

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

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## HOUSE

Friday, March 16, 1923.

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

Prayer by the Rev. Mr. Cornish of York, Captain and Chaplain of the 103rd Regiment.

Journal of previous session read and approved.

On motion by Mr. Granville of Parsonfield the following order was presented out of order:

Ordered, that the Governor be requested to return to the House, bill, an act providing for the issue of State Highway and Bridge Bonds.

The order received passage.

The SPEAKER: The Chair presents an act to provide for the issue of State highway and bridge bonds.

On motion by Mr. Granville of Parsonfield, the House voted to reconsider its action whereby this bill was passed to be enacted; and on further motion by the same gentleman, the House voted to reconsider its action whereby the bill was passed to be engrossed.

Mr. Granville of Parsonfield then offered House Amendment A as follows and moved its adoption:

House Amendment A to Senate Document No. 198.

Senate Document No. 198 is hereby amended by striking out the word "three" in the seventh line of Section three, and inserting in place thereof the word "two," and by inserting after the word "highways" in the ninth line of Section three the words "one hundred thousand dollars is hereby appropriated to be used in the building and rebuilding of interstate, intrastate, and international bridges."

The amendment was adopted; and on further motion by Mr. Granville of Parsonfield the bill as amended by House Amendment A was passed to be engrossed.

From the Senate: Ordered, the House concurring that when the Senate and House adjourn, they adjourn to meet Monday afternoon, March 19, at 4.30 o'clock.

The order was passed in concurrence.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on banks and banking on bill, an act to revise and consolidate banking laws of this State, reporting same in a new draft, under same title and that it "ought to pass."

In the Senate, report read and accepted and the bill passed to be engrossed as amended by Senate Amendment A.

In the House, the bill as amended by Senate Amendment A received its first and second readings, and on motion by Mr. Nichols of Portland, was tabled pending its third reading.

From the Senate: Bill, an act to amend Chapter 3, Section 31 of the Revised Statutes, relative to printing and binding of reports of certain State departments.

This was passed to be engrossed in the House as amended by House Amendment A, March 7.

In the Senate, passed to be engrossed as amended by House Amendment A and Senate Amendment A in non-concurrence.

In the House, that body voted to reconsider its action whereby this bill was passed to be engrossed as amended by House Amendment A on March 7; and it was voted that Senate Amendment A be adopted in concurrence. Thereupon, the bill as amended by House Amendment A and Senate Amendment A was passed to be engrossed in concurrence.

From the Senate: Majority and minority reports of the Cumberland County Delegation on bill an act providing for an additional Justice of the Superior Court for the county of Cumberland.

The majority report was accepted in the House, March 14, in non-concurrence.

In the Senate, that body insisted on its former action whereby it accepted the minority report.

Mr. ROUNDS of Portland: Mr. Speaker, I move that we insist on our former action.

The SPEAKER: Does the gentleman wish to ask for a committee of conference, or merely to insist?

Mr. ROUNDS: Mr. Speaker, they did not ask for any committee on conference, and I do not know why we should. It is killed between the two Houses isn't it?

The SPEAKER: Unless there is

some further action, the bill will automatically die.

Thereupon, on motion by Mr. Rounds of Portland, the House voted to insist on its former action.

(At this point Mrs. Pinkham of Fort Kent assumed the Chair, amid the applause of the House, the members rising.)

#### Message From the Governor

##### STATE OF MAINE

Office of the Governor

Augusta, March 15, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

Several bills have been introduced during the present session of the Legislature to change our tax exemption laws. These bills have drawn attention to the unsatisfactory status of the laws now governing this subject. Chapter 10, Section 6, of the Revised Statutes, as amended, gives in detail the several classes of property that are relieved by law from bearing their proper share of the tax burden.

Fundamentally all the property within the State equally should pay taxes and no class of property should be allowed to reap an unfair advantage through tax exemption. From time to time legislatures have extended the tax exemption privilege until at present, in the sections of the Statutes above referred to, there are thirteen separate paragraphs in which are enumerated more than 40 different classes of property that are tax free by law.

In this message I am not discussing property lawfully taxable but which escapes taxation, but am confining myself to property that is lawfully exempt from all tax assessments.

A study of our Tax Exemption Laws indicates that they are not based upon any fundamental principle but are the result of slow and unregulated growth where each new exemption was added to relieve some special class of property from taxation. Today these laws are ill balanced and unfair. Without doubt abuses have crept into their administration so that property of great value that should be taxed is now relieved from this burden. These laws need to be revised by unbiased men with a Statewide vision.

If at the present time accurate

figures could be obtained to show the amount of tax exempt property in the State, some constructive action might be taken by the present Legislature. It is a fact, however, that no such tabulation ever has been made, and while some local boards of assessors have uncompleted lists of tax exempt property more or less accurate, other boards have no lists whatsoever. More attention has been given this matter in the cities where valuations run into larger figures than in smaller communities but I am of the opinion that the total amount of property in Maine tax exempt by law is larger than many citizens believe.

As an example of conditions, I call to your attention the fact that the City of Portland with a valuation of \$100,954,725, has not less than \$9,244,350 of property wholly exempt by law from taxation. This total is figured upon a low valuation and I believe that \$12,000,000 would more nearly represent the actual value of the property in question. This does not include many millions of dollars represented by mortgages, none of which are taxable. Moreover in this figure probably all the tax exempt property is not included. Compared with the population of Portland the cities of Bangor and Lewiston are in about the same situation and other cities and towns probably are in a similar position. It is very plain that whatever property is made tax exempt, the tax burdens of the property that is not so favored is proportionately increased.

I call to your attention the fact that according to careful estimates live stock to the value of \$3,000,000 is exempted from taxation; the exempted property of soldiers and sailors represents an equal amount, and so on through a list of forty or more items. The State valuation is \$682,767,742, and at a conservative estimate \$500,000 property is exempted by law under Chapter 10, Section 6, of our Revised Statutes.

These exemptions need revision and some underlying principle should be discovered on which tax exemption should rest. It may be that some exemptions should be done away with altogether. Perhaps some limit should be placed upon the amount of property exempted in certain of the classes referred to. A regrouping also may be desirable. This matter should be looked into by broadminded

ed men, uninfluenced by political ambitions or selfish motives.

I have thought of advocating the appointment of a Recess Committee of the Legislature, as has been suggested by the Legislative Committee to which you referred the report of the Board of State Assessors. My experience, however, with the work of such committee is not altogether encouraging, for although in the past they have devoted a great deal of time to the study of the subjects placed in their charge, Legislatures seldom have adopted any of their suggestions. Nor do I advocate the appointment of a permanent board or commission.

The statistics required must be collected from 520 cities and towns, and as these will need to be tabulated and audited, I am of the opinion that the Chairman of the Board of State Assessors and the State Auditor should form the nucleus of whatever committee is created to undertake this work. In addition to these State officials, who would serve ex-officio, I believe it would be desirable for the Governor to appoint not more than three citizens of the State, thoroughly qualified for the work, who would undertake it as a public duty, without receiving compensation for their services.

If such a committee is formed I believe that the next Legislature will have before it the information it needs to form a definite policy in regard to the future of our tax exemption laws.

A reasonable sum should be appropriated to cover the expenses of this Board. I bring this to your attention and ask your serious consideration, for the time has arrived when this tax exemption problem should be studied with great care.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER.  
Governor of Maine.

On motion by Mr. Gardiner of Gardiner, it was voted to refer the foregoing communication to the committee on Taxation, and 2000 copies were ordered printed.

#### Reports of Committees

Mr. Siddall from the Committee on Legal Affairs on Resolve for the annual display of the American Flag on Mother's Day, the second Sunday in May reported that legislation thereon is expedient.

Mr. Martin from same Committee reported "Ought not to pass" on Bill "An Act to amend Section 32, Chapter 219, Public Laws of 1917, as amended by Chapter 174, Public Laws of 1919 and as amended by Chapter 178, Public Laws of 1921, relating to Pollution of Waters of the State by Sawdust and other mill Waste."

Mr. Morrison from same Committee reported same on Bill "An Act for the protection of the bird life of the State by the licensing of cats."

Mr. Clarke from same Committee reported same on Bill "An Act to require the bonding or insuring of public motor vehicles."

Reports read and accepted and sent up for concurrence.

Mr. Hale from same Committee on Bill "An Act relating to improvements on Nash stream and the East and West Branches thereof in Coplin Plantation and in the Township of Redington in the county of Franklin," reported same in a new draft under same title and that it "Ought to pass."

Mr. Siddall from same Committee on Bill "An Act to amend Section 58 of Chapter 4 of the Revised Statutes, relating to the purposes for which cities and towns may raise money" reported same in a new draft under same title and that it "Ought to pass."

Mr. Rounds from the Committee on salaries and fees on Bill "An Act to increase the salary of the clerk of courts of Franklin county," reported same in a new draft under same title and that it "Ought to pass."

(On motion by Mr. Morrison of Phillips, tabled pending acceptance of report."

Mr. Moody from same Committee on Bill "An Act to amend Section 40 of Chapter 117 of the Revised Statutes as amended by Chapter 219 of the Public Laws of 1921, increasing the salary of the clerk of Judicial courts in the county of Sagadahoc" reported same in a new draft under same title and that it "Ought to pass."

Same gentleman from same committee on Bill "An Act amending Chapter 222 of the Public Laws of 1919 relating to fees of constables" reported same in a new draft under same title and that it "Ought to pass."

Reports read and accepted and the

new drafts ordered printed under the Joint Rules.

Mr. Rounds from same Committee on petition of County Commissioners of Androscoggin county asking an increase in their salaries, reported a Bill under title of "An Act to amend Section 42, Chapter 117, Revised Statutes, as amended by Chapters 39 and 167, Public Laws of 1917, Chapter 214, Public Laws of 1919 and Chapter 219, Public Laws of 1921, relating to salary of county commissioners of Androscoggin county" and that it "Ought to pass."

Mr. Martin from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to amend Sections 19, 21 and 22 of Chapter 18 of the Revised Statutes and to add a new Section to said Chapter 18, relating to the Board of Registration of Nurses."

Mr. Edwards from the Committee on salaries and fees reported same on Bill "An Act to amend Chapter 117, Section 42, and Acts amendatory thereof, in relation to salaries and expenses of County Commissioner."

Same gentleman from same Committee reported same on Bill "An Act in relation to employees and office expenses of the department of the Attorney General."

Same gentleman from same Committee reported same on Bill "An Act to amend Section 41 of Chapter 117 of the Revised Statutes as amended by Chapter 214 of the Public Laws of 1919 as amended by Chapter 219 of the Public Laws of 1921, relating to salary of sheriff of Aroostook county."

Same gentleman from same Committee reported same on Bill "An Act to amend Section 43 of Chapter 117 of the Revised Statutes as amended by Chapter 214 of the Public Laws of 1919, as amended by Chapter 219 of the Public Laws of 1921, increasing the salary of the Register of Deeds in the county of Sagadahoc."

Mr. Whitney from the Committee on State Sanatoriums reported same on Resolve in favor of Western Maine Sanatorium for Personal Services, Maintenance Repairs and Equipment.

Same gentleman from same Committee reported same on Resolve in favor of Central Maine Sanatorium

for personal services, maintenance, repairs and equipment.

Reports read and accepted and the Bills ordered printed under the Joint Rules.

Mr. Conant from the Committee on Agriculture reported same on Bill "An Act relating to the packing and grading of apples."

Report read and accepted and the Bill having already been printed (House Document No. 383) was read twice under a suspension of the rules and tomorrow assigned.

Mr. Clarke from the Committee on Legal Affairs reported same on Bill "An Act to amend Section 72, Chapter 11 of the Revised Statutes, relating to sale of real estate for taxes."

Report was read and accepted, and the Bill having already been printed (House Document No. 317) was read twice under a suspension of the rules and tomorrow assigned.

Mr. Rounds from the Committee on salaries and fees reported same on Bill "An Act to amend Chapter 37 of the Private and Special Laws of 1917 as amended by Chapter 124 of the Private and Special Laws of the Special Session of 1919, relating to the salaries of chief of police and police captains of the city of Lewiston."

(On motion by Mr. Gagne of Lewiston, tabled pending acceptance of report.)

#### **First Reading of Printed Bills and Resolves**

House 382: "An Act to amend Section 51 of Chapter 82 of the Revised Statutes, as amended by Chapters 73, 211 and 227 of the Public Laws of 1917, as amended by Section 51, Chapter 181 of the Public Laws of 1921, relating to trial terms of the Supreme Judicial court."

House 389: "An Act to amend Paragraph 15, Section 45, Chapter 117 of the Revised Statutes, as amended by Chapter 214, Public Laws of 1919, relating to clerk hire in county offices, in office of Register of Deeds in Waldo county."

House 390: An act to authorize the city of Lewiston to issue its bonds to the amount of eighty thousand dollars to refund its bonds now outstanding and maturing in the year nineteen hundred and twenty four.

House 387: An act to amend Section 44 of Chapter 117 of the Revised Statutes, as amended by Section 44 of Chapter 219 of the Public Laws of 1921, relating to the salary of the treasurer of York County.

House 391: An Act in addition to and to amend Chapter 75 of the Special Laws of 1866, as amended by Chapter 18 of the Private and Special Laws of 1878, as amended by Chapter 164 and Chapter 304 of the Private and Special Laws of 1905, and as amended by Chapter 236 of the Private and Special Laws of 1911, entitled, "An act creating the South Paris Village Corporation, relating to a public sewer for said corporation."

House 393: An act to provide for the designation and registration of farm names

House 388: Resolve in favor of the Central Maine Sanatorium for fire protection.

House 392: Resolve appropriating aid in the control and suppression of the European corn borer.

Senate 229: "An Act to amend Sec. 67 of Chapter 22 of the Revised Statutes relative to a close time on scallops"

Senate 230: "An Act to amend Section 41, Chapter 117, Revised Statutes, as amended by Chapter 167, Public Laws of 1917; Chapter 214, Public Laws of 1919, and Chapter 219, Public Laws of 1921, relating to Salaries of sheriffs."

Senate 231: "An Act to incorporate the Knox Bar Library Association."

Senate 233: An Act to amend Section 36 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, relating to the protection of caribou.

Senate 234: An Act closing to all hunting certain territory in Lincoln County, to be known as the Lincoln County Game Preserve.

Senate 235: An Act amending Section 121 of Chapter 4 of the Revised Statutes, as amended by Chapter 135, Public Laws of 1921, relating to fish weirs

House 349: An Act to prohibit the conferring of degrees without special authorization.

House 376: An Act to authorize the town of Southport to construct a bridge over the tidewaters to Joe Island Gut.

(Speaker Holley resumes the Chair, Mrs. Pinkham retiring amid the applause of the House, the members again rising.)

House 377: An Act to authorize the city of Lewiston to issue its bonds to the amount of two hundred thousand dollars to construct an armory in the city of Lewiston.

House 380. An Act to provide for the licensing, inspection and regulation of hotels and private lodging houses.

(Tabled by Mr. Nichols of Portland, pending third reading.)

Senate 236: Resolve in favor of the Reformatory for Women for maintenance and other purposes.

House 375: Resolve appropriating money for the Maine School for the Deaf.

House 378: Resolve in favor of H. G. Smallidge for services at the organization of the House at the 81st Legislature.

House 379: Resolve in favor of William A. Heal, secretary of committee on Sanatoriums.

The SPEAKER: We are now about to proceed under passed to be enacted. It has not been the policy heretofore to pass enacters on Friday, but, there being a goodly attendance, the Chair is of the opinion that there is nothing that there will be any objection to, and we will proceed, unless there is some objection on the part of the members of the House, to pass these bills to be enacted.

#### Passed to be Enacted

An Act directing the State Board of Veterinary Examiners to issue certificate to Joseph R Waller to practice veterinary surgery, medicine or dentistry.

And Act to amend the charter of the city of Calais providing for biennial elections.

An Act to regulate the practice of the system method or science of healing known as Chiropractic, creating a board of examination and registration for those desiring to practice the same, and providing penalties for violation of this act.

An Act to promote the production and sale of certified seed and to protect the branding thereof, and repealing Chapter 141 of the Public Laws of 1917.

An Act to amend Sections 92 and 94 of Chapter 82 of the Revised

Statutes, relating to procedure in civil cases in Superior courts.

An Act to amend Section 29 of Chapter 9 of the Revised Statutes as amended by Section 1 of Chapter 72 of the Public Laws of 1921, relating to time of payment of excise tax on railroads.

#### Orders of the Day

On motion by Mr. Nichols of Portland, it was voted to take from the table House Document No. 351, an act relating to falsely assuming to be an officer, tabled by that gentleman March 14, pending passage to be engrossed.

Mr. NICHOLS of Portland: I now offer House Amendment A and move its adoption.

House Amendment A to an act to amend Section 25 of Chapter 124 of the Revised Statutes, relating to penalty for falsely assuming to be an officer.

Amend said bill by striking out the first word "less" in the third line from the bottom, and inserting in lieu thereof the word "more;" and further amend by striking out the following words occurring therein,— "not less than one hundred dollars or."

Mr. NICHOLS of Portland: Mr.

Speaker, I will say that the amendment corresponds with the report of the committee. Through an error the bill was printed in a new draft as it came in and the committee reported unanimously. This bill did correspond as now amended.

The question being on the adoption of the amendment, the amendment was adopted; and the bill having had its three several readings was passed to be engrossed as amended by House Amendment A.

On motion by Mr. Rounds of Portland, it was voted to take from the table House Amendment A to bill, an act relating to local health officers, Senate Document No. 53, tabled by that gentleman March 15, pending adoption of the amendment.

The question being on the adoption of the amendment, on motion by Mr. Rounds of Portland, the amendment was adopted, and the bill received its third reading, and was passed to be engrossed as amended by House Amendment A.

On motion by Mr. Leathers of Hermon,

Adjourned until 4.30 P. M. Monday, March 19