

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

---

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

---

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE  
1929

---

---

PROCLAMATIONS

---

---

Soul, thou hast much goods laid up for many years; take thine ease, eat, drink, and be merry. But God saith unto him, Thou fool, this night thy soul shall be required of thee: then whose shall those things be, which thou hast provided? So is he that layeth up treasure for himself, and is not rich toward God."

Now, therefore, in accordance with the provisions of our Statutes, and in appropriate recognition of an ancient custom,

I, Ralph O. Brewster, Governor of the State of Maine, do hereby proclaim

**Thursday, November 24, 1927**

**A Day of Thanksgiving and Prayer in the State of Maine.**

Let us go to church in spirit and in truth. May America continue as an example of a nation that places first things first for where our treasure is, there will our heart be also.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this sixteenth day of November, in the year of our Lord one thousand nine hundred and twenty-seven, and of the Government of the State of Maine the one hundred and eighth.

[Seal]

**RALPH O. BREWSTER,**  
Governor of Maine.

By the Governor:

**EDGAR C. SMITH,**  
Secretary of State.

---

**STATE OF MAINE**

**PROCLAMATION BY THE GOVERNOR**

**Referendum Upon An Act Relating to the Excise Tax on Railroads**

Whereas; the Eighty-third Legislature of the State of Maine, convening upon the first Wednesday of January in the year of our Lord one thousand nine hundred and twenty-seven, duly enacted a public law entitled, "An Act Relating to the Excise Tax on Railroads" which law appears in the Public Laws of the State of Maine for the year 1927, as Chapter 27 thereof, and which law provides as follows, namely:

"Be it Enacted by the People of the State of Maine, as follows:

Section twenty-seven of chapter nine of the revised statutes is hereby amended so that said section, as amended, shall read as follows:

'Sec. 27. The amount of such annual excise tax shall be ascertained as

follows: The amount of the gross transportation receipts as returned to the public utilities commission for the year ended on the thirty-first day of December preceding the levying of such tax shall be compared with the net railway operating income for that year as returned to the public utilities commission; when the net railway operating income does not exceed ten per cent of the gross transportation receipts the tax shall be an amount equal to three and one-half per cent of such gross transportation receipts; when the net railway operating income exceeds ten per cent of the gross transportation receipts but does not exceed fifteen per cent, the tax shall be an amount equal to four per cent of the gross transportation receipts; when the net railway operating income exceeds fifteen per cent of the gross transportation receipts but does not exceed twenty per cent, the tax shall be an amount equal to four and one-half per cent of such gross transportation receipts; when the net railway operating income exceeds twenty per cent of the gross transportation receipts but does not exceed twenty-five per cent, the tax shall be an amount equal to five per cent of such gross transportation receipts; when the net railway operating income exceeds twenty-five per cent of the gross transportation receipts, the tax shall be an amount equal to five and one-half per cent of such gross transportation receipts; provided, however, that in the case of railroads operating not over fifty miles of road, the tax shall not exceed two per cent of the gross transportation receipts; and provided further that when the net railway operating income of any narrow gauge railroad located wholly in this state exceeds five per cent but does not exceed ten per cent of its gross transportation receipts, the tax on such railroad shall be one-half of one per cent of its gross transportation receipts; and when the net railway operating income of such railroad exceed ten per cent of its gross transportation receipts, the tax shall be one per cent of its gross transportation receipts; and when the net railway operating income of such a railroad does not exceed five per cent of its gross transportation receipts, no excise tax shall be assessed upon it. When a railroad lies partly within and partly without the state, or is operated as a part of a line or system extending beyond the state, the tax shall be equal to the same proportion of the gross transportation receipts in the state as herein provided, and its amount shall be determined as follows:

The gross transportation receipts of such railroad, line or system, as the case may be, over its whole extent, within and without the state, shall be divided by the total number of miles operated to obtain the average gross transportation receipts per mile, and the gross transportation receipts in the state shall be taken to be the average gross transportation receipts per mile multiplied by the number of miles operated within the state, and the net railway operating income within the state shall be similarly determined.

The term "net railway operating income" means the railway operating

revenues less the railway operating expenses, tax accruals and uncollectible railway revenues, including in the computation thereof debits and credits arising from equipment rents and joint facility rents. The public utilities commission, after notice and hearing, may determine the accuracy of any returns required of any railroad, and if found inaccurate, may order proper corrections to be made therein.' ”

And whereas; said public law above recited became a law notwithstanding the objections of the Governor.

And whereas; Sections 16 and 17 of Part Third of Article IV of the Constitution of Maine, as amended, provides as follows:

“Sec. 16. No act or joint resolution of the legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the legislature passing it, unless in case of emergency, (which with the facts constituting the emergency shall be expressed in the preamble of the act), the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate.”

“Sec. 17. Upon written petition of not less than ten thousand electors, addressed to the governor and filed in the office of the secretary of state within ninety days after the recess of the legislature, requesting that one or more acts, bills, resolves or resolutions, or part or parts thereof passed by the legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until thirty days after the governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a general or special election. As soon as it appears that the effect of any act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next general election not less than sixty days after such proclamation, or in case of no general election within six months thereafter the governor may, and if so requested in said written petition therefor, shall order such measure submitted to the people at a special election not less than four nor more than six months after his proclamation thereof.”

And whereas; it appears that written petitions of not less than ten thousand electors of this State, addressed to the governor were filed in the office of the Secretary of State within ninety days after the recess of the said Eighty-third Legislature, requesting that said public act as recited above be referred to the people, and it further appearing that the effect of said public act was suspended by said petitions, under the Constitutional provisions above quoted;

Now therefore, I, Ralph O. Brewster, Governor of the State of Maine, in accordance with said provisions of the Constitution of Maine hereby declare that the act as recited above has been suspended and I hereby designate the Second Monday of September, being the tenth day of said month in the year of our Lord one thousand nine hundred and twenty-eight, as the time on which the above mentioned public act shall be voted on by the people of said State in accordance with the Constitutional provisions above mentioned.

[Seal]

In witness whereof, I have caused the seal of the State to be hereunto affixed at Augusta, Maine, this ninth day of December, in the year of our Lord one thousand nine hundred and twenty-seven, and in the year of the Independence of the United States, the one hundred and fifty-second.

RALPH O. BREWSTER,  
Governor of Maine.

By the Governor:  
EDGAR C. SMITH,  
Secretary of State.

---

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

Special Primary Election for Judge of Probate in Androscoggin County  
To the Mayors and Aldermen of the several cities, selectmen of the several towns in the County of Androscoggin,

GREETING:

Whereas, a vacancy now exists in the representation of this State in the office of Judge of Probate, within and for said County of Androscoggin, occasioned by the resignation of William H. Newell.

Whereas, the Constitution and laws of the State of Maine, provide that whenever a vacancy occurs in the office of Judge of Probate, the Governor shall issue his proclamation for an election to fill the same, and it shall be