

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

should be to authorize any expenditure upon bridges owned by the State, from what I have learned during the discussion here. I would suggest that the matter lie upon the table for the purpose of an amendment, and make a motion accordingly.

The motion was agreed to.

First Reading of Printed Bills.

Resolve in favor of the clerk to the committee on education.

On motion of Mr. Murphy of Portland, the rules were suspended, the resolve received its second reading and was passed to be engrossed.

Resolve repealing Chapter 338 of the resolves of 1909, in favor of the town of Old Orchard.

On motion of Mr. Wilson of Auburn, the rules were suspended, the resolve received its second reading and was passed to be engrossed.

Resolve authorizing the Governor to appoint a commission to investigate investments for savings banks.

On motion of Mr. Trimble of Calais, the rules were suspended, the resolve received its second reading and was passed to be engrossed.

Resolve in favor of the acceptance of gifts from ex-Governor Frederick Robie.

On motion of Mr. Weymouth of Saco, the rules were suspended, the resolve received its second reading and was passed to be engrossed.

Passed to Be Engrossed.

Resolve proposing an amendment to the constitution of Maine, conferring the right of suffrage on women.

Resolve in favor of the Eastern State Normal School.

Passed to be Enacted

An Act to supply the town of North Haven with pure water.

An Act to incorporate the People's Loan Company.

An Act to incorporate the Porter Kezar Falls Village Corporation in the town of Porter.

An Act to amend Chapter 526 of the Private and Special Laws of 1871 entitled "An Act to confirm the doings of the Maine Missionary Society and to incorporate said society."

An Act defining and limiting expenses of supreme judicial and superior court stenographers.

Orders of the Day.

On motion of Mr. Davies of Yarmouth, House Amendment A to House Resolve, No. 31, relating to municipal indebtedness, was taken from the table.

Mr. DAVIES If the gentleman from Augusta, Mr. Williamson, would permit me to amend by striking out the word "city" and insert in place thereof the word "town" and striking out the word "Augusta" and inserting the word "Yarmouth," I think I would be perfectly satisfied.

The question being on the adoption of the amendment offered by Mr. Williamson,

Mr. WILLIAMSON: Mr. Speaker, I see by the motion of the gentleman from Yarmouth that he treats this resolve in a jesting manner. In other words, he thinks that this matter was introduced by me as a joke. Now, I wish to assure the gentleman that so far as the city of Augusta is concerned there is no joke about the matter. The amendment was unfortunately printed not exactly in the shape in which I had intended. The comma which appears after the word "Augusta" should not be there, but there should have been a comma after the word "state." That is to say, the grammatical construction of this amendment is this: This resolution shall not be construed to apply when it reaches a population of 40,000, which is the population stated in the resolve, to the city of Augusta, which is hereby declared to be forever the seat of government in this State. The amendment to the constitution offered by the gentleman from Westbrook, Mr. Scates, and reported by the committee applies automatically, as I understand it, when by any census any city reaches the population of 40,000. The wording is "by the last census," and I understand that does not mean the last census at this time but the last census at the time the city takes the matter up. That is, if by the census of 1920 the city of Lewiston should have reached the 40,000 mark then it would have had a borrowing capacity of 7½ per cent., and that was the reason why these words "when

it reaches a population of 40,000' were inserted in this amendment.

Now I will state the object of the amendment. It is desired for many reasons that the fact that the city of Augusta is the seat of government should be placed in the constitution for the reason that when it is so placed it cannot be changed. That is, the law-making Augusta, the seat of government, cannot be changed except by a two-thirds vote of this House and a two-thirds vote of the Senate and a vote of the people. Now I will tell you why we want it. We have had two State House fights in the last 20 years. The State House fight has cost this Legislature two or three weeks' work and considerable time and money, and it has cost the State considerable in the way of erecting additions to this State House. In the year 1907 the capital was almost ready to build a railroad from the city of Augusta down the coast to the city of Rockland, but when it was proposed that the State House be removed the capital hesitated and when the matter was left by the Legislature of 1907 without action having been taken so that it was not known whether the Legislature of 1909 would enact any law in regard to it or not, the capital waited, and then came the panic of 1907; and it was for that reason, gentlemen, the doubt as to whether this State House would remain here at that time that we have no railroad from here to Rockland. That is one of the main reasons.

Now, who is it that objects to having this put into the constitution of this State that Augusta shall remain the seat of government? What objection is there to it? Who wants it, anyone else? It will help us and who will it hurt? I have the most sincere regard for every member of this House from the city of Portland and from the county of Cumberland, and if I could be assured that for the next 20 years they would come back here, as I hope they may, this amendment would not be necessary, but I can't tell how soon it will be before somebody will come here and say "it is a nice thing" and they will want to move this State House. If you pass this amendment giving them the right to borrow seven and a half per cent.

of their valuation don't you see what harm would come to the city of Augusta in relation to the matter? The city of Portland came here four years ago and they offered a million dollars, if I remember right, towards building a new State House. This amendment gives them the right to borrow a million and a half approximately. Don't you see if they have that right at any time in the next 20 years they might come before the Legislature and offer to build a new State House. Now, nobody in the city of Portland, nobody within the sound of my voice wants it, but we want them placed in a position where the money that they may borrow shall not be used to hurt the city of Augusta. Augusta is not a great city. All we have here in Augusta is the State House and the Kennebec river. (Laughter.) Now, gentlemen, the city of Augusta has not asked for very much of this Legislature. The appropriation for our hospital over here, our local hospital was cut down and nobody objected to it. The appropriation for our Children's Home was cut down and we made no objection. We came here and asked for two or three representatives, which we believed we were entitled to, on the apportionment, but we were refused and we accepted graciously. That is all we ask, that this amendment which will help us and which won't hurt anybody, be placed upon this constitutional limit offered by the gentleman from Westbrook.

Mr. JORDAN of Portland. Mr. Speaker, I did not suppose up to the present time that this proposed amendment to House Resolve, No. 31 would be taken seriously by the members of this House, and I hope it will not be so taken now. I am willing to assure the gentleman from Augusta that the city of Portland has no designs on the State House. It is not proposed to increase the debt limit in order to secure the State House by purchase or otherwise. We want the money to pay our honest bills with. We have been harassed by fires and have expenses coming on which will require an increase in our debt limit. I certainly should object very strenuously to tack-

ing this rider or amendment onto this resolve. If the gentleman wants the State Capitol to remain permanently in Augusta why doesn't he put in a resolve or something to that effect and let it take its regular course through the committees and have a hearing properly, and not come in this way and spring this measure on the last day of the Legislature almost? I say it is not fair. If he wanted it why didn't he put it on to the resubmission resolve, for instance, or some other resolve. It is not a fair proposition to tack it on to our resolve at this time.

Mr. WILLIAMSON Mr. Speaker, it seems to me this is not germane for the reasons which I have stated. Now I say in perfect fairness if the statement of the gentleman from Portland is true, and I know it is so far as he is concerned and if he could control the city practically for the next 20 years it would remain true, but if it is true and they do not want our Capitol why are they not willing to have it put on to the resolve? How can it hurt them? And if it is not so, and there is some feeling in Portland that they should have this State House, I for one don't want to vote them the money to enable them to get it. Either they do want the State House or they don't. And if they don't want it they can't object to this, and if they do want it I don't think we ought to vote them the dollars that this gives. (Applause.)

Mr. GOODWIN of Biddeford: Mr. Speaker, I hail from the city of Biddeford, fifteen miles away from the city of Portland. We are not particularly in love with Portland, and we do our shopping largely in Boston; but I don't suppose this Resolve giving the city of Portland a right to increase its indebtedness has anything more to do with the removal of the State House than it has with the aurora borealis or the maneuvers on the Texan border I am opposed to the amendment because I believe it is an improper amendment. We have just got a chance to get prohibition out of the constitution and we don't want to put in something that is even more nonsensical. I hope the amendment of the gentleman from Augusta will not prevail.

Mr. DAVIES of Yarmouth: Mr. Speaker, I wish to state to my friend the gentle-

man from Biddeford that we haven't got prohibition out of the constitution yet.

Mr. GOODWIN: Mr. Speaker, I think the gentleman misunderstood me. I said we had a good chance to get it out.

Mr. SCATES of Westbrook: Mr. Speaker, I think the gentleman from Augusta labors under a misapprehension. While this Resolve allows the city of Portland to increase her debt limit from five to seven and a half per cent., yet she can only increase it one quarter of one per cent. a year. The most she can increase it in any one year is \$155,000. Now, Portland never can lug off this State House for \$155,000.

Mr. MURPHY of Portland: Mr. Speaker, I have had a hand in one State House fight, and that is enough for me. I know what it means. The people of Augusta are perfectly able to take care of themselves. They were in that fight and I believe they could take care of themselves in another one. Now as a matter of fact we want that debt limit increased. I am in a very peculiar position in regard to this debt limit. One thing that we want is a school house. If the city does build that school house they will vacate two buildings which I am letting to the city at the present time, and if they are not allowed to raise the debt limit I am going to continue renting the buildings to the city. As far as the gentleman from Augusta is concerned in regard to his amendment I am going to vote for it. We don't want the Capitol in Portland, and I don't believe there is anybody there that wants it at the present time. My friend Williamson is afraid that some people in the future may demand that the State Capitol be removed to Portland or the seat of Government removed to Portland. However, you must remember that two years ago the representatives from Portland voted and were foremost in working for a Resolve or for an appropriation to build this addition to the present State House, and it is perfectly satisfactory to us. I am going to vote for the amendment offered by the gentleman from Augusta if it will do him any good.

The question being on the adoption of the amendment offered by Mr. Williamson

Mr. DAVIES of Yarmouth called for the yeas and nays.

The yeas and nays were not ordered.

A division being had, the amendment

was adopted by a vote of 47 to 41.

The resolve was then tabled for printing under the joint rules as amended.

Public Utilities Bill.

On motion of Mr. Wheeler of Paris, Bill, An Act to create the public utilities commission of Maine and define its duties, was taken from the table.

The pending question being the acceptance of either report,

Mr. Wilson of Auburn moved that the minority report be substituted for the majority report.

Mr. WILSON of Auburn: Mr. Speaker, as a member of the committee on legal affairs who signed the minority report upon this bill I wish to say a few words, and they will be but few. If the members of the House will turn to the last page of House Document No. 742 they will be able to get a pretty good history of this bill thus far. The bill was introduced January 27th by the gentleman from Waterville and referred to the committee on legal affairs. That committee advertised the matter and it was given an exhaustive hearing in this House of Representatives. When the matter was taken up after the hearing by the committee on legal affairs they, realizing the importance of the measure, petitioned to have the bill discussed by as able men as sat in this legislature, and they voted to ask the committee on Judiciary to appoint a sub-committee to act with a sub-committee from the legal affairs committee for the purpose of discussing the matter and framing a bill. That committee met and after going over the bill in a most careful manner decided on a new draft which is presented here. If you will notice the names of the gentlemen on that sub-committee from the committee on judiciary you will notice the name of the gentleman from Augusta, the gentleman from Biddeford, the gentleman from Fort Fairfield and Senator Gowell. Senator Staples was also a member of the committee but was not able to attend the hearing and consequently did not sign the bill. When we came to a final vote upon the question, after a discussion, the legal affairs-committee decided to report as

herein indicated. It was not so much on the question of the merits of the bill, for that committee was unanimously of the opinion that they had drafted a good bill. With one or two exceptions that was the opinion of the committee, that the bill presented to you here was a good public utilities bill, and as far as that question was concerned I will simply, as I said before, refer you to the standing of the members from the judiciary committee who have signed the report.

To my mind this measure is the most important one that has been presented to this legislature for its consideration, and in view of that importance which is attached to the measure, myself and the other majority members of the committee who signed this report felt that it would not be fair to this body to report that the matter should be referred to the next legislature. They felt that this body, in view of the importance of the measure, should take action one way or the other, either vote to pass the bill or not to pass it. That there is need of such a bill I do not think is a matter that can be questioned by anybody, for, after our three months experience here at Augusta during this session, and after listening to the report that the "wild beast" and the "octopus" were abroad some of us at least had got into a condition where we hardly dared to go about after dark on that account.

Now, gentlemen, in view of that condition we felt that the object and the aim of that bill was to correct those evils, so that the public might have something to say in regard to the public utilities of the State of Maine. In view of those conditions I submit to you, gentlemen, that this body ought to vote upon the question, either vote to adopt or not to adopt. Don't crawl out from under. The Democratic party in caucus assembled early in the session were practically unanimous in supporting such a bill. Though I feel justified from a political standpoint in making the motion I shall make I believe that my constituents in the city of Auburn are in favor of such a bill. I do not want to have them feel that I had tried to