

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Wednesday, January 23, 1929.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Lowe of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve providing for erection of equestrian statue at Gettysburg in memory of Maj. Gen. Oliver Otis Howard, H. P. 29, H. D. 9, which was referred to the committee on Appropriations and Financial Affairs in the House January 16.

Comes from the Senate referred to the committee on Military Affairs in non-concurrence.

In the House, on motion by Mr. Chase of Cape Elizabeth, tabled pending reconsideration.

Communication from the State Auditor

**STATE OF MAINE**

Department of State Auditor

Augusta, January 22, 1929.

To the Honorable House of Representatives:

Revised figures subsequent to the date of sending the proof to the printer on the Budget report indicate the following corrections:

First: Balance in the Sinking Fund Reserve on December 31, 1928 is \$672,216.46

The addition of 196,920.60 in the State Contingent Fund makes a total of \$869,137.06 in these reserve funds of the State.

Second: The Auditor estimates that on July 1st, 1929, there should be available and unincumbered in the Sinking Fund Reserve and the State Contingent Fund the sum of \$992,646.50 after service of bonds and provision for contingences that may be reasonably anticipated during the remainder of the fiscal year.

Very respectfully,

(Signed)

ELBERT D. HAYFORD  
Secretary Committee on Budget

On motion by Mr. Littlefield of Farmingdale, the communication was referred to the committee on

Appropriations and Financial Affairs, and on further motion by the same gentleman 500 copies were ordered printed.

The following bills, resolves and petitions were received, and, upon recommendation of the committee on reference of bills were referred to the following committees:

**Claims**

By Mr. Bailey of Harmony: Resolve to reimburse the town of Harmony for support of Daniel Cookson, a person having no known settlement in the State (H. P. No. 94)

(500 copies ordered printed)

By Mr. Kitchen of Presque Isle: Resolve to reimburse the town of Presque Isle for support of the family of Mitchell Bear, Indians (H. P. No. 95)

(500 copies ordered printed)

**Education**

By Mr. Bove of Naples: An act relating to Teachers' Pensions (H. P. No. 96)

(500 copies ordered printed)

By Mr. Briggs of Monticello: Resolve in favor of Aroostook Central Institute for maintenance (H. P. No. 97)

By the same gentleman: Resolve in favor of Bridgewater Classical Academy for general maintenance (H. P. No. 98)

By Mr. Jones of Corinna: Resolve in favor of the Corinna Union Academy (H. P. No. 99)

By Mr. Bailey of Harmony: Resolve in favor of Hartland Academy for general maintenance (H. P. No. 100)

**Judiciary**

By Mr. Varnum of Westbrook: Petition in favor of S. P. No. 1. An act to register and license barbers and create a Board of Barber Examiners (H. P. No. 101)

By Mr. White of Dyer Brook: Petition in favor of same (H. P. No. 102)

**Legal Affairs**

By Mr. Jones of Corinna: An act authorizing the town of Corinna to raise money for the Corinna Union Academy (H. P. No. 103)

By Mr. St. Clair of Rockland: An act to change the name of

"Division of Maine, Sons of Union Veterans of the Civil War," to "Department of Maine, Sons of Union Veterans of the Civil War" (H. P. No. 104)

By Mr. Tucker of Sanford: An act to grant a charter to the town of Sanford. (H. P. No. 105)  
(2500 copies ordered printed)

#### Pensions

By Mr. Bailey of Harmony: Resolve providing for an increase in State Pension for Sarah Perkins of Harmony (H. P. No. 106)  
(500 copies ordered printed)

#### Sea and Shore Fisheries

By Mr. Ford of Brooklin: An act to extend the time for taking of smelts in the tidal waters of Stonington and Deer Isle, in the county of Hancock (H. P. No. 107)

By the same gentleman: Petition of Albert Thurlow and 22 others of Stonington in favor of same (H. P. No. 108)

#### Ways and Bridges

By Mr. Bailey of Harmony: Resolve in favor of road in the town of Canaan (H. P. No. 109)

By Mr. Burns of Eagle Lake: Resolve in favor of the Winterville Plantation (H. P. No. 110)

#### Orders of the Day

On motion by Mr. Rounds of Portland, it was voted to take from the table an act to incorporate the Home Finance Company, H. P. 49, H. D. 21, tabled by that gentleman January 17, pending the motion of the member from Portland, Miss Laughlin, to refer to the judiciary committee.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS: Mr. Speaker, I am not interested in where this bill goes. I just want to say that this is a matter of small loans at 42 per cent a year interest. That is all I have to say.

The SPEAKER: The pending question is the motion of the representative from Portland, Miss Laughlin, to refer to the committee on judiciary.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I spoke briefly upon this matter the other day in opposition to the motion of the lady from Portland, Miss Laughlin. The committee on reference of bills had suggested the reference of this bill

to the committee on banks and banking for the reason that these loan agencies, so called, come within the province and under the regulation of the banking department and it seemed to me that that was the best place to have this bill go.

From my standpoint, the principle which is involved in this matter is that the farmers, business and professional men's committees of this House should have the right to deal with the matters which properly fall within their province. If you wish to sacrifice this principle in order to please the lady from Portland, to me it is a matter of indifference, outside of the principle involved. If you wish to establish that principle in legislative procedure by defending it upon every occasion, vote to send the bill to the committee on banks and banking where it belongs.

Miss LAUGHLIN of Portland: Mr. Speaker, the motion to send this bill to the committee on judiciary is certainly not based on any desire of favor to the speaker. The motion is based on a wish to send it to its appropriate committee. The only question involved here, as I stated the other day—and I do not wish to take the time of the House to repeat—is the legal question. The question has arisen whether certain powers that this Home Finance Corporation might exercise should come under the general law or under a special charter. That is the only question involved and it is a legal question. It is true that all these companies, whether under the general law or otherwise, come under the supervision of the banking commissioner. We can't have a commission for everything. As I have said, the only question involved in this bill is a legal question as to whether it should be a special charter or under the general law.

The argument as presented now about the appropriate committee sounds a little absurd to me in view of the fact that a Senate paper, not printed, seeking to incorporate the Home Security Company, which is exactly a similar company, formed in Fairfield, was sent by the committee on reference of bills to the judiciary committee. It is plain that the committee cannot be right in both cases, so we have a fifty-fifty proposition there; but it does seem to me that this bill in question should go just

where the other bill is, and it will certainly save time to have one committee consider this same question involved in these two bills instead of sending one to one committee and one to another. If we are going to send bills to committees so that the gentlemen will not "cool their heels," as the gentleman from Cape Elizabeth (Mr. Chase) said the other day, we may as well start and send them in rotation, commencing with Aeronautics and going down through; but I think that a purely legal question should go to a legal committee, and certainly the two bills involving exactly the same question should go to the same committee. It seems to me that it is an important question whether bills should go to the appropriate committees or whether they are going to be sent to some other committee simply because it has less to do. On the same day that the bill under discussion was referred, I noticed that a bill referring to the Kennebec County Law Library was sent to the Judiciary committee at the request of the gentleman from Augusta (Mr. Williamson.) Why should not that have been sent to the Library committee since the gentleman from Cape Elizabeth thinks the Judiciary committee is overworked?

This being a legal question, it certainly should be sent to the Judiciary committee, and I think it a matter worth taking the time of the House to discuss because, when we request that a bill be sent to its appropriate committee, that request should be observed rather than have it sent to some other committee because the gentlemen of that committee have not as much to do as the members of the proper committee. Therefore, I trust that the motion that this bill be sent to the Judiciary committee will prevail.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, it is true that another bill of a similar nature was previously referred to the Judiciary committee and it had been advertised before it came to my attention at least. Therefore, it seemed, it having been advertised, that it might just as well remain where it was.

There never was an important bill introduced in this Legislature, within my memory, where someone

did not get up and say that there were great legal points involved in this matter and therefore it must go to the Judiciary committee. It made no difference to what it related; always great legal points were involved. So far as the question of the first bill is concerned, that went to the Judiciary committee at the suggestion of the committee on reference of bills. I believe another bill has just gone into the Senate of a similar nature, which I understand has been referred to the committee on Banks and Banking.

I started out once to be a lawyer but I was a failure at it; still I know their ways and a lawyer's love for precedent. Every time the judge makes a mistake, it becomes the law of the land. (Laughter.) When for the first time in legislative history the members of the Legislative Assembly rose to their feet at the signal of three raps from the gavel. I think it must have been because some green member from the country wanted to do something that the lawyers had never done before. (Laughter and applause.)

Mr. McCart of Eastport: Mr. Speaker, I have had occasion to read this bill. I do not know how many members of the Legislature have read it, but I hope that before they vote on it they may glance over it and not let the gentleman from Cape Elizabeth (Mr. Chase) capitalize the prejudice which may exist against the members of my profession. To whom do you go to form a corporation? Do you go to your banker or your lawyer? This is not a question of investment, wise or unwise. It is a question of whether or not this corporation, as it now exists, has the right to do business. If it has not, and this bill would give them rights which would prejudice the rights of our citizens, do you not think that the Judiciary committee would be just as fair in listening to this thing as would the committee on Banks and Banking. I think that the lawyers here can be relied on to do their duty just as much as any other profession, or any other trade. If you are afraid of overworking us, do not worry about that at all for we are here to do the best we can.

The SPEAKER: As many as are

in favor of the motion of the Representative from Portland, Miss Laughlin, to refer this bill, House Document No. 21, to the committee on Judiciary will say aye: as many as are opposed will say no.

A viva voce vote being taken, the motion to refer to the committee on Judiciary failed of passage.

On motion by Mr. Chase of Cape Elizabeth, a viva voce vote being

taken, the bill was referred to the committee on Banks and Banking.

Papers from the Senate received out of order, and disposed of in concurrence. \_\_\_\_\_

On motion by Mr. Hammond of Van Buren,

Adjourned until tomorrow morning at ten o'clock.