

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

Tuesday, March 1, 1927.

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

Prayer by the Rev. Mr. Quimby of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill an act to provide equitable and uniform taxation of motor vehicles, S. P. 359, S. D. 138.

Resolve proposing an amendment to Section 8 of Article IX of the Constitution of the State of Maine fixing the maximum rate on intangibles. S. P. 370, S. D. 147.

Resolve proposing an amendment to Section 8, Article IX of the Constitution of the State of Maine, providing that no tax on inheritances be levied, S. P. 371, S. D. 148.

Resolve proposing an amendment to Section 8, Article IX of the Constitution of the State of Maine, providing that no tax on income shall be levied, S. P. 372, S. D. 149.

Comes from the Senate referred to the committee on Taxation.

Mr. WING of Auburn: Mr. Speaker, these matters of tax I suppose should originate in the House of Representatives, according to the Constitution. I move that they lie upon the table.

The SPEAKER: Does the gentleman from Auburn (Mr. Wing) wish this motion to apply to each one of them?

Mr. WING: To each one, Mr. Speaker.

Thereupon the several matters were tabled, pending reference in concurrence.

Messages and Documents from Heads of Departments

The following Communication:

STATE OF MAINE

To the Honorable, The House of Representatives:

Complying with your order of February 22nd, 1927, addressed to the Public Utilities Commission and the

Forest Commissioner, we respectfully report the following:

QUESTION: Are there any dam sites on the public lots of the St. John River shed in Aroostook, Somerset or Penobscot Counties?

ANSWER: Such public lots in the townships of northern Maine, embraced within the counties of Aroostook, Somerset and Penobscot, as have been located indicate only two possible dam sites, as follows:

1. That found in Range 11, Township No. 18, upon the Little Black River, a tributary of the St. John River;

2. That found in Range 14, Township No. 11, located on Chemquassabamticook River, a tributary of the Allegash River.

Both banks of the site in each instance are on a public lot. We have no data on the exact amount of fall at these points, but reports show them both to be very small. From information in our possession, we have no way of computing the amount of power available. The drainage area on the Little Black River is approximately 250 square miles. About three miles below the point of the site, on private property, is a good site where a dam can be erected thirty-five feet high, which would flood a part of the public lot. The drainage area on Chemquassabamticook Stream is about 150 square miles. Neither of these possible dam sites on public lots was deemed important enough to be mentioned in the report of engineers on power available to the International Commission, pertaining to the River St. John, in 1912. It may not be entirely responsive, but may be deemed pertinent, to state that the public lots of many of the townships in this section of the state have not yet been located.

That our report may be somewhat more intelligible, we append section of a map showing the points under discussion.

Respectfully submitted,

PUBLIC UTILITIES COMMISSION,

By CHARLES E. GURNEY,

HERBERT W. TRAFTON,

NEIL L. VIOLETTE,

Forest Commissioner.

February 25, 1927.

On motion by Mr. Wing of Auburn, the above communication was ac-

cepted, placed on file and 500 copies ordered printed.

The following communication:

February 21, 1927.

To the Honorable Senate and House of Representatives, of the Eighty-third Maine Legislature. In compliance with the request contained in your joint order of February 24th and 25th, 1927, I am submitting herewith a statement showing the amounts of premiums and gratuities paid by the various Agricultural Societies of the State at the Exhibitions held in 1926 together with the amount of stipend paid to each and the percentage upon which such Stipend was apportioned.

Respectfully submitted,

(Signed) F. P. WASHBURN,
Commissioner of Agriculture.

On motion by Mr. Church of Hallowell, the communication was accepted, placed on file, 500 copies ordered printed and sent up for concurrence.

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

Banks and Banking

By Mr. Sturtevant of East Livermore: An act to enable Trust Companies to discontinue branches or agencies. (H. P. 953)

Judiciary

By Mr. Wing of Auburn: Remonstrance of E. L. Moore of Livermore and 40 others of Livermore against the repeal in any manner of Direct Primary Law. (H. P. 954)

By Mr. Wood of Patten: Remonstrance of C. G. Christopher and 27 others opposing same. (H. P. 955)

Legal Affairs

By Mr. Littlefield of Kennebunk: An act relating to licensing operators of motor vehicles, tractors or trailers. (H. P. 956)

(500 copies ordered printed)

By Mr. Ingraham of Bangor: An act concerning intelligence officers. (H. P. 957)

(500 copies ordered printed)

Mercantile Affairs and Insurance

By Mr. Bartlett of Bangor: An act relating to liability insurance premiums. (H. P. 958)

(500 copies ordered printed)

Salaries and Fees

By Mr. Littlefield of Kennebunk: An act relating to fees of deputy sheriffs in attendance upon the courts. (H. P. 960)

Sea and Shore Fisheries

By Mr. Fuller of Southwest Harbor: An act to repeal Special Law of 1917, Chapter 181, establishing a close time on lobsters. (H. P. 963)

By the same gentleman: Petition of Henry S. Sawyer and 37 others in favor of same. (H. P. 962)

Taxation

By Mr. Staples of Eliot: Remonstrance of J. Leroy Willard of Kittery and 65 others against an increase in the tax on gasoline. (H. P. 959)

Orders

On motion by Mr. Rounds of Portland, it was

Ordered, that there be printed 9,000 additional copies of the transcript of testimony in the water power hearing.

Mr. Sturgis of Auburn presented the following order and moved its passage.

Ordered, the Senate concurring, that bill an act relating to the Kennebec Agricultural Society at Readfield, H. P. 830, be returned to the House by the committee on Agriculture.

The order received passage and was sent up for concurrence.

Reports of Committees

Mr. Piper from the Committee on Interior Waters on remonstrances of C. A. Bradstreet and 49 others, and Melville E. Goss and 723 others; against the passage of act changing the name of "No Name Pond," so-called, in Lewiston (H. P. 847) and (H. P. 848) reported that same be placed on file as the subject matter to which they refer has previously been adversely reported.

Mr. Dudley from the Committee on Judiciary reported "Ought not to pass" on bill an act to create the office of Commissioner of Motor Vehicles, place the administration of several motor vehicle provisions of law under his jurisdiction and administration; and to place the State Highway Police, the appointment of Highway Police Officers, and the administration of the State Highway Police Law, under the jurisdiction

and control of said Commissioner of Motor Vehicles. (H. P. 178) (H. D. 51)

(Tabled by Mr. Morrill of Gray pending acceptance of report)

Mr. Hammond from the committee on Taxation reported same on bill an act establishing a low rate tax on intangible personal property in accordance with Constitutional Amendment permitting same. (H. P. 167) (H. D. 53)

Mr. PATTERSON of Castine: Mr. Speaker I move the acceptance of the report of the committee "ought not to pass" and on that motion I wish to address the House very briefly.

Perhaps it is somewhat unusual for one who introduced a bill to move acceptance of the committee report, "ought not to pass." I simply wish in so doing to call attention to the fact that I do not surrender in any way my conviction upon this subject. I went before the committee and was treated very courteously by it. They listened to my argument though apparently it did not prevail with them very heavily. The opponents of the bill treated me very courteously, but I cannot help feeling that all the arguments made against the bill before the committee were arguments against any form of taxation on intangibles rather than arguments against a low rate tax upon intangible property. This act setting up a low rate on intangibles did not tax any intangibles which are not taxed under the present law, which taxes them at the local rate. As taxation at the local rate would mean a practical confiscation of income, a policy of nullification has grown up which I do not believe is a good thing for the State. It seems to me that if it is to be the policy of the Legislature not to have a low rate upon intangibles, that they should go all the way, and pass a law repealing the tax upon intangibles altogether, thus doing away with this state of nullification.

I deem it, of course, with the unanimous report of the committee against the bill, and knowing the sentiment of the House, inexpedient to go on with this matter at this time. I think eventually that this matter which has been before the Legislature of the State in some form or other for the past thirty years—some day I think the people will see a great light and this legislation will

pass, but now is not the time. I have been encouraged by some members of the House to think that there is some support of this measure in the House. Some of them have thought that we ought to fight this thing through and make a statement of the matter at any rate so that the matter could be discussed and the position of the proponents of this measure made clear; but it is the first of March and there is a great deal of important legislation coming before the House, and it would not be right to take up the time of the House to discuss matters which there is no possibility of passing. Consequently, I move the acceptance of the committee's report. I am a good loser, gentlemen, and I am perfectly willing to accept the report of the committee.

Thereupon the report of the committee "ought not to pass" was accepted.

Mr. Flint from the committee on Inland Fisheries and Game reported "ought to pass" on bill an act to regulate fishing in the outlet of Grand Lake, so-called, wholly or partly in Forest City, so-called, an unorganized township in the county of Washington H. P. 130.

Mr. FLINT of Monson: Mr. Speaker, to explain this matter so you will understand it. These Grand Lakes are the dividing boundary line between the State of Maine and the province of New Brunswick, and the law in New Brunswick now allows fishing fifteen days later than it does in the State of Maine. The residents of Maine did not like to have them come over from New Brunswick and sit in their boats and fish in the State of Maine; so it simply makes the season uniform with that of New Brunswick in this special lake.

Thereupon the report was accepted, and the bill ordered printed under the joint rule.

Mr. Buker from the committee on Inland Fisheries and Game reported "ought to pass" on bill an act to protect pheasants in the town of Poland in the county of Androscoggin (H. P. 106.)

Mr. Brown from the committee on Pensions reported same on Resolve providing for a State Pension for Mary J. French of Carmel (H. P. 537.)

Mr. Bailey from same committee reported same on Resolve in favor of

Cora M. Perkins, providing a State Pension (H. P. 476.)

Mr. Brown from same committee reported same on Resolve providing for a State Pension for Emily Noddin of Kenduskeag (H. P. 538.)

Mr. Briggs from same Committee reported same on bill an act relating to juvenile institutions. (H. P. 386.)

Mr. Piper from the Committee on Taxation reported same on bill an act relating to exemption from taxation of the estates of war veterans. (H. P. 545.)

Reports read and accepted and the bills and resolves ordered printed under the Joint Rules.

Mr. Bissett from the Committee on Pensions on Resolve in favor of Louise D. Mayhew of Mount Vernon in lieu of Teachers' Pension (H. P. 536) reported same in a new draft (H. P. 964) 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. 43) (H. D. 277) An act to enable the Home for Aged Men to hold property up to one million dollars.

(H. P. 934) (R. D. 283) An act to incorporate the Union River Railway Company.

(H. P. 935) (H. D. 284) An act to provide for the retirement of firemen, in the city of Augusta, upon half pay.

(H. P. 936) (H. D. 285) An act relating to close time on scallops.

(H. P. 939) (H. D. 287) An act relating to insurance upon lives of directors, officers, agents and employees of corporations and prescribing what shall constitute evidence of due authority for all corporate actions with reference thereto.

(H. P. 945) (H. D. 288) 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 bicentennial of the birth of George Washington.

(Tabled by Mr. Wing of Auburn, pending assignment for third reading.)

(H. P. 946) (H. D. 289) An act relating to the property of extinct or disbanded Congregational Churches, Parishes or Societies.

(H. P. 534) (H. D. 268) Resolve for the purchase of two hundred and fifty copies of "Portland by the Sea."

(H. P. 472) (H. D. 269) Resolve for the purchase of one hundred and fifty copies of "Two American Pioneers."

(H. P. 180) (H. D. 270) Resolve for the purchase of seventy-five copies of *Matineus Isle*, its story and its people.

(H. P. 933) (H. D. 271) Resolve in favor of Lewis F. Ryan, Civil War Veteran.

(H. P. 439) (H. D. 278) Resolve in favor of Highmoor Farm, in the town of Monmouth.

(H. P. 440) (H. D. 279) Resolve making appropriation for the support and maintenance of the Maine Agricultural Experiment Station.

(H. P. 441) (H. D. 280) Resolve in favor of scientific investigation in agriculture in Arcostook County.

(H. P. 442) (H. D. 281) Resolve in favor of Animal Husbandry.

(H. P. 443) (H. D. 282) Resolve to appropriate money for co-operative agricultural work, between the College of Agriculture of the University of Maine and the United States Department of Agriculture.

(H. P. 938) (H. D. 286) Resolve in favor of the town of Leeds for reimbursement for money expended in rebuilding bridge.

Passed to be Engrossed

(S. P. 96) (S. D. 36) An act to incorporate the Bangor Bridge District.

(H. P. 78) (H. D. 95) An act increasing the fees for permits for opening paved public highways.

(H. P. 617) (H. D. 163) An act for the better protection of shell fish in the town of Georgetown.

(H. P. 72) (H. D. 260) Resolve in favor of Alvin Bolstridge of Winterville.

(H. P. 74) (H. D. 261) Resolve in favor of the estate of Eddie Fitzgerald, Seven Islands, Maine.

(H. P. 124) (H. D. 262) Resolve in favor of Clifford T. Kennedy of Vanceboro, for reimbursement for civil suit brought against him.

(H. P. 219) (H. D. 263) Resolve to reimburse the town of Lincoln for support of State pauper.

(H. P. 220) (H. D. 264) Resolve in favor of the town of Yarmouth.

(H. P. 257) (H. D. 265) Resolve to reimburse the Biddeford & Saco

Railroad Company for over-payments on taxes.

(H. P. 260) (H. D. 266) Resolve in favor of the town of Abbot for reimbursement of monies expended for the support of Scott W. Pierce and family.

(H. P. 162) (H. D. 267) Resolve to reimburse the town of Washburn for support of a State pauper.

Orders of the Day

The SPEAKER: Under matters tabled and today assigned the Chair lays before the House, H. D. 23, an act relating to the excise tax on railroads, tabled by Mr. Williams of Falmouth, February 23, pending assignment for third reading.

Mr. WILLIAMS of Falmouth: Mr. Speaker, I now yield the floor to the gentleman from Van Buren, Mr. Hammond.

Mr. HAMMOND of Van Buren: Mr. Speaker and gentleman: I desire to offer an amendment to this bill, which has been prepared at the suggestion of the Governor, and has the approval of the Attorney General and representatives of the railroad. The purpose of this amendment is to strengthen the powers of the Public Utilities Commission as regards examination and auditing the books of railroad corporations.

The SPEAKER: The gentleman from Van Buren, Mr. Hammond, presents the following amendment and moves its adoption.

House Amendment A to House Document 23

Amend by adding the following paragraph:

The term "net railway operating income" means the railway operating revenue less the railway operating expenses, tax accruals and uncollectible railway revenues, including in the computation thereof debits and credits arising from equipment rents and joint facility rents. The Public Utilities Commission, after notice and hearing, may determine the accuracy of any returns required of any railroad, and if found inaccurate, may order proper corrections to be made therein.

On motion by Mr. Rounds of Portland, the amendment was tabled for printing.

On motion by Mr. Wing of Auburn, it was voted to take from the table bill an act to provide equitable and uniform taxation for motor vehicles,

S. P. 359, S. D. 138, tabled by that gentleman earlier in the session.

Mr. WING of Auburn: Mr. Speaker, I move that the House decline to join in the reference and that the paper be returned to the Senate with the statement that it invades the constitutional rights of the House. I read from the Constitution Article IV, Section 9:

"Bills, orders or resolutions, may originate in either house, and may be altered, amended or rejected in the other; but all bills for raising a revenue shall originate in the House of Representatives."

Thereupon the motion prevailed and the House declined to refer the bill to the committee on Taxation in concurrence with the Senate, and returned the bill to the Senate for the reasons stated by the gentleman from Auburn, Mr. Wing.

Mr. WING of Auburn: Mr. Speaker, I now move to take from the table resolve proposing an amendment to Section 8 of Article IX of the constitution of the State of Maine.

The SPEAKER: The Chair will state that the next three Senate papers, 370, 371 and 372, seem to all have the same bearing.

Mr. WING: Mr. Speaker, I propose to take them all from the table.

Thereupon, on motion by Mr. Wing of Auburn, Senate Papers 370, 371 and 372, tabled by that gentleman earlier in the session were all taken from the table.

Mr. WING: Mr. Speaker, I now move that each of them be referred to the committee on Taxation in accordance with the Senate reference. They do not raise a revenue, but may provide a way for raising a revenue.

Thereupon, these three resolves were referred to the committee on taxation in concurrence.

On motion by Mr. Goodwin of Sanford, it was voted to take from the table, S. P. 272, report of committee on Legal Affairs, "ought to pass" on bill an act to amend Section 77 of Chapter 211 of the Public Laws of 1921, relating to reserved automobile registration numbers being S. D. 96 tabled by that gentleman, February 24, pending acceptance in concurrence.

Mr. GOODWIN of Sanford: Mr. Speaker, I yield the floor to the

gentleman from Kennebunk, Mr. Littlefield.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I wish to offer Amendment A to this bill.

The SPEAKER: The Chair will state that the amendment at this time is not in order as the bill has not been given its first two readings.

Mr. LITTLEFIELD: I move, Mr. Speaker, that the bill be given its first two readings.

The SPEAKER: The Chair will state that the report of the committee has not yet been accepted. If the report of the committee is accepted and the bill under suspension of the rules given its first two readings, the amendment can at that time be offered. Does the gentleman wish to move that the report of the committee be accepted.

Thereupon on motion by Mr. Goodwin of Sanford, the report of the committee was accepted, and the bill had its two several readings under suspension of the rules.

Mr. LITTLEFIELD: Mr. Speaker, I now offer House Amendment A and move its adoption.

House Amendment "A"

To Senate Paper 272, Senate Document 96, bill "An Act to Amend Section Seventy-one of Chapter Two

Hundred Eleven of the Public Laws of Nineteen Hundred Twenty-one, relating to Reserved Automobile Registration Numbers" in new draft.

Said bill is hereby amended by striking out the word "Ten" wherever it appears in said bill and inserting in place thereof the word "Five."

Thereupon the amendment was adopted and tomorrow assigned for the third reading of the bill as amended.

The SPEAKER: We are proceeding under Orders of the Day. Is there any further business?

On motion by Mr. Kitchen of Presque Isle it was voted to take from the table S. D. 121, an act to incorporate Fish River Power and Storage Company, tabled by that gentleman February 22, pending reference in concurrence; and on further motion by the same gentleman the bill was referred to the joint committees of Interior Waters, Public Utilities and Judiciary.

On motion by Mr. Thurston of Appleton,

Adjourned until tomorrow morning at ten o'clock.