

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

Thursday, January 20, 1927.

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

Prayer by the Rev. Mr. Purves of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve in favor of Myron H. Crocker, compensating him for the destruction by deer of apple trees. (S. P. No. 8)

Resolve in favor of Wallace W. Yates, of Grand Lake Stream, Washington County. (S. P. No. 9)

In the Senate, referred to the committee on Claims.

Mr. ROUNDS of Portland: These are very small claims and I hope they won't have to be printed. It is enough to have to pay for the advertising of them. One is twenty dollars and the other thirty-five dollars, and I should hope that no member will ask to have them printed. It costs fifteen dollars for printing and six dollars for advertising.

The SPEAKER: The Chair will state that printing is not ordered on these two particular claims and the gentleman moves that the House concur with the Senate in the reference of these two claims to the committee on Claims.

Thereupon the two resolves were referred to the committee on Claims in concurrence.

From the Senate: The following order:

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, January 25 at 4:30 o'clock in the afternoon.

In the Senate, read and passed.

In the House, read and passed in concurrence.

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

Appropriations and Financial Affairs

By Mr. Hale of Portland: Resolve

to appropriate money for the maintenance of the Motor Vehicle Department of the office of the Secretary of State (H. P. No. 36)

(500 copies ordered printed)

By the same gentleman: Resolve to appropriate money for the State Highway Department (H. P. No. 37)

(500 copies ordered printed)

By the same gentleman: Resolve to appropriate money for the maintenance of State Highway Police (H. P. No. 38).

(500 copies ordered printed)

Claims

By Mr. Kinsman of Augusta: Resolve in favor of William H. Hall of Augusta, Maine. (H. P. No. 39)

By Mr. Milliken of Old Orchard: Resolve in favor of Guy B. Webber of York Village, Maine. (H. P. No. 40)

Inland Fisheries and Game

By Mr. Hawkes of Standish: An act relating to fishing in Watchic Pond, in town of Standish. (H. P. No. 41)

By Mr. Kinsman of Augusta: Resolve in favor of the Cobbosseecontee Fish and Game Association. (H. P. No. 42)

Judiciary

By Mr. Hale of Portland: An act to enable the Home for Aged Men to hold property up to one million dollars. (H. P. No. 43)

By the same gentleman: An act relating to appropriation of motor vehicle registration and operators' license fees. (H. P. No. 44)

By the same gentleman: An act relating to appropriation of automobile fees. (H. P. No. 45)

By the same gentleman: An act relating to maintenance of the State Highway Police. (H. P. No. 46)

By Mr. Stone of Bridgton: An act relating to advertising signs along public ways. (H. P. No. 47)

By Mr. Cole of South Portland: An act relating to the State Board of Children's Guardians. (H. P. No. 48)

(500 copies ordered printed)

By Mr. Hale of Portland: An act relating to the property of extinct or disbanded Congregational churches, parishes or societies. (H. P. No. 49)

(500 copies ordered printed)

By the same gentleman: An act to revise the schedule of fees for reg-

istration of motor vehicles. (H. P. No. 50)

(500 copies ordered printed)

By Mr. Cole of South Portland: An act relating to the State Board of Mothers' Aid (H. P. No. 51).

(500 copies ordered printed)

Legal Affairs

By Mr. McLean of Bar Harbor: An act to provide a better government for the town of Bar Harbor. (H. P. No. 52)

By the same gentleman: Petition of citizens of Bar Harbor in favor of same. (H. P. No. 53)

By Mr. St. Clair of Rockland: An act to amend "An act to incorporate the Division of Maine, Sons of Veterans." (H. P. No. 54)

By Mr. Ellis of Fairfield: An act to repeal acts incorporating the Kendall's Mills Village Corporation and the Fairfield Village Corporation. (H. P. No. 55)

By Mr. Rounds of Portland: An act relating to pilots for Port of Portland. (H. P. No. 56)

By Mr. Bishop of Boothbay Harbor: An act to authorize the town of Boothbay Harbor to raise money to help keep in repair the Old Burying Ground situated in the town of Boothbay. (H. P. No. 57)

(500 copies ordered printed)

By Mr. Rounds of Portland: An act relating to the retirement of police officers of the city of Portland on half pay. (H. P. No. 58)

(500 copies ordered printed)

Military Affairs

By Mr. St. Clair of Rockland: An act relating to the unauthorized use of insignia of war veterans. (H. P. No. 59)

Salaries and Fees

By Mr. Bartlett of Bangor: An act relative to clerk hire in the office of Clerk of Courts, Penobscot, county. (H. P. No. 60)

By Mr. Ingraham of Bangor: An act relating to clerk hire in the office of County Attorney in Penobscot county. (H. P. No. 61).

By Mr. Bishop of Boothbay Harbor: An act relating to salary and expenses of the County Commissioners of Lincoln county. (H. P. No. 62)

(500 copies ordered printed)

By the same gentleman: An act relating to the salary of the Clerk of Courts in Lincoln county. (H. P. No. 63)

(500 copies ordered printed)

State Lands and Forest Preservation

By Mr. Piper of Jackman: An act

to eliminate Jackman from the Maine Forestry District. (H. P. No. 64)

Taxation

By Mr. Merrill of Dover-Foxcroft: An act relative to the excise tax on railroads. (H. P. No. 65)

(1000 copies ordered printed)

Ways and Bridges

By Mr. Hale of Portland: An act to amend the distribution of tax on gasoline. (H. P. No. 66)

(500 copies ordered printed)

By the same gentleman: An act relating to maintenance of State highways and State aid highways. (H. P. No. 67)

(500 copies ordered printed)

By the same gentleman: Resolve proposing an amendment to Section 17 of Article 9 of the Constitution, to provide for an increase in the amount of State bonds to be issued for the purpose of building State highways and bridges. (H. P. No. 68)

(500 copies ordered printed)

By Mr. Heath of Guilford: Resolve in favor of the town of Brownville for repair of road. (H. P. No. 69)

Order from the Senate, out of order.

Ordered, the House concurring, that the secretary of State be directed to furnish the clerks of committees postage stamps and such other necessities as said committee shall order.

In the Senate, read and passed.

In the House, read and passed in concurrence.

Orders of the Day

Mr. HOLMAN of Bangor: Mr. Speaker, I present a resolution and move its adoption, as follows:

"Concurrent Resolution Memorializing the Congress of the United States to Abolish the Federal Estate (Inheritance) Tax.

WHEREAS, the Federal Estate (Inheritance) Tax law, as amended February 26, 1926, provides that the estate liable thereunder shall be credited with any inheritance tax paid by the beneficiaries to the State, or states, the credit not to exceed eighty per cent. of the Federal levy; and,

WHEREAS, this amendment menaces the rights of the states, because its object is to persuade them to abandon their state inheritance tax laws in favor of statutes based on the federal law. The tax not being required for revenue at this time, its only object now must be to force

uniformity of this tax in all the states, and,

WHEREAS, the Federal Government in the past has only entered the field of the inheritance taxation in war time as an emergency measure; and,

WHEREAS, the increasing financial burden upon State Governments makes it necessary to conserve every logical source of revenue;

THEREFORE, Be it resolved, the Senate concurring, that we hereby request the present congress to repeal immediately the Federal Estate (Inheritance) Tax provisions of the revenue law effective February 26, 1926, and abandon this field of taxation in time of peace, and leave this source of revenue for the state legislatures of the various states to deal with as they may see fit.

BE IT FURTHER RESOLVED, that certified copies of this concurrent resolution be forwarded to the Senators and Representatives from Maine in the Congress of the United States."

Mr. HOLMAN of Bangor: Mr. Speaker and fellow members of the House: Possibly a few words of explanation may be of service to some who are not already familiar with the Federal Estate Inheritance Law.

This law was first enacted in 1916, during the World war, by the Congress of the United States. Its purpose at that time was to raise revenue to meet the rapidly increasing expenses of the Federal Government. From 1917 to 1925, inclusive, the United States government collected from the several states of the Union in excess of \$865,000,000. Of this amount \$8,293,000 was collected from the State of Maine. In February, 1926, this law was revised and the Congress of the United States levied a joint tax upon all the states of twenty per cent. It may be said in connection with this law that this levy was made without the consent and without consulting any of the State legislatures. This is certainly an extraordinary form of taxation that has never been resorted to heretofore in the history of our government in times of peace and prosperity. It would seem that if this vast source of revenue could be conserved to the State, it would greatly assist us in our burden of taxation.

A similar resolution is being introduced in more than half of the

states of the Union where the legislatures are in session this winter. This simply provides that we request our Senators and Representatives in Congress to do everything in their power to have this joint levy upon the states repealed. This measure has already been adopted by several of the states, and I trust that this body may give the matter favorable consideration. By so doing it will greatly assist our own condition in the ever increasing burden of taxation. I thank you.

Mr. HALE of Portland: Mr. Speaker, I move that the resolution introduced by the gentleman from Bangor, Mr. Holman, be committed to the committee on Federal Relations, and that five hundred copies be printed.

Mr. HOLMAN: Mr. Speaker, I have no objection to the resolution being referred to that committee and five hundred copies being printed. It would seem, however, that it is a matter in which every member of the Legislature is concerned, and for that reason I was hoping that it might be acted upon by our entire body now, and if that could not be done that we assign the matter for a special day when every member of the House may receive all the information that anyone may have to offer.

The SPEAKER: The question before the House is upon the committing of this resolution to the committee on Federal Relations.

A viva voce vote being taken, the House voted to refer the resolution to the committee on Federal Relations.

Mr. HALE of Portland: Are we operating under Orders?

The SPEAKER: No, under Orders of the Day.

Mr. HALE: I have an order that I would like to introduce, out of order, and I move its adoption:

Unanimous consent therefor being granted, the following order was presented:

Ordered, that the Secretary of State be directed to furnish the Clerk of the House with Bouvier's Dictionary, Cushing's Law and Practice of Legislative Assemblies, Reed's Rules and Hughes' American Parliamentary Guide.

The order received passage.

On motion by Mr. Wing of Auburn,

it was voted to take from the table the joint order having to do with the Maine Associates.

Mr. WING: Mr. Speaker, I now yield to the gentleman from Strong, Mr. Eustis.

Mr. EUSTIS of Strong: Mr. Speaker, I will request the Clerk to read the order.

(Order read by the Clerk).

Mr. EUSTIS: The House has heard the order as read. The order was introduced without the previous knowledge, I will say, of the Publicity Committee, either of the Senate or House.

I have in my hand a telegram from General Hersey, dated January 20th, which I will read: "Governor of Maine, State House, Augusta, Maine. Shall be pleased to appear before the Publicity Committee of Maine Legislature at any time it may desire during next month on reasonable notice, subject only to prior engagements. (Signed) Mark L. Hersey."

With the approval of the introducer of the order, I now move the indefinite postponement of this order.

The motion prevailed.

On motion by Mr. Piper of Jackman it was voted to take from the table, House Document No. 10, an act to incorporate the Maine Water Storage and Power Transmission Company.

Mr. PIPER: Mr. Speaker, I move that this bill be referred to the committees of Public Utilities and Interior Waters jointly.

Mr. THURSTON of Appleton: Mr. Speaker, I move to amend the motion of the gentleman from Jackman (Mr. Piper) by striking out the words "Interior Waters" and substituting the word "Judiciary," so that it will be heard by a joint committee of Public Utilities and Judiciary. There are big legal questions here involved, and there is no lawyer on Interior Waters and no lawyer on Public Utilities, and I think it should be referred to the joint committees of Judiciary and Public Utilities.

Mr. GREENLEAF of Auburn: Mr. Speaker, the motion of the gentleman from Jackman (Mr. Piper) was to refer to what committees?

The SPEAKER: To the committees of Public Utilities and Interior Waters.

Mr. GREENLEAF: It seems to me, Mr. Speaker, that the Committee on Interior Waters should by all means

be represented at this hearing. It should come before them because they have to deal with log driving and with the storage of water, and all such things come under what this committee was created to handle. Four year ago we had a very important measure before us here which everybody knows about, the storage of water on Dead River, which is also incorporated in this bill. That went before the committee on Judiciary and Interior Waters and was handled very well. I certainly think that the committee on Interior Waters should be represented.

Mr. COMINS of Eddington: Mr. Speaker, this must be of vital importance to the Public Utilities of the State of Maine and it seems to me they ought to be considered in this matter; and as a member of that committee it is my opinion that there will be many legal points that may be well considered by the committee on Judiciary inasmuch as there are no legal members on either of these other committees. Therefore, I wish to support the motion of the gentleman from Appleton, Mr. Thurston.

The SPEAKER: The question before the House is upon the amendment of the gentleman from Appleton, Mr. Thurston, to the motion of the gentleman from Jackman, Mr. Piper. The original motion was to refer this bill to the committees on Public Utilities and Interior Waters, and the amendment which is now before the House to refer it to the committees on Public Utilities and Judiciary. Is the House ready for the question?

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I think perhaps that as I wrote this bill I may be presumed to be the only person who pretends to understand it and that I might with propriety say a word at this time. I have no objection to this bill being referred to any committee of the Legislature, whatever its name may be. In presenting this bill, I have not the slightest personal interest in it except that it is necessary to have some name incorporated in order to see what sort of an opportunity the state may grant to those gentlemen who might be willing to join to solve the power situation in the State of Maine.

Heretofore any attempt which has been made to solve this power question has been started from the legal end. They have always started in on the proposition of looking up the law.

Somebody has said that it would be a good thing to do this and then somebody has said "That is unconstitutional" and there it stopped. Else they have asked the Justices of the Supreme Court what they could do. Now the laws in the Constitution have been changed over a period of years following the trend of events and improvements in the sciences, but the economic principles involved, whether they will work in practice,—those are the essential things upon which any constructive proposition which involves business interests shall be built up. I want to see this proposition started from the business end I want to put my proposal before such committee as you may select. I want to say to them "Figure out what are the sound business policies upon which this thing should be built up. Figure out what is the best thing for the State of Maine to do, and then go to the people who are skilled in the law and have them tell how this thing can be accomplished legally." That is the point on which I want to start,—the business end of the proposition. I do not wish to appear to eliminate the legal importance from this matter. There are legal questions involved in it as I fully admit; but I submit to this House that in order to find out what is the best thing for the State of Maine to do as a practical business proposition, we ought to start as you gentlemen would start in your own business and figure out the best course of procedure as a business proposition, and then take up with your attorneys the legal points involved. (Applause.)

Mr. FOSTER of Ellsworth: Mr. Speaker, I think perhaps this piece of legislation now introduced is one of the most important, if not, the most important, that will be brought into this House this year. I feel a great deal as does the gentleman from Cape Elizabeth, Mr. Chase. If a business man contemplates changing or enlarging his business, the first thing he does is to work the thing out in his own mind. If it is of sufficient importance, he then submits it to his attorney to see what the legal entanglements may be. Now I may be speaking from a selfish standpoint, but to my mind this bill involves much more than the transmission of power. I am speaking from the standpoint of the lumber operator. It in-

volves the questions of land damage, log driving, back flowage, and many other things that are vitally interesting to the lumber operators. We at all times have access to the Attorney-General, and I am inclined to believe that the House, in looking over the personnel of the Public Utilities and Interior Waters committees, will find lumber operators, stumpage owners, and people who are familiar with land damages; and I believe that our business would be fully as well protected in those two committees as in a joint committee of Public Utilities and Judiciary. Therefore, I support the motion of the gentleman from Jackman, Mr. Piper.

Mr. THURSTON of Appleton: Mr. Speaker, I cannot understand what logdriving has to do with the exporting of power. If the gentleman will tell me I should be pleased to have him do so.

Mr. NORWOOD of Warren: Mr. Speaker, I move as an amendment that this bill be referred to the committees on Judiciary, Public Utilities and Interior Waters. (Laughter.)

The SPEAKER: The Chair would feel that there is some doubt as to amending an amendment, and the Chair would say that the motion of the gentleman from Appleton, Mr. Thurston can be put first, and if that should fail to receive passage, then the amendment of the gentleman from Warren, Mr. Norwood, could be acted upon.

Mr. NORWOOD: Doesn't anyone have a right to make an amendment to an amendment?

The SPEAKER: The Chair questions it on the reference of a bill. Is the House ready for the question?

Mr. PIPER of Jackman: Mr. Speaker, I move that we have a division of the House.

The SPEAKER: The gentleman from Jackman, Mr. Piper, moves that a division of the House be had. The first question is upon the amendment of the gentleman from Jackman—

Mr. THURSTON of Appleton: The motion of the gentleman from Appleton, wasn't it? I amended the motion.

The SPEAKER: The Chair was going to state it. The motion is on the amendment to the motion of the gentleman from Jackman, Mr. Piper. It is the question of the amendment of the

gentleman from Appleton (Mr. Thurston), who proposes in his amendment that "interior waters" be stricken out and "judiciary" substituted, the amendment making the reference to the committee on public utilities and judiciary. A division has been requested, and those in favor of this amendment will stand and the monitors will return the count.

A division of the House being had
Thirty-one voting in the affirmative and 94 in the negative, the motion failed of passage.

The SPEAKER: The question now before the House is on the motion of the gentleman from Warren, Mr. Norwood, who has amended the original motion so that a reference of this bill would be had to the committees on public utilities, interior waters and judiciary.

A viva voce vote being doubted,

A division of the House was had,

Sixteen voting in the affirmative and 94 in the negative, the motion failed of passage.

The SPEAKER: The motion now before the House is that of the gentleman from Jackman, Mr. Piper, that this bill be referred to the committees on public utilities and interior waters.

A viva voce vote being had, the bill was so referred.

Unanimous consent was granted Mr. Morrill of Gray to present the following order, out of order:

Ordered, the Senate concurring, that the President of the Senate and Speaker of the House of Representatives of the Eighty-third Legislature send letters of sympathy to the family of the late Senator Bert M. Fernald.

The order received passage, and was sent up for concurrence.

The SPEAKER: We are proceeding under orders of the day. Is there any further business to come before the House?

Mr. CHASE of Cape Elizabeth: I would like to call attention to an error in the bill creating the Maine Water Storage and Power Transmission Company. Through a printer's error on Page 10 of the printed bill under Section 21, it says: "Failure to organize prior to January 1, 1829." That is a printer's mistake and should be "1929".

The SPEAKER: The members hear the correction.

On motion by Mr. Ellis of Fairfield
Adjourned until Tuesday afternoon,
January 25, at 4.30 o'clock.