passed to be engrossed.

On motion by Mr. Ludgate of Patten, it was voted to take from the table the motion of Mr. Winn of Lisbon to substitute the bill for the report of the committee on Act relating to Taxation of Shares of Stock of Trust Companies, Etc. Senate Document No. 2.

Mr. LUDGATE of Patten: Mr. Speaker, I do not care to make any extended remarks at this time. I just wish to explain that I had this put on the table because it came in so quickly after the hearing before the committee, and this being the first time that this procedure has been

attempted in the House. I was a little confused and wanted to get my senses together, so I thought I would put it over until this morning. I didn't know whether anyone else besides myself was interested in it, but I find that there are plenty interested in it. When this bill came in some time ago there was a good deal of discussion as to the proper committee before whom it should be heard, and after considerable discussion it was committed to the two committees of Banks and Bankings, and Taxation. Now, after an exhaustive hearing before that joint committee, where both sides were ably represented, the committee reported that the bill ought not to pass. Now, the motion is to substitute the bill for the report. As I say, I cannot speak on the merits of the question because it has not been presented to the House, and I shall, of course, have to wait until the other side sees fit to put in its case. But I sincerely trust and assume that the House will vote to sustain the committee unless there are some arguments produced to the contrary. I hope that the vote will be No on this motion.

A viva voce vote being taken on the question of the substitution of the bill for the report, the motion to so

substitute was lost and the report of the committee ought not to pass was accepted.

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On motion by Mr. Rounds of Portland, it was voted to take from the table report of committee on Inland Fisheries and Game on Act relating to non-resident Fishing Licenses; and on further motion by the same gentleman the report was accepted.

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On motion by Mr. Barwise of Bangor, it was voted to take from the table an Act relating to the City Charter of Bangor; and upon further motion by the same gentleman the matter was referred to the Bangor delegation.

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On motion by Mr. Phillips of Orrington, it was voted to take from the table An Act to incorporate the North Orrington Cemetery Improvement Association, tabled by that gentleman on February 9th; and upon further motion by the same gentleman it was voted that this bill be referred to the committee on Legal Affairs.

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On motion by Mr. Perkins of Orono, Adjourned until tomorrow morning at ten o'clock.