

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

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the affirmative, the resolve has received a final passage. (Applause.)

On motion by Mr. Murchie of Calais, House Document No. 454, An Act to provide for a full time State Highway Commission, was taken from the table.

The SPEAKER: The pending question is the adoption of House Amendment "C", and that amendment adds Section 4, "This act takes effect January 1, 1922."

Mr. MURCHIE: Mr. Speaker, it seems to me it would be an unfortunate thing to start a new Highway Commission in the middle of July because, it seems to me, that with a commission going out on that day and another commission coming in on that day that no highway work would be accomplished during the year. I have talked with the proponents of the measure and they believe that the advantage of having the new commission come in three or four months before the snow flies would more than offset the disadvantages of which I speak. I move the adoption of this amendment for the reason that I believe that the disrupting of highway work will more than offset any advantage from such three months of service.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker and gentlemen of the House, I will say that I agree with part of what the gentleman from Calais, Mr. Murchie, has said, but the committee still thinks that the commission should take office in the natural course of events in 90 days from the passage of this act. I was pleased to see the emergency provision removed, because I thought the Governor and council should have a proper amount of time to consider the appointees, whoever they intended to appoint, and I also think the highway commission should have time to review the work during the summer and get acquainted with it, and make plans for the next year. In the work of the commission, it does not seem to me that there is any starting or leaving-off place during the year. This is a

man-sized job, and I have heard some that did not agree with that, and claimed that there would be portions of the year when they would be unemployed, and that perhaps the passage of this act would help somebody. I have taken off a few figures to show you something of what the highway commission will have to expend in the next two years. You provided for a bond issue of \$2,300,000 for State roads, \$700,000 for bridges, \$2,500,000 for State aid. The towns will meet the State with another \$2,000,000, according to past experience and ratio. There is due from the United States government in excess of \$1,800,000. There is a balance of unexpended bonds already issued of \$550,000, also \$250,000 of bridge bonds. To match the \$2,300,000 of bonds experience will show that we will get from the government \$1,500,000, and that makes a total of \$11,600,000 for the construction of roads that will be available for the next two years, or an average of \$5,800,000 a year. Besides that we have provided for a tax for maintenance of \$626,000. Registrations for the next two years will average \$1,000,000 a year. There will be due from the towns for their portion of maintenance about \$400,000, making to be expended by your highway commission each year \$7,836,000. Now, that looks to me like a man-sized job.

Now, gentlemen, that is not all going to be expended in one place. That is as much or more than all the other expenses of all your departments in this State, and that is not going to be expended in one place, but it is going to be expended throughout the State, in every town in the State, and I think the bill as it left this House on its way to be engrossed, conformed to the ideas of your joint committee as near as it could be made and I hope the amendment will be rejected.

Mr. HINCKLEY of South Portland: Mr. Speaker, I feel that this is the proper time to say a word in connection with this matter. It is evident that there are few members in this House and more who are not members of the House who are de-

terminated, if possible, to kill the State Highway bill. If they cannot do it, they want to put off the evil day as long as possible. All kinds of rumors are going about the corridors, activity is on every hand, and I, as a member of this House, want to protest against the great activity on behalf of the present State Highway department—and I am not speaking of the State Highway commissioners, but I specifically want to protest—and he is in this room now so that he can hear it, the highest salaried man in the State of Maine, the chief engineer of the State Highway department, getting a thousand dollars a year more than the Governor himself, instead of attending to his duties under the statute, spending his time as he has today and as he has been most of the winter, lobbying against these matters, together with other engineers and other officials connected with that department. I do not think that we are paying them for that business, and I want to seriously protest against these men devoting their time and effort and sending out their propaganda instead of attending to their business.

Another rumor that is going about, and they are trying to make a handle of it, that it is the intention of the present Governor to appoint a former governor as chairman of this commission if it becomes a law. Most absurd and most ridiculous, and I am in a position so that I know that the gentleman, who was a former governor of this State and who was referred to, would not accept any appointment or any political office; he has enough to do every day and he is contented with it. Now, it seems to me it is time the House understood these things and realized what they were up against, and I think if I know the temper of this House, they are not going to be fooled by these things or influenced by these men.

One more thing I wish to state. A telegram was received here this morning from one of the largest truck manufacturers in Boston urging that this bill be killed because

trucks of any size and any weight will not be permitted, under the provisions of this bill, to ruin our highways and smash through our bridges, and we are up against the truck lobby as well as the present highway lobby. Now, gentlemen, we have enough amendments on this bill. The committee has considered this matter seriously, and it should take effect whenever in the course of time, under the constitution and under the statutes of this State, it shall take effect, and I hope that this amendment and future amendments will not prevail.

Mr. VILES of Augusta: Mr. Speaker, I rather resent what the gentleman from South Portland, Mr. Hinckley, has said in regard to the lobby because I happen to be a personal friend of the gentleman mentioned, and I think perhaps he would mention it to me if he would to anyone in this House.

Mr. MURCHIE of Calais: Mr. Speaker, these remarks having been called forth by reason of an amendment introduced by me, I think perhaps it would be proper for me to state that at no time during this past winter has any member of the Highway Department, Commission, Chief Engineer or other employee asked me to vote against this bill or in any way mentioned the bill to me. I think it might also be proper to state that, so far as the truck lobby is concerned, the only thing the truck lobby could be interested in would be opposition to the motor vehicle law, and that, if I am not mistaken, was passed by this House this morning to be enacted and will not come into this House again. (Applause).

Mr. SMITH of Skowhegan: Mr. Speaker, I wish to join with the gentleman from Augusta in resenting the remarks of the previous speaker relative to the lobbying by Mr. Sargent. As a member of the committee of ways and bridges, it has been my pleasure and privilege to come in contact with him many times, and not once have I observed any indication on his part to do any lobbying; and I do not believe that a

member of this Legislature can be produced who will stand by the statement as uttered by the gentleman from South Portland.

Mr. McILHERON of Lewiston: Mr. Speaker, I regret very much that any reflection should be cast upon the gentleman. I had the pleasure of being introduced to him once at the beginning of this session, and I have heard both Republican and Democratic citizens of this State who are heavy taxpayers say that if Maine should lose such a man as Mr. Sargent, it would lose a valuable man, and that there are other states that would be glad to get his services. I think that the State of Maine is fortunate in having such a man. I have never met with him to talk with him five minutes in my life, but I have heard people not interested in the matter politically but interested in the efficiency of State officials give him a very high recommendation. I think it is an injustice to cast any reflections in that way on the gentleman. (Applause).

Mr. GERRISH of Lisbon: Mr. Speaker, as a member of the ways and bridges committee, I wish to say that the sentiments of the gentleman from Skowhegan (Mr. Smith) are my own sentiments.

Mr. CARROLL of Norway: Mr. Speaker, I would like to say a word to the members of this Legislature. I believe that we should be very careful at this time about passing this bill. I would rather see things remain as they are than appoint a new commission or have one appointed to gratify a personal spite. (Applause).

Mr. HINCKLEY of South Portland: Mr. Speaker, if there is any question of personal spite, it is not on the part of the gentleman from South Portland. My feelings have always been the most friendly and the most kindly toward the Chief Engineer and they are today; but my interests and my duty to the State of Maine rises higher than any personal feeling or gratification, and that is my position today. No man

has higher respect for the integrity and the ability of the Chief Highway Commissioner than I; but I say to you that every member of this House knows that from January to the present time, the daily newspapers of our State from one end to the other have been filled with propaganda, letters and interviews, most of which emanated from the State Highway Department.

Mr. WINTER of Auburn: Mr. Speaker, talking about the square deal, I will simply say that whenever I have approached Mr. Sargent for information I have found him very courteous.

The SPEAKER: The question before the House is the adoption of House Amendment C.

Mr. ROUNDS of Portland: Mr. Speaker, I would like to say that we have spent a good deal of money teaching these men how to build roads, and therefore I would like to see them continue because I do not want to have to school another set of men to build roads properly. I think they have got now so they can build roads.

The SPEAKER: House amendment C to the bill about Highway Commission read as follows:

"This act shall take effect January 1, 1922."

All in favor of adoption of House amendment C will say aye, contrary minded, no.

A viva voce vote being doubted by the Chair,

A decision was had,

Forty-eight voting in the affirmative and 32 in the negative, the amendment was adopted.

Thereupon the bill having had its three several readings was passed to be engrossed as amended by House amendments B and C.

Mr. HUNTON of Oakland: Mr. Speaker, I move the indefinite postponement of the bill, and I would like to address the House.

The SPEAKER: You may do so.

Mr. HUNTON: Gentlemen of the House: I regret that I am compelled

in the twilight of the closing hours of the session of the Eightieth Legislature to be obliged to register my protest with such emphasis as I may be able to command against this monstrosity of legislation contained in House Document 455. I am glad that the proponents of this measure are in retreat. This measure as first drawn provided no referendum but in the flush of victory they came forth with boldness and showed their hands, presented an amendment for an emergency to be placed upon this bill to displace the present highway commission. I presume fearing their ability to carry that measure with the emergency, they withdrew their amendment. For eight years this State of Maine of ours and its roads have been under the management of the Highway Commission. At the commencement of that period the great expanse of territory extended from Eastport on the east to Kittery on the west, and from Fort Kent to the Sea was without survey or chart. There was no organization for the control of these roads. There then developed an organization that I believe is a credit to any state in this Union. With this great undertaking, with the building of roads and experiment and in its infancy, no man could tell at that time what the demands would be. On that commission is a single man who has served for the entire eight years, yes two. A third man has served for a less period. Can we profit by the experience of those servants? Let us examine for a few minutes the accomplishments of this Commission, and what they have learned by their experience. It appears from the records presented to us by this committee on highway, that they formulated a plan by which fourteen hundred miles of trunk line were constructed at State expense. These were to be the arteries by which communication could be established from one end of this State to the other. They established connecting lines as feeders through a system of state aid road comprising three thousand miles in length. What

have they accomplished? Their accomplishments have been belittled from time to time by paid advertisements in the State of Maine, commencing with the assembling of this Legislature in January and continuing constantly during the session, for the purpose of prejudicing the minds of the public and bringing an influence to bear upon the members of this Legislature to discredit that commission. Among the prominent advertisements displayed on the front pages of our public press was a statement that our highways were costing fifty thousand dollars per mile to construct. Gentlemen, I appeal to you whether that was an honest, true, fair statement to be put before the people of the State of Maine and for the members of this Legislature to consider, for I believe that every member of this highway committee knows that there is not a single mile of the road in the State of Maine that has cost \$50,000 to construct. I ask in fairness that this Commission be treated with the consideration which it merits at your hands.

Following along with the splendid organization that has been established by the State Highway Department under the direction of the Highway commissioners and that splendid official, capable and well reputed to the length and breadth of the United States as one of the most capable highway engineers in the country,—Paul Sargent,—I am proud of the fact that the State of Maine was able to secure the services of so capable a man, and it is with pride that I learned that his services have been sought in other states in this Union; and if the opponents of this measure succeed in enacting this vicious bill into a law, he will find employment elsewhere. I have no doubt that is aimed not only at the present highway commission, but indirectly to free the State of Maine from the services of Paul Sargent.

As to the present commission, gentlemen, I think that every member of this House has come in contact with the personnel of that com-

mission. It was selected for the capacity of the men which make it up. They are men of integrity and high standing in the communities in which they reside. They are men who command respect not only of the laboring man, the common people, and the financier as well, but because of their success in their respective business engagements. I have listened for some criticism of these gentlemen who comprise this commission. At the assembling of this Legislature in January, there was a flood of protest against this commission because it was reported that they had constructed a three hundred thousand dollar garage to the north of the State House. That protest is now silenced. You hear no more about it, and one of the proponents of this measure told me that they felt that the construction of that garage was justified, and had not that commission built it thus protecting the property that the commission had secured from the Federal Government, there would have been even more protest against them. The period of the World's War with its increased prices and demand for labor in order to sustain our armies across the water, placed burdens upon the Highway Commission of the State of Maine that were more than those placed upon ordinary industry. Those of you in business will recall how labor has jumped by leaps and bounds, until it has more than doubled in price.

Material has more than doubled in price, freight rates have grown likewise, and did you expect the State Highway Commission to construct your roads and keep them in repair on the same basis of cost that they did in pre-war times? I know you did not, and I wish to call your attention to the one particular wherein the cost of the construction of the roads by the Highway Commission has increased out of proportion with the cost of construction in other branches of building. What is the cause of this animus that is so developed against this commission? I have been unable to

ascertain it. I have tried with a firm determination to find out where it rested, and what it was. If this commission is inefficient, if it is not discharging its duties with capacity and efficiency, why not prefer charges against it and let it answer them and give it a fair trial, and, if the charges are well founded, remove the commissioners? Gentlemen, do you propose by the enactment of that vicious law to discredit these well-known business men and let it go out to our constituency and to the world that the Highway Commission of the State of Maine has been discredited and removed from office by the act of the Legislature of the State of Maine? In fairness to them I protest against such action.

As to the character of roads which this Commission has constructed, as I said in the opening the work was experimental. We expected mistakes and we expected that they would profit by their mistakes; and, gentlemen, highway construction has not yet emerged from the experimental stage. Neither will it for years to come nor is there such a thing as a permanent highway. Can we anticipate what the traffic requirements will be in the future? And where will you find the men to appoint upon this commission? I know not where they are. I do not know the proponents of this measure know where they are.

Now, gentlemen, when this law does take effect, what will be the effect upon the highways of the State of Maine? This law provides for the appointment of a new commission and that appointment cannot be made until the law is in effect and then it requires seven days after the nomination is made by the Governor for them to be confirmed by the Council; and where is your Highway administration during those seven days? The Chief engineer and every clerk in this department is removed by that act, and there will be no law whatever governing your highway during that period of seven days. Do you want that condition to exist? I said the

law was a monstrosity as drawn. It is; it is vicious in its conception and it is unjust to the commission for I believe that the excellent gentlemen who compose it are worthy of fairer and better treatment than the proponents of this measure are willing to accord them.

Of this system of trunk lines of roads, we find that this commission that is proposed to be removed from office has succeeded in constructing out of fourteen hundred miles, 744 miles, and at what cost? Is it \$50,000 per mile, gentlemen? No, it averages \$10,541.79 per mile, thereby refuting the advertisements that have been spread broadcast over the State of Maine in order to poison the minds of the public against this commission. Of the 3,000 miles of first aid roads, this commission has built 1,411 miles, completed them, gentlemen, and at an average cost of \$7,352 per mile. It may be said that some of these roads have not endured and stood up under the traffic. I admit it, and no commission could have constructed roads that would be enduring, but I believe, gentlemen, if you allow that measure to become a law that the memory of this Legislature will sink into oblivion with passing years the same as did the governments of Babylon, Greece and Rome, and that the roads that this Commission have established and constructed for the State of Maine will remain and endure as monuments to the memory of that commission as does the Appian Way to the Romans. I trust, gentlemen, that by your votes you will doom this measure to an indefinite postponement.

Mr. WING of Auburn: Mr. Speaker, I certainly hope that in this closing hour of the Legislature this House will not lose its poise and sense of proportion. We are here to legislate. There has already been read into the Record as to the business accomplishments of this commission by the distinguished gentleman from Portland, Mr. Dodge, in the early part of the session. Now, gentlemen, if there is one measure that the people are interested in from the part of the

State from whence I come it is that with reference to a full-time highway commission. I do not blame the gentleman from Oakland (Hr. Hunton) from rushing into an eloquent defense of his fellow townsman, that is natural, and it is a little by the question. He has asked for criticism of the present highway commission, and I am speaking of the highway commission, not its chief engineer. A goodly number of gentlemen from Androscoggin county last summer journeyed to this State House to attend a hearing appointed by this highway commission on a matter in which they were interested. They came here to be heard by this commission in this State House and they came in large numbers. After they had arrived and their business was placed before the commission, the commission immediately told those gentlemen from Androscoggin county that they could return home, that the matter was already decided, and they declined to hear them. Now these responsible men, taxpayers of Androscoggin county, resented and do resent any such treatment by a public commission in the capitol of the State. Now that is the criticism of this commission that I offer for the consideration of this House, and is it fair criticism? Is there anything unreasonable in asking a commission that they be heard on a matter that interests them, and is an affront to them—these gentlemen—to be told that the matter is already decided and that they can return to their respective homes. Now, gentlemen, do not let us be carried away; let us regain our poise and in our calm judgment I certainly hope that the motion of the gentleman from Oakland (Mr. Hunton) will not prevail.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I just want to briefly state that I think the argument and discourse of the last three-quarters of an hour perhaps has been well beside the question. There is nothing personal so far as I am concerned in this matter. This is not a bill to abolish or do away with any one's office or position. As I say there is:

nothing personal about it. Everyone in that department, including the chief engineer, have been very courteous and pleasant; but I am induced to take the position I do by reason of this fact. When this commission was organized and its duties were laid down, when we first began our road program, it was not so complicated a business as it is now. The business has developed and we have had increased amounts each year to be expended. The mileage of road has been increasing, and it seems to me we have arrived at a point where we should require of some commission its full attention and time. Certainly when a department is expending one-half of all the moneys expended by the State, when we have so many other departments and institutions for money to go to, it seems to me that it would be economy to have a full-time commission. The percentage of saving on the amount of money that they handle would indeed be very small having reference to the additional necessary expenditures in the way of salaries.

The SPEAKER: The question is on the motion of the gentleman from Oakland (Mr. Hunton) that this matter be indefinitely postponed. All in favor will say aye, contrary minded, no.

Mr. HUNTON: Mr. Speaker—

A viva voce vote being taken the motion to indefinitely postpone was lost.

Mr. HUNTON: Mr. Speaker, I was about to call for the yeas and nays.

The SPEAKER: Fortunately I did not hear.

Mr. BARWISE of Bangor: Mr. Speaker, I rise to ask if we voted on the main question? We voted on the indefinite postponement, we have not passed on the bill.

The SPEAKER: The Chair will state that we did vote that the bill be passed to be engrossed, and the record so shows.

Report of committee on conference on bill An Act granting charter to

the People's Ferry Company, reporting that the committee recommends the passage of said act in new draft, said new draft striking out all of Section one of said bill.

The report was accepted.

The SPEAKER: The measure will lie upon the table.

Mr. MURRAY of Portland: Mr. Speaker, I have a bill that I would like to introduce under suspension of the rules, being an act to amend Section 33 of Chapter 37 of the Revised Statutes, relative to the sale and disposal of milk bottles, cans, caps, etc.

The SPEAKER: Is it the pleasure of the House that the rules be suspended and this bill be received?

Mr. MURRAY: I will say, Mr. Speaker, that I have a further motion after the rules are suspended, which will dispose of this satisfactorily, I believe.

Thereupon the Chair announced that the vote of the House was to suspend the rules.

Mr. MURCHIE of Calais: Mr. Speaker, I should have to doubt the vote, unless I knew what the motion was to be.

The SPEAKER: It is either going to be indefinite postponement or reference to the next Legislature.

Mr. MURCHIE: I will say, Mr. Speaker, that if it is indefinite postponement I shall not doubt the ruling of the Chair; otherwise I shall.

The ruling of the Chair being doubted, a viva voce vote was taken, and the motion to suspend the rules and introduce the bill failed of passage.

The SPEAKER: The Chair takes from the table, the People's Ferry committee of conference report, recommending introduction of the bill in new draft, and the new draft strikes out section one.

On motion by Mr. Rounds of Portland, the rules were suspended, and the bill received its three several readings and was passed to be engrossed.