

# 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

Friday, March 11, 1927.

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

Prayer by the Rev. Mr. Wood of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An act to consolidate the general superintendence, management and control of the State Prison, the Reformatory for Men and Reformatory for Women, under one Board of Trustees, S. P. 388, S. D. 185.

Comes from the Senate referred to the committee on State Prison.

In the House, on motion by Mr. Heath of Guilford, tabled pending reference in concurrence.

From the Senate: An act authorizing officials in charge of Penal or Correctional Institutions to institute a system of compensation, S. P. 431, S. D. 195.

Comes from the Senate referred to the committee on State Prison.

In the House, on motion by Mr. Heath of Guilford, tabled pending reference in concurrence.

From the Senate: Remonstrance of J. Leroy Willard of Kittery and 65 others against increase in tax on gasoline, H. P. 959, which in the House was referred to the committee on Taxation on March 1.

Comes from the Senate referred to the committees on Ways and Bridges and Taxation jointly in non-concurrence.

In the House on motion by Mr. Kitchen of Presque Isle that body voted to recede and concur with the Senate in the reference of the remonstrance.

From the Senate: An act relating to insurance upon lives of directors, officers, agents and employers of corporations and prescribing what shall constitute evidence of due authority for all corporate actions

with reference thereto (H. P. 939) (H. D. 287).

Title changed to bill an act prescribing the effect of corporate by-laws and the authority of officers of corporations to execute notes and other instruments which was indefinitely postponed in the House March 3rd.

Comes from the Senate the Report of the Committee reporting "Ought to pass" in a new draft accepted in non-concurrence, and the bill passed to be engrossed in non-concurrence.

In the House, on motion by Mr. Hale of Portland tabled pending reconsideration.

## Reports of Committees

Miss Laughlin from the Committee on Legal Affairs reported "Ought not to pass" on bill an act relating to the Board of Harbor Commissioners for the Harbor of Portland (H. P. 724) (H. D. 196).

Mr. Piper from the Committee on Taxation reported same on bill an act relating to exemption from taxation (H. P. 481) (H. D. 124).

Mr. Hammond from same Committee reported same on bill an act relative to exemption from payment of taxes by veterans (H. P. 544).

Mr. Kitchen from the Committee on Ways and Bridges reported same on Resolve in favor of the town of Prospect (H. P. 780).

Reports read and accepted and sent up for concurrence.

Mrs. Folsom from the Committee on Education reported "Ought to pass" on bill an act relating to Teacher's Pension for Fannie Marble (H. P. 238).

Same member from same Committee reported same on bill an act relating to a superintending school committee for Turner (H. P. 836).

Same member from same Committee reported same on bill an act relating to equal school privileges for all pupils (H. P. 262).

Mr. Lait from the Committee on Indian Affairs reported same on bill an act relating to the Penobscot Tribe of Indians (H. P. 927).

Mr. Dennison from the Committee on Mercantile Affairs and Insurance reported same on bill an act relating to the Harrison Fire Insurance Company (H. P. 606).

Reports read and accepted and the

bills ordered printed under the Joint Rules.

Mrs. Gay from the Committee on County Estimates on Communication from the Secretary of State transmitting the county estimates for the years 1927 and 1928 reported two resolves under title of

Resolve for the Laying of the County Taxes for the year 1927; (H. P. 1154).

Resolve for the Laying of the County Taxes for the year 1928; (H. P. 1153) and that they "Ought to pass."

Mr. Littlefield from the Committee on Legal Affairs on bill an act to confer the power to issue subpoenas to the City Council and Civil Service Commission of the city of Portland (H. P. 376) (H. D. 93) reported same in a new draft (H. P. 1155) under same title and that it "Ought to pass."

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Chase from the Committee on Public Utilities on bill an act to secure completion of the topographic mapping of Maine, in co-operation with the United States Geological Survey (H. P. 1) (H. D. 2) reported same in a new draft (H. P. 1156) under same title, and that it "Ought to pass."

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I move that the report be accepted, and that the bill be tabled and specially assigned for next Wednesday. It will be printed under the rules, will it not, Mr. Speaker?

The SPEAKER: If the gentleman will let it take its ordinary printing course, it will be printed by Tuesday, and then can be tabled and assigned for Wednesday.

Mr. CHASE: Can it not be printed by motion of the House while it is on the table?

The SPEAKER: The gentleman can include that in his motion.

Mr. CHASE: I would like to do so.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that this bill be tabled, specially assigned for Wednesday next, and printed.

The motion prevailed.

Mr. Wheeler from the Committee on Mercantile Affairs and Insurance reported "Ought to pass" on bill an

act relating to whole family protection. (H. P. 385) (H. D. 100).

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

### Passed to Be Engrossed

H. P. 26, S. D. 8: An act to authorize the Portland Railroad Company to operate motor busses.

Mr. ROBBIE of Westbrook: Mr. Speaker, I had an amendment I wanted to put on this bill, and perhaps a word of explanation might be in order. When I was in Portland over the weekend, I heard from what I considered an authoritative source that there was some question about the bonds of the Portland Railroad Company held by the Cumberland County Power and Light Company; but yesterday I found out from what I considered an authoritative source that the bonds are all O. K. and that the bondholders are amply protected. Therefore, I have no further interest in the bill; and I yield to the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS of Portland: Mr. Speaker, I have an amendment I would like to offer to the bill and move its adoption.

House Amendment A to bill an act to authorize the Portland Railroad Company to operate motor busses.

Amend said bill by adding thereto at the end the following: "Said corporation shall not remove from the streets, highways and ways now occupied by it any of the rails and sleepers by it owned or used, nor shall it discontinue or cease the operation of electric cars upon any part of its electric car system which it was using or operating for the carrying of passengers for hire on the first day of January, 1927; nor shall it limit materially its schedule of time of the running of its said cars as the same were operated on said first day of January, 1927, save only by authority of a special act therefor enacted by the people of the State of Maine."

Mr. CHASE of Cape Elizabeth: I move that this amendment lie upon the table.

Mr. ROUNDS: Mr. Speaker, I would like to have it printed.

Mr. CHASE: I will say, Mr. Speaker, that I expect to take it from the table later this morning.

Thereupon the motion to temporarily table prevailed.

(S. P. 156) (S. D. 55) An act relating to the issue of prior preference stock by Boston & Maine Railroad in exchange for certain of its bonds.

(S. P. 234) (S. D. 183) An Act to assent to the purpose and provisions of An Act of the Congress of the United States entitled An act to authorize the more complete endowment of Agricultural Experiment Stations, and for other purposes.

(H. P. 329) (H. D. 83) An act relating to investment of savings banks.

(H. P. 332) (H. D. 86) An act to relating to investment of savings deposits.

(H. P. 450) (H. D. 116) An act relating to collateral loans by savings banks.

(S. P. 328) (S. D. 175) Resolve to reimburse Recess Committee for expenses.

(H. P. 456) (H. D. 343) Resolve in favor of Richard Jacobson, of East Waterford, compensating him for damage done his orchard by deer.

(Tabled by Mr. Allen of Yarmouth pending third reading).

(H. P. 512) (H. D. 344) Resolve in favor of the town of North Yarmouth.

(H. P. 513) (H. D. 345) Resolve in favor of F. C. Handy for reimbursement of checks lost in the mail.

(H. P. 1050) (H. D. 346) Resolve in favor of B. F. Marley.

(H. P. 1051) (H. D. 347) Resolve in favor of Arthur B. Clough compensating him for damages done his garden by moose.

On motion by Mr. Hale of Portland the House voted to reconsider its action whereby this resolve was passed to be engrossed; and on further motion by the same gentleman the resolve was tabled pending passage to be engrossed.

(H. P. 1052) (H. D. 348) Resolve in favor of Hanson A. Barney of Guilford.

(H. P. 1053) (H. D. 349) Resolve in favor of A. H. Wadleigh compensating him for damage done his orchard by deer.

(H. P. 1101) Resolve in favor of the State Armory in the city of Portland.

(H. P. 234) (H. D. 350) An act to provide for the payment of a bounty on bears killed in the State.

### Orders of the Day

Mr. GOODWIN of Lebanon: Mr. Speaker, I would like unanimous consent of this body for a suspension of the rules that I may introduce a resolve out of order; and may I make a brief statement regarding the matter.

The resolve is in favor of Lebanon Academy situated in Lebanon. For the past ten years the town of Lebanon has made an appropriation every year and run this school as a high school. Last Tuesday at its annual meeting, it failed to make an appropriation for the high school at Lebanon. That leaves us without any high school in the town. There are twenty-four or twenty-five scholars attending this school. The nearest school where they could possibly go would be at least ten miles away, and if we could have a small appropriation, no more than the high school has been accustomed to have in the past, we could put the old academy back on its feet and have a school there. Therefore I ask unanimous consent for suspension of the rules that I may introduce this resolve.

Thereupon the rules were suspended and the gentleman was permitted to introduce a resolve in favor of Lebanon academy; and on further motion by the same gentleman the resolve was referred to the committee on Education.

The SPEAKER: Is there any further business under orders of the day?

On motion by Mr. Hale of Portland it was voted to take from the table, tabled and today assigned, resolve providing a State Pension for Joseph A. Trueworthy, H. P. 109, H. D. 252, tabled by that gentleman, March 10, pending final passage; and on further motion by the same gentleman the resolve was recommitted to the committee on pensions.

On motion by Mr. Chase of Cape Elizabeth it was voted to take from the table H. P. 26, S. D. 8, bill an act to authorize the Portland Railroad Company to operate motor busses, together with the amendment, the same having been temporarily tabled by that gentleman earlier this morning.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I am opposed to the amendment, and I am opposed to any further dilatory tactics in connection with this bill. If we could see through the dust that has accumulated on this document while being kicked around this House, without any real reason, I think, we should see, that it was reported in by the committee on Public Utilities unanimously "ought to pass" somewhere around February 15. The matter has been once heard in the House and it was shown to the satisfaction of the House that the bill ought to pass, and it has been on the table for one reason or another since February 15.

The committee who asked me to look after this bill in the House feel, I think, that they have been quite patient, and that they have afforded everyone a very good opportunity to make any changes necessary in the bill. Now I think that the effect of the amendment that is offered this morning is perfectly apparent. The result of it is this, that if the Portland Railroad Company wants to operate railroad busses on any of their lines, they cannot do anything with any of the old equipment, they cannot take up any rails, they cannot do anything with the old property, without a special act of the Legislature. The effect of that amendment would be exactly the same as if this motor bus bill were referred to the next Legislature. If that proposition goes through with that amendment on it, then, even though they might have authority to operate motor busses, they could not do it without coming to the Legislature again, and they could not come again because the bars are down on private and special legislation.

I do not want to take up the time of the House unduly on this matter, but I think it is an important proposition. The committee reported it unanimously; and I would like to mention the fact that when we voted on the proposition before there was a bare quorum of the House that voted on it at all. I will not ask for a yea and nay vote on the bill, but I hope that every member of the House, in return for my saying that much time, will vote on the proposition on its merits; and I am opposed to the adoption of this amendment.

Mr. ROUNDS of Portland: Mr. Speaker, I have listened with a great deal of interest to the gentleman from Cape Elizabeth (Mr. Chase), but the next one to be taken up will be from his town, so we will have no electric railroad in his town except down on the Shore Road. The back part of the town will be without any electric railroad at all. I will say this, that there is something behind all this. This thing was tabled and assigned for this morning. I do not know, but through some misunderstanding it was put right in (some thought, I suppose, I would not see it) under bills in the third reading. There have been no dilatory tactics employed; but we have a man that we hire downstairs to make out amendments, and he presented me that amendment yesterday. The gentleman from Westbrook (Mr. Robie) has been looking it through and he thinks it is all right. But there is a question. Other lawyers think differently, and therefore, I do not know if they can take up all the tracks, how much the bonds will be worth. I surely hope the gentleman will let it come to this Legislature and not let the Cumberland County Power and Light Company tell us what to do.

Mr. CHASE: Mr. Speaker, I hold in my hand a copy of the lease of the Portland Railroad Company to the Cumberland County Power and Light Company. I have been familiar with this lease many years and, being in the business of securities, I have bought and sold, I presume, in the aggregate more than a million dollars in principal of the bonds of the Portland Railroad. I have been intimately in touch with the bonds and property for six or seven years. I know more of these bondholders and holders of securities than does any other one in the House. I have studied this lease and had some of the best lawyers in the State study it on the question of the security of bondholders.

Now I do not want to debate on this proposition because, so far as this motor bus proposition is concerned, the security of the bondholders is not in question at all. They cannot destroy any property under the mortgage without putting back something which is newer and more modern. And I consider the security

of the bondholders greater if this bill goes through; but inasmuch as that point has been raised, I would like to read a section from the lease, which I will assure you, in its reference to what follows, means the existing and future bonds of the railroad: "The Power Company," which is the Cumberland County Power and Light Company, "hereby covenants and agrees that it will either provide a purchaser for the stock, bonds, or other obligations designated by it, at a price sufficient to pay, satisfy, and discharge the maturing obligations, or will itself purchase the same at such a price." Then it goes on to designate the bonds that that applies to. It describes the bonds outstanding at that time and refers to future bonds which may be issued to refund them.

I read further from a letter signed by the President of the Cumberland County Power and Light Company, which was included in the circular put out within a few months, in connection with these securities. "Under the terms of the lease the Cumberland County Power and Light Company receives all revenues from the leased railroad property, and pays all operating expenses and taxes, makes all necessary property renewals and pays as rent an amount sufficient to meet bond interest and five per cent per annum on the capital stock of the railroad company. The Cumberland County Power and Light Company is obligated to provide a purchaser for such new securities as may be issued by the Portland Railroad Company to refund at maturity the \$2,045,000 First Mortgage 5 per cent bonds due 1945 and \$1,600,000 Consolidated 3 1-2 per cent bonds due 1951 of the railroad company." This is over the signature of the President of the Cumberland County Power and Light Company.

Mr. ROBIE of Westbrook: Mr. Speaker, I would like to correct an impression that the gentleman from Portland (Mr. Rounds) has that that bill was tabled last Wednesday. If you will refer to the record, you will see that the third reading was postponed to Friday, and the bill, therefore, was not tabled in proper form on the calendar, I should say. In reference to the matter of bonds, I am thoroughly satisfied, from disinterested attorneys, that the bonds are fully secured, and I hope that

the motion of the gentleman from Cape Elizabeth (Mr. Chase) will prevail.

The SPEAKER: The Chair will state that the gentleman from Westbrook, Mr. Robie, is correct, as the records show, on the bill. The matter was not tabled but simply assigned as a third reader today.

Mr. ROUNDS: Mr. Speaker, I should like to ask one question of the gentleman from Cape Elizabeth (Mr. Chase), if it is not true that his firm is an agent for the Cumberland County Power and Light Company.

The SPEAKER: The gentleman from Cape Elizabeth (Mr. Chase) may answer or not, just as he wishes.

Mr. CHASE: Mr. Speaker, my firm is not, and never has been, an agent for the Cumberland County Power and Light Company. We have bought and sold the securities of that company in the same manner as we buy and sell the securities of all Maine corporations.

The SPEAKER: The question before the House is on the adoption of House Amendment A to bill an act to authorize the Portland Railroad Company to operate motor busses.

Mr. ROUNDS of Portland: Mr. Speaker, I move that a division of the House be had.

The SPEAKER: A division of the House is requested. As many as are in favor of the motion to adopt House Amendment A will rise and stand and the monitors will return the count.

Five having voted in the affirmative and 60 in the negative, the motion to adopt House Amendment A failed of passage.

Thereupon the bill had its third reading and was passed to be engrossed.

The SPEAKER: The House is proceeding under Orders of the Day. Is there any further business? The Chair will state that the House cannot very well adjourn until we hear from the Senate which is going to convene at ten o'clock. So, if there is no further business, the gentleman from Gardiner, Mr. Boston, moves that the House recess until two minutes after ten.

The motion prevailed.

**After Recess**

On motion by Mr. Hale of Portland it was voted to take from the table resolve in favor of Arthur B. Clough compensating him for damages done his garden by Moose. H. P. 1051, H. D. 347, tabled by that gentleman earlier in the session; and on further motion by the same gentleman the resolve was recommended to the committee on Claims.

On motion by Mr. Hale of Portland, the House voted to reconsider its action whereby it passed to be engrossed H. D. 346, resolve in favor of B. F. Marley, H. D. 348, resolve in favor of Hanson A. Barney and H. D. 349, resolve in favor of A. H. Wadleigh; and on further motion by the same gentleman the resolves were tabled pending passage to be engrossed.

Paper from the Senate, out of order:

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday afternoon, March 15, at 4:30 o'clock.

In the Senate read and passed.

In the House:

Mr. INGRAHAM of Bangor: I rise for information.

The SPEAKER: The gentleman may make his inquiry.

Mr. INGRAHAM: Mr. Speaker, would it be possible to expedite matters by not concurring and come here Monday and get down to business? It seems to me we have wasted about time enough. We should get to work and not drift

along here until the middle of April.

The SPEAKER: The Chair will state that the matter has been given some consideration as to meeting on Monday. There appears to be a number of town meetings by reason of which members would be obliged to be away from any meeting held here on Monday.

Mr. INGRAHAM: Have we any assurance, Mr. Speaker, when we can adjourn?

The SPEAKER: The Chair will state that it believes that the work is probably further advanced this year than it was two years ago at this time.

Mr. COMINS of Eddington: Mr. Speaker, I think there are many town meetings that will be held Monday. It seems to me that it would be unwise to meet at that time.

The SPEAKER: The question before the House is on the passage of the order received from the Senate that when the House adjourns it adjourn until 4:30 P. M. on Tuesday next.

Mr. KITCHEN of Presque Isle: Mr. Speaker, I move that the order receive passage in concurrence.

Thereupon the order received passage in concurrence.

The SPEAKER: If there is no further business before the House the Clerk will read the notices.

(Notices read).

On motion by Mr. Roy of Lewiston,

Adjourned until Tuesday afternoon, March 15, at 4:30 P. M.