

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, January 19, 1927.

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

Prayer by the Rev. Mr. Garland of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate:

Ordered, the House concurring, that Major Mark L. Hersey, Executive Director of State of Maine Associates active retired on half-pay, now stationed at Washington, D. C., be directed to appear before the State of Maine Legislative Publicity Committee, on February 15th., or sooner if called, for a public hearing and conference on State of Maine publicity matters and that five hundred copies be printed.

In the Senate, read and passed.

In the House, on motion by Mr. Wing of Auburn, tabled pending passage in concurrence.

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

Inland Fisheries and Game

By Mr. Cram of Mt. Vernon: Resolve appropriating money to aid in screening Echo Lake in the town of Fayette, county of Kennebec. (H. P. No. 32)

Interior Waters

By Mr. Comins of Eddington: An act to repeal law relating to procuring the enforcement of an act to prevent the throwing of slabs and other refuse into Penobscot River. (H. P. No. 33)

Judiciary

By Mr. Bartlett of Bangor: An act relating to the salaries of the Judge and Recorder of the Bangor Municipal Court. (H. P. No. 34)

Ways and Bridges

By Mr. Milliken of Old Orchard: Resolve appropriating money for repairs on highway in the town of York. (H. P. No. 35)

The SPEAKER: Is there any

objection at this time to the consideration of an order from the Senate, out of order? The Chair hears none and the clerk will read the order.

Ordered, the House concurring, that the name of the Joint Standing Committee on School for Feeble Minded be changed to Committee on Pownal State School.

In the Senate, read and passed.

In the House, on motion by Mr. Wing of Auburn, the order was tabled pending passage in concurrence.

Orders

Mr. Wing of Auburn presented the following order:

Ordered, that Helen Batchelder Shute of Belfast be appointed Assistant Reporter of the House for the present session, her compensation to be the same as received by the Assistant Reporter at the last regular session, viz \$700.

Mr. WING: Mr. Speaker, I will say in explanation of this order that the appointment of an Assistant Reporter is essential to the proper preparation and completion of the Legislative Record. I do not want any member here to think that this is anything that is not absolutely necessary for the proper carrying on of the business of the House. I make this explanation so that the House may understand it. I move the adoption of the order.

Thereupon the order received passage.

The SPEAKER: Report from the Highway Commission relative to the order introduced by the gentleman from Jackman, Mr. Piper, has just reached the desk; and if there is no objection it will be introduced at this time, out of order. The Chair hears no objection and the Clerk will read the report.

"The House of Representatives

"In conformity with House Order of yesterday directing that the State Highway Commission transmit for today's session a report on the physical condition of Norridgewock Bridge over Kennebec River, the following is submitted:—

Examinations

In recent years prior to 1926 only occasional and rather superficial examinations of Norridgewock Bridge have been made. However, these

occasional examinations have discovered that this bridge structure, like many others, is unsatisfactory for present day motor vehicle traffic.

During the year 1926 there was given one quite complete examination by the Commission's Bridge Division and from time to time throughout the summer months less extensive examinations were made with the object of noting any developments of weaknesses that might have taken place. On Sunday, June 6, the Commission's Bridge Engineer, at the request of the Municipal Officers of the town of Norridgewock, conferred with them in relation to temporary repairs then being undertaken and in this connection bored a considerable number of the structural timbers which gave evidence of weakness due to decay.

Structural Defects

The following defects were noted:

1. The lower course of floor planks was found to be very badly decayed.

2. The stringer timbers are small in size and in some cases were found to be in unsatisfactory condition.

3. The floor beams which are the main structural members transferring the highway loads to the bridge trusses were found to be in several instances very badly decayed. The location of greatest decay was noted to be at or near the center length of the beams where in service the greatest bending stresses are located. Auger holes were bored vertically through the decayed portions of the beams and it was found in several beams that the firm sound material existing in the lower side of the beams had a thickness of only one and one half to two inches ($1\frac{1}{2}$ " to 2"). The sound material on the sides of such beams was only three-quarters to one inch ($\frac{3}{4}$ " to 1") in thickness, or in other words, these beams had a shell of solid wood on three sides with a rotted wood interior. In a few instances beams were noted in which "bursting" due to interior decay had commenced.

The length on one side of the roadway portion of the bridge from which the floor planking had been removed giving opportunity to test the floor beams by boring was not actually measured but is considered to be not less than sixty to seventy-five linear feet (60 to 75')

4. The trusses, throughout their entire lengths, are warped and deformed. This is a condition considered even in its earliest stages as unmistakable evidence of structural weakness when not accompanied by evidence of settlement of the abutments or the piers of the substructure. The substructure of this bridge while supported upon timber cribs, does not give evidence of undue settlement.

The top chord members of all trusses have been subjected to compressive stresses to an extent that they have become very badly deformed laterally. These deformations are unusual in their form since they give a wavy or undulating appearance throughout the length of each span rather than the evenly curved from end to end condition usually found. It is believed that the stresses due to bending in the chord timbers when combined with the stresses resulting from normal truss action are not far from the ultimate strength of the wood in compression and in tension.

5. The laminated wooden arches built inside the trusses several years ago have deformed laterally conforming in general in their alignments with the deformation in the main trusses. In addition to this condition these arches show by vertical deformations that they are now carrying excessive dead loads due, it is believed, to the deformed condition of the spans.

The physical condition of this bridge throughout all parts of the structure taking stresses from the dead load of the structure itself and from highway traffic passing upon the bridge is so unsatisfactory that the Commission feels that this bridge should be entirely reconstructed. It would be impossible to make effective repairs at a reasonable cost which would render the structure temporarily satisfactory for highway service.

Respectfully submitted,

(Signed) CHARLES H. INNES,
CHARLES MURRAY,
State Highway Commission."

On motion by Mr. Piper of Jackman, the communication was referred to the Committee on Ways and Bridges.

At this point Ex-Governor Baxter was escorted by the Messenger to a seat at the side of the Speaker, amid

the applause of the House, the members rising.

Orders of the Day

The SPEAKER: Under orders of the day, the Chair lays before the House the veto message of the Governor relative to a resolve in favor of the town of Norridgewock for repair of a bridge across the Kennebec River, and the question before the House is whether this resolve shall finally be passed notwithstanding the objections of the Governor. This requires a ye and nay vote of two-thirds of the members present. The Clerk will call the roll and the vote "yes" will be in favor of the resolve and the vote "no" against it. A vote "yes" is against the veto of the Governor. A vote "no" sustains the veto; and the Chair recognizes the gentleman from Ellsworth, Mr. Foster.

Mr. FOSTER: Mr. Speaker, I tabled that resolve last Thursday, and I now yield to the member from Norridgewock, Mrs. Folsom.

Mrs. FOLSOM of Norridgewock: Mr. Speaker, you have just heard the condition of the bridge read, and I think it is quite unnecessary to say that this fifteen hundred dollars would hardly cope with the situation at the present time. Therefore I feel that the Governor's veto in this matter should be sustained.

The SPEAKER: Is the House ready for the question?

Mr. ROUNDS of Portland: Mr. Speaker in 1909 this was a toll bridge and I was one of the Ways and Bridges committee before which that matter came. I say that because I sponsored the bill of the town of Norridgewock to make that a free bridge. They said at that time just about what has been said today, that the bridge was no good and had got to be repaired. I don't know how much they have laid out on it since, in fact I don't know anything about the bridge, but I will say this that what they are after is a new bridge, and it would have been far better for the Governor of the State of Maine to have allowed the fifteen hundred dollars for the repair of the bridge at that time than to build a new one at a cost, as I am informed, of a number of hundred thousand dollars. Of course they would have to come under the Bridge Act, and the Governor is very much opposed, or was

two years ago, to anything coming except under the Bridge Act. I think that is the way the Gardiner bridge was built—under the Bridge Act. If you want to put all your money this year into the town of Norridgewock, let's sustain the Governor's veto. If you want some other little bridges around the State of Maine to get something under the Bridge Act, let's pass it over his veto. That's all I have got to say about it.

Mr. GREENLEAF of Auburn: Mr. Speaker, I cannot agree with the gentleman from Portland (Mr. Rounds). I think that this is two separate matters. It is very evident from the report of the Highway Commission that this fifteen hundred dollars, as the representative from Norridgewock says, is totally inadequate to do anything with this bridge. It seems to me the sensible thing to do is to sustain the Governor's veto and when something is presented later in relation to this Norridgewock bridge, we will then be in a position to consider it.

Mr. KITCHEN of Presque Isle: Mr. Speaker, I with two other members of this House, were members of the Ways and Bridges committee two years ago, before which committee this resolve was considered; and the reports that came to us at that time were practically the same as they are today. As you have heard from the report of the Highway Commission, the bridge was in a deplorable condition and it was thought of the committee that it would be money well invested to allow fifteen hundred dollars from the state to help repair that bridge. I have since learned that fifteen hundred dollars will be inadequate to take care of it and the people of that section are proposing a new bridge; and it seems to me, as the gentleman from Auburn, Mr. Greenleaf, has said, it would be a useless expenditure of money for us to allow this fifteen hundred dollars at this time.

The SPEAKER: Is the House ready for the question?

Mr. FLINT of Monson: Mr. Speaker, I rise for information. Is this the resolve—

The SPEAKER: It is the resolve relative to the bridge at Norridgewock.

Mr. GREENE of Madison: Mr. Speaker I know something of the condition of that bridge, also of the

financial condition of the town. I have not been asked to vote for or against this measure, but from my personal observation I am heartily in favor of what Mr. Rounds has said, and it is my opinion that fifteen hundred dollars would go a great way in making this bridge safe and ward off any appropriations for building new bridges at the present time.

The SPEAKER: Is the House ready for the question? If so, the Clerk will call the roll and each member will answer "yes" or "no" as his or her name is called.

Mr. SNOW of Brunswick: Mr. Speaker, I don't just understand the question. How are we to vote?

The SPEAKER: A vote "yea" is in favor of the resolve appropriating money for the bridge.

Mr. SNOW: For a new bridge?

The SPEAKER: No, to repair the old bridge as the Chair understands. A vote "no" will sustain the veto of the Governor. The Clerk will call the roll.

YEA—Anderson, New Sweden; Cyr, Daigle, Greene, Lait, Powers, Rounds, Snow, Staples.

NAY—Aldrich, Allen, Anderson, South Portland; Ayer, Bailey, Bartlett, Belleau, Berry, Bisbee, Bishop, Blissett, Blaisdell, Booker, Boston, Boynton, Brackett, Breen, Brewster, Briggs, Brown, Bruce, Buker, Burns, Butler, Cain, Clinton, Carleton, Portland; Carleton, Winterport; Chamberlain, Chaney, Chase, Church, Clifford, Cole, Comins, Cowell, Cram, Crawford, Crockett, Deakin, Decker, Deering, Dennison, Douglas, Dudley, Castle Hill; Ellis, Eustis, Farrington, Ferguson, Flint, Folsom, Forhan, Foster, Fuller, Gagne, Gay, Gilchrist, Gillespie, Goodwin, Lebanon; Goodwin, Sanford; Greenleaf, Griffin, Hale, Hammond, Harris, Hathaway, Hawkes, Heath, Holbrook, Holman, Houghton, Hughes, Ingraham, Jackson, Jones, Kane, Addison; King, Kinsman, Kitchen, Laughlin, Leathers, Littlefield, Lowell, MacKinnon, Maloon, Mansfield, Marden, Marriner, McCart, McKnight, McLean, Mears, Melcher, Merrill, Metcalf, Milliken, Morin, Morrill, Nadeau, Norwood, Patterson, Pendexter, Pike, Piper, Rawley, Richardson, Robie, Gorham; Robie, Westbrook; Roy, Ruggles, Sargent, Saucier, Seavey, Smith, Bangor; Stone, Storm, Sturgis, Sturtevant, St. Clair, Thurston, Tripp, Tucker, Vail, Varnum, Webber, Weston, Wheeler, White, Williams, Falmouth; Williams, Webster; Wing, Auburn; Wing, Kingfield; Winslow, Wyman.

ABSENT—Davitt, Dudley, Calais; Hamel, McIntire, Page, Smith, Biddeford; Snowman, Wood.

No. 123.

Yes, 9.

Absent, 8.

Nine having voted in the affirmative and 133 in the negative the veto of the Governor was sustained, and the resolve failed of passage.

The SPEAKER: We are acting under the orders of the day.

On motion by Mr. Rounds of Portland, it was voted to take from the table House Paper No. 26, An Act to authorize the Portland Railroad Company to operate motor busses.

Mr. ROUNDS: Mr. Speaker, this company has now a line of street railroad running along Spring street and they want to get rid of it so they will not have to pave the street. It is an attempt to get rid of having to pay for paving the street as the whole street is to be paved over this year. It looks to me as though this was only a Portland matter. Therefore, I move that it be referred to the Portland delegation.

Mr. WING of Auburn: Mr. Speaker, I do not blame the gentleman from Portland (Mr. Rounds) for wishing his delegation to hear its own matters; but if the House will consider the proposition which the member from Portland makes and the precedent which he will establish, it will be possible to refer every measure that is introduced into this House to the members, or the member from the particular locality from whence they come. For instance, if there is a measure introduced here affecting the city of Lewiston, if this House now refers this measure on to the Portland delegation, matters affecting the city of Lewiston can well be taken before the members of the Lewiston delegation; or, if matters affect the city of Auburn, they can be referred to the city of Auburn delegation. I think this is wrong in principle: There is no reason why any citizen of the city of Portland who comes before any committee of this Legislature will not be respectfully heard, and he will have the opportunity to state his reasons either for or against the measure. Therefore, I trust that the recommendation of the committee on reference of bills will be followed, and that this matter will not be referred to the Portland delegation.

Mr. ROUNDS: Mr. Speaker, I have been here a number of times and I have heard different matters referred to the Portland delegation. It is not establishing any precedent for it has been done many times. What do I care, or what do I know, about what happens up in Aroostook county? In

Portland, we have a lot of people who cannot come to Augusta but who would like to be heard upon this subject. All those who are interested, especially corporations in this State, will be heard, but the average citizen, while he would like to be heard, will not spend the time and money to come to Augusta; and on his behalf I make this recommendation.

Mr. HALE of Portland: Mr. Speaker, like the gentleman from Auburn, Mr. Wing, I oppose the motion of the gentleman from Portland, Mr. Rounds, and I should like to point out to the House that I think the gentleman from Portland is under some misapprehension as to the character of this particular measure. It provides for a general amendment of the charter of a public utility corporation, giving it the power to run busses, which it does not now have. This bill has nothing to do with paving Spring Street in Portland. It has nothing to do with the present street car line in the city of Portland, although the powers granted in this bill may subsequently be invoked for this purpose; but it extends the charter of a corporation. The Cumberland Power & Light Company may sometime want to run busses to Yarmouth and all over Cumberland county for aught I know, and it is a State-wide matter. So far as repaving Spring street goes, or discontinuing this line or that line, those matters will subsequently come before the Public Utilities Commission. So far as they relate to the abandonment of lines now in operation, they will come before the Portland city government. I think this explanation is due to the members.

Mr. ALDRICH of Topsham: Mr. Speaker, I would like to sustain the position taken by the gentleman from Auburn, Mr. Wing. It would seem to me, Mr. Speaker, that if this precedent is established, or if this has been done previously, if this custom is followed there is no reason why a bill which affects a particular county should not be referred to the members of the delegation of that county; and I imagine that, if carried on indefinitely, the orderly procedure of this House would be very much interfered with and we would have special interests taking care of special requests, with the consequent danger that we might not get the consideration which we should have.

Now in reply to the gentleman from Portland, Mr. Rounds, I would like to

suggest that if the people of Portland are not sufficiently interested in this measure to come here, apparently those people have representatives in this House who are looking after their interests and who will undoubtedly see to it that the interests of the people of Portland as affected by this bill are properly protected when it comes before the appropriate committee.

Mr. ROUNDS: Mr. Speaker, I would just like to answer some of these gentlemen. I think I have spoken twice on the subject already.

Thereupon unanimous consent was given the gentleman from Portland, Mr. Rounds, to speak again on the matter.

Mr. ROUNDS: Mr. Speaker, this matter, as I have said before, is just a matter that affects the city of Portland. I have a charter at the present time to run up there. So far as the Public Utilities Commission is concerned, we have had enough of it in Portland for the last year. We have had almost \$60,000 thrown onto the poor people of Portland by the Public Utility of this State, not to protect the citizens of the State but to protect the corporations outside that are making money out of watered stock.

The SPEAKER: Is the House ready for the question? The question is upon the reference of House Paper No. 26, An Act to authorize the Portland Railroad Company to operate motor busses. This bill was introduced by the gentleman from Portland, Mr. Hale, and the committee of reference suggested that it be referred to the committee on Public Utilities. The question now is upon the motion of the gentleman from Portland, Mr. Rounds, that it be referred to the Cumberland delegation. Those in favor of so referring will say "aye," those opposed "no."

A viva voce vote being had, the motion of the gentleman from Portland, Mr. Rounds, failed of passage, and the bill was referred to the committee on Public Utilities.

On motion by Mr. Wing of Auburn, it was voted to take from the table the order which came from the Senate out of order relating to the name of the committee on State School for the Feeble Minded, and that gentleman requested that the order be read.

(Order read by the Clerk)

Mr. WING: I am now informed,

Mr. Speaker, that the School for Feeble minded, so-called, at Pownal, is now called "Pownal State School," and this order is to conform to that statement of the law and is in the interest of a speedy publication of the Legislative Directory. I now move its passage.

Thereupon the order received passage.

On motion by Mr. Cain of Clinton,
Adjourned until 10 o'clock tomorrow morning.