

# 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**

Friday, February 23, 1923.

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

Prayer by the Rev. Mary L. Hadley of Hallowell.

Journal of previous session read and approved.

(Mr. Maher of Augusta assumed the Chair.)

Papers for the Senate disposed of in concurrence.

**First Reading of Senate Bill**

Senate 108. An Act providing for a jeweler's lien.

Senate 109. An Act to amend Chapter 163, S. L., 1913, relating to a close time on lobsters in the waters of Jonesboro and Addison in Washington county.

From the Senate: The following order was received from the Senate out of order.

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Monday, February 6 at 4.30 in the afternoon.

The order received passage in concurrence.

**First Reading of Senate Bills—Continued**

Senate 110. An Act to amend Chapter 172, S. L., 1899, relating to a close time on lobsters in Pigeon Hill Bay in the towns of Milbridge and Steuben.

Senate 111. An Act to amend Chapter 121, S. L., 1915, as amended by Chapter 89, S. L., 1917, relating to a close time on lobsters in the waters of Machias Bay and adjacent waters, in the county of Washington.

Senate 112. An Act to amend Chapter 380, Special Laws 1908, as amended by Chapter 84, Special Laws 1915, relating to a close time on lobsters in the bays of the towns of Gouldsboro, Eden, Trenton, Lamoine, Hancock, Sullivan and Sorrento

Senate 113. An Act to amend Chapter 122, S. L. 1915, relating to a close time on lobsters in the waters of Jonesboro and Roque Bluffs in Washington county.

Senate 115. An Act to amend Chapter 154, Special Laws 1915, re-

lating to a close time on lobsters in the towns of Cutler, Trescott and Lubec, in Washington county.

From the Senate: Communication from the Governor relating to municipal accounting.

This was referred, with accompanying papers, to the Committee on Legal Affairs in the House, February 21.

In the Senate, referred to the committee on Cole Report in non-concurrence.

In the House, on motion of Mr. Granville of Parsonfield it was voted to recede and concur with the Senate.

**ORDERS**

Mr. McIlheron of Lewiston presented the following order:

Ordered, the Senate concurring, that a committee be appointed consisting of seven on the part of the House, with such as the Senate may join, to be known as Committee on State Pier, to investigate the advisability of rebuilding Steamship Sheds at the State Pier at Portland, to hold public hearings thereon, with power in them to summon witnesses, compel production of documents, administer oaths, take evidence, and to employ clerical assistance. The expense of such committee to be charged to Legislative expense.

Mr. ROUNDS of Portland: Mr. Speaker and Gentlemen, I want to say here that I, for one, (and I think every member of this House also) want to know, if there is anything wrong with this State Pier matter. It was one of the first bills introduced in this Legislature, it has been heard and reheard and rehashed and carefully and fully considered, but if the gentleman from Lewiston (Mr. McIlheron) has got anything in his pocket, as I have been told he has, I hope that he will produce it here in this House today, so that every man here may know about it, and if he has got any letter referring to this matter in his pocket I wish that he would read it at this time.

Mr. GRANVILLE of Parsonfield, Mr. Speaker and Gentlemen, I believe this matter was referred to one of the most carefully selected committees of all the committees, the Committee on Appropriations and Financial Affairs, and they have given this matter very careful consideration and have even been to

Portland and investigated this pier question on the ground, and they have reported that this bill ought to pass. Now, it seems to me that the appointment of another committee would be simply dilatory in its intent and I move you the indefinite postponement of this order.

Mr. PHILLIPS of Orrington: Mr. Speaker and members of the House of Representatives, I had not intended speaking on this matter but I will state, as a member of the Committee on Appropriations and Financial Affairs, the stand that I, myself, and perhaps the other members of the committee, took regarding this matter. In the first place I wish it clearly understood that your committee took no action, nor discussed nor considered the matter of the State Pier. That has gone into history. The matter before the committee was the re-building of these sheds. Your committee thought that in view of the importance of the appropriation and its size, they should go down there to Portland and look the matter over. And we did, and we held hearings, and we have looked at the matter in this light; we have the State Pier, we have the sheds, and the shed proposition is not a good business proposition for the State of Maine. Something has got to be done, however, regarding the re-building of the pier and sheds, and we took up the matter of a partial appropriation, that is, rebuilding the pier and letting the sheds go. The engineers satisfied your committee that that would be a much greater expense and that both should be done together as a matter of economy, and we have considered, that in view of the fact that this is State property, that it must be repaired. We could see no other way than to repair it. I do not intend to fight for this appropriation. I simply want to state to you the position of your committee as regards that matter. And I hope this motion will not have passage.

Mr. GILMOUR of Westbrook: Mr. Speaker, this part of the State Pier under consideration is the old Franklin Wharf. Now, I know about as much about this Franklin Wharf as any member who is here or who is, on the State Commission. I have worked on that wharf, on and off, for the last sixty years, in fact for the last sixty-two years, on and off, and I have been

in business right at the head of that wharf. Now, I have no personal interest whether that money is appropriated or not, but I am here to do what I can for the benefit of the State. This is an investment of the State that will pay ten per cent interest. They are willing to pay ten per cent interest on this money that is asked for, and that part of the wharf that needs fixing is the old Franklin Wharf. It has been there for a great many years and now it is a blot on the whole State Pier. The rest of the State Pier I am very proud of. It is in good shape and this part that needs re-building, this old Franklin Wharf, was given to the State by the City of Portland itself. It needs repairing very much and on the side of the Pier that needs repairs the New York and Boston boats come in, and the coastwise boats that trade there and feed these larger boats, the Boston boats and the New York boats, come right in on that side of the pier, on the old side of the pier. Now, if this Legislature wants to go down in history as a do-nothing Legislature and as impeding the progress of the State, they will vote for an investigating committee.

This matter has been thoroughly and carefully investigated. We have had the committee here and many others who are interested, besides members of the State Board of Commerce and we have had all the plans and specifications explained to us time and time again, and I know of no questions that have been asked regarding this whole matter that have not been satisfactorily answered. Your committee has thoroughly investigated the whole thing and they are satisfied. Now, if we want to go down in history as a Legislature that has made one of the most progressive movements in the history of the State of Maine, we will vote against this resolution I hope it will not pass. We have been here long enough. We do not want to delay the Legislature any longer than it has been delayed already. We want to accomplish something. Now, we are all familiar with this matter of the old Franklin Wharf and its connection with the State Pier. We do not want to leave it as it is. There is no use in doing a half way job. Let us do it all. And we know that this money will bring ten per cent. Now let us do something. Let us make some

progress. Gentlemen, I thank you.

Mr. BARWISE of Bangor: Mr. Speaker, this calling for a special investigation at this stage of the proceedings in this matter seems to me to be a highly dangerous thing to do. It is creating one of those dangerous precedents that when once started no one knows where it is going to stop. If everyone in the House, during the next few weeks, who is dissatisfied with the report of one of our regular committees, introduces an order for a special committee to hold hearings and take testimony, we shall be here until next fall. This matter has been investigated by one of the most competent of the committees, and one that was picked out for its special business judgment—the committee on appropriations and financial affairs. They have gone into the whole matter thoroughly and carefully, and if there had been anyone in the State of Maine who had any grievance to bring up or any proposition to make or any facts to reveal it should have been done before this committee. The committee has now made its report as to how this matter should be disposed of and it seems to me that this would be a very dangerous precedent to establish, if we allow this order to go through. I hope that the motion of the gentleman from Parsonsfield, Mr. Granville, will prevail, indefinitely postponing the order.

Mr. ROUNDS: Mr. Speaker and Gentlemen, I do not want you to think for a moment that I am against the appropriation for the State Pier. I am thoroughly and heartily in favor of it, but if the gentleman from Lewiston (Mr. McIlheron), as I have been told is the case, has anything in his pocket that would throw any light on this matter of the State Pier, I wish he would present it at this time, so that we may all know how to vote. I would like to ask Mr. McIlheron through the Chair if he has anything of interest regarding this matter, to present it to this House now.

The SPEAKER pro tem: The gentleman from Portland, Mr. Rounds, asks the gentleman from Lewiston, Mr. McIlheron, if he has anything pertinent to this matter that he desires to present at this time. The gentleman from Lewiston (Mr. McIlheron), may answer the question or not.

Mr. McILHERON of Lewiston: Mr. Speaker, I do not care to answer that question at the present time.

The SPEAKER pro tem: Is the House ready for the question?

Mr. McILHERON: Mr. Speaker, I made the motion yesterday to lay the matter on the table, and I want it distinctly understood that I have no personal interest in this matter whatsoever, any more than it pertains to the people of the State of Maine and the taxpayers. I would say that I have very important information in my pocket relative to this matter, but I did not want to assume the responsibility of presenting the matter before the committee until it was substantiated by people who are willing in this State, the taxpayers, to come forward and give the information. I have come into this House and taken an oath before God that I would do my duty as I saw it. And I was accused on this floor yesterday, by a man who says he has something personal that he wants to show up, something in my character, in my public acts in this Legislature. If he has got any information of that kind I wish you would have a committee appointed to investigate and find out what it is. I want to say one thing more about this matter: that I am honest in regard to it. And I do not believe in shutting my eyes and putting my hand into the public treasury for public money to be expended for personal interest. I am opposed to that and I want this Legislature and the people of the State of Maine to distinctly understand that I do not want to squander this money unless I know what it is for and that they are perfectly satisfied that it should be spent. This is a very serious matter, a matter that the people of the State of Maine will hold you responsible for, and if you want to keep it in the dark and keep it away from the people, you can do that if you wish. That is your prerogative. But if you want the clear light of day to shine on your actions, I tell you, gentlemen, to vote against Mr. Granville's motion. If you vote for it you are making the awful mistake of going back to the people and telling them that you want to keep them in the dark and that they have got nothing to say about it, and that you are the men who are doing the work here and you will do it as you please, and you will not permit any investigation. Now, gentlemen, I want investigation. We have fooled away considerable time here. This Legislature has been waiting for work and I have been waiting for two weeks to

see this measure come into the House, and it was almost shot through before I could get a chance to put it on the table, so that the people of the State of Maine, the taxpayers of this State, would know where the money was going and how it was being spent. And I hold you responsible, gentlemen of this House, if you take the responsibility of trying to keep the people in the dark in regard to the money that is being spent, and taken out of their pockets.

The SPEAKER pro tem: The pending question is upon the motion of the gentleman from Parsonsfield, Mr. Granville, that the order presented by the gentleman from Lewiston, Mr. McIlheron, shall be indefinitely postponed.

Mr. ROUNDS of Portland: I ask that the vote be taken by the yeas and nays.

(Cries of "No" from the House.)

The SPEAKER pro tem: The yeas and nays are called for. All those who are in favor of the vote being taken by yeas and nays will arise and stand in their places until counted.

A sufficient number not having arisen, the motion was lost.

The SPEAKER pro tem: And is the House ready for the question? The Chair will again state the question. It is upon the adoption of the motion of the gentleman from Parsonsfield, Mr. Granville, to indefinitely postpone the order introduced by the gentleman from Lewiston, Mr. McIlheron. All those who are in favor of its indefinite postponement will manifest it by saying "Aye"; contrary minded, "No."

A viva voce vote being taken, the order was indefinitely postponed.

Mr. Gilmour of Westbrook then moved that the vote be reconsidered, whereby this order was indefinitely postponed.

The question being on the motion to reconsider the vote whereby this order was indefinitely postponed.

A viva voce vote being taken,

The motion to reconsider was lost.

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

#### Education

By Mr. Rounds of Portland: Petition of Harold D. Johnson and 40 other citizens of Maine in favor of a

Constitutional Amendment prohibiting the use of public funds for sectarian schools.

By Mr. Hale of Portland: Petition of Lester F. Wallace and 40 others in favor of same.

#### Inland Fisheries and Game

By Mr. Morrison of Phillips: Remonstrance of D. F. Hoyt and 24 others in opposition to an act to regulate fishing in Sandy River.

By the same gentleman: Remonstrance of F. N. Beal and 37 others in opposition to the same.

By the same gentleman: Remonstrance of H. J. Beal and 33 others in opposition to the same.

By the same gentleman: Remonstrance of Cony M. Hoyt and 80 others in opposition to the same.

#### Legal Affairs

By Mr. Curtis of Brewer: An Act to provide for the nomination of candidates for office by political parties. (1000 copies ordered printed.)

#### Sea and Shore Fisheries

By Mr. Barwise of Bangor: An Act to amend Section 35 of Chapter 45 of the Revised Statutes as amended by Section 8 of Chapter 184 of the Public Laws of 1919, relating to the buying and possession of lobsters.

#### State Lands and Forest Preservation

By Mr. Rounds of Portland: An Act to amend Section 53 of Chapter 8 of the Revised Statutes as amended by Chapter III of the Public Laws, 1919, and Chapter 174 of the Public Laws, 1921, relative to the Slash Law. (500 copies ordered printed)

#### Temperance

By Mr. Jones of South Portland: An Act to amend Section 21 of Chapter 127 of the Revised Statutes of Maine as amended by Chapter 235 of the Public Laws of 1919, relating to flavoring, extracts and syrups as intoxicating liquors.

By the same gentleman: An Act to amend Section 22 of Chapter 127 of the Revised Statutes of Maine, as amended by Chapter 291 of the Public Laws of 1917, relating to the sale of flavoring extracts.

#### Reports of Committees

Majority report of the committee on public health on Bill "An Act to accept the provisions of the Act of the Congress of the United States, approved Nov. 23, 1921, entitled 'An Act for the promotion of the welfare

and hygiene of maternity and infancy and for other purposes" reporting same in a new draft under the same title and that it ought to pass.

(Signed)

Messrs. PICKETT,  
BRADBURY,  
Mrs. PINKHAM,  
Messrs. PIERCE,  
BROWN,  
RAY,  
CROXFORD.

Minority Report of same Committee on same subject matter reporting same in a new draft under title of "Resolve appropriating \$30,000 for the promotion of the welfare and hygiene of maternity and infancy in the State of Maine," and that it "Ought to pass."

(Signed)

Messrs. PHILLIPS,  
REED,  
ALLEN.

(On motion by Mrs. Pinkham of Fort Kent, tabled pending acceptance of either report, and Wednesday, Feb. 28th, assigned for consideration.)

Mr. Curtis from the committee on State lands and forest preservation on resolve relating to the acquirement of certain lands in the Ogunquit Village Corporation in the town of Wells, for a public park, and making an appropriation therefor, reported that the same be referred to the committee on judiciary and that 500 copies be printed.

Report was read and accepted, and the Bill ordered printed and referred to the committee on judiciary.

Mr. Gardiner from the committee on judiciary reported ought not to pass on Bill an Act to amend Chapter 147 of the Revised Statutes as amended by Chapter 80 of the Public Laws of 1917, relating to the State Board of Charities and Corrections.

(Tabled by Mr. Brewster of Dexter, pending acceptance of report.)

Mr. Saunders from the same committee reported same on bill an Act to change the time of holding the annual meeting of the town of East Livermore, to enlarge the powers and duties of the selectmen, to abolish certain officers and to provide for the administration of town affairs.

Mr. Nevins from the committee on pensions reported same on resolve providing a State pension for Etta Robinson of Oxford.

Mr. Hammond from the Committee on State Lands and Forest Preservation reported same on Bill "An Act authorizing the town of

Cooper to withdraw from the Maine Forestry District."

Same gentleman from same Committee reported same on Bill "An Act authorizing the town of Eagle Lake to withdraw from the Maine Forestry District."

Mr. Granville from same Committee reported same on Bill "An Act authorizing Caratunk Plantation to withdraw from the Maine Forestry District."

Reports were read and accepted and sent up for concurrence.

Mr. Smith from the committee on Towns on bill, an act to divide the town of Jonesport, and incorporate the town of Beals, reports that the same "ought not to pass."

(On motion of Mr. Rounds of Portland, tabled pending acceptance of report.)

Mr. Houghton from the Committee on Appropriations and Financial Affairs on Bill "An Act to promote the production and sale of Certified Seed and to protect the branding thereof; making an appropriation therefor, and repealing Chapter 141, Public Laws of 1917" reported same in a new draft under same title and that it ought to pass.

Mr. Saunders from the Committee on Judiciary Bill "An Act to limit and define the Powers of the Trustees of the Portland Water District in certain things" reported same in a new draft under title of "An Act additional to Chapter 433 of the Private and Special Laws of 1907, entitled 'An Act to incorporate the Portland Water District,' and to limit and define the Powers of the Trustees of said Portland Water District in certain things," and that it "Ought to pass."

Mr. Wood from the Committee on Pensions on Resolve providing a State Pension for Marie N. Varrell, reported same in a new draft under same and that it "Ought to pass."

Same gentleman from same Committee on Resolve increasing Pension of Lester Patten of Hermon, reported same in a new draft under same title and that it "Ought to pass."

Mr. Nevins from same Committee on Resolve in favor of State Pension for Levi Holden, reported same in a new draft under same title and that it "Ought to pass."

Mr. Leathers from same Committee on Resolve increasing the State Pension of Charles D. Preble of Kit-tery, 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 to amend Section 11 of Chapter 211 of the Private and Special Laws of 1895, as amended by Chapter 101 of the Private and Special Laws of 1909, as amended by Chapter 146 of the Private and Special Laws of 1915, as amended by Chapter 33 of the Private and Special Laws of 1919, relating to the Salaries of the Judge and Recorder of the Bangor Municipal Court" reported same in a new draft under title of "An Act to amend Section 11 of Chapter 211 of the Private and Special Laws of 1895, as amended by Chapter 101 of the Private and Special Laws of 1909, as amended by Chapter 146 of the Private and Special Laws of 1915, as amended by Chapter 33 of the Private and Special Laws of 1919, relating to the Salary of the Recorder of the Bangor Municipal Court" and that it "Ought to pass."

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Boulter from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve in favor of the Board of Registration of Medicine.

Mr. Sanders from same Committee reported same on Resolve appropriating money for the Commissioners of Pharmacy.

Mr. Archibald from the Committee on Judiciary reported same on Bill "An Act to amend Chapter 31 of the Private and Special Laws of 1905 entitled 'An Act to authorize the Houlton Water Company to generate, sell and distribute electricity, as amended by Chapter 348 of the Private and Special Laws of 1909.'"

Same gentleman from same Committee reported same on Bill "An Act relative to Motor Vehicles, Neutral Zone, and to revive and amend Sections 34 and 75 of Chapter 211, of Public Laws of 1921."

Same gentleman from same Committee reported same on Bill "An Act to amend Chapter 145 of the Private and Special Laws of 1887, entitled 'An Act to provide Sewerage in the town of Houlton,' as amended by Chapter 142 of the Private and Special Laws of 1903 and by Chapter 107 of the Private and Special Laws of 1907."

Same gentleman from same Committee reported same on Bill "An Act to further amend Chapter 352

of the Private and Special Laws of 1905, relating to the Caribou Municipal Court, as amended by Section 8 of Chapter 257 of the Laws of 1909."

Mr. Weeks from same Committee reported same on Bill "An Act to amend Sections 59 and 60, Chapter 18, Revised Statutes, relating to Registration of Veterinary Surgeons."

Mr. Morrison from the Committee on Legal Affairs reported same on Bill "An Act to ratify, affirm and make valid the reorganization of the Parish of the Protestant Episcopal Church in Bangor."

Mr. Newcomb from the Committee on Pensions reported same on Resolve providing for State Pension for Mary A. Grant of Etna.

Mr. Winn from the same Committee reported same on Resolve in favor of Mary E. Ames of Stockton Springs for State Pension.

Mr. Nevins from the same Committee reported same on Resolve in favor of Mary S. Hillman for State Pension.

Mr. Hodgkins from the Committee on Public Utilities reported same on Bill "An Act to extend the Charter of Penobscot Valley Gas Company."

Reports read and accepted and the Bills and Resolves ordered printed under the Joint Rules.

Mr. Holmes from the committee on Legal Affairs reported "ought to pass" on Bill, An Act to amend the charter of the city of Hallowell, relative to the appointment of the City Marshal and Street Commissioner.

Report read and accepted and the bill ordered printed under the joint rules.

Report of the committee appointed by the 81st Legislature to consider the 1922 report of the State assessors.

The joint select committee appointed by the 81st Legislature to consider the recommendations in the report for 1922 of the Board of State assessors, charged with the duty of reporting to the Legislature by bill or otherwise. — — —

On motion by Mr. Gardiner of Gardiner, it was voted to dispense with the further reading of this report, and that 2,000 copies be printed. On further motion by the same gentleman the report, together with the accompanying resolve, were referred to the committee on taxation.

**First Reading of Printed Bills**  
House 140: An Act to incorporate



the Grand Temple Pythian Sisters of Maine.

House 141: An Act increasing clerk hire in the office of register of deeds in Penobscot County.

House 142: An Act to increase the salary of the judge of the municipal court of Dexter.

House 143: 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.

House 144: An Act to fix the salary of the judge of the municipal court of Pittsfield.

House 145: An Act relating to clerk hire in office of register of deeds for county of Penobscot, to correct clerical error.

House 146: An Act to increase the salary of clerks in the office of register of probate for Hancock County.

House 147: 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.

#### **Passed to be Engrossed**

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.

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 East Maine Annual Conference of the Methodist Episcopal Church.

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

House 138: An Act to repeal 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 the Home for Aged Men.

#### **Finally Passed**

Resolve in favor of Edward Gagne, secretary of the committee for school for Feeble Minded.

Resolve in favor of Rupert H. Baxter, chairman of the recess committee on banks and banking created by the 80th Legislature, for expenses of said committee.

(At this point Speaker Holley resumed the Chair, the retiring Speaker pro tem, Mr. Maher, being greeted with applause.)

On motion by Mr. Ramsdell of Milo, Adjourned until Monday afternoon, Feb. 26, at 4.30 P. M.