

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

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history of that hearing. Those two committees devoted quite a quantity of time to this hearing; they gave it their undivided attention for a long while. There is nothing new nor mysterious about the bill. I think that all of us were fully apprised of its contents and just what it provided for, and I regret at this time exceedingly that the senator who presented this act is not here to take care of it. At that hearing no word of opposition was evidenced, and on talking about the new things of this proposition, it has been so long in this Legislature that we have heard it at home and heard it elsewhere, and when I consider the industrial and agricultural interests of this State I wish that the statute of limitation might run on the proposition. I for one feel that way about it, and I feel that it is time that we should not get in the way of constructive legislation that means something to the State of Maine.

I am not going to discuss the political ambitions of any one at this time or in the past, but it does seem to me that this is a constructive measure, that it means something to the agricultural interests of this State, to the industrial interests of this State, and why do we at this time want to consider for one moment the indefinite postponement of a proposition that has been heard by a jury of twenty men, favorably reported upon and now some one wants to throw a monkey wrench into the cog gear.

I am not going to discuss the motives of any one for a moment, but I believe we should seriously consider this point, when advocates of Constitutional amendments and acts providing for the State to take over these interests, and when they are asked the question if they approve of the proposition of the proponents of those measures, when asked a direct question, and when they cannot look you in the face and say "Yes," and say it frankly, I hesitate to give their proposition very much consideration.

I believe in this bill. I am not going into the merits of it for it has been discussed at some length here. I do have all the faith in the world in our chief engineer, who appeared before our joint committee. When I asked him the question if he objected to the passage of this bill, he said "No." That satisfied me that the bill had merit, and in the absence of op-

position I was only too glad to take part in making and sharing a unanimous report of both committees, that it ought to pass.

I do hope at this time that the motion from the senator from Cumberland will not prevail.

Mr. Bailey referred to the practice of former years in damming up waters to aid in lumbering and said the proposed measure would be a benefit to all those who use the water upon this Kennebec reservoir.

Mr. Hinckley spoke of the illusions regarding State ownership of its water powers and then gave a detailed defense of the measure.

The PRESIDENT: Is the Senate ready for the question?

Mr. BREWSTER: Mr. President, I ask for a division.

The PRESIDENT: All those in favor of the motion of the senator from Cumberland, Mr. Brewster, that the bill be indefinitely postponed, will rise and stand until counted.

Five senators voting in favor of indefinite postponement and twenty senators opposed, the motion to indefinitely postpone was lost.

On motion by Mr. Hinckley of Cumberland, the bill was then passed to be engrossed.

The PRESIDENT: The Chair will take from the table An Act to amend Section 49 of Chapter 219 of the Public Laws of 1917, relating to the protection of wild hares or rabbits.

On motion by Mr. Sargent of Hancock, the bill was given its second reading and passed to be engrossed.

On motion by Mr. Eaton of Oxford, the Senate voted to reconsider the vote of yesterday whereby An Act in reference to the salaries of clerks of the supreme judicial courts was referred to the committee on salaries and fees.

The same senator then asked unanimous consent to withdraw the act, which was granted and the act was withdrawn.

On motion by Mr. Hinckley of Cumberland, S. D. 197, An Act to prevent smoking in street railroad cars, was taken from the table.

Mr. HINCKLEY: Mr. President, I now move the indefinite postponement of this act. S. D. 197, An Act to prevent smoking in street railroad cars,

I wish to read the bill and make a statement in regard to it:

"Whoever enters any street railroad car with a lighted pipe, cigar or cigarette, or lights or smokes a pipe, cigar or cigarette therein, except in cars or apartments in cars provided for that purpose, shall be punished by a fine not exceeding five dollars, provided a copy of this act, in plain, legible characters, is kept posted in a conspicuous place in such car."

It seems to me argument is not necessary. This bill makes it a criminal offense for anybody, who upon stepping into a street car has a lighted pipe, cigarette or cigar. Now, think of it! It has been recognized for years that on the rear seats of open cars we should have the right to smoke if we desired to. It does not bother me.

I do say that a Legislature which would pass an act of this kind would be a proper joke for all time. Let us not pass a law that would make us a laughing stock of the ages. It is certainly not necessary.

Mr. BAILEY of Penobscot: Mr. President, I presented this bill to the Legislature because from the city of Bangor there run electric cars, some of them twenty-five or twenty-six miles. Under the established rule of all railroads they either have a smoking car on the train or else have some compartment where those who wish to smoke can do so. On the electric cars, as a general rule, there are no such compartments, but if any one wishes to smoke they can get into the vestibule of those cars, if necessary. At certain times these cars, going twelve or fifteen or twenty miles, are more or less crowded. There is not very much air in those cars in the winter time, and when contaminated and foul with tobacco smoke it is not very pleasant for the health and comfort of those in the car.

Therefore, on that ground and at the suggestion of some of the electric railroad companies in this State I presented that bill and it went before the committee on public utilities and they unanimously recommended it.

If this bill goes through I have no doubt but that the electric car people can separate parts of their cars

for smoking purposes, just the same as they do on the gasoline car which runs from Bangor to Bucksport. Therefore, I think that this will be a convenience, and in a way largely conserve the health of those who travel in the electric cars of our State.

Mr. HINCKLEY: Mr. President, it is inconceivable that any person will continue to smoke if requested by the conductor not to smoke. It is not a question in my mind whether the health of those who ride on the cars will be conserved. The railroad companies have ample power to prevent any one smoking in their cars and making a nuisance of themselves. To my mind it will make it a criminal offense for any one to step into a car with a lighted cigar or pipe.

A yea and nay vote being had the bill was indefinitely postponed.

On motion by Mr. Allen of York, H. D. 232, An Act to amend Chapter 197 of the Public Laws of 1921, by adding a new section 4, and making the present section 4 into 5 unchanged, relating to taxation of savings banks, was taken from the table.

On further motion by the same senator, the bill was referred to the committee on banks and banking, in concurrence.

Mr. Buzzell of Waldo: Mr. President, I move to take from the table S. D. 102, Resolve in favor of the Maine State Prison for maintenance and current expenses, tabled by me yesterday at the request of the Chief Executive.

The motion was agreed to and on further motion by the same senator the bill was passed to be engrossed.

Mr. BREWSTER of Cumberland: Mr. President, I would like to ask the exact status of this bill.

The PRESIDENT: The matter was brought to the Senate on order and the votes reconsidered whereby it was passed to be enacted and passed to be engrossed. The pending question was the passage of the bill to be engrossed, which has just been acted upon by the Senate.

On motion by Mr. Spencer of York,

Adjourned until tomorrow morning at 10 o'clock.