

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

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## HOUSE

Tuesday, February 22, 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 yesterday read and approved.

Mr. WING of Auburn: Mr. Speaker and members of the House: This is the birthday of a great man, a great patriot and a great citizen. I have the honor to ask you to permit the introduction of a bill, out of order and under suspension of the rules, having to do with respect to his memory.

Thereupon the rules were suspended, and the following bill was introduced out of order and referred to the committee on Judiciary:

An act to create and to define the powers and duties of a State Commission to represent the State in arranging and carrying out a program for the celebration of the Bi-Centennial of the birth of George Washington.

Mr. EUSTIS of Strong: I move, Mr. Speaker, that this House signify its respect to the memory of a man whose birthday occurred today, as well as the approval of the bill introduced by the gentleman from Auburn, Mr. Wing, by a rising vote.

Mr. HALE of Portland: Mr. Speaker, I think a similar act is pending in this Legislature. May I inquire the disposition of it?

The SPEAKER: The Chair does not recall a similar act. Does the gentleman wish the Clerk to look up the files and ascertain?

Mr. HALE: I don't know, Mr. Speaker. If there is any duplication, we can probably easily take care of it. I had a clear recollection of another bill which was referred from the last Legislature covering this matter, and if I remember correctly it is still pending.

The SPEAKER: The House may be at ease for a minute and the Clerk will look up the records.

Mr. HALE: Mr. Speaker, I am informed by a member of the Library committee that a similar bill is pending before them.

The SPEAKER: The Chair will ask

the gentleman from Auburn, Mr. Wing, if he cares to have the motion put.

Mr. WING: Yes, Mr. Speaker.

The SPEAKER: The motion before the House is that the bill be referred to the committee on Judiciary and that printing be ordered, and the gentleman from Strong, Mr. Eustis' motion, can be voted on at the same time, that this be a standing vote. Is it the pleasure of the House that this bill be so referred and the printing ordered?

Thereupon the motion was adopted by a unanimous rising vote, and the bill was referred to the committee on Judiciary and 500 copies ordered printed.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill an act to incorporate Fish River Power and Storage Company, S. P. 293, S. D. 121.

In the Senate, referred to the committee on Judiciary.

In the House, on motion by Mr. Kitchen of Presque Isle, tabled pending reference in concurrence.

From the Senate: Bill an act to incorporate the Marshall Dam and Improvement Company, S. P. 319, S. D. 117.

In the Senate, referred to the committee on Judiciary.

In the House, on motion by Mr. Piper of Jackman, tabled pending reference in concurrence.

From the Senate: Resolve providing teacher's pension for Emma J. Whittemore, H. P. 738, which was referred to the committee on Pensions in the House February 17.

Comes from the Senate referred to the committee on Education in non-concurrence.

In the House, on motion by Mr. Metcalf of Farmington that body voted to recede and concur with the Senate in the reference of this resolve to the committee on Education.

## Senate Bills in First Reading

S. P. 24, S. D. 83: An act to regulate fishing in the Silver Lakes, so-called, in Manchester, Sidney and Belgrade.

S. P. 66, S. D. 20: An act to amend Chapter 11 of the Private and Special Laws of 1925, incorporating the Bay Point Village Corporation.

Senate Order, out of order.

Ordered, the House concurring, that bill an act relating to the publication of annual statements of condition of foreign insurance companies, S. P. 154, be recalled from the committee on Mercantile Affairs and Insurance.

In the Senate, read and passed.

In the House, read and passed in concurrence.

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

#### **Appropriations and Financial Affairs**

By Mr. Robie of Westbrook: An act creating a Department of Purchases. (H. P. 907)

(500 copies ordered printed.)

#### **Inland Fisheries and Game**

By Mr. Mears of Morrill: Remonstrance of Frank H. Moore and 32 others against a Wild Game Sanctuary in Lincolnville, Hope and Camden. (H. P. 912)

By the same gentleman: Remonstrance of J. S. Mullin and 65 against same. (H. P. 911)

By the same gentleman: Remonstrance of Helen Butler and 27 others against same. (H. P. 913)

By Mr. Metcalf of Farmington: Petition of A. W. Chase and 51 others asking that a law be passed prohibiting digging out of foxes. (H. P. 914)

#### **Judiciary**

By Mr. Wing of Auburn: An act relative to organization of corporations for certain purposes. (H. P. 915)

(500 copies ordered printed.)

By the same gentleman: An act relative to conveyances. (H. P. 916)

(500 copies ordered printed.)

By Mr. Bartlett of Bangor: An act to amend an act entitled "The Insolvent Law." (H. P. 917)

(500 copies ordered printed.)

#### **Legal Affairs**

By Mr. Metcalf of Farmington: An act to define a chauffeur. (H. P. 918)

#### **Taxation**

By Mr. Wing of Auburn: An act to raise an excise tax on corporations organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes. (H. P. 919)

#### **Mercantile Affairs and Insurance**

By Mr. Decker of Portland: An act regulating the payment of losses under certain policies of liability insurance. (H. P. 921)

(On motion by Mr. Bishop of Boothbay Harbor 500 copies ordered printed.)

By Mr. McIntire of Norway: An act for the erection of snow guards or snow fences along highways. (H. P. 920)

(500 copies ordered printed.)

#### **Orders**

On motion by Mr. Bartlett of Bangor, it was

Ordered, that on Wednesday of each week, commencing February 23rd, under Orders of the Day, all matters placed on the table in the week preceding and unassigned shall be taken up without motion and disposed of in the order in which they were placed upon the table.

On motion by Mr. Winslow of Freeport, it was

Ordered, that 3000 copies be printed of the report on Maine's Development Activities.

On motion by Mr. Piper of Jackman, it was

Ordered, that the Public Utilities Commission and the Forest Commissioner report to the House in regard to the following:

Are there any dam sites on the public lots on the St. Johns' River water shed in Aroostook, Somerset or Piscataquis counties? If there are, they are to report the location, the number of estimated horse power of each. This information is to be taken from the files of the Maine Water Power Commission which was consolidated with the Public Utilities Commission, and from plans and other data in the office of the Forest Commissioner.

They are to report to the House by March 4, 1927.

On motion by Mr. Williams of Falmouth, it was

Ordered, the Senate concurring, that there be printed 1000 extra copies of the section of the Legislative Record containing the address of the Honorable Gifford Pinchot before the joint convention held in the House of Representatives on February 16, 1927.

### Reports of Committees

Mr. Briggs from the committee on pensions on resolve for teacher's pension for Etta M. Patten (H. P. 181), reported same in a new draft (H. P. 908) under same title and that it "ought to pass."

Mr. Bissett from same committee on resolve providing a State pension for Joseph A. Trueworthy (H. P. 237) reported same in a new draft (H. P. 909) under same title, and that it "ought to pass."

Mr. Hughes from the committee on public utilities on bill an act to amend "An act to incorporate the Richardson Wharf Company approved April 2, 1856," as amended by an act approved February 13, 1880 (H. P. 140), reported same in a new draft (H. P. 910) under same title and that it "ought to pass."

Reports read and accepted and the new drafts ordered printed under the joint rules.

Mr. Comins from the committee on public utilities reported "ought to pass" on bill an act to incorporate the Great Pond Railway Company (H. P. 182).

Mr. Robie from the committee on towns reported same on bill an act to set off a part of the town of Penobscot in the county of Hancock and annex the same to the town of Castine (H. P. 31).

Reports read and accepted and the bills ordered printed under the joint rules.

Mr. Chase from the committee on public utilities reported "ought to pass" on bill an act to incorporate the Bluehill Water Company (H. P. 291) (H. D. 74)

Mr. Thurston from same committee reported same on bill an act to incorporate the Southwest Harbor Water District (H. P. 142) (H. D. 49).

Reports read and accepted and the bills having already been printed, were read twice under suspension of the rules and tomorrow assigned.

Mr. Stone from the committee on towns reported same on resolve in

favor of Frenchville in the county of Aroostook (H. P. 114) (H. D. 42).

Report read and accepted and the resolve having already been printed was read once under suspension of the rules and tomorrow assigned.

Mr. KITCHEN of Presque Isle: Mr. Speaker, if I am correctly informed, that resolve was reported "ought not to pass," as another bill is in covering the same matter.

The SPEAKER: The Chair will state that this appears as a resolve in favor of Frenchville in the county of Aroostook, and it was referred to the committee on towns and reported by the gentleman from Bridgton, Mr. Stone. The Chair will now state that this was reported incorrectly as a resolve and that it is in reality a bill; and the gentleman from Presque Isle, Mr. Kitchen, moves that the House reconsider its action whereby the second reading was assigned for tomorrow morning at 10 o'clock.

The motion prevailed, the bill had its second reading, and tomorrow assigned for its third reading.

### First Reading of Printing Bills and Resolves

(H. P. 14) (H. D. 166). An act to establish duck sanctuaries in Knox county.

(H. P. 136) (H. D. 168). An act relating to passes on common carriers for Public Utilities Commission.

(H. P. 828) (H. D. 237). An act to amend the charter of the city of Rockland to provide that the municipal fiscal year shall end on the first day of November.

(H. P. 64) (H. D. 238). An act to eliminate Jackman from the Maine Forestry District.

(H. P. 113) (H. D. 239). An act relating to taking of clams in Addison.

(H. P. 135) (H. D. 240). An act to amend the charter of Rumford Falls Village Corporation.

(H. P. 131) (H. D. 241). An act to change the name of Tunk Pond to Tunk Lake.

H. P. 295) (H. D. 242). An act to confirm the title of Rumill's Hub in Tremont, Hancock county.

(H. P. 27) (H. D. 167). Resolve in favor of Joseph L. Paquin to cover salary as secretary of the Board of Prison Commissioners.

(H. P. 788) (H. D. 169). Resolve providing for the purchase of "Music and Musicians of Maine."

(H. P. 789) (H. D. 170). Resolve to appropriate money to aid in the

screening of Alford's Lake in the county of Knox.

(H. P. 396) (H. D. 243). Resolve that the forest commissioner be empowered and directed to convey a lot of land in Wallagrass Plantation.

Mr. FOSTER of Ellsworth: Mr. Speaker, I would like to inquire if that bill relating to passes on common carriers for Public Utilities Commission is the one referring to the issuing of passes now to the Public Utilities officials.

The SPEAKER: The Chair believes offhand that it is, but we have the bill here and as it is short the Clerk will read it.

(Clerk reads bill referred to.)

Mr. FOSTER: That is not the bill. I thank you, I have just been informed by the member from Portland, Miss Laughlin, that this bill is the bill; and I move that we reconsider the vote whereby it had its two several readings and tomorrow was assigned for its third reading.

Miss LAUGHLIN of Portland: Mr. Speaker, that bill is the one that was referred to the Legal Affairs committee, and as the clerk read it, it provided that all after the last clause there shall be cut out. That which is cut out is the provision of the Revised Statutes providing that free transportation shall be supplied to the Public Utilities Commission which I understand is the matter to which the member from Ellsworth (Mr. Foster) is referring.

Thereupon the House reconsidered its action whereby House Paper 136 was assigned for its third reading tomorrow morning at 10 o'clock; and on further motion by the same gentleman the bill was tabled.

The SPEAKER: Does the gentleman (Mr. Foster) wish to have this definitely assigned for tomorrow?

Mr. FOSTER: I would rather say Thursday.

Thereupon, on motion by Mr. Foster of Ellsworth, the bill was definitely assigned for Thursday, February 24.

#### Passed to be Engrossed

(H. P. 132) (H. D. 44) An act to amend Section 11 of Chapter 6 of the Revised Statutes relating to the opening and closing of the polls at primary election.

(Tabled by Mr. Heath of Guilford pending third reading.)

(H. P. 133) (H. D. 45) An act to amend Section 21 of Chapter 7 of the

Revised Statutes relating to closing of polls at elections.

(Tabled by Mr. Heath of Guilford pending third reading.)

(H. P. 287) (H. D. 110) An act to incorporate trustees of St. Peters By-the-Sea Protestant Episcopal church.

(H. P. 288) (H. D. 111) An act relating to Opportunity Farm Association.

H. P. 216) (H. D. 55) Resolve in favor of Ward W. Wescott of Ellsworth for partial reimbursement for expenditures in proceedings brought against him for his removal from his office of Sheriff of Hancock County.

#### Orders of the Day

On motion by Mr. Patterson of Castine the House voted to reconsider its action whereby the report of the committee on Legal Affairs "Ought not to pass" on H. P. 17, S. D. 17, entitled "An act granting Cumberland County Power and Light Company the right to exercise the power of eminent domain for certain purposes."

Mr. PATTERSON: I yield to the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I was absent from the House on Friday, and thereby deprived of the opportunity of making this motion which Mr. Patterson was courteous enough to make. I did not expect the bill would come in at that time, and I would like to have the reconsideration granted in order that I may make another motion.

Thereupon the House voted to reconsider its action on H. P. 17 whereby the report of the Legal Affairs committee, "Ought not to pass" was accepted.

Mr. CHASE: Mr. Speaker, I am not in favor of the bill in its present form. I think there has been an erroneous idea got out about the bill in that it has been stated that the Cumberland and York delegations are opposed to it. I do not want to go into the question whether they are for it or against it, because I myself am opposed to it in its present form. I would like to get the proposition to the point where an amendment can be offered which I think will be more acceptable than this bill; and in order to accomplish that purpose and make it possible to amend the bill, I move that the bill be substituted for the report.

Thereupon the bill was substituted for the report.

Mr. CHASE: Mr. Speaker, I now offer House amendment "A" and move its adoption, and I will ask the Clerk to read it.

Mr. WING of Auburn: Will the gentleman yield to me to have the same tabled for printing?

Mr. CHASE: Mr. Speaker, it was my intention to table it if the amendment was adopted. I am certainly willing it should be printed.

Mr. WING: I should like to have it printed before we adopt the amendment. We may not want to adopt the amendment.

Mr. CHASE: It was my intention if the amendment was adopted to make the motion that the bill be re-committed as amended.

The SPEAKER: Would the gentleman from Cape Elizabeth (Mr. Chase) be willing to present his amendment, and then move that it lie on the table for printing?

Mr. CHASE: Yes, Mr. Speaker.

Thereupon Mr. Chase of Cape Elizabeth withdrew his motion that the amendment be adopted, and the amendment was tabled for printing; and on further motion by the same gentleman it was definitely assigned for Friday next, February 25, and 500 copies ordered printed.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, may we have this amendment read at this time?

(Amendment "A" read by the Clerk)

#### House Amendment "A" to House Paper No. 17

House Paper No. 17 is hereby amended by striking out all of said bill after the enacting clause and

substituting in place thereof the following:

Section 1. The Cumberland County Power and Light Company is hereby authorized and empowered to take and hold, by right of eminent domain, such lands and easements as may be necessary for the proper location of its transmission lines which are designed to carry voltages of five thousand volts or more and of necessary appurtenances thereto, located within the territory in which said company is authorized to do a public utility business, in the same manner and under the same conditions as set forth in Chapter sixty-one, Sections eleven to twenty-two, of the Revised Statutes and amendments thereto.

Sect. 2. This right shall not apply to lands or easements located within 300 feet of an inhabited dwelling, nor to lands and easements on or adjacent to any developed or undeveloped water power.

Sect. 3. The location of such transmission lines shall be approved by the county commissioners of the county in which the transmission lines are located.

Mr. FOSTER of Ellsworth: Mr. Speaker, I would like to inquire if there was a minority report on that bill.

The SPEAKER: The Chair will state that there was not. It was a unanimous report "ought not to pass."

On motion by Mr. Bissett of Portland,

Adjourned until tomorrow morning at ten o'clock.