

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

# Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

## SENATE

Tuesday, April 22, 1941.

The Senate was called to order by the President.

Prayer by the Reverend LeRoy Congdon of Gardiner.

Journal of yesterday read and approved.

From the House:

Bill "An Act Relating to the Inheritance Tax Law." (H. P. 1285) (L. D. 551)

(In the Senate on April 11th passed to be engrossed as amended by Senate Amendments A and B in non-concurrence.)

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

In the Senate:

Miss LAUGHLIN of Cumberland: Mr. President, I move that this matter lie on the table pending adoption of House Amendment A. As I look at this typewritten copy, the amendment is pretty revolutionary. I think we ought to have time for this Senate to consider it.

The motion prevailed and the bill was laid upon the table pending consideration and especially assigned for tomorrow.

From the House:

Bill "An Act Relating to Payment of Accounts to the State," (S. P. 46) (L. D. 22)

(In the Senate on April 5, passed to be engrossed as amended by Senate Amendment A)

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

In the Senate, on motion by Mr. Sanborn of Cumberland, under suspension of the rules, that Body voted to reconsider its former action whereby the bill was passed to be engrossed and the Secretary read House Amendment A.

Thereupon, on motion by Mr. Chamberlain, the bill was laid upon the table pending consideration, and especially assigned for tomorrow.

From the House:

Bill "An Act Authorizing a Bond Issue for the Building, Rebuilding and Strengthening of Bridges for Military Purposes on the Highways

of the State of Military Importance". (H. P. 1902) (L. D. 1127)

(In the Senate on April 17th passed to be engrossed as amended by Senate Amendment A in non-concurrence.)

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

In the Senate, on motion by Mr. Hildreth, under suspension of the rules, that Body voted to reconsider its former action whereby the bill was passed to be engrossed and the Secretary read House Amendment A to Senate Amendment A: "Amend said bill by striking out the following words in the 3rd and 4th lines of said amendment 'only, if, as and when' and inserting in place thereof the words 'in conjunction with';

"Further amend said amendment by striking out in the last line thereof the word 'are.'"

House Amendment A to Senate Amendment A was adopted in concurrence and the bill as amended by Senate Amendment A as amended by House Amendment A thereto, was passed to be engrossed in concurrence.

### Senate Committee Report (Out of Order)

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Incorporate the Reef Point Gardens Corporation," (S. P. 481) (L. D. 998) have had the same under consideration and ask leave to report that the Committee is unable to agree.

Which report was read and accepted.

Sent down for concurrence.

From the House:

The Committee on Taxation on Bill "An Act Amending the Gasoline Tax Act," (H. P. 1239) (L. D. 500) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report and passed to be engrossed as amended by House Amendment "A".

In the Senate, on motion by Mr. Chamberlain of Penobscot, the bill was laid upon the table pending acceptance of the report, and especially assigned for tomorrow.

From the House:

The Committee on Temperance on bill "An Act Relating to the Manufacture and Sale of Cider," (H. P. 1860) (L. D. 849) reported that the same was referred to the 91st Legislature.

Comes from the House, the bill substituted for the report, and passed to be engrossed as amended by House Amendment A.

In the Senate:

Mr. STILPHEN of Lincoln: Mr. President, I move the indefinite postponement of this bill. I believe that a bill like this that an entire committee will refer to the next legislature, that they would not even consider, I believe that this bill has nothing to it and should never have been referred to this legislature and I am not going to vote to refer it to the next one.

Mr. BATE of Kennebec: Mr. President, I simply want to explain the position of the committee in reference to this bill. The first thing that occurred to the committee was how would we stand with relation to the local option law should this bill become a law. It would be necessary to have a 5th question to vote on in the local option provision.

We were unable to find out from the proponents of the bill, anything in regard to the possible federal laws regulating this matter. We did not know whether possible federal laws might be inconsistent with the bill. That is another matter that occurred to the committee, and then personally, I feel that to mix the sale of malt liquor and cider together would be of doubtful wisdom in restaurants. Another matter: It seemed to the committee that the proposition of manufacturing and selling fermented malt liquors is a matter to be carefully worked out and not hastily acted upon and therefore we felt that this matter should receive further study and that is the reason why we reported it out to be referred to the next legislature.

Mr. CHAMBERLAIN of Penobscot: Mr. President, I have no personal interest in the passage of this bill nor have I any personal objection to its indefinite postponement as proposed by the Senator from Lincoln, Senator Stilphen. But it does seem to me that if we are going to have malt liquor for sale, that anyone can purchase for ten or

fifteen cents, that it would not be unseemly for cider to be made out of the immense quantity of apples that could be turned into profitable use. I can't see the idea of allowing, not only hard liquors and wines to be sold, but malt beverages to be sold and to be used by anyone and exclude cider. As a matter of fact to my own knowledge there is a very great amount of cider that is delivered to individuals now that hasn't a particle of soda in the bottle and can become hard cider before a great while.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Lincoln, Senator Stilphen that the bill and report be indefinitely postponed in non-concurrence. Is the Senate ready for the question?

A viva voce vote being had, the bill and report were indefinitely postponed, in non-concurrence.

Sent down for concurrence.

From the House:

The Committee on Judiciary to which was referred the Initiative Petitions proposing to the Legislature "An Act to Provide a Police Commission for the City of Biddeford," (I. B. 1) reported that said petitions were filed in the office of the Secretary of State on March 8th and 10th, that the total number of legal signatures on all petitions proposing the above-mentioned act is 13,955, and that, therefore, said petitions are sufficient for the purpose of submitting said act to the voters, for their acceptance or rejection; and the Committee recommends that said act be submitted to the voters of the State in accordance with the provisions of the State Constitution, for their action thereon.

(In the Senate, on April 16th report read and accepted)

Comes from the House, bill substituted for the report, and passed to be engrossed.

In the Senate, on motion by Miss Laughlin of Cumberland, that Body voted to recede and concur with the House in the substitution of the bill for the report.

Thereupon, the bill was given its first reading and under suspension of the rules, given its second reading and passed to be engrossed in concurrence.

From the House:

The Committee on Judiciary to which was referred the Initiative Petitions proposing to the Legislature, "An Act Relating to Elections in the City of Biddeford," (I. B. 2) reported that said petitions were filed in the office of the Secretary of State on March 13th, that the total number of legal signatures on all petitions proposing the above-mentioned act is 12,085, and that, therefore, said petitions are sufficient for the purpose of submitting said act to the voters, for their acceptance or rejection; and the Committee recommended that said act be submitted to the voters of the State in accordance with the provisions of the State Constitution, for their action thereon.

(In the Senate on April 16th report read and accepted.)

Comes from the House, bill substituted for the report, and passed to be engrossed.

In the Senate, on motion by Miss Laughlin of Cumberland, that Body voted to recede and concur with the House in the substitution of the bill for the report.

Thereupon, the bill was given its first reading and under suspension of the rules, given its second reading and passed to be engrossed in concurrence.

Paper from the House referred in concurrence.

#### Communication

##### STATE OF MAINE

Department of Finance

Bureau of Accounts and Control  
Augusta

April 21, 1941.

To the Honorable Members of the Senate of the 90th Legislature:

We are attaching hereto, list of expenses as shown on filed expense accounts, this information being required under Senate Order dated April 18, 1941.

Respectfully submitted,

H. E. RODGERS,

State Controller.

On motion by Mr. Friend of Somerset, 650 copies were ordered printed of the list of expenses covered by the above mentioned Senate Order, and the communication was ordered placed on file.

#### Order

On motion by Mr. Boothby of York, it was

ORDERED, the House concurring, that (H. P. 645) (L. D. 281) Bill "An Act to Provide Better Government for the Town of Bar Harbor," be recalled from the files of the Secretary of the Senate, to the Senate, for further action thereon. (S. P. 564)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

#### First Reading of Printed Bills

"Resolve Providing for the Revision of the Statutes." (S. P. 561) (L. D. 1163)

Which resolve was read once and under suspension of the rules read a second time and passed to be engrossed.

Sent down for concurrence.

Bill "An Act Relating to Labor Relations in the State of Maine." (S. P. 562) (L. D. 1162)

Which bill was given its first reading.

Mr. CHAMBERLAIN of Penobscot: Mr. President, and members of the Senate, Legislative Document 1162 reported out by the Judiciary committee in their judgment as "Ought to Pass" is a new draft of Legislative Document 673 and both of those bills are relating to labor relations in the state of Maine. L. D. 673 was as nearly an innocuous thing as is possible for a labor relations bill to be and, of course it might be slightly amended to make it still better but it would still be rather innocuous.

L. D. 1163 does completely reduce L. D. 673 down to absolute zero, and having the entire and complete endorsement of the Judiciary Committee, it would seem very suitable, instead of indefinitely postponing it, to reduce it to that zero point. I now move that the bill be given its second reading.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

#### Senate Committee Reports Final Report

Mr. Fellows from the Committee on Federal Relations submitted its Final Report.

Which report was read and accepted.

Sent down for concurrence.

#### Ought to Pass

Miss Laughlin from the Committee on Judiciary on Bill "An Act Relating to the Parole Board," (S. P. 372) (L. D. 688) reported that the same ought to pass.

Which report was read and accepted, and the bill read once.

Thereupon, under suspension of the rules the bill was read a second time and passed to be engrossed.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Judiciary on Bill "An Act Creating the Department of Health," (S. P. 464) (L. D. 953) reported that the same ought not to pass.

(Signed)

Senators:

FARRIS of Kennebec

HARVEY of York

Representatives:

PAYSON of Portland

WILLIAMS of Bethel

GRUA of Livermore Falls

MILLS of Farmington

BRIGGS of Hampden

The Minority of the same Committee on the same subject matter reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

(Signed)

Senator:

LAUGHLIN of Cumberland

Representatives:

McGLAUFLIN of Portland

HINCKLEY of Cumberland.

Miss LAUGHLIN of Cumberland: Mr. President, I move that the Minority report of the committee be accepted and in that connection I want to say that this bill, while it says the creation of a Health Department, that was caused by the fact that when the bill was put in, it was put in by title and therefore it properly should have been the creation of a Health Department and of a Welfare Department. In effect, the bill is a separation of the Health provisions and of the Health activities under a department head from that of Welfare and the whole purpose, and the only purpose, of the bill is to increase efficiency and promote economy by putting under a Health Department and a trained medical person, all matters pertain-

ing to Public Health, and putting under the head of the department, a person trained in looking after them, the affairs concerned with so-called Welfare.

I think this is another case of misnomer by which people are confused. We think of Health and Welfare as going together and they do go together when we think of the whole state and all the people in it. But Welfare as used here does not apply to all the people in this state.

This Board used to be called the Board of Charities and Corrections, and that is what it is no matter whether we call it Welfare or not, because it deals only with those persons who are the subject of public charity, those who are supported by the state. It doesn't deal with the great mass of citizens for what is for their welfare. It deals with dependent children taken care of by the state, by old-age assistance given to indigent old people, paupers, relief of that kind, aid to the blind, surplus commodities administration and so forth.

All of those are people only who are dependent upon state aid and it is their welfare and theirs only that is concerned in this department. Therefore, a matter of public health and measures for the public health which concern all the people of the state, entirely different from anything in this department.

And so what this bill attempts to do is to set up a public health department headed by a properly and regularly trained medical person and then leave the welfare department under the head of a person who has been trained in dealing with the "down and out" which we now call social service, and those trained in that who presumably have no knowledge of medicine. Of course it would be a medical person who was also trained in social service.

For instance, under the head of that department the district health officers are appointed by the head of this Health and Welfare who is not a physician, and that is no criticism of the present head because he is not a physician and isn't supposed to be a physician. He is trained in social service so-called to those dependent on charity. Of course he can get the advice of the Director of Health if he wants to but he doesn't have to.

If any town or city in this state fails to appoint a health officer, that health officer is appointed, not by the head of the Health division but by the head of the Health and Welfare. He doesn't even have to ask the advice or opinion of the one who has charge of public health.

For instance, when we were considering the pollution of the Androscoggin River they appointed the head of the department which had matters of health before it and they appointed the head of the Health and Welfare who knew nothing about sanitation or health, when the proper person would have been a medical person.

So all these matters have nothing to do with the welfare of the persons who are receiving state aid. If you have infectious disease here it is the head of the Health and Welfare, not the head of the Health Division, who is charged with the duty of preventing the spread of that epidemic. So it is in the matter of treatment of syphilis. It is the head of Health and Welfare that has to see that this thing is done, not the person who is in charge of Health matters; rabies, the same thing.

Now it is said, "Well, he can refer all this to his Director of Health," but if it is the case that the Director of Health knows nothing about it then the person in charge of health matters should have an opportunity to do as he thinks best instead of being absolutely subject to the supervision and orders of a person who isn't supposed to have any medical knowledge.

Of course naturally, the interest of the present head of so-called Health and Welfare Department is along that line. If you have any doubt about it look at the list of salaries of the meanest workers in the department as compared with the salaries of the workers who are working for Health and you will find that the people in the diagnostic laboratory on whom may depend the diagnosis which is important in preventing infection, are receiving just about one-half the salaries of the corresponding workers in the Welfare Department.

At the hearing no one opposed this measure. A number came to advocate it; and a number who didn't speak, came to me afterwards and said, "We would have spoken

except that we were afraid to face the heckling of one member of the committee."

They brought me instances of how they had been interfered with. The Health officer of a town was looking after a man with tuberculosis and out came an inspector of the Health and Welfare department who interfered and went to that family and ordered what was to be done and told him to ask for relief. It seems that things like that happen over and over and over. And such things as that mean lack of economy, extra expense and inefficiency.

There was a certain health officer of a certain small town which had been deorganized and of course if there was no town there was no health officer. He got a letter from the head of the Health and Welfare Department saying, "Send me two names for plumbing inspectors in your town." The health officer wrote back and said, "The town has been deorganized and consequently I am not health officer. All the health matters in this district should be taken up with the district health officer."

Two weeks later came a second letter, exactly the same letter with the same wording, "Send me two names for plumbing inspectors in your town." And the answer went back exactly the same, "The town has been deorganized and consequently I am not health officer. All the health matters in this district should be taken up with the district health officer." In another two weeks came another letter, "If you don't send me two names for plumbing inspectors by March 25th I will appoint them myself." So this person who had written two letters saying that the town did not have a health officer, sent two names and let it go at that. And the two persons whose names were sent were appointed plumbing inspectors when, as a matter of fact, it being a small town, there was neither a sewage nor a water system in the town.

You say that that might happen under the Department of Health, but it wouldn't happen because there is more concentration of interest. I don't think there is any man who is competent to be head of the Health and Welfare Department of this state with all the set-up under it now. He couldn't possibly have the necessary knowledge, and this

is no reflection on anyone because I don't think anybody could do it.

Just in the Welfare department, he has 287 employees, 141 in the Old Age, 87 in Social Welfare—I don't know what is the difference between those—13 in Child Welfare, 24 in Aid and Relief—I suppose that is paupers—11 in Emergency Aid, and so forth, up to 286 employees and that doesn't include anybody employed in the division of Health. I believe that brings it up to a hundred more.

I don't think it is possible that with all that personnel and responsibility of oversight that anybody could administer it properly, because it not only requires the specific knowledge of treating the state aid people but also all matters that concern health, which is a profession in itself. And the matter of safeguarding the public health is certainly big enough for any one department.

So, as I said, the only object of this bill is for efficiency and economy and for putting the matters of health, which concern every person in the state into a department headed by a medical officer and leaving the care of those who are supported by the state under somebody whose special training is for that.

Would it mean more employees? No; less—fewer employees. When those extra duties are taken away from the head of this double-headed department, that department certainly ought to be able to dispense with some of those employees who are mixing up with health matters as well as welfare matters. And there will be no addition to the Health Department because with all the employees in that department they could handle all the health matters and do it more efficiently when they are free from the meddling of some of those who are in charge of state aid.

Mr. FARRIS of Kennebec: Mr. President, I am opposed to the motion of the Senator from Cumberland (Senator Laughlin) for the reason that I feel that the Director of Health is appointed by the Commissioner of Welfare—with the approval of the Governor and with the advice and consent of the Council—and this is a set-up which we have had for quite a few years and should not be disturbed. Past legislatures have tried to consoli-

date these departments for the sake of economy.

You will note that this bill 953, title one is the department of Health organization and title two is the department of Welfare. Title three abolishes the Department of Health and Welfare. It simply separates the two departments and at the present time, with all the printing expenses and the cost of separating this into two departments, I don't believe at this time that it is feasible.

There was no great demand for this change at the hearing. Senator Laughlin later had some letters from those who were in favor of her move to separate these two departments but I didn't hear at the hearing very much argument in favor of separating the Department of Health from the Department of Welfare. As I understand it now, Dr. Mitchell who is the Director of Health is doing a good job and isn't being interfered with by the Commissioner of Welfare. The only time that I heard anything of that sort was the time of the scurvy scare up in Aroostook when Dr. Coombs was head of the Health Department and the Commissioner stepped in with the Governor and removed him but since then everything has been going along smoothly in the department and I trust that the motion will not prevail.

Miss LAUGHLIN: Mr. President, I wouldn't say that everything is going smoothly with all these complaints coming in which show to the contrary. And naturally those who are in the division of Health are not in a position to come out publicly and express their feelings, but I will say that one officer in that department, when I told him I had introduced this bill, said, "If you get that bill through, you deserve a seat in heaven." So that doesn't look as though they think it is running awfully smoothly, but of course, they are in no position to make complaints.

And, Mr. President, when the vote is taken, I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Laughlin for the adoption of the Minority Report "Ought to Pass as Amended by Committee Amendment A," and that Senator has asked for a division.

A division of the Senate was had.



Eleven having voted in the affirmative and sixteen opposed, the Minority Report was not accepted.

Thereupon, on motion by Mr. Farris of Kennebec, the Majority Report "Ought Not to Pass" was accepted.

Sent down for concurrence.

The Majority of the Committee on Judiciary on Bill "An Act Relating to the Administration of State Institutions," (S. P. 246) (L. D. 403) reported the same in a new draft (S. P. 565) under the same title and that it ought to pass.

(Signed)

Senators:

LAUGHLIN of Cumberland  
FARRIS of Kennebec  
HARVEY of York

Representatives:

McGLAUFLIN of Portland  
HINCKLEY of So. Portland  
WILLIAMS of Bethel

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Representatives:

GRUA of Livermore Falls  
PAYSON of Portland  
BRIGGS of Hampden  
MILLS of Farmington

On motion by Mr. Farris of Kennebec, the Majority Report "Ought to Pass" was accepted and the bill in new draft was laid upon the table for printing under the joint rules.

### Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide Higher Standards of Education by Securing to Teachers Greater Permanency of Employment," (S. P. 537) (L. D. 1095) have had same under consideration and ask leave to report that the committee is unable to agree.

Which report was read and accepted.

Sent down for concurrence.

### Orders of the Day

Mr. SANBORN of Cumberland: Mr. President, I would like to inquire if the Senate is in possession of Legislative Document 1152, Bill, An Act Relating to the Adoption of Children?

The PRESIDENT: The Chair will state that the document is in the possession of the Senate.

Mr. SANBORN: Mr. President, I move reconsideration of our vote yesterday whereby this bill was passed to be enacted. In support of the motion and by way of explanation I will say that this is a bill which is entirely proper in its substance, but on examination it was found to leave a degree of uncertainty as to the authority of anyone to give consent to adoption, which is a prerequisite of the adoption of children. If this reconsideration is voted, it will be merely for the purpose of offering an amendment which will simply clarify the obvious purpose of the bill as to who has authority to give consent to the adoption.

Thereupon, the Senate voted to reconsider its action whereby the bill was passed to be enacted; and upon further motion by the same Senator, the Senate reconsidered its action whereby the bill was passed to be engrossed.

Mr. Sanborn of Cumberland presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to H. P. 1915, L. D. 1152, bill, An Act Relating to the Adoption of Children "Amend said bill by striking out the word 'consent' in the fifth line thereof and inserting in lieu thereof the word 'approval.' Further amend said bill by adding at the end thereof the following: 'With such cases the consent for adoption hereinbefore provided for may be given by such incorporated society, asylum or home of the State Department of Health and Welfare'."

Senate Amendment "A" was adopted, and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, Senate Report, "Ought Not to Pass" on bill, An Act Providing for Elimination of Wage and Hour Standards (S. P. 314) (L. D. 522) tabled by that Senator on March 31st pending acceptance of the report; and that Senator yielded to the Senator from Cumberland, Senator Laughlin.

Thereupon, on motion by Miss Laughlin of Cumberland, the

"Ought Not to Pass" report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Stilphen of Lincoln, the Senate voted to take from the table, House Report from the Committee on Public Buildings and Grounds, "Ought to Pass in New Draft" (H. P. 1889) (L. D. 1086) on Resolve Authorizing the Improvement of Fort Knox Reservation (H. P. 675) (L. D. 233) tabled by that Senator on April 14th pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted in concurrence and the bill was given its first reading.

Thereupon, that Senator presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to H. P. 1889, L. D. 1086. Amend said resolve by adding at the end thereof the following words, 'and pay such other expenses in connection therewith as may be necessary.'"

Senate Amendment "A" was adopted in non-concurrence; and under suspension of the rules, the resolve was given its second reading and passed to be engrossed as so amended in non-concurrence.

Sent down for concurrence.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table, House Report from the Committee on Legal Affairs, "Ought Not to Pass" on bill, An Act to Assist Rural Sanitation Activities (H. P. 830) (L. D. 344) tabled by that Senator on April 3rd pending acceptance of the report.

Mr. CHAMBERLAIN: Mr. President, I now move the bill be substituted for the report and on that motion I desire to say a few words to the members of the Senate. The bill, as introduced into the legislature, through the House, reads as follows: "An Act to Assist Rural Sanitation Activities. That part designated Sec. 183-M of chapter 149 of the public laws of 1937 is hereby amended by adding thereto the following: 'except in the cities, towns and plantations having a population of 3,000 or less and in regard to farm and country homes not served by existing municipal sewerage systems.'"

On the face of it, as the Legal Affairs Committee might have con-

sidered that bill, and not perhaps having before the committee as many persons as might have appeared in advocacy of the bill, reported the bill "Ought Not to Pass."

Now, the bill is based upon what is called the "plumbing code" of the state of Maine. There is a good deal of irritation in the country districts with the code, and the code as it was adopted in 1937 extends the plumbing code throughout the entire state. The plumbing code is very elaborate, very essential and necessary in cities or towns where people are crowded together so closely they rub shoulders. It has to do with the health of the people. While some persons realize perhaps the plumbing code goes much farther than is absolutely necessary, still that seems to be the consensus of opinion, but when you go into rural sections where houses are somewhat far apart and most waste matter from sink or other domestic sanitation receptacles in the house discharge immediately into the ground, it seems absurd to bring into that locality and that house this plumbing code, and for that purpose this bill was placed in the legislature. Certainly a farmer who lives out here in the country a quarter of a mile away from any other residence and purchasing a second hand bath tub or a new one from those concerns that sell bath tubs directly to the people, taking it home believing it would be desirable in the family, in place of the cruder way of bathing, sets it up and places the drain through the side of the wall, as the sink is now, and discharging onto the ground,—now, under the plumbing code he could not do it if they had a mind to enforce it. There is a great deal of irritation in the country places in regard to it.

In the House, because there was some opposition, an amendment was offered. It was offered also because the Department of Health here was interested that some change be made in the bill, and an amendment was offered and adopted in the House to read as follows: The first amendment was to take out the word "cities," that it apply only to towns and plantations; and amended further by adding, "Provided however that the said rules and regulations of the state bureau of health shall apply in all cities and to all commercial lodging or

eating or drinking establishments; and to all public or private camps catering to guests or campers for pay. Nothing in this section shall be construed to limit the powers of towns, cities and village corporations to enact by-laws and ordinances respecting infectious diseases and health under the provisions of paragraph III, Section 136, Chapter 5 of the Revised Statutes."

That amendment was not satisfactory to a very important part of the health work of this state, to those folks that furnish water to inhabitants and consequently they offered a remonstrance and this is a "Remonstrance of Maine Water Utilities Association with Respect to Legislative Document No. 344, An Act to Assist Rural Sanitation Activities."

This remonstrance reads: "To the Members of the Honorable Senate and House of Representatives of the State of Maine: The undersigned, a committee acting pursuant to resolution of the Maine Water Utilities Association, remonstrate against the passage of Legislative Document No. 344 (House Paper 830), 'An Act to Assist Rural Sanitation Activities,' and respectfully show that they are a special committee appointed by the Maine Water Utilities Association, an association composed of fifty water utilities operating within the State of Maine; that one of the primary objects of said Association is to further the furnishing of pure water to the citizens of the State by preventing the pollution of the water both at its source and when in process of distribution through it mains and pipes, by every means possible, including improved sanitation; that there is pending before this Legislature an act designated as Legislative Document No. 344 and entitled 'An Act to Assist Rural Sanitation Activities' which in its original and suggested amended form is detrimental to the supplying of pure water in the smaller communities and might result in taking from the water companies the means which they now possess of keeping their water supply free from pollution."

That is a very essential matter, that the water people use in drinking,—not so much in bathing, but in drinking—should be as pure as possible. There is a possibility if the health code is not strictly enforced that water would become polluted.

It seems to me if we could substitute the bill for the report I would offer an amendment that is satisfactory to the water utilities people, and then the matter could go to conference and we could work out something that would be satisfactory to those who are so irritated by this code. I therefore move the bill be substituted for the report.

Mr. SNOW of Piscataquis: Mr. President, this plumbing bill has caused more friction in the country than any other law that has been put on the statute books, unless it was the Title law which we repealed a short time ago. I do hope the Senate will not keep saddled on the people in the country something they do not want.

Mr. SANBORN of Cumberland: Mr. President, the state plumbing code has been in effect for a considerable number of years and I think it is universally regarded as a distinct step forward in public health, being very salutary in its provisions. We should hesitate to go far in any movement which seems to savor of retrenchment.

I am, however, in sympathy with the complaints that are sent out from rural communities and I can see no objection to some degree of relief, but before voting on this particular question I would like a little further enlightenment, and I would like to ask, through the Chair, a question of the Senator from Penobscot, Senator Chamberlain.

The PRESIDENT: The Senator from Cumberland, Senator Sanborn desires to ask a question through the Chair of the Senator from Penobscot, Senator Chamberlain. He may ask his question, and that Senator may answer if he sees fit.

Mr. SANBORN: Mr. President, the question arising in my mind is this: If the bill be substituted for the report would the effect of the amendment proposed be to remove from the operation of the state plumbing code not only premises where there is no public water supply but including all those premises where guests are entertained or the public are taken care of for compensation?

Mr. CHAMBERLAIN: That is exactly the amendment that would be offered if we substitute the bill for the report. I could not read it very well because the question we have under consideration is sub-

stitution of the bill for the report. The whole matter is simply to bring it into conference to see if we cannot work out something that would be satisfactory to those who are so irritated in the country districts. I believe it could be accomplished if it just dies between the two houses. To be sure, we could accept the report "ought not to pass" because it goes to the other branch and it is probable, quite probable that they would ask for a committee of conference, or it would come in here in some other way. It would seem to me advisable to substitute the bill for the report and have the amendment a part of the record, for to me, it is a very fine amendment. Therefore, I think it would be advisable to substitute the bill for the report.

Mr. DOW of Oxford: Mr. President, I would like to ask a question of Senator Chamberlain, through the Chair.

The PRESIDENT: The Senator may ask a question of Senator Chamberlain, through the Chair, and that Senator may answer if he sees fit.

Mr. DOW: Mr. President, the question I have to ask is, would the proposed amendment protect the sources of water supplied from places situated,—that is, the municipal water works? Would the proposed amendment protect the source of supply?

Mr. CHAMBERLAIN: Mr. President, I think I can best answer that by reading the proposed amendment: "Amend said bill by adding at the end thereof the following: 'Provided, however, that the said rules and regulations of the state bureau of health shall apply in all cities to all buildings served by a water company as defined in section 15 of chapter 62 of the revised statutes, or connected with a public sewage disposal system.' Those buildings having a water supply and outlets connected with the public sewage system—this doesn't apply there. "to all schools, hotels and other public buildings, to all commercial lodging or eating or drinking establishments, to all public or private camps catering as a business to guests or campers for pay, to all buildings or establishments from which the disposal of sewage may drain into a stream or body of water designated by the state bu-

reau of health as subject to the provisions of this paragraph."

That last part there, "all buildings from which the disposal of sewage may drain into a stream or body of water designated by the state bureau of health as subject to the provisions of this paragraph",—I would place that wording in for this reason, that along the Penobscot river in the city of Bangor, they use that water but into it goes sewage from many places above and also innumerable persons swim or bathe in that water, but the state board of health does not go in and say the water cannot be taken from that river. This amendment says, "subject to the provisions" the disposal of sewage may drain into a body of water designated by the bureau of health.

Mr. DOW: Mr. President, I would like to apologize for asking that question but I have four amendments before me and I do not have the one Senator Chamberlain was reading from. I still do not know if it protects the supply of municipal associations because I have not catalogued in my mind all the various statutes. Although I have practiced law 15 years, I still have to look some of them up.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Chamberlain, that the bill be substituted for the report. Is the Senate ready for the question?

The motion prevailed, and the bill was substituted for the report in concurrence, and given its first reading.

Thereupon, Mr. Chamberlain presented Senate Amendment "A" to House Amendment "C" and moved its adoption:

"Senate Amendment 'A' to House Amendment 'C'. Amend said House Amendment 'C' so that said amendment as amended shall read as follows: 'Amend said bill by striking out in the fourth line thereof the word 'cities.' Further amend said bill by adding at the end thereof the following: 'Provided, however, that the said rules and regulations of the state bureau of health shall apply in all cities, to all buildings served by a water company as defined in section 15 of chapter 62 of the Revised Statutes, or connected with a public sewage disposal system; to all schools, hotels and other public buildings, to all commercial

lodging or eating or drinking establishments; to all public or private camps catering as a business to guests or campers for pay; and to all buildings or establishments from which the disposal of sewage may drain into a stream or body of water designated by the state bureau of health as subject to the provisions of this paragraph. Nothing in this section shall be construed to limit the powers of towns, cities and village corporations to enact bylaws and ordinances respecting infectious diseases and health under the provisions of paragraph III, Section 136, Chapter 5 of the Revised Statutes."

The PRESIDENT: The question is on the adoption of Senate Amendment "A" to House Amendment "C".

Mr. BROWN of Aroostook: Mr. President, I want to say I am thoroughly in support of the amendment to the bill, but it doesn't seem to me it goes quite far enough. As I understand the amendment, all cities come under these rules and regulations. As I drive out of the city of Augusta, by the side of the river, I drive about five miles into the country before I see the city line of the city of Augusta. It seems to me if any people are going to be exempt, those people who live out there and outside a city if they are outside the municipal water supply and municipal sewage system, they should also be exempt.

I live in the town of Caribou, which is a town 12 miles long. We might some day desire to become a city as did the neighboring town of Presque Isle. In that case, although the water and sewage district only extends out a short distance, everyone in the town outside the district would still be within the plumbing code because they still live in the city.

I know that some of the rules and regulations which the plumbing code carries out, which the health board has enforced, have been very irritating to people in the country. A few years ago I put a modern water system in my home, which cost over a thousand dollars, my own well, water pump, pressure tank, bath rooms, and so forth and so on. Occasionally I do get generous and buy something for the house, and when I came to have new plumbing put in they told me I would have to buy a different trap. I asked, "What is the trouble with that trap there,

it has been there eight or ten years. Is it worn out?" He said, "No, but the plumbing code will not allow it to be used." So I had to get a new one and throw the old one away although it was working perfectly satisfactorily.

It seems to me the people who actually reside in a city but who live four or five miles out should not be under this plumbing code. I would like to have it amended further so it would take care of the rural districts which are not connected with water or sewage districts.

The PRESIDENT: The question is on the adoption of Senate Amendment "A" to House Amendment "C." Is the Senate ready for the question?

The motion prevailed and Senate Amendment "A" to House Amendment "C" was adopted in non-concurrence.

House Amendment "C" as amended by Senate Amendment "A" was read and adopted in non-concurrence.

Thereupon, on motion by Mr. Brown of Aroostook, the bill as amended by House Amendment "C" as amended by Senate Amendment "A" thereto was laid upon the table pending assignment for second reading, and especially assigned for this afternoon.

The PRESIDENT: The Chair will inform the Senate that Legislative Document 281, bill, An Act to Provide Better Government for the Town of Bar Harbor, is in the possession of the Senate.

Thereupon, on motion by Mr. Emery of Hancock, the bill was laid upon the table pending consideration, and this afternoon assigned.

On motion by Mr. Friend of Somerseset

Recessed until this afternoon at three o'clock.

#### After Recess

The Senate was called to order by the President.

On motion by Mr. Emery of Hancock, the Senate voted to take from the table "An Act to Provide Better Government for Town of Bar Harbor" H. P. 645) L. D. 281) tabled by that Senator earlier in today's session pending consideration; and

that Senator yielded to the Senator from Washington, Senator Bridges.

Thereupon, on motion by Mr. Bridges of Washington, the Senate voted to reconsider its action taken earlier in the day whereby it accepted the "Unable to Agree" report of the Committee of Conference; and on further motion by the same Senator, the Senate voted to reject the report of the Committee of Conference and ask for the appointment of another Committee of Conference.

The President appointed as Senate members of such committee, Senate Emery of Hancock, Bridges of Washington, Dow of Franklin.  
Sent down for concurrence.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table Resolve Dividing the State into Executive Councillor Districts S. P. 527) L. D. 1090) tabled by that Senator on April 5th pending first reading, and on further motion by the same Senator, the bill was given its first reading, and under suspension of the rules given its second reading and passed to be engrossed.

Sent down for concurrence.

From the House, out of order and under suspension of the rules:

The Committee on Education on Bill "An Act Relating to Apportionment of School Funds," (H. P. 462) (L. D. 200) reported that the same ought not to pass.

In the House, the bill was substituted for the report, and passed to be engrossed as amended by House Amendment "A".

In the Senate, the bill was substituted for the report in concurrence and given its first reading; House Amendment A was read and adopted in concurrence; and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed in concurrence.

### House Committee Reports

(Out of Order)

Ought to Pass

The Committee on Judiciary on Bill "An Act to Incorporate the Wiscasset Foundation," (H. P. 1156) (L. D. 501) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which report was read and accepted in concurrence, and the bill read once; Committee Amendment "A" was read and adopted in concurrence, and under suspension of the rules the bill read a second time and passed to be engrossed as amended in concurrence.

### Divided Report

The Majority of the Committee on Judiciary on Bill "An Act Relating to the Personnel Law," (H. P. 1445) (L. D. 759) reported that the same ought to pass.

(Signed)

Representatives:

McGLAUFILIN of Portland  
PAYSON of Portland  
GRUA of Livermore Falls  
HINCKLEY of South Portland  
BRIGGS of Hampden  
MILLS of Farmington

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Senators:

LAUGHLIN of Cumberland  
FARRIS of Kennebec  
HARVEY of York

Representative:

WILLIAMS of Bethel

In the House, the Majority Report read and accepted, and the bill passed to be engrossed.

In the Senate:

Miss LAUGHLIN of Cumberland: Mr. President, I move that the Senate accept the Minority Report in non-concurrence. I would ask that the bill be laid upon the table until later in the afternoon.

Thereupon, the bill was laid upon the table pending motion to accept the Minority Report "Ought Not to Pass," in non-concurrence and later this afternoon assigned.

### Additional House Papers

(Out of Order)

Report "A" from the Committee on Taxation on Bill "An Act Creating a Tax on Cigarettes," (H. P. 117) (L. D. 66) reported the same in a new draft (H. P. 1925) (L. D. 1164) under the same title, and that it ought to pass.

(Signed)

Senators:

CHAMBERLAIN of Penobscot  
BOOTHBY of York  
FELLOWS of Kennebec

Representatives:

RICHARDSON of Strong  
JORDAN of Saco

Report "B" from the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Representatives:

DORSEY of Fort Fairfield  
WORTH of Stockton Springs  
WARREN of Westbrook  
MORRISON of Winter Harbor  
TOZIER of Fairfield

Comes from the House, Majority Report read and accepted, and the bill passed to be engrossed as amended by House Amendment "A".

Mr. CHAMBERLAIN of Penobscot: Mr. President, I move the Senate accept Report "A" which is Ought to Pass.

Mr. LIBBY of Cumberland: Mr. President, opposing the motion of the Senator from Penobscot, Senator Chamberlain, I would like to say briefly that this bill proposes, as I understand it, a tax of two cents a package on cigarettes. At the present time, taking for example, the brand I smoke, I pay fifteen cents a package and 6½ cents at the present time constitutes taxes. That leaves 8½ cents for cigarettes, with 6½ cents for taxes. We have a recommendation now before a Congressional committee, or there is proposed to a Congressional committee a defense tax of 75 cents increase per thousand cigarettes. The proposal is to increase the tax from \$3.25 per thousand to \$4.00 per thousand. That increase of 75 cents per thousand cigarettes is an additional tax of 1½ cents on each package of cigarettes. The tax proposed in the present bill as now before us is two cents. That makes 3½ cents which it is proposed to add now to the price of a package of cigarettes.

I have made some figures and will give some of them briefly. At the present time with the basic price of fifteen cents a package, 6½ cents tax and 8½ cents for the cost of the cigarettes without the tax. We add this proposed tax of 3½ cents, we get a price of 18½ cents per package of cigarettes on the brand I am speaking of. They would be undoubtedly sold at two packages for 37 cents. That would levy a total tax on a package of ten cents. Every time I lay 37 cents on the

counter for two packages of cigarettes, I am paying 20 cents in the form of taxes, one form or another, and the balance of 17 cents is for cigarettes. That is something in excess of 100% tax.

We have heard a lot of talk, or at least I have heard a lot of talk in the papers about the poor man. Both in the House and the Senate they have been talking about the poor man and that you must not tax him. There is a brand of cigarettes selling for 11 cents per package. 6½ cents of the 11 cents is tax at the present time. That leaves 4½ cents for the cigarettes. This proposed federal tax of 1½ cents and the proposed state tax of two cents, makes 3½ cents. Add this to the price of 11 cents and it makes a total price of 14½ cents, or two packages for 29 cents. Every time a man, buying that brand, lays his 29 cents on the counter for two packages of cigarettes, 20 cents constitutes taxes and the other nine cents is for his cigarettes.

I have heard the distinguished chairman of the Taxation Committee, the Senator from Penobscot, Senator Chamberlain, say the real just foundation for all taxes should be ability to pay, and if that proposed tax here is based on ability to pay, then I have lost all sense of proportional power to reason.

I dare say and think I can say without contradiction that the majority of this body now are non-smokers, pipe smokers or cigar smokers, and if this bill is enacted into law, I am going to contribute every day into this million dollar fund, plus, which we say must be raised, and the rest of the body are not going to contribute one cent to that fund.

To me, this thing is nothing more nor less than a selected sales tax. We say, if we pass this bill here, "Let's pick out this little fellow who is not organized, who won't send telegrams and post cards; we won't get as much kick as we would in some other forms of taxes so let's pick him out, pass this tax and go home." It seems to me it is nothing more or less than patch-work. We have got to raise a million dollars or more by taxes for old age pensions. This here is simply a stop-gap or fill in. We say that we will raise the money this way now and two years from now we can get some more, but we do not know what the situation will be, but will

face the situation when it comes and pull something else out of the hat.

It strikes me if we are going to pay old age pensions and take care of people on the waiting list, we should enact some sort of equitable tax and face the issue. It seems to me it is just exactly like patching the roof during a rain storm and trusting it will hold up until we get another rain storm.

The tax, it seems to me, is absolutely unfair and unjust and if we pass this tax bill here, I say to you we are dodging the issue before us and we are taking the easiest way out and hitting the little fellow who is not organized, so we can go home. I hope the motion of the Senator from Penobscot, Senator Chamberlain, will not prevail.

Mr. CHAMBERLAIN of Penobscot: Mr. President, the Senator from Cumberland, Senator Libby, has said that the distinguished Senator from Penobscot, Senator Chamberlain has asserted that taxes should be paid by those who are able to pay them, on ability to pay. That is probably true but the Senator from Penobscot, Senator Chamberlain, has lived long enough to know he can not have his own way and has to adjust to those people who surround him and thereby accept that which is, or which seems to be the best thing to do. Under the circumstances and all the circumstances that confront the legislature of this state at this time, it seems to me that it is best for us to pass some kind of tax upon cigarettes. To be sure, it is a sales tax upon a particular thing, but even at that it would be more advisable to do that than to pass a sales tax upon all things, and especially so as the legislature would not permit that to be done. Cigarettes are supposed to be, by many people, a luxury. I do not believe they are a luxury. A luxury is confined to a few who can afford to purchase, but this is something everyone can purchase. Therefore, I trust the motion to accept, not the majority report, but Report "A", will be accepted and that the bill will pass.

Mr. BROWN of Aroostook: Mr. President, I realize there is considerable to be said on both sides of this question. I know the people who advocate it are sincere. No one yields to me in my respect and admiration of the gentleman who advocated this bill, but I do not agree

with him. That is really not strange as I do not agree with anyone as a rule. Sometimes I do agree with my wife, especially after she has shown me the error of my ways.

It seems this is a selective sales tax upon which a few people are expected to be taxed for the benefit of all. We have heard several tax measures discussed under a so-called program, and the so-called program, as I read it, is made up first, of tax on inheritances,— because a dead man has no lobbyist working for him it is an easy thing to pass through —, and we have a proposed excise tax for electricity on domestic use. If anyone is so dumb he thinks the power company is going to absorb \$400,000 and take it out of their own pocket and not pass it along, he ought not to be a member of the legislature. They will pass it along and it becomes a sales tax paid by the consumer. The same is true of the cigarette tax. It is a high sales tax on a selected article.

It has been brought out that on lower priced cigarettes which poor people have to buy, they pay the same rate of tax. They do pay two cents per package but the rate decreases as the price of cigarettes goes up. For instance, if you buy a ten cent package, if there is such a thing — I do not know, as I do not buy them, but I have heard of them — you are paying 20 percent tax while on a 40 cent package you are paying only 5 per cent. It is graduated so the man who can afford to buy better cigarettes pays less tax.

In addition, it is selective in another way. If I go up to a counter with a friend and he buys a 40 cent package of cigarettes he pays a 20 percent tax. If I buy 40 cents' worth of cigars, I pay no tax. This is not a tax on the banker and the rich man. It is only on the poor man.

Next to the real estate tax, this is the most unfair tax, this tax on cigarettes, or any similar item is also unfair. The only way to pass it is in a general sales tax in which everyone contributes alike for ability to pay for all expenses of running the activities of the state and take care of old age, which, after all, is a problem we all should carry, not a few. For that reason, I am opposed to this cigarette tax.

Mr. BISHOP of Sagadahoc: Mr. President, I am opposed to any dis-



criminary taxes. I do not think it is right or just to pick out any one group and impose a tax on them, but we are faced with a definite problem. We have been beating around the bush here and have been offered various ideas and suggestions, but we are faced with a definite problem, and what are we going to do about it? We have 4,000 approved candidates, if you will, on the waiting list for old age assistance. We have an old age assistance law that permits \$30.00 a month. Some 13,000 are receiving aid. 4,000 have been approved but can't get it and some six, seven or eight thousand have applied, but have not been investigated.

We also have on our books a provision whereby a retired justice can get \$6,000 a year—and they get it. That would pay 25 old age assistance cases. The state employees get half salary when they retire after 25 years. That is, some get it and some don't.

We have three laws. The retired justices get theirs. Part of the state employees get theirs. Some of the old age assistance people get theirs. I believe this law either should be paid in full or be repealed.

We are faced with a definite problem, 4,000 worthy old age persons who have been good citizens, lived very meagerly all their lives and have been promised this assistance and do not get it. I do not care where it comes from but it should come from some place. Personally, I am in favor of a general sales tax whereby everybody pays according to the amount earned and spent. But that doesn't solve this problem. Something must be done about it.

I think the Brown Homestead bill has a great deal of merit in cooperation or conjunction with the Goldsmith card idea of collecting the sales tax. I think the Holman bill that has to do with the maintenance of summer and winter roads, snow removal, has a great deal of merit and those things will definitely relieve a great deal of the burden of excess real estate taxation.

They grumble about paying too much tax on cigarettes. We pay too much tax on gasoline and never a murmur about it. It makes good argument but it is very thin. They would increase the gasoline tax. I smoke cigarettes. I have smoked cigarettes for 30 years. I started when I was eight years old. That

may be why I don't grow. Nevertheless, I am willing to pay my share on anything that will help relieve this old age assistance problem. I do not care where you get it or how you get it but we must do something about it.

This tax on inheritance which has been mentioned, where they will receive somewhere in the neighborhood of \$500,000. It collects upon a group who can kick no further. There was a mill tax suggested on power companies and I believe it had lots of merit. I believe it could be collected and absorbed by the companies very easily and not passed on to the consumer. I believe there has been a feeling for a great length of time that the power companies were going to cut rates to the consumers. They have not done it and the Public Utilities Commission has not forced them to, and I do not believe they can increase the rates by a tax enforced upon them. I believe a ten per cent increase upon liquor is very desirable. It is an unnecessary luxury. They should not object to a little increase.

The tax of cigarettes is not a selective tax. It is a general sales tax by most everyone, because most everyone uses cigarettes. I do not care how we get it but we must face this problem and get it somewhere.

Mr. SNOW of Piscataquis: Mr. President and members of the Senate, I wish to go on record as being opposed to the cigarette tax for the reason it points its finger at the poor man and says, "You pay the tax." We don't want to. I have always believed in a sales tax and I believe the people in my county believe in a sales tax and for that reason, I object to the cigarette tax.

Mr. CHASE of Washington: Mr. President, I do not smoke cigarettes but I stopped at the foot of the stairs and purchased a package of cigarettes for fifteen cents and I find thereon a stamp which says they paid a tax of 6 1-2 cents on that package.

Mr. HILDRETH of Cumberland: Mr. President, the arguments pro and con are pretty well known on this tax. I would just like to point out that the argument that there is a 6 1-4 or 6 1-2 cent tax paid on these cigarettes, on a normal priced package, with an additional federal

tax coming, does not have very great weight with me because if the federal government sees fit to put a tax as high as 6 1-4 or 6 1-2 cents, or possibly more, on a package of cigarettes, it seems to me it is not very burdensome. At least the onus of an additional tax of two cents is not very great on a sovereign state if the federal government taxes it six to eight cents. It seems to me the tax on the same subject of one quarter or perhaps as high as one fifth by a sovereign state is not very onerous. If there is any onus, it belongs to the federal government for such tax and not on the state which attempts to tax it only one quarter as much as does the federal government.

Mr. HINMAN of Somerset: Mr. President, I want to say first that as far as I personally am concerned I don't know of any tax that would be a lighter burden upon me than one from cigarettes, and secondly, that I haven't any interest in the wishes of any tobacco company or any wholesaler or anybody else. I am interested in one thing in this legislature and that is, so far as my capacity will allow, doing those things which are the most equitable for the people of the state of Maine.

We have heard a lot in this legislature in the last few weeks about the mandate of the people, about looking out for the poor man on the street, and I submit to you that regardless of what the need may be—for instance, Senator Bishop of Sagadahoc concluded his remarks with the statement that he didn't care where we got it but we must get it somewhere, and at least six members of this legislature have said to me throughout this day, "I don't like the cigarette tax but what are we going to do; I voted for it but I don't like it."

Now, if we have got to a point where we are going to enact legislation on a basis of what is convenient to us regardless of whether it is fair legislation or not it would seem to me that we would be better off to wend our way home without enacting any legislation and think the matter over and come back here some day when we are willing to legislate constructively.

And I submit to you that when you attempt to put a tax on any item, be it cigarettes or anything else, I say it is a selective sales tax. I am for a sales tax, without any

question. Everybody knows that. But I am not for a sales tax that hits any particular group. And when you put a sales tax of 2c a package on cigarettes I think I have a right to assume that the average family will smoke two packages of cigarettes a day and that would mean a man is going to pay a tax of \$14.00 a year, cigarette tax. I think I also have a right to assume that the income of the average family is \$17.00 a week, in normal times at least, and with an income of \$850 a year and deductions of possible \$150 for fuel, taxes, rent and so forth, that would be exempt, he would probably have \$700 on which he would pay a sales tax and he would pay \$14.00 a year. And I ask you where the justice comes in asking a cigarette smoker to pay a tax of \$14.00—a sales tax and nothing else of \$14.00 a year—and say that the rest of us, we of the state of Maine, shall not pay any part of this kind of taxation measure.

There is nothing fair about it. The fact that we want to go home is no reason at all for its enactment, and I most sincerely hope that we may, in our wise judgment, decide that if we are going to have any kind of a sales tax we will have a sales tax affecting everybody generally and not select a few from which to collect.

Mr. BISHOP of Sagadahoc: Mr. President, if my statement was misunderstood, I will say that I tried to say that I was in favor of a general sales tax to relieve real estate. It has just been mentioned by the Senator from Somerset (Senator Hinman) that he is not in favor of a selective sales tax. I would like to know what you would consider the gasoline tax, if that is not a selective sales tax.

Now, I go home every night so I am not anxious to get home and I am willing to stay until the thing is well settled but if we keep dropping these measures that will provide revenue and have nothing left I am wondering just where we are going to end it.

Here is a chance for \$1,200,000. It is a small proportion to the tax on gasoline that we pay, compared with the amount the government takes, and if there is no other means, then this is a way out.

Mr. CHAMBERLAIN: Mr. President, when the vote is taken, let it be by a division.

Mr. TOWNSEND of Penobscot: Mr. President, yesterday, Senator Hodgkins, the Senator from Hancock, asked me if I would pair my vote with him on this particular bill, as he has had to go to a hospital in Boston and undergo treatment. Out of courtesy to the Senator, I told him I would.

If Senator Hodgkins were here he would vote "no" on this bill and if I were to vote I would vote "yes". There is now in the possession of the President of the Senate, a signed statement between Senator Hodgkins and myself to this effect.

The PRESIDENT: The Senator from Penobscot, Senator Townsend wishes to be excused from voting because he has paired his vote with the Senator from Hancock, Senator Hodgkins. The Senator is excused.

Is the Senate ready for the question?

A division of the Senate was had. Fifteen having voted in the affirmative and fifteen opposed, the motion to accept Report A "Ought to Pass in New Draft" did not prevail.

Mr. ELLIOT of Knox: Mr. President, I move the acceptance of Report B "Ought Not to Pass".

Mr. BISHOP: Mr. President, may I ask what was the count on that vote just taken?

The PRESIDENT: The Chair will state that the vote on the motion of the Senator from Penobscot, Senator Chamberlain, that Report A of the Committee "Ought to Pass in New Draft" was fifteen in favor, and fifteen opposed. The motion, therefore, did not prevail.

The Senator from Knox, Senator Elliot now moves the acceptance of Report B "Ought Not to Pass". Does the Chair understand that the Senator from Knox, Senator Elliot, asks for a division?

Mr. ELLIOT: I do, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Knox, Senator Elliot, that Report B of the Committee "Ought Not to Pass" be accepted and that Senator has asked for a division.

A division of the Senate was had.

Fifteen having voted in the affirmative and fifteen opposed, the motion to accept the "Ought Not to Pass" report did not prevail.

Thereupon, on motion by Mr. Chamberlain of Penobscot, the bill

and reports were laid upon the table pending consideration.

From the House:

Majority Report "Ought to Pass as amended by Committee Amendment 'A'"; Minority Report, "Ought Not to Pass" from the Committee on Judiciary on Bill "An Act Relating to Powers and Duties of the State Personnel Board," (S. P. 316) (L. D. 521).

(In the Senate on April 18, Majority Report read and accepted, and bill passed to be engrossed as amended by Committee Amendment "A".)

Comes from the House, Minority Report read and accepted in non-concurrence.

In the Senate:

Miss LAUGHLIN of Cumberland: Mr. President, I move that the Senate insist on its former action whereby the bill was passed to be engrossed, and ask for a Committee of Conference. The Majority Report on this bill passed this Senate by a unanimous vote. Conditions are such that there is some reason to believe that there might be some agreement reached in a Committee of Conference.

The motion prevailed and the President appointed as Senate members of such committee Senators Laughlin of Cumberland, Dow of Oxford and Harvey of York.

From the House:

Bill "An Act to Appropriate Monies for the Expenditure of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1942 and June 30, 1943." (S. P. 488) (L. D. 1014)

(In the Senate on April 11th passed to be engrossed as amended by Senate Amendments "A" and "C".)

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

In the Senate, on motion by Mr. Chase of Washington, under suspension of the rules, that Body voted to reconsider its former action whereby the bill was passed to be engrossed; and on further motion by the same Senator, the Senate voted to recede and concur with the House in the indefinite postponement of Senate Amendment C.

The same Senator then moved that the bill be passed to be engrossed as amended by Senate Amendment A in concurrence.

Thereupon, on motion by Mr. Elliot of Knox, the bill was laid upon the table pending motion that the bill as amended by Senate Amendment "A" be passed to be engrossed in concurrence.

Mr. Chamberlain from the Committee on Indian Affairs on Bill "An Act Relating to Loss of Membership in Indian Tribes by Marriage" (S. P. 395) (L. D. 694) reported that the proposed Act is of such far-reaching importance both to the Indian Tribes and the State of Maine, it would seem advisable that it be studied at length and thorough investigation made. They therefore recommend that it be referred to the Legislative Research Committee provided for by the 89th Legislature.

Which report was read and accepted.

Sent down for concurrence.

The Recess Committee created by the 89th Legislature to Investigate and Consider Using the Plant at the Eastern State Normal School at Castine for desirable purposes of Education of Youth, Other than the Training of Teachers, reported that it is the opinion of the Committee that Additional Courses could be Given Advantageously, and the Plant of the Eastern State Normal School, as a whole, due to Location Seems to be Particularly Well Suited for such an Institution as a Nautical Training School, and the Committee submitted herewith, "Resolve Permitting the Use of the Eastern State Normal School Plant as a Nautical Training School." (S. P. 566)

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

On motion by M. Brown of Aroostook, the Senate voted to take from the table bill An Act to Assist Rural Sanitation Activities (H. P. 830) (L. D. 344) tabled by that Senator earlier in today's session pending assignment for second reading and this afternoon assigned; and that Senator yielded to the Senator from Penobscot, Senator Chamberlain.

Thereupon, on motion by Mr. Chamberlain of Penobscot, the Senate voted to reconsider its action taken earlier in today's session whereby Senate Amendment A to House Amendment C was adopted; and on further motion by the same Senator, Senate Amendment A to House Amendment C was indefinitely postponed.

On further motion by the same Senator, the Senate voted to reconsider its action taken earlier in today's session whereby House Amendment C was adopted; and on further motion by that Senator House Amendment C was indefinitely postponed.

Mr. CHAMBERLAIN of Penobscot: Mr. President, I now yield to the Senator from Cumberland, Senator Sanborn.

Mr. SANBORN of Cumberland: Mr. President, I offer and move the adoption of Senate Amendment A to the bill and in support of that motion I will make a brief explanation.

The parties in interest on this matter after a conference found that there was no difference of view as to the ultimate object to be attained which, as I understand it, is that the present so-called plumbing act which was referred to in the bill as rules and regulations promulgated by the Department of Health and Welfare should apply generally but that they should not apply to such premises as were referred to, for instance, by the Senator from Aroostook, Senator Brown, this morning, that even though it be located within a city but a farm which has no water supply or public sewage conveniences and which did not serve the public as a place where summer camps were maintained or anything of that sort.

This amendment which I am offering has been scrutinized with considerable care by several parties and we believe it would accomplish exactly that result although the phraseology is in reverse of that which was employed in the amendment which has just been indefinitely postponed. That amendment, you will recall, undertook to recite the places and institutions and premises to which the rules and regulations should apply. They were very numerous. But this amendment reverses the proposition and undertakes to specify just the particular premises to which the rules and regulations shall not apply, and

they are set forth in this amendment, and I think, will be easily comprehended.

Thereupon, Mr. Sanborn of Cumberland presented Senate Amendment A: "Senate Amendment A. Amend said bill by striking out the 2nd paragraph thereof and inserting the following underlined words in place thereof: 'all such rules and regulations and ordinances shall not apply to privately owned premises to which neither public water nor sewerage service is available, provided that neither entertainment, meals nor lodging be furnished the public thereon and that the disposal of sewerage therefrom may not drain into any stream or body of water designated by the State Bureau of Health as subject to the provisions of this chapter.'"

Senate amendment A to L. D. 344 was adopted; and on further motion by the same Senator, under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by Senate Amendment A in non-concurrence.

On motion by Mr. Chamberlain of Penobscot, the bill was ordered sent forthwith to the House for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table House Report from the Committee on Judiciary, Majority Report "Ought to Pass," Minority Report "Ought Not to Pass" on bill An Act Relating to the Personnel Law (H. P. 1445) (L. D. 759) tabled by that Senator earlier in today's session pending motion to accept the Minority Report "Ought Not to Pass," and this afternoon assigned.

Miss LAUGHLIN of Cumberland: Mr. President, I move that L. D. 759 be indefinitely postponed and I would say, in support of my motion, that in the first place, this bill adds more powers to the Personnel Board than it now has. It is to make all original appointments, promotions, transfers, reinstatements, and so forth without a check by anybody. At present they are at least confirmed by the Governor and Council but this bill does away with all

that and leaves the Board absolutely free to run all these things itself. It is in direct conflict with the bill which we passed by unanimous vote a day or two ago, and I move that it be indefinitely postponed.

Mr. DOW of Oxford: Mr. President and members of the Senate, I cannot let this go by without saying a little something about it. In the first part of this session I introduced a bill to abolish the Personnel Board. It has died the usual death of a lot of bright ideas that I have had and I feel perfectly all right about that but this bill goes still further with the Personnel Board than has ever been done before. In other words, there would be absolutely no check on the Personnel Board. The department head and the Personnel Board can make promotions, make raises in pay, shift people around, and there is no check on them whatsoever, and I think our experience has taught us that the Personnel Board isn't holy and has nothing sacred about it. It was an experiment started in 1937. It wasn't carried unanimously in this legislature at that time. There was quite a debate on it. I believe that the experience we have had shows that this Board is something that we should not give more power to because it is my firm conviction at the present time that this Board hasn't properly used the authority they have.

I hope that the motion to indefinitely postpone the bill will prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Laughlin, that the bill be indefinitely postponed. Is the Senate ready for the question?

A viva voce vote being had, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Senate is still proceeding under Orders of the Day.

On motion by Mr. Friend of Somerset

Adjourned until tomorrow morning at ten o'clock.