

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Fifth Legislature

OF THE

STATE OF MAINE

1931

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, March 24, 1931.

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

Prayer by the Rev. Mr. Milligan of Randolph.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 556, L. D. 855: An act to amend the Workmen's Compensation Act.

S. P. 562, L. D. 905: An act to establish rules and regulations governing compressed air work.

S. P. 563, L. D. 900: An act to provide jurisdiction for municipal courts.

S. P. 199, L. D. 244: An act prohibiting the interruption of traffic for certain purposes.

S. P. 448, L. D. 606: An act permitting any public official responsible for awarding a contract in competition to request from any proposed bidder a questionnaire.

S. P. 399, L. D. 473: An act with reference to changes in the capital, capital stock and purposes of public utilities corporations.

S. P. 389, L. D. 420: An act relating to registration and use of steam boilers and unfired steam pressure vessels.

S. P. 381, L. D. 485: An act relating to corporations.

S. P. 379, L. D. 483: An act relating to corporations.

S. P. 378, L. D. 482: An act relating to buoys and beacons in navigable waters.

S. P. 377, L. D. 481: An act relating to masters, pilots, engineers and operators of steamboats and motorboats.

S. P. 324, L. D. 300: An act to incorporate the Bath Water District.

S. P. 478, L. D. 639: An act relating to qualification and licensing of agents of insurance companies.

S. P. 483, L. D. 644: An act relating to the fees of State humane agents.

S. P. 234, L. D. 898: Resolve in favor of the Central Maine Sanatorium.

S. P. 236, L. D. 897: Resolve in favor of the Central Maine Sanatorium for the construction and equipment of a school house.

S. P. 237, L. D. 903: Resolve in favor of the Northern Maine Sanatorium.

S. P. 241, L. D. 904: Resolve in favor of the Central Maine Sanatorium for the enlargement of the Nurses' Home.

S. P. 272, L. D. 902: Resolve in favor of the Western Maine Sanatorium for employees building.

From the Senate: Report of the committee on Sea and Shore Fisheries reporting ought to pass on bill an act to legalize terms held by the Sea and Shore Fisheries Commission since the expiration of terms for which they were appointed, of one or more of them, and to make valid any findings that they may render as a result of same.

Comes from the Senate, report read and accepted and the bill passed to be engrossed.

In the House, on motion by Mr. McLoon of Rockland, tabled pending acceptance of report in concurrence.

From the Senate: Bill an act relating to supervision of Indian Old Town Schools, H. P. 1293, L. D. 850, which was passed to be engrossed in the House March 18th.

Comes from the Senate passed to be engrossed as amended by Senate Amendment A in non-concurrence.

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

Reports of Committees

Mr. Additon from the Committee on Education on bill an act relating to election of school committees. (H. P. 944) (L. D. 423) reported ought not to pass because legislation covered in another bill.

Mr. Owen from same Committee reported same on bill an act relating to school committees. (H. P. 1030) (L. D. 562)

Mr. Allen from same Committee on bill an act to establish civic centers. (H. P. 946) (L. D. 425) reported that legislation is inexpedient.

Mr. Fenlason from same Com-

mittee reported ought not to pass on bill an act relating to amount raised by towns for school purposes. (H. P. 945) (L. D. 424)

Mr. MacKinnon from the Committee on Inland Fisheries and Game reported same on bill an act to establish a Game Preserve in the city of Lewiston, Androscoggin County, and Monmouth, Kennebec County. (H. P. 538) (L. D. 171)

Mr. Rogers from same Committee reported same on bill an act opening Wilson Lake to ice fishing. (H. P. 809) (L. D. 334)

Same gentleman from same Committee reported same on bill an act relating to the closed season on Thompson Pond, in the counties of Androscoggin and Oxford. (H. P. 1152)

Mr. MacKinnon from same Committee reported same on bill an act to open Little Sebago Lake to ice fishing. (H. P. 1163)

Mr. Burkett from the Committee on Judiciary reported same on bill an act relating to temporary orders in libels for divorce. (H. P. 924) (L. D. 402)

Mr. Varney from same Committee reported same on bill an act relating to temporary allowances in libels for divorce. (H. P. 925) (L. D. 403)

Reports read and accepted and sent up for concurrence.

Mrs. Day from the Committee on Education on bill an act relating to superintendents of schools (H. P. 1146) (L. D. 735) reported same in a new draft (H. P. 1392) under same title and that it ought to pass.

Mr. Rogers from the Committee on Inland Fisheries and Game on bill an act to change the closed time on deer in the northern counties (H. P. 22) (L. D. 33) reported same in a new draft (H. P. 1387) under same title and that it ought to pass.

Same gentleman from same Committee on bill an act relating to game birds (H. P. 107) (L. D. 76) reported same in a new draft (H. P. 1369) under same title and that it ought to pass.

Mr. Snow from the Committee on Judiciary on bill an act relating to disclosure proceedings (H. P. 930) (L. D. 407) reported same in a new draft (H. P. 1390) under same title and that it ought to pass.

Mr. Varney from same Committee on bill an act relating to chauffeurs (H. P. 114) (L. D. 82) reported same in a new draft (H. P. 1391) under

same title and that it ought to pass.

Mr. Snow from the Committee on Sea and Shore Fisheries on bill an act regulating the buying, selling and transporting of clams (H. P. 1023) (L. D. 551) reported same in a new draft (H. P. 1377) under same title and that it ought to pass.

Mr. Ford from same Committee on bill an act relating to the shipping and transporting of clams beyond the limits of the State during close time (H. P. 1024) (L. D. 552) reported same in a new draft (H. P. 1378) under same title and that it ought to pass.

Mr. Smith from same Committee on bill an act to close certain clam flats to digging (H. P. 1025) (L. D. 553) reported same in a new draft (H. P. 1379) under same title and that it ought to pass.

Mr. Snow from same Committee on bill an act regulating the taking and sale of clams in the town of Scarborough (H. P. 866) (L. D. 300) reported same in a new draft (H. P. 1380) under same title and that it ought to pass.

Mr. Littlefield from the Committee on State Prison on bill an act relating to transportation of paroled prisoners (H. P. 1064) (L. D. 619) reported same in a new draft (H. P. 1388) under same title and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Jacobs from the Committee on Education reported ought to pass on bill an act relating to helping teachers (H. P. 84) (L. D. 57)

Mr. Angell from the Committee on Inland Fisheries and Game reported same on bill an act establishing a game preserve on Gero Island, in Chesuncook Plantation, county of Piscataquis. (H. P. 89) (L. D. 61)

Same gentleman from same Committee reported same on bill an act relative to advance baiting of deer. (H. P. 96) (L. D. 67)

Same gentleman from same Committee reported same on bill an act prohibiting the use of any bird or animal, protected by law, as a bait for trapping. (H. P. 98) (L. D. 69)

Same gentleman from same Committee reported same on bill an act relative to dogs in the woods or forests. (H. P. 108) (L. D. 77)

Same gentleman from same Committee reported same on bill an act relating to special fish and game privileges for permanent employees

and soldiers of the National Soldiers' Home. (H. P. 184) (L. D. 134)

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

Majority report of the Committee on State Prison reporting ought not to pass on bill an act relating to prison labor. (H. P. 994) (L. D. 437)

Report was signed by the following members:

Messrs. ST. CLAIR of Knox
BISSETT of Cumberland
LITTLEFIELD of York
—of the Senate.

CARLETON of Portland
LITTLEFIELD of Monroe
HOLBROOK of Vanceboro
McLOON of Rockland
BURKETT of Union
—of the House.

Minority report of same Committee reporting ought to pass on same bill.

Report was signed by the following members:

Messrs. OLIVER of Bath
BOWERS of Portland
—of the House.

(On motion by Mr. Bowers of Portland, both reports tabled pending acceptance of either.)

First Reading of Printed Bills

(H. P. 1383) (L. D. 943) An act with reference to registration fees of motor trucks.

(H. P. 1384) (L. D. 944) An act relating to attorneys at law.

(H. P. 1385) (L. D. 945) An act relating to commitment of patients to State hospitals for temporary observation.

(H. P. 1386) (L. D. 946) An act to provide approach to Waldo-Hancock Bridge.

Passed to be Engrossed

(S. P. 79) (L. D. 91) An act relative to transportation of deer beyond the limits of the state.

(S. P. 426) (L. D. 532) An act relating to procedure of Public Utilities Commission.

(S. P. 428) (L. D. 534) An act relating to time limit on notices in re hearings on licenses for wharves and fish weirs.

(H. P. 658) (L. D. 926) An act to increase the salary of the Judge of the Norway Municipal Court.

(H. P. 828) (L. D. 927) An act relating to the charter of the city of Belfast.

(H. P. 860) (L. D. 928) An act

amending 'an act to incorporate the Bethel Water Company'.

(H. P. 972) (L. D. 463) An act relating to payments to County Law Libraries.

(H. P. 987) (L. D. 508) An act relating to the licensing of recreational camps, tourist homes and similar places.

(H. P. 1005) (L. D. 929) An act relative to the Portland Seamen's Friend Society.

(H. P. 1065) (L. D. 620) An act relating to transportation of discharged prisoners.

(H. P. 1121) (L. D. 675) An act relating to the construction of third-class highways from special appropriations.

(H. P. 1122) (L. D. 676) An act relative to the maintenance of third-class highways.

(H. P. 1362) (L. D. 888) An act to provide a Town Council and Manager Form of Government for the town of Presque Isle, in the county of Aroostook.

(H. P. 1363) (L. D. 906) An act relating to the packing and grading of apples.

(H. P. 1364) (L. D. 930) An act relating to damages by dogs and wild animals.

(H. P. 1367) (L. D. 931) An act relative to the minimum age for fishing licenses.

(Tabled by Mr. Hobbs of Hope, pending third reading)

(H. P. 1368) (L. D. 932) An act relating to the transfer of trust funds of corporations, trustees, unincorporated bodies and associations, and extending the provisions thereof.

(H. P. 1369) (L. D. 933) An act relating to the employment of minors.

(H. P. 1370) (L. D. 934) An act to amend the charter of the Gray Water District.

(H. P. 1371) (L. D. 935) An act relating to penalty for aiding escape of inmates from State hospitals or Pownal State Schools.

(H. P. 1372) (L. D. 936) An act to amend the charter of the Portland Water District.

(H. P. 1373) (L. D. 937) An act to authorize the Portland Water District to acquire all the properties of the Casco Bay Light and Water Company used or useful for the supply of water.

(H. P. 1374) (L. D. 938) An act to increase the salary of the Treasurer of Somerset County.

(H. P. 1381) (L. D. 940) An act

authorizing and empowering the town of Waterboro to raise money to purchase lands, water and flow-age rights.

(H. P. 1365) (L. D. 941) Resolve in favor of the town of Island Falls.

(H. P. 1366) (L. D. 942) Resolve in favor of the London Guarantee and Accident Co., Ltd., on account of overpayment of taxes for the years of 1921, 1922, 1923, 1924, 1925.

Passed to be Enacted

(S. P. 81) (L. D. 93) An act classifying the bear as a game animal.

(S. P. 118) (L. D. 114) An act having reference to the authorization and approval of issues of stocks, bonds and notes by public utilities.

(S. P. 208) (L. D. 152) An act to incorporate the Blueberry Farm Water Company of Camden.

(S. P. 224) (L. D. 845) An act relating to the digging of clams in the town of Kennebunk.

(S. P. 281) (L. D. 248) An act authorizing towns to raise money for repairing and building academies.

(S. P. 306) (L. D. 287) An act to establish a Game Preserve in the towns of Readfield and Winthrop in Kennebec County.

(S. P. 354) (L. D. 377) An act authorizing the establishment of a Federal Fish Hatchery in Maine.

(S. P. 375) (L. D. 479) An act to establish duck sanctuaries in Knox County.

(S. P. 376) (L. D. 480) An act relating to Salmon Pond Sanctuary.

(S. P. 387) (L. D. 491) An act relating to ballots from primary elections.

(S. P. 421) (L. D. 528) An act relating to the care of neglected and abandoned animals.

(S. P. 425) (L. D. 531) An act relating to closing of accounts of public utilities.

(S. P. 435) (L. D. 574) An act relating to certain pollution of certain inland waters.

(S. P. 441) (L. D. 580) An act relating to procedure before Public Utilities Commission.

(S. P. 451) (L. D. 608) An act relative to the promotion of medical education.

(S. P. 509) (L. D. 752) An act to authorize York Harbor Village to appropriate money to improve a certain part of York River.

(S. P. 527) (L. D. 846) An act

relating to fees for registration of trailers.

(S. P. 532) (L. D. 814) An act to appropriate moneys for the expenditures of the Government and for other purposes for the years July 1st, 1931 to June 30th, 1932 and from July 1st, 1932 to June 30th, 1933.

(S. P. 535) (L. D. 836) An act relating to inspectors of buildings.

(S. P. 538) (L. D. 839) An act to incorporate the Madawaska Village Corporation.

(S. P. 539) (L. D. 840) An act relating to the construction and maintenance of bridges on State Highways.

(S. P. 540) (L. D. 837) An act forbidding sirens on motor vehicles with certain exceptions.

(S. P. 546) (L. D. 847) An act with reference to the meaning of the word "distributor" as applied to distributors of gasoline.

(S. P. 552) (L. D. 853) An act classifying public heating companies as public utilities.

(H. P. 83) (L. D. 56) An act relating to State aid for academies.

(H. P. 94) (L. D. 65) An act relating to fish hatcheries and feeding stations.

(H. P. 577) (L. D. 199) An act to prevent the pollution of the waters of Chase's Pond in the county of York.

(H. P. 586) (L. D. 826) An act to amend the charter of the Eastport Municipal Court.

(H. P. 665) (L. D. 816) An act relating to taking of smelts in Gouldsboro.

(H. P. 711) (L. D. 233) An act relating to taxation of shares of stock of trust and banking companies.

(H. P. 818) (L. D. 827) An act relating to the Western Hancock Municipal Court.

(H. P. 831) (L. D. 314) An act relating to the charter of Old Town.

(H. P. 921) (L. D. 860) An act relating to the Attorney-General.

(H. P. 948) (L. D. 427) An act relating to classification of registered guides.

(H. P. 964) (L. D. 455) An act with respect to the trial terms of the Superior Court within and for the counties of Androscoggin and Franklin.

(H. P. 1006) (L. D. 543) An act repealing obsolete appropriation law.

(H. P. 1060) (L. D. 616) An act

relating to a biennial revision of "Fish and Game" Laws.

(H. P. 1069) (L. D. 848) An act relating to County Law Libraries.

(H. P. 1078) (L. D. 654) An act to provide for cooperation between the United States Department of Agriculture, the Commissioners of Agriculture of the New England States, and the Maine Department of Agriculture in the collection and publication of statistics and other purposes.

(H. P. 1104) (L. D. 682) An act relating to legal holidays.

(H. P. 1187) (L. D. 772) An act relating to probation officers for Cumberland county.

(H. P. 1274) (L. D. 861) An act relating to ice fishing in Mousam Lake, Square Lake and Goose Pond, situated in the towns of Shapleigh and Acton, in York county.

(H. P. 1275) (L. D. 828) An act to amend the charter of the Ogunquit Beach District.

(H. P. 1276) (L. D. 829) An act to authorize the town of St. Francis to compensate Adrienne Michaud for services performed by her in the public schools of St. Francis.

(H. P. 1277) (L. D. 830) An act to increase the salary of the Judge of the Municipal Court of the city of Biddeford.

(H. P. 1284) (L. D. 842) An act to amend an act to incorporate the Guilford and Sangerville Water District.

(H. P. 1285) (L. D. 843) An act to authorize the Ogunquit Village Corporation to issue bonds.

(H. P. 1286) (L. D. 844) An act relating to close time on Damariscotta River.

(H. P. 1294) (L. D. 851) An act exempting charitable organizations from excise tax.

(H. P. 1301) (L. D. 862) An act establishing the Natanis Game Preserve in the town of Vassalboro in the county of Kennebec.

(H. P. 1302) (L. D. 863) An act relative to the issuing of hunting licenses.

(H. P. 1304) (L. D. 865) An act relating to pauper settlements.

(H. P. 1305) (L. D. 866) An act to incorporate Berwick Cemetery Association.

Finally Passed

(S. P. 533) (L. D. 835) Resolve in favor of Mrs. Gladys Malcolm.

(H. P. 1077) (L. D. 833) Resolve in favor of the town of Fort Kent.

(H. P. 1295) (L. D. 868) Resolve in favor of Howard F. Dollard, compensating him for damages.

(H. P. 1296) (L. D. 869) Resolve in favor of Elwyn Houston, of Wells.

(H. P. 1297) (L. D. 870) Resolve in favor of Maurice E. Gould, of Sherman Mills.

(H. P. 1298) (L. D. 871) Resolve in favor of Horace Kelly, of Island Falls.

ORDERS OF THE DAY

Mr. WILLIAMS of Falmouth: Mr. Speaker, under suspension of the rules I would like to ask unanimous consent to introduce a resolve and the facts and explanation I would like to have the Clerk read.

Unanimous consent was granted.

The SPEAKER: The Clerk will read the resolve and explanation. Statement in re Cyrus H. K. Curtis' portrait.

Representative Rounds of Portland wrote to Mrs. Edward Bok on January 21, 1931, suggesting that a copy of the portrait of her father, Cyrus H. K. Curtis, now hanging in the City Hall at Portland, might very properly be placed in the State House.

Under date of February 18, Mrs. Bok wrote Mr. Rounds as follows:—letter from her secretary.

"Mrs. Bok has now had an opportunity to bring your letter of January twenty-first to the attention of her father, and she asks me to tell you that he is willing, and so is she, to give the portrait desired of him for the walls of the State House, as you suggest, if you will see to all the details of getting a copy made by the painter of Mr. Curtis' portrait which now hangs in the City Hall of Portland, Maine."

The illness of Mr. Rounds has delayed his taking further steps in the matter but he has now prepared a resolve accepting the gift which Representative John F. Williams of Falmouth offers and asks unanimous consent that under a suspension of the rules it be given its several readings without reference to a committee and receive passage.

Mr. Rounds in forwarding the papers writes as follows:

"I am returning the paper

and if not signed correctly please let me know.

"According to Mrs. Bok's letter she wishes a copy of Mr. Curtis' picture to be made by the same artist who painted the picture which now hangs in City Hall, Portland.

"I think that the artist was from New York, and I would like to have her wishes respected."

The resolve is as follows: Resolve, accepting painting of Cyrus H. K. Curtis.

Resolved: That the legislature hereby accepts with appreciation the gift by Mrs. Edward Bok of a painting of Cyrus H. K. Curtis to be hung in the State House, and directs the superintendent of public buildings to place this picture in an appropriate position.

Thereupon the foregoing resolve was accorded unanimous consent and received without reference to any committee, under suspension of the rules, and had its two several readings and was passed to be engrossed.

On motion by Mr. White of Dyer Brook the House voted to reconsider its action whereby it accepted the report ought to pass of the committee on Inland Fisheries and Game on H. P. 22, L. D. 33, new draft H. P. 1387, an act to change the closed time on deer in the northern counties; and on further motion by the same gentleman the bill and report were tabled, pending acceptance of the report. On further motion by the same gentleman the new draft was ordered printed.

The SPEAKER: The Chair lays before the House, under Orders of the Day, the specially assigned matter, report of the Committee on Taxation on bill an act for the taxation of billboards and the regulation and control of outdoor advertising, majority report ought to pass in new draft, and minority report ought not to pass, H. P. 29, L. D. 44, new draft, H. P. 1336, L. D. 873, tabled on March 20, by the member from Gorham, Mrs. Day, pending motion to accept majority report; and the Chair recognizes the lady from Gorham, Mrs. Day.

Mrs. DAY of Gorham: Mr. Speaker and members of the Eighty-fifth Legislature: Community leaders soon realize that freedom and safety are vouchsafed to individuals only as each assumes a part of the burden of citizenship. To meet the expenses of community life, taxes were levied and mandates issued to control measures and men in order to promote the welfare of the community as a whole. This bill is such an act. An attempt has been made by the promoters of this bill to have every member of the House familiar with its principles. These principles are, first, the regulation of billboards in order to promote the safety of the public upon the highways, to enhance the beauty and lure of the Maine scenery, and to protect the depreciation in the value of property because of the obnoxious placing of these signs.

George Wharton Pepper, attorney for the billboard interests of the Nation, says "Of course all sorts of constitutional questions can be raised with regard to any proposal relating to this subject, but, in my opinion, the courts will finally recognize that the preservation of roadside beauty is a subject properly within the police power of the State."

New York and Pennsylvania have pending before their present legislatures bills similar to ours in terms, but more drastic. New Jersey has already passed such a bill.

The second principle of this bill is taxation. The bill provides for a tax for revenue from this method of advertising, based upon the number of square feet of advertising space.

The State has built splendid highways. The taxpayers of Maine contribute indirectly toward the maintenance and construction of these roads. The advocates of this bill believe that persons displaying advertising boards along these highways should pay a part of the expense. A direct tax does not seem feasible, because of the difficulty of collection. The tax provided is an excise tax.

A State tax on billboards and other roadside advertising was urged by C. M. Babcock at a recent meeting of the American Association of State Highway Officials. He pointed out that the value of outdoor signs depends on the condition of the roads and declared

that the advertising companies should help pay for the improvement of highways.

We believe the tax mentioned is not excessive. Railroads and textile mill's carry a heavy tax. Automobile and truck owners feel its weight. The farmer is bearing his full share, and it seems only right that the billboard interests, doing a lucrative business in the State, should bear their share of this tax burden.

This has been called a woman's measure, because it has the endorsement of the State Federation of Women's Clubs, with a membership of ten thousand. It also has the endorsement of many other clubs and groups of women, and it is safe to say that this bill has aroused more interest and support on the part of the women of Maine than any bill which has come before this Legislature since they were given a voice in the enactment of laws. It also has the support of the Maine Automobile Association, the Maine Publicity Bureau, the Maine Hotel Men's Association, and the State Board of Assessors, and there are other men of vision able to see beyond the commercial exploiting of Maine's scenery and who realize its value to all her citizens who are heartily endorsing this measure.

Mr. HATHAWAY of Milo: Mr. Speaker, as a member of the Taxation Committee who signed the minority report of four on this bill, ought not to pass, I would like to say at this time a few words, and try, in a small measure, to show my lack of appreciation of this bill.

Two years ago there was introduced into the Eighty-fourth Legislature a bill prohibiting billboards or outdoor advertising. This bill was awarded, in my opinion, the proper reward. It was thrown out of the window. Now the same people come to us. The bill is drafted by the same people, introduced by the same people, sponsored and lobbied by the same people, but under a sort of *nom de plume*. This bill was for taxing billboards. The original bill did not seem to find favor with the committee, so a number of new drafts were presented, and I would like to speak on this new draft.

I see no reason why people doing an honest, legitimate work throughout the country, as the billboard men are, should be taxed to

the point of confiscation, in fact I see no reason for a tax measure at all. The billboards are here; they are before our eyes. Even the proponents of the bill admit that they are very much before our eyes.

The assessors of the different towns and municipalities where they are can assess a tax on these billboards. I see no reason why they cannot collect the same.

Let us see what some of the newspapers say about this bill. Here is an editorial from the Bangor News under date of March 2. It says: "Taxing Billboards. Taxing Bodies, ever on the alert, trying to find new sources of revenue, are apt to run amuck unless the intended victims are on the alert and are able to head off some of their schemes.

"The suggestion is now made that the State impose a tax on billboard advertising. This is just another form of business-baiting, of which there is far too much already.

"Newspapers, as a matter of course, are not supposed to advocate billboard advertising and we might be expected to raise no objection to the imposition of such a tax. But a candid and honest expression must be to the effect that the tax on billboards would be discriminatory and class legislation to that effect was passed. Furthermore, it would be a tax on business enterprise. Outdoor advertising occasionally mars scenic beauty, but on the whole it has developed the artistic touch and it is providing some very fine displays.

"At the present time, when business in general is struggling along under adverse conditions, it would certainly be poor public policy to impose a tax of this character upon enterprise. On the contrary, it devolves upon our legislative and taxing bodies to do everything they can to encourage legitimate business and industry."

This is an editorial from a competitor of billboards.

Now I would like to speak about this bill from the farmers' point of view. I wonder if you people really know what a dangerous piece of legislation this will be to the farmers. If you pass this bill, a farmer who happens to live more than two hundred feet from the highway, in order to advertise the products of his farm, his barn, or shop for sale, will be obliged to secure a blank furnished by the

Chief of the State Highway Police. Armed with this, he must proceed to the Town Treasurer, fill out this blank in detail, containing a description of the billboard, what he wishes to advertise, the location of it, and his name, then pay an excise tax of not less than three dollars. This must be made in duplicate to the Chief of the State Highway Police, who will pass upon it, and, if he sees fit, issue a permit. Now all of these details that ensue we pass over—the seeming injustice to some of our farmers who are unfortunate in living more than two hundred feet from the highway, who must go to all of this trouble and to all of this expense to advertise their goods, where a farmer living right on the highway can advertise the same for sale without paying a tax, which seems to me to be class legislation. But look at the delay and trouble it is going to cause. For instance, supposing some good farmer who lives a little way from the highway wishes to advertise pigs for sale. He has to secure a permit, pay an excise tax, send to the Chief of the Highway Police for a permit, with the great delay that ensues. By the time he gets that permit you no longer have pigs for sale, but shoats for sale. (Laughter.)

There is another thing I want to call your attention to, the penalty. Supposing this farmer has a sign that he neglects to tear down, or an old sign he forgets to pay a tax on. The penalty: Any person who shall erect, maintain, display or allow to remain in view any such advertising structure, and so on and so forth, must pay a fine of one hundred dollars for each advertising structure. Each day shall be called another violation.

There is another thing I want to call to your attention: In this draft there is no provision for appeal. In the original bill and previous draft there was an appeal from the Chief of the State Highway Police, but there is no appeal at all in this draft.

Now let us look at it from the Chief of the State Highway Police's point of view. This department is greatly overworked, the Chief has few men and a lot of work. The money that is received from this taxation goes to the towns where the billboards are erected, and that is the only part of this new draft I am in hearty accord with—that

is the place where the money should go. But if we did not have this legislation, it would go there just the same from a direct tax. Now the Chief of the Highway Police must issue these permits. He must send them to the treasurers.

Now in regard to the removal of boards, the Chief of the State Highway Police may order the removal of any advertising structure or device which does not comply with the terms of this act. For instance, if there is a large billboard out there that must be removed, what must he do? He must hire some men with trucks. He must get permission to go on this land. He must tear this billboard down, and must remove it, which costs money. In fact he has the carrying out of this law, and in this bill there is not one nickel set up for the carrying out of legislation.

Then there is another thing with reference to farmers. The farmers receive a large revenue. There is more or less of a revenue from billboards where one is located on their land. They receive a yearly rental of from ten to fifteen dollars, and that helps the farmer to pay his taxes.

Now, coming from Piscataquis County, as I do, where the small farmer as well as the large one is, I am body and soul opposed to passing this piece of legislation that will cause my people so much trouble, expense and annoyance. I earnestly appeal to all of you who have the best interests of the farmer at heart, whether he be from my county, Aroostook County or, yes, from York County, to voice a good hearty round "No" that the majority report of this committee be not accepted. I thank you.

Mr. BURKETT of Portland: Mr. Speaker, I think these divided reports, when they come into the House, may be properly, in the first instance, discussed by the members of the committee making them.

The other day, when this report came in, the lady from Gorham (Mrs. Day) asked me if I would not take the time of the House to try to explain its provisions. Probably today that detailed explanation is not as necessary as it was that day when the new draft had not been printed, but, as I agreed to do it, I will now hastily run over the bill.

I think, from the discussions I

have heard today in the corridors, that there are undoubtedly a number of the members of the House who do not understand all of the provisions of the bill.

Let us take a few minutes and run over Legislative Document 873 and see just what its provisions are so that we at least can discuss it intelligently.

The first section simply provides for the imposition of an excise tax. In practice, the way it works out, it is about the same as the excise tax on automobiles, perhaps not justified on the same grounds, but it works out the same way. In other words, a person desiring to erect or maintain an advertising structure must go and pay an excise tax before a permit can be granted for its erection. That, in practice, I say, is exactly the same as the automobile law. Before you can get your car registered, you must pay an excise tax.

Section two provides that when the excise tax is paid, the person paying the tax must file in duplicate with the treasurer of the city or town collecting the same, information about the structure to be erected. If that structure is to be erected within the compact or built-up portion of any city or town, the treasurer of the city or town to whom the tax is paid, the same person who collects the tax, issues a permit forthwith,—no further trouble is caused the person paying the tax except, perhaps, some little investigation that may have to be made by the treasurer. If a billboard is to be erected outside of the built-up portions of any city or town, the treasurer forwards a duplicate of the receipt for the payment of the tax to the State Highway Police. That is all plain, of course, up to that point.

Section three provides for the issuance of a permit. When the Chief of the State Highway Police receives the duplicate receipt for the payment of the tax, his duty is to ascertain if that billboard will violate the provisions of the statute already on the books of this State, and that is all. The wording of section three, which provides "that no permits shall be issued for any advertising structure or device in, upon, or above any public highway or so situated with respect to

any public highway as to obstruct clear vision of an intersecting highway or highways, or otherwise so situated as to prevent safe use of the highway" is the wording of section 19 of chapter 139 of the revised statutes, adopted in the first instance in 1925, and amended since, and is the settled policy of this State. The Chief of the State Highway Police, under section 20 of that same chapter, "shall remove all signs, billboards, panels, placards, posters, notices, or other advertising devices existing within the limits of the highway." I am reading from the statute. That is the law of the state at the present time, and has been for some years, so this act imposes no great amount of additional duty or trouble upon the State Highway Police.

In section four the amount of the tax fixed in this act is one and one-half cents per square foot. It corresponds as near as may be to the average general property tax in the state. Of course it is true, as the gentleman from Milo (Mr. Hathaway) says, that towns and cities may tax billboards under laws relating to taxation of general property, and they, of course, should—probably they all do—if they do not, without any question they should.

As I understand it, a standard billboard is 11 by 25 feet square, and contains 275 square feet. Under this tax of one and one-half cents per square foot, the tax would be, if I have figured it correctly, \$4.12.

Assuming that the average town or city would tax such a board at \$100, and assess it at the average rate over the State, which is \$45, the tax would be \$4.50 for that same board under general property taxation, so it seems to me the tax is no larger than would be collected by the city or town now if they assess these boards and tax them as they do other real and personal property in the towns.

Section five provides for the removal of boards. It says the State Highway Police shall cause to be removed, after giving notice to any person not complying with the act, any advertising structure on which the tax has not been paid or which has been erected contrary to the provisions of chapter 139. Now that is the obligation they

have under the present section 20 of chapter 139, no more and no less. Whether it means they shall tear the structure down or burn it up and destroy it, I do not know, but I do not believe that is the intent of the law. I think it is proper to be read into that section that the State Highway Police, while they must take it down, shall not destroy it, but shall store it or do something with it so that it is available for the person who owns it when he comes around and complies with the law.

Section six simply reiterates another provision of the first part of the act which says "within the compact or built-up portions of cities, towns and villages the municipal officers shall exercise the powers and duties in this act conferred upon the Chief of the State Highway Police."

As to billboards outside of such compact limits, section eight contains some limitation.

Section nine provides that the billboards "shall show thereon the name of the person, firm or corporation displaying the same."

That is all there is to this act; it is purely and simply, it seems to me, a tax measure. As this billboard measure has been discussed here in the Legislature, there have been two extreme views expressed. There is one group who, without any question, would like to see all billboards prohibited or destroyed. There is another group who, if they had their own way, would like to see no regulations upon their erection at all, and probably no tax paid on them. Those are the two extreme views. I do not believe either of these extreme views are now held by many of the members of the Legislature. I do not believe that anybody would want to adopt either one of these extreme views, or at the present time propose any legislation that would either prohibit or authorize the destruction of all billboards, or would say that it is proper to repeal section 19 of chapter 139 and let them go unregulated.

It may be, as time goes on, some legislation may be put on the statute books, or there may be some decisions of our courts which will declare billboards a nuisance and prohibit their erection. I believe that that solution of the problem will be a long time in the future, if

ever. If the bill works any hardship upon the farming community—and the gentleman from Milo (Mr. Hathaway) has pointed out one place or one possibility where it might so work a hardship, I think it ought to be amended at the proper time. He has pointed out something I had not thought of, but I feel very sure the proponents of the bill, after the bill has reached a stage where it is amendable—after its first two readings—would be willing to do that. If not, I would be willing to propose the amendment myself.

There has also been some suggestion that the administration of the act would be placed wholly within the towns. There may be some merit to that. I understand the Chief of the State Highway Police has said that he did not have enough men or his men did not have enough time to enforce the provisions of this law. I think he must have overlooked the fact that he is now charged under section twenty with the duty of enforcing the present law, and that this act, while it would impose some additional duties on him, would not entirely disrupt the excellent organization of which he is the head.

I am not going to argue the merits on either side of this case. I think it should be argued by the members of the Taxation Committee who considered it and who have heard the witnesses who spoke at the hearing. I have simply tried to explain it in an impartial way so that everyone could understand it, and I am glad of this opportunity to do it, and I hope that I have not stated anything that is not in the bill or given any interpretation of it that is unfair. If I have, I should be very pleased to have someone point out in what particular I have offended.

Mr. BOODY of Windham: Mr. Speaker, the gentleman from Milo (Mr. Hathaway) having read an editorial from one of the papers from the State, I also wish to read one in this morning's Press Herald, entitled "Beautifying the Highways."

"One per cent of the money New Jersey appropriates for highways is to be used to beautify those which have already been constructed. The money will be used to plant trees, shrubs and flowers along the roadsides.

"This is not merely an endorse-

ment of the crude observation that 'beauty pays.' It is proof that in one state at least beauty is something intrinsically worth while, for which payment is to be made and cheerfully. Beauty is an end in life. Other things pay as they make beauty possible.

"New Jersey has already set out to mitigate the billboard nuisance. She has enacted laws to get rid of the most of them, setting an example in this way to the other states of the Union. Now she proposes to make her highways attractive by cleaning up the roadsides, lining the highways with trees and shrubbery.

"Maine has an organization devoted to this same idea and it has accomplished a great deal. But there is opportunity for more work of the kind. Unsightly places have been improved in some parts of the State. People have been encouraged to make their property look better along the main highways. Many beautiful flower gardens have resulted in the work this organization to beautify our highways has accomplished. But it is working without funds. If it had some money to spend it could accomplish much more."

This bill if it becomes a law would, first, eliminate the unsightly and that which looks to be a detriment to the public eye. It would eliminate from large areas those undesirable obstructions to the beauties of the eye. It would place them in a position that would eliminate them and make them a blessing to our State in the localities which we wish to cover up—the low, ordinary land in the poverty-stricken areas, covered by forests, tall bushes, along the highway. Secondly, it would stimulate the business of the billboard creator, it would give them a new artistic view of the quality of the landscape, and thirdly, it would have a tendency if they wished to advertise to put them in a position and in line with the cheapest possible point of view. Fourthly, there would be a revenue for some of these towns that would be a great blessing in these depressed times of over-taxation. I, for one, believe this is a great forward movement in the interests of our tourists and in the beauties of life in this grand old State.

Mr. CLEMENT of Durham: Mr. Speaker, I would like to say that

our soil is the same color as that of New Jersey and that we would be willing to spend one per cent to take care of it.

Every member of organized outdoor advertising, through the Outdoor Advertising Association of America, has pledged his company not to build upon locations where they interfere with the view of natural beauty spots. Also, structures may not be built upon streets which are purely residential, nor upon any location where the resentment of reasonably-minded people would be justified.

A lot of people argue that aesthetic values are more important than economic ones. What nonsense! Gas and water tanks, smokestacks, freight yards, docks, warehouses, telegraph and telephone poles and most factory buildings do not present a very prepossessing appearance and are not pleasant things to look at; but the splendid garments with which we clothe our bodies, the efficient means of conveyance that we enjoy, the public utilities that add to the joys of living, and, indeed, all the luxuries of our modern homes in their beginning are found in these manufacturing plants.

Today our attention is called to the unregulated, unorganized public advertising. The outdoor advertising industry has recommended to the Department of Commerce of the United States that it undertake a survey of all rural business enterprises in co-operation with national organization having an aesthetic for business interests in that subject and recommend model legislation to the states which might become universally adopted. It does seem as though we have the cart before the horse in this matter. There is nobody who does not want to see these things taken care of in a right and proper manner but it does seem as though the way we have gotten at this is wrong. I am not in favor of unsightly billboards, but as one goes along the highways today and sees a fine looking billboard and a henhouse or a run-down barn one hardly knows which would be of the greatest benefit to take down, the billboard or the barn or henhouse. I think that until such time as this matter can be properly handled through a universal adoption by all the states of a

uniform scenic system that we should support the minority report in this matter.

Mr. BRACKETT of Palmyra: Mr. Speaker, I am opposed to this bill and I think we do not need it.

The SPEAKER: The question before the House is on the motion of the member from Gorham, Mrs. Day, that the majority report be accepted.

Mr. SCATES of Westbrook: Mr. Speaker, the lady from Gorham, Mrs. Day, said that this was a woman's measure. It is and I am for the women of Maine, and I think that they are right in their position in regard to the billboard. Now if that is so, let us grant their request and have the matter done with. Ultimately they are going to win. Why not now? (Laughter).

Mr. JACOBS of Auburn: Mr. Speaker, I do not wish to hinder the farmer from getting compensation from billboards if they happen to be placed upon his farm; but if this bill is passed I do not believe it will hurt a farmer in the State of Maine. I want to speak from experience in regard to four billboards which it was my privilege to erect in the county of Androscoggin for a Western advertising concern. The actual cost of building and placing those billboards in the town was \$178, and that include \$10 for taking them down after the contract had expired. The revenue from those four billboards to this advertising concern was \$960. It seems to me that in all fairness, if we want to get some facts from out of the State people for advertising Maine, we should consider this in a favorable light and from a monetary basis. Where is there a man in this House doing business today who can invest \$178 and have returned to him \$960? It is an excellent thing, I believe, for those of us who want to have the people taxed according to their income to consider this thing on this basis. I am speaking from experience on this matter, and this is only one county out of sixteen and they advertise in sixteen counties. The revenue received from those counties I am not able to state, but I do know that I am speaking from facts with reference to my own county. I am in favor of tax-

ing billboards in the State of Maine.

Mr. BURKETT: of Union: Mr. Speaker, as a member of the Taxation committee, I am frank to say that I was opposed to this bill when it first came on for hearing, but after hearing the arguments pro and con I am fully satisfied that the billboard people themselves want to and expect to pay a reasonable tax. They do not object to the idea of a tax; they do object to elimination. I am firmly convinced that it would bring in a revenue to the State and to the town as well as benefit the scenery and yet not be unfair to the farmer or any other person. I am in favor of the bill.

Mr. ADDITON of Auburn: Mr. Speaker and members of the House: I am not going to take up any of your time, but inasmuch as there has been an allusion to the Maine farmer, I can say that I am a farmer and I am in favor of this billboard legislation. When we meet the ladies on the street, we take off our hats to them. Why not do it here and now? (Applause).

The SPEAKER: The Chair will caution the members and guests to remain as quiet as possible during the roll call and will state that no member may leave his seat until the roll call is made and the result announced.

Mr. SCATES of Westbrook: Mr. Speaker, will you state the question once again.

The SPEAKER: The question is on the motion of the member from Gorham, Mrs. Day, that the House accept the majority report which was ought to pass. In other words, a vote "yea" is voting for the bill. The Clerk will call the roll.

The SPEAKER: Is the House ready for the question? The question is on the—

Mr. SMITH of Bangor: For the sake of pairing, I ask unanimous consent to be excused from voting on account of the absence of my colleague from Penobscot county, Mr. Burr. If he were here he would vote for the minority and I should record my vote for the majority report.

The SPEAKER: The gentleman asks unanimous consent to refrain from voting on the grounds he has stated. Has he that privilege?

The privilege to refrain from voting was granted.

Mr. THOMAS of Harpswell: Mr. Speaker, I ask unanimous consent not to vote on the measure.

The SPEAKER: Will the gentleman state his reason?

Mr. THOMAS: My reason is, Mr. Speaker, that I am undecided.

(Laughter and applause).

The SPEAKER: The Chair will have to state that in its opinion that is not a sufficient reason. Are you ready for the question?

Mr. SOPER of Newport: Mr. Speaker, I would like permission of the House to be excused from voting for the reason that yesterday one of the members, Mr. Dekin of Milford, had to go away and wanted me to pair with him.

Permission was granted.

The SPEAKER: The motion of the member from Gorham, Mrs. Day, is that the House accept the majority report, ought to pass, and the member from Gorham moves that the vote be taken by the yeas and nays. All those in favor of the vote being taken by the yeas and nays will rise and remain standing until counted, and the monitors have returned the count.

A sufficient number having arisen, the yeas and nays were ordered.

(Roll Call)

YEA—Additon, Allen, Andrews, Angell, Ashby, Audibert, Authier, Bailey, Bearce, Biddie, Blanchard of Wilton, Blanchard of Phillips, Boody, Bowers, Brewster, Burkett of Portland, Burkett of Union, Burns, Carleton, Church, Clarke, Cooper, Cram, Crane, Day, Dow, Drisko, Duquette, Eastman, Eaton, Ellis, Fernald, Gibson, Goodrich, Goudy, Graves, Hamel, Hatch, Hawkes, Hills, Holbrook, Hobbs, Hussey, Jacobs, Jones, Leonard, Littlefield, Lowell, Luce, MacKinnon, MacPheron, Martin, McLoon, Merritt, Morse, Owen, Plouff, Plummer, Quint, Rogers of Yarmouth, Sanborn, Sawyer, Scates, Shaw, Snow of Bluehill, Smith of Vinalhaven, Smith of Waterboro, Sterling of Kittery, Stern, Sturtevant, Thomas of Woodland, Tompkins of Houlton, Tompkins of Bridgewater, Towne, Varney, Viles, Wallingford, Webber, Webster, Weeks, Whitney, Wilbur, Wright—83.

NAY—Adams, Allison, Bennett, Berry, Blaisdell, Blodgett, Brackett, Breen, Briggs, Bussey, Carter, Clement, Cobb, Daigle, Davis, Edwards, Farris, Fenlason, Ford, Friend, Gagnon, Gray, Harrington, Hathaway, Hiscock, Jack, Jackson, Kent, Lancaster, Lizotte, Mack, McCart, Mel-

cher, Morey, Morin, Morrill, Oliver, Palmer, Patterson, Peacock, Perham, Picher, Potter, Pratt, Richardson, Robie, Rogers of Greenville, Sargent, Smith of Masardis, Sterling of Caratunk, Sweet, Thomas of Harpswell, Thompson, Ward, White of Crystal, White of Dyer Brook, Williams, Worthen—58.

PAIRED—Burr, Dekin, Smith of Bangor, Soper—4.

ABSENT—Burgess, Gauvin, Lewis, Rounds, Snow of Scarboro—5.

When the name of Mr. Thomas of Harpswell was first called he did not vote.

The SPEAKER: The Chair will rule that the gentleman is present and must vote.

Mr. THOMAS: What did I understand the Speaker to say?

The SPEAKER: The rules say that every member present, unless excused, must vote.

Mr. THOMAS: Then I will vote no.

Mr. GRAVES of Mount Desert: Mr. Speaker, when my name was called someone else, I believe, answered through error to my name, and I would like to have the Chair inform me if my name is recorded as voting.

The SPEAKER: The gentleman's name is recorded as voting no.

Mr. GRAVES: I voted yes.

Thereupon the vote was changed upon the roll call from "no" to "yes."

Eighty-three having voted in the affirmative and 53 in the negative, the motion to accept the majority report prevailed; and a viva voce vote being taken, the bill had its two several readings, and tomorrow assigned.

Mr. Snow of Bluehill was granted unanimous consent to present a matter out of order.

Mr. SNOW: Mr. Speaker, there has been placed on the desks this morning Legislative Document 954, which is the re-draft of the Administrative Code bill, so-called. On Page 9 is a typographical error to which I desire to call your attention.

Under Section 12, about two-thirds of the way down that section where it says "Federal government" etc., Section 12 should stop and there should be added Section 13, with the caption "Uniform

Fiscal Year” and the words “Fiscal Year of the State Government shall hereafter commence on the first day of July.” This was an omission of the printers in setting up the bill.

The SPEAKER: The Chair will state that that being an error it

may be corrected without legislative action.

On motion by Mr. Burkett of Portland,

Adjourned until tomorrow morning.