

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fifth Legislature

OF THE

STATE OF MAINE

1931

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Wednesday, February 11, 1931.

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

Prayer by the Rev. Mr. Manning of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bills in First Reading**

(S. P. 46) (L. D. 23) An act relating to residence of libellee in divorce proceedings.

(S. P. 73) (L. D. 45) An act relating to jury trials in divorce proceedings.

(S. P. 94) (L. D. 104) An act relative to the organization of corporations without capital stock.

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

**Agriculture**

By Mr. Burkett of Portland: An act to control the sale of wood alcohol, methanol, and methyl alcohol. (H. P. 939)

(500 copies ordered printed)

By Mr. Wallingford of Auburn: An act relating to the packing and grading of apples. (H. P. 940)

(1,000 copies ordered printed)

**Appropriations and Financial Affairs**

By Mr. Allen of Sanford: An act relating to University of Maine. (H. P. 941)

By Mr. Farris of Augusta: Resolve in favor of the Augusta State Hospital for new construction. (H. P. 943)

By Mr. Owen of Vassalboro: An act to provide for an audit of the books and accounts of institutions receiving assistance from the state. (H. P. 942)

(500 copies ordered printed)

**Education**

By Mr. Tompkins of Houlton: An act relating to election of school committees. (H. P. 944)

(500 copies ordered printed)

By Mrs. Carter of Fairfield: An act relating to amount raised

by towns for school purposes. (H. P. 945)

(500 copies ordered printed)

By Mr. Lowell of Lincoln: An act to establish civic centers. (H. P. 946)

(500 copies ordered printed)

**Indian Affairs**

By Mr. Weeks of Dresden: An act relating to the supervision of Indian Old Town Schools. (H. P. 947)

(500 copies ordered printed)

**Inland Fisheries and Game**

By Mr. Bowers of Portland: An act relating to classification of registered guides. (H. P. 948)

(500 copies ordered printed)

By Mr. Ellis of Rangeley: An act regulating fishing in Carrabasset River and its tributaries. (H. P. 949)

(500 copies ordered printed)

By Mr. Farris of Augusta: An act relating to the use of certain traps or other devices for the capture of fur bearing animals. (H. P. 950)

(500 copies ordered printed)

By Mr. Owen of Vassalboro: An act establishing a Game Preserve in the towns of Vassalboro and Winslow in the county of Kennebec. (H. P. 951)

(500 copies ordered printed)

By Mr. Patterson of Freeport: An act relating to catching of smelts in fresh water streams. (H. P. 952)

(500 copies ordered printed)

By Mr. Sanborn of Baldwin by request: An act to establish a Game Sanctuary in the towns of Standish in the county of Cumberland. (H. P. 953)

(500 copies ordered printed)

**Judiciary**

By Mr. Harrington of Patten: An act relating to pauper settlements. (H. P. 962)

(1,000 copies ordered printed)

By Mr. Authier of Sanford: An act relating to voluntary trusts. (H. P. 954)

(500 copies ordered printed)

By Mr. Burkett of Portland: An act providing appeals in certain tax cases. (H. P. 955)

(500 copies ordered printed)

By the same gentleman: An act relative to vacating location of streets. (H. P. 956)

(500 copies ordered printed)

By the same gentleman: An act relating to taxation of corporate franchises (H. P. 957)

(500 copies ordered printed)

By the same gentleman. An act relative to corporations without capital stock. (H. P. 958)

(500 copies ordered printed)

By the same gentleman: An act relating to prosecutions and violations of liquor law. (H. P. 959)

(500 copies ordered printed)

By the same gentleman: An act relating to by-laws of corporations. (H. P. 960)

(500 copies ordered printed)

By Mr. Fernald of Winterport by request: An act relating to the recovery of damages for flowing or by diversion of water. (H. P. 961)

(500 copies ordered printed)

By Mr. Hathaway of Milo: An act amending the statute of limitations in certain actions. (H. P. 963)

(500 copies ordered printed)

By Mr. Jack of Lisbon: An act with respect to the trial terms of the Superior Court within and for the counties of Androscoggin and Franklin. (H. P. 964)

(500 copies ordered printed)

By Mr. MacPherson of Easton: An act relating to dealers' registration plates. (H. P. 965)

(500 copies ordered printed)

By Mr. Shaw of Bar Harbor: An act relating to attorneys at law. (H. P. 966)

(500 copies ordered printed.)

By Mr. Sterling of Caratunk: An act relating to employees on third class highways. (H. P. 967)

(500 copies ordered printed.)

By Mr. Tompkins of Houlton: An act relating to bar examinations. (H. P. 968)

(500 copies ordered printed.)

By the same gentleman: An act relating to trial terms of superior court in Aroostook county. (H. P. 969)

(500 copies ordered printed.)

By Mr. Wright of Bath: An act to provide a hospital lien law. (H. P. 970)

(500 copies ordered printed.)

#### Labor

By Mr. Biddle of Portland: An act to increase maximum and minimum rates under the workmen's compensation act. (H. P. 982)

(500 copies ordered printed.)

By Mr. Hussey of Augusta: An

act relating to preference to Maine contractors. (H. P. 983)

(500 copies ordered printed.)

#### Legal Affairs

By Mr. Burkett of Portland: An act relating to the attendance of minors upon dances and roller skating practices during certain hours. (H. P. 971)

(500 copies ordered printed.)

By Mr. Goudy of South Portland: An act to revise, arrange and regulate the licensing of private detectives. (H. P. 973)

(500 copies ordered printed.)

By Miss Martin of Bangor: An act relating to removal of patients from State hospitals when requested; towns may become liable for a support on failure to remove. (H. P. 974)

(500 copies ordered printed.)

By the same member: An act relating to support of persons committed to State hospitals. (H. P. 975)

(500 copies ordered printed.)

By the same member: An act relating to commitments of patients to State hospitals for temporary observation. (H. P. 976)

(500 copies ordered printed.)

By the same member: An act relating to commitment to State hospitals by municipal officers. (H. P. 977)

(500 copies ordered printed.)

By the same member: An act relating to removal of bodies from State hospitals. (H. P. 978)

(500 copies ordered printed.)

By the same member: An act relating to penalty for aiding escape of inmates from State hospitals or Pownal State school. (H. P. 979)

(500 copies ordered printed.)

By Mr. Palmer of Bangor: An act relating to the purposes for which towns and cities may raise money. (H. P. 980)

(500 copies ordered printed.)

By Mr. Tompkins of Bridgewater: An act to license public dance halls. (H. P. 981)

(500 copies ordered printed.)

By Mr. Burkett of Portland: An act relating to payments to county law libraries. (H. P. 972)

(500 copies ordered printed.)

#### Public Health

By Mr. Biddle of Portland: An act to create a board of registration of plumbers. (H. P. 984)

(500 copies ordered printed.)

By Mr. Lord of Brooklin: An act

relating to vital statistics. (H. P. 985)

(500 copies ordered printed.)

By Mr. Hathaway of Milo: An act relating to apothecaries and the sale of poisons. (H. P. 986)

(500 copies ordered printed.)

By Mr. Hussey of Augusta: An act relating to the licensing of recreational camps tourist homes and similar places. (H. P. 987)

(500 copies ordered printed.)

By Mr. Tompkins of Bridgewater: An act to regulate the operation of overnight camps. (H. P. 988)

(500 copies ordered printed.)

By Mr. Weeks of Dresden: An act relating to public health nursing. (H. P. 989)

(500 copies ordered printed.)

#### Public Utilities

By Mr. Hathaway of Milo: An act classifying sewage companies as public utilities. (H. P. 990)

(500 copies ordered printed.)

By Mr. Jacobs of Auburn by request: An act to provide adequate rural electric service, at just reasonable rates, thruout the State of Maine. (H. P. 991)

(500 copies ordered printed.)

#### Salaries and Fees

By Mr. Tompkins of Houlton: An act to amend fees of the deputy sheriffs attending court. (H. P. 992)

(500 copies ordered printed.)

#### Sea and Shore Fisheries

By Mr. Patterson of Freeport: An act relating to smelt fishing. (H. P. 993)

(500 copies ordered printed.)

#### State Prison

By Mr. Bowers of Portland: An act relating to prison labor. (H. P. 994)

(500 copies ordered printed.)

#### Taxation

By Mr. Ashby of Fort Fairfield: An act to raise an excise tax on corporations organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes. (H. P. 995)

(Tabled by Mr. Jackson of Bath pending reference).

By Mr. Burkett of Portland: An act relating to the taxation of real estate of railroad corporations. (H. P. 996)

By the same gentleman: An act relating to the exemptions of estates from taxation. (H. P. 997)

By Mr. Potter of Bangor: Resolve

proposing an amendment to the Constitution relative to the authority of the legislature to impose a tax on incomes. (H. P. 998)

(500 copies ordered printed.)

#### Temperance

By Mr. Dow of Portland: An act relating to the enforcement of the law regulating the sale of narcotics. (H. P. 999)

(500 copies ordered printed.)

#### Ways and Bridges

By Mr. Gagnon of Van Buren: Petition of J. W. Parent and 175 others in favor of resolve for Cyr-Van Buren road. (H. P. 1000)

By Mr. Rogers of Greenville: Petition of H. S. Knight and 83 others of Monson in favor of appropriating money to build a certain portion of the Greenville-Jackman road. (H. P. 1001)

By Mr. Hathaway of Milo: An act in relation to the tax on gasoline. (H. P. 1002)

(500 copies ordered printed.)

By Mr. Scates of Westbrook: An act to transfer to maintenance of highways the funds now appropriated by special road resolves. (H. P. 1003)

(Tabled by Mr. Jacobs of Auburn pending reference).

#### Orders

On motion by Mr. Plummer of Portland, it was

Ordered, that 500 copies of House Paper No. 213 be printed, being an act to amend the form of standard policy.

Mr. Sargent of Brewer presented the following order and moved its passage.

Be it ordered that a committee be appointed by the House, consisting of the following three members, namely: Franz U. Burkett, Portland; Frank A. Potter, Bangor; and John Clark Scates, Westbrook. This committee shall confer with the several county delegations with reference to the selection of the members of the reapportionment committee, which shall be as fairly and equitably distributed as possible among the several counties.

Mr. ALLEN of Sanford: Mr. Speaker, I move that that order lie on the table.

There were calls of "No" on the part of the House.

The SPEAKER: The motion before the House is on the tabling of that order. All those in favor—

Mr. ALLEN: Mr. Speaker, I ask for a rising vote.

The SPEAKER: All those in favor of the motion to table the order will rise and remain standing until counted and the monitors have returned the count.

A division being had,

Thirty voting in the affirmative and 69 in the negative, the motion to table failed of passage.

The SPEAKER: The question before the House is on the passage of the order. All those in favor of the passage of the order will say aye; those opposed no.

A viva voce vote being had, the order received passage.

Mr. Perham of Paris presented the following order and moved its passage:

Ordered, that a Joint Select committee consisting of sixteen on the part of the House, one from each county, to be elected by ballot by their respective county organizations, and such as the Senate may join, be appointed to which shall be referred the following bills and resolves:

Bill an act relative to State Administrative Code. (S. P. 60) (L. D. 20)

Bill an act to supplement the "State Administrative Reorganization Code" by establishing a Bureau of the Treasury in the Department of Finance, assigning certain powers and duties to this Bureau, and repealing conflicting acts and parts of acts, (S. P. 291) (L. D. 281)

Resolve proposing an amendment to the Constitution to provide for eliminating the office of Treasurer of State and establishing a State Budget System, (S. P. 290) (L. D. 280)

Mr. PERHAM: Mr. Speaker, I would like to state that this order is merely a matter concerning the Administrative Code Committee. I might state at this time that it is the feeling of a great number in this House that each of the county organizations should have the privilege of appointing its own man to act on this Administrative Code Committee. Even in counties a great number of the men who are in favor of many changes—we might say in favor of some of the survey matters—are in favor of having their own counties appoint their man on the committee; and I move the passage of this order.

Mr. McCART: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman may state his point.

Mr. McCART: I understand the bill relating to the Administrative Code has already been referred to a committee. Is that correct?

The SPEAKER: The Chair is informed that that bill is on the table in the House.

Mr. BLAISDELL of Franklin: Mr. Speaker, owing to the complications that might arise if this order just presented by the gentleman from Paris, Mr. Perham, were now passed, it seems proper that it should lie on the table at least until tomorrow, until some of us have an opportunity to think the subject out contained in the order. Therefore, I move that it lie on the table.

Thereupon the order was tabled, pending passage.

On motion by Mr. Daigle of Madawaska, it was

Ordered, that 500 copies be printed of Senate Paper No. 243, being an act to divide the town of Madawaska and to incorporate the towns of Madawaska and St. David.

Mr. Hobbs of Hope presented the following order and moved its passage:

Ordered, that the Clerk of the House be instructed to provide each member and officer of the House with a badge with his or her name and residence inscribed thereon, the cost of same to be provided for out of legislative expense.

On motion by Mr. Burkett of Portland, tabled pending passage.

### Reports of Committees

Mr. Morse from the Committee on Salaries and Fees on bill an act to reduce the salary of the fire commissioner of Lewiston (H. P. 657) reported that same be referred to the committee on Judiciary.

Report read and accepted and sent up for concurrence.

### First Reading of Printed Bills and Resolves

(H. P. 669) (L. D. 416) An act relating to the burning of brush, slash or blueberry land.

(H. P. 230) (L. D. 414) Resolve authorizing the Forest Commissioner to sell lands in St. Francis Plantation, Aroostook County.

(H. P. 531) (L. D. 415) Resolve in favor of Evie Morelen Studley for Teacher's Pension.

**Passed to be Engrossed**

(S. P. 91) (L. D. 101) An act relative to wearing of State Highway Police uniforms.

(S. P. 93) (L. D. 103) An act relative to duties of clerks of corporations.

(H. P. 4) (L. D. 394) An act to extend the charter of the Quebec Extension Railway Company.

(Tabled by Mr. Daigle of Madawaska pending third reading.)

(H. P. 18) (L. D. 31) An act relating to deductions from State School Fund.

(Tabled by Mr. Rounds of Portland pending third reading.)

(H. P. 19) (L. D. 32) An act relating to school attendance.

(Tabled by Mr. Rounds of Portland pending third reading.)

(H. P. 223) (L. D. 393) An act to extend the charter of the Patten Water and Power Company.

(H. P. 224) (L. D. 392) An act to extend the charter of the Bluehill Water Company.

**Orders of the Day**

Mr. Wright of Bath was granted unanimous consent to introduce out of order under suspension of the rules resolve in favor of the town of Phippsburg; and on motion by that gentleman the resolve was referred to the Committee on Ways and Bridges.

Mr. Plummer of Portland was granted unanimous consent to introduce out of order and under suspension of the rules an act relative to the Portland Seamen's Friend Society; and on motion by that gentleman, the bill was referred to the committee on Legal Affairs.

Mr. ROBIE of Westbrook: Mr. Speaker, I understand the Clerk has a bill returned from the committee on Legal Affairs which has to do with amending the charter of the city of Westbrook. I now move that 500 copies of that bill be printed and the bill returned to the committee.

The motion prevailed.

Mr. BURKETT of Portland: Mr. Speaker, I move to take from the table the second unassigned matter on the calendar, being House

order relative to inviting Charles J. Bullock to address the House of Representatives, tabled by me January 29, pending passage.

The motion prevailed.

Mr. BURKETT: Mr. Speaker, I should not have left that order on the table so long had it not been for the request of several members of the Penobscot delegation who wished to speak on it in one way or another but who had to be in Bangor last week attending a hearing.

The order was introduced by the gentleman from Winterport, Mr. Fernald, and I now yield to him so that he may explain the purposes of the order.

Mr. FERNALD of Winterport: Members of the House: The purpose of the order is to bring before this body a man who is an outstanding authority on taxation in the United States, a man who is quoted as an authority by the Maine Taxation Commission of 1908, the Vermont Taxation Commission of 1930, the Kansas Taxation Commission of 1929 and many other legislative bodies and commissions, which have been interested in improving our tax laws. It is the desire of many members of the House that this man be permitted to speak before us on February 27th, and he is coming here without any motive or for any particular purpose. He is coming here entirely upon his own time, so to speak, and the order provides for fifty dollars for payment of his fare and Mrs. Bullock's fare from Boston and return. I think here is an opportunity for the State of Maine to spend fifty dollars for information correlated by a man of sixty years' experience in tax matters which can be put before this body in a very brief time.

I do not want to bother you with any extended remarks, but I will say that this man is at present president of the Harvard Economic Society. I might say that some fourteen years ago this man spoke before that Legislature (and I think there are several members here present who will remember it) on similar tax questions when Governor Milliken presided in the Executive Chamber.

It seems to me that this would be beneficial, not only to the newer members of the House, but as an educational matter, with a view of bringing about some change in our tax burden. I think we all agree that the tax burden in the State of Maine is unequalled. I think he will speak upon matters suggested by the Board of State Assessors in their annual report, presented to this body several weeks ago, and that he will speak on certain tax matters that have been suggested by our Governor; and if there are any questions that the members of this body would be interested in having answered, this man will be glad to give his opinion and the experience of other states in regard to it.

I thank you very much for your attention, and I am very sorry to have bothered you so long.

The SPEAKER: The question before the House is on the passage of the order. All those in favor of its passage will say aye; those opposed no.

A viva voce vote being taken, the order failed of passage.

On motion by Mr. Jack of Lisbon, it was voted to take from the table the seventh unassigned matter, Joint Order relative to appointments of a Joint Select Committee on Apportionment, tabled by that gentleman, February 5, pending the motion of Mr. Blaisdell of Franklin that the order receive a passage in concurrence.

Mr. Jack offered Amendment A to the order, as follows:

House Amendment "A" to Joint Order relative to appointment of a Joint Select Committee on Apportionment.

Amend said order by striking out the word "seven" in the second line thereof, and inserting in place thereof the word "nine."

Further amend said order by striking out the words "with such members as the House may join" in the third and fourth lines, and inserting in place thereof the words "and of sixteen members on the

part of the House to be appointed by the Speaker of the House" so that said order as amended shall read as follows:

Ordered, The House concurring, that a joint select committee consisting of nine members on the part of the Senate, to be appointed by the President of the Senate, and of sixteen members on the part of the House to be appointed by the Speaker of the House, be appointed to consider the apportionment and assignment of councillor districts, senatorial districts and districts for representatives to the legislature, as well as such matters as relate to the apportionment and assignment of congressional districts, and report to this Legislature by bill or otherwise.

Mr. JACK: Mr. Speaker, I now move the passage of the order as amended.

The SPEAKER: The question is on the adoption of the amendment.

Mr. SCATES of Westbrook: Mr. Speaker, I do not really understand that amendment in view of the vote recently passed by this House on the order, and I would move that it be tabled until I can consider it and the rest of us can consider it.

Thereupon the amendment was tabled, pending adoption.

On motion by Mrs. Day of Gorham, it was voted to take from the table the third unassigned matter, S. P. 31, L. D. 3, being Senate report, committee on Legal Affairs, ought not to pass on bill an act to provide for the examination, registration, regulation and licensing of chiropodists and podiatrists and penalties for violation of this act, tabled February 3rd, by that member, pending acceptance in concurrence; and on further motion by the same member the report ought not to pass was accepted in concurrence.

On motion by Mr. Gray of South Portland,

Adjourned until tomorrow morning.