

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 22, 1923

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

Prayer by the Rev. Mr. Perry of Hallowell.

Journal of previous session read and approved.

On motion by Mr. McIlheron of Lewiston the House voted to stand one minute with bowed heads and in silence out of respect to the memory of George Washington.

Thereupon the members of the House, and officers, stood for one moment in silent meditation.

Communications from the Governor

STATE OF MAINE,
Office of the Governor
February 22, 1923

To the Honorable Senate and House of Representatives of the 81st Legislature:

In my Inaugural Address I called attention to the present complicated system of the State's highway program and suggested its simplification. I have given the matter careful study and believe that the plan submitted herewith, if adopted, would do away with much of the confusion that now exists in the minds of the public in connection with the raising and expenditure of the money used by our State Highway Commission.

In the tables submitted herewith, based on the year 1922 and on such figures as we have for 1923, I have shown the amount of money available, first, for construction, giving the different classes of roads now constructed in whole or in part by money raised by the State; second, for maintenance, showing the sources from which it is derived; and third, for necessary overhead expenses, comprising State Highway Commission administration, Secretary of State for registration and licenses, and motor vehicle enforcement division.

It appears from these tables that our present laws will provide a total of \$4,137,211.23 for the calendar year of 1923 to be spent by the State Highway Commission for the various branches of State road work. If a gasoline tax of one cent per gallon is passed by this Legislature it is estimated it will produce an additional revenue of \$300,000. This

would give a total of \$4,437,211.23 of State money available for all road purposes.

I am accompanying this message with a plan as to how this money in my opinion properly could be apportioned, and in doing this have had in mind the special needs of the so-called third class roads. This plan calls for the expenditure of \$4,435,000 for all branches of the State's road work.

In order to simplify our accounting methods I suggest the creation of a State road fund into which would be paid all the fees received from the licensing of automobile drivers and the registration of automobiles, the proceeds of the road mill tax, the proceeds of the gasoline tax and the regular appropriation now made for road purposes. I suggest that all the appropriations passed by this Legislature for road construction, maintenance and overhead expenses be fixed as definite sums so all our citizens will understand the figures.

As the valuation of the State increases, and as the number of automobiles licensed increases, doubtless additional revenue will come into the State Treasury, and I suggest that everything over and above the definite sums herein provided for be expended by the State Highway Commission in the improvement of third class roads. This would provide an ever increasing amount for this class of roads.

In my opinion the second class, or State Aid, road money should be spent by the State in the following order of preference: first, to meet the requirements of towns under the general State Aid law; second, to provide for the towns that come under the 5 Times Law; and third, to meet the requirements of the towns under the 3 Towns Act. In fact I believe it would be fairer to all concerned to repeal the 5 Times Law and the 3 Towns Act. This however rests in the discretion of the Legislature.

In connection with the proposed new bond issue to supplement the \$10,000,000 issue already authorized, if this is adopted I would limit it to an issue of \$5,000,000 and would use it to complete the State Highway system during the calendar years 1925 and 1926. I hesitate to recommend the issuing of additional bonds, for I do not want the State to be overburdened with interest charges, but additional bonds are probably

necessary if the State is to continue to receive Federal Aid for roads, and some provision should be made to meet the Federal requirements for the years in question. If new bonds are issued they should be used only to match Federal aid and this could be provided for in the Constitutional amendment. All bonds should be serial and provision should be made that they cannot be reissued after maturity.

A careful study of the details herein will enable the members of the Legislature to see at a glance where the State's road money comes from, what is now done with it, and what can be done with it in the future. A decided advantage will result in having clean cut appropriations for each and every item of the State's road program and all uncertainties then would be done away with.

Should the State's road money fall below the estimated receipts a pro rata reduction could be made in each of the items of expenditure, but in the light of past experience and of what has occurred in other states, this is not to be expected.

In order to be sure that the figures presented herewith are correct, after preparing them they were submitted to the bookkeeping department of the Highway Commission and have been checked over by them.

If the accompanying suggestions are adopted they would do away with much bookkeeping and any citizen of the State could tell just where the money comes from and what it is used for.

I submit this to you for your consideration.

Respectfully submitted,
Percival P. Baxter,
Governor of Maine.

CONSTRUCTION

First Class Roads, \$10,000,000 Bond Money, 1923	\$1,600,000.00	
(\$704,500 will remain to be issued in 1924)		
Federal Aid, 1923,	700,000.00	\$2,300,000.00
(½ Allotment from United States, estimated)		
Second Class Roads,		
Legislature appropriates by law 1923	300,000.00	
Portion of Mill Tax, fixed by law 1923	200,000.00	500,000.00
Third Class Roads,		
1-3 of Mill Tax, 1923		224,255.91
(Towns may use 25% of allotment for maintenance)		
Legislative Roads,		
1-6 of Mill Tax, 1923		112,127.95
Bridges,		
½ of amount Bond Money allotted for Bridges, 1923		150,000.00
Total United States and Maine Money		\$3,286,383.86
Less United States Aid		700,000.00
Total Maine Money		\$2,586,383.86

MAINTENANCE

Residue of Mill Tax, for First Class Roads, 1923	\$136,383.88
(Can be used for construction)	
Residue of Auto Fees, 1922, for First and Second Class	769,199.58
	\$905,583.46
(Received from Towns for Maintenance, 1922, \$228,578.09 not included here but available for maintenance; total \$1,134,165.55)	

OVERHEAD EXPENSES

Auto Fees, 1922, Maturing bonds and interest, 1922	\$414,330.00
(Total, \$1,414,443.49)	
(Will be increased in 1923 by interest on new bonds to be issued under \$10,000,000 Act)	
Administration Charges:	
State Highway Commission	\$68,813.23
Secretary of State	\$1,287.45
Motor Vehicle Department	\$0,813.23
	\$70,913.91
	\$645,243.91

TOTAL MONEY AVAILABLE	
Construction, Maine Money	\$2,586,383.86
Maintenance, Maine Money	905,583.46
Overhead Expenses, Maine Money	645,243.91
	\$4,137,211.23
New Sources of Revenue	
Gasolene tax at 1 cent	300,000.00
Suggested $\frac{1}{2}$ for Third Class Roads	
$\frac{1}{2}$ for Maintenance	
	\$4,437,211.23

A PLAN FOR THE CALENDAR YEAR OF 1923
CONSTRUCTION

First Class Roads, Bond Money, (Maine)	\$1,600,000.00
Bridges, " "	150,000.00
Second Class Roads, straight appropriation	500,000.00
Third Class Roads, " "	375,000.00
Legislative Roads, " "	100,000.00
	\$2,725,000.00

MAINTENANCE

First and Second Class Roads,	\$1,050,000.00
Towns to pay \$60.00 and \$30.00 per mile as at present.	
(Received \$228,578.09 in 1922 from Towns; not included in this item)	

OVERHEAD EXPENSES

Maturing Bonds and Interest, estimated 1924,	\$460,000.00	
Administration Charges		
State Highway Commission	200,000.00	660,000.00
Secretary of State		
Motor Vehicle Department		\$4,435,000.00

The foregoing communication was ordered placed on file.

On motion by Mr. Hutchinson of Brunswick, that gentleman was permitted to present the following order, out of order:

Ordered, that 500 copies of the Governor's Message, submitting a road program, be printed for the use of the Legislature.

The order received passage.

STATE OF MAINE

Office of the Governor

February 22, 1923

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval

An Act to Amend Section Seventy of Chapter Eight of the Revised Statutes as Amended by Chapter Eighty-three of the Public Laws of Nineteen Hundred and Twenty-one, Relating to Forest Fire Fighters in the Maine Forestry District.

This act seeks to amend the law in relation to the fighting of forest-fires. Its purpose is of course commendable, but in my opinion the proposed amendment would interfere with the rights of citizens and would

give too much authority to the fire wardens. Under the present law the chief forest fire wardens and the deputy forest fire wardens "may summon to their assistance any person found within the State and each person so summoned shall be paid" a fixed sum.

The amendment to the law is as follows: "If any person so ordered to assist and not excused from said service by the chief forest fire warden or deputy fire warden on account of sickness, disability or other valid reason, shall neglect to comply with such order he shall be subject to a fine of ten dollars."

The existing provision of law authorizes the fire wardens to summon any citizen to their assistance, which in itself is unusual, but where no penalty is provided for refusing to obey the summons the law cannot be abused. In my opinion, however, to place the proposed power in the hands of State employees is both dangerous and unwise. The law as it reads today is in the nature of a draft law, and the amendment would give too much power to the employees of a State department.

The personal rights and liberties of our citizens must be protected. When forest fires occur there naturally is great excitement and an official unaccustomed to calm deliberate

thinking might transgress his authority and impose hardships upon those over whom he is given control.

I appreciate the necessity of having efficient fire protection in the timberlands of Maine but the law in question, in my opinion, is an unwarranted expansion of administrative authority and for this reason I return it herewith without my approval.

Respectfully,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine

The SPEAKER: The question is shall this bill become a law notwithstanding the objections of the Governor. It requires a yea and nay vote. Those in favor of the bill becoming a law notwithstanding the objections of the Governor will vote yes when their names are called; those wishing to sustain the Governor's veto will vote no when their names are called. Is the House ready for the question? The clerk will call the roll.

Mr. CURTIS of Brewer: Mr. Speaker, will you please state the question again? There are a few who do not understand it.

The SPEAKER: The Chair will restate it. Shall this bill become a law notwithstanding the objections of the Governor? Those who favor the bill becoming a law notwithstanding the objections of the Governor will vote yes when their names are called. Those who wish to sustain the veto of the Governor, or, in other words, those who are opposed to the bill becoming a law, will vote no. Is the House ready for the question. Thereupon the question was called for.

NAY—Adams, Liberty; Adams, Litchfield; Archibald, Atwood, Ayer, Baker, Bartlett, Hanover; Bartlett, Waterville; Barwise, Beckett, Belliveau, Benoit, Bisbee, Blaisdell, Boman, Boulter, Bradbury, Brewster, Brown, Burns, Cates, Chalmers, Cherry, Clarke, Conant, Crafts, Cummings, Curtis, Dain, Douglas, Downing, Drake, Dudley, Dunbar, Dunn, Edwards, Farley, Fickett, Finnell, Foss, Gagne, Gagnon, Gardiner, Gauvin, Gile, Gillespie, Gilmour, Goldthwaite, Granville, Greenleaf, Hale, Hamilton, Hammond, Hayes, Chelsea; Hayes, Gorham, Hayford, Heal, Hobbs, Hodgkins, Holmes, Houghton, Hutchinson, Jewett, Johnson, Jones, Jordan, Cape Elizabeth; Jordan, Westbrook; Keef, Keene, Kitchen, Lamson, Leathers, Leland, Littlefield, Lord, South Portland; Lord, Wells; Ludgate, Macomber, Maher, Martin, McDonald, Mellheron, Moody, Morrison, Morse, Bath; Nadeau, Nevins, Newcomb, Nickerson, O'Connell, Overlock, Owens,

Palmer, Pendleton, Perry, Phillips, Pierce, Pinkham, Ramsdell, Ranney, Ray, Reed, Rogers, Rounds, Rowell, Sanders, Saunders, Stayward, Siddall, Smith, Sparrow, Staples, Stevens, Stitham, Storm, Story, Stratton, Sturgis, Tarr, Teague, Thomas, Chesterville; Thomas, Leeds; Tilden, Towne, Weeks, Whitney, Williams, Willis, Wing, Winn, Winslow, Wood.

131 in the negative, none in the affirmative.

ABSENT—Bickford, Brett, Crowley, Dilling, Gamage, Gordon, Hallett, Jacobs, Knight, Melcher, Morse, Greene; Nichols, Oakes, Perkins, Piper, Plummer, Small, White, Wood.

The SPEAKER: One hundred and thirty-one having voted and all in the negative, the veto of the Governor is sustained.

Papers from the Senate disposed of in concurrence.

From the Senate: The following order:

ORDERED, WHEREAS, It is the opinion of the 81st Legislature that had it not been for fuel director, Andrew P. Lane, the citizens of Maine would have been subjected to severe hardship and would have been obliged to pay excessive prices for their fuel, and that in addition thereto many of the industries of the State would have been closed.

NOW, THEREFORE, the House concurring, the 81st Legislature tenders its thanks to Mr. Lane for the unselfish and efficient service he has rendered to the citizens and industries of this State.

In the Senate, read and passed.

In the House, on motion by Mr. Moody of York, read and passed in concurrence by a rising vote.

First Reading of Senate Bills

Senate 101. An Act to amend Section 58 of Chapter 8 of the Revised Statutes, as amended by Chapter 5 of the Public Laws of 1919, relating to forest fire signs.

Senate 102. Resolve in favor of the Maine State prison for maintenance and current expenses.

(At this point Mr. Gardiner of Gardiner assumed the Chair).

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

Agriculture

By Mr. Phillips of Orrington: An Act relating to appropriations made in favor of the department of agriculture. (500 copies ordered printed)

Banks and Banking

By Mr. Holmes of Lewiston: An Act to permit savings banks to pay quarterly as well as semi-annual dividends if they desire. (500 copies ordered printed)

Inland Fisheries and Game

By Mr. Ludgate of Patten: Remonstrance of H. M. Cunningham and 57 others against shortening the hunting season.

By Mr. Crafts of Greenville: An Act to amend Section 9 of Chapter 219 of the Public Laws of 1917, relating to the screening of lakes and ponds.

By Mr. Lord of Wells: An Act additional to Section 19 of Chapter 219, Public Laws of 1917, prohibiting still or plug fishing, so-called, in Sebago Lake, in Cumberland county.

Judiciary

By Mr. Thomas of Leeds: Petition of M. D. Tibbetts, Rangeley, Maine, and 40 other citizens of Maine in favor of a Constitutional amendment prohibiting the use of public funds for sectarian schools.

By Mr. Sparrow of Pittston: An Act to regulate the civil jurisdiction of inferior courts.

By Mr. Maher of Augusta: An Act to amend Section 34 of Chapter 64 of the Revised Statutes relating to return of divorce. (500 copies ordered printed)

By Mr. Keef of Vanceboro: An Act to amend Section 2 of Chapter 32 of the Revised Statutes, relating to traveling circuses.

(500 copies ordered printed)

By Mr. Maher of Augusta: An Act to amend Section 36 of Chapter 67 of the Revised Statutes relating to jury trials in probate appeals.

(500 copies ordered printed)

By Mr. Phillips of Orrington: An Act providing for full time service of State officials.

(500 copies ordered printed)

By Mr. Maher of Augusta: An Act to amend Sections 92 and 94 of Chapter 82 of the Revised Statutes relative to procedure in civil cases in superior courts.

(500 copies ordered printed)

Legal Affairs

By Mr. Curtis of Brewer: Petition of D. J. Mooney and 17 others in favor of an act to amend charter of the city of Brewer relative to the election of city officers.

By the same gentleman: Petition of Charles F. Colson and 16 others in favor of same.

By Mr. Moody of York: An Act to repeal Chapter 138 of the Public Laws of 1895, entitled "An Act to authorize the appointment of commissioners for the promotion of uniformity of legislation in the United States."

(500 copies ordered printed)

By the same gentleman: An Act to amend Section 7 of Chapter 140 of the Revised Statutes, relating to accounts of agents appointed to receive fugitives from justice.

(500 copies ordered printed)

Mercantile Affairs and Insurance

By Mr. Drake of Bath: An Act to establish the office of State Fire Marshal, defining his powers and duties and providing for the maintenance of his office out of the fees collected, and not otherwise.

(500 copies ordered printed)

Public Health

By Mr. Phillips of Orrington: An Act to amend Chapter 197 of the Public Laws of 1917, entitled "An Act to create a State Department of Health."

(500 copies ordered printed)

Sea and Shore Fisheries

By Mr. Phillips of Orrington: An Act to amend Section 18 of Chapter 45 of the Revised Statutes as amended by Chapter 23 and Chapter 233 of the Public Laws of 1917 as amended by Section 2 of Chapter 98 of the Public Laws of 1921, relating to Sea and Shore Fisheries.

(500 copies ordered printed)

State Sanatoriums

By Mr. Weeks of Fairfield: Resolve in favor of Central Maine Sanatorium for personal services, maintenance, repairs and equipment.

Taxation

By Mr. Hutchinson of Brunswick: An Act to amend Section 29 of Chapter 9 of the Revised Statutes, relating to time of payment of excise tax on railroads.

(500 copies ordered printed)

Temperance

By Mr. Weeks of Fairfield: An Act to amend Chapter 107 of the Revised Statutes, prohibiting the manufacture of intoxicating liquors.

(500 copies ordered printed)

Reports of Committees

Mr. Beckett from the committee on salaries and fees reported "ought not to pass" on bill, an act to amend Section 43 of Chapter 117 of the Revised Statutes, affecting the salary of the register of probate of Penobscot county.

Report read and accepted, and sent up for concurrence.

Mr. Phillips from the committee on legal affairs on bill, An Act to incorporate the Grand Temple Pythian Sisters of Maine, reported same in a new draft under same title and that it ought to pass.

Mr. Beckett from the committee on salaries and fees on bill, An Act increasing the amount allowed for clerk hire in certain county offices in Penobscot county, reported same in a new draft under title of "An Act increasing clerk hire in office of register of deeds in Penobscot county," and that it ought to pass.

Same gentleman from same committee on bill, An Act to increase the salary of the judge of the municipal court of Dexter, reported same in a new draft under same title and that it ought to pass.

Same gentleman from same committee on bill, An Act to amend Section 3 of Chapter 325 of the Private and Special Laws of 1897, as amended by Chapter 17 of the Private and Special Laws of 1909, as amended by Chapter 101 of the Private and Special Laws of 1921, providing for clerk hire by the judge of the municipal court of Waterville, reported same in a new draft under title of, An Act to amend Section 3 of Chapter 325 of the Private and Special Laws of 1897, as amended by Chapter 17 of the Private and Special Laws of 1909, as amended by Chapter 101 of the Private and Special Laws of 1919, providing for clerk hire by the judge of the municipal court of Waterville, and that it ought to pass.

Mr. Stratton from same committee on bill, An Act to fix the salary of the judge of the municipal court of Pittsfield, reported same in a new draft under same title and that it ought to pass.

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

Same gentleman from same committee reported ought to pass on bill, An Act relating to clerk hire in office of register of deeds for county of Penobscot, to correct clerical error.

Mr. Moody from same committee reported same on bill, An Act to increase the salary of clerks in the office of register of probate in Hancock county.

Mr. Baker from the committee on sea and shore fisheries reported same on bill, An Act to amend Section 74 of the Revised Statutes, as amended by Chapter 71, Public Laws of 1917, relating to the regulation of smelt fishing.

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

First Reading of Printed Bills

House 136: An Act to unite the Preachers' Aid Society of the Maine Conference of the Methodist Episcopal Church and the Preachers' Aid Society of the Eastern Maine Annual Conference of the Methodist Episcopal Church.

House 137: An Act to amend Sections 43 and 46, Chapter 18, Revised Statutes of Maine, relating to optometry.

House 138: An Act repealing Chapter 66 of the Private and Special Laws of 1919 relating to Biddeford & Saco Water Co.

House 139: An Act to amend the Charter of Home for Aged Men.

Passed to Be Engrossed

Senate 97: An Act to amend Section 40 of Chapter 117 of the Revised Statutes relative to compensation of clerks of courts of Cumberland county.

Senate 98: An Act to amend Section 2, Chapter 118, Revised Statutes as amended by Chapter 125, Public Laws of 1921, relating to fees of trial justices.

Senate 99: Resolve in favor of the Maine State Prison at Thomaston for the repair of outside buildings.

Senate 100: Resolve in favor of Maine State Prison at Thomaston for the completion of the new cell block.

House 134: An Act to amend Chapter 136 of the Public Laws of 1921, relating to night fishing in certain waters of Kennebec county.

House 135: An Act to amend Sections 38 and 39 of Chapter 8 of the Revised Statutes, relative to the

suspension by the Governor of open season for hunting.

House 132: Resolve making an appropriation for co-operative agricultural work between the College of Agriculture of the University of Maine and the United States Department of Agriculture.

House 133: Resolve in favor of Jesse Overlock, secretary of committee on State Prison.

(At this point Speaker Holley resumed the Chair)

Passed to Be Enacted

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.

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

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.

An Act to amend Section 1 of Chapter 185 of the Private and Special Laws of 1823, relating to the limit of the endowment fund of Foxcroft Academy.

Finally Passed

Resolve appropriating money for the purpose of rebuilding the steam-

ship sheds of the State Pier at Portland.

(Tabled by Mr. McIlheron, pending final passage)

Orders of the Day

Mr. BAKER of Steuben: Mr. Speaker, the continued absence of some of our brother members by reason of illness makes it seem to me fitting that a small sum of money be solicited among the members of this House that we may send some flowers, or token of our respect and esteem, to those who are forced by illness to be absent from this House; and I move you, Mr. Speaker, that you appoint a committee of three to so solicit small sums of money among our members that a fund may be established to accomplish this purpose.

Mr. WOOD of Bluehill: I second the motion, Mr. Speaker.

The SPEAKER: Mr. Baker of Steuben moves that a committee be appointed to solicit contributions from members of this House for the purpose of remembering the sick members, and that the same committee attend to the distribution of the gifts.

The motion prevailed; and the Chair appointed as such committee Messrs. Baker of Steuben, Houghton of Fort Fairfield and Holmes of Lewiston.

On motion by Mr. Ranney of Winn,
Adjourned until ten o'clock tomorrow morning.