

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

Tuesday, March 6, 1923

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

Prayer by the Rev. Mr. Graham of Randolph.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

Senate 145: An Act to amend Section 1 of Chapter 8 of the Revised Statutes, relating to the Supreme Judicial Court.

Senate 82: Resolve appointing a committee of investigation to procure plans and estimates for a State library building.

Senate 94: An Act to amend Section 32 of Chapter 117 of the Revised Statutes, as amended by Chapter 183 of the Public Laws of 1917 and by Chapter 152 of the Public Laws of 1921, relating to the board of State assessors.

Senate 156: Resolve in favor of the State School for Boys for maintenance and other purposes.

From the Senate: Report of the committee on temperance on bill. An Act making it unlawful for any person to have intoxicating liquors in his possession in any public place, reporting same in a new draft under same title, and that it ought to pass.

In the Senate, report read and accepted, and the bill passed to be engrossed.

In the House, report read and accepted in concurrence, and on motion by Mr. Rounds of Portland the bill was tabled pending second reading.

From the Senate: Report of the committee on salaries and fees reporting ought not to pass on bill. An Act to increase the salary of the clerk of courts of Franklin county, which report was accepted in the House February 1, 1923.

In the Senate, bill re-committed to the committee on Salaries and Fees in non-concurrence.

Mr. ROUNDS of Portland: Mr. Speaker, that bill was heard before a committee very early in this session, and it was the unanimous re-

port of the committee that the bill ought not to pass. It seems to me that we ought to adhere to our former position of "ought not to pass."

Mr. MORRISON of Phillips: Mr. Speaker and Gentlemen of the House: This is a matter which I think you will all agree with me concerns only Franklin county, because the salary of the clerk of courts of Franklin county is paid by that county; and I think the great majority of the citizens of that county feel that the clerk of courts, Mr. Small of Farmington, is not receiving a salary in proportion to those received in other counties. The delegation here from Franklin county, consisting of four Representatives and one Senator, are all in favor of this increase, and it was the understanding of the delegation from Franklin county with the committee that before this committee reported, the delegation from Franklin county would offer to that committee a written recommendation of what they thought it was proper for the clerk of courts of that county to receive. Before they had an opportunity to do this, the bill was reported. It has been held up in the Senate with a motion there to recommit to the committee; and I think that it should go back to the committee and be deliberated over again. Therefore, I hope that the House will concur with the Senate in recommitting this bill to the committee.

The SPEAKER: Does the gentleman from Phillips, Mr. Morrison, make the motion that we recede and concur with the Senate?

Mr. MORRISON: Yes, I do, Mr. Speaker.

The SPEAKER: The gentleman from Phillips, Mr. Morrison, moves that we recede and concur with the Senate. Under our rules that motion takes precedence of the motion to adhere.

Mr. ROUNDS: Mr. Speaker, I do not like to be threatened by any man, and I want to go on record as against this. I am only one, but I do not propose to be threatened in this Legislature by any man. I come here of my own free will, and, as long as I stay, I calculate to stay in the same way. The chairman of our delegation received a very threatening letter, and I, for one, want to vote against the bill on account of that letter.

The SPEAKER: The question is on the motion of the gentleman from

Phillips, Mr. Morrison, that the House recede and concur with the Senate in recommitting the bill to the committee on salaries and fees. Is the House ready for the question?

A viva voce vote being doubted,

A division of the House was had,

Eighty-seven having voted in the affirmative and 28 in the negative, the motion to recede and concur with Senate prevailed.

Message from the Governor

STATE OF MAINE,

Office of the Governor
Augusta, March 6, 1923

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

I return herewith without my approval,

Resolve, in favor of the Commissioner of Agriculture, for carrying out the provisions of Chapter 81 of the Public Laws of 1921.

This Resolve appropriates \$6000 "annually" to be expended by the Commissioner of Agriculture in investigating and furnishing "statements to shippers and other interested parties as to the quality and condition of fruits, vegetables, dairy and other perishable farm products." Under the existing law the sum of \$3000 is appropriated for this work. The activities of the Department of Agriculture cover a wide range and its four divisions of plant industry, markets, inspections and animal husbandry bring the department in touch with the agricultural situation throughout the State. In the year 1922 the department spent \$231,163.77. At the present time I believe that the State cannot afford to increase the appropriation in question for I believe that the farmers of the State especially need relief from the burdens of taxation.

If our several departments are given practically the same amounts for 1924 and 1925 that they had in the past two years it is about all the State can afford. From the committee reports that are coming into the Legislature I estimate that the State tax rate will be not less than eight mills per year, and it is rapidly approaching nine mills. To impose such taxes upon the people of this State would be a severe hardship and I believe the legislators will proceed cautiously when they realize what this means and what is likely to happen if a halt is not called.

I have just approved three appropriations of \$10,000 each, or a total of \$30,000 for Scientific Investigation, Highmoor Farm, and Animal Husbandry. This Legislature also will appropriate as special aid to the farming interests approximately \$50,000 a year, or a total of \$100,000, for co-operative, agricultural and supplemental extension work, and these resolves I shall approve. In view of the present situation I believe the State should not increase the appropriation for the work outlined in the accompanying Resolve. If additional "statements" are needed the work of preparing them probably can be divided up among the employees of the department without imposing an unduly heavy burden upon them and without increasing the cost.

I desire to call your attention to the word "annually" in the Resolve before you. This means that the present Legislature seeks to determine the amount of appropriations that succeeding legislatures shall make for this work. I believe it is dangerous and unwise for one legislature to attempt to guide succeeding legislatures on the question of appropriations. Each legislature has the responsibility for imposing taxes and for spending them. A practice has grown up in previous State administrations to pass "continuing" appropriation acts and today this Legislature is hampered by acts that have been passed in previous years. There is no reason why the Legislature of 1921 should have dictated to the Legislature of 1923 on appropriations, nor should the present Legislature attempt to pass appropriation bills for the Legislature that will convene two years hence.

Should this practice continue it ultimately will mean that legislatures will find themselves in a position where fixed charges and "continuing annual" appropriations will absorb all the State's income. At the present time by reason of certain mill taxes and "continuing" appropriations we have a basis tax rate of approximately 5 1-2 mills that has been imposed upon us by those who handled the affairs of State in the years gone by. As for myself I should like to see this sort of financing done away with, for every legislature should assume full responsibility for the appropriations it makes and for the taxes it levies.

I have another objection to this Resolve because an existing statute cannot be amended by a resolve. The

present law relating to the statements to be prepared on the crop situation is an "Act" and is to be found in the Revised Statutes. If this "Act" is to be amended it must be amended by an Act and not by a resolve. An Act is a provision of law that continues from year to year, while a resolve is of a transitory nature and once its functions are performed it ceases to operate. Care should be exercised in these matters if the official records of the State are to be kept in a proper form.

I cannot approve the Resolve presented to me: first, on account of its being double the amount appropriated in previous years; second, because it is a continuing annual appropriation; and third, because the form of the Resolve does not comply with the requirements of our Statutes.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER
Governor of Maine.

The SPEAKER: The question is shall this resolve become a law notwithstanding the objections of the Governor?

Mr. HAMILTON of Caribou: I would like to ask the Chair if it would be in order to lay that on the table?

The SPEAKER: It is in order if assigned for a day certain within a week.

Tabled by Mr. Hamilton of Caribou, and especially assigned for Thursday, March 8.

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

Agriculture

By Mr. Cummings of Portland: An Act to amend Section 8 of Chapter 38 of the Revised Statutes relating to local sealers of weights and measures.

Appropriations and Financial Affairs

By Mr. Heal of Weston: Resolve in favor of William A. Heal, secretary of the committee on sanatoriums.

Education

By Mr. Kitchen of Presque Isle: An Act to amend Chapter 217 of the Public Laws of 1919 relating to appropriation for normal schools and Madawaska Training School.

By Mrs. Pinkham of Port Kent: An Act to amend Section 56, Chapter 188 of the Public Laws of 1917, relating to the time of electing superintendent of schools.

(500 copies ordered printed.)

Judiciary

By Mr. Bradbury of Newport: An Act to amend Section 30 of Chapter 64 of the revised statutes, relating to the issuing of burial and transportation permits by sub-registrars.

(500 copies ordered printed.)

By Mr. Phillips of Orrington: An Act to provide for a full time state highway commission, amending Chapter 25 of the revised statutes relative to state highways.

(500 copies ordered printed.)

By Mr. Boulter of Kittery: An Act to amend Section 5, Chapter 64, revised statutes, relating to marriage and its solemnization.

(500 copies ordered printed.)

Legal Affairs

By Mr. Rounds of Portland: An Act to amend Section 23 of Chapter 26 of the revised statutes relating to registration of automobiles.

(500 copies ordered printed.)

By Mr. Story of Washburn: An Act to regulate the width of tires on animal-drawn vehicles used for carrying heavy loads on ways and bridges.

(500 copies ordered printed.)

By Mr. Boulter of Kittery: An Act to amend Section 1 of Chapter 88 of the revised statutes relating to appointment of trial justices.

(500 copies ordered printed.)

By Mr. Chalmers of Bangor: An Act to establish a new procedure for the hearing and determination of small claims.

(500 copies ordered printed.)

Ways and Bridges

By Mr. Ramsdell of Milo: An Act to amend Section 6 of Chapter 25 of the revised statutes as amended by Chapter 258, Public Laws of 1917, and by Chapter 215, Public Laws of 1921, relating to authority in general of the state highway commission.

(500 copies ordered printed.)

By Mr. Phillips of Orrington: An Act to create a state road fund, and amending Section 2, of Chapter 154, of the Public Laws of 1917.

(500 copies ordered printed.)

Orders

On motion by Mr. Martin of Augusta, it was

Ordered, that the Governor be requested to return to the House Bill, an Act to amend Section 52 of Chapter 117 of the revised statutes, as amended by Chapter 34 of the Public Laws of 1919, relating to the Board of osteopathic examination and registration.

The SPEAKER: The Chair presents, out of order, if it be the pleasure of the House, Bill, an Act to amend Section 52 of Chapter 117 of the revised statutes, as amended by Chapter 34 of the Public Laws of 1919, relating to the board of osteopathic examination and registration.

On motion by Mr. Martin of Augusta, the House voted to reconsider its action whereby this bill was passed to be enacted; on further motion by the same gentleman, the House voted to reconsider its action whereby this bill was passed to be engrossed.

Mr. MARTIN: I now offer House amendment A.

On motion by Mr. McDonald of East Machias, the bill and amendment were tabled, pending adoption of the amendment, and 500 copies of the amendment were ordered printed.

Reports of Committees

Mr. Hayford from the committee on banks and banking on Bill, an Act relating to loan and buildings associations, reports that the same ought not to pass because the subject matter is covered in another bill.

Same gentleman from the same committee reported same on Bill, an Act to allow loan and building association to issue paid up stock.

Reports read and accepted and sent up for concurrence.

Mr. Hale from the committee on legal affairs on Bill, an Act to exempt certain property constructed and used for charitable purposes from taxation, reported that legislation thereon is inexpedient.

Report read and accepted and sent up for concurrence.

Mr. Barwise from the committee on education on Bill, an Act to amend Section 78, Chapter 16 of the revised statutes to provide transportation for pupils who live on islands on which there are no secondary schools and from which regular transportation lines are established, reported same in a new draft under same title and that it ought to pass.

Mr. Goldthwaite from the committee on sea and shore fisheries on Bill, an Act for the better protection of clams within the limits of the town of Roque Bluffs reported same in a new draft under the same title and that it ought to pass.

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

Mr. Siddall from the committee on legal affairs reported ought to pass on Bill, an Act to amend Section 109 of Chapter 16, Section 33 of Chapter 40, Section 52 of Chapter 82 and Section 82 of Chapter 86 of the revised statutes relating to Armistice Day, Nov. 11th.

Report read and accepted, and the bill having already been printed (Senate Document No. 31) was read twice under a suspension of the rules and tomorrow assigned.

Mr. Clarke from the same committee reported same on Bill, an Act relating to Good Templar's Hall in Dexter.

Mr. Littlefield from the committee on sea and shore fisheries reported same on Bill, an Act relating to taking of clams in Machiasport.

Reports read and accepted and the bills ordered printed under the Joint Rules.

First Reading of Printed Bills and Resolves

House 223: An Act to amend Chapter 141 of the Private and Special Laws of 1921, relative to the office of city clerk of the city of Lewiston.

House 224: An Act to amend revised statutes, Chapter 117, Section 45, as amended by Chapter 214, Public Laws 1919, as further amended by Chapter 219 of Public Laws of 1921, restoring the amount for clerk hire in office of register of probate in Washington County to same rate as in 1922 and the three years preceding.

House 226: An Act to amend Section 33 of Chapter 81 of the revised statutes, relative to notice of sale.

House 227: An Act to amend Chapter 206 of the private and special laws of 1907, entitled An Act additional to Chapter 174 of the private and special laws of 1903, relating to the West Branch Driving and Reservoir Dam Company.

House 229: An Act to amend Section 45, Chapter 117, revised statutes, as amended in 1917, 1919 and 1921,

relating to clerk hire in the office of clerk of courts in Waldo County.

House 231: An Act to Incorporate the Auburn Water District.

House 242: An Act to amend Section 1 and 7 of Chapter 182, Public Laws of 1919 relative to commitments to the State Reformatory for Men.

House 244: An Act to amend Section 39, Chapter 117, Revised Statutes, as amended in 1917, 1919 and 1921, relating to salaries of Registers of Probate.

House 245: An Act to amend Section 17 of Chapter 182 of the Public Laws of 1919, relating to competitive bids in construction work for the State Reformatory for Men.

House 249: An Act to authorize the Register of Deeds of the Southern Registry District for the county of Aroostook to certify records.

House 250: An Act to cure defect in the original organization of Madigan Memorial Hospital, a charitable and benevolent corporation, and to validate the doings of said corporation and officers thereof since its organization.

House 254: An Act to amend Section 1 of Chapter 145, Revised Statutes, relating to Hospital Trustees.

House 257: An Act to make valid the doings of the Penobscot County Water Company, and to define and confirm its powers.

House 262: An Act to extend the Time Limit for Exercising the Corporate Powers of the Great Pond Railway Company.

House 263: An Act entitled "An Act to amend an Act to provide a Charter for the city of Gardiner," as amended by Chapter 126 of the Private and Special Laws of 1917.

House 225: Resolve providing for the purchase of history of Aroostook.

House 228: Resolve appropriating money to repair Eastport Bridge.

House 230: Resolve in aid of Navigation on Moosehead Lake.

House 243: Resolve providing a State Pension for Charles E. Bradford of Carmel.

House 246: Resolve for State Pension for Rena Cooley.

House 247: Resolve in favor of Alonzo E. Peabody of Dixmont, for State Pension.

House 248: Resolve providing for the purchase of "Music and Musicians" of Maine.

House 251: Resolve in favor of John A. McDonald, Secretary of the Committee on Insane Hospitals, for Committee Expenses.

House 255: Resolve for State Pension for Annie D. McLean.

House 256: Resolve in favor of bridge between Howland and Enfield.

House 258: Resolve in favor of Olive E. Brann of Augusta for State Pension.

House 259: Resolve increasing the State Pension of Meldon Nealley of Brewer.

House 260: Resolve increasing the State Pension of Catherine Nelligan of Brewer.

House 261: Resolve providing for the Purchase of "Maine 1783-1815."

Passed to be Engrossed

Senate 77: An Act to amend Section 40, Chapter 127 of the Revised Statutes relating to Prosecutions for the violation of laws regarding sale and manufacture of Intoxicating Liquors.

House 219: An Act to accept the provisions of the Act of Congress of the United States, approved November 23, 1921, entitled "An Act for the promotion of the welfare and hygiene of Maternity and Infancy and for other purposes."

The SPEAKER: The Chair wishes to state at this time that it is well for the members to give their keenest attention to the passage of bills to be enacted and the final passage of resolves.

Passed to be Enacted

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 35 of the Private and Special Laws of 1919, relating to the salary of the Recorder of the Bangor Municipal Court.

An Act to amend Chapter 145 of the Private and Special Laws of 1887, 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, relating to Sewerage in the town of Houlton.

An Act to amend Chapter 31 of the Private and Special Laws of 1905, as amended by Chapter 348 of the Private and Special Laws of 1909,

relating to the Houlton Water Company.

An Act to amend Section 26 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917 and Chapter 196 of the Public Laws of 1919 and Chapter 218 of the Public Laws of 1921, relating to the taking of smelts in the tributaries to Sebago Lake.

An Act to amend Section 56 of Chapter 96 of the Revised Statutes, relating to Liens on Vehicles.

An Act to amend Sections 38 and 39 of Chapter 8 of the Revised Statutes, relating to the Suspension by the Governor of Open Season for Hunting.

An Act to create a Board of Road Commissioners in the town of Mt. Desert.

An Act to amend Section 11 of Chapter 127 of the Revised Statutes, relating to Search Warrants for Implements of Gambling.

An Act to extend the Charter of the Eastern Maine Railroad.

An Act to amend Section 50 of Chapter 55 of the Revised Statutes, as amended by Chapter 131 of the Public Laws of 1917, authorizing Complaint by a Utility against itself, and empowering the Public Utilities Commission to order refund.

An Act to Incorporate the Grand Temple Pythian Sisters of Maine.

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, relating to Clerk Hire by the Judge of the Municipal Court of Waterville.

An Act to amend the 18th Paragraph of Section 43 of Chapter 17 of the Revised Statutes, relating to the Time of Payments by Registers of Deeds to County Treasurers.

An Act to legalize and make valid the doings of the Inhabitants of the town of Brooklin, at the annual town meeting held on the sixth day of March, 1922.

An Act to amend Sections 34 and 75 of Chapter 211 of the Public Laws of 1921, relating to Motor Vehicles.

An Act to amend Chapter 3, Section 31, of the Revised Statutes, relating to Printing and Binding of Reports of certain State Departments.

An Act to establish a Game Sanc-

tuary in the city of Bangor and county of Penobscot.

An Act to prohibit the use of beam trawls in the waters of Sedgwick Harbor, known as Benjamin's River.

An Act to extend the Charter of the Penobscot Valley Gas Company.

An Act additional to Chapter 144 of the revised statutes, relating to juvenile institutions.

Finally Passed

Resolve providing a state pension for Maria N. Varrell.

Resolve to increase the pension of Lester Patten of Hermon.

Resolve to increase the state pension of Charles D. Preble of Kittery.

Resolve providing for the purchase of reports of the commemoration of a century of peace between the United States and Canada of the Maine State Bar Association.

Resolve in favor of the board of registration of medicine.

Resolve in favor of Mary E. Ames, of Stockton Springs, for state pension.

Resolve in favor of Mary S. Hillman for state pension.

Resolve in favor of state pension for Levi Holden.

Resolve to place the flags of Maine in the World War in the Hall of Flags.

Orders of the Day

The SPEAKER: Under orders of the day the first to be taken up is tabled and assigned for today, and the Chair presents, "Report of committee on towns on Act to divide the town of Jonesport and incorporate the town of Beals." The Chair recognizes the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS of Portland: Mr. Speaker and gentlemen of this House, I move that the bill be substituted for the report, the report of the committee being, "ought not to pass." Now Mr. Speaker and gentlemen, many years ago this island was inhabited by some of the old stock—Yankees—from the town of Cape Elizabeth. It has been a small fishing hamlet ever since and has now grown to the size of almost 600 people. These people have been denied the privilege of schools that they should have, and they have been hurt in other ways, but still they have grown from a small fishing hamlet until now they have ten private electric light plants, three boat shops, six grocery stores,

one dry-goods store and post office combined, two lobster pounds, one machine shop, one 65 foot lobster smack in construction, three fish stands, one smoked herring stand, one boneless fish factory, seven lobster dealers, 600,000 lobsters taken from that place last year, 700,000 cured fish, 60 tons of boned fish boned this winter, a valuation increased over \$12,000 this year, and an increase in population of 52—mostly babies, and four new churches.

They do not need many doctors on that island nor any board of health, but their schools have not been kept up, and I want to say that when the wind is from the northeast and the tide is falling, it is hard work for them to get across from the island, and this winter especially it has been hard for them to get any schooling at all. In the hearing it was pointed out that there were only four students who wanted to go to the high school but it has since been shown that there were 21 last year and there will be 29 this year who will want to go to high school, and there is no high school there to go to. Those 29 scholars are entitled to education as well as the scholars from the rest of the town of Jonesport. In the hearing it was said that Beals Island was a detriment to the whole town of Jonesport, during the last five years, to the extent of \$5,000. But now it is different. They were not given any credit for the school money that they paid or for the roads that they helped maintain on the mainland, although they have only a very few roads there, and it was a shame.

Two years ago they came here and asked to be separated and the report of the committee was, "ought not to pass," and the committee report was sustained and I was one of those who helped sustain the report of the committee, but I have since seen the light of day and I think, gentlemen of this House, that any supreme court or any justice of the supreme court would not need half the evidence of abuse that they have taken, in order to grant a divorce to a man and wife. Therefore, I think it is right that they should be separated. Only last spring they voted to put in a furnace and fix the cellar of the school house on the island, and what has been the consequence? That man came here and read his report—first he doubted the vote, and the next time they got it more, and what has been the consequence? He told them

not to record the vote. They went home and supposed that they were going to have a school house so that the children might go to school this winter, but when summer came he said that there was no such vote recorded and they did not get any furnace until the state superintendent of public schools had to step in and fix it so they could get the furnace. But the selectmen of Jonesport would not do a thing and the inhabitants of Beal's Island came across and got the furnace and now the school, to be sure, is heated.

Now I want to read to you part of a letter from one of the gentlemen who came here and spoke before the committee:

"Your insinuating reference to tears of Mrs. Carver which she was unable to prevent during her appeal for an annex to the school building at Beals. That you had no intent to recognize a mother's love or a mother's hopes for her offspring was so apparent that the listeners were shocked to hear you incorporate the intimation that it represented hypocrisy and affectation for ulterior purposes. My God, Mr. Stevens, is it possible that a mother cannot indulge her heart's tenderness under stressed circumstances without being subjected to a dose of sarcasm. Is the motherhood of this community expected to be as cold hearted as a cold, calculating, hard headed business man? Must mother's feelings for her kind, who, are her own, be so frigid that she cannot express herself except in terms of dollars and cents when talking about the life's interest of her children? Have you so far forgotten the solicitude of your mother that her tears and prayers cannot be remembered? Must mothers be denied this privilege and priceless treasure of tenderness and tears? Must mothers be called to account when she faces a situation that insists upon such overflow of this divine instinct? For what purpose was it given her, if not in some needed instances to allow it to become an appeal to those who had apparently died to those sentiments. I am confident that whatever value there is in your life it is largely because your mother lived for you, bore tender solicitude for you, worked for you and your interests and it would be a noble thing for you and all others to emulate that spirit and help to carry its significance in the most practical ways into the lives of the youth of this Township. It

would have given your name more fame to have given your support to the needs of the children of Beals, although probably less favor with some of your Jonesport friends. If I am privileged at some future time to hear your voice in public I trust that it may be free from such objectionable expressions. I wish to add in closing that these observations are offered in the kindest but wounded feelings.

Very truly yours,

L. B. ROCKWELL."

Now it was stated in the hearing that Mr. John A. Beal was one of the strongest opponents to this measure. Here is a telegram which I will read:

"C. H. Beal
Lawrence House
Augusta, Maine.

I have not given anyone authority to use my name against Beals. My attitude is for separation.

JOHN A. BEAL."

On top of that we have a petition here signed by thirty people, all voters in the said town, and it does seem strange that they came here with no representative on the part of the town in the town affairs,—that they should not have the right to say what they should do because it was said by the opponents to this measure that they could take care of themselves.

Now, gentlemen, all these people ask is a square deal and I hope you will see your way clear to give them a square deal on the matter of this bill. I have been asked not to say anything against this separation. Now I do not know, perhaps, as much about this as I do about Casco Bay, but I know that they have been used wrong because a larger majority live on the mainland. Therefore, I hope the bill will be substituted for the report.

Mr. SMITH of Ludlow: Mr. Speaker and gentlemen, this report was the unanimous report of the committee. At the hearing on the matter before the committee both sides were presented in a very capable manner and there did not seem to be sufficient evidence to warrant a favorable report. Beals Island seems to have prospered in the last two years. Their schools are better and they have a junior high school. The principal difficulty seems to be the want of a high school on the island. They claim that the crossing

between the Island and the mainland is dangerous.

Now gentlemen, I would like to ask you how many towns in the State of Maine with a population of less than 600 can maintain a high school? In the committee hearing we did not find evidence enough to bring in a report in favor of the bill and I hope the motion of the gentleman from Portland, (Mr. Rounds), will not prevail.

Mr. McDONALD of East Machias: Mr. Speaker and gentlemen of the Legislature, as a representative to this Legislature from the adjoining district, I wish to impress upon the members of this House the feeling in that locality in regard to this bill. This is not the first time that this matter has been called to the attention of the Legislature. Two years ago it was up before this Legislature and referred to the proper committee and they reported, "ought not to pass." It has been referred to a committee of this Legislature, the Committee on Towns, and they have unanimously reported on this bill, and as Mr. Rounds says one of the chief claims of the people of Beals was on this matter of schools. But this has been thoroughly taken care of by the gentleman who just spoke, (Mr. Smith). There are many towns very much larger, not only in our community but all over the State of Maine, that are not able to support a high school. In my own locality we have at least eight towns without a high school, many of them with a population of over 600 people. Now, I do not think this lack of a high school is of itself any hardship to the people of Beals, but I think the main question is not the matter of schools. It is another matter entirely. There are very extensive fishing industries on the Island of Beals which today are controlled by people in Jonesport, people who are doing business in Jonesport. They have been controlling this business. It is their business and they have expended enormous sums of money, and the factories that take care of the fish brought from the Island of Beals are located in Jonesport and are the property of the people of Jonesport and it seems to me that they rightfully belong to the people who have been doing business there for years and years, and I think it would be a great mistake for this Legislature to interfere with the business of those people. I think it would be opening up the matter to endless liti-

gation to incorporate the town of Beals because as the town of Beals is incorporated the rights of these people in this regard are entirely taken away from them, and it is the selectmen of Beals who will control that business.

Mr. Rounds has referred to the Islands of Casco Bay. We people in that community are perfectly willing that Mr. Rounds should have authority to speak about those islands, and how they are taken care of but we feel that we want something to say about how our towns down there shall be handled.

Mr. ROUNDS: Mr. Speaker and gentlemen, I come here as a representative of the State of Maine, not of Casco Bay, nor of Washington County. I come here for the interest of the whole State and I want to say that I have a right to speak on a matter which concerns any county in this State and I do not want anybody to say that I have not, because I am right here to speak on that question and therefore I want to say here that these people have given those fishing rights. That was the objection two years ago, but this year they put it right in the bill that they should have the rights. There is one man who is chairman of the Board of Selectmen and he is the man who is trying to do this. He says, "Are you willing if you change the sea and shore fisheries?" Yes, we are willing, but if you do change them we are not willing. Why, gentlemen, it looks as though there were some conniving between the selectmen and the Sea and Shore Fisheries Commission, but if they should have a new commission they would control the vote and therefore I say it is time that we divorce that island from the mainland as they are now trying to do. I tell you, if you were living on one of those islands and could see what was going on and how they were being used, you would not for a minute say but what there should be another town. The people of the town of Jonesport, while they are smoking their pipes on these cold winter days and the sturdy sons of this island go down in their dories and fishing boats and catch the fish, while the fellow on the mainland smokes his pipe beside a nice warm fire, have nothing to do but cure the fish and take the profit, and the fishermen have to take just what they give them because the ice is so

that they cannot get near them, and therefore they want to establish their own town, and they will do it if we give them the chance.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Rounds, that the bill be substituted for the report.

A viva voce vote being doubted
A division of the House was had,
Twenty-eight having voted in the affirmative and eighty-four having voted in the negative, the motion to substitute the bill for the report was lost.

The SPEAKER: The question now before the House is the acceptance of the report of the committee, "ought not to pass."

On motion by Mr. Smith of Ludlow it was voted to accept the report of the committee.

On motion by Mr. Downing of Bangor the House voted to reconsider its action whereby Bill, an Act requiring an excise tax to be paid on all cigarette, cigarette tobacco and cigarette papers sold in this State, was earlier in this morning's session referred to the committee on judiciary in concurrence; and on further motion by the same gentleman, the bill was tabled, pending reference to any committee.

On motion by Mr. Melcher of Rumford it was voted to take from the table Bill, an Act relating to the compensation of judges of probate, tabled by that gentleman, March 2, pending first reading; and on further motion by the same gentleman the bill received its two several readings and tomorrow assigned for its third reading.

(At this point Mr. Tilden of Hallowell assumed the Chair.)

On motion by Mr. Stevens of Belgrade, it was voted to take from the table report of the committee on legal affairs on Bill, an Act relating to Belgrade Lakes Village Corporation, tabled by that gentleman on March 1, pending acceptance of the report.

Mr. STEVENS of Belgrade: Mr. Speaker, I move that the report of the committee be indefinitely postponed; and in support of that motion I would like to state the position of the town in regard to this matter.

This bill to which I wish to call your attention is one to amend the charter of the Village Corporation. This, it is true, is a very small mat-

ter in comparison with some you have already considered and in comparison with some that you will be called upon to consider in the future days of the session; and yet it is an important matter to one of the towns in the district I represent.

This charter was obtained two years ago for the purpose of self-assessment,—an assessment over and above the regular town tax for village improvement; and having neglected and failed to make such an assessment, they now come back to the Legislature and ask for an amendment to the charter by which the town would be obliged to pay back to the corporator 20 per cent of the amount of the tax assessed on the property within the corporate limits. That is the proposition. Now for the benefit of those who may not, perhaps, have the matter clearly in mind I wish to state that Belgrade is ten miles northwest of Augusta on the western division of the Maine Central Railroad. It has a population of about 950, 325 polls, and a valuation of about \$750,000. It is a farming community, no manufacturing there, but in recent years has become somewhat famous as a summer resort. There are three railroad stations in the town—Belgrade, Lakeside and North Belgrade. Belgrade Lakes village, with which we have to do at this time, is not on the line of the railroad, but is about six and one-half miles northwest of Belgrade proper. These stations are on Mesalonskee Lake, so called,—three railroad stations along the shore of the lake. The summer resort business is quite well distributed over the town, there being hotels and summer camps on Belgrade Lakes, also at North Belgrade and South Belgrade, or Belgrade proper. There are in the town, I think something like twenty places where guests are entertained during the summer.

Two years ago the proprietor of one of the summer hotels at Belgrade Lakes conceived the idea that it would be a good thing for the village to become incorporated and, without consulting any considerable number of his fellow-villagers, so far as I have been able to find out, came to the Legislature and placed the matter in the hands of the State Senator, who was a resident of Belgrade, on the ground that it should never cost the town a cent. The matter went through and was not opposed by the town. In other words, they got just

such a charter as they wanted. Now what happened after this charter was granted? Was an assessment made? Was any attempt made to make an assessment? So far as I have been able to find out, there was not. Now after going to all the trouble of getting a charter, why did they not exercise the authority granted by this charter to make an assessment?

Now I think there are perhaps two reasons why this assessment was not made. In the first place, the people of Belgrade Lakes and Village never asked for any charter; in fact they did not know that a charter was to be obtained, and they simply would not stand for an assessment. There may be another reason. The gentleman who is most interested in this is the largest property owner in the village, and the tax would fall heavily on him. Now the town objected to this amendment. The town had no objection, and has no objection now, to the provision for self-assessment. The town objects, I say, to this amendment because, in the first place, it simply is a one-man proposition, and is in the interest of a certain proprietor. The town objects to it because it would be unjust to every section of the town, unjust to North Belgrade on the easterly side of the great lake, unjust to South Belgrade, six miles and a half away, which is as much of a summer resort as is Belgrade Lakes,—not so many going there it is true, but each of those places have hotels and summer camps. Let me say here that this amendment is not called for because the village has always received whatever it asked for in the way of appropriations. Here are some of the appropriations made last year. State aid road \$1,599. This was raised at the annual meeting by petition of the gentleman most interested in this amendment. Maintenance, \$550, for this road. Now it is said that this money was not expended within the corporate limits. That is absolutely true it was not; but it was spent on the road leading from South Belgrade to Belgrade Lakes, and it never would have been spent if it had not been for that summer hotel proprietor up there. You cannot blot that out. Then on the little road within the corporate limits called the Hulin road, there was spent \$150 out of the general appropriation. Electric lights in the village of Belgrade Lakes, \$100. Teacher at the common school, \$786; fuel, \$90, making in all that

was spent on that school, \$876. Belgrade Lakes ditch, it is called here, \$250. That was at a special meeting called for the purpose of this special appropriation. Sidewalks, \$50, and it makes in all, reckoning one-quarter of town charges and one-quarter high school, about \$5,130. The total tax paid by the corporation was \$6,623.09. The corporation state and county tax, \$1,233, making in all, \$5,789. That was the amount of their tax after taking out the corporation state and county tax. They expended up there, as the town claims, about \$5,130.96, either for the benefit of that property there or on roads leading to that village. The total valuation, as I have stated, is \$750,000.

Now they say that they want this 20 per cent for fire protection. If they wanted fire protection up there, why did they not ask the town to make an appropriation for that purpose? That is the point. There never have asked the town for any appropriation for fire protection, so far as I know. If they wanted an appropriation and wanted money to aid in a domestic water supply, why did they not ask the town for it? But they never have done it. They come here to the Legislature without asking the town, to accommodate the residents of Belgrade Lakes and North Belgrade. Two years ago the town was divided into voting precincts under the new law, so that each of the sections of the town now has a polling place. This has no direct bearing on this case, but it shows the attitude of the town toward these outlying districts—these little villages, that is, that they are doing all they can to accommodate them. You will probably have your attention called to certain towns of the State that pay back to the village corporation a certain percentage of the taxes paid, but in each case I think you will find that the town has refused and perhaps repeatedly refused, to make a reasonable and suitable appropriation. This is the case of some of the islands off the coast, but you will find other cases where it is true that the town pays back a certain percentage of the tax money that a large part of the taxable property of the town is within the corporate limits. Now these are not parallel cases with the ones where liberal appropriations have always been and made the village only contains a small part of the taxable property of the town.

Then, again, we object to this because it is a bad precedent. How many villages in the State that are summer resorts will be asking for similar legislation in the future? We do not know. The precedent is a bad one.

It seems to me that the time has come when we should take a decided stand in this matter and put the stamp of disapproval on this method of obtaining money, and get back to our old town meeting system where all can hoe in and are free to state their claims, and where we can depend on the fairness and honor of our fellow citizens to give us a just and fair deal.

There was a movement last summer at North Belgrade, three miles to the east of Belgrade Lakes village, to have that section of the town set off as a separate municipality. Meetings were held and committees appointed to put this matter through. What was the principal argument that they used? Simply that Belgrade Lakes village, three miles on the other side of the lake, was getting more than their share of the appropriation. Now I have been a resident of the town of Belgrade for about twenty years, and never during that time have I opposed or voted against an appropriation for that little village. It is a beautiful little village and contains one of the finest hotels in the State, and we believe in doing all we can to encourage it; and I am free to say right here and now that if at any time the time should reverse its policy of liberality toward this little village, I would be willing to go before any committee of the Legislature having the bill in charge, and advocate a favorable report on a bill with a provision similar to the one we have here. But until that time comes, until the town refuses to make suitable appropriation, I will say that the proper place is in town meeting and not in the Maine Legislature.

The farmers of Belgrade are experiencing the same difficulties that they are in other sections of Maine,—they are hard pressed. The hotel and summer camp business probably is not what they would like to have it, but, on the whole, I believe, if you can judge anything by experiences, they are able to take care of themselves. Here is the testimony of Lincoln A. Bartlett, former selectman and postmaster at one time, now tax collector of the town, and at present one of the three trustees of

the village corporation. This was his testimony before the committee:

"I think that Belgrade Lakes ought to take care of itself. I do not favor going to the north and south ends of the town to ask aid from the farmers who have to dig potatoes for a living and pay thirty-seven and a half mills on the dollar at that. I did not know that the village corporation had been planned until after the thing went through, and there was no request for such action by the people."

We are rather proud of the old town of Belgrade. It has furnished the State with two of its governors, one Secretary of the Treasury of the United States, one governor of the State of Minnesota, and soldiers like our present Adjutant General. We do not want to have that old town injured by bad legislation; we do not want our villages discordant and contentious, each seeking for some financial advantage over the other. We do not want to see the towns saddled with a proposition like this by persons who are seeking some personal gain.

If my position in the matter is reasonable, I ask for your support in the indefinite postponement of the bill.

(Speaker Holley resumed the Chair)

Mr. HALE of Portland: Mr. Speaker and gentlemen, I am well aware that no controversies which come into this House arouse deeper, and in some cases bitterer, feelings than local controversies arising in towns over questions of separation or questions of taxation. We had a signal example of that two years ago in connection with the towns of Wells and Ogunquit. We were reminded of it a little earlier this morning in connection with the separation desired by the town of Beals from the town of Jonesport, and I think that we set an excellent precedent this morning in following the report of the committee which gave careful and attentive consideration to the facts of the case. A committee, Mr. Speaker and gentlemen, in matters of this kind, serves very much the same function as a jury in civil trials. They are impartial, they ought to be impartial, and I think our committee in this instance was entirely impartial. They weigh the evidence, they not only hear the testimony, but they see the witnesses, and they have an opportunity to form their opinions as to the credibility of those witnesses or the mo-

tives which animate those witnesses. Our committee, Mr. Speaker and gentlemen, gave four hours of patient and attentive consideration to all the witnesses who would be heard in this matter. I want to say at the outset, before commenting on the testimony adduced, that I think it is a most extraordinary argument from my friend from Belgrade, Mr. Stevens, to say that this resolution creating the Village Corporation was obtained in 1921 without the knowledge or assent of the town. The town of Belgrade has always, I think, been represented in this Legislature, and the citizens of Belgrade can always find out what has been happening in this Legislature, and nothing in this Legislature is put over or done in the dark or done without the knowledge of Belgrade and every other citizen of this State.

Now the gentleman from Belgrade, (Mr. Stevens), says, quite correctly, that the original bill, passed in 1921, permitted the citizens of the Belgrade Village Corporation to assess themselves in addition to the assessments levied by the town, and he asks why they did not avail themselves of the privilege given them in that legislation. It appeared to the committee that the reason why they did not avail themselves of that privilege was because they were already bearing an excessive burden of town taxation and there was no reason why they should assess themselves further for benefits which the town had not given them.

Now, let me recapitulate for a moment the facts of this case. My friend from Belgrade (Mr. Stevens) has already stated where the Village Corporation is located. As he said, I think, it is a summer community and the area of the Village Corporation contains four hotels, and within a compact area, about ninety buildings consisting of stores, dwellings, a church, schoolhouse, theatre, and other buildings. The collection from the estates and polls in the whole town for 1922 were twenty-eight thousand and odd dollars, and twenty-three thousand dollars after the deduction of the State and County taxes. To this sum of twenty-three thousand and odd dollars the town contributed \$5,337.44, or practically 25 per cent of the entire tax of the town,—25 per cent of the taxable property of the town lying in one corner of the town, without fire protection. Now it seems to me to be

evasion for the gentleman to come here and say that they will get fire protection when they ask for it. They should have had fire protection long ago and it is no defense on his part to say that they have not come and asked for it, because it seems to me that the enlightened policy of that town would be to look to see whether 25 per cent of its taxable property had fire protection.

My friend from Belgrade (Mr. Stevens) introduced one element into this debate which I regret. He made accusations of personal bad faith against a man who pays heavy taxes in the town, by saying that that gentleman had promised that no measure would cost the town a cent. I regret that attack because the gentleman who is attacked cannot defend himself on this floor. He has no vote on this floor and I think that even if the accusations were true, which I believe they are not, that they should not have any weight with this House.

Now the evidence disclosed that after contributing fifty-three hundred and odd dollars last year in taxes the town spent in taxes in the area of the Village Corporation only about \$3,600.00 or \$1500 less than the amount received from the town, and the only way they can get anything like a balance on these figures is by throwing on to the account of the Village Corporation a figure of \$1,599.00 for a State aid road which is almost entirely without the area of the Village Corporation, and which is no more chargeable to the Village Corporation than the State road from Kittery to Portsmouth, which, of course, is a great help to the Village Corporation as it is to the rest of the State of Maine. To attribute that expenditure to the Village Corporation is absolutely unjust and absolutely misleading. So the Belgrade Lakes Village Corporation is getting about \$1,500.00 less in taxes than it pays in and it is only asking for 20 per cent of the taxes which is paid, or about \$1000.00 a year. If the Belgrade Lakes Village Corporation gets that sum of money and lays it out on a fire department, I personally do not believe that the town of Belgrade is going to pay a cent more than if it tried to maintain the fire department itself.

The gentleman from Belgrade (Mr. Stevens), read a letter from Mr. Lincoln Bartlett, one of the selectmen. With reference to that letter I wish

to call attention to the fact that the inhabitants of this Village Corporation, I think, are only in the neighborhood of one hundred, while the population of the town is nine hundred and odd. The inhabitants of the Village Corporation are overwhelmingly outnumbered by those who live outside the town. It is natural that the first selectman should be influenced by the majority of votes in his own town, and without disparaging my friend from Belgrade (Mr. Stevens), it is natural that he should be influenced by a vast numerical majority. But the members of this committee have no such influence, and when the gentleman from Belgrade (Mr. Stevens), speaks of persons seeking personal gain, I wish to say on behalf of the committee that there is no expectation of personal gain in their report. It is an impartial and considered report and I hope the House will treat it as such. Many witnesses were heard among them Mr. Frank J. Ham, now Collector of Internal Revenue, who has given faithful service to this state, and who has been a resident of the town of Belgrade and knows its problems, but who now lives outside it and is uninfluenced by local contentions of petty factions. The testimony of that man in favor of this measure is worth a good deal more than the testimony of the selectman elected by the majority and naturally, and not discredibly, influenced by that majority. It seems to me that if we set aside the report of this committee, we toss aside careful and considered legislation, and that we might just as well do business without our committees and vote according to the emotions of the moment. I hope the House will vote against the motion to indefinitely postpone.

Mr. CUMMINGS of Portland: Mr. Speaker, I do not intend to take very much time upon this question. There is one point, however, that seems to me is involved in the discussion that has not been mentioned. There seems to be no controversy over the fact that the Belgrade Village Corporation sought this separation upon certain specific promises and understandings, that is, that it should tax itself for the improvements which it desired to make in addition to those which the town as a whole made. There seems to be no question but what the town takes care of the roads and the schools, and this granting of the right to incorporate the village

was not opposed, for the reason, as I understand it,—and if I am wrong I would be very glad to be corrected,—because it was to cost the rest of the town nothing and it enabled them to make whatever changes in the village itself they saw fit. Two years later they asked an appropriation of 20 per cent out of its taxes which it paid the town. Now the point to which I wish to call attention, because it struck me forcibly, is that they put themselves in the position of obtaining something under false pretenses.

Mr. MORRISON of Phillips: Mr. Speaker, I also hope that the motion of the gentleman from Belgrade (Mr. Stevens) will not prevail. As has been stated by the gentleman from Portland (Mr. Hale) this matter was thoroughly tried out before the legal affairs committee in a hearing that lasted over four hours, and the witnesses upon the one side and the other I think were attentively listened to by the members of the committee. Both sides were represented by able counsel, and the legal affairs committee—not one of them having any personal interest in that matter—after a careful consideration of the evidence submitted this unanimous report that the bill ought to pass. Now what is the great bone of contention in this matter? The bill provides that this village corporation shall receive back from the town, after deducting its proportion of the state and county tax, 20 per cent of the tax it pays on its own property to the town, to be used for the purposes for which that village corporation was organized. That little village of Belgrade simply comes here and asks for fire protection. It is a village composed of wooden buildings in close proximity to each other, and I think you can all readily understand how, if a fire broke out under the right conditions in that village, the whole of it might be wiped off from the face of the earth. Similar calamities have happened in neighboring towns, and I recall now the town of Mt. Vernon and also the town of Readfield, close neighbors to Belgrade Village; and I believe, and I think the committee believed, that where a village is located within the borders of the town, paying a goodly portion of its tax, and this village pays 25 per cent of all the taxes paid in town,—that it is not only for the interests of the town but it is the duty of the town to provide fire protection upon the property that the

town receives a goodly proportion of this tax from. I trust, as I said in the beginning that the motion of the gentleman from Belgrade (Mr. Stevens) will not prevail, and that the report of this committee, which has given the whole matter and all the evidence most careful consideration, will be supported by this House.

The SPEAKER: Is the House ready for the question?

Mr. PERKINS of Orono: Mr. Speaker and Members of the House: There is just one question not clear in my mind, and that is this: If the people of the Belgrade Village Corporation did not ask the people of the town of Belgrade for the privileges which they now seek, I do not think they are in any sense justified in coming before a legislative committee and asking those privileges. That is the only question in my mind.

Mr. STEVENS of Belgrade: Mr. Speaker, I would like to state that in Belgrade Lakes village there are seven or eight privately owned hydrants, and I believe that they have better fire protection there today than two-thirds of the villages of like size of the State of Maine. I do not claim that it is enough, but they have their own protection there.

I also want to call your attention to the fact that the town is not relieved of the care and maintenance of the highways and sidewalks in the village.

Mr. HALE of Portland: Mr. Speaker, I am glad the gentleman from Belgrade (Mr. Stevens) has said what he did because it confirms the opinion of the committee that if the residents of the Belgrade Lakes Village Corporation go to the town of Belgrade and ask for fire protection, they will not get it.

The SPEAKER: The Chair will state for the benefit of the members that the situation before the House is this: We have the unanimous report of the committee on legal affairs on the bill ought to pass. The motion of the gentleman from Belgrade, Mr. Stevens, is to indefinitely postpone the report of the committee. Is the House ready for the question?

A viva voce vote being doubted,

A division of the House was had.

Twenty-six having voted in favor of indefinitely postponing the report of the committee, and 63 in the negative, the motion to indefinitely postpone was lost.

On motion by Mr. Hale of Portland,

the report of the committee was accepted, and sent up for concurrence.

Mr. ARCHIBALD of Houlton: Mr. Speaker, it has been called to my attention since I have been sitting here that Senate bill 142 was passed to be enacted this morning. My attention has also been called to a possible necessity of a new draft on account of an error, and I move that we reconsider the vote whereby this bill was passed to be enacted this morning.

Thereupon it was voted to reconsider the vote whereby Bill, an Act

to amend Chapter three, Section 31, of the revised statutes, relative to printing and binding of reports of certain State departments was passed to be enacted.

On further motion by the same gentleman, the House voted to reconsider its action whereby the above bill was passed to be engrossed; and on further motion by the same gentleman, the bill was tabled pending passage to be engrossed.

On motion by Mr. Macomber of Jay, Adjourned until 10 o'clock tomorrow morning.