

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

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AUGUSTA, MAINE

**HOUSE**

Saturday, April 4, 1925.

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

Prayer by the Rev. Mr. Brown of Augusta.

Journal of the previous session read and approved.

The SPEAKER: The Chair made an error yesterday in the appointment of a committee of conference and was confused about the sentiment of the House. The matter can be straightened out as the conferees appointed have kindly consented not to serve.

On the sterilization bill, in place of Messrs. Dudley, Pierce and Spear, the Chair appoints Messrs. McDonald of East Machias, Pendleton of Islesboro and Davis of Dexter.

Papers from the Senate disposed of in concurrence.

**Senate Bills in First Reading**

S. P. 602: Resolve in favor of the Bangor State Hospital for new construction and improvements.

S. P. 520: An act to provide for an issue of State highway and bridge bonds.

S. P. 631: Resolve appropriating money for the construction of a sewer main for the Bangor State Hospital.

S. P. 632: An Act relative to convicts sentenced to the State Reformatory for Men.

S. P. 637: An act making it unlawful for any person to have intoxicating liquors in his possession in any public place.

From the Senate: Resolve in favor of the Maine School for Feeble Minded for maintenance for fiscal years 1926 and 1927, S. P. 633, S. D. 294.

Comes from the Senate, introduced in the Senate under suspension of the rules, and passed to be engrossed without reference to a committee.

In the House, on motion by Mr. Wing of Auburn, tabled pending first reading.

From the Senate: Bill an act to authorize the promulgation of rules and regulations of the commissioner of inland fisheries and game, S. P. 634, S. D. 295.

Comes from the Senate, introduced in the Senate under suspension of the

rules, and passed to be engrossed without reference to a committee.

In the House, on motion by Mr. Wing of Auburn, tabled pending first reading.

From the Senate: Report of the committee on judiciary on bill an act to amend Section 34 of Chapter 211 of the Public Laws of 1921, relating to non-resident motor vehicles.

Comes from the Senate report read and accepted and the new draft passed to be engrossed.

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

From the Senate: Majority Report of the committee on judiciary on bill An Act to create a State Athletic Commission for the supervision and regulation of boxing and wrestling (S. P. 347) (S. D. 125), reporting same in new draft (S. P. 635) (S. Doc. 302) under same title and that it "ought to pass".

Report was signed by the following members:

Messrs. HINCKLEY of Cumberland  
HUSSEY of Aroostook  
MAHER of Kennebec

—of the Senate

HALE of Portland  
WING of Auburn  
OAKES of Portland  
HOLMES of Lewiston  
MARTIN of Augusta

—of the House

Minority report of same committee on same bill reported "ought not to pass".

Report was signed by the following members:

Messrs. NICHOLS of Portland  
HAMILTON of Caribou

—of the House

Comes from the Senate majority report read and accepted and the bill passed to be engrossed.

In the House, on motion by Mr. Hale of Portland, tabled pending acceptance of either report.

From the Senate: Order out of order.

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

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

### Reports of Committees

Mr. DUNBAR, from the Committee on Ways and Bridges, and taxations jointly on Bill, An Act relating to a Tax upon Gasoline. (H. P. No. 115) (H. Doc. No. 240) reported same in new draft (H. P. No. 1287) under same title 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

H. P. 1273: An Act prohibiting advertising signs upon public highways.

H. P. 1279: An Act giving additional powers to the Public Utilities Commission.

H. P. 1280: An Act to authorize the city of Lewiston to issue bonds for school purposes.

H. P. 579: Resolve in favor of International Bridge, Van Buren, Maine, St. Leonards, N. B., combined immigration and customs office.

H. P. 1281: Resolve in favor of Bath Military and Naval Orphan Asylum

### Passed to be Engrossed

S. P. 135: An Act to amend the law relating to municipal aid for Public Libraries.

S. P. 566: An Act to enlarge the powers of the State Highway police and to confer upon the Secretary of State jurisdiction to suspend or revoke registration of motor vehicles and operators' licenses.

S. P. 236: An Act providing for pensions for members of the Lewiston Police Department.

(Tabled by Mr. Gagne of Lewiston, pending passage to be engrossed and specially assigned for Monday afternoon.

S. P. 237: An Act to amend Chapter 37 of the Private and Special Laws of 1917 and amendments thereto, relating to the organization of the Lewiston Police Commission and to the salaries of Chief of Police, Captains and Inspectors.

(Tabled by Mr. Gagne of Lewiston, pending passage to be engrossed and specially assigned for Monday afternoon.

S. P. 625: An Act to Amend Section 129 of Chapter 301 of the Public Laws of 1917, as amended by Chapter 61 of the Public Laws of 1923, relating to the care and treatment of certain infectious diseases.

S. P. 620: An Act to incorporate the Piney Heights Beach and Country Club Village Corporation.

S. P. 621: An Act to Amend Section 23 of Chapter 78 of the Revised Statutes, as re-enacted by Chapter 40 of the Laws of 1921, relating to recording of instruments of conveyance.

S. P. 622: An Act to Amend Chapter 204 Public Laws of 1917, authorizing the Treasurer of State to negotiate a temporary loan.

S. P. 623: An Act to provide for an assistant county attorney for the County of Androscoggin.

S. P. 624: An Act to amend Section 1 of Chapter 169 as amended, relating to the support of dependents of soldiers, sailors and marines.

(Tabled by Mr. Hale of Portland pending passage to be engrossed.)

S. P. 629: An Act providing for the benefit and assistance for aged persons under certain conditions in the State of Maine, and prescribing penalties for violation of the provisions hereof and making an appropriation for carrying out its purposes.

(Tabled by Mr. Thompson of Rockland pending passage to be engrossed.)

H. P. 206: An Act relating to annual statements of conditions of Insurance Companies, and providing a penalty for neglect to file such statements.

H. P. 943: An Act giving certain powers to the Governor and Council with respect to State Highway, Interstate and International Bridges.

S. P. 626: Resolve in favor of Mattawamkeag bridge in the town of Mattawamkeag.

S. P. 238: Resolve authorizing the State Librarian to purchase copies of "The History of Winthrop."

S. P. 549: Resolve in favor of Western Maine Sanatorium for additional facilities.

S. P. 280: Resolve authorizing the State Librarian to purchase copies of "The History of Aroostook."

### Orders of the Day

On motion by Mr. Hamilton of Caribou, it was voted to take from the table bill an act relating to tax upon gasoline, H. P. 1259, H. D.

489, tabled by that gentleman on April 2nd, pending passage to be engrossed.

Mr. HAMILTON of Caribou: Mr. Speaker, I have a new draft on this matter which I offer and move that it be substituted for House Document 489.

The motion to substitute the new draft prevailed.

Mr. HAMILTON: Mr. Speaker, I now move that five hundred copies of the new draft be printed.

Mr. HALE of Portland: Mr. Speaker, can the gentleman inform us in a few words what the nature of the new draft is; what changes it makes.

Mr. HAMILTON: The other day, Mr. Speaker, I explained that this was tabled so that it could await the report of the Committee on Ways and Bridges. Now they have brought it in this morning and I notice that new draft will be printed. My amendment will deal with the collection of the tax. This new draft that we have has a clause in it in regard to how the tax shall be collected, and is exactly the same as the new bill that has come in. Either they have copied it from mine or I have copied it from theirs, or we have both copied it from somebody else. It is the Oregon method of collection.

Mr. HALE: I thank you.

Mr. KITCHEN of Presque Isle: Mr. Speaker, I would like to inquire if the apportionments are the same as the bill reported out by the committee?

Mr. HAMILTON: I will state that Mr. Dunbar and I went over the two matters and they are practically the same.

The SPEAKER: What is the purpose of this new draft?

Mr. HAMILTON: It is to conform with the desire of the State Auditor in regard to the collection of the tax.

The SPEAKER: Does not the other bill make the same provision?

Mr. HAMILTON: I do not know, Mr. Speaker.

Mr. HALE of Portland: Mr. Speaker, may I inquire what the parliamentary situation is at the present time?

The SPEAKER: All this matter arises out of a bill which was reported by the Committee "ought not to pass" and the gentleman from Caribou (Mr. Hamilton) was suc-

cessful in substituting the bill for the report, and has since been offering new drafts.

Mr. HAMILTON: And I might add, Mr. Speaker, that I have also been successful in having the Committee conform to the three cent tax with exemptions, and I think this bill should at least have consideration.

Mr. CURTIS of Brewer: May I inquire through the Chair, of Mr. Hamilton, if his bill attempts to conflict with, or is in opposition to, the bill decided upon by the Committees on Ways and Bridges and Taxation?

The SPEAKER: The gentleman may reply.

Mr. HAMILTON: Mr. Speaker, I took the matter up with Chairman Smith and agreed with him that this bill should not conflict with the bond issue if you succeed in passing it. This bill, as I understand it, does not conflict with that.

Mr. CURTIS: The tax decided on would practically call for a three cent tax with exemptions. It was the wish of the Committee at that time that some bill, and only one bill, should come before us so that there would be no complication at the end of the session.

Mr. HAMILTON: Mr. Speaker, I might say that I am willing to concede most anything that the House desires me to concede, but I do insist on having this bill, that has really kept the three cent gas tax with exemptions, to survive as long as it will. It is only a difference in name and I do not care particularly about having my name on it, but it seems to me as though, as a matter of courtesy, the other bill could have been reported "ought not to pass because covered by other legislation."

Mr. CURTIS: Mr. Speaker, I think it is immaterial to the Committee whose name is signed to the bill. They simply want to get it into one bill and not have two bills to confuse the Legislature. If it can be brought about to have one bill before the House, I think it will do much toward ironing out the gasoline tax as to which there has been so many measures introduced.

Mr. WING of Auburn: Mr. Speaker, will you please read the record of the bill?

The SPEAKER: This was an act introduced by the gentleman from Caribou, Mr. Hamilton, relating to a tax upon gasoline, which was re-

ferred to the Committee on Ways and Bridges, subsequently referred to the Committees on Ways and Bridges and Taxation jointly, subsequently reported "ought not to pass," and subsequently the bill substituted for the report and a new draft substituted for the bill.

Mr. WING: Mr. Speaker, has the new draft been printed?

The SPEAKER: It has been printed as House Document No. 489.

Mr. WING: Mr. Speaker, what is the pending question, please?

The SPEAKER: The gentleman from Caribou, Mr. Hamilton, this morning offers another new draft and suggests that he desires to have it printed and tabled.

Mr. WING: Mr. Speaker, I desire to support the motion of the gentleman from Caribou (Mr. Hamilton). I think some member of the Committee on Ways and Bridges should be ready to tell this House just the number and variety of these various gasoline tax bills, so that they can be acted upon with some degree of intelligence, and I make that suggestion.

Mr. LITTLEFIELD of Kennebunk: Something was said, Mr. Speaker, about having only one bill introduced. Do I understand that someone wants to slide a bill in here the last day and say that we have got to take this or nothing? There is nothing right about that. Why not let both bills go in and let every one see which one he wants, and if he wants exemptions, let him vote for it, and if he wants something else, let him vote for that. It does not seem to me that we ought to be tied down to one bill because someone wants it that way.

Mr. WING: Mr. Speaker, I quite agree with the gentleman from Kennebunk. (Mr. Littlefield) that these measures should be brought into the House separately, each bill considered on its own merits, and that the members should be prepared to discuss and act intelligently in regard to them, and if the Committee on Ways and Bridges can say that is their intention, well and good; and if their deliberations do not meet with the approval of this House, they will have to stand it.

Mr. HALE of Portland: Mr. Speaker, may I inquire whether I am right or wrong in my impression that we a few moments ago voted to

substitute the new draft for House Document 489?

The SPEAKER: The motion was put and was carried. The Chair does not recollect that the motion to print was carried.

Mr. HALE: I move, Mr. Speaker, that we reconsider the vote whereby we voted to substitute the new draft for House Document 489.

The SPEAKER: The gentleman may address himself to the motion.

Mr. HAMILTON: May I ask, Mr. Speaker, what is the purpose of the motion of the gentleman from Portland (Mr. Hale)?

Mr. HALE: My only purpose, Mr. Speaker, is to protect a large number of absent members who are very much interested in this matter, and what I would like to do would be to have the new drafts printed, if that is possible, and have the matter lie on the table until Monday.

The SPEAKER: The motion of the gentleman from Portland (Mr. Hale) is not likely to produce that result.

Mr. HALE: Then, Mr. Speaker, I withdraw it.

Thereupon the motion of Mr. Hamilton of Caribou, that five hundred copies of the new draft presented this morning be printed, prevailed; and the bill was laid upon the table.

The SPEAKER: The Chair believes that the purpose of the gentleman has been accomplished.

Mr. CUMMINGS of Portland: I would like to inquire, Mr. Speaker, in regard to these two three cent gasoline tax bills. Does each bill bear the same relation to, and have any connection with the proposed bond issue?

The SPEAKER: The gentleman from Caribou (Mr. Hamilton) may be able to answer.

Mr. HAMILTON of Caribou: I will say that I have kept this bill as separate as possible from the bond issue, with the idea that if the three-million dollar bond issue for bridges is passed, this would conform to that requirement, and if the six-million dollar bond issue for bridges and highways is passed, this would also conform. That is, in both instances, I have kept my hands off the bond issue matter as well as I could; and I might say in order to be perfectly fair I have kept

this on the table expecting a report from the Committee for a two cent measure. Now, they have come in with a report, conforming to a great extent, with this bill that I have, and as I have a little pride, I thought perhaps I would insist in keeping my own bill alive a little longer.

The SPEAKER: The Chair understands that at the present time the only gasoline bills surviving are this one and the one reported recently by the Committees; there are only two of these bills now before the Legislature. Is there any other small matter that can be disposed of?

Mr. LITTLEFIELD of Kennebunk: I understood that Senate Document 198 was reported by the Committee this morning "ought to pass." Was that the report or was it "ought not to pass"? Which way was it?

The SPEAKER: The act to provide for an issue of state highway and bridge bonds was reported "ought to pass" and assigned for third reading Monday.

Thereupon, on motion by Mr. Littlefield of Kennebunk the House voted to reconsider its action whereby this bill was assigned for its third reading Monday afternoon; and on further motion by the same gentleman, tabled pending assignment for third reading.

Additional papers from the Senate disposed of in concurrence, and out of order.

From the Senate: Resolve in favor of Earle R. Hayes, H. P. 1284, for services as Clerk for the committee on Mercantile Affairs and Insurance, which was referred to the committee on Appropriations and Financial Affairs in the House on April 3.

Comes from the Senate amended by Senate Amendment A, and referred to the same committee.

In the House, the resolve as amended was read by the Clerk and adopted in concurrence. Thereupon it was referred to the committee on Appropriations and Financial Affairs in concurrence.

From the Senate: Report of the committee of conference on the disagreeing action of the two branches of the Legislature on resolve in favor of double-stacking the State

Library, reporting that they are unable to agree.

Comes from the Senate, report read and accepted.

In the House, report read and accepted in concurrence.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, if I am in order I would like to ask the gentleman from Caribou (Mr. Hamilton) through the Chair how much exemption there is in his amendment.

The SPEAKER: The gentleman may reply if he cares to.

Mr. HAMILTON: Mr. Speaker, I could go through with the whole of this but I am trying to save some of it for discussion a little later.

Mr. LITTLEFIELD: I would like to get this in my head so that I can digest it over Sunday.

Mr. HAMILTON: Both of these tax bills now are three cents with exemptions for everything, as nearly as the wording could make it, except motor driven vehicles.

Mr. FOSTER of Ellsworth: Mr. Speaker, I presume this may be out of order, but along the line of this discussion it seems to me that this gas tax proposition and the road program have been discussed pretty thoroughly by the Ways and Bridges committee, Tax committee, Governor and Council and the State Highway Department; and it would seem that they have given this a very thorough going over.

I do not think any one of the committee would object to the gentleman from Caribou (Mr. Hamilton) having his name on the bill, but it does seem that they have arrived at a very good program. If this matter is going to be taken up on Monday for further discussion, it will take a day or two to do that, and I believe it will be good judgment on the part of this House to accept the program laid out by these committees; otherwise we will not get home until after haying. I think we ought to let the thing go along and accept the report of the committee.

Mr. STURGIS of Auburn: Mr. Speaker, I am as anxious to get home as anybody, but I do not believe in undue haste. I believe in getting the individual vote of this House. To my astonishment a two-cent tax bill has gone by, never to return. Pretty good legislation!

And while I am in a hurry to get home, I am ready to stay here and thresh it out if it takes until the cows come home in the fall.

The SPEAKER: There is no motion before the House. Possibly there may be further papers from the Senate.

Mr. KITCHEN of Presque Isle: Mr. Speaker, in justice to the members of the Ways and Bridges committee, I will say that there is no desire on the part of any member to put anything over on the House. They thought they could get together on one gasoline tax to submit to the Legislature, to be amended in the Legislature as the members might see fit. Going over this matter carefully with the different ones interested, it seemed to be the opinion of the joint committee on Ways and Bridges and Taxation that they should adopt a three-cent tax with exemptions. I do not think any member of the committee is trying to put anything over.

Mr. CURTIS of Brewer: Mr. Speaker, just one word in defense of the Taxation committee. I want to say that the thought of the Taxation committee was as outlined by the member from Presque Isle (Mr. Kitchen). They do not want to put anything over on a single member of this Legislature.

The SPEAKER: Does the House desire to continue this more or less informal discussion, or does the House wish to go into a committee of the whole?

Mr. HAMILTON: I do not wish to prolong this, and I imagine some are anxious to get back; but as possibly I may not have the privilege of being in the Legislature again I would like to know why a matter of this kind could not be reported to the House many weeks, or many days at least and not prolong until the very last minute a matter that is so important? It seems to me as though we could have talked it over at least a week or more ago, and perhaps some member of the committee can tell us why the committee did not report sooner on this matter.

Mr. KITCHEN of Presque Isle: I do not know as I can tell you just why; but I will say that I think they worked hard on the matter and tried to arrive at some conclusion. This bill that came in this morning, the

committee reported a six million bond issue and that can be amended in the House by a new draft to two million, three million, or whatever the House desires.

Mr. WING of Auburn: Mr. Speaker, it seems to me that the situation into which our committee on Ways and Bridges and Taxation has brought us is that we can only consider one measure, one bond issue; and our right to consider a two-cent tax or a one-cent tax has been lost by their reporting these bills ought not to pass and their getting by in the ordinary course of business and we cannot now consider them.

The SPEAKER: The right to amend is before the House at the proper time.

Mr. KITCHEN: That was the idea of the committee that whatever they submitted could be amended in any form that the Legislature saw fit.

Mr. LITTLEFIELD of Kennebunk: May I ask the member what day they expect to report?

Mr. KITCHEN: The committee on Ways and Bridges have not made their final report as far as the gasoline tax and the bond issue are concerned.

Mr. CURTIS of Brewer: Just one more point as it was put before us in the joint committee. None of the bills, or none of the plans, had provided for any new construction. The matter of a two-cent tax was first decided on unanimously by the joint committee. Afterward it was talked over and Mr. Hamilton's bill was put in and it was gone at from all angles, and finding that there was no provision for new construction in any of the bills or plans, it was finally decided, and voted unanimously by the two committees, that we would present to the Legislature this three-cent tax with exceptions, a proposed bond issue for three million dollars for ways and bridges and three million dollar bond issue for new construction, hoping that that would clear the situation.

Mr. BECKETT of Calais: Mr. Speaker and members: Continuing for a moment this informal discussion in regard to gasoline, I must say that I have gathered from certain scraps of this conversation which I have been able to hear that there is no very material difference



between the amendment suggested by the gentleman from Caribou, Mr. Hamilton, and the amendment that has been adopted; and if we are not particularly busy at this time, would it not be possible to have both of those amendments read rather than to wait until the second amendment is printed, and let us judge whether there is any particular difference between them? As I understood from the gentleman from Caribou (Mr. Hamilton), he was not altogether decided that there was any difference. While I realize that there must be some motion in order to take that up, I merely make it as a suggestion that later if there is time we have both amendments read and take action on them if it seems advisable.

The SPEAKER: The matter will be printed by Monday.

Further papers out of order from the Senate disposed of in concurrence.

#### First Reading of Senate Bills Out of Order

Resolve in favor of the Maine School for the Deaf.

Resolve in favor of the State Park Commission.

Resolve in favor of the University of Maine.

An act relating to aircraft.

From the Senate: Majority report of the committee on Labor on resolve rejecting proposed amendment

to the Constitution of the United States granting to Congress power to limit, regulate and prohibit the labor of persons under eighteen years of age, S. P. 125, S. D. 306, reporting the same ought to pass. Report being signed by the following:

Messrs. Wadsworth of Kennebec,  
Roberts of York,  
—of the Senate.  
Harriman of Readfield,  
Gilchrist of Thomaston,  
Cummings of Portland,  
Vail of Hodgdon,  
—of the House.

Minority report of same committee on same resolve reporting ought not to pass, the report being signed by the following members:

Messrs. Smith of Somerset,  
—of the Senate.  
Stitham of Pittsfield,  
Winn of Lisbon,  
Davitt of Millinocket,  
—of the House.

Comes from the Senate the majority report, ought to pass, read and accepted, and the resolve passed to be engrossed.

In the House, on motion by Mr. Piper of Jackman, the matter was tabled pending acceptance of either report.

On motion by Mr. Waterman of New Gloucester,

Adjourned until Monday afternoon, April 6, at 4.30 P. M.