

# 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**

Thursday, February 12, 1931.

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.

**Senate Bills in First Reading**

S. P. 45, L. D. 24. An act relating to manner of payment of teachers' retirement fund collections.

S. P. 372, L. D. 391. An act relative to county buildings.

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

**Appropriations and Financial Affairs**

By Mr. Sargent of Brewer: An act repealing obsolete appropriation law. (H. P. 1006)

(500 copies ordered printed)

**Banks and Banking**

By Mr. Potter of Bangor: An act to place holding companies of banks and trust companies and investment affiliates under the supervision of the Bank Commissioner. (H. P. 1007)

(On motion by Mr. Sturtevant of Livermore Falls 500 copies ordered printed)

**Inland Fisheries and Game**

By Mr. Snow of Bluehill: Petition of R. W. Smith and 12 others in favor of the bill making the open season on deer in Hancock County the month of November. (H. P. 1008)

By Mr. Hiscock of Abbot: Petition of the Selectmen of Bowerbank Pl. and 51 other citizens of Maine in favor of closing Fourth Buttermilk, Third Buttermilk or Burton so-called, Duck Pond and Little Benson to all fishing except fly fishing. (H. P. 1009)

By the same gentleman: An act closing certain ponds in Piscataquis County to ice fishing. (H. P. 1010)

(500 copies ordered printed)

**Legal Affairs**

By Mr. Pernam of Paris: Petition signed by Hiram H. Weymouth of Augusta and 69 others in favor of liberalizing the Sunday Blue Laws. (H. P. 1011)

By the same gentleman: Petition signed by Herbert W. Blaisdell of Augusta and 83 others in favor of same. (H. P. 1012)

**Military Affairs**

By Mr. Rounds of Portland: An act to provide for the completing payment of a bonus to Maine soldiers and sailors in the war with Spain. (H. P. 1013)

(500 copies ordered printed)

By the same gentleman: Resolve proposing an amendment to Article IX of the Constitution for the purpose of completing payment of a bonus to Maine soldiers and sailors in the war with Spain. (H. P. 1014)

(500 copies ordered printed)

**Pensions**

By Mr. Cobb of Gardiner: An act relating to retired employees of the State. (H. P. 1015)

(500 copies ordered printed)

**Public Health**

(On motion by Mr. Perham of Paris, it was voted that the reading of the following petitions be dispensed with)

By Mr. Perham of Paris: Petition signed by Warren S. Abbott of Rumford and 85 others in favor of S. S. Greenleaf practising Veterinary Surgery. (H. P. 1016)

By the same gentleman: Petition signed by Ray W. Thurston of Andover and 73 others in favor of same. (H. P. 1017)

By the same gentleman: Petition signed by Guy T. Morrill of Mason and 5 others in favor of same. (H. P. 1018)

By the same gentleman: Petition signed by Lawrence A. Lord of Gilead and 94 others in favor of same. (H. P. 1019)

By the same gentleman: Petition signed by H. H. Hastings and 348 others of Bethel in favor of same. (H. P. 1020)

By Mrs. Day of Gorham: An act to regulate the occupation of hairdressers and cosmetologists, to register and license persons engaged in such occupation and to create a

Board of Hairdressers and Cosmetologists. (H. P. 1021)

(500 copies ordered printed)

By Mr. Farris of Augusta: An act relating to meeting of Board of Veterinary Examiners. (H. P. 1022)

(500 copies ordered printed)

#### Sea and Shore Fisheries

By Mr. Snow of Scarborough: An act regulating the buying, selling and transporting of clams. (H. P. 1023)

(500 copies ordered printed)

By the same gentleman: An act relating to the shipping and transporting of clams beyond the limits of the State during close time. (H. P. 1024)

(500 copies ordered printed)

By the same gentleman: An act to close certain clam flats to digging. (H. P. 1025)

(500 copies ordered printed)

#### Orders

On motion by Mr. Burkett of Portland, it was

Ordered, that all matters tabled the preceeding week, and unassigned, be taken from the table on Wednesday of each week.

On motion by Mr. Plummer of Portland, it was

Ordered, that there be printed 500 copies of House Paper No. 631, being bill an act relating to insurance agents and brokers.

Mr. Burns of Eagle Lake presented the following order and moved its passage:

Ordered, the Senate concurring, that House Paper No. 462, being resolve in favor of Northern Maine Hospital, be returned to the House by the committee on Appropriations and Financial Affairs for such action thereon as the House and Senate may order.

The order received passage and was sent up for concurrence.

#### Reports of Committees

Mr. Smith from the Committee on Claims reported ought not to pass on resolve in favor of Alexander E. McLean of Bangor. (H. P. 79)

Mr. White from same Committee reported same on resolve to reimburse the town of Shirley for

support of the family of Angus A. Green. (H. P. 80)

(Tabled by Mr. White of Dyer Brook, pending acceptance of report)

Mr. Littlefield from the Committee on Claims reported on resolve in favor of town of Merrill for support of Charles Huntley, a person having no known settlement in the State. (H. P. 523)

Mr. Rounds from same Committee reported same on resolve to reimburse the town of Abbot, for money expended in behalf of Estelle Gerrish. (H. P. 499)

Mr. Blaisdell from the Committee on Legal Affairs reported same on bill an act to increase suit limit time on real estate taxes to two years. (H. P. 215) (L. D. 124)

Mr. Melcher from the Committee on Ways and Bridges on bill an act regulating the care and maintenance of highways in incorporated towns. (H. P. 672) (L. D. 166) reported that legislation thereon is inexpedient.

Reports read and accepted and sent up for concurrence.

Mr. Blodgett from the Committee on Claims on resolve in favor of Harry C. Aldrich (H. P. 17) reported same in a new draft (H. P. 1026) under same title and that it ought to pass.

Report read and accepted and the new draft ordered printed under the Joint Rules.

Mr. Sturtevant from the Committee on Banks and Banking reported ought to pass on bill an act relating to the enforcement of the Blue Sky Law. (H. P. 14) (L. D. 28)

Mr. Dow from same Committee reported same on bill an act relating to fees paid by dealers in securities. (H. P. 16) (L. D. 30)

Reports read and accepted and the bills having already been printed were read twice under suspension of the rules and tomorrow assigned.

Mr. Blaisdell from the Committee on Legal Affairs reported ought to pass on bill an act to provide a better government for the town of Bar Harbor. (H. P. 624)

Same gentleman from same Committee reported same on bill an act relating to the Bangor Theological Seminary. (H. P. 621)

Reports read and accepted and

the bills ordered printed under the Joint Rules.

#### Passed to be Engrossed

(S. P. No. 46) (L. D. No. 23) An act relating to residence of libellee in divorce proceedings.

(S. P. No. 73) (L. D. No. 45) An act relating to jury trials in divorce proceedings.

(S. P. No. 94) (L. D. No. 104) An act relative to the organization of corporations without capital stock.

(H. P. No. 669) (L. D. No. 416) An act relating to the burning of brush, slash or blueberry land.

(H. P. No. 230) (L. D. No. 414) Resolve authorizing the Forest Commissioner to sell lands in St. Francis Plantation, Aroostook County.

(H. P. No. 531) (L. D. No. 415) Resolve in favor of Evie Morelen Studley for teacher's pension.

#### ORDERS OF THE DAY

Mr. Brackett of Palmyra was granted unanimous consent to introduce out of order, under suspension of the rules, resolve in favor of Madison Howard of Palmyra; and on motion by the same gentleman the resolve was referred to the committee on Pensions.

Mr. Crane of East Machias was granted unanimous consent to introduce out of order and under suspension of the rules resolve in favor of the town of East Machias, and on motion by the same gentleman the resolve was referred to the committee on Ways and Bridges.

On motion by Mr. Perham of Paris, the House voted to reconsider its action of January 22 whereby the order creating a committee on Administrative Code received passage in concurrence.

Mr. PERHAM: Mr. Speaker, I now offer House Amendment A and move its adoption.

The SPEAKER: The gentleman from Paris, Mr. Perham, offers House Amendment A and moves its adoption. The Clerk will read the amendment.

House Amendment to Joint Order creating the Administrative Code Committee.

Amend said order by adding thereto the following: "Be it fur-

ther ordered that six additional members be appointed by the Speaker, and that the six additional members shall be so apportioned that each county in the State shall have one member from the House on said committee."

Thereupon House Amendment A was adopted, and the order as amended received passage.

Mr. PERHAM: Mr. Speaker, I now move that the order as passed be sent by Messenger to the Senate for such action as that body may seem fit to take.

The motion prevailed.

On motion by Mr. Blaisdell of Franklin, it was voted to take from the table the 20th unassigned matter, being order relating to creating committee to which shall be referred S. P. 60, S. P. 291 and S. P. 290, tabled by that gentleman on February 11th, pending passage.

Mr. BLAISDELL: Mr. Speaker, I now yield to the gentleman from Paris, Mr. Perham.

On motion by Mr. Perham, it was voted to indefinitely postpone this order.

On motion by Mr. Scates of Westbrook, it was voted to take from the table the 3rd unassigned matter, bill an act relating to elections in the city of Lewiston, H. P. 83., tabled by that gentleman February 4 at the request of Mr. Hamel of Lewiston, pending reference to a committee; and on further motion by the same gentleman the bill was referred to the committee on Legal Affairs.

On motion by Mr. Allen of Sanford, it was voted to take from the table the 9th unassigned matter, being Joint Order relative to investigation of the State Assessors' Department, tabled by that gentleman February 5, pending adoption of Senate Amendment A; and on further motion by the same gentleman Senate Amendment A was adopted in concurrence.

Mr. ALLEN: Mr. Speaker, this order came from the Senate referred to a special committee to investigate the State Assessors' Department. It occurred to me that possibly there might be a bet-

ter way of getting at this matter, and in talking with quite a number of the members of this House it was thought that the interests of the State would as well be served if this were sent to one of the regular committees already serving the Legislature of this State; and I move, you, Mr. Speaker, that this order be sent to the committee on Taxation in non-concurrence.

Mr. JACOBS of Auburn: Mr. Speaker, most of us who read the daily papers have seen this caption given by one of our most illustrious presidents, the martyred Abraham Lincoln. He says: "Let us have faith that right makes right; and in that faith let us to the end, dare to do our duty as we understand it." And at this time, Mr. Speaker, I rise to speak upon this question now before the House, which has come down to us from the upper body passed unanimously, for an investigation of the State Assessors' Department.

At this time I want it distinctly understood that I have no personal grievance in this matter. I have nothing against the personnel of these men who constitute this Assessors' Board, but I am speaking on the methods used in this department whereby they tax us citizens of the State of Maine, whether it be equitable, fair or unfair.

We have before us a shortage in the State finances to the amount of thirty three millions of dollars, due largely to the automobile excise tax which the towns and cities now retain and the State does not have. In my own county of Androscoggin there is over three million dollars of this, and over one million dollars of the three million comes from my own city, the city of Auburn.

We feel in the city of Auburn that we are not used fairly, that the State tax is unjust, and we have remonstrated before to this Board without success. At this time I wish to speak with regard to the interests of Auburn, my own city, and there is where the caption of this newspaper applies,—“to do our duty as we understand it.” The city of Auburn, I say, is taxed over a million dollars of this three mil-

lion dollar assessment in Androscoggin county. I will read the assessed tax valuation of the State of Maine and compare it with the city's own valuation. For years the State valuation of Auburn and its own valuation have been on a parity, but during the past two years rapid strides have been made against the city of Auburn, much to our sorrow. In 1927 the State valuation was \$19,428,00; the city's valuation \$19,610,000,—more than the State's. In 1928, the same valuation for the State and not as much by the city of Auburn but still ahead of the State. In 1929 comes the parting of the ways; the State valuation increases and the city's own valuation decreases on account of conditions in the city of Auburn to the extent that in 1930, including the automobile tax, the city of Auburn was assessed by the State Assessors \$1,116,751.00,—more than they assessed themselves. Deducting this automobile tax, the tax which the city of Auburn retains, there yet remains \$255,000. above our own assessment; and we feel, Mr. Speaker, and members of the House, that this is unjust and we come before you today on this proposition. You remember, the little boy who was asked by the teacher how much a million dollars was. He went to his father and asked him how much it was, but the teacher did not like the answer that a million dollars was a lot, and we feel that \$255,000 assessed valuation more than the city of Auburn's is not fair.

This same thing applies to all parts of the State, but we in the city of Auburn resent this proposition and we would like to be treated fairly, and I believe that we will be treated fairly; but I come to you this morning with these words because we can prove our contention. We were asked to go home and dig out the city of Auburn valuation, enough to make up this deficit. We did go home to the city of Auburn and we found one of the largest shoe factories in that city closed, a factory that usually employes from three to six hundred year after year, a happy and contented people; but today and last year this factory is closed, it may be indefinitely, with their

stock rooms barren of stock and the machinery depleted. That is not only a tablet but a monument, if you please, to one of the reasons why our valuation in Auburn has decreased.

Again in the city of Auburn one of the largest textile industries in the State, the Barker Mills, has closed its doors under present conditions, employing from three to six hundred men and women, turning out material. That factory is closed with barren stock rooms and depleted machinery, thereby losing fifty to sixty thousand dollars' worth of valuation. Take all the other shoe shops in Auburn, of which there are many, eight or ten, large and small; and in every one of these industries business is curtailed on account of general conditions and the stock thereby depleted, thus losing to the city of Auburn those valuations. That is why, Mr. Speaker and members of the House, the citizens of Auburn protest the method used in the State Assessors' valuation. Let us be fair with each other. Let us be fair to all parts of the State. We are willing in the city of Auburn to bear our proportional part in all the taxable property and all that pertains to the welfare of the State, but we protest the methods used in arriving at the valuation when we tried to show them that our valuation was decreasing and at the same time, not mindful of our situation, they increased it over \$250,000. That is the reason, Mr. Speaker and members of the House, that I rise to second the remarks made by the gentleman from Sanford, Mr. Allen, to have this go to the committee on Taxation.

MR. FERNALD of Winterport: Mr. Speaker, I rise on this occasion to say a few words in defense of a public servant of the State of Maine, who for twenty years has been really single tax commissioner of Maine. I allude to the Honorable Frank H. Sterling, chairman of the Board of State Assessors, who is now not in the United States. Much has been said about valuation, and I wish to point out that members of the Board of State Assessors are trying to squeeze out of the present position of Chairman a man who has for twenty years stood for the rights of the

people, and who has been willing in the reports that have been issued by this Board of State Assessors to point out facts and inequalities that the present Board perhaps are not willing to carry out.

The gentleman from Auburn (Mr. Jacobs) might well have been up in the Taxation committee room yesterday and seen the two valiant defenders of the corporations, the two remaining members of the Board of State Assessors, standing shoulder to shoulder with the strongest and finest legal talent in the State of Maine, telling you people that the banks have got to go out of business if you make them pay a fair tax. I want to point out a few facts, showing that the assessed valuation of the bank stock of the State of Maine is not a true valuation, and this valuation is placed upon the bank stock by the Board of State Assessors. I have just a few instances, but they are characteristic of the way that bank stock is assessed by the Board of State Assessors. North Berwick National Bank is assessed at \$158. It was quoted yesterday on the market at \$180. First National Granite Bank of Augusta assessed at \$170. There has been a sale within a year at \$350. First National Bank of Portland, quoted yesterday at \$161; assessed at \$135. Canal National Bank of Portland, quoted at \$167.00; assessed valuation, \$137. The Eastern Trust—

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

THE SPEAKER: The gentleman may state his point.

MR. JACOBS: I would like to have the speaker address himself to the main subject and not to banks and banking.

THE SPEAKER: The gentleman may answer if he pleases.

MR. FERNALD: The gentleman from Auburn, may I reply through the Chair, suggested that there was an inequality in the assessed valuation of the city of Auburn. I was speaking from the standpoint of the State at large, not any particular community; and I wanted to show that perhaps there are some other

THE SPEAKER: The Chair would remind the members that the question before the House is a question of the reference of a Joint Order to a committee, and not a discussion of its merits; and the members will

please confine themselves to matter bearing upon the reference of this order entirely—whether or not it shall be referred according to the motion before the House.

Mr. FERNALD: Mr. Speaker, I apologize for digressing. I will close by saying that the present assessed valuation placed by the Board of State Assessors upon a great many properties is far below the valuation that the law specifies.

The SPEAKER: The Chair wishes to say at this time to the members that the policy of the Chair is to be very liberal, and I trust that the members will not feel hurt if at times, to enhance progress of legislation the Chair feels it its duty to attempt to confine discussion within legitimate channels.

The question before the House now is on the motion of the gentleman from Sanford, Mr. Allen, that the matter be referred to the committee on Taxation in non-concurrence. Is the House ready for the question?

The question being called for, a viva voce vote was taken and the Joint Order was referred to the committee on Taxation in non-concurrence.

On motion by Mr. Gibson of Harrington, it was voted to take from the table the 13th unassigned matter, bill an act relating to advertising signs on highways, S. P. 319, L. D. 295, tabled by that gentleman February 6th, pending reference in concurrence; and on further motion by the same gentleman, the bill was referred to the committee on Judiciary in concurrence.

On motion by Mr. Mack of East Millinocket, it was voted to take from the table the 4th unassigned matter, resolve in favor of the townships of Township One, Range Nine, Township Two, Range Nine, Township Two, Range Ten and Township Three, Range Ten, Piscataquis county (H. P. 883), tabled by that gentleman February 4, pending reference to a committee; and on further motion by the same gentleman, the resolve was referred to the committee on Ways and Bridges and 500 copies ordered printed.

On motion by Mr. Plummer of Portland, it was voted to take from the table the 16th unassigned mat-

ter, bill an act relating to standard time, S. P. 349, L. D. 351, tabled by that gentleman February 10, pending reference in concurrence; and on further motion by the same gentleman the bill was referred to the committee on Judiciary in concurrence.

On motion by Mr. Lowell of Lincoln, it was voted to take from the table the 8th unassigned matter, bill an act relating to shipping skins of fur-bearing animals, H. P. 907, tabled by that gentleman February 5, pending reference to a committee; and on further motion by the same gentleman the bill was referred to the committee on Inland Fisheries and Game and 500 copies ordered printed.

On motion by Mr. Thompson of Belfast, it was voted to take from the table the 5th unassigned matter, bill an act relating to the charter of the city of Belfast, H. P. 828, tabled by that gentleman February 5, pending reference to a committee; and on further motion by the same gentleman the bill was referred to the committee on Legal Affairs.

On motion by Mr. Biddle of Portland, it was voted to take from the table the 14th unassigned matter, bill an act to authorize Bliss Business College of Lewiston, Maine, to confer certain degrees, S. P. 231, L. D. 297, tabled by that gentleman February 6, pending reference in concurrence; and on further motion by the same gentleman the bill was referred to the committee on Legal Affairs in concurrence.

Mr. BURKETT: Mr. Speaker, if this is the proper time, I rise for the purpose of requesting a ruling of the Chair on the scope of the order that was passed yesterday appointing a committee of which I was named a member. When the order was read in the House, as I heard it read, it seemed to me that it simply appointed three members of the House as a committee to confer with the delegations with reference to the appointment of the reapportionment committee, so called. On reading the order now as I have it before me, I find that it reads as follows: "This committee shall confer with the several county delegations with reference to the selection of the mem-



bers of the reapportionment committee, which shall be as fairly and equitably distributed as possible among the several counties.”

I have conferred with the other members and we all interpret that order to mean that we are to go around and talk with the members of the different delegations to see what their wishes are, and not that the committee had any such broad powers as some of the headlines in the newspapers would seem to indicate,—that the committee had any authority to dictate to the Speaker of the House who should be appointed on this or any other committee. Had I thought at the time the order was read that it meant any such thing as that, I should have opposed its passage and refused to serve on it. I think now, for the purpose of clarifying the situation, that the Chair should make a ruling defining as carefully as possible the scope of this committee. If the Chair then rules that the committee has any such power as seems to be generally agreed upon, I am prepared to resign. Otherwise I should be glad to continue to serve and help straighten the matter out as much as possible.

The SPEAKER: The gentleman from Portland (Mr. Burkett) asks the ruling of the Chair on the effect of the order introduced yesterday as he has read. From a careful reading of the order the Chair feels in duty bound to rule that, under the wording of that order, no powers are conferred upon that committee except to hold conversations and get the opinion of members of the various delegations, and that, under the provisions of this order creating such a committee, it has no authority to assume appointing powers which belong under the order to the Speaker of the House under the Rules.

Mr. SCATES of Westbrook: Mr. Speaker, may I ask a ruling?

The SPEAKER: The gentleman may state his question.

Mr. SCATES: Mr. Speaker, as I understand it, the rules as I read them, provide that the Speaker shall appoint all committees unless otherwise ordered by the House.

The SPEAKER: The gentleman is correct. The Chair still maintains its ruling that nothing in this

order takes from the Speaker the duty of appointing under the original order. From that there can be an appeal.

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On motion by Mr. Burkett of Portland, it was voted to take from the table the 21st unassigned matter, order relating to supplying members and officers of the House with badges, tabled by that gentleman February 11th, pending passage.

Mr. BURKETT: Mr. Speaker, I realize the difficulty that new members have in becoming acquainted with members and officers of the House, but it seems to me that the diagrams on the desks and the pictures of the members in the Biographical sketches will sufficiently familiarize each member with the names and offices of the House personnel, and that we do not need to pass such a radical order as this, and I move its indefinite postponement.

The motion prevailed, and the order was indefinitely postponed.

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On motion by Mr. MacPherson of Easton, it was voted to take from the table the 6th unassigned matter, House Report, ought not to pass, from the committee on Legal Affairs on bill an act relating to pedestrians on the highway, H. P. 119, L. D. 84, tabled by that gentleman February 5, pending acceptance of the report; and on further motion by the same gentleman the report was accepted.

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On motion by Mr. Rounds of Portland, it was voted to take from the table the 23rd unassigned matter, bill an act relating to deductions from the State school fund, H. P. 18, L. D. 31, tabled by that gentleman February 11th, pending third reading; and on further motion by the same gentleman the bill had its third reading and was passed to be engrossed.

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On motion by Mr. Rounds of Portland, it was voted to take from the table the 24th unassigned matter, bill an act relating to school attendance, H. P. 19, L. D. 32, tabled by that gentleman February 11th, pending third reading; and on further motion by the same gentleman, the bill had its third reading and was passed to be engrossed.

On motion by Mr. Biddle of Portland, it was voted to take from the table the 17th unassigned matter, bill an act relating to qualifications of teachers, H. P. 6, L. D. 14, tabled by that gentleman February 10, pending assignment for third reading; and on further motion by the same gentleman the bill was recommitted to the committee on Education.

On motion by Mr. Morin of Brunswick, it was voted to take from the table the 2nd unassigned matter, resolve in favor of the town of Brunswick, H. P. 779, tabled by that gentleman February 4, pending reference to a committee; and on further motion by the same gentleman

the resolve was referred to the committee on Military Affairs.

On motion by Mr. Jack of Lisbon, it was voted to take from the table the 15th unassigned matter, bill an act to provide for the appointment of a commission on pensions for State employees, S. P. 321, L. D. 301, tabled by that gentleman, February 6, pending reference in concurrence; and on further motion by the same gentleman the bill was referred to the committee on Pensions in concurrence.

On motion by Mr. Clarke of Cooper,  
Adjourned until tomorrow morning.