

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

AUGUSTA
KENNEBEC JOURNAL PRINT
1921

ter 244 of the Public Laws of 1917, and by Chapter 196 of the Public Laws of 1919, and Section 46 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 133 of the Public Laws of 1919, relating to Inland Fisheries and Game.

An Act to amend Section 9, Chapter 117 of the Revised Statutes, relative to salary of Reporter of Decisions.

An Act to amend Sections 1 and 5 of Chapter 169 of the Public Laws of 1919, relating to the support of dependents of Soldiers, Sailors and Marines.

An Act amending Sections 76, 78 and 80 of Chapter 11 of the Revised Statutes, relating to the sale of land of non-resident owners.

An Act to amend Section 51 of Chapter 82 of the Revised Statutes, as amended by Chapters 73, 211 and 227 of the Public Laws of 1917, relating to trial terms of the Supreme Judicial Court.

An Act to amend Sections 2 and 3 of Chapter 111 of the Revised Statutes, relating to the selection and service of Jurors.

An Act for the better protection of ducks and geese in the waters of Merrymeeting Bay, in the Counties of Cumberland and Sagadahoc, and tributaries thereof, except Kennebec River, within one mile of the waters of said Merrymeeting Bay.

An Act to amend Section 34 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 174 of the Public Laws of 1919, relating to pollution of waters of the State by sawdust and other mill waste.

The SPEAKER: The Chair presents at this time the new draft of what is known as the full time State Highway Commission bill, passed today in the House to be engrossed.

On motion by Mr. Weatherbee of Carroll, the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. Weatherbee then offered House Amendment "B" to House Document No. 454, to amend under

Section 2 on page 3, at line 5 on page 4, insert after the words, "by said commission" the words "subject to the approval of the Governor and Council," and moved its adoption.

The question being on the adoption of the amendment,

A viva voce vote was doubted by Mr. Hinckley of South Portland, who called for a division.

A division being had, the amendment was not adopted.

Mr. Murchie of Calais then moved that the bill be laid upon the table.

A viva voce vote being doubted by Mr. Hinckley of South Portland,

The SPEAKER: All those in favor of the motion to lay this bill upon the table will say yes; those opposed will say no.

The motion was lost.

Mr. Murchie then offered House Amendment "C", to amend by adding thereto section 4, "This act shall take effect January 1, 1922."

Mr. MURCHIE: I will say that my reason for offering this amendment is this. Last night we adopted as House Amendment "A", the emergency preamble, which would have put the commission, if the law passed, in operation at once. Today that amendment was rejected, and the present situation would be, if the bill became a law, that a new commission would come in somewhere between the 9th and the 15th of July, at a time when it seems to me it would be too late for them to accomplish very much on the roads during the year 1921; and it seems to me also that the fact that they were coming in would be sufficient so that the present commission would not accomplish much during the three months that they would continue in office. After the bill was recalled, the proponents of the measure spoke to me and I agreed with them to let the matter rest until this evening, in the meantime discussing it with them to some extent and determining whether or not I desired to press this amendment. The action of the House in referring to table the measure has

forced me to offer the amendment now, and I am going to make the motion once more in the interest of time, that the bill and amendment be laid upon the table until this evening.

The motion was agreed to.

Mr. BREWSTER of Portland: Mr. Speaker and gentlemen, I desire to give notice of my intention to move for a reconsideration of the vote whereby the House voted to adhere on bill, An Act to amend Chapter 147, etc., relating to State Board of Charities and Corrections.

The SPEAKER: The House hears the notice.

(On motion by Mr. Nickerson of Swanville, the House voted to take a recess until 8 o'clock this evening.)

AFTER RECESS

The SPEAKER: The Chair lays before the House majority and minority reports of the committee on legal affairs on Resolve proposing an amendment to the constitution relating to water powers, House Document No. 325, majority report signed by Senator Thombs of Penobscot, Messrs. Weeks of Fairfield, Hussey of Blaine, Willard of Sanford, Senator Thompson of Knox and Mr. Mason of Ellsworth, reporting "ought not to pass"; minority report asking leave to report the same in a new draft under title of Resolve amending the constitution of Maine so as to authorize the conservation, storage, control and use of waters and the development, improvement, transmission, utilization, electrical interconnection, control and sale of water powers by the State, and that the same "ought to pass," signed by Senator Garcelon of Androscoggin and Messrs. Brewster of Portland, Fagan of Portland, and Murray of Portland. The Chair will recognize the gentleman from Portland, Mr. Brewster.

Mr. Brewster then moved the adoption of the minority report, Resolve in new draft printed as House Document No. 464.

Mr. BREWSTER of Portland: Mr. Speaker, the bills which we have to

consider this evening are House Document No. 325, which was the original printed draft of the Governor's recommendation to the Legislature, and the new draft, House Document No. 464, which has just been put on your desks today. The original draft will show you sufficiently the proposition which is now before you, as the only change which was made in the new draft was in the seventh paragraph. The original draft was House Document No. 325, and that will serve every purpose, as far as your consideration of the matter is concerned as it is the entire paragraph which is included in what is termed the new draft. The Governor's recommendation to this Legislature was based upon the report of the Maine Water Power Commission, which, as the result of its two years of investigation, reported that it was practicable and desirable to develop storage basins for water power. The message, in addition, took one further step and provided for the taxation of existing water powers.

In the second paragraph of the proposed amendment giving to the State the power to tax existing water powers as such, independent of the land to which they were appurtenant, there were rather complicated legal questions as to just how far taxation now applied to existing water powers or to land to which they were appurtenant. The two questions of the development of storage basins and the water powers of the State, which is covered in the first paragraph of the Governor's recommendation, and the question of the taxation of water powers in the second paragraph were entirely distinct. Very serious objection was made, especially by the allied industries of the State not engaged in electrical supply of power to the provisions in regard to taxation, as many, especially the smaller industries in the State, felt that their rights might be confiscated by this special power of taxation which it was proposed to place in the State.

As this had no necessary relation to the question which has been under