

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

Mr. NEWBERT: It may have precedence under our rules, but according to the general parliamentary procedure it is not in order for this House to go over all the other actions subsequent to the early action of the Senate and agree to that early action. I claim that we cannot get back of our indefinite postponement, and we cannot get back of our action to insist the other day; and that the only question before this House, this morning, for concurrent action is the recent action of the Senate in asking for a second conference.

The SPEAKER: Does the gentleman from Augusta, Mr. Newbert, claim that because of our action to insist the other day that a motion to recede and concur is not in order?

Mr. NEWBERT: It is not in order unless we retrace our steps one at a time, and do one thing at a time. If we are going to take a stand like this, I don't know whether any legislative actions are going to be determined in this House.

The SPEAKER: If the Chair understands, one point made by the gentleman from Augusta, Mr. Newbert, is that a motion to insist having passed, the House cannot now recede and concur. Is the Chair correct in so understanding?

Mr. NEWBERT: That is correct, Mr. Speaker, and I think the Chair understands my position, that we can concur, this morning, with the action of the Senate in asking for a second conference, but we cannot recede from our indefinite postponement of the measure and concur with the Senate in its passage of the bill because of subsequent action taken by both branches. It seems to me that I am right in this contention.

The SPEAKER: The Chair is very anxious to make no ruling which will develop to be unauthorized by the precedents, and as this matter appears to be a large and important matter, and may be a precedent in the action of the House, and possibly of the Senate, the Chair would much prefer to make a ruling later, unless the House insists.

Mr. Austin of Phillips moved that

the matter be laid upon the table and specially assigned for consideration on Thursday of this week.

The motion was agreed to.

The SPEAKER: The next matter assigned for consideration, today, is resolve for an amendment to the Constitution providing for the classification of property for the purpose of taxation. The pending question is the adoption of House amendment A.

Mr. Irving of Caribou moved that House amendment A be adopted.

Mr. IRVING: I will simply state for the information of the members who have not taken the time, or could not take the time, to inform themselves on the matter, that the proposed amendment to the original bill has been adopted by all the new States coming into the Union for the past several years, and is now in the Constitution of Virginia and Maryland. It was the sense of the committee that this would be preferable; but some opposition was raised against the classification of taxes on real estate. We have been struggling here for a number of sessions of the Legislature to get at intangible property. The Constitution as it now stands prevents the taxation of property in any other way than by equal valuation. This resolve simply gives to the Legislature power to classify. It does not, as amended, affect real estate.

I move the adoption of the amendment.

The question being on the adoption of the amendment,

The amendment was adopted.

The bill was then passed to be engrossed as amended.

The SPEAKER: The next matter in order for consideration is the matter of the reports of the committee on judiciary concerning the bill, An Act relating to the power of the board of prison and jail inspectors, majority and minority reports.

Mr. SMITH of Auburn: Mr. Speaker, I move that the minority report be accepted. To state it briefly, four years ago the Legislature passed an Act whereby the inspectors of jails and prisons were allowed to come into