

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

SENATE

Wednesday, March 18, 1931

Senate called to order by the President.

Prayer by the Rev. R. F. Lowe of Augusta.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

From the House:

Joint order relative to investigating methods employed in State Assessors Department. (L. D. 107)

(In the Senate March 12 voted to adhere to its former action whereby the order as amended by Senate amendment "A" was passed)

In the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Spear of Cumberland, tabled pending consideration.

From the House:

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

(In the Senate passed to be engrossed March 3.)

In the House, House Amendment "A" read and adopted and the bill passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, the rules were suspended and that body voted to reconsider its former action whereby the bill was passed to be engrossed; "House Amendment "A" was read and adopted and the bill passed to be engrossed as amended by House Amendment "A" in concurrence.

At this point Dr. E. D. Merrill, Speaker of the House of Representatives, was escorted to a seat at the right of the President, amid the applause of the Senate, the members rising.

From the House:

The majority of the Committee on Legal Affairs on bill "An act providing for probation on jail sentences where a fine is paid" (H. P. 606, L. D. 207); reported the

same in a new draft (H. P. 1192, L. D. 777) under the title of bill "An act providing for sentences and imposition thereof;" and that it ought to pass.

(Signed) CROSBY of Penobscot
HOLMAN of Franklin
SOUTHARD of Kennebec
BLAISDELL of Franklin
SHAW of Bar Harbor
BLANCHARD of Phillips
GOUDY of S. Portland
MARTIN of Bangor
JACK of Lisbon.

The Minority of the same Committee on the same subject reported that the same ought not to pass. (Signed) SARGENT of Brewer.

In the House, the minority report was accepted.

In the Senate, on motion by Mr. Crosby of Penobscot, the bill was recommitted to the Committee on Legal Affairs in non-concurrence.

House Bills in First Reading

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

An act relating to county law libraries, (H. P. 1069, L. D. 348.)

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

The following remonstrance was received and on recommendation by the committee on reference of bill was referred to the following Committee:

Legal Affairs

Mr. St. Clair of Knox: Remonstrance of Albert E. Luce and 21 others against any change in the Sunday law and particularly against Perham bills, L. D. Nos. 367 and 369. (S. P. 558.)

Sent down for concurrence.

Bills in First Reading

An act relative to temporary number plates on motor vehicles. (S. P. 555, L. D. 858)

An act to authorize the Treasurer of State to receive a portion of the residue of the estate of Joseph C. Greene bequeathed to the Pownal State School. (S. P. 336, L. D. 859)

Resolve in favor of the State Library. (S. P. 557, L. D. 857)

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

An act to provide for inspection of internal combustion engine fuel, and lubricating oil. (S. P. 554, L. D. 856)

Committee Reports

Mr. Spear from the Committee on Appropriations and Financial Affairs on "Resolve in favor of St. Mary's Hospital." (S. P. 293) reported that the same ought not to pass.

Mr. Wheeler from the same Committee on bill An act relating to the payment of succession taxes. (S. P. 3) reported that the same ought not to pass.

The same Senator from the same Committee on Resolve in favor of the Maine Institution for the Blind. (S. P. 404) reported that the same ought not to pass, as it is taken care of by other legislation.

The same Senator from the same Committee reported same on Resolve in favor of the Maine Institution for the Blind. (S. P. 403)

The same Senator from the same Committee on bill, An act in favor of the Bar Harbor Medical and Surgical Hospital. (S. P. 280) reported that the same ought not to pass as it is taken care of in Appropriation bill.

Mr. Page from the Committee on State Lands and Forest Preservation on bill, An act relating to Auxiliary State forests. (S. P. 121) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Wheeler from the Committee on Appropriations and Financial Affairs on Communications from the State Auditor relative to deficiencies reported the same in a new draft (S. P. 559) under the title of "Resolve Appropriating money to cover Departmental deficiencies," and that it ought to pass.

Mr. Page from the Committee on State Lands and Forest Preservation on bill, An act providing that the Governor may suspend open season for hunting and fishing in time of drought. (S. P. 446, L. D. 589) reported the same in a new draft (S. P. 560) under the same title and that it ought to pass.

Which reports were read and ac-

cepted and the new drafts laid upon the table for printing under joint rules.

Mr. Crosby from Special and Joint Committee to which was referred bill, An act authorizing the County of Penobscot through its County Commissioners, to remodel and enlarge the County Jail, and to borrow money and issue notes for the same. (S. P. 41) reported the same in a new draft under the title of bill "An act authorizing the County of Penobscot, through its County Commissioners, to remodel and equip the County jail; and to authorize the said Penobscot County, through its said Commissioners to borrow money and issue notes or other obligations of said Penobscot County in the premises." (S. P. 561) and that it ought to pass.

Which report was read and accepted and the new draft laid upon the table for printing under joint rules.

Passed to be Engrossed

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

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

An act to authorize the Ogunquit Village Corporation to issue bonds. (H. P. 1286, L. D. 844)

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

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

An act to establish Duck Sanctuaries in Knox County. (S. P. 375, L. D. 479)

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

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

An act relating to city committees. (S. P. 473, L. D. 715)

Resolve in favor of Mrs. Minnie Shea, of Kittery. (S. P. 551, L. D. 854)

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

Orders of the Day

Under orders of the day and es-

pecially assigned for today, the President laid before the Senate, divided House report from the Committee on Towns, majority report, "ought not to pass", minority report, "ought to pass" on an act to re-establish the town line between the towns of Hancock and Lamoine, (L. D. 42), tabled by Mr. Weatherbee of Penobscot on March 13th pending acceptance of the majority report.

Mr. WEATHERBEE of Penobscot: Mr. President, I have had a conference with the Senator from Cumberland, Senator Spear, calculated to bring about an amicable adjustment of this affair, and I promised I would not press this matter for hearing this morning and I move it be retabed and especially assigned for tomorrow morning.

The motion to retabed and assign prevailed.

Mr. MURCHIE of Washington: Mr. President, the first unassigned matter this morning is on the table at the request of Senator Page of Somerset, and in order not to make a motion to retabed and get it under someone else's name, I move the rules be suspended and this matter be allowed to remain upon the table and be especially assigned for tomorrow morning.

Thereupon, An act to amend the charter of Fish River Power and Storage Company (S. P. 311, L. D. 304) was laid upon the table and especially assigned for tomorrow morning.

The President laid before the Senate, House Report from the Committee on Claims, "Ought Not to Pass", on Resolve in favor of the town of Shirley for the support of the family of Angus A. Green, (H. P. 80), tabled by Mr. Weatherbee of Penobscot on February 18th pending acceptance of the report.

Mr. WEATHERBEE of Penobscot: Mr. President, this is a claim filed by the town of Shirley, asking reimbursement in the sum of about \$2700 for supplies to the Green family, alleged to be state paupers. At the hearing a distinguished attorney representing the town of Shirley appeared, and he informed the committee that this town had instituted pauper suits against the town of Merrill and the town of Ashland and he believed the proper residence of this family either fell upon one or the other of the two

towns. In view of that statement and in view of the fact that suits are now pending we could hardly say to that town, in view of what this attorney said, that they were mistaken that the family had no proper residence in the state and were state paupers. It was the judgment of the committee that those suits ought to continue to termination that the proper residence of the family might be established, and this seems proper because the town of Presque Isle has a claim which they will present later. We believe the report of the committee should prevail. I believe the report has been presented or is ready to be presented, and the motion is to recommit.

The PRESIDENT: The Chair will state that the question is on the acceptance of the report.

Thereupon, on motion by Mr. Weatherbee of Penobscot, the report of the committee was accepted.

The President laid before the Senate, New Draft, Resolve in favor of Harry C. Aldrich, (L. D. 536), tabled by Mr. Weeks of Somerset on February 19th, pending second reading.

Mr. WEEKS of Somerset: Mr. President, at the suggestion of the Chairman of the Claims Committee, I would ask to have this resolve retabed so that all the matters along this line may be taken care of together as I understand there are others along the same line coming into the Senate.

The motion to retabed prevailed.

The President laid before the Senate, Senate Report from the Committee on Legal Affairs, on an act to incorporate Sandy River Log Driving Company. Majority report, "ought not to pass", minority report, "ought to pass", (S. P. 207), tabled by Mr. Southard of Kennebec on February 20th pending acceptance of either report, and on motion by that Senator, the majority report "ought not to pass" was accepted.

The President laid before the Senate, an act relating to taxation of shares of stock of trust and banking companies, (L. D. 233), tabled by Mrs. Carter of Androscoggin on February 25th pending adoption of Senate Amendment A.

Mrs. CARTER of Androscoggin:

Mr. President, I trust that the motion of the Senator from Kennebec, Senator Southard, to adopt Senate Amendment A will not prevail, and later the Senate will see fit to accept the unanimous report of the committee on Taxation, "ought not to pass."

Mr. SOUTHARD of Kennebec: Mr. President, I want to address myself, from both a legal and economic point of view, to a very bad motion, to adopt Senate Amendment "A" to an even worse bill, L. D. 283. There seems to have developed a vast quantity of haze and uncertainty about Legislative Document 233 and Senate Amendment A. I became the recipient of letters from an esteemed friend of mine in Waterville, along with other members of the Senate, and the only pertinent fact that one could mention about those letters is that they have absolutely nothing to do with the question before the Senate. The letters all deal with the question of assessing bank stock tax and if those of you who still possess your Revised Statutes, although most of you I assume have disposed of them before this, should happen to take a look therein, will find that Legislative Document 233 and Senate Amendment A pertain solely to the distribution of the tax and have nothing to do with the assessment. The assessment is taken care of by Section 77, Page 250 in your large book, and the distribution after it is assessed is the question we are now to deal with. For as I say, the proponents of a measure could be convinced about its content that they discuss the question of assessment, which no one here is concerned with, I think perhaps we ought to try at least to straighten the matter out so that we, at least, will understand what we are trying to do. I am told that Senate Amendment A is unconstitutional on the ground of assessing. It hasn't a thing to do with assessing. Senate Amendment A to Legislative Document 233 says after you get the tax you shall give it to someone, but it doesn't say a word about assessing it. It simply provides for the distribution of that tax, so if I may make a suggestion—the very fine letters which we have received I think we should immediately forget because they

have nothing to do with the matter. The bank stock tax is assessed under Section 77 and when so assessed is collected by the State, and after the State gets it, it must do something with it, and that is Section 78 which Legislative Document 233 deals with and which Senate Amendment A deals with. So we have no question of assessment. What are we going to do with the money after we collect it? That is the sole problem. Back to the time when mind of man runneth not to the contrary, and I have no idea when it was, but it follows to date, personal property has been taxed where the domicile of the owner was. You paid your tax where your cows, sheep, your piano, your radio or what not—the tax was paid to the community in which you lived. Now there develops a situation in regard to bank stock where bank stock was taxed at a different valuation in different communities and at a different rate in different communities, and so to adjust that, in 1921 the legislature suggested that we have the valuation of bank stock fixed at a certain definite sum for all communities in the state and we will have a uniform tax of fifteen mills on that stock, which is perfectly understandable, and then your city and municipality cannot impose any tax on that bank stock but the state will send to the municipality where the owner resides, that fifteen mill tax. That is perfectly understandable. Now, it seems there has developed a situation due to the fact that an institution known as Financial Institutes has come into the arena, and another in Portland whose name I do not recall, that has been going around and buying up bank stock. Now the question is, where are you going to send that money? Are you going to make a different rule because a corporation owns bank stock than if an individual owned it? Are you going to say because a married man owns bank stock we will send that money to a single woman's institution, whereas if a single man owns it, we will send to a married woman's institution? Just how far you can go along those lines, I do not think it is necessary for anybody to discuss that with the Senate. The

proposition is simply this: There has been a lot of loose conversation and I think even looser letters on this question. The only question is, what are you going to do with the money that is paid to the State Treasurer on account of bank stock tax? Are you going to send it, as has been the custom since practically 1863, to the municipalities where the stock is owned, or are you going to begin to divide it up and send it somewhere else?

Now, the thought behind Senate Amendment "A" frankly was this: To take a concrete illustration—the Augusta Trust Company purchased the stock of the Gardiner Trust Company in Gardiner, Maine. The stock of the Gardiner Trust Company was owned in Randolph, Litchfield, Farmingdale, Gardiner and Richmond, and until that stock was purchased by the Augusta Trust Company, the bank stock tax of the Gardiner Trust Company went to the five communities and Gardiner, never in its existence, got the whole of it. Now, the thought behind my amendment was this,—if you are not going to return that stock to the municipality in which that stock is owned,—it happens to be owned in Augusta at the present time, but there is nothing which says that Financial Institutions or Augusta Trust Company has got to stay indefinitely in the town in which it is located,—my thought was this,—if you are going to send it somewhere else, why send it to Gardiner where the stock was never owned and leave out Randolph, Farmingdale, Litchfield and Richmond?

Fundamentally, I will agree that the principle is wrong. As I say, it is a bad amendment to an even worse bill. The situation is exactly this: Let's suppose in Auburn, Maine, there is \$100,000 and that is all the property there is in Auburn, Maine. Let's say in Augusta there is \$50,000 and in Hallowell there is \$25,000 and in Winthrop there is \$25,000 worth of bank stock, and that is all the property there is in those four communities. Now the stock tax would go to Augusta, Winthrop and Hallowell. The tax on the money in Auburn would go to Auburn. Now, let's say that the people in

Auburn who have this \$100,000 decide that they would rather own the bank stock of the bank located in Augusta which is owned in Augusta, Winthrop and Hallowell, so they form a corporation and come over and buy the bank stock and leave in Augusta \$50,000 in cash, at Winthrop \$25,000 in cash, at Hallowell \$25,000 in cash. Those three communities instead of bank stock have the money and Auburn through its corporation, has got the bank stock. Now, under Legislative Document 233, that tax on the bank stock owned in Auburn would have to go to Augusta where the bank is located and Auburn would have \$100,000 worth of bank stock on which she could not collect a nickel's worth of tax. Now, if that is the situation you wish, of course you should vote for Legislative Document 233. If you want it divided between Augusta, Hallowell and Winthrop, vote for Senate Amendment A, but for pity's sake, know what you are voting for. You are changing the location and distribution of the money collected from the tax arbitrarily.

Take another concrete illustration: Let's say Legislative Document 233 is the correct one you want to follow and the tax must be returned to the town in which the bank is located. Supposing the Portland combination buys the Fort Kent Trust Company, if there is such a bank there, and owns all the stock of the Fort Kent Trust Company. How long is the office of the Fort Kent Trust Company going to be located in Fort Kent with all the stockholders located in Portland, Maine? Aren't they going to change the principal office from Fort Kent to Portland and keep the bank running up there? Of course they are, as a practical solution. Where is the money going? It is going back to Portland, Maine, and not to Fort Kent where you thought it was.

As I say, for as long a time as our civilization has existed, we have taxed property where it was located and the money from that location, from that tax, has gone to the community where the property is located, and it hasn't been attempted to shove it around all over the landscape. I would not even

raise the question of the unconstitutionality of taking property located in Portland and sending the tax to Mattawamkeag. Whether it can be done or not, I do not know, but that is what this bill is providing, and my amendment, which I frankly state to you members is unsound, but at least it is more equitable than Legislative Document 233 because it doesn't concentrate that tax in a few rich and populous cities that may have a bank located therein, when the stock is located outside that district; it is more equitable, but I for one, would not care to defend it as a matter of good legislation. My proposition to you is, if you are going to begin moving around the tax collected from bank stock to the different cities to different locations than it has had since 1863 in this state down to date, I want you to go into the thing with your eyes wide open and not be led around by some instance that may arise which you think at the moment is unjust, and I would like to have someone whom I assume will follow me, answer this question: Do you know how many institutions other than Financial Institutions own bank stock which is now going to the country towns, the smaller towns, where these corporations own it, and which under this bill will go to the particular city in which the bank is located? I have been informed there are a number of small corporations located outside of Augusta, not Financial Institutions, but small institutions which have acquired bank stock which they feel is one of the good assets of their company;— how many located outside of Augusta send the tax from those towns to the city of Augusta, and far be it for any member from Augusta to take umbrage for the particular act. But I do feel the theory underlying it is quite incorrect but if you see fit to shove around the bank stock tax from one community to another without reference to where the stock is situated, let's not huddle it up in a few wealthy municipalities where it is located, but let's make as broad distribution of it as you can which was the purpose and thought behind my amendment.

Mr. ALDRICH of Sagadahoc: Mr. President, may I ask the Senator

from Kennebec, Senator Southard, a question?

The PRESIDENT: The Senator from Sagadahoc may ask any question he wishes, and the Senator from Kennebec may reply if he desires.

Mr. ALDRICH: Will you just explain what your Senate Amendment "A" is, Senator Southard?

Mr. SOUTHARD: Senate Amendment A was offered with this thought behind it. The stock which was purchased by Financial Institutions, to use a concrete illustration, came from Winthrop or the smaller towns,—not of course concretely, but I mean the bank stock of various banks was not held in the community in which the bank was located. Take the condition in Rockland with the Security Trust Company—the bank stock was owned in Camden, Rockville and the different communities around there. My thought was if you are going to tinker with sending this money back to another place than where the stock is located, send it back to the communities where the stock was last owned by individual stockholders. Make that classification. It is purely arbitrary; I would frankly say I do not know as I can defend it, but it is no more unfair to send it back to the town where the stock was owned, than to send it back where the bank is located.

Mr. ALDRICH: Mr. President, at the suggestion of the Senator from Penobscot, Mr. Weatherbee, I would like to ask if we may have the amendment read.

The Secretary read Senate Amendment "A".

Mr. MURCHIE of Washington: Mr. President, I would like to suggest to the Senate that when the sponsor of any bill, amendment or any order suggests it is unsound and suggests frankly it is a bad amendment even though he adds "to an even worse bill," it would be an entirely safe course for the Senate to indefinitely postpone the entire unsafe and unsound and bad amendment, and I would therefore move that the amendment be indefinitely postponed.

The PRESIDENT: The motion is on the indefinite postponement of Senate Amendment "A".

A viva voce vote was had and the motion to indefinitely postpone Senate Amendment "A" prevailed.

The PRESIDENT: The report of the Committee was accepted on February 5th, and the bill will now be given its first reading.

Thereupon, the bill was given its first reading and tomorrow assigned for second reading.

The President laid before the Senate, New Draft of an act relating to the State School for Girls (S. P. 518, L. D. 762), tabled by Mr. Bissett of Cumberland on February 27th pending second reading; and on motion by that senator the bill was retabled.

The President laid before the Senate, New Draft of resolve in favor of the State School for Boys (S. P. 519, L. D. 763), tabled by Mr. Bissett of Cumberland on February 27th pending second reading; and on motion by that senator the bill was retabled.

The President laid before the Senate, New Draft of an act relating to the State School for Boys (S. P. 520, L. D. 764), tabled by Mr. Bissett of Cumberland on February 27th pending second reading; and on motion by that senator the bill was retabled.

The President laid before the Senate, House Report from the Committee on Taxation "ought not to pass" on H. P. 135, L. D. 54, an act relating to taxation of stock of Trust and Banking Companies, tabled by Mr. Slocum of Cumberland on March 3rd pending acceptance of the report in concurrence.

Mr. SLOCUM of Cumberland: Mr. President, I move that this matter be retabled as on the last legislative day I introduced an order referring to this matter, which has been tabled.

Mr. MURCHIE of Washington: Mr. President, may I ask the Senator from Cumberland (Senator Slocum) whether he will assign as the time for consideration of this matter, immediately following the action on his order of this morning?

The PRESIDENT: The Senator from Washington, Senator Murchie, asks a question of the Senator from Cumberland, Senator Slocum, which he may answer if he wishes.

Mr. SLOCUM: Mr. President, I would prefer not to assign a time as I do not know what the action will be.

Thereupon, a viva voce vote was had.

The PRESIDENT: The Chair is in doubt. As many as are in favor of the motion to retable by the Senator from Cumberland, Senator Slocum, will rise and stand—

Mr. ALDRICH of Sagadahoc: Mr. President, may I ask a question of the Senator from Cumberland, Senator Slocum?

The PRESIDENT: The Senator from Sagadahoc, Senator Aldrich, may ask his question and the Senator from Cumberland, Senator Slocum, may answer if he desires.

Mr. ALDRICH: Mr. President, I would like to ask the Senator whether or not, if the order which he has before the Senate should not receive favorable consideration, he has any other reason which he could give us for asking that this matter be retabled at this time. I feel that if there is a reasonable basis for his request that at this stage of the proceedings it would be unfortunate not to permit him to have his motion pass.

The PRESIDENT: The Senator from Cumberland, Senator Slocum, may answer if he desires, but of course the matter of tabling is not debatable.

Mr. SLOCUM: Mr. President, I will say that if the order does not receive a passage I see no reason why this matter should not be taken up, but until the order has been taken up and disposed of I hope that my motion to retable will prevail.

The PRESIDENT: The question before the Senate is upon the motion of the Senator from Cumberland, Senator Slocum, that this bill be retabled. As many as are in favor of this motion will rise and stand until counted.

Mr. SLOCUM: Mr. President, I will move that this matter be retabled and especially assigned to a time subsequent to the action on the part of the Senate upon the order with reference to this measure.

Mr. MURCHIE: Mr. President, may I inquire if the Senator from Cumberland (Senator Slocum) means immediately subsequent?

The PRESIDENT: The Senator from Cumberland, Senator Slocum, hears the question and may answer if he desires.

Mr. SLOCUM: Mr. President, I accept the amendment and include in my motion the word "immediately."

The PRESIDENT: The Senator from Cumberland, Senator Slocum, moves that this matter be retabled

and assigned to follow immediately after the action upon his order relative to referring the matter for the opinion of the Supreme Court. Is this the pleasure of the Senate?

The motion to table and assign prevailed.

The President laid before the Senate, An act authorizing towns to raise money for repairing and building academies (S. P. 281, L. D. 248), tabled by Mr. Weatherbee of Penobscot on March 4th pending second reading.

Mr. WEATHERBEE of Penobscot: Mr. President, while I have grave doubts about the constitutionality of this bill I will not interpose any objection at this time to its taking its regular course.

The PRESIDENT: The Senator from Penobscot, Senator Weatherbee, moves that this bill receive its second reading at this time.

Thereupon, the bill received its second reading and was passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate, Senate Report from the Committee on Salaries and Fees "Ought not to pass" on S. P. 104, An act to change the salary of the Clerk of Courts for Penobscot County, tabled by Mr. Weatherbee of Penobscot on March 4th pending acceptance of the report.

Mr. WEATHERBEE of Penobscot: Mr. President, the Clerk of Courts of Penobscot County is at the State House today and desires to interview the Penobscot County delegation about this matter and I therefore move that it be retabled.

The motion to retable prevailed.

The President laid before the Senate, House Report from the Committee on Public Health, "Legislation Inexpedient," on An act to regulate the practice of Naturopathy, (L. D. 51), tabled by Mrs. Carter of Androscoggin on March 4th pending consideration.

Mrs. CARTER of Androscoggin: Mr. President, I yield to the Senator from Cumberland, Senator Slocum.

Mr. SLOCUM of Cumberland: Mr. President, I move that this lie upon the table as other information may be brought forward which will affect it.

Mr. GREENLEAF of Androscoggin: Mr. President, I ask for a division.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Slocum, that this matter be retabled.

A division of the Senate was had. A sufficient number not having arisen, the motion to retable was lost.

Mr. SLOCUM: Mr. President, I move we concur with the House in the substituting of the bill for the report, which I understand has passed the engrossing stage, and in support of my motion I will say that I am not going to hold any brief on any branch of the healing art, but I believe that there are different branches of the healing art which are doing good to people who are distressed mentally and physically. In fact, almost every branch of the healing art will admit that there is a mental phase to all physical conditions and it is very probable that some good and some help to suffering humanity is given by the practitioners who call their method the healing by naturopathy. I understand they include physio-therapy, hydro-therapy and electro-therapy, all of which has been recognized by other branches of the medical profession as having some merit. In fact, the State purchased considerable equipment to give treatment along the lines of physio-therapy and electro-therapy at the state institutions, and I cannot understand the position on the part of certain members of the allopathic and homeopathic schools which come under the head of the practice of medicine that we license as doctors of medicine, to this measure. They seem to feel that it may injure their profession, although I have among my friends a number of the practitioners that are licensed as doctors of medicine who feel no worriment as to the passage of this and the licensing of the practice of naturopathy.

The legislature in 1927 licensed chiropractors and at that time the same group who are opposing this measure opposed the licensing of chiropractors. I do not believe it has injured the medical profession any. I have never had any experience with chiropractors, but the plea to license chiropractors was put forward to protect the public

from unethical practices by some who called themselves chiropractors. The plea that appeals to me on the part of the naturopaths is a similar one. Today any member of this body can practice the healing art legally in the State of Maine by putting out a sign that he is a naturopath whether he knows anything about it or not. It seems where different citizens had received benefits from naturopaths and those naturopaths had or are having to practice in competition with alleged naturopaths, that the public cannot tell whether a man is qualified to practice naturopathy today because there is no prohibition for anyone, or any of us for that matter, putting out a sign, "Naturopath" and practicing, and there is one reason why this bill particularly appeals to me. I am informed that prior to 1921 an individual who called himself a chiropractor but who was not qualified to practice chiropractic, nevertheless perfectly legal in the State of Maine prior to the action of the 1927 legislature, was practicing, and that man was convicted and served time for abortion. When the legislature in 1927, passed an act to regulate chiropractors, he was unable to get a license to practice chiropractic. He didn't go out of business. He took down his sign and put up another one, "Naturopath". Mind you, this man is a convicted abortioner and is practicing today legally under our laws, allegedly as a naturopath. Therefore, it would seem to me that we should pass this law in order to regulate those who claim to be naturopaths and put out of business those who are only alleged naturopaths and give the public the protection which it most assuredly deserves. A vote against this measure would seem to be a vote to allow men of the type I have just referred to to continue to practice as naturopaths when they are not naturopaths and have not a good moral character. I hope my motion will prevail.

Mr. CROSBY of Penobscot: Mr. President, I hope the motion will not prevail and I ask for a division.

The PRESIDENT: The Senator from Penobscot, Senator Crosby asks for a division. The question is on the motion of the Senator from Cumberland, Senator Slocum, that the bill be substituted for the report.

A division of the Senate was had. A sufficient number not having arisen, the motion to substitute the bill for the report was lost.

Thereupon, on motion by Mr. Greenleaf of Androscoggin, the report of the committee was accepted, in concurrence.

The President laid before the Senate, House Report from the Committee on Judiciary, "Ought not to Pass", an act to authorize the trustees of York Water District to make and enforce certain rules and regulations, (L. D. 199), tabled by the Senator from Washington, Senator Murchie, on March 5th, pending acceptance of the report.

Mr. MURCHIE of Washington: Mr. President, I would like to move that the bill be substituted for the report, and in explanation of that motion I want to say that the bill as originally submitted gave to the trustees of the York Water District authority to make certain rules and regulations with reference to the use of Chase's Pond. The committee was unanimous in feeling that that bill would not be enacted, but since the report came in the parties interested have submitted a new bill which merely protects the purity of the water supply of Chase's Pond, and I am therefore speaking for the committee when I ask that the bill be substituted for the report in order that it may be amended.

Thereupon, the bill was substituted for the report and the bill received its first reading.

Mr. Murchie offered Senate Amendment "A" and moved of adoption:—

"Senate Amendment 'A' to Legislative Document 199. Amend Legislative Document 199 by striking out everything after the enacting clause and substituting in place thereof the following: 'No person shall use any boat upon the waters of Chase's Pond in the County of York or fish therein or in any manner defile or pollute the waters thereon, provided however, that nothing in this act shall prevent the necessary uses of the said pond by the York Water District. Whoever violates the provisions of this act shall be punished by fine not exceeding twenty dollars or by imprisonment not exceeding sixty days.'"

The amendment was adopted.

Thereupon, on further motion by the same senator the rules were suspended and the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A".

The President laid before the Senate, House Report from the Committee on Education "Ought to pass" on H. P. 83, L. D. 56, an act relating to State Aid for Academies, tabled by Mr. Littlefield of York on March 5th pending acceptance of the report.

Thereupon, on motion by that senator the report was accepted and the bill received its first reading.

The President laid before the Senate, new draft of an act relating to Prohibition Officers for Cumberland County (H. P. 1187, L. D. 772), tabled by Mr. Jackson of Cumberland on March 5th pending second reading.

Mr. JACKSON of Cumberland: Mr. President, pending information from the County Commissioners for Cumberland County which I believe will be at hand tomorrow morning, I move that this bill be retabled and especially assigned for Friday morning.

The motion to retable prevailed.

The President laid before the Senate, Resolve in favor of John T. Pratt (S. P. 523, L. D. 794), tabled by Mr. Weeks of Somerset on March 5th pending passage to be engrossed.

Mr. WEEKS of Somerset: Mr. President, for reasons which I gave in retabling a previous matter earlier this morning I move that this matter be retabled.

The motion to retable prevailed.

The President laid before the Senate, Resolve in favor of Coyt Ingraham of Knox (S. P. 524, L. D. 793), tabled by Mr. Weeks of Somerset on March 5th pending passage to be engrossed.

Mr. WEEKS of Somerset: Mr. President, for the same reason I move that this bill be retabled.

The motion to retable prevailed.

The President laid before the Senate, Resolve in favor of State Reformatory for Men (S. P. 154), tabled by Mr. Bissett of Cumberland on March 5th pending consideration.

Mr. BISSETT of Cumberland: Mr. President, am I correct in understanding that the report of the committee has been accepted?

The PRESIDENT: The Senator is correct.

Thereupon, on motion by Mr. Bissett of Cumberland the resolve was laid upon the table for printing under the joint rules.

The President laid before the Senate, Senate Report from the Committee on Insane Hospitals "Ought to pass" on S. P. 189, Resolve in favor of the Bangor State Hospital, tabled by Mr. Farnsworth of Aroostook on March 10th pending acceptance of the report; and on motion by that Senator the report was retabled.

The President laid before the Senate, Senate Report from the Committee on Insane Hospitals, "Ought to pass" on S. P. 190, Resolve in favor of the Bangor State Hospital, tabled by Mr. Farnsworth of Aroostook on March 10th pending the acceptance of the report; and on motion by that senator the report was retabled.

The President laid before the Senate, House Report from the Committee on Banks and Banking "Ought not to pass" on H. P. 1007, L. D. 544, An act to place holding companies of banks and trust companies and investment affiliates under the supervision of the Bank Commissioner, tabled by Mr. Slocum of Cumberland on March 12th pending acceptance of the report in concurrence.

Mr. SLOCUM of Cumberland: Mr. President, at the request of the Senator from Somerset, Senator Page, who wished to be present when this was considered, I move this report be retabled and especially assigned for tomorrow morning.

The motion to retable and assign prevailed.

The President laid before the Senate, House Report from the Committee on Banks and Banking "Ought not to pass" on H. P. 1082, L. D. 658, An act relating to loans on trust and banking companies' capital stock, tabled by Mr. Slocum of Cumberland on March 12th pending acceptance of the report in concurrence; and on motion by that

senator the report was retabled and especially assigned for tomorrow morning.

The President laid before the Senate, House Report from the Committee on Legal Affairs "Ought not to pass" on H. P. 601, L. D. 161, An act relating to Aroostook County sleds, tabled by Mr. Littlefield of York on March 13th pending recommitment to the Committee on Legal Affairs.

Mr. LITTLEFIELD of York: Mr. President, I have been requested to make a motion that this matter be indefinitely postponed. It is a matter that could not in any way be carried out and if it were carried out I am told that it would be wholly unconstitutional, so I make the motion that it be indefinitely postponed.

The motion to indefinitely postpone prevailed.

The President laid before the Senate, House Report from the Committee on Salaries and Fees "Ought to pass in new draft, and under title of 'An act relative to the salary of the State Librarian'" on H. P. 1278, L. D. 831, An act to increase the salary of the State Librarian, tabled by Mr. Littlefield of York on March 13th pending acceptance of the report; and on motion by that senator the report was accepted in concurrence and the bill was given its first reading.

The President laid before the Senate, An act relating to the Charter of Old Town (H. P. 831, L. D. 314), tabled by Mr. Aldrich of Sagadahoc on March 13th pending second reading.

Mr. ALDRICH of Sagadahoc: Mr. President, in respect to this matter I will move that it be retabled and especially assigned for Friday morning, before which time I expect to receive information which I had hoped to have before this.

The motion to retable and assign prevailed.

The President laid before the Senate, New Draft of An act relating to the salary of the Com-

missioner of Agriculture (S. P. 537, L. D. 841), tabled by Mr. Aldrich of Sagadahoc on March 13th pending second reading.

Mr. ALDRICH of Sagadahoc: Mr. President, with respect to this matter I would like to move that it be retabled. I have had this matter under consideration with the Senator from Oxford, Senator Wheeler, and I should like to talk it over further with him, and therefore make the motion that it be retabled.

The PRESIDENT: Does the Senator desire to make an special assignment?

Mr. ALDRICH: Yes, Mr. President, I move that it be especially assigned for next Friday.

The motion to retable and assign prevailed.

The President laid before the Senate, New Draft of An act in relation to the salary of the State Auditor (S. P. 536, L. D. 839), tabled by Mr. Aldrich of Sagadahoc on March 13th pending second reading; and on motion by that senator the bill was retabled and especially assigned for next Friday.

The President laid before the Senate, An act to amend Section 118 of Chapter 29 of the Revised Statutes (S. P. 534, L. D. 834), tabled by Mr. Spear of Cumberland on March 13th pending passage to be engrossed.

Mr. SPEAR of Cumberland: Mr. President, pending further information I move that this bill be retabled and especially assigned for tomorrow morning.

The motion to retable and assign prevailed.

The President laid before the Senate, House Report from the Committee of Claims "Ought not to pass" on H. P. 481, Resolve in favor of Mrs. Viola Gay, tabled by Mr. Kitchen of Aroostook on March 17th pending acceptance of the report in concurrence.

Mr. KITCHEN of Aroostook: Mr. President, in view of the fact that this matter was laid upon the table yesterday morning and that I have not received the information that I wished, I move that this matter be

retabled and especially assigned for tomorrow morning.

The motion to retable and assign prevailed.

The President laid before the Senate, Senate Report from the Committee on Judiciary "Ought not to pass" on S. P. 315, L. D. 291, An act relative to the Winthrop Municipal Court, tabled by Mr. Towle of Kennebec on March 17th pending acceptance of the report; and on motion by that Senator the report of the committee was accepted.

The President laid before the Senate, Senate Order relative to the opinion of the Supreme Judicial Court on H. P. 135, L. D. 54, An act relating to taxation of stock of Trust and Banking Companies, tabled by Mrs. Carter of Androscoggin on March 17th pending passage.

Mrs. CARTER of Androscoggin: Mr. President, I move that this order be indefinitely postponed.

Mr. SLOCUM of Cumberland: Mr. President, I hope that the motion of the Senator from Androscoggin, Senator Carter, will not prevail because there is grave doubt as to the constitutionality of this legislative document which merely raises the tax on bank stock from fifteen mills to thirty mills. A similar bill has been introduced at almost every session since 1921, I believe, when the tax on bank stock was set at fifteen mills. There is grave doubt in my mind whether the Legislature has a right, a constitutional right, to set a tax on bank stock at fifteen mills or any other amount and this order was introduced to find out definitely and stop these continued attempts at legislation on the part of the various Legislatures to set a particular rate on the tax on bank stock. We have a constitutional amendment which permits taxation of intangible property. Bank stock is one form of intangible property and it is the only intangible property that is taxed with a set rate, and this would give the Legislature an opportunity to learn authoritatively from the Supreme Court whether legislation of this kind

should be enacted; and I hope that the motion of the Senator from Androscoggin (Senator Carter) will not prevail.

Thereupon, a viva voce vote being taken the motion to indefinitely postpone prevailed.

The President laid before the Senate, House Report from the Committee on Taxation "Ought not to pass", on H. P. 135, L. D. 54, An act relating to taxation of stock of Trust and Banking Companies, tabled by Mr. Slocum of Cumberland earlier in today's session pending acceptance of the report in concurrence and especially assigned to immediately follow the disposition of the previous matter; and on motion by that Senator the report of the Committee was accepted in concurrence.

The President laid before the Senate, An act relating to the disposal of fines and costs collected by the State Highway Police, (H. P. 585, L. D. 825), tabled by Mr. Littlefield of York on March 17th pending second reading.

Mr. LITTLEFIELD of York: Mr. President, this matter that I have on the table refers more to the bonding of certain people than it does to the highway police, although the highway police is mentioned in this bill, but we have now a matter somewhere in the proceedings here—I don't know where but I think Senator Spear put it on the table—and we were informed that it was all wrong and it is on the table now, and I would like to have this bill, on account of that, retabled and especially assigned for Friday morning.

The motion to retable and assign prevailed.

The President laid before the Senate, New Draft of An act relative to the salary of the Commissioner of the Inland Fisheries and Game (H. P. 1279, L. D. 832), tabled by Mr. Aldrich of Sagadahoc on March 17th pending second reading.

Mr. ALDRICH of Sagadahoc: Mr. President, for the same reason as given in connection with L. D. 314 and L. D. 841 I would like to move that this matter be retabled

and especially assigned for next Friday.

The motion to retable and assign prevailed.

The PRESIDENT: The Chair advises the Senate that Legislative Document 624, An act to provide for the proper branding of potatoes, is now in the possession of the Senate.

Mr. STORY of Aroostook: Mr. President, under suspension of the rules I would like to ask for permission to withdraw this bill.

Thereupon, the rules were suspended and unanimous consent was given to that Senator to withdraw the bill.

Mr. MURCHIE of Washington: Mr. President, early this morning, after adopting Senate Amendment "A", we passed L. D. 199 to its second reading. I have an amendment that I want to offer to correct the title. Shall I offer it at this time or is it necessary to reconsider our former action?

The PRESIDENT: The Chair will say that earlier in today's session the bill was passed to be engrossed

as amended by Senate Amendment "A".

Thereupon, on motion by Mr. Murchie of Washington the Senate voted to reconsider its former action whereby this bill was passed to be engrossed as amended by Senate Amendment "A"; and that Senator offered Senate Amendment "B" and moved its adoption:

"Senate Amendment 'B' to Legislative Document 199. Amend L. D. 199 by striking out the title and substituting in place thereof the title 'An act to prevent the pollution of the waters of Chase's Pond in the County of York'."

Thereupon, Senate Amendment "B" was adopted and the bill as amended by Senate Amendment "A" and Senate Amendment "B" was passed to be engrossed.

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Greenleaf of Androscoggin,

Adjourned until tomorrow morning at ten o'clock.