

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

SENATE

Wednesday, March 21, 1923.

Senate called to order by the President.

Prayer by Rev. W. P. Bradford of Hallowell.

Journal of previous session read and approved.

Veto Message from the Governor

STATE OF MAINE,

Executive Chamber,
Augusta, March 21, 1923.

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

I return herewith without my approval

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.

My reason for disapproving this Act is that it increases the salary of two members of the Board of State Assessors and at the present time I do not favor salary increases. The work which the Board of Assessors is doing is of vital importance and they should be properly paid for their services, but it is entirely unreasonable to increase the salary of the two members of the Board and to make no provision for the chairman who is the one who guides its deliberations, and who really is entitled to an increase.

It cannot be denied that many of the salaries in the State House are not adequate for the services rendered, but it is not desirable to attempt to equalize them piecemeal. If the matter could have been gone into thoroughly by a committee of the Legislature, or some other public body, it may be that increases would have been justifiable in certain cases. The people at home, however, at the present time are not in sympathy with State salary increases and I am in accord with their position.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

Received under suspension of the rules and the message was read by the Secretary.

The PRESIDENT: The question before the Senate is shall this bill become law notwithstanding the objections of the Governor?

On motion by Mr. Ryder of Piscataquis, the message and bill were tabled and assigned for consideration tomorrow morning.

Papers from the House disposed of in concurrence.

House Bills in First Reading

House 395: An Act to amend the second paragraph of Section 45 of Chapter 117 of the Revised Statutes as amended by Chapter 153 of the Public Laws of 1921, relating to clerk hire in the Androscoggin county registry of deeds.

House 396: An Act to amend Section 27 of Chapter 117 of the Revised Statutes of 1916, as amended by Section 1 of Chapter 194 of the Public Laws of 1917, as further amended by Chapter 214 of the Public Laws of 1919, as still further amended by Chapter 219 of the Public Laws of 1921, relative to the salary of county attorney of Lincoln county.

House 397: An Act authorizing the City of Portland to construct a fire station upon public grounds.

House 400: An Act to incorporate the City of Brewer High School District.

House 401: An Act to amend Section 44 of Chapter 217, Revised Statutes, as amended by Chapter 167, Public Laws of 1917, Chapters 214, 259 and 260, Public Laws of 1919 and Chapter 219, Public Laws of 1921, relating to salary of county treasurer of Lincoln county.

House 402: An Act to amend Chapter 66 of the Private and Special Laws of 1915, entitled "An Act providing for pensions to employees of the City of Bangor."

House 403: An Act for the control and suppression of the European Corn Borer.

House 404: An Act to amend Section 44 of Chapter 117 of the Revised Statutes relating to the salary of the county treasurer of Hancock county.

House 407: An Act to revise the Military Law of the State of Maine.

House 408: An Act in relation to employees and office expenses of the Department of the Attorney General.

House 409: An Act to amend Section 43 of Chapter 117 of the Revised Statutes as amended by Chapter 214 of the Public Laws of 1919 as amended by Chapter 219 of the Public Laws

of 1921 increasing the salary of the register of deeds in the county of Sagadahoc.

House 410: An Act to amend Section 41 of Chapter 117 of the Revised Statutes as amended by Chapter 214 of the Public Laws of 1919, as amended by Chapter 219 of the Public Laws of 1921, relating to salary of sheriff of Aroostook county.

House 411: An Act to amend Section 40 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1921, increasing the salary of the clerk of judicial courts in the county of Sagadahoc.

House 413: An Act to amend Section 42 of Chapter 117 of the Revised Statutes, as amended by Chapter 173 of the Public Laws of 1917, as amended by Chapter 214 and Chapter 241 of the Public Laws of 1919, as amended by Chapter 219 of the Public Laws of 1921, in relation to salaries and expenses of County Commissioners.

House 414: An Act to amend Sections 19, 21 and 22 of Chapter 18 of the Revised Statutes as amended by Chapter 148 of the Public Laws of 1917, relating to the board of registration of nurses.

House 416: An Act amending Chapter 222 of the Public Laws of 1919 relating to fees of constables.

House 418: An Act to amend Section 58 of Chapter 4 of the Revised Statutes, relating to the purposes for which cities and towns may raise money.

House 419: An Act relating to improvements on Nash Stream and the east and west branches thereof in Coplin Plantation, and in the township of Redington in the county of Franklin.

House 394: Resolve appropriating money for the establishment of a Test Laboratory at Caribou in the county of Aroostook.

House 398: Resolve providing a State Pension for Frank A. Choate of Montville.

House 399: Resolve in favor of Nancy T. Morrill of Madison for State Pension.

House 412: Resolve in favor of Central Maine Sanatorium for personal services, maintenance, repairs and equipment.

House 417: Resolve in favor of Western Maine Sanatorium for per-

sonal services, maintenance, repairs and equipment.

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

In the House this resolve was indefinitely postponed. The Senate passed it to be engrossed in non-concurrence.

It came from the House that branch having voted to adhere.

On motion by Mr. Cram of Cumberland, the resolve was tabled and specially assigned for tomorrow morning.

From the House: Report of the committee on salaries and fees reporting ought to pass on H. D. 415, An Act to amend Section 42 of Chapter 117 of the Revised Statutes, as amended by Chapters 39 and 167 of the Public Laws of 1917, and Chapter 214 of the Public Laws of 1919 and Chapter 219 of the Public Laws of 1921, relating to salary of county commissioners of Androscoggin county.

In the House this bill was indefinitely postponed.

In the Senate, on motion by Mr. Morneau of Androscoggin, the report of the committee was accepted and the bill given its first reading.

Bills in First Reading

Senate 250: Resolve, in favor of James P. Lewis, representative of the Penobscot tribe of Indians.

Senate 252: Resolve, making appropriations for the Passamaquoddy tribe of Indians for the years of July first, 1923, to June thirtieth, 1925.

Senate 253: An Act to amend Chapter 14 of the Revised Statutes, relating to Indian Tribes.

Senate 254: An Act to provide for the establishment of the Portland Stadium and Athletic Field Commission.

Senate 255: An Act to amend the trustee process.

Senate 256: Resolve, in favor of Samuel Dana, representative of the Passamaquoddy tribe of Indians.

Senate 257: Resolve in favor of the Penobscot tribe of Indians for the general care, maintenance and education thereof.

Reports of Committees

Mr. SPENCER, from the committee on Public Utilities, on An Act re-

lating to the registration and inspection of vessels and providing for safety of navigation on inland waters under the jurisdiction of the Public Utilities Commission. Sections 4 to 16, inclusive, of Chapter 59 of the Revised Statutes and Chapter 195 of the Laws of 1921 repealed (Senate Doc. No. 125), reported that the same ought not to pass, subject matter covered in another bill.

The same Senator, from the committee on Temperance, on An Act to amend Section 17, Chapter 127, Revised Statutes as amended by Chapter 62 Public Laws of 1921, relating to manufacture of intoxicating liquors (Senate Doc. No. 60), reported that the same ought not to pass.

Mr. CLARK, from the same committee, on An Act to amend Chapter 294 of the Public Laws of 1917, relating to seizure and forfeiture of vehicles carrying intoxicating liquors intended for illegal sale (Senate Doc. No. 120), reported that the same ought not to pass, covered in other bills.

The same Senator, from the same committee, on An Act to amend Chapter 127 of the Revised Statutes with reference to sale of intoxicating liquors (Senate Doc. No. 121), reported that the same ought not to pass, covered in other bills.

The report was accepted.

Sent down for concurrence.

Mr. Allen from the committee on education, on An Act to establish a Teachers' Retirement System (Senate Doc. No. 132), reported the same in a new draft, under the same title, and that it ought to pass.

The reports were accepted and the bills tabled for printing under the joint rules.

Mr. Emery from the same committee, on An Act to amend Section 4, Chapter 173 of the Public Laws of 1921 relating to the State School Fund (Senate Doc. No. 205), reported that the same ought to pass.

The report was accepted and under suspension of the rules the bill was given its first reading.

Mr. Cram from the committee on legal affairs on An Act to make uniform the law of sales of goods (Senate Doc. No. 227), reported that the same ought to pass.

The report was accepted and under suspension of the rules on motion by Mr. Cram of Cumberland, the bill was given its first reading.

Mr. Spencer from the committee on public utilities, on An Act to incorporate the Columbia Falls Water

Company, reported the same in a new draft, under the same title, and that it ought to pass.

The same senator, from the same committee, on An Act relating to the registration and inspection of vessels and providing for safety of navigation on inland waters under the jurisdiction of the Public Utilities Commission. Sections 4 to 16, inclusive, of Chapter 59 of the Revised Statutes and Chapter 195 of the Laws of 1921 repealed (Senate Doc. No. 124), reported the same in a new draft, under title of "An Act providing for inspection, registration and safety of vessels engaged in inland navigation under the jurisdiction of the Public Utilities Commission. Sections 4 to 16, inclusive of Chapter 59 of the Revised Statutes and Chapter 195 of the Laws of 1921 repealed," and that the same ought to pass.

The same senator, from the same committee, on An Act to amend Section 3 of Chapter 256 of the Private and Special Laws of 1907 as amended by Chapter 226 of the Private and Special Laws of 1913, in relation to Cumberland County Power and Light Company (Senate Doc. No. 38), reported the same in a new draft, under title of "An Act to repeal Section 3 of Chapter 256 of the Private and Special Laws of 1907 as amended by Chapter 226 of the Private and Special Laws of 1913 in relation to Cumberland County Power and Light Company," and that it ought to pass.

Mr. Stevens from the committee on sea and shore fisheries, on An Act for the better protection of smelts, reported that the same ought to pass.

The same senator, from the same committee, on An Act to amend Section 122 of Chapter 4 of the Revised Statutes, relating to license for building a fish weir or trap, reported that the same ought to pass.

The reports were accepted and the bills tabled for printing under the joint rules.

Mr. Sargent from the same committee, on An Act to amend Section 121 of Chapter 4 of the Revised Statutes as amended by Chapter 135 of the Public Laws of 1921, relating to fish weirs (Senate Doc. No. 222), reported that the same ought to pass.

The report was accepted and under suspension of the rules the bill was given its first reading.

The same senator from the same committee on An Act for the better protection of salmon, shad, alewives

and smelts, reported that the same ought to pass.

The report was accepted and under bill tabled for printing under the joint rules.

The same senator from the same committee, on An Act to repeal certain laws relating to the alewife fishery of the State of Maine (Senate Doc. No. 151), reported that the same ought to pass.

The report was accepted and under suspension of the rules the bill was given its first reading.

The same senator from the same committee, on An Act for the better protection of clams in the limits of the town of Kennebunkport in the county of York, reported that the same ought to pass.

The same senator from the same committee, on An Act to increase the salmon on the Maine coast, reported that the same ought to pass.

The reports were accepted and the bills tabled for printing under the joint rules.

Final Committee Reports

Mr. Phillips from the committee on commerce, submitted its final report.

Mr. Clark from the committee on counties, submitted its final report.

Mr. Adams from the committee on federal relations, submitted its final report.

Mr. Wadsworth from the committee on manufactures, submitted its final report.

The reports were accepted.

Passed to Be Engrossed

House 317: An Act to amend Section 72 of Chapter 11 of the Revised Statutes, relating to the sale of real estate for taxes.

House 382: An Act to amend Section 51 of Chapter 82 of the Revised Statutes, as amended by Chapters 73, 211 and 227 of the Public Laws of 1917 and by Chapter 181 of the Public Laws of 1921, relating to trial terms of the supreme judicial court.

(On motion by Mr. Emery of Washington, the Senate voted to indefinitely postpone this bill.)

House 383: An Act to amend Sections 27 and 28 of Chapter 36 of the Revised Statutes, relating to the packing and grading of apples.

House 387: An Act to amend Section 44 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1921, relating

to salary of the treasurer of York county.

(On motion by Mr. Allen of York, tabled pending passage to be engrossed.)

House 388: Resolve, in favor of the Central Maine Sanatorium for fire protection.

House 389: An Act to amend paragraph 15 of Section 45 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1921, relating to clerk hire in office of Register of Deeds in Waldo County.

House 390: An Act to authorize the city of Lewiston to issue its bonds to the amount of \$80,000 to refund its bonds now outstanding and maturing in the year 1924.

House 391: An Act in addition to and to amend Chapter 75 of the Special Laws of 1866 as amended by Chapter 18 of the Private and Special Laws of 1878, as amended by Chapter 164 and Chapter 304 of the Private and Special Laws of 1905 and as amended by Chapter 236 of the Private and Special Laws of 1911, entitled "An Act creating the South Paris village corporation," relating to a public sewer for said corporation.

House 392: Resolve, providing aid in the control and suppression of the European Corn Borer.

House 393: An Act to provide for the designation and registration of farm names.

Senate 164: An Act relating to the expenditures of the Department of public schools.

Passed to Be Enacted

(Emergency Measure)

An Act to incorporate the Yarmouth Water District.

This bill carrying the emergency clause required the affirmative vote of two-thirds of the membership of the Senate on its passage to be enacted.

Twenty-seven senators voting in the affirmative and none opposing the bill was passed to be enacted.

An Act to accept the provisions of the Act of the Congress of the United States approved November Twenty-three, Nineteen Hundred and Twenty-one, entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes."

An Act to amend Paragraph IX of

Section Six of Chapter Ten of the Revised Statutes, as amended by Chapter One Hundred Five of the Public Laws of Nineteen Hundred Nineteen, as further amended by Chapter One Hundred Nineteen of the Public Laws of Nineteen Hundred Twenty-one, relating to exemption from taxation of the estates of war veterans.

An Act to amend Section Fifty-two of Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, as amended by Chapter One Hundred and Ninety-six of the Public Laws of Nineteen Hundred and Nineteen, relating to the setting of traps in organized or incorporated places.

An Act to amend Section Eighteen of Chapter Forty-five of the Revised Statutes as amended by Section Two of Chapter Ninety-eight of the Public Laws of Nineteen Hundred and Twenty-one, relating to the issuing of lobster licenses.

An Act to amend Section Eighty-four of Chapter Sixteen of the Revised Statutes, relating to contracts with academies.

An Act to amend the Charter of the City of Eastport.

An Act to amend Section Ninety-one of Chapter Fifty-three of the Revised Statutes, as amended by Chapter Thirty-nine of the Public Laws of Nineteen Hundred and Nineteen, relating to annual statement of conditions of Insurance Companies, and providing a penalty for neglect to file the statement.

An Act to amend Section Nineteen of Chapter Ninety-eight of the Public Laws of Nineteen Hundred and Twenty-one, relating to suspension and revocation of lobster licenses.

An Act to amend Section Thirty-six of Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, as amended by Chapter One Hundred and Ninety-six of the Public Laws of Nineteen Hundred and Nineteen, relating to the protection of caribou.

An Act to amend Chapter One Hundred and Thirty-six of the Public Laws of Nineteen Hundred and Twenty-one, relating to night fishing in certain waters of Kennebec county.

An Act to amend Chapter Three, Section Thirty-one, of the Revised Statutes, relating to printing and

binding of reports of certain State Departments.

An Act to amend Section Sixty-seven of Chapter Forty-five of the Revised Statutes, as amended by Chapter Twenty-two of the Public Laws of Nineteen Hundred and Seventeen relating to close time on scallops.

An Act to incorporate the Knox-Bar-Library-Association.

An Act to close all hunting in a certain territory in Lincoln county, to be known as the Lincoln county game preserve.

An Act to amend Section One Hundred and Twenty-one of Chapter Four of the Revised Statutes, as amended by Chapter One Hundred and Thirty-five of the Public Laws of Nineteen Hundred and Twenty-one, relating to fish weirs.

An Act for the better protection of smelts in the Damariscotta river.

Finally Passed

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 expenses incident to the administration of the department of Inland Fisheries and Game.

(On motion by Mr. Williams of Aroostook, tabled pending preparation of an amendment.)

Resolve, providing a State Pension for Jane Anne Sewall of York.

Resolve, providing a State Pension for Ada M Cowan of Sidney.

Resolve, for increase of Pension of Sarah J. Everson.

Resolve, in favor of the Reformatory for women for maintenance and other purposes

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

Resolve, providing a State Pension for Hattie C. Knowlton of Liberty.

Resolve, providing a State Pension for John B. Wallace of Lubec.

Resolve, in favor of Blanch A. Grant for State Pension.

Resolve, in aid of navigation on Moosehead Lake.

Resolve, providing for the purchase of "Maine 1783-1815."

Resolve, in favor of Leslie E. Jacobs, Secretary of committee of State School for Boys, State School for Girls and State Reformatories.

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

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, Massachusetts.

Resolve, providing for aid in the payment of premiums awarded by the Houlton Agricultural Society.

Resolve, in favor of Wilmore Quimby of Haynesville for State Pension.

Orders of the Day

The PRESIDENT: This brings us to the specially assigned matters for today, and the Chair recognizes Mr. Wilson of Aroostook, on report of the committee on agriculture, ought to pass, on H. 208, Resolve providing for an annual display of the agricultural products and resources of the State of Maine at the Eastern States Exposition.

The pending question is on the acceptance of the report of the committee.

Mr. WILSON: Mr. President, I move that the report of the committee be accepted and the bill given its first reading.

The motion was agreed to and the bill was given its first reading.

The PRESIDENT: The Chair recognizes the same senator on report of the committee on agriculture, ought to pass, on H. 215, Resolve making an appropriation for the support and maintenance of the State Experiment Station.

The pending question is on the acceptance of the report of the committee.

Mr. WILSON: Mr. President, I move that the report be accepted and the bill given its first reading.

The motion was agreed to and the bill was given its first reading.

The PRESIDENT: The next matter specially assigned for today is the veto message of the Governor, relating to the Kennebec Reservoir Company.

The Chair recognizes the senator from Lincoln, Mr. Clark.

Mr. CLARK: Mr. President, this bill was introduced by the senator from Somerset, Mr. Smith, and I yield the floor to him at this time.

Mr. SMITH: Mr. President, I move that this bill become law notwithstanding the Governor's veto.

Mr. BREWSTER: Mr. President, we are met here, this morning, I take it, to decide whether the efforts of the most formidable lobby which has gathered within these walls within recent years has been successful. The question is whether or not the charter, which it is proposed to grant the Kennebec Reservoir Company and define the powers thereof shall be passed. I take it no other question is before us at this time.

The proponents of private development of our natural resources, those who sincerely advocate such a solution of the problem of development of our natural resources are faced in considering this act, which grants these rights to seven private individuals, only one of whom I believe is a resident of this State—those persons, and I believe there are such in this hall sincerely believing in private development—are faced with two difficulties.

First, when the Supreme Court of this State in 1919 laid down the proposition that the State itself could not develop the water storage for the benefit of its water powers, it also laid down the corollary of that proposition that the State could not give to private individuals the right to create water storage for the benefit of their water powers. Therefore, if this is an act to grant the right of development of water storage for the benefit of water powers, it is an unconstitutional exercise of our powers and in defiance of the plain power laid down by the Supreme Court in 1919. The only way in which this Constitutional inhibition is avoided is by the fact that in this charter there are inserted certain incidental log-driving rights, not, as I understand it, in any way concerned with the main purpose of the bill, not essential to its carrying out, and not essential for the conduct of log-driving upon the Kennebec river as it exists today.

It is exactly—to support this proposition because of its log-driving features, is exactly as though this State and this Legislature should construct this million dollar dam and

by building a driveway across its top support it as within the bridge building powers of this State. There is exactly as much connection between a bridge across the Dead River at that point which should consist of a concrete dam with a driveway across the top—there is exactly as much connection between such a proposition and the proposition which we have here today, so far as our constitutional limitations are concerned, as there is between the log-driving features of this proposition and the great storage dam for the benefit of the water powers which it is proposed to build. If the proposition for the State to build such a dam as a bridge should be suggested here, heaven would be rent with the cries of those who would say we were avoiding the Constitution, and yet it is exactly what they ask us to do here today when they ask us to grant this charter for the development of water storage on the Kennebec for the benefit of its water powers, and the only constitutional support they have for such a proposition is by inserting certain incidental and by no means necessary log-driving rights in that charter. That is the proposition, gentlemen, and I asked the leader of the legislative agents, supporting this measure if I was right in my analysis of that measure after I spoke the other day, and he said I was substantially correct. It seems to me we must seriously regard the constitutional limitations which the Supreme Court has laid down upon our acts and not evade it by any such subterfuge as is necessary to support this pending measure. That is one.

The other proposition is very well expressed in the editorial by the distinguished editor of the Lewiston Journal, which we find upon our desks this morning, a most splendid and a most clarifying statement of one of the most serious issues which we have faced in this Legislature. I can subscribe to every word which he has said in this editorial, and I trust you have all read it. He lays down two limitations which this Legislature should impose upon the granting of valuable public franchises to private individuals—two. I will read: "Under this bill"—discussing this pending measure here, he says: "Under this bill it should be stipulated that the work be done within a certain limit of time."—and there is not in that bill any limit of time within which that work shall be

done. They speak of the Aziscoos dam charter. In that proposition it was necessary that they comply with the provision of our Revised Statutes which states that any project which is not actually carried out within two years shall lose its franchise. In this proposition that wise provision of our Revised Statutes is avoided by the log-driving proposition because no one can read that charter and not know that the log-driving provisions would be sufficient to carry it within the provisions of the Revised Statutes which says it shall begin actual business. If it begins to drive any logs upon that river it is beginning actual business and is thus removed from the provision of the Revised Statutes requiring that it shall be carried out within two years. So we have not here complied, in this pending measure which is all we have to consider, with the very clear limitation which the distinguished editor of the Lewiston Journal yesterday laid down.

One other proposition. He says:

"Under our Public Utility Board the reasonable price for power must be charged and no more. When profits grow, down ought to come the price. Whenever we find that any corporation is making excess profits in a public utility we have the right to demand a hearing and a lowering of rates, if the facts be found to be in accord with the complaint to that effect."

In the public utility,—and, gentlemen, this is expressly exempted from the provisions of the public utility act. It is not a public utility. It is not subject to the provisions of our Revised Statutes or to any other regulation or control by you gentlemen here, or by any regulation that subsequent Legislatures may impose. Therefore you are not leaving it within the control of this Legislature or the public utilities commission, or any other body the State may ever create, as to what charges may be made by this franchise here for the exercise of its privileges upon the Kennebec. If the seven individuals who are getting this charter were obliged to carry it out within two years, they would be obliged to make equitable arrangements with the power owners down the stream and would necessarily come to reasonable terms with them, if the public utilities down the stream using this power were seeking to acquire it at

the lowest possible price they could. But, gentlemen, they are not obliged to carry it out. They may wait one year, or five years, or ten years, and they may say to the water utilities down the stream, "We will not carry out this project unless you shall pay the price which we demand." And when that price is paid by the public utilities down that stream, as they might be obliged to pay it if those gentlemen should demand what is within their legal power, the public utilities commission of this State must use that charge to these public utilities as a basis for fixing rates to the people of this State for the use of that power.

To illustrate: The official report of this project shows that this will develop a very great amount of power at a cost of one-third of a cent a kilowatt hour to the companies concerned, if they receive it at cost. Now if the gentlemen who have this franchise choose to say that this power is worth to you down that stream, to the companies with which some of them are connected, not only one-third of a cent a kilowatt hour but one cent a kilowatt hour—and I presume that that is a reasonable price for electrical development, reasonable charge for anybody to pay if you own the thing,—if they choose to say that the companies using this water furnished by our grant shall pay at the rate of a cent a kilowatt hour, it means that instead of it costing the power owners down the stream \$100,000 a year it would cost them \$300,000 a year by trebling the cost of the development,—\$300,000 that the public utilities down the stream might legally be obliged to pay for the exercise of this franchise by the private individuals to whom you are giving it. And the minute that such an agreement is entered into, the minute that any public utility down that stream pays to these franchise owners \$300,000, or any other sum, a year in excess of what is fair because of the developments, that minute the public utilities commission of this State must recognize that as a reasonable basis for determining their charges, because they cannot look into the fairness or the equity of that contract with private individuals who control these rights. It is no more subject to examination by the public utilities commission than it would be if the people should buy coal at

whatever price they were obliged to pay. There is not one vestige of control on what that contract shall be between the public utilities down the stream and the people who own this franchise right. True, they may use it in the interest of the people. True also, they may not use it, and if they are desirous, are sincere and devoted to the public interests, why were they not willing to have the same restriction and regulation as to the operation of public utilities that every other company of this sort must obligate itself under?

These are the reasons why I cannot feel that those who sincerely believe in private development of our natural resources can endorse this charter which is the only thing which we are considering here today

First, because it is an evasion of the constitutional provisions as defined and laid down by the Supreme Court

Second, because there is no restriction as to when or how this shall be exercised. And

Third, because you are not retaining within the State the power in any way to regulate what this shall ultimately cost the people of this State in the benefits accruing therefrom.

Mr. HINCKLEY of Cumberland: Mr. President. I quote from the message delivered yesterday by the Governor, these words:

"I am astonished that scarcely a voice has been raised in protest in this Legislature against the passage of this bill." I have watched very carefully during the past few weeks and have listened attentively, and my reading has convinced me, that every newspaper in the State of Maine, certainly every daily paper in the State of Maine, is in favor of this project. I have yet to find any man in the entire State of Maine, who has made his name great on account of having accomplished real things for the industrial classes,—the man who is not in favor of this bill.

The distinguished senator, my colleague from Cumberland, has quoted from an editorial in the Lewiston Journal, and he says that he subscribes to that editorial. The Lewiston Journal in my judgment has done more during the last twenty years to conserve the natural heritages of the people in the State

of Maine than any other one influence. I am glad to subscribe to a very large extent to that far-sighted and broad-minded policy of that great and able man who has directed the editorial policies of that paper. I am going to read to you parts of that editorial, that were not read by my colleague from Cumberland, who says he subscribes to the editorial.

"We have said that we hoped that Governor Baxter will sign without opposition the bill to create the Kennebec Reservoir Company. But he has seen fit to veto it.

The Kennebec Reservoir project is a real project. It signifies advancement. It spell progress. The water power users on the Kennebec have been greatly handicapped all winter. The paper mills at Madison have had to shut down machines this winter for lack of water. Other industries are suffering. The project, save for the fact that it involves two state lots, is exactly like the Aziscoos dam on the Androscoggin, that has carried us in the valley of this river thru this hard winter with no loss of time for operatives or of production for our industries—a beneficent and useful working-out of a great power.

The franchise is worth something. We assume that may be the objection of the Governor. But it will not please people to hold it back for that reason. If it be worth a million or ten million—the more reason for its speedy use. The terms of the grant are those of a virtual lease. Under this bill it should be stipulated that the work be done within a certain limit of time, and when the lease expires in a certain limit of time, to be taken over—the whole of it at a reasonable cost—nothing to be paid for the franchise rights. In other words we are not to give the Kennebec people something for nothing and buy it back again at a price. Nothing of that sort.

The power available by this storage is now wasted. It is needed. It would pay someone something. Every dollar earned by any industry is restored in some form to the world. None of it is buried in the ground. We forget how impossible it is for the profit-taker to hold his profits. The federal government takes some; the state takes more; the town takes more; the overhead takes more; the workman takes more and so the line of waiting hands-out grows down the line.

Under our Public Utility Board the reasonable price for power must be charged and no more. When profits grow, down ought to come the price. Whenever we find that any corporation is making excess profits in a public utility we have the right to demand a hearing and a lowering of rates, if the facts be found to be in accord with the complaint to that effect.

There was opposition to the Aziscoos Dam charter. For a time, it was held up. The writer of these words felt about that bill exactly as he does about this bill. He believed it would be beneficent and wise. One night when the thing looked darkest, he sought out the opposition and a compromise was reached. It was in the Fernald administration and some of the writer's friends were concerned in the opposition. They have always been glad that they made the compromises. The Dam was built; the Lake was created; the power has since run down this river for the growth and development of this valley of the Androscoggin and we have never heard a criticism of management; excess profits; or other unfair competition or dealings.

Maine needs the additional power on the Kennebec. After years, the power-owners have gotten together. The Governor may take such credit to himself as properly belongs for bringing about this agreement. We hope that now, he will join as he ought to join, in our opinion in this measure, which savoring of private advantage, as it does, yet embodies courage, faith, good judgment and the application of storage facilities where it is needed under the guidance of men who know their business."

Quoting again from the Governor's Message:

"The granting of this franchise means that private corporate control of the water resources of Maine is the fixed policy of the State, and that the water power issue has passed into oblivion."

I am glad to join hands with the Governor of the State on this issue and on this conclusion. I believe that the vote taken today will determine that the State of Maine is through with its visions of water power business, and I believe that this Senate will concur in the proposition that the State has no place in business of this kind, and that the policy fixed

for all time will be that business men who have made successes in the past and who can be counted upon to make a success of this business in the future will engage in this business, and by engaging in it bring to the Kennebec valley, and we hope the acts of future Legislatures bring to the valley of every river running down through our State to the sea, tens of thousands of homes occupied by happy and contented people on account of the great industries established therein and thereby.

Mr. BUZZELL of Waldo: Mr. President, I too desire to subscribe to the article which appeared in the Lewiston Journal, and I want to give you my reasons for it.

In the first place, I do not think it is necessary for me to say that I am against State ownership and government control. In the course of the last few years you have heard me repeat that on more than one occasion. Notwithstanding the message of yesterday I want to rehearse, in the face of the arguments of the senator from Cumberland, this bit of history. This bill had a complete hearing before twenty men, the committees on judiciary and interior waters. I have no doubt but that all of the provisions in this bill were as well known at that time by the opponents of it as they are now. These men after listening to a full hearing, after reading a part or the whole of the Governor's inaugural, came to the conclusion that this bill ought to pass and it received unanimous support, and was reported "ought to pass."

I wish to reply to a part of the Chief Executive's inaugural on page 22, and I ask you, members of this Senate, what other construction could be placed upon these words other than to believe that his attitude had changed? The part I refer to reads as follows: "Shall charters be granted to private companies to develop water storage?" I am not so sure but that there was a question in his mind at that time.

It goes on: "The end to be sought is full utilization of Maine's water resources, for every water horse power developed, whether used for public or private purposes, means that our people and industries thereby become less dependent upon the coal supply. We all want development and if the State does not undertake it, private interests should be allowed to do so, with the State's interests fully safeguarded."

I am with him on that proposition. In the first place, I want to say that I do not want the State to own or control the water powers of the State of Maine. And if they cannot do it, if they ought not to do it,—I want to provide interests to do it. I believe it is good business. I said on this bill some time ago that I believed that this was a constructive measure. I believe that this will be a great benefit to the State of Maine, to the Kennebec Valley, and I still think so. The Honorable Senator from Cumberland has called our attention in particular to these seven men and insinuates or offers the argument that this is in the interests of those seven men. I wonder if he has ever looked in the Private and Special Laws of 1909 and has read the act that was passed at that time—I think it is chapter 147—"An Act to incorporate the Androscoggin Reservoir Company, and to authorize it to construct, acquire and maintain a reservoir or storage basin on the Magalloway river at or near the head of Aziscoos Falls in Lincoln Plantation in the county of Oxford for the purpose of maintaining a more constant flow of water in the Magalloway and Androscoggin rivers for use for powers, and manufacturing purposes." There were eight gentlemen named in that act and I wish to read their names: William P. Frye, Hugh J. Chisholm, Herbert J. Brown, Waldo Pettingill, Francis W. Pabyan, A. N. Burbank, Orton B. Brown and Wallace H. White, their associates, successors and assigns.

How much does that act differ in the main from the one we are now considering? Our Chief Executive at that time was in the Senate of this Legislature. And I ask you, gentlemen,—I ask you to look up the Legislative Record of that time and see if you can find one word of objection or debate on the proposition. It seems as if at that time some objection might have been raised. Has any one found any fault with the operation of that private bill that was enacted at that time? Has it not worked well for that section of Maine? Will it not work well for the Kennebec Valley? Which is better for the State of Maine—and I ask you, to look over the message of yesterday, I ask you to look over the Governor's inaugural address in which he says that he does not believe that the State of Maine is in a position to go ahead and make a State de-

velopment at this time—now I ask you, members of this Senate, which is better for the State of Maine, a real development worth while, or that country up there as it is? Did any of the property owners in that region come down here and complain? Did any one appear at that joint hearing of those two committees and raise one word of objection? Not one. The largest proposition that I contend that this Legislature has got to deal with! Not a single voice was raised at that time.

And why the objections today? I am going to ask—and I am going to use the same word that the Chief Executive used yesterday,—Why these specious arguments at this time? I took the same oath that the Chief Executive did at the beginning of the session, and as I understand it we had nearly the same oath in 1909. He took the oath then. He has taken the oath lately. I have taken the oath at the beginning of this Legislature, and I can consistently say and feel that I am in favor of the same.

Mr. BREWSTER: Mr. President, I ask the indulgence of the Senate for a moment to get back again to what I understand to be the issue, whether this grant to private individuals was under reasonable restrictions, such as I understood the senator from Waldo to say he thought was right. Such as the distinguished editor of the Lewiston Journal defined, evidently not having read the act completely or not being satisfied as to what was in it, when he said "Under this bill it should be stipulated that the work be done within a certain limit of time as in the Aziscoos Dam Charter."

And that "Under our public utilities board the reasonable price for power must be charged and no more. When profits grow, down ought to come the price. Whenever we find that any corporation is making excess profits in a public utility we have the right to demand a hearing and a lowering of rates, if the facts be found to be in accord with the complaint to that effect."

Those are the questions which I think the advocates of private development should satisfy themselves are being resolved in favor of the State.

Mr. EATON of Oxford: Mr. President, I desire to express my opinion regarding the wisdom of the granting of this charter to the Kennebec Reservoir Company. I am in favor of

this proposition. I do not believe that this 81st Legislature of Maine will allow one man or a small group of men for political reasons alone, to hold up any longer the development of this State. They bring up the bugaboo of an imaginary thing. They are chasing a rainbow.

Here is a real thing. Grant this charter, so that the Kennebec Valley and the whole State of Maine may benefit by the immediate development of this reservoir.

Mr. SPEIRS of Cumberland: Mr. President, I wish to answer the suggestion that I am going to vote for political reasons. I am not going to vote on this question for political reasons. I want everything to be done for the benefit of the people of the Kennebec Valley, and I believe the Governor has had time and has taken the time to look into this matter and to know fully what he is doing.

The PRESIDENT: The question before the Senate is shall this bill, An Act relating to the Kennebec Reservoir Company and defining its powers, become law notwithstanding the objections of the Governor?

Those in favor of passing the bill over the veto will vote "yes," and those who wish to sustain the veto will vote "no."

The secretary called the roll. Those voting "yes" were Messrs. Adams, Bemis, Buzzell, Carlton, Croxford, Eaton, Elliot, Emery, Farrington, Hinckley, Morison, Morneau, Phillips, Powers, Putnam, Ryder, Sargent, Smith, Stevens, Trefethen, Wadsworth, Wilson—22. Those voting "no" were Messrs. Allen, Brewster, Clark, Cram, Kirschner, Speirs, Spencer—7. Absentees, Messrs. Bailey, Hussey.

Twenty-two senators voting in the affirmative and seven in the negative, the bill was passed over the veto of the Governor.

Before voting the President addressed the Senate as follows:

May the Chair say that he believes that in the vote just taken each Senator has faithfully and impartially performed to the best of his ability the duties incumbent on him as a Senator of the State of Maine, as each one honestly saw those duties.

That men will not always agree on important matters is inevitable; that men may reach different conclusions and all be acting with the best and

most honorable motives, and with honest judgment, cannot with justice be denied; that all have a right to vote according to the dictates of their own consciences, exercising their own best judgment, without being charged with a betrayal of the trust imposed on them, should not be questioned.

Mr. HINCKLEY of Cumberland: Mr. President, for the purpose of preparing an amendment I move that H. D. 203, An Act to amend Chapter 12 of the Public Laws of 1919, relative to disorderly houses, be taken from the table and assigned for tomorrow. The motion was agreed to.

Mr. MORNEAU of Androscoggin: President, I move that we take from the table S. D. 54, An Act to amend Section 45, Chapter 127, Revised

Statutes, as amended by Chapter 291 of the Public Laws of 1917, relative to intoxicating liquors.

The motion was agreed to, and on further motion by the same senator the bill was tabled for the purpose of preparing an amendment and assigned for tomorrow.

On motion by Mr. Speirs of Cumberland, S. D. 217, An Act to amend the purpose of the Maine Institution for the Blind, was taken from the table.

On further motion by the same Senator the Bill was given its second reading and passed to be engrossed.

On motion by Mr. Smith of Somerset.

Adjourned until tomorrow morning at 10 o'clock.