

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, January 30, 1929.

Senate called to order by the President.

Prayer by the Rev. A. T. McWhorter of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

House Bills in First Reading

An Act to amend section four of chapter four of the private and special laws of nineteen hundred and twenty-five, entitled "An Act to incorporate the city of Brewer High School District." (H. D. 3.)

An Act to extend the charter of the Quebec Extension Railway Company (H. D. 18.)

The following bills, resolves, petitions, etc., were received and on recommendation by the committee on reference of bills were referred to the following committees.

Appropriations and Financial Affairs

By Mr. Dwinall of Knox: Resolve in favor of Home for Aged Women, Rockland. (S. P. 90.)

By the same Senator: Resolve in favor of Knox County General hospital. (S. P. 91.)

By the same Senator: Resolve in favor of Camden Community Hospital. (S. P. 92.)

(500 copies of each ordered printed.)

By Mr. Mitchell of Aroostock: Resolve appropriating money for the expense of the electoral college. (S. P. 93.)

Sent down for concurrence.

Education

By Mrs. Allen of Penobscot: Resolve in favor of Hampden Academy in the town of Hampden. (S. P. 94.)

By Mr. Boulter of York: Resolve in favor of the Robert W. Traip Academy, at Kittery. (S. P. 95.)

Sent down for concurrence.

Inland Fisheries and Game

By Mr Weeks of Somerset: An Act relating to fly fishing in the Kennebec River between Bingham and Moosehead Dam. (S. P. 96.)

By the same Senator: Petition of Fred L. Marshall et als of the town

of The Forks in favor of the same (S. P. 97); petition of Albert B. Clark et als of the towns of Caratunk, Bingham, and West Forks in favor of the same (S. P. 98); petition of Harold F. Ingraham et als of the cities of Bangor, Brewer, Lewiston and Biddeford in favor of the same (S. P. 99); petition of Orrin A. Learned et als of the towns of Fairfield, Skowhegan and Winslow in favor of the same (S. P. 100); petition of M. J. Marr et als of the towns of Indian Pond, Charleston, and the cities of Bangor, Portland and Brunswick in favor of the same (S. P. 101); petition of A. J. Wilson et als of the towns of Moosehead, Greenville, Greenville Jet., Rockwood and Deer Island in favor of the same (S. P. 102.).

Sent down for concurrence.

Judiciary

By Mr. Spear of Cumberland: Seven petitions in favor of bill An Act to register and license barbers and create a Board of Barber Examiners (Senate Papers Nos. 103 to 109, inclusive).

By Mr. Slocum of Cumberland: Two petitions in favor of the same (Senate Papers Nos. 110 and 111).

Sent down for concurrence.

Pensions

By Mr. Nickerson of Waldo: Resolve for a teacher's pension for Sadie Cummings. (S. P. 126.)

Sent down for concurrence.

Public Health

By Mr. Weeks of Somerset: An Act to amend Section 2 of Chapter 208 of the Public Laws of 1925, permitting sterilizing operations (S. P. 112).

On motion by Mr. Oakes of Cumberland, tabled pending reference.

Salaries and Fees

By Mrs. Carter of Androscoggin: An Act relating to clerk hire in the office of the Register of Probate in the Androscoggin County. (S. P. 113).

By Mr. Dwinall of Knox: An act relating to the salary of the Register of Probate in Knox County. (S. P. 114)

By the same Senator: An Act relating to the salary of the sheriff of Knox County. (S. P. 115)

By the same Senator: An Act relating to clerk hire in the office of

the Register of Probate for Knox County. (S. P. 116)

Sent down for concurrence.

State Sanatoriums

By Mr. Weeks of Somerset: Resolve in favor of the Western Maine Sanatorium for the construction of a Superintendent's Home and Employees' Building. (S. P. 117)

By the same Senator: Resolve in favor of the Trustees of the Tuberculosis Sanatoriums for per diem and expenses. (S. P. 118)

By the same Senator: Resolve in favor of the Northern Maine Sanatorium for the construction and equipment of a nurses' home. (S. P. 119)

By the same Senator: Resolve in favor of the Central Maine Sanatorium for the construction, equipment and maintenance of an additional building for patients. (S. P. 120)

(500 copies of each ordered printed.)

Sent down for concurrence.

State School for Boys, State School for Girls and State Reformatories

By Mr. Harriman of Kennebec: Resolve in favor of State School for Boys. (S. P. 121)

(500 copies ordered printed.)

Sent down for concurrence.

Ways and Bridges

By Mr. Dwinal of Knox: Resolve to aid in repairing State Fish Hatchery road in town of Camden. (S. P. 122)

By the same Senator: Resolve in favor of the town of Appleton. (S. P. 123)

By the same Senator: Resolve in favor of the town of Hope for a road. (S. P. 124)

By Mr. Minott of Cumberland: Resolve in favor of the town of Naples, for completing road construction. (S. P. 125)

Sent down for concurrence.

Orders of the Day

On motion by Mr. Murchie of Washington, the Senate voted to take from the table the joint order for the appointment of a Special Joint Committee to consider the advisability of enacting legislation to permit the export of hydro-electric energy and that Senate Document No. 44 and all other bills dealing with this subject be referred to said Special Joint Committee: tabled by that Senator yesterday pending passage.

Mr. Murchie of Washington: Mr.

President, this order is sufficiently removed from the usual procedure of the Senate so that perhaps it is proper that I should make some explanation of the purpose for which it is introduced. Let me say at this time that I have no purpose now and shall have no purpose at any other time in the session to disturb what seems to me to be orderly procedure or to depart generally from the regular form, and it does not seem to me that this order does disturb the orderly procedure. As the Legislature is organized, our standing committees are limited to ten members and it is a very rare case where these ten are distributed over ten different counties I think that in only one case in the present committee lists is that the fact.

Briefly, the purpose for which I have introduced this order is that the matter of the export of hydro-electric energy shall have, not only a full, a fair and impartial hearing, but that in that full, fair and impartial hearing every county, every section of the state of Maine shall be represented. Now, it is stated to me that this will be a fact no matter who holds the hearing, that the hearing will be an open one, it will be a popular one and a crowded one, and every member of this Legislature who is interested in the matter of power export, either for or against, will have the right to attend the hearing. That is so simply a statement of facts that of course it cannot be disputed, but of course there is a vast difference, as the Chair and members of the Senate and the people of the state of Maine will recognize, between attending an open hearing and attending an executive session. And it is my belief that the question of the export of hydro-electric energy is of sufficient importance to the state of Maine so that some man from every county in the State should be present to hear and to participate in the deliberations of any committee in executive session seeking to recommend to this Legislature any course of action with reference thereto. It is so manifest as to hardly require argument, that the question of the export of water power is the single largest and greatest issue before the people

of the state of Maine. It has been an issue for a matter of twenty years. The present non-export law was passed in 1909. For a matter of a very few years it wasn't very much of an issue. It was considered to be a part of the established policy of the State of Maine and along about 1917 it began to be a real issue and has continued to be a real issue, and its potency as a real issue has increased until during the last few years it has been a sufficient issue to have almost a controlling effect in Maine politics.

Now, I say to you that an issue of that importance should not be considered as adequately heard when only seven out of sixteen counties of the state are represented, not at the hearing, because that is a very minor part, but at the executive session, where the question is finally determined as to what that committee is to recommend to the Maine Legislature.

It may be proper for me to clear the atmosphere a little, so far as my own position is concerned, because in the daily press at the commencement of the session the statement was made that it was recognized that the Senator from Washington—myself, not my colleague—was recognized as identified with the export group. Let me say now, Mr. President and members of the Senate, that I am in no way identified with the export group, and neither am I in any way identified with the non-export group. During the time this has been a political issue in the state of Maine my political sympathies, at any rate, have always rested with those who were not agitating the water power issue or whom I thought were not agitating the water power issue, and that position remained unchanged until a week ago Sunday when it was my pleasure—I guess I had better say—to read the debate which took place in this Legislature two years ago on the so-called "Smith Bill," which I understand is identical with the bill now introduced by the Senator from Sagadahoc, Senator Carlton, and after reading that debate I indulged in a little self analysis. I tried to determine whether approximately for ten years I had been acquiescent, in any event, on the issue of export. Without any reflection on the gentlemen who

took part in that debate I want to say here that in that debate no single sufficient, valid or controlling reason, of any kind, in my judgment, was advanced why it would be advisable for the state of Maine as a state to change its export policy. I will say with equal frankness that the reasons advanced for the retention of power were not, in my opinion, controlling. But I was forced to ask myself this question: If, after ten years of agitation, the proponents of export can advance no valid, controlling reason why export should be permitted, shouldn't the inertia of maintaining the present policy tend to make us retain our water power? And that, Mr. President and members of the Senate, is my position at the present moment. We are here, all of us, aiming to legislate for the welfare of the state of Maine. We have a policy that has been in effect for twenty years. Should we change that policy without the assignment of a good reason? It seems to me that we should not. In that self analysis I got a little further, and I hit upon a reason which, it seems to me, has controlled not only myself but a good many others in the state of Maine who have been, not in favor of a change but acquiescent toward the idea of a change, and that attitude was based, it seems to me, on a syllogistic form of reasoning which contained a very serious error. That syllogism would be this: political smoke screens are used for the purpose of getting votes, as a major premise. A-B has debated the water power issue for the purpose of getting votes. Perhaps, Mr. President, I should say, instead of A-B, two B's have used it for that purpose. And if that major premise is correct, and that minor premise is correct, the conclusion would inevitable follow that water power is nothing but a political football. Now, the fallacy in that particular is quite apparent. If "only" political smoke screens were used for that purpose the reasoning would be good, but we all know that sometimes, at least, real issues may be used for that purpose. And I was moved to ask myself whether my attitude was not due to a lack of sympathy with those whom I had thought were agitating water power for their own political ends.

In answering that question I was forced to admit that I could not state whether those men had been agitating water power export or whether they had been resisting the agitation of water power by those who seek to take the power out of the state.

Now, Mr. President, as I said in the beginning, I introduce this order because I believe that water power export is the largest single issue before the people of the state of Maine and because I believe that before we change our non-export policy we should give the matter coming before this Legislature the widest publicity and the most complete, most impartial and most public hearing that can be devised, and to do that it seems to me that each and every county in the state should be represented by at least one person.

I move, Mr. President, that the order have passage.

Mr. CARLTON of Sagadahoc: Mr. President, at this time I will just deal briefly with the matter of assigning the bill. Later we will try to present some logical arguments in favor of the bill. I will read just a few notes which I jotted down here: There is no need of a special committee, for the following reasons; it is a bad precedent to establish. First, we have already appointed committees to pass upon these matters and it is unfair to give them the regular routine in small matters and then ignore them as soon as an important matter comes up for consideration. If you want more committees, add Judiciary and Interior Waters, or any other committee that you may elect. It is unfair to ask the President of the Senate and the Speaker of the House, whose ideas are very well known on this question, to select a committee to pass upon the merits of this bill. They were here two years ago and their attitude is very well known and they could not select the committee without being criticized from one side or the other. I have an idea that those committees already appointed by the President and Speaker and confirmed by the Senate and House have been selected without any regard to help or hinder any future legislation, and that any question coming before them will get just

and fair consideration. Later, if the Senate and House think best, some joint meeting of the two branches, after the evidence is in so it can be presented to them, can be had in the legislative house and every member can have an opportunity to know what is going on. We don't propose to do very much with this matter until this committee that has been appointed by the Governor and Council—a fact-finding committee—reports on it. They are good, able business men and whatever they have to say will be welcomed.

I move that this order be indefinitely postponed.

The PRESIDENT: The Chair will state that the main question before the Senate is the motion of the Senator from Washington, Senator Murchie, on the passage of the order. The motion of the Senator from Sagadahoc, Senator Carlton, to indefinitely postpone, being a subsidiary motion to the main question, is in order. Is there any further debate before the question is put?

Mr. MURCHIE: Mr. President, I want to say in answer to the Senator from Sagadahoc (Senator Carlton) just one thing. The Senator from Sagadahoc, Senator Carlton, if I understand his argument correctly bases his contention upon two points; first, that the order for a special committee is unfair to the standing committees of this Legislature. Have we no regard, I wonder, for the state of Maine? Are we not here to decide, not what is unfair to some committee of this Legislature, but what is fair and what is unfair to the entire state of Maine? I say that it is unfair to nine counties of the state of Maine not represented on the committee of public utilities, that they shouldn't participate in a hearing on the major political issue before the people of the state of Maine. I say that it is not unfair to any committee that a matter of major state policy should not be referred to ten men. But I will go further than that and say that even if it is unfair to a committee, the question of who should control this Senate and this Legislature is the question of what is fair, not to any committee, but to the state.

The Senator from Sagadahoc,

Senator Carlton, makes another point; that it is unfair to the presiding officers. I cannot believe that the temper of a Maine Legislature is such that they would attempt to make capital out of an appointment of a special committee against two men who have enjoyed sufficiently the confidence of the people of the state of Maine to be elected the President of the Maine Senate and the Speaker of the Maine House. If I thought that there was any point in that contention, if either presiding officer were to say to me that he deemed the order unfair, I would willingly withdraw it, but it seems to me that that is one of the duties and one of the burdens that a man accepts when he is elected to the office of a presiding officer and I do not believe that there is any disposition on the part of any presiding officer in the state of Maine, or will be any disposition on the part of any state officer in the future, to dodge such a responsibility.

Mr. CARLTON: Mr. President, our presiding officers have been through the trials and tribulations of appointing committees and I realize that it is quite a job to undertake, and I have heard the criticism made that the public utilities committee is being selected. Now, to add these other committees should give us a fair distribution over the state. I think the committees as made up represent fourteen of the sixteen counties. That is about all you would ordinarily expect to get on one committee. I believe the proponents of the bill are perfectly satisfied that the other two should be added.

Mr. MURCHIE: Mr. President, may I ask, through the Chair, two questions of the Senator from Sagadahoc (Senator Carlton)?

The PRESIDENT: The Senator from Washington, Senator Murchie, desires to ask a question of the Senator from Sagadahoc, Senator Carlton. The Senator from Washington (Senator Murchie) may ask the question and the Senator from Sagadahoc (Senator Carlton) may answer if he desires.

Mr. MURCHIE: I'm going to read those questions, Mr. President, because I want to be sure they are worded exactly as I have them. First: Does the Senator from Sagadahoc (Senator Carlton) know how

many members of the Joint Standing Committee on Public Utilities, which is the committee to which reference has been suggested, as members of the last Legislature voted against the passage of the then Smith Bill which is said to be identical with the bill now under discussion?

Mr. CARLTON: I do not.

Mr. MURCHIE: Will the Senator from Sagadahoc (Senator Carlton) agree on the reference of this bill to some standing committee—any standing committee—which does not contain, among the members who were in the last Legislature as recorded by their votes two years ago, members in favor of some kind of export law in excess, as against those opposed to such export, on the ratio of four to three, which is the ratio of the members of the Legislature of 1927 who are members of this Legislature voting for and against export?

Mr. CARLTON: In other words, Senator, as I understand it you would like to take the matter out of the hands of the committees to which it naturally goes—the Public Utilities, the Judiciary and the Interior Waters. These committees are supposed to be identified with this undertaking. I would rather not accede to that request.

Mr. MURCHIE: Let me say this, Mr. President, if I am in order—and I thin', having spoken once I am not in order without consent—that I recognize fully that those who advocate the export of water power have the votes in this Senate to refer this matter where they wish and to pass an export bill. That takes very little investigation because a great many members of this Senate were in the House or Senate two years ago and the Smith Bill, which was then voted on, is identical in its terms with the bill now introduced by Senator Carlton who, from the fact that he has introduced it, may be considered of course, as added to those who favor export.

Now, I say to you that you have the power. You can refer this to a committee that has, certainly, a reputation as being in favor of export and if the Senator from Sagadahoc, Senator Carlton, will take the trouble to look at the list of the members of the Committee on Public Utilities he will find that four out of the ten who were members of the last Legislature voted for export. If he adds to these four his

own vote he has at least half of the committee in favor of export before they start a hearing. If you add to it—and no such motion is before the Senate, but I speak of it because the Senator from Sagadahoc, Senator Carlton has himself spoken of it—the Committee on Interior Waters and the Committee on Judiciary, you will make the preponderance of those who favor water power export still greater as against those who are opposed.

Now, all that I want, Mr. President, is what I have stated; a fair and open and impartial and unpacked hearing. I know that the votes are here to beat me but I say to you now in all seriousness that the people of the state of Maine will bear in mind, when this issue comes before them, whether or not the issue had had a fair and impartial and unpacked hearing.

Mr. CARLTON: Mr. President, I believe I am in order—

The PRESIDENT: The Senator from Sagadahoc, Senator Carlton, desires to speak once more on the question. Is it the pleasure of the Senate that this privilege be granted him?

The permission was granted.

Mr. CARLTON: Mr. President, the Senator from Washington, Senator Murchie, assumes that those members of the Legislature who were members two years ago could not have changed their minds but he has admitted that he was in favor two years ago but lately had come to a point where he was undecided and didn't know but what he was on the other side. Now, since two years ago he has evidently changed his mind and I don't know how we can assume here that those committees that he cites are all in favor of this water power exportation.

The PRESIDENT: The Chair will state that the question before the Senate is on the motion of the Senator from Sagadahoc, Senator Carlton that the order be indefinitely postponed. Is it the pleasure of the Senate that the motion of the Senator from Sagadahoc, Senator Carlton prevail? It is a vote unless doubted.

Mr. MURCHIE: Doubted. On that, Mr. President, may I ask that the Yeas and Nays be taken?

The PRESIDENT: The Senator from Washington, Senator Murchie, asks that the Yeas and Nays be taken. Those in favor of the Yeas and Nays will arise and stand to

their places until counted. A sufficient number having arisen the Yeas and Nays are ordered. The Secretary will call the roll.

Mr. CARLTON: Mr. President, may we understand what is being voted on?

The PRESIDENT: The Chair will state again that the question before the Senate is on the motion of the Senator from Sagadahoc, Senator Carlton, that the order be indefinitely postponed. Those in favor of the motion to indefinitely postpone the order will vote "Yes" when their names are called and those opposed to the motion will vote "No" when their names are called. The Secretary will call the roll.

YEA—Allen, Bond, Boulter, Campbell, Carlton, Crockett, Crosby, Douglas, Dunbar, Dwinial, Greenleaf, Leland, Littlefield, Martin, Minott, Mitchell, Noyes, Oakes, Page, Pinkham, Slocum, Spear, Weeks, Weatherbee, Wheeler—25.

NAY—Bragdon, Carter, Harriman, Murchie, Nickerson—5.

Twenty-five having voted in the affirmative and five in the negative, the motion of the Senator from Sagadahoc, Senator Carlton, that the order be indefinitely postponed, prevailed.

The PRESIDENT: The order is indefinitely postponed.

Mr. SLOCUM of Cumberland: Mr. President, I move that we reconsider our vote, just taken, whereby this order was indefinitely postponed, and I hope that my motion does not prevail.

A viva voce vote being doubted.

A division of the Senate was had.

None having voted in the affirmative and a sufficient number having voted in the negative, the motion to reconsider did not prevail.

Mr. SLOCUM: Mr. President, I move that the bill introduced by the Senator from Sagadahoc, Senator Carlton, be referred to a joint committee, Public Utilities, Judiciary and Interior Waters.

The PRESIDENT: The Chair will state that the Senator from Cumberland, Senator Slocum, is not in order as the bill is still upon the table, having been tabled by the Senator from Washington, Senator Murchie.

Mr. SLOCUM: I stand corrected, Mr. President.

Mr. MURCHIE: Mr. President, I now move that the bill be taken from the table.

The PRESIDENT: The Senator from Washington, Senator Murchie, moves that the bill introduced by the

senator from Sagadahoc, Senator Carlton, with reference to the exportation of surplus water power and tabled earlier in the session by the Senator from Washington, Senator Murchie), be taken from the table. Is this the pleasure of the Senate? It is a vote.

Mr. MURCHIE: Mr. President, I now yield to the Senator from Cumberland, Senator Slocum.

Mr. SLOCUM: I now make my motion, Mr. President, that a bill of the Senator from Sagadahoc, Senator Carlton, be referred to a joint committee of Public Utilities, Judiciary, and Interior Waters.

The PRESIDENT: The Senator from Cumberland, Senator Slocum, now moves that the bill be referred to the joint committees of Public Utilities, Judiciary and Interior Waters. Is this the pleasure of the Senate?

Mr. MURCHIE: Mr. President, I have occupied so much time this morning that I am reluctant to occupy any more. I realize fully that anything I may say would not have any weight with the gentlemen who are disposed to refer this bill to these three committees, but I cannot let the motion pass without at least calling the attention of the Senate to the fact that these three committees contain 19 men who were members of the legislature in 1927, that of those 19 men—I think I will hedge, Mr. President, and say men and women—of those 19 men and women, 14 voted in favor of the passage of the Smith bill. The Senator from Sagadahoc, Senator Carlton, quotes me as saying that I have changed my views during the past two years and that it is equally probable that the members of these committees may have changed their views. I might call attention to the fact that the members of these committees, members of this Legislature, two years ago had an advantage, which I did not have, in hearing the arguments for and against export in the House and Senate. I might call attention further that I have not said, nor is it a fact, that during the two year period I have changed my views about export. I have said, and I will repeat, what I am perfectly willing to say to anybody, that two years ago I was acquiescent, that in an-

alyzing my reasons I believe the reason for my acquiescence narrowed down to a preference for candidates for major political offices who were not active with reference to water power, and that my position now is not against export but is the position that I think every member of this Legislature should take, of desiring more light on export, the light that ought to be obtained by an open hearing. I hope the motion will not prevail, although I know it will, and that some combination of committees might be devised which would not be so preponderantly in favor, or against, export.

Mr. SLOCUM: I am sure, Mr. President, that no one doubts the sincerity of the Senator from Washington, Senator Murchie, and I am sure that no one doubts the sincerity or the open, free minds on the part of those who heard the hearings last time or who will be present at the hearings this time. This triple-headed committee will represent 14 of the 16 counties and I feel assured, and can assure the Senator from Washington, Senator Murchie, that even though the report of that committee is other than what he might feel to be his reaction to the testimony, that every member of the legislature will investigate for themselves, whatever the report of the committee is, and will vote finally on the measure not only from the report of the committee but from their own investigation.

Mr. CARLTON: I want to say that it will be the policy of the proponents of this bill to furnish every scrap of information that can be competent. We have nothing at stake except our interest in the welfare of the state.

The PRESIDENT: The Chair will state that the question before the Senate is on the motion of the Senator from Cumberland, Senator Slocum, that this bill be referred to three committees; Public Utilities, Judiciary and Interior Waters. Is it the pleasure of the Senate that this motion prevail?

The motion prevailed.

On motion by Mr. Bragdon of Aroostook,

Adjourned until tomorrow morning at 10 o'clock.