

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 13, 1923.

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

Prayer by the Rev. Mr. Walsh of Augusta.

Journal of previous session read and approved.

On motion by Mr. Granville of Parsonsfield that gentleman was granted permission to make the following motion, out of order; That when the House adjourn today, it be until tomorrow morning at nine o'clock.

The motion prevailed.

Papers from the Senate disposed of in concurrence

From the Senate: Report of the committees on Public Utilities and Ways and Bridges reporting ought not to pass on bill. An Act to incorporate the Kennebec River Bridge Company

In the Senate, report read and accepted.

In the House, on motion by Mr. Martin of Augusta, tabled pending acceptance of the report in concurrence.

From the Senate: Report of the committees on Public Utilities and Ways and Bridges reporting ought not to pass on Resolve providing for a commission to investigate and make report relative to the construction of a combination railroad and highway bridge over the Kennebec River and the relative merits of the location between the city of Bath and the town of Woolwich and between the towns of Dresden and Richmond as a site of said bridge.

In the Senate, report read and accepted.

In the House, on motion by Mr. Martin of Augusta, tabled pending acceptance of the report in concurrence

From the Senate: Majority report of the Cumberland county Delegation reporting ought not to pass on bill An Act providing for an additional Justice of the Superior Court for the county of Cumberland

Report was signed by the following members:

Messrs. Cram of Cumberland
Brewster of Cumberland
—of the Senate.

Atwood of Portland
Hutchinson of Brunswick
Dunn of No. Yarmouth
Small of Standish
Williams of Falmouth
Nevins of Pownal
Brett of Otisfield
Fickett of Naples
Plummer of Bridgton
Winslow of Raymond
Hale of Portland
Rounds of Portland
Jordan of Westbrook
Jordan of Cape Elizabeth
Cummings of Portland
Nichols of Portland
—of the House

Minority report of the same Delegation reporting ought to pass on same bill.

Report was signed by the following members:

Messrs. Hinckley of Cumberland
Speirs of Cumberland
—of the Senate
Gilmour of Westbrook
Lord of So. Portland
Jones of So. Portland
Sanders of Portland
—of the House

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

In the House, on motion by Mr. Rounds of Portland, both reports and accompanying papers tabled, pending acceptance of either report.

From the Senate: Resolve in favor of Mary S. Hillman for State pension.

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

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

Resolve to increase the pension of Lester Patten of Hermon.

Resolve in favor of State pension for Levi Holden.

These resolves were finally passed in the House March 6, and passed to be engrossed February 27.

In the Senate, recommitted to the committee on Pensions in non-concurrence.

In the House, that body voted to reconsider its action whereby these five resolves were finally passed, and

further voted that they be re-committed to the committee on Pensions in concurrence

Message from the Governor

STATE OF MAINE

Office of the Governor

Augusta, March 13, 1923.

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

I return herewith without my approval

RESOLVE, in Favor of the Commissioners of Pharmacy.

My reasons for declining to approve this Resolve are similar to those which induced me to return to you without my approval, on Friday March 9th last, a similar Resolve entitled, "Resolve, in Favor of the Board of Registration of Medicine." The latter disapproval was sustained by your honorable body by a vote of 107 to 4.

The Resolve in question and the one above referred to are similar in purport and seek to give a preference to the two boards in question. I am not in favor of granting such a preference and believe all our State Boards should be placed upon the same basis and should be made self-sustaining.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER
Governor of Maine.

The communication was read, and on motion by Mr. McDonald of East Machias tabled pending reconsideration, and specially assigned for Thursday, March 15.

Report of Committee

Mr. BAKER from the committee on Sea and Shore Fisheries on bill, An Act to establish a close time on lobsters from Wood Pond Point to a point three miles south of Schoodic Island, reported same in a new draft, under title of "An Act to establish a close time on lobsters from a point in a straight line from Bear Cove on the western side of Petit Manan point to Little Black Ledge directly north of Moulton's Ledge Spar Buoy to the Schoodic Island Whistling Buoy," and that it ought to pass.

Report read and accepted and the new draft ordered printed under the joint rules.

First Reading of Printed Bills and Resolves

House 333: An Act to Incorporate the Fall Brook Improvement Company.

House 335: An Act to amend Section 19 of Chapter 5 of the Revised Statutes, as amended by Chapter 69 of the Public Laws of 1917 and Chapter 171 of the Public Laws of 1921, relating to the Duties of Boards of Registration of Voters.

House 336: An Act to amend Section 58 of Chapter 87 of the Revised Statutes relative to the setting aside of Verdicts by a Single Justice.

House 337: An Act to amend Section 7, Chapter 95, Revised Statutes of Maine, as amended by Chapter 47 of the Public Laws of 1921, relative to mortgage; may redeem within one year.

House 338: An Act to amend Chapter 136 of the Public Laws of 1921, relating to Night Fishing in certain waters of Kennebec county.

House 341: An Act to amend Section 49 of Chapter 211 of the Public Laws of 1921, relative to the weight of heavy vehicles.

House 342: An Act to amend Chapter 173 of the Public Laws of 1919, relating to the registration of resident hunters.

House 344: An Act for the better protection of smelts in the Damariscotta River.

House 345: An Act to amend Section 19 of Chapter 98, Public Laws of 1921, relating to suspension and revocation of lobster licenses.

House 346: An Act to repeal Chapter 11 of the Public Laws of 1921, relating to Protection of Deer in the town of York.

House 247: An Act to repeal Chapter 183 of the Public Laws of 1919, entitled "An Act to assist in the commercial utilization of dog fish."

House 348: An Act to repeal Chapter 151 of the Public Laws of 1919, providing for the collection of agricultural statistics by assessors.

House 349: An Act to Prohibit the conferring of degrees without special authorization.

(Tabled by Mr. Hale of Portland, pending second reading.)

House 350: An Act to amend Paragraph LX of Section 6 of Chapter 10 of the Revised Statutes, as amended by Chapter 105 of the

Public Laws of 1919, as further amended by Chapter 119 of the Public Laws of 1921, relating to exemption from taxation of the estates of War Veterans.

House 351: An Act to amend Section 25 of Chapter 124 of the Revised Statutes, relating to Penalty for falsely assuming to be an Officer.

House 353: An Act to amend Section 19 of Chapter 37 of the Revised Statutes, relative to the sale of milk.

House 354: An Act to amend the Charter of the city of Calais, providing for the election of a City Manager.

House 356: An Act to regulate the sale of vinegar.

House 357: An Act to amend Section 9 of Chapter 219 of the Public Laws of 1917, relating to the screening of lakes and ponds.

House 358: An Act to amend Section 52 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, relating to the setting of traps in organized or incorporated places.

House 359: An Act to amend Section 18 of Chapter 45 of the Revised Statutes, as amended by Section 2 of Chapter 98 of the Public Laws of 1921, relating to the issuing of lobster licenses.

House 361: An Act to amend the charter of the city of Eastport.

House 366: An Act to amend Section 84 of Chapter 16 of the Revised Statutes, relating to contracts with academies.

House 367: An Act to amend Section 91, Chapter 53, Revised Statutes, as amended by Chapter 39, Public Laws of 1919, relating to the Annual Statement of Conditions of Insurance Companies and providing a penalty for neglect to file the statement.

House 371: An Act to amend Section 27 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, and by Chapter 196 of the Public Laws of 1919, and by Chapter 218 of the Public Laws of 1921, relating to use of traps, spears and nets in taking fish in inland waters.

House 372: An Act to incorporate the Yarmouth Water District.

House 334: Resolve appropriating money to set forth the natural agricultural, industrial and recreational advantages of the State of Maine.

House 339: Resolve in favor of Leslie E. Jacobs, Secretary to committee on State Reformatories and State Schools, expenses as per schedule visiting the institutions.

House 340: Resolve appropriating money for the care, maintenance and repairs of Fort William Henry in the town of Bristol.

House 352: Resolve providing for aid in the payment of premiums awarded by the Houlton Agricultural Society.

House 360: Resolve appropriating money for the purpose of operating the fish hatcheries and feeding stations for fish, for the protection of fish, game and birds and for printing the report of the Commissioner of Inland Fisheries and Game and other expense incident to the administration of the Department of Inland Fisheries and Game.

House 362: Resolve providing a State Pension for Jane Anne Sewall of York.

House 363: Resolve providing a State Pension for Ada M. Cowan of Sidney.

House 364: Resolve for increase of Pension of Sarah J. Everson.

House 365: Resolve in favor of Wilmore Quimby of Haynesville for State Pension.

House 368: Resolve in favor of Blanch A. Grant for State Pension.

House 369: Resolve providing a State Pension for Hattie C. Knowlton of Liberty.

House 370: Resolve creating a State Pension for John B. Wallace of Lubec, Maine, soldier who served in the Philippine Insurrection.

On motion by Mr. Gardiner of Gardiner, the House voted to reconsider its action whereby bill An Act to amend Chapter 173 of the Public Laws of 1919, relating to the registration of resident hunters, was assigned for its third reading tomorrow morning at nine o'clock; and on further motion by the same gentleman, the bill was tabled pending its third reading.

Passed to be Engrossed

Senate 220: An Act to repeal Section 43 of Chapter 19 of the Revised Statutes, relating to Local Health Officers.

(Tabled by Mr. Rounds of Portland, pending third reading.)

House 330: An Act to amend Chapter 69, Public Laws of 1921, re-

lating to the Fiscal Year of the State.

House 214: Resolve in favor of the erection of a State of Maine Building on the grounds of the Eastern States Agricultural and Industrial Exposition Inc., at West Springfield, Mass.

House 328: Resolve in favor of a bridge over the St. Croix River between Vanceboro, Maine, and St. Croix, New Brunswick.

House 331: Resolve authorizing acceptance of donation to Blaine Memorial Fund.

House 332: Resolve authorizing the Treasurer of State to accept from the Executors of the Will of John Prescott two \$500. United States Liberty Bonds in lieu of the legacy of \$1000. left by said Prescott to the Western Maine Sanatorium at Hebron.

Mr. HAYES of Chelsea: Mr. Speaker, I move that House Resolve No. 214, in favor of the erection of a State of Maine building on the grounds of the Eastern States Agricultural and Industrial Exposition, Inc. at West Springfield, Mass. be tabled, pending passage to be engrossed.

The decision of the Chair that the above motion had prevailed was doubted by Mr. Douglas of Lamoine.

Thereupon, a viva voce vote being taken, the declaration by the Chair that the motion was lost, was doubted by Mr. Chalmers of Bangor.

A division of the House was had.

Ninety-two in the negative and 17 in the affirmative, the motion by Mr. Hayes of Chelsea to table was lost.

Passed to be Enacted

An Act to extend the time limit for exercising the corporate powers of the Great Pond Railway Company.

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

An Act relating to pensioning members of the Police Department of the city of Brewer.

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

An Act to amend Section 38 of Chapter 117 of the Revised Statutes, as amended, relating to the compensation of Judges of Probate in Oxford County.

An Act to amend Section 6 of

Chapter 141 of the Private and Special Laws of 1921, relating to the office of City Clerk of the city of Lewiston.

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

An Act to amend Section 45 of Chapter 117 of the Revised Statutes, as amended, relating to clerk hire in the office of Clerk of Courts in Waldo County.

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

An Act to amend Section 2 of Chapter 55 of the Revised Statutes, relating to Public Utilities Commission.

An Act to amend Section 45 of Chapter 117 of the Revised Statutes, relating to clerk hire in the office of Clerk of Courts in Androscoggin County.

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.

An Act to amend Section 1 of Chapter 82 of the Revised Statutes, relating to the Supreme Judicial Court.

Finally Passed

Resolve in favor of the Maine State Prison for maintenance and current expenses.

Orders of the Day

Mr. ROUNDS of Portland: Mr. Speaker, on Saturday, I tabled four House Reports for the reason that there were so few in the House that day, and I want to give every man a chance to be heard. These reports were "ought not to pass." I had no interest in them, other than to take care of the men who were interested in them. I, therefore, move that we take from the table report of committee on Mercantile Affairs and Insurance on bill, an act relative to form of standard insurance policies, tabled by me, pending acceptance; and I now move that the report be accepted.

Thereupon, the above motions prevailed.

On motion by Mr. Rounds of Portland, it was voted to take from the table report of committee on Mercantile Affairs and Insurance on bill, an act relating to Insurance and Insurance Companies, tabled by that gentleman, pending acceptance of report; and on further motion by the same gentleman, report of the committee, "ought not to pass," was accepted.

On motion by Mr. Rounds of Portland, it was voted to take from the table report of the committee on Mercantile Affairs and Insurance on bill, an act relating to Insurance, tabled by that gentleman, pending acceptance of report; and on further motion by the same gentleman, report of the committee, "ought not to pass," was accepted.

On motion by Mr. Rounds of Portland, it was voted to take from the table report of the committee on Pensions on Resolve providing State Pension for Mary G. Silk of Lewiston, "ought not to pass," tabled by that gentleman pending acceptance of report; and on further motion by the same gentleman, the report of the committee was accepted.

On motion of Mr. Maher of Augusta, it was voted to take from the table House Document, No. 187 an act relating to the Board of Education in the city of Augusta, tabled by that gentleman, March 8, pending passage to be enacted; and on further motion by the same gentleman, the bill was passed to be enacted.

On motion by Mr. Maher of Augusta, it was voted to take from the table, Senate Document 146, an act to create the Kennebec Reservoir Company, tabled by that gentleman March 9, pending assignment for third reading.

Mr. MAHER: Mr. Speaker, I now move that this bill be assigned for its third reading tomorrow morning at nine o'clock.

Mr. CUMMINGS of Portland: Mr. Speaker, I move the indefinite postponement of this bill, an act to create the Kennebec Reservoir Company.

The SPEAKER: The gentleman from Portland, Mr. Cummings, now moves to indefinitely postpone bill, an act to create the Kennebec Reservoir Company, taken from the table

by the gentleman from Augusta, Mr. Maher. The Chair recognizes the gentleman from Portland, Mr. Cummings.

Mr. CUMMINGS of Portland: Mr. Speaker and members of the House: In making that motion I am actuated by no other reason than because I believe it ought to be done. I do it for no other reason than that I could not do otherwise and do what I believe it is my duty to do. I do not believe that the members of this House understand the importance of this bill or the merits of this bill, and I want to read to the House some facts and figures from the parties who are back of this bill. The statements are their own, the figures are their own, and we cannot question them. They throw a great deal of light on this matter.

The part which I desire to read relates only to the Dead River storage proposition. This is headed "Part II: Dead River Storage; Dead River." It reads as follows:—"The possibility of storage on Dead River was mentioned in the Maine Water Power Commission Report of 1920, but that report only contemplated about seven-tenths billion cubic feet of new storage, as the Commission felt that the possibility of flooding the State road and the Village of Flagstaff prohibited any further raising of the water surface. From our present information which is derived from State and Government maps, supplemented by some stadia and aneroid surveys which we have recently made, it would appear that the flooding of the Highway and of Flagstaff would increase the new storage capacity from seven-tenths billion to from 10 to 12 billion cubic feet, and that the benefits would greatly overbalance the damages. We have therefore considered raising the water surface by constructing a dam about 50 feet high at the head of Long Falls."

The members of this House will bear in mind that Long Falls, where this dam is to be constructed, is public property. That is the key to the whole situation. That is owned by the people of the State of Maine.

Now continuing:—"The town of Stratton on the south branch of the Dead River about 28 miles above the storage dam seems to limit the economical height of flowage to El. 1150. This town has about a thousand inhabitants, two mills, stores, hotel, churches and a considerable number of summer cottages, and the expense

of flooding it would probably be large. On the main river the flowage would reach Eustis about 34 miles above the proposed dam. At this place a saw mill and a small electric light station would be flooded, but the damage would not be large. Flagstaff would be completely submerged, the main street being seven feet below the proposed water level. The village consists of about 35 houses, most of which are small and of little value, a small church and a saw mill, and it is felt the cost of this property would not be prohibitive."

"With the water surface at Elev. 1150 a reservoir capable of holding from 10 to 12 billion cubic feet would be formed. This reservoir would reach from the head of Long Falls to the village of Eustis on the main river and to the village of Stratton on the South Branch. It would be about 24 miles long and from one half to one mile wide and would embrace an area of 21 square miles. The cost of this reservoir exclusive of dam is estimated to be \$510,000."

That, you will see, comprises all that they would pay for the flooding of this whole territory—according to the estimates—24 miles of territory in length and from a half mile to a mile in width, and includes all that they would pay the State—if they ever paid anything—for their franchise unless they pay something for the flowage of the water, which would be a very small item.

"A mass curve of the Dead River indicates that during the 11 years from 1910 to 1921 there was only one period that the reservoir would not have filled, assuming that it was entirely depleted each year, and that was for the years 1910 and 1911, two successive years of very low flow. The drainage area adjacent to this reservoir is 500 square miles."

"Near the head of Long Falls about 22 miles above the junction of Dead River with the Kennebec at the Forks is a fairly good site for a dam. Ledge appears in the bed and on both sides of the river for some distance from the shores, and according to the State Geological report, it is believed that in no place is the rock more than ten or fifteen feet below the earth of the higher banks. A reinforced concrete dam 50 feet high and 728 feet long has been designed, provided with suitable waste gates and log sluice gates. The estimated

cost of this dam is \$475,000, making the total cost of the storage including land damages \$985,000."

Then follows a detailed statement of the various items that entered into that cost, including, "Clearing Site," "Coffer Dams," "Excavation," "Fill-Earth Dam," "Rip Rap," "Concrete," "Taintor Gates and Hoists," "Log Sluice Gate and Hoist," "Booms," "Railings, Stairs, etc.," "Roads," "Grading and Clearing Up" "Trucking and Boating," "Construction Buildings," "Commissary," "Plant Less Salvage," "Contingencies of \$50,000," "Engineering," "Office Expense," "Sanitation, Water Supply, Welfare," "Medical Attendance, Insurance and Fire Liabilities," "Interest During Construction," "Taxes," "Legal Expense," and "Contractors' Profit" of \$34,000, making a total of \$475,000 for the construction of the dam, "Property Rights and Land Damages, \$510,000," "Original Total, \$985,000." The following revision made Dec. 30, 1922, "Relocating Highways and Preliminary Expense, \$215,000," "Total Cost Project, \$1,200,000."

Now, the same gentleman who compiled these figures to present to the interested parties, who have participated in this development and who are to share in the great profits to come therefrom, taking their own figures and their own estimates—and those estimates are based on the difference between the cost of developing this given amount of power from coal as they now develop it and from the water as it would be developed after this dam is erected—it shows that the yearly value of this development to the parties at interest would be \$480,000 a year. That, you will readily see, on the cost of \$1,200,000 is exactly 40 per cent.

Now this bill, if it became a law, would authorize this corporation to do all of these things. They would acquire this great right, that the State now owns, and they would develop it in the manner described. Do the people of the State of Maine desire to have that right and that property taken away from them and turned over to this great corporation for its great benefit? You will notice that this corporation which they have created is not a public utility. It would not come under the control of the Public Utilities Commission. Somehow it seems to me to be something like a charitable institution; they divide the charities among

themselves. And again it seems to me that it might more properly be called a mutual benefit association. It is a thing out of the reach of the legislative powers of the State. They propose to issue stock—nothing said about how much, no one knows what the nature of the stock may be, and it may be stock issued without any par value. It is apparent that it is the intention to issue this stock pro rata to the parties interested and who will make use of this water as it goes down stream. And they are to receive their returns, not in cash dividends but in water. That is, gentlemen, a new departure in stock watering. Even the dividends are paid in water. It may even be that this stock, issued in the way that they will issue it, will be assessed for the expenses, so that there will be no cash for distribution.

The two great committees who had this matter under consideration, had this before them. I do not believe that the members of these committees understood what those bills would do. If they knew that this development was to be on land publicly owned, that the key to that situation was possessed by the people of Maine, and that they were to turn it over to someone for nothing so that they could capitalize it in such a way as this that they could get a great return on it; if the members of these committees knew those things, well and good. I want them to say that they did know those things. But I assume that they did not. I understand that our great committees are overworked and that they have a great many things coming before them that it is utterly impossible for them to individually investigate the merits of, and that they are dependent upon what is presented at the hearing. And I do not blame them in any way for reporting favorably on this bill if they did not understand those things. And I do not think it would be inconsistent on their part, if that is correct, if they do not understand this situation, for them to vote that this bill should be indefinitely postponed. I do not believe that any member of those committees is under obligation to stand up and defend the report that they made unless he is convinced that that report is correct beyond a doubt.

If there is any new evidence that has come to the attention of any member of those committees, if he has received any new light on this

question, as a good citizen of Maine and in accordance with the oath of office, which they all took here, he ought to be glad to have this thing indefinitely postponed.

Now I think that I have said all that I care to say about this matter. This matter is important and it is up to the members of this House to decide what they shall do. I am entirely satisfied to accept the responsibility for myself to vote against this bill, and I could never go back to my constituents and tell them that I voted for this bill, without forever being ashamed.

The SPEAKER: Pro tem: The question is on the motion of the gentleman from Portland, Mr. Cummings, to indefinitely postpone. Are you ready for the question?

Mr. MAHER of Augusta: Mr. Speaker and gentlemen of the House: As one member of the committee that had this matter under consideration I cannot at this time refrain from answering one or two of the arguments put forth by the gentleman from Portland, Mr. Cummings, and without going into the merits of the measure to any great extent, it does not seem to me that this is the proper moment to take the time of the House, unless there may be some misunderstanding with reference to certain of the arguments advanced.

At the outset I desire to say here how I stand in relation to the report of the committee, so that anything that I say now will be taken exactly as I mean it. I shall say nothing that is not in exact accord with my judgment, and that is notwithstanding the fact that I have, for several years, acted as one of the attorneys for one of the incorporators. And I say that in order to preserve perfect faith with the House, and in order that I may not occupy any position here in the nature of an undisclosed attorney. That is why I make that statement. It does not at all affect my judgment of the merits of this matter. We had two committees, Judiciary Committee and the Committee on Interior Waters. They gave this measure no hasty hearing. They gave it the very fullest consideration. They gave it ample time. It was advertised under the fullest publicity, and the merits of the measure from a scientific standpoint, from an economic standpoint, and from every angle, were completely discussed, and there

was not one single voice raised at that hearing in opposition to a single section or clause of the bill, except objections which the committee made itself, which resulted in certain changes in the bill. There was not a single opponent nor a suggestion of opposition, and I submit that if there were valid objections to this matter, that that was an appropriate time and an appropriate place; not for a moment, of course, contending that this time is not equally open to any person who has objection, but manifestly at a time when the proponents of this measure were present and when there would be an opportunity for full discussion, for explanations, and for decision upon the matter, it would have seemed that if there were any of those alarming objections that somebody has voiced, they should have been raised.

Let us see, if I have got the gentleman's main objection—and I am not going to take very much time here—if I have got, first, his main objection, it was that the matter was not under the control of the Public Utilities Commission. Secondly, that it was upon public lands which were a part of the heritage of the people of the State of Maine, that is, where the dam was. And, thirdly, that it was going to result in benefit. Now let us take that in reverse order. Of course it will result in benefit, or at least I suppose that it will. Otherwise there would not have been made this vast investment there, or this effort to get the permission of this Legislature to make the investment there. But benefit, gentlemen, to whom? That is the query. Benefit to some mystical corporation, to some intangible octopus? Not at all. We have been hearing, for the past dozen years the development of the natural resources of Maine. We have had that debated in the Legislature and debated in the various civic quorums of the State, and we have had everyone who had any idea on the proposition get it into the papers if they could. Why, we have even had the Superior Court of the State interrogated as to what the powers of the State were, and I think it is a very definite and certain proposition that throughout the length and breadth of this State there should be developments of the latent power of this State in the matter of the storage of water. From time immemorial this water has been rolling through to the sea, and in the flood season it has been throwing away

millions and millions and millions and millions of dollars worth of power that could have been utilized. It threw it away last spring and it will throw it away again within a month, and it will roll on to the sea, and it will do no one any tangible good. There should be development; there should be construction.

What is this bill for? It proposes that up there at Long Falls there be erected a dam, that there shall be stored twelve billion cubic feet of water, the flood water which goes to waste in the spring, and that flood water there, properly stored under approved engineering methods, will permit of 770 cubic feet per second of water, every five months in the year, to be let out into this Kennebec Valley, to keep the flow somewhere near up to the mark during the dry season. Benefit? The Lockwood Mill, which has a payroll of \$20,000 a week has been shut down almost a week at a time and has lost time during the past four months that has cost the operatives, the laborers, the people there who earn their living by the sweat of their brows, it has cost them \$32,000 in money during the past four months due to low water. Here in Augusta we have been troubled with high water in the spring of the year frequently in the past, from the last dam down, we have had trouble from high water in the spring of the year, and the Edwards Company's employees have been out a week at a time. It was told before the committee, and it is an engineering fact, that it is always the last wave, the last lap, that puts them out of commission each time of high water.

The conservation and storage of those flood waters there and this proposed construction will alleviate to some extent, it will relieve to some extent, that high water. Now it seems to me that that it is perfectly self evident that the equalizing of this flow, the using of that water—770 cubic feet per second every five months in the year—which will give an additional increment to the water power on this river of fourteen to sixteen thousand horse power, that that is a thing which should be done, not for any corporation, not for any private interest, but for the great benefit of the people. And how is the public benefitted? The public is benefitted by the employees of those mills getting regular work. It is benefitted by those mills being able to in-

dustrially compete with interests outside the State. The public is benefited from the fact that the only utility here which is at all affected, the Central Maine Power Company, is a public utility, and any benefits it has must be realized, under the control of the Public Utilities Commission, in diminished rates, in increased efficiency, and in general benefit to the public. Now let us say that there cannot be much dispute that there should be storage. The executive branch believes it. In the Senate it is believed. It is almost universally believed. The query is, shall it be done by private investment, or by the State? The message of the Chief Executive, at the opening of this session, called attention to the imperative need of storage and conservation and suggested that the present condition of the finances of the State would not permit of the State launching at this time into a venture of this sort of storage.

It was suggested that there be a constitutional amendment submitted to find out whether the people at some remote time, would avail themselves of some proposition that some legislature might advance for development along this line. In the meantime there has come this proposition based on precedent, and you might think that this was something entirely novel to the State of Maine. You might think this was the only development of the kind ever proposed in this State. Why, the Ripogenous, over in the east, is an accomplished fact that I do not believe anyone in the eastern part of the State would ever wish to get away from. The development of the Androscoggin and Aziscoos, controlled by the Union Water Power Company since 1910 I believe, has made that Androscoggin Valley industrially thrive, has made that a great element for industrial prosperity there. It has equalized that flow, it has conserved power, it has been of great benefit to the public.

Here on the Kennebec we ask for something similar to what they have on the Androscoggin—the Aziscoos. And what are we met by? We are met by this, that the key to the situation is public lots, two lots, one on the east and one on the west side of the river, there where the dam is. And under the decision of the court it is well known that water power is in the bed of the river and in the bank. It is not just the water. There

is not any State ownership of water as such, but the State of Maine happens—because of the ordinance prevailing at the time of separation—it happens to be trustee of these reserved lots. As I understand it the State of Maine acts as trustee for the benefit of the first settled minister and first established church. I may be in error but I believe that at such time as an organized town and church are established there with a minister established there in good faith, the titles of the State of Maine would immediately vanish. The State holds those lots in trust, the best mill sites in the town, for that purpose. Now the Legislature has control over those lots, which happen to be where the dam wants to be located. There has never been any development. It is so far away that there never would be any development, certainly under present conditions, there never would be any dam there for other than storage purposes. Of what value is that to the State of Maine up there today as contrasted with the benefits that will accrue to the public from the development of this far down the line, and whatever the value is, gentlemen, whether it be \$10,000, \$100,000, or \$1,000,000, this act protects in every single aspect the rights of the State. Nothing will pass to this company, nothing will pass, under this measure, no title will pass, until the State has been paid whatever is the assessed damage, whatever is the assessed value. And is the State parting with it forever? No. This bill itself contains this provision, that whatever rights are given here are given only for a period of 50 years, and that then the State of Maine has a right to take over this development proposition, if it sees fit, paying therefor simply the capital cost, nothing for this franchise, this intangible franchise which we hear so much about and which is the third objection. The objection of the public utility proposition, the objection of the location of the lots, and the objection of the franchise values which you are said to be giving away.

Now with reference to the public lots—I think I have covered it. That refers to the public utility aspect, that this company is not under the control of the Public Utilities Commission. Gentlemen, it is not, and for a simple reason. The Commission is a regulatory Commission over public rates. This is not a company

that is going into the business of profit making. We have had this co-operative aspect of business here this session in another form and we have given just as careful attention in that committee to the co-operative aspect of farming as we have to the co-operative aspect of the development of power. And the principle is not one whit different. And when the gentlemen came up with a co-operative marketing bill, we gave that just as careful and conscientious consideration as we have given this. Are the two measures alike? Quite similar. And the reason therefor is the reason for no public utility location, because this company is not to charge rates. It is not to be profit making. Every single cent that comes to this corporation comes by contract with the people up and down the river who elect to become the incorporators.

Now, who are these incorporators? Here is the Edwards Company of Augusta, the Lockwood Company of Waterville, The Hollingsworth and Whitney Company of Waterville, The Shawmut Manufacturing Company, The Great Northern of Madison, The Hollingsworth and Whitney Company of Madison, The International at Solon, The Central Maine Power with its two dams up the river. These are the incorporators and these incorporators are going to pay every cent of the expense of the building of this storage reservoir. And how are the people going to get their money back? By charging rates? No; they will get their money back by contracts with the companies they represent, and which have filed these propositions.

Now supposing there is somebody on the river who does not want to go in and be an incorporator, or contribute, or pay anything for the water that is flowing by. They can benefit by it just the same as the others. That water, rolling down to the sea, that water benefits every single industrial enterprise on that river, and whether they go into their pockets and take a chance on the development of this power or not, they are equally participants, and they are participants, if they see fit, without paying a cent.

Now the franchise value. We have heard it talked that it was worth five million dollars. Let us see! The State of Maine has a perfect right today to go up there and develop that

storage reservoir without any constitutional amendments whatever for the purposes set forth in this bill and pay for it by public taxation. That has been answered by the Justices of the Supreme Court in their answer to Question One which was submitted to them two years ago.

Then there comes the second question; has the State of Maine a right to charge the power owners, those who are benefitted down the river? That is the second question which was submitted to the Justices; has the State any right to recover by rentals or by taxations, the cost of the big development? And the Supreme Court said "No." The Supreme Court said that it knew of no power of taxation which the State possessed that could make any single power owner down the river who was benefitted pay a cent for the increased flow which came by his power site. There is a distinction which the gentlemen in the other branch and the gentlemen here have not appreciated. They talk about a franchise of tremendous value that is being given to this corporation for nothing. This corporation is getting a franchise, it is getting a franchise to be a corporation, and in doing that, under your general law, by just simply filing down in the Secretary of States office, your articles of incorporation, of various corporations that are formed day by day all over this State, from one end to the other, you are giving these franchises away, for the regular fee that is there paid,—a matter of general law.

This corporation is getting its franchise to be a corporation, but the value, the difference between the power cost which will be developed by this fourteen thousand horse power increment, that the State has not any right to charge for now, because the Supreme Court has said—and some of believe wisely—that the State of Maine was set up as a governmental agency and not as a business corporation, and that until there was a Constitutional Amendment the State of Maine could not charge and could not go into the business of private industry. Well now, you are not asked to give that away, because the State of Maine does not possess it. And every cent that this corporation gets toward defraying the expense of the construction of that great storage dam, is to be paid under the inviolable right of contract, that which every man possesses, that

which every corporation possesses, that which the State cannot give and cannot take away. There is nothing in this franchise proposition that is tangible for a minute. This company asks for permission to invest private capital up there and to develop that storage—not in the remote future, but now,—and to get the benefit of this flood water at the earliest moment, in order that the citizenship of Somerset County, in order that the industrial communities of Kennebec County and in order the outlying contiguous territory in this section shall be benefitted, and in order that industry as a whole in this State shall go forward. In other words, gentlemen, they are asking for this in order that you may have acts and not words if you want Maine to go ahead. (Applause.)

Mr. CUMMINGS of Portland: Mr. Speaker, may I say just one word of comment on my friend, Maher's, remarks? He says that this was not organized as a profit-making industry, that not one cent will they get. Oh, I suspected that! What difference does it make, gentlemen, whether they get a dividend in cash, or whether they get \$400 worth of water for a year which they need in their business, and which will save them that amount of expenditure? Not the slightest.

Also, I want to say one word in relation to the hearings before these committees. I believe that anyone who is in possession of anything that would be of use to a committee in a hearing ought to appear before that committee and state whatever he has that is of consequence; and it is true that before the hearing on that matter I knew that the State owned those lots on both sides of the river; but I was not here.—I was away on the work of another committee on that day. It happened to be assigned just that way, so that I was not able to be present. I want to state also that, after the hearing, I spoke to two members of the judiciary committee in regard to this matter, and, if I can judge anything by what they said they were very much surprised that that condition existed, and one of them particularly expressed himself very strongly as to why somebody had not informed him in regard to it before.

Mr. BARWISE of Bangor: Mr. Speaker, I do not wish to take but just a moment of the time of the House, and I approve of all that my

friend from Augusta, Judge Maher, has said. One point which I think perhaps he neglected to speak about was that there has been very careful arrangements made by this company so that nobody in this region will be taken advantage of in the slightest way. In other words, every square foot of ground that will be covered by water in this development has already been contracted for by an option, and the price made satisfactory to the owner. Every single owner in this region is getting his price for his land; everybody in this village that is going to be taken away is getting a fair price, even more than a fair price,—is getting what they say it is worth. The proposed company has gone so far as to make arrangements for moving a burial ground, which is absolutely satisfactory to all the people who have relatives buried on this place. In fact, everything that could be done to protect the rights of individuals in this development has been done. I think we need have none of the fears that the gentleman from Portland (Mr. Cummings) has expressed. I think that he is exaggerating the dangers from that point. The land, which belongs to the State, is to be paid for, and paid for at the rate which a fair commission of men will say it is worth. There is to be no "grab," either from the State or from private individuals, in this new development. This development is merely a development to assist Nature in holding the flow of the river from the time of the spring flood through the summer's drought. That is all that it is. On the Androscoggin, the laborers there have not lost a single hour's work since that Aziscoos dam—or whatever you call it—was built; not a single hour's work have the laborers lost on that river, while on the Kennebec they have lost sometimes two months and sometimes three months' time during the year. On the Penobscot we have a similar arrangement—it is not quite complete—but our Ripogenous proposition has stabilized the flow of water so that we lose very much less time, and the industrial situation in the east is very much improved over what it used to be. Now if this Kennebec valley can be taken care of in the same way, we shall have the three great basins of the State taken care of, so that industry can be carried on at its highest pitch. I have given some attention to this matter, and I

think there is nothing whereby the most careful attorney could find where anybody's rights were being infringed upon or injured in the slightest degree. I hope this bill will pass.

Mr. CUMMINGS: May I ask Mr. Barwise a question through the Chair?

The SPEAKER pro tem: The gentleman may state his question.

Mr. CUMMINGS: I wish to ask Mr. Barwise, who has stated that the price to be paid for this land that is to be taken is already fixed, what the price is that they are to pay the State of Maine, for the rights that they take from the State?

Mr. BARWISE: I meant to say that all the land taken from private individuals, the price is fixed by option.

Mr. CUMMINGS: It would follow, then, that they had fixed the other—

Mr. BARWISE: As I understand the proposition, the land to be taken from the State is to be settled on by an impartial commission, but the price of the land to be taken from individuals there has already been fixed by option, so that no individual will suffer.

The SPEAKER pro tem: The question is on the motion of the gentleman from Portland, Mr. Cummings, to indefinitely postpone. Is the House ready for the question?

The question being called for, a viva voce vote was taken, and the motion to indefinitely postpone was lost.

On motion by Mr. Maher of Augusta, the rules were suspended, and a viva voce vote being taken the House voted to give the bill its third reading at the present time, and the bill was passed to be engrossed in concurrence.

(Speaker Holley resumes the Chair.)

On motion by Mr. Hamilton of Caribou, the House voted to reconsider its action whereby it passed to be enacted this morning, 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; and on further motion by the same gentleman the bill was tabled, pending passage to be enacted.

Mr. DOUGLAS of Lamoine: Mr. Speaker, I wish to take from the table, House Document No. 329, Resolve granting the consent of the State to the building of a bridge between "Big Five Island" and "Hen Island," tabled pending assignment for second reading, and move second reading.

The SPEAKER: The Chair will state for the benefit of the members that upon your calendar this matter was apparently tabled by Mr. McDonald of East Machias. This was an error, and it was tabled by the gentleman from Lamoine, Mr. Douglas, who now moves that House Document No. 329, Resolve granting the consent of the State to the building of a bridge between "Big Five Island" and "Hen Island" be taken from the table.

The motion prevailed; and on further motion by the same gentleman the resolve received its second reading, under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Winn of Lisbon, it was voted to take from the table House Document, No. 222, an act relating to the taxation of shares of bank stock, tabled by that gentleman March 9, pending the motion by Mr. Stitham of Pittsfield to indefinitely postpone.

Mr. WINN: Mr. Speaker, I yield the floor to Mr. Stitham of Pittsfield.

On motion by Mr. Stitham of Pittsfield that gentleman was granted permission to withdraw his motion to indefinitely postpone this bill.

Mr. PLUMMER of Bridgton: Mr. Speaker, it seems to me that a bill of a similar nature has been before this Legislature, and the matter was thoroughly threshed out before a competent committee. I think we should do away with all unnecessary hearings, and I insist on the motion to indefinitely postpone.

The SPEAKER: The Chair has already declared that unanimous consent was given to the gentleman from Pittsfield, (Mr. Stitham), to withdraw his motion; and now does the gentleman from Bridgton, (Mr. Plummer) make the motion that the bill be indefinitely postponed?

Mr. PLUMMER: I do, Mr. Speaker.

The SPEAKER: The gentleman from Bridgton, Mr. Plummer, moves that this bill be indefinitely postponed.

Mr. STITHAM: of Pittsfield Mr. Speaker, the statement of the gentleman who just spoke that the subject matter of this bill had been acted upon, I cannot agree with. A bill relating to bank stock was before our committee for consideration. It was a bill to repeal a law. This bill is a bill to amend, and I claim that they are both separate and distinct. This bill was presented in this House and was referred to the committee on Taxation and was sent to the Senate. The Senate, I believe, refused to give it a hearing, and I feel that it is a peculiar situation when this House of Representatives refers a bill to a committee and the Senate will not even give the bill a hearing. Therefore, I move, Mr. Speaker, if in order—

The SPEAKER: There is a motion before the House to indefinitely postpone in concurrence with the Senate.

Mr. STITHAM: I say, Mr. Speaker, that I hope and trust this House will at this time support me in withdrawing my motion to indefinitely postpone.

The SPEAKER: The gentleman has already been accorded the privilege of withdrawing his motion by the House by unanimous consent. The gentleman from Bridgton, Mr. Plummer, thereupon made a motion similar to that which the gentleman withdrew, namely, to indefinitely postpone. The question now is on the indefinite postponement of the bill.

Mr. WINN of Lisbon: Mr. Speaker, I certainly hope that the motion of the gentleman from Bridgton, Mr. Plummer, will not prevail. Since this bill came in here, it has certainly had a rough road. Sometime ago, if you have read the papers, and I think it was true, this bill came in here, and was reported in the press of the State of Maine identically with the bill as I understand that Mr. Stitham has put in. That was withdrawn before it was read in the House, as I understand they had a perfect right to do; but it would seem to me—and I think it will seem so to some of the rest of the Representatives in this House—that there must have been some outside pressure brought to bear. Now this bill comes in here, presented by Mr. Stitham in regard to the raising of tax rate on bank stock; and while I will not say that I am particularly in love with the bill, or anything of that sort, I do believe that it should have due con-

sideration. The bill that I presented here sometime ago I cannot see has anything to do with this. This bill took its usual course, was referred to a committee, had a hearing in the committee, and was then referred back to this House as to whether it should pass or not. I believe it should have its fair consideration. A gentleman in the Senate made the remark that it was shown before the committee that the rate was already too high. In reply to that I want to say, gentlemen, that I cannot recall any evidence before that hearing on the first measure in regard to the repeal that tended to show that the rate was too low; but contrary to that, the rate as figured out as nearly as it can be gotten by the State Assessors' Department, I think it should be something like 19 mills. But it looks to me that if we are going to consider House Bill No. 232, which has already been advertised and come up for hearing, that we should certainly have received House Bill 222. There may possibly be a slight technical point there, but, if there is, I do not believe the best lawyer here in this House can comb it out with a fine tooth comb, owing to the fact that House Bill No. 232 is not here. To my mind the House has taken the proper stand. We have accepted this bill, and started it on its way, and I believe we should not withdraw from our present position and concur with the Senate in the indefinite postponement, and I certainly hope that the motion of the gentleman from Bridgton, Mr. Plummer, will not prevail.

Mr. CUMMINGS of Portland: Mr. Speaker, the question here is only whether this House had a right to introduce a bill or not. There never has been any bill like this presented to this House. The bill that they refer to was a bill to repeal an existing law. This is merely and only a bill to increase the rate of taxation on bank stock. Now it does not interest me particularly whether the rate should be increased or not. The thing that does interest me is the fact that it is a proper bill and that it is an astonishing discourtesy on the part of the Senate to indefinitely postpone a bill that is properly presented and assigned by this House to a committee. I cannot understand why they should do such a thing. If this bill is wrong, the committee would undoubtedly report ought not

to pass on it; but to say that this bill shall die and shall not be referred to a committee, seems to me a very arbitrary proceeding, and I cannot understand it.

The SPEAKER: The Chair at this time will call the attention of the members to the fact that under the rules when discussing a question you are not allowed the privilege of discussing the action of the other branch or remarks made in the other branch. The Chair has not called several members to order on the question, hoping that the members would realize the situation. The Chair now recognizes the gentleman from Lamoine, Mr. Douglas.

Mr. DOUGLAS of Lamoine: Mr. Speaker, I was rising on that same question, and to move that the remarks in regard to the discourtesy of the Senate be stricken from the Record.

Mr. HAMILTON of Caribou: Mr. Speaker, I feel that in this matter we have certainly taken a wrong stand. There is no reason in my mind why a matter like this should not be discussed and taken up by the committee in its regular order. The main argument put forth by those who did not wish to repeal the law of 1921 whereby we took away the self-government of our little towns and brought it up here to Augusta—was that they wanted the rate stable. They were willing to pay the tax, but they wanted it uniform. Now this does not make it different from the other ones. In my own town it takes \$2,500 out of the people and puts it into these banks there, banks that are prosperous and have been for the last thirty years under local self-government. And it seems to me that when you shut off matters like this, you must account later on to the people you represent, and it seems to me right and fair that a matter like this should be referred to the proper committee. I have no comment to make on what others might do in other places, but it seems to be that the fair-minded men of this House—and I have found you to be such—will take this matter into consideration, let this bill take its natural course, and its results we will abide by. I thank you.

Mr. ARCHIBALD of Houlton: Mr. Speaker, I wish to say a very, very little. In the first place it is extremely significant that while it is

claimed that there is no similarity between this bill and the prior bill considered by this House, yet it is very difficult to see any difference between the personnel of the proponents of this one and that of the former. It seems to me as if in their minds they are more or less interwoven. Now that former bill was discussed and it was disposed of; and while the gentleman from Portland, (Mr. Cummings), thinks this should have the consideration of a committee, it was not but a very few moments ago when he was willing to state that the consideration that some committee had in relation to the report on a bill of which he did did not entirely approve could be very easily gotten away from by the members of that committee themselves if they were willing to depart from the committee report which they had previously signed. Now this matter is in everybody's mind. There is no need of discussing it. We know just exactly what the provision of this bill is, and, so far as the county of Aroostook is concerned, with the interests there and in the condition that they are, with the necessity of stabilizing banking conditions, and with the dependence that particular section has today upon our banking institutions, I feel it very unwise at this time to agitate this question further, and I feel that we should sustain the action of the Senate and concur with them.

The SPEAKER: The question is on the motion of the gentleman from Bridgton, Mr. Plummer, that this bill be indefinitely postponed. As many as are in favor of the indefinite postponement of the bill will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had, Forty-five having voted in the affirmative and 63 in the negative, the motion to indefinitely postpone was lost.

On motion by Mr. Stitham of Pittsfield, the House voted to insist upon its former action, and that a committee of conference be appointed.

Thereupon, the Chair appointed as conferees on the part of the House, Messrs. Stitham of Pittsfield, Winn of Lisbon, and Hamilton of Caribou.

On motion by Mr. Reed of Harmony.

Adjourned until tomorrow morning at nine o'clock.