

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Tuesday, March 30, 1943.

The Senate was called to order by the President.

Prayer by the Reverend Wesley U. Riedel of Augusta.

Journal of yesterday read and approved.

From the House

Bill "An Act Revising the State Library Laws." (S. P. 242) (L. D. 362)

(In the Senate, on March 22nd, passed to be engrossed as amended by Committee Amendment "A")

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

In the Senate, under suspension of the rules, that Body voted to reconsider its former action whereby the bill was passed to be engrossed as amended by Committee Amendment A. House Amendment A was read and adopted in concurrence, and the bill as amended by Committee Amendment A and House Amendment A was passed to be engrossed in concurrence.

The Committee on Legal Affairs on Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims," (H. P. 565) (L. D. 314) 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:

Mr. SANBORN of Cumberland: Mr. President, I move the acceptance in non-concurrence of the unanimous report of the committee "Ought Not to Pass." I will say that this bill was maturely considered in committee, and conclusions were based less perhaps on objections to the object sort than to unfortunate, and in some cases, dangerous provisions of the bill itself.

The motion prevailed, and the "Ought Not to Pass" report of the committee was accepted in non-concurrence.

Sent down for concurrence.

The Committee on Legal Affairs on Bill "An Act Relating to City

Ordinances on Licenses for Cinematograph, Moving Pictures and Operators," (H. P. 1136) (L. D. 600) reported that the same ought to pass.

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

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading. House Amendments A and C were severally 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.

At this point, the Senator from Knox, Senator Elliot was escorted to the Chair and handed the gavel by the President, who retired amidst the applause of the Senate.

House Committee Reports

The Committee on Claims on "Resolve, in Favor of Victor Woodbury, of Sebago Lake," (H. P. 175) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Increasing Fishing and Hunting License Fees During the War," (H. P. 1098) (L. D. 568) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Placing Officers and Employees of the Legislature under the Provisions of the Contributory Retirement System," (H. P. 1216) (L. D. 695) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Notice to Purchasers of Contracted Crops," (H. P. 944) (L. D. 490) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Setting Aside of Verdict by Presiding Justice," (H. P. 1127) (L. D. 592) reported that leave be granted to withdraw the same.

The Committee on Temperance on Bill "An Act Relating to Use of Wine in the Manufacture of Patented Medicines," (H. P. 472) (L. D. 253) reported that legislation thereon is inexpedient, as the matter is covered otherwise.

The same Committee on Bill "An Act Relating to Sale of Liquors to Minors," (H. P. 972) (L. D. 545) reported that legislation thereon is inexpedient, as the matter is covered otherwise.

Which reports were severally read and accepted in concurrence.

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Tuition for State Wards," (H. P. 1071) (L. D. 560) reported the same in a new draft, (H. P. 1310) (L. D. 839) under the same title, and that it ought to pass.

The same Committee to which was recommended "Resolve in Favor of Central Maine Sanatorium at Fairfield," (H. P. 1074) (L. D. 563) reported the same in a new draft, (H. P. 1309) (L. D. 847) under the same title, and that it ought to pass.

The Committee on Claims on "Resolve Granting His Soldiers' Bonus to Frank W. Hughes, of East Machias," (H. P. 1197) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Jurisdiction of Trial Justices in Certain Parts of Aroostook County," (H. P. 1117) (L. D. 582) reported the same in a new draft (H. P. 1316) (L. D. 846) under the same title, and that it ought to pass.

The Committee on Labor on Bill "An Act Relating to Employment of Females and Minors," (H. P. 553) (L. D. 293) reported the same in a new draft (H. P. 1311) (L. D. 840) under the same title, and that it ought to pass.

The Committee on Public Health on Bill "An Act Relating to Conduct of Persons Who Have Communicable Diseases," (H. P. 327) (L. D. 204) reported the same in a new draft (H. P. 1317) (L. D. 844) under the same title, and that it ought to pass.

(On motion by Mr. Farris of Kennebec, tabled pending acceptance of the report in concurrence.)

The Committee on Salaries and Fees on Bill "An Act Relating to Clerk Hire in Probation Office in Androscoggin County," (H. P. 1160) (L. D. 615) reported that the same ought to pass.

The same Committee on Bill "An Act Granting Increase in Salary for

Clerks in the Office of Register of Probate in Androscoggin County," (H. P. 832) (L. D. 399) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Clerk Hire for Clerk of Courts in Androscoggin County," (H. P. 600) (L. D. 369) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Compensation of the State Personnel Board," (H. P. 343) (L. D. 220) reported that the same ought to pass.

(On motion by Mr. Varney of York, tabled pending acceptance of the report in concurrence.)

The Committee on Taxation on Bill "An Act Relating to Malt Beverage Taxes on Government Reservations," (H. P. 970) (L. D. 531) reported the same in a new draft (H. P. 1313) (L. D. 842) under the same title, and that it ought to pass.

The Committee on Ways and Bridges on Bill "An Act Prohibiting Throwing of Bottles, Etc. on the Highways," (H. P. 836) (L. D. 402) reported the same in a new draft, (H. P. 1314) (L. D. 843) under the same title, and that it ought to pass.

The Committee on Welfare on Bill "An Act Relating to Appropriations for Private and Public Hospitals for Medical Treatment," (H. P. 1195) (L. D. 668) reported the same in a new draft, (H. P. 1315) (L. D. 845) under the same title and that it ought to pass.

Which reports were severally read and accepted in concurrence, the bills and resolves read once, and under suspension of the rules, read a second time and passed to be engrossed in concurrence.

The Committee on Agriculture on Bill "An Act Relating to Dairy, Breeding, and Show Cattle," (H. P. 924) (L. D. 478) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The Committee on Salaries and Fees on Bill "An Act to Create the Office of Clerk in the Office of the Treasurer of Androscoggin County," (H. P. 1232) (L. D. 730) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which reports were severally read and accepted in concurrence, and the bills read once; Committee

Amendments "A" were severally read and adopted in concurrence, and under suspension of the rules, the bills as amended were read a second time and passed to be engrossed in concurrence.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Register of Probate of Sagadahoc County," (H. P. 118) (L. D. 72) reported that the same ought to pass as amended by Committee Amendment "B" submitted herewith.

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

Report "A" from the Committee on Salaries and Fees on Bill "An Act Relating to Compensation of Department Heads," (H. P. 598) (L. D. 356) reported that the same ought to pass.

(signed)

Senators:

Bragdon of Aroostook
Buck of Lincoln

Representatives:

Jordan of Saco
Smith of Thomaston
Goldsmith of Orono

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

(signed)

Senator:

Hall of Franklin

Representatives:

Downs of Rome
Williams of Clifton
Jones of China
Sanborn of Baldwin

Comes from the House, Report "B" read and accepted.

In the Senate, on motion by Mr. Bragdon of Aroostook, the bill and accompanying reports were laid up on the table pending acceptance of either report.

At this point, the President resumed the Chair, the Senator from Knox, Senator Elliot, retiring amidst the applause of the Senate.

Communication
STATE OF MAINE
Senate Chamber
Augusta

March 29, 1943

To the Senate
91st Legislature
Augusta, Maine.

Dear Sirs:

Pursuant to the Joint Rules, I herewith submit a list of bills and resolutions. These were presented by me to the President of the Senate for his signature at 12:33 P. M., March 29, 1943. These bills and resolutions were signed by the President at 12:45 P. M., March 29, 1943. These bills and resolutions were presented by me to the Governor at 12:55 P. M., March 29, 1943.

Respectfully yours,

ROYDEN V. BROWN
Secretary of the Senate

Accompanying List of Enactors

(Item 2) Bill "An Act to Provide a Town Manager Form of Government for the Town of Brunswick." (H. P. 187) (L. D. 129)

(Item 3) Bill "An Act Relating to Municipal Planning and Zoning." (H. P. 190) (L. D. 127)

(Item 4) Bill "An Act Relative to Hunting Foxes with Hounds in the County of Franklin." (H. P. 241) (L. D. 160)

(Item 5) Bill "An Act Relating to Members of Teachers' Retirement System in Military Service." (H. P. 549) (L. D. 311)

(Item 6) Bill "An Act to Clarify the Laws Relating to Paroles and Good Time Allowances to Convicts in State Prison." (H. P. 796) (L. D. 379)

(Item 8) Bill "An Act Relating to the Protection of Bees." (H. P. 1282) (L. D. 797)

(Item 9) Bill "An Act Relating to the Bank Commissioner's Office." (H. P. 1284) (L. D. 799)

(Item 10) "Resolve Relating to Old Legislative Publications." (S. P. 322) (L. D. 787)

(H. P. 1202) (L. D. 687)—"An Act Permitting Towns to Raise Money for Hospitals."

Which communications and accompanying list were read and ordered placed on file.

At this point, the Senator from Aroostook, Senator Brown was es-

corted to the Chair, and handed the gavel by the President who retired amidst the applause of the Senate.

First Reading of Printed Bills

Bill "An Act Relating to Buyers and Sellers of Milk and Cream." (S. P. 476) (L. D. 860)

Bill "An Act Amending 'An Act to Create the Port of Portland Authority,' as Amended." (S. P. 477) (L. D. 859)

Bill "An Act Relating to the Salary of Various Officers of Waldo County." (S. P. 478) (L. D. 861)

Which bills were severally read once, and under suspension of the rules read a second time and passed to be engrossed.

Sent down for concurrence.

Senate Committee Reports

Mr. Dow from the Committee on Banks and Banking submitted its Final Report.

Mr. Woodbury from the Committee on Counties submitted its Final Report.

Mr. Bishop from the Committee on Insane Hospitals submitted its Final Report.

Mr. Harvey from the Committee on Mercantile Affairs and Insurance submitted its Final Report.

Mr. Hodgkins from the Committee on State School for Boys, State School for Girls and State Reformatories submitted its Final Report.

Mr. Worthen from the Committee on Labor on Bill "An Act Providing that Labor Unions Shall be licensed by the State," (S. P. 408) (L. D. 703) reported that legislation at this time is inexpedient.

(On motion by Mr. Friend of Somerset tabled pending acceptance of the report, and especially assigned for tomorrow morning.)

Mr. Brown from the Committee on Pensions on "Resolve Providing for a State Pension for Mertie O. Ford, of Dixfield," (S. P. 260) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve in Favor of Minnie Ware, of Augusta," (S. P. 259) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve Providing for a State Pension for Lena Smith,

of Skowhegan," (S. P. 200) reported that the same ought not to pass.

Mr. Megill from the same Committee on "Resolve Providing for a State Pension for Alga Towle, of Augusta," (S. P. 425) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve Providing for a State Pension for Virginia R. Fisher, of Augusta," (S. P. 423) reported that the same ought not to pass.

Mr. Friend from the same Committee on "Resolve Providing for a State Pension for William A. Kendall, of Swanville," (S. P. 83) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve Granting a Soldier's Pension to Austin W. Blair, of Lewiston," (S. P. 394) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve Granting State Pension for Charles Knowlton, of Liberty," (S. P. 81) reported that the same ought not to pass.

Mr. Sterling from the Committee on State Lands and Forest Preservation on Bill "An Act Relating to White Mountain National Forest," (S. P. 167) (L. D. 181) reported that leave be granted to withdraw.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Farris from the Committee on Judiciary on Bill "An Act Relating to the Farmington Municipal Court," (S. P. 421) (L. D. 719) reported the same in a new draft, (S. P. 482) under a new title, Bill "An Act Relating to the Municipal Court of the Town of Farmington," and that it ought to pass.

Mr. Megill from the Committee on Pensions on "Resolve in Relation to Status of Paul J. Brown in 'Teachers' Retirement Association,'" (S. P. 82) reported that the same ought to pass.

Which reports were severally read and accepted, and the bill and resolve laid upon the table for printing under the joint rules.

Mr. Harvey from the Committee on Judiciary on Bill "An Act Relating to Jurisdiction of Municipal

Courts in Criminal and Juvenile Cases," (S. P. 431) (L. D. 748) reported that the same ought to pass, as amended by Committee Amendment "A".

Sent down for concurrence.

Which report was read and accepted and the bill was given its first reading.

The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 431, L. D. 748, bill, 'An Act Relating to Jurisdiction of Municipal Courts in Criminal and Juvenile Cases' Amend said bill by striking out in the 3rd and 4th lines of the 3rd paragraph of section 1 of the bill, the underlined words 'other than murder, manslaughter, rape, arson, burglary and robbery' and inserting in place thereof, the following words 'except for a capital, or otherwise infamous crime'.

And further amend said bill by striking out the underlined words, 'and denominated' in the 6th line of the 3rd paragraph of section 1 of the bill.'

Committee Amendment A was adopted and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed.

Sent down for concurrence.

Passed to be Engrossed

Bill "An Act Authorizing the Creation of Housing Authorities in the several Cities and Towns." (H. P. 1134) (L. D. 598)

Which bill was read a second time and on motion by Mr. Varney of York, was laid upon the table pending passage to be engrossed in concurrence.

Bill "An Act Relating to Loss of Membership in Indian Tribes by Marriage." (S. P. 89) (L. D. 16)

Bill "An Act Relating to the Salaries of Clerks in the Offices of the Register of Probate and Clerk of Courts in Piscataquis County." (S. P. 305) (L. D. 473)

Bill "An Act Relating to the Salary of the Commissioner of Agriculture."

"Resolve Creating an Interim Committee to Study the Tribal Rights and Needs of the Indians." (S. P. 416) (L. D. 724)

Which bills and resolve were severally read a second time and passed to be engrossed.

Sent down for concurrence.

Orders of the Day

The Chair laid before the Senate, House Report from the Committee on Taxation "Ought Not to Pass" on bill, "An Act Providing for Funds for Homestead Taxation Relief and Imposing a Gross Sales Tax Therefor" (H. P. 1167) (L. D. 622) tabled by Mr. Brown of Aroostook on March 29th pending acceptance of the report, and today assigned.

Mr. BROWN of Aroostook: Mr. President, I will first move that the bill be substituted for the report and in behalf of that motion I wish to make a few remarks. The purpose of this bill is one in which I think the most of the people of the legislature are in accord and that is to attempt to adjust the basis of taxation in the state of Maine. That is a matter which has been before the people or in the people's minds for a great many years and it is one of those things we talk about but seldom do anything about.

Two years ago when this bill was before this legislature it was suggested by many, those who opposed the bill, that the time was not right to do anything like this and we should have a recess committee to thoroughly investigate the tax structure of the state of Maine for the purpose of adjusting inequalities. Two years have gone by and nothing has been done along that line. The situation has been aggravated by rising tax rates in the state of Maine, by about \$16,000,000, further increasing the burden.

This is a democracy and I believe under it every person who is able to do so should contribute to the support of the democracy. If we have privileges under a democracy we certainly should pay for them, but today thousands of people are earning good salaries and good wages and are paying nothing into the general funds of the state, while the poor home owner who is so unfortunate as to own a home is taxed regardless of his income, taxed if he has no income, and finally if he cannot pay his taxes his home is taken away from him.

This is an unjust situation. Let me state here that taxes on real estate in the state of Maine are the highest in any state in the union. They are more than double the average. It is a serious reflection upon the ability of the legislatures of the state of Maine to solve their tax problem. It is a condition that is driving thousands of people out of our state. It is a condition which discourages the young people in building a home and it is a condition which puts the old people out into the street and takes their home away from them. Now, it is something we have got to face. If we are not going to face it in this legislature we will have to face it in the next and the longer we put it off the more serious the situation becomes. We are way behind in our tax structure, behind other states that have been more up to date.

I suggest to you, as far as the legislature is concerned, if we don't want to do anything about it we should take away from our state seal the word "Dirigo"—"I lead" and substitute the word so popular in the south, "Manana", "Put it off—do it tomorrow". That is what the state is doing regarding rural taxation. Taxes are so high upon farms of Maine that our boys are leaving them to go to other states. We have had a considerable number go from Aroostook County to New York State and they have a colony there which they call "Little Maine" and they are producing potatoes in serious competition with Aroostook County.

We find every state that has a law similar to this has a certain exemption. In Florida they have a homestead exemption of \$5,000. A man can own 160 acres of land and if it is not assessed over \$5000, and I know of none that are, they can raise their potatoes on tax free land. In Aroostook County it is \$10 to \$20 an acre on every acre of potatoes we grow. That is unfair competition.

This bill provides for homestead exemptions on homesteads in the state whether town or city and obviously it would help take care of the poorer homes because their exemption would be greater. In other words, an exemption amounting to \$1000 a year on the assessed valuation would affect the person who

owned a poor home to such an extent that if his home was assessed at less than \$1000 he would pay no tax whatever, while the man with a home assessed at \$25,000 would receive \$1000 exemption and would pay a tax on the balance.

Some say the tax is unconstitutional, but 14 states have declared it to be constitutional and the supreme court has upheld the constitutionality of the homestead exemption.

One reason we should have this is because the home is not an income producing piece of property. I wish we could get it clearly in mind when we study the tax situation. I believe any man in Maine or in any other state who desires to bring up his family has the right to a decent home free from taxation. When he bought the home he spent his money for the benefit of the community. The home is a necessity as much as the clothes we wear upon our backs. It should not be taxed more than the overcoat which we bought five or six years ago and are still wearing. I wish we could get in our minds that we owe to every industrious man who wishes to work and bring up his family the right to have a decent place to live, tax free. Today you put the penalty upon the working man who has \$2000 to invest. If he puts it in the bank or invests in bonds or does anything except buy a home, he escapes taxes until he has enough to pay an income tax on it. The man who invests his \$2000 in a home becomes a shining mark to the tax assessor. He is taxed and taxed regardless of his income. The longer he owns his home the more tax he has to pay. So far as the tax assessor is concerned the home never depreciates in value. I will give you an example. A man in our town forty years ago built a home. It was taxed \$26.00. The house is now 40 years old. It is the same old house. The owner has had to re-shingle it and give it a coat of paint, but it is still the same house it was 40 years ago and his tax is now \$156 on that house. Is there any justice in a law that taxes a man regardless of his income?

Farms in Maine have not been paying very profitably the last few years. Just now we do not hear so much kicking because the price of the produce the farmer has to sell is rising to where it is easier

for him to pay taxes. The time is coming, however, when the pendulum will swing the other way. He will be compelled to pay his taxes without the income to pay with. I say if we had had any justice in our method of taxation we would not have abandoned homes and fields scattered over Maine. They would be producing food, vegetables, livestock and poultry of which the people of the country are in such dire need. That would have been the case if we had had a just system of taxation.

I am going to talk on the farm side for a moment because farms are vitally important, not only to the farmers but everyone has waked up to the fact that the farm is a necessity. Everything is being done than can be done in a confused and muddling way in Washington to straighten out the food proposition, but it is like locking the door after the horse is stolen. We are in the deplorable condition of having more abandoned farms in Maine in proportion to the number of farms in the state than any state in the union that I can learn about. I have a set of figures compiled by Donald Reid of the Extension Service a couple of years ago. The Farm Bureau has a system whereby they furnish every interested farmer an account book and they go around occasionally and show him how to make proper entries and see that everything is kept properly and at the end of the year go over his books and figure it all out. In 1939 there were 214 farmers who completed their records, kept complete records. The very fact they kept records all the time and did it carefully would indicate to me they were among the more intelligent farmers who wanted to know how they came out in the end. This is the summary from the Extension Service in the University of Maine. The number of farms was 214. The capital invested in real estate was \$4340 and the total investment including land, livestock, machinery and supplies totaled \$6177. Now the total average income was \$2208. The total farm expense was \$1756 and the net farm income was \$452 per farmer. Now that was the pay for the farmer's work and his family's work and his wife's work. Including all that, his his total income was \$452—the lowest income of any people in the State of Maine. Why, we have

shipyard workers earning that in about a couple of weeks. I do not know just how fabulous a figure their pay has risen to, but the farmer and his family works a whole year for \$452. Now, if you allow interest on the capital investment of 5%—and I might say many have mortgages on the farms and are paying that much or more—you have an interest charge of \$308, and so you allow the farmer for his labor, on an average of 214 farms in the State of Maine, \$144. The average tax on those farms was \$142. So the farmer and his family have \$2.00 for their work. That is the average for those farms.

Can you see anything fair about a system which compels a man with \$144 income to pay a tax of \$142 on that income? Can you say that the tax structure doesn't need a change? I do not think any reasonable man can say that it has not reached a point where it must be adjusted or we will become, as we are rapidly, a state of abandoned homes.

I say it is the duty of the state to encourage home building, home ownership, in order that our people shall have a decent place to bring up their children. I submit to you that I believe the children brought up in a home in which the parents have a pride of ownership and call it "home" make better citizens than those who live in rented houses or tenements and have no pride of ownership and have no desire to improve their residence, but simply go from one tenement to another and they have no fond remembrance of the home in which they were brought up.

Well, I said we were way behind in our system of taxation I want to call briefly to your attention some figures that were compiled by the Farm Credit Administration in Springfield, Mass., in which they take up tax trends in the different states. I want to say our high peak of taxation was reached all over the United States in 1930 on property taxes. For two or three years, under the urge of economy, we cut down on taxes, levies voted in town meetings, etc., but in three or four years they gradually began to creep up until we reached about the same point as in 1930. During that time the value of real estate has dropped so the percentage of tax has been increased, the percentage has in-

creased because you are collecting the same amount of money on a decreased valuation. The tax on property in the state of Maine since 1922 has increased according to the value of the real estate over 30.5% from the high figure of 1930. That has been true in other New England states although not to such an extent. Now, Mr. Gans says "In contrast to the situation in New England, several other states have made changes in their tax systems which have materially reduced the tax burden on real estate, and particularly on farm real estate. In three states, Indiana, Michigan and Washington farm property taxes in 1939 were at about the same level or lower than 30 years ago. In five other states, taxes in 1939 were less than 50% higher than 30 years ago. I have a table here which shows the annual farm real estate tax levies in percent of value of farm real estate. The state of Maine has increased 30.5% since 1910. In contrast to that, West Virginia has decreased 57.1%, Ohio 44.3%, Michigan 56.5%, Georgia 43.8% and Washington 54.1%. There are several others here with a lesser degree. That shows to me conclusively that those states, facing the same problem we faced ten years ago were wise enough to change their system of taxation and take the tax off real estate and put it where it belongs, on all of the people.

Fourteen states at the present time have homestead tax exemptions ranging from \$500 in Wyoming to \$5000 in Florida. I want to say during the time it has been in effect in Florida I have been there every winter. When I first went down there there was no tax exemption. About ten years later a tax exemption of \$3000 was put on and a few years later it was raised to \$5000. Today a man can own a good, comfortable home and pay no tax. I say this is as it should be because the home is not income producing property. Instead of putting money in the bank, if a man puts it into a house and thereby improves the conditions of his town he should be held as a benefactor and granted exemption from taxes, but instead of that in Maine he is penalized as long as he owns it. Whereas in Florida there have been hundreds and hundreds, yes thousands of working men who have built homes because they know they will never be taken away from them. The money which would be

used for taxes can be used for reducing the mortgage. You can't do that in Maine with the tax rate in many towns as high as 70 mills. It is impossible for a working man, under our present system, to make payments on mortgages and at the same time pay the exorbitant tax rates. The question before the people of Maine is whether we are going to revise our tax system and encourage home ownership, or keep on and discourage it in the state of Maine.

At the hearing held here in this hall there were just about as many people present as are here now, and there were just three opponents to the bill. One was a Communist who said it was applied to farm property and while his heart was bleeding for them, it would be strictly class legislation. The second gentleman was a single tax man and the one idea he had was that all tax should be on land. The third opponent was the paid attorney for the retail grocers of the state of Maine. I submit to you when the retailers are fighting this bill which means so much to the lives of our people they are doing so because they do not want to be tax collectors and they are doing a distinct dis-service to the people of Maine. He said it might be unconstitutional, which of course, is false. It has been upheld so there is no question about that. He said it would help merchants outside the state. Evidently they had not read this bill because it provides that mail order houses doing business in Maine must be licensed and pay a sales tax on sales made in Maine. It has been upheld by the Supreme Court of the United States. There is no question about it. His third reason was that they didn't want to be tax collectors. Most everyone in business is a tax collector or tax payer. Under this bill the amount of bookkeeping they would have to do would not be increased.

Now, I have a clipping here of interest to me. I think it will be of interest to you. It is regarding the state of North Carolina. Twenty-five years ago when I first went through North Carolina, like other states it was in bad condition, buildings were run down and there was not a foot of paved road in North Carolina. Since then they have built the finest system of paved roads. They have the finest system of consolidated schools. They have been paid for. They have a 3% sales tax in North Carolina and their average tax on

rural real estate, on farms, is twenty-six cents an acre on land. Compare that with the rate in Maine. You would think to hear people talk that with as low tax as that and with a 3% sales tax they would be ruined, but they have built the finest rural schools on the Atlantic coast. I have this clipping from the Charlotte Observer on the eve of the convening of their legislature. It is headed "Coffers of State Swollen with Funds". It says the "State faces a situation similar to that of the federal government a century ago. The biggest problem is how to dispose of extra money." It goes on to say the governor is recommending the purchase of \$20,000,000 in government bonds in order to have a nest egg to meet hard times. Contrast that with the condition in Maine and it ought to give you food for thought.

I don't want any additional taxes upon the people of Maine. I do not think anybody does. But this tax does not increase the tax burden of the state of Maine. It would be exactly where it is today and every dollar which is collected under a sales tax would go back to the towns and municipalities in accordance with the amount of real estate exempted, and therefore, it is not a new tax burden. It doesn't increase taxes. It levels them off. It takes from that home which the poor man and the working man are endeavoring to establish for himself and family, or the home which the poor, old people have paid taxes on all their lives, it takes the taxes from them and puts the burden on everyone who has money to spend. It is the fairest thing in the world. It is much fairer than an income tax. It is easier to pay. It is paid as it goes along. Let's suppose you have a poor man in your community who is earning as little as \$25 a week. Of course, it is hard to conceive of it now as there are not many earning that small amount, but let's suppose he has a home costing \$1000. Under the sales tax of 2% if he spent every cent for those things which would be taxable, he would spend only fifty cents a week and he would have the privilege of holding up his head and saying, "I am a good taxpayer and a good citizen and I contribute my share to the public good." He has his children educated and has the comforts of civilization and the opportunities of civilization. If he is

sick or unable to work the city or town has to take care of him for fifty cents a week. Let's go back to his home. Under the system in Maine he would pay \$58.00 tax on that \$1000 home, or if it was assessed at one half, it would be \$29.00. He would have a tax bill at the end of year and if he was sick he would be unable to pay it. Under the sales tax he would pay \$26 and it is all paid. Isn't it an advantage?

They say a poor man pays a bigger percentage. The percentage is the same but it is only as he spends money and is able to spend it. It is more fair than the method under which we do business. It is not on that when a man pays according to income. A man with a \$25 income buys a pair of \$5.00 shoes and pays 20% of his income while a man with a \$100 income would pay only 5% of his income. So we might as well reason that all business is unfair and therefore we should change our system of doing business.

For one thing, I think it is time we came to a serious consideration of where we are going in Maine with our tax problem. Until we do something, and this is the only thing that has been offered, we are going to continue to drift and drift and our farms will become more sparsely populated and finally we will come to the ultimate conclusion that everything will be ruled from Augusta. Except for your manufacturing centers your homes and small towns will have disappeared. We will be importing all food from other states and other nations. Farming as a business will have gone out of Maine.

They say it is an inopportune time. I say, "Manana"—put off till tomorrow what you could do today. We have millions of farm boys coming back who have been engaged in factories. When the war is over they will want to come back to a home of their own and they will want to go back to the farm. What has Maine to offer them? Nothing. I say this could legitimately be classed as post-war planning. Plan to get people back to Maine, to homes of their own, to farms where they will be producing. To my mind it is the best piece of post-war planning you can do. You have nothing to offer people who want to come to Maine.

I know dozens of people and no doubt there are hundreds more who are leaving Maine today and mak-

ing their homes in Florida. They come here summers. They make their homes there because they can own them tax free. Men with limited incomes as well as those with large incomes are doing that. We have folded our hands and done nothing.

This bill is not perfect. I will not take the time to go into it but I know that no bill of this magnitude could be perfect. If this were to pass I could suggest some amendments, myself. The next legislature could also amend it. If there are flaws in it and they do not work out, they could be changed by amendment as our financial responsibility law has been amended and amended. I defy you to find any bill in the statutes today of any importance, any bill that really does anything, that has not been amended time and again, and will continue to be amended. So you ought not to condemn a bill because it is not letter perfect today.

I hope out of this, whether it passes or not, and I have not very much faith that it will pass because of the action of the other house, but I do hope some relief will come out of it. I hesitated to put it in but it occurred to me in view of what is going to happen after the War that we should put our house in order for the boys who come back from the factories and battlefields to give encouragement to them to stay here. Unless we do, they will not come home and settle in Maine. I want you to think it over because it is serious. My only object in presenting it at this time is trying to acquaint the members of the Senate with the seriousness of the situation. It is up to the legislature to do something. We cannot come here year after year and pass a few private bills on this and that and disregard the serious condition that confronts us. So, Mr. President, I move the substitution of the bill for the report.

Mr. DOW of Oxford: Mr. President, as Chairman of the Committee on Taxation which reported this bill unanimously "ought not to pass" I think I should say a few words explaining the position of the committee. I want to say that while the report was unanimous, it was really nine to one but one member didn't feel strongly enough, for his own reasons, to sign the minority report, so there

was one who might have signed the minority report had he deemed it advisable.

I think I speak for the committee when I make a few remarks as to why we reported it as we did. I agree with my colleague, Senator Brown, that our tax structure is unwieldy, outmoded. However, this isn't the answer. Putting a sales tax on this structure already built doesn't correct the situation that exists. It doesn't seem as though this sales tax, while it hits all the people, is the cure-all of the situation we are in. One of the most prominent men in the state informed me recently that if we are not careful this would fall down around our ears. He may be correct. I do not think this is the answer to keep it from falling down. I do not believe taxing everyone for the benefit of the few is good legislation. I sympathize with the person who owns a home. But the person who pays rent must be considered as he must pay enough so the owner can pay taxes on it. He should be taken care of as well as the man who is fortunate enough, or unfortunate enough, as Senator Brown expressed it, to own a home.

Just what this would yield, I do not know and I do not think it is possible to ascertain the amount. Senator Brown has said there are some things that should be corrected. I think he is right. There are glaring errors which should be corrected.

I am informed the State Tax Assessor has the right and duty to make a study of tax systems of other states and other municipalities and other governments to see what is worth while and then take steps to make it a part of the tax structure of Maine. I am informed the reason it has not been done is because of the lack of money to make a research to improve the tax structure.

It was brought out that we should pass this bill before the government passed a sales tax, that we should pass it now in order to jump the gun. I wonder if the government would hold off because we passed such a bill in Maine; so I wonder if that point is well taken.

When a man builds a home he expects fire protection, police protection and good roads and many thousands of things that go with

a home which must be paid by some source. Maybe the sales tax is the answer but I am not sure that it is. For that reason, the committee reported "ought not to pass" and I hope the motion to substitute the bill for the report will not prevail.

Mr. BROWN: Mr. President, one point I intended to make was regarding federal taxes. I think the time when there will be a federal sales tax is considerably distant. When it does come it will undoubtedly be a manufacturers' sales tax and will be added all over, the same as railroads and everything else puts into the final cost of the goods. Regardless of what federal taxes are, and I doubt if you and I live to see them less, we have got to tax the people of Maine for running the state of Maine, and the argument against a sales tax here simply because the federal government at some time in the future may put on a sales tax is simply begging the issue. It is not an argument against the bill. There are 24 states with sales taxes and they will continue to have them when the federal government puts on an over-all tax, which will be a tax collected at the source and not collected from the retail merchant.

Mr. DOW of Oxford: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Brown, that the bill be substituted for the report.

Mr. GOOD of Aroostook: Mr. President, I'd like to go on record in favor of this bill which Senator Brown has so faithfully worked on for two years. I know he was reluctant to introduce that measure this year but felt possibly there might be a chance. I do not intend to go into any vital statistics. Senator Brown has covered it pretty thoroughly this morning. There are a few things I would like to mention which have come within my observation.

There is no incentive for a young man to own a home or go back on the farm because taxation has been almost prohibitive. They could not possibly pay the tax and maintain a living. We know the last six or eight years, the period of time we have been going through re-

cently, has been so severe our boys who were reared on the farm, who know how to farm and can farm, had to leave home, not because they wanted to but because they had to make a living. Pardon me for speaking personally, but I have three boys, young men, one is in the army now. The other boys know how to farm, were brought up on a farm but they didn't leave because they wanted to, only because they had to. Other industries offered such good opportunities that they left. Now, if there is any incentive to go back, they are perfectly willing to go back and help till the soil.

We have heard said that the men who would have to pay the sales tax would probably object to it. They are not objecting. They want the things the farmer can raise and if the farmer can raise them they are perfectly willing to pay. I wonder if the farmer won't sit down to the first table if things get much more serious.

One O. P. A. man said, when having a meeting with the agricultural department, getting together and discussing matters especially in regard to milk, "you cannot raise the price of milk a cent a quart. It is inflation." Now all the farmer producing the milk was asking a cent a quart more for was to pay the exorbitant tax which he has to pay. The laboring class in the shipyards and defense areas are having their wages jumped three or four times. Evidently it is not inflation. I am not objecting to a man getting more salary. I think he is entitled to it. But I do not think a man who owns a home anywhere in Maine should be called upon to bear practically all the burden.

I know of a man in a certain town who owned a nice farm of 88 acres, as nice a piece of land as ever laid outdoors. Times were hard and his taxes piled up. The man got so discouraged he walked off. He is down to Bangor now working in the airport. He has a wife and family. I saw with my own eyes his wife walking up the street with three children and she had a little bundle in her arms and I stopped and talked with her. Tears were streaming down her cheeks. She said to me, "We cannot pay our taxes and we have got to go somewhere and get something to do." I went there when they had

sickness. He said his trouble was that he could not pay taxes. They lost the farm. The town sold it for taxes.

One man unfortunately had a shock, a paralytic shock. I talked with him one day and I said, "Where are you going?" He said, "I am moving. I am going to Massachusetts to live with my daughter who is teaching school. I have lost my home. Taxes have piled up so I cannot pay." That man was 50 years of age. With tears rolling down his cheeks he said, "I cannot do anything else. I have got to go." He has gone. I know of case after case, and I can take you anywhere in Maine and you will see abandoned homes and buildings falling down.

I have heard men say again and again, "I am not going to buy property because as soon as this influx is over we will have the property on our hands and the taxes will be more than we can pay, and it will be too much of a burden."

I refer to Aroostook because it is the place I know more about than any other place in Maine. During the last year real estate jumped by leaps and bounds. We have probably the greatest influx of prosperity that we have ever had, in my estimation, in the county of Aroostook and still farm after farm is advertised for sale. The government says, "We will put a flooring on potatoes, or a ceiling on them, or anything you want us to do—but won't let you get too much—if you will take hold and try to raise some stuff."

I heard Senator Dow say that we ought to consider the man who pays rent. Who educates his children? He pays a poll tax and pays his rent. Education is a big problem today. I know of a certain man in a certain place with a family of eight or ten children. The town built a little place for him to live in. They have educated his children. These things confront us and we have got to face them. Brother Brown says the tax structure is high and all wrong without a doubt. There are men enough in Maine and we haven't got to go out to get them, there are men here who can transform this tax structure into some order. I am not sure but what Senator Brown has the right solution, so I am in favor of

this motion, and I hope the Senate will substitute the bill for the report.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Brown, that the bill be substituted for the report of the committee, "Ought Not to Pass." Is the Senate ready for the question? The Senator from Oxford, Senator Dow, has asked for a division.

A division of the Senate was had.

Five having voted in the affirmative and twenty-seven opposed, the motion to substitute the bill for the report failed of passage.

Thereupon, on motion by Mr. Dow of Oxford, the report of the committee "Ought Not to Pass" was accepted in concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table bill "An Act Relating to Medical Examiners", (S. P. 460) (L. D. 823) tabled by that Senator on March 24 pending first reading; and on further motion by the same Senator, the bill was given its first reading.

Thereupon, the same Senator offered Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A:

"Senate Amendment A to S. P. 460, L. D. 823, bill 'An Act Relating to Medical Examiners.' Amend said bill by striking out the word 'or' in the 11th line of that part designated 'Sec. 2.' of said bill and inserting in place thereof a comma.

Further amend said bill by inserting after the word 'sheriff' in said 11th line of that part designated 'Sec. 2.' of said bill, the words, 'or a member of the state police'.

Further amend said bill by striking out the word 'or' in the 18th line of that part designated 'Sec. 2.' of said bill and inserting in place thereof the words, 'a member of the state police, or the'.

Further amend said bill by striking out the word 'or' in the 22nd line of that part designated 'Sec. 2.' of said bill and inserting in place thereof the words, 'a member of the state police, or the'.

Further amend said bill by inserting after the words 'county attor-

ney' in the 25th line of that part designated 'Sec. 2' of said bill, the words, 'the state police,'"

Senate Amendment A was adopted, and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table Resolve Proposing a Constitutional Amendment Changing Times of Meetings of Legislature, (H. P. 1243) (L. D. 743) tabled by that Senator on March 29 pending consideration; and that Senator yielded to the Senator from Cumberland, Senator McGlauffin.

Thereupon, on motion by Mr. McGlauffin of Cumberland, the Senate voted to recede and join with the House in a Committee of Conference.

The PRESIDENT: The Chair will announce the Senate members of such Committee later.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table House Report from the Committee on Taxation "Ought Not to Pass" on bill "An Act Relating to Taxation of Rural Electrical Companies," (H. P. 1207) (L. D. 684) tabled by that Senator on March 26 pending acceptance of the report in concurrence; and on further motion by the same Senator, the "Ought Not to Pass" report of the committee was accepted in concurrence.

On motion by Mr. McGlauffin of Cumberland, the Senate voted to take from the table House Report from the Committee on Legal Affairs "Ought to Pass on bill "An Act Relating to Sale and Use of Fireworks," (H. P. 802) (L. D. 384) tabled by that Senator on March 25 pending acceptance of the report.

Mr. McGLAUFFIN of Cumberland: Mr. President, I move the indefinite postponement of this bill. I don't expect to change a single vote against the unanimous committee report. I am not greatly concerned as to how you vote on

my motion. For the sake of the author of this bill, I would like to see it pass; for the sake of the youth of this state I am definitely opposed to it. I could give you a number of reasons why I am opposed to the bill. I am not going to take your time for that purpose, except to point out that I think the bill is exceedingly inconsistent.

This bill does away with all use of all fireworks and firecrackers except that permission may be granted for certain exhibits at fairs or in towns. This bill prohibits the use of fireworks and firecrackers and sparklers and rockets and so forth, but the same bill provides that we in this state may manufacture and sell these same things that we are prohibiting here to the citizens of our state. If this matter of fireworks is dangerous to the citizens of Maine, it is just as dangerous to the citizens of New Hampshire. If, on the other hand, we are so selfish that we want to protect only our own citizens, and care nothing for what happens to the citizens of other states, then I am against the bill.

I think it is inconsistent to say to our boys, "You cannot shoot a firecracker today" and then expect them to face machine gun bullets tomorrow. I think it is inconsistent to say to a boy today, "You cannot throw one of these hand torpedoes"—perfectly harmless—and expect him to face a torpedo that is capable of blowing up a battleship tomorrow. I think it is inconsistent to say that the boy today cannot throw a rocket in the sky, but tomorrow you expect that same boy to destroy cities by the use of two ton bombs. I think it is inconsistent to say to a boy, "You cannot light an inch firecracker", today, and expect him to blow up stumps and rocks with dynamite tomorrow. I think that a certain element of danger is helpful to the development of manhood. You never saw a real man who had never faced danger. Fireworks are perfectly harmless if they are treated with care. The danger from fireworks is due to carelessness, and you cannot stop carelessness by legislation and if you pass this bill you will find the youth of our state inventing ways to celebrate that will be ten times as dangerous as the fireworks. I know this for a fact be-

cause when I was a boy I did just that kind of thing.

I will close by telling a story that I recently heard. A man was charged with shooting a dog. His attorney in defending him, did so in this manner: "Gentlemen of the jury, you have heard the witness testify that he saw the prisoner raise his rifle and aim it at the dog. You have heard how the witness testified that he saw the flash of the gun and heard the report of the rifle. You have heard him testify that he saw the dog drop dead. You have heard him testify that he took out his pocket knife and picked out the bullet, and you have seen the bullet exhibited here in Court. But where, Gentlemen of the Jury, where is the man that saw the bullet hit the dog?"

I anticipate that some member of the legal committee will follow me and will arise and tell you that his eyesight is so poor that he cannot see where my argument hits the point.

Mr. BROWN of Aroostook: Mr. President, I want to go along with Senator McGlauffin from Cumberland County. I wonder just how many in this Senate have read the bill and know just what it does. The first section says that the term fireworks shall mean and include "any combustible or explosive composition or any substance or combination of substance, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, fire crackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance." Now, that means that every device which is dear to a boy's heart, the youth of America, for making a noise on the Fourth of July is absolutely prohibited.

I might go along and would go along with the use of firecrackers of a certain size in congested areas, for the public peace and safety, and

municipalities to have the power to deal with that under the present law. But in this proposed law a father could not take a boy out into the back yard and show him how to fire off inch fire crackers or how to shoot a toy pistol. It seems we are going to a ridiculous extreme. It is not a war measure because it does not say that it is an emergency measure or that it shall apply during the war. Of course, we could repeal it but I think it is carrying it to a ridiculous extent. You can not, if you want to wake up the roosters on the morning of the Fourth of July, fire a blank in a rifle or shotgun. I think it is a piece of legislation which ought not to take up the time of the legislature.

In certain states they not only celebrate the Fourth of July but they celebrate Christmas with fireworks and explosives. I know they do it in the southern states. They do not allow the firing of firecrackers within certain limits of some cities. I know in one city it is unlawful to fire firecrackers and certain types of explosives, but outside the city limits they have places to sell these goods.

I am perfectly willing any town or city should have regulations within built-up portions of the town, possibly, but I do not think we should take away from growing citizens, boys, the urge to fire a torpedo or toy pistol or firecrackers with the superintendence of their parents. They say boys are injured. So are they injured coasting on sleds. So are they injured riding bicycles and everything they do and you might as well prohibit everything we have by which they might injure themselves.

Perhaps you have heard of the millionaire who was so afraid his boy would get hurt out in the world that he would not allow him off the place. The boy had a passionate desire to hunt. He wanted to hunt lions and big game and so forth and so on. The father steadfastly refused. He had a room fitted up with stuffed animals and skins and trophies of the hunt. One day in a fit of inspiration the boy walked up to a lion skin and struck it with his fist. He struck it so hard he injured his hand, blood poisoning set in and the boy finally died. We are doing some-

thing like that here. We are trying to keep from the boy the inalienable rights that have come from the Declaration of Independence to go out and make a little noise and when it has come to firing firecrackers and torpedoes no matter how safeguarded he may be, I think we are going beyond the line of reasoning. I therefore, support the motion made by the Senator from Cumberland, Senator McGlauffin.

Mr. DUNBAR of Washington: Mr. President and fellow senators, last week I joined with my good friend, the Senator from Cumberland in supporting what I thought was a piece of humanitarian legislation. Today I am still supporting what I think you have before you, a piece of humanitarian legislation. I am still looking humanitarian legislation right in the eye. I am interested in this piece of legislation because it is a safety measure. Safety for the youth of our state, safety so far as property rights of our state are concerned. If I can do anything at any time to remove danger from the hands of children, I am going to do it. If, after this legislature has ended and if by chance you should fail to pass this piece of legislation and if after the war is over—children can't use fireworks during the war—if after the war is over and you don't pass this legislation and I pick up my paper on the morning of the 5th of July and I see or read where the eye of some boy or girl has been lost in Senator Brown's good town of Caribou by the use of fireworks, or in my friend Senator McGlauffin's city of Portland that another child is in the hospital suffering from tetanus, commonly known as lock-jaw, and is liable to die as the result of the use of fireworks, I don't want it on my conscience that I had the opportunity to vote against such legislation and failed to do so.

We are coming to the close of a session and I am wondering what we have done, except to pass some appropriation bills. Have we done anything in this session for humanity's sake? Unless there is something coming to us in the mill that I don't know about, I am rather inclined to believe that this legislature will go down as a very harmless session.

I hope that we may do something with this measure. I think that

the mothers and fathers of Maine will welcome it. I feel too that the shell shocked veterans of this war who will be returning to us will thank God if we pass it. You have seen shell-shocked veterans of the other war, and if this war continues for any length of time, and it seems to me that it will, you have seen nothing yet, when these boys come back to us sick in mind and sick in body and asking for peace.

This bill came before the Legal Affairs committee. It is Legislative Document No. 384. It is the so-called Clough bill. Prior to the Clough bill coming before our committee, there was presented to our committee Legislative Document 36 entitled An Act to Regulate the Sale of Fireworks in the State of Maine. That is Senator McGlauffin's bill. I wonder, and I do not want to be harsh—I think a great deal of Senator McGlauffin—but I wonder if it is because we did not see fit to take the McGlauffin bill that this may be the reason for the opposition here today to the Clough bill. If the McGlauffin bill was a safety measure, and it was a safety measure so far as it went, the Clough bill is more of a safety measure.

You will find in the McGlauffin bill the cutting out of these same marble salutes, cherry salutes, globe flash salutes or firecrackers. And you also find in the McGlauffin bill something which is dangerous to the children of Maine today. In section 6 of page 2 you will find that he is asking to cut out Bear Cat torpedoes and sky rockets. You will find also in the McGlauffin bill that Daygo bombs are prohibited.

Senator McGlauffin came a long way along the road to light, to pass a piece of legislation that would be useful and helpful to the children of Maine and to the second war effort, but he did not go far enough along the road and because he did not, and because we reported out of the committee the Clough bill that goes farther, instead of joining with us in that, he turns on the road and follows his footsteps backward into oblivion again.

This was a well attended hearing before our committee. Miss Clough the sponsor appeared for it. Mr. Perkins the Commissioner of Insurance appeared for it and he furnished to us a list of property

damage caused by the use of fireworks on the 4th of July. He gave us the figures that from 1934 to 1939 inclusive, there were 168 fires directly traceable to celebration by the use of fireworks on that day. Involved in those 168 fires, property damage in those years from the use of fireworks was \$22,-447.57. That is where this bill is valuable to the citizens of Maine so far as property owners are concerned. Dr. Mitchell of the Public Health and Welfare Department—if that is the correct name of the department—appeared for this measure. Dr. Kobes of that department, and I believe he handles the blind, stated that there were 500 blind people in Maine, 3 of these cases being directly traceable to the use of fireworks on the 4th of July.

Mr. Morgan, the engineer of the National Fire Protective Association appeared for this bill and told us that this bill is copied from the New York law practically and in the state of New York there are more children affected by regulations of this kind than there are in any state in the union. That is so because of the population of that state, but they have this law, and our law is very similar to the New York law.

Mr. Haberman of the Maine Municipal Association appeared for the bill. Mrs. Lang of the League of Women Voters appeared for the measure. She told us of the pitiful story of the shell-shocked veteran of World War One who came to her attention. He had spent months in a rest sanatorium, only to be released just before the 4th of July, and because of the explosion of a firecracker he went off his balance again and returned to stay in the institution months longer.

Mr. McKnight spoke for the summer resorts of Maine in favor of this bill. Representatives Leavitt, Pierce, Bangs and others spoke for it. And in opposition to it, Senators, we had just two, Senator McGlaflin and a member of the House.

I think it is a good measure. It is a good bill. It is a step in the right direction. It is a safety measure. I sometimes wonder as to whether or not we have lost sight of what the 4th of July really means. I sometimes wonder as I walk along the street of my town,

on the 4th of July, and see a boy or young man release as fast as he can, from his hand, to protect himself, a Daygo bomb, not caring where it strikes whether under a baby carriage or under an automobile. I wonder just how much thought he is giving to what the day of the 4th really, really means.

When the Declaration of Independence was signed, if I read my history right, they did not celebrate it with Daygo bombs and Bear Cat torpedoes, but they celebrated it by the ringing of the liberty bell so some historians say, but others deny, and rang it so hard that the bell was cracked. Last year in my town, near midnight on the 3rd of July a sky rocket was laid in the street and lighted. It took off down the flat surface of the street until it came to a place where the street sloped down. It took off and immediately made a right angle turn and went through a store window waist high and hit a magazine rack, exploded inside the store and set the store on fire. Fortunately no one was in front of that sky rocket because if there had been and it were a man or woman of the stature of myself, they would have been disemboweled.

We were also told before our committee and given figures that for 1936 to 1938 inclusive, three years, there were 2363 persons injured by fireworks on the 4th of July, and these, Senators, this report only applies to such cases as were hospitalized whereby a record was made of it. There must have been thousands of cases treated in homes. In 1939 there was no report. In 1940, however, no report of hospitalization, but in 1940 I am told that there were two deaths in Franklin County as the result of fireworks. We have taken care of in this session, a worthy measure and that was the measure that did not permit one to kill a dog if he happened to find one roaming on someone's property. It was a worthy thing to do. We have also passed in this legislature, a measure that protected the hen in that we are permitted in the summer time to kill foxes who are found within a certain distance of a hennery. That may be and it may not be worthwhile legislation but if we are going to protect the dog and if we are going to protect the

hen why don't we go a step further and protect the children of man? It is not much of a step to take. When the time comes, I am going to do just that thing.

I hope the time will never come, Senators, when the town of Presque Isle, of Bath or South Portland will have to undergo what the people of Dover and London and Coventry have undergone. If that time should ever come and this legislation is not passed, I could see where legislation would be passed in a session following this war to cut out the use of fireworks or any other things on the 4th of July that would make a racket such as a Bear Cat torpedo or a Daygo bomb would make. The children would holler for it, their nerves shattered as they must be over in England. The returning soldier—and I feel that I can speak for him—who is now under fire from bombs from the sky, who is using hand grenades, who is under fire from cannons and machine guns, will welcome this measure, particularly if as a result thereof, he has become a shell-shocked victim.

I would much prefer to commemorate the signing of the Declaration of Independence in a manner that would bring to us all that the 4th of July really means. I would prefer that at midnight on the 3rd of July, the children of the town ring the bells as they rang in Philadelphia and ring from midnight 'till dawn if necessary to herald the opening of that day. I would prefer in the forenoon that the children gather around the village green and listen to an oration by my good friend Senator McGlaulin on what the day means, reading to them the Declaration of Independence and the first ten amendments to the Constitution, commonly known as the Bill of Rights. I think those children would get more out of the 4th of July and what it means to them and to future generations than they would by releasing a Bear Cat torpedo or a Daygo bomb. In the afternoon, those who would like to enjoy a ball game could do that. Those who would like to take the family and go to the sea shore or to the lake side could. That would be what I would call a safe, sane and educational 4th of July.

At the end of such a day, Senators, if this legislation passes, and

I hope it will, I could visualize a mother standing at the bedside of her sleeping children at eventide, looking upon them with their bodies intact, and offering up her thanks to the 91st legislature that made their safety possible.

In closing, let me say I am going to vote for this legislation. I believe it is the only piece of humanitarian legislation that is left for you to pass. I am going to vote for it because I feel that the children of Maine need it. I believe that the sick in mind, and the shell shocked veterans returning to us after this war is over have earned it and deserve it. I believe that property owners of Maine will welcome it. It won't be long, Senators, before the matter will be in your hands and the responsibility yours. What are you going to do about it? I for one, am going to vote for it and I hope that you will accept the unanimous report of the Committee on Legal Affairs who heard both of these bills and reported the McGlaulin bill "Ought Not to Pass" because the Clough bill was a better bill. I therefore hope that the motion of the Senator from Cumberland, Senator McGlaulin to indefinitely postpone the bill will not prevail.

MR. MCGLAULIN: Mr. President, I would like to set the Senator from Washington, Senator Dunbar's mind at rest in regard to my attitude on this bill. It is true that I introduced into this legislature a bill, by request, to make vastly safer the use of fireworks and firecrackers. I presented that bill two years ago and Miss Clough presented substantially this same bill. At that time I appeared before the Legal Affairs committee and told them that I was not particularly interested in my bill but had put it in at that time against that bill, not by request but in studying it I had come to the conclusion that it was a good bill. The Legal Affairs Committee decided it ought not to pass. It was that same committee that heard the Clough bill. I appeared at that time against that bill, not because I was peeved at what they did to my bill but because I was definitely against it. That Legal Affairs committee voted unanimously that the Clough bill ought not to pass. What has happened in the last two years? What have we done? We had no fireworks at all. What has happened in the last two years

to suddenly change the action of the Legal Affairs Committee on that matter?

I also attended the hearing before the Legal Affairs Committee and the greater part of the statistics they presented related to affairs in other states and the principal speaker against this fireworks bill, before that committee, was a man who doesn't live in the state of Maine at all.

I am always delighted to hear my good friend from Washington, Senator Dunbar, address this Senate. He is eloquent and he is interesting but I am not greatly impressed by his argument. His appeal to your sympathy is perfect but I want to point out to you that there are more people killed by automobiles in the state of Maine in one year than have been killed by fireworks since the founding of this state. While he was telling these pathetic stories I didn't hear him say anything about boats. Now men and women go out in boats and they get drowned and it is pathetic. It is heartbreaking and there are more people drowned by boating than there are ever killed by fireworks anywhere. I didn't hear him say anything against skating on thin ice. I have gone through the ice several times, while skating, but I was fortunate enough to survive, but many an unfortunate boy and girl have been drowned while skating. Why doesn't he stop skating? I have known many children to be killed while sliding down hill, running into automobiles. Why doesn't he stop sliding? Some day he is liable to get hurt. On the whole thing he appeals to you as a matter of sympathy. I simply ask you to use your common sense.

Now, I remember when we had the celebration of Armistice Day after the end of the first World War. I want you to know we could not find material enough for explosives in the city of Portland to satisfy us. We were celebrating that day and we were doing it on a grand scale. I will venture to say that when we get news that this war is at an end every last one of us will wish we had rockets, firecrackers, cannon and pistols to celebrate that glorious day.

Mr. BRAGDON of Aroostook: Mr. President and members of the Senate, when I listen to the eloquence of Senator Dunbar I have to argue with myself all the time or I would surely go along with him.

The facts which he presents in regard to accidents caused by Fourth of July celebrations are evident to everyone. There is no question about it. We know there are a great many children injured and sometimes it seems it is very unnecessary. There is, however, one point I try to keep in mind in regard to this matter. When we finished the last World War we decided from then on we would live in a state of perpetual peace. We even went so far as to junk most of the battleships and armament which we had, at great expense, built up. That would be, even now, a very laudable ambition, but at the close of the last war what did we find? We found that while we wished to live at peace, what about the boys in other parts of the world? They continued to play with fireworks.

I wonder if until the time comes that we can be convinced that the rest of the world wishes to go along with that feeling, we might be well advised that any education our youth might receive in the use of arms, fireworks might be worth while. One leads up to the other, as I see it, a boy gets a little experience with firecrackers and small arms, and I think in many cases perhaps that experience has proven valuable to the boys in service who have had to learn to use all kinds of arms. As I see it, it is natural for a boy to go out and do these things. I hope when the Senate votes on this question, they will keep that point in mind.

Mr. GOOD of Aroostook: Mr. President and members of the Senate, I find myself surprised to be in accord with my good colleague, Senator Dunbar, on this measure. I am in favor of this bill for a protective measure only. I was for a time the health officer in my town and would get appeals from doctors and store keepers to cooperate and have no sale of firearms and firecrackers on the Fourth of July. Knowing what a toll it took every year they converted me and I believe they should have some protection for the boys and girls. Therefore, I am in favor of this measure.

Another reason, I am glad my brother Dunbar has seen the light and is much in favor of protection. A few days ago there was a measure before us to protect boys and girls from beer parlors but he did not see

the light. The horse racing bill on Sunday was before the Senate but he had not seen the light. I am glad that at this moment he has been converted to protection. Therefore, I am with him.

Mr. SANBORN of Cumberland: Mr. President, lest I should be thought to be luke-warm or indifferent in joining in this unanimous report, I think it is proper that I should make a few brief observations. I was a listener two years ago at the hearing to which reference has been made when we had a bill before us similar to this but enough different so it did not seem wise to report in its favor. At the time the opposition to the bill came largely, as I recall it, from the industry who manufactured fireworks and from dealers who thought they saw some injury to business in being deprived of selling in the state. Of course, they are under a ban now and opposition did not appear, so apparently dealers are becoming reconciled. The only opposition was that growing out of sympathy for the youngster. I share in this sympathy but I think you will agree the youngster still has a lot of avenues with which to celebrate if he is deprived of this dangerous one, fireworks.

This bill authorizes the use of fireworks by towns and organizations, by towns and communities, with supervision. He may get the thrill he wants from a display which will be of greater magnitude than he would be able to bring about by his own dangerous performance.

I am reminded of a situation we had in Portland many years ago when on the 22nd of February it was customary to build tremendous fires which were more or less dangerous. Every youngster looked forward to it and everyone attended and got a great thrill out of it. Time came when the city fathers saw fit to ban that hazard. It raised a cry of protest and I will admit even today when Washington's birthday comes around it makes me wish we could go to Gorham corner and see another good bonfire.

So far as Armistice Day was concerned, the original Armistice Day, I recall it very well—it is true there was a dearth of fireworks. We didn't have any trouble, however, making all the noise we wanted to because everyone took out the old washboiler and hitched it to the rear end of

the Model T Ford and went down Congress Street and pandemonium broke loose.

Mr. ELLIOT of Knox: Mr. President, I'd like to call the attention of the members of the Senate to the first sentence of the bill which defines the word fireworks, "The term fireworks shall mean and include any combustible or explosive composition" etc. I am afraid, gentlemen, we may be going back to the days of flint and steel if this passes. I believe if George Brown wants to wake up Lee Good on July 4th he should be allowed to do it.

Mr. BROWN of Aroostook: Mr. President, I would like to say that I thoroughly agree with the purpose of this bill. I did not read Senator McGlauffin's bill but I fancy I might have gone along with it if, as the Senator from Washington, Senator Dunbar has said, it didn't go quite so far as this one. I am objecting to the provision that it does not allow the use of toy pistols, etc., even if supervised by the parents. I think this goes altogether too far.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator McGlauffin, for the indefinite postponement of this bill, Legislative Document 384, An Act Relating to the Sale and Use of Fireworks. Is the Senate ready for the question?

A viva voce vote being had, the motion to indefinitely postpone in non-concurrence prevailed.

On motion by Mr. Elliot of Knox Recessed until this afternoon at four o'clock.

After Recess

The Senate was called to order by the President.

First Reading of Printed Bills

Bill "An Act Relating to Attached Mortgaged Property." (S. P. 479) (L. D. 868)

Bill "An Act Relating to Compensation for Personal Injury to Employees." (S. P. 480) (L. D. 869)

Bill "An Act Granting Increase in Salary to Judge of Probate of Piscataquis County." (S. P. 481) (L. D. 867)

Which bills were severally read once, and under suspension of the

rules, read a second time, and passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: The Chair will announce at this time that the Committee of Conference on L. D. 743, Resolve, Proposing a Constitutional Amendment Changing the Times of Meetings of the Legislature, are the Senator from Cumberland, Senator McGlaulin, the Senator from Kennebec, Senator Farris, and the Senator from York, Senator Harvey.

Mr. OWEN of Kennebec: Mr. President, I move that the Senate reconsider its action taken earlier in the day whereby we passed to be engrossed L. D. 362, An Act Revising the State Library Laws.

The PRESIDENT: The Senator from Kennebec, Senator Owen, moves that the Senate reconsider its action whereby L. D. 362, An Act Revising the State Library Laws, was passed to be engrossed. Is this pleasure of the Senate?

The motion prevailed.

Mr. OWEN of Kennebec: Mr. President, I now offer Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Owen, offers Senate Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" to S. P. 242, L. D. 362, Bill "An Act Revising the State Library Laws."

Amend said bill by striking out in the 11th line of Section 19 thereof the figures "500" and inserting in place thereof the figures "250".

Mr. OWEN of Kennebec: Mr. President, may I say in support of my motion that this simply revises the section which has to do with the publication of vital statistics, the buying of them by the State Library. The present law requires the State to purchase five hundred copies of these vital statistics. We have on deposit in the storerooms somewhere in the world thousands of vital statistics—I don't say that inadvisedly—but actually thousands which cannot be used and for which there is no use and no place to distribute them. By amending this to make it mandatory for the Library

to buy two hundred fifty copies instead of five hundred, we can save that much money and that much space and do no one any harm.

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. Bragdon of Aroostook, the Senate voted to take from the table bill "An Act Relating to Compensation of Department Heads" (H. P. 598) (L. D. 356) tabled by that Senator earlier in today's session pending acceptance of either committee report.

Mr. BRAGDON of Aroostook: Mr. President, I now move the acceptance of Report "A" from the Committee on Salaries and Fees "Ought to Pass" and I think I want to offer a little explanation. It was the intention of the signers of Report "A" of the Committee that an amendment should accompany this bill, limiting the act to two years. Through an error, this amendment was left off, and if the Senate should see fit to go along with my motion, I mean at the proper time to offer Senate Amendment "A", which would be an amendment proposing a two year limitation to this Act and which would be the Bill as the signers of Report "A" intended to report it out. My remarks on this Bill are as if it did contain this amendment.

Here in the State of Maine at the present time we have three separate groups of department heads when you think of them as to the manner of their appointment or election and the manner of fixing their compensation.

In the first group, we have that group of department heads elected by the Legislature, whose compensation is fixed by the Legislature. In another group, we have a group who are appointed by the Governor and Council and whose salary is fixed by the Governor and Council. There is still a third group appointed by the Governor and Council, whose salary is fixed by Legislative act. It is this third group that this bill deals with. To give them, they are the Adjutant General, the Bank Commissioner, the Commissioner of Labor, Forest Commissioner, Industrial Accident Commissioners, Fish and Game Commissioner, Commissioner of Insurance, Public Util-

ities Commissioners, Unemployment Compensation Commissioners, Liquor Commissioners, Highway Commissioners, Racing and Boxing Commissioners.

It may appear at this time to the Legislature that in some of these cases, as it applies to some of these officers, salary adjustments might appear necessary. I point out to you the office of the Adjutant General as an example. At the time the present Adjutant General came here he received a salary of \$5,000. \$4,000 of this is fixed by statute and about another thousand comes from I think, the federal government in connection with the National Guard when it is in the state of Maine. The National Guard as you know, has left the State of Maine and that much of his salary has also left him. Instead of receiving \$5,000 which he originally received, he now receives \$4,000 and it is an outstanding example of where an adjustment was necessary in one of these offices. I might point out to you that if it were normal times the legislature might well go through all of this group and perhaps arrive at what would be a fair compensation in all cases for the following two years. I point out to you, however, that we are not in normal times. We might arrive at what would appear to be a fair salary today but what of a year from today? We are in a period of rapid changes as applies to salaries and many other things.

As applies to this group, we have said to the Governor and Council, "Go out and get good men to fill these places." We have also said, "You can pay just so much money." There is no bargaining power under the present act left to the Governor and Council. If, for instance, they feel that some valued department head is about to leave them for a better paying job they have no power to say to him, "We will try and find another five hundred dollars or one thousand dollars if you will stay with us here; the legislature has fixed the salary and if you can get six thousand dollars somewhere else you had better take it." Another instance in case some should leave during the next two years to secure a better job due to the shortage of labor in all business, they might be faced with the position where they would have to take an inexperienced man, a man they might well say wasn't worth

the salary that the legislature has fixed by statute. It might be they could not find anybody else. Perhaps they would say if they could take him on for three or four thousand dollars for what first was a six thousand dollar job, they might take him on temporarily at less than the salary we have fixed if we granted this power to adjust salaries for the next two years.

Under the present set-up they might have to take on men whom they would consider inferior. If we grant this, in six months or a year they could give him whatever they saw fit. If we don't go through with this thing—there have been two or three proposals made—I mention one has been referred to—it has been suggested that we might adjust these within certain limits. In regard to a salary of \$4,000 we would give the Council authority to adjust within a thousand dollar limit. For instance, if we should set up that sliding scale, I wonder if immediately a man who holds one of those jobs wouldn't make a vigorous demand—for instance he would have the argument that the legislature says you can go a thousand dollars higher, it looks as if they set it a thousand dollars higher than it was. I think the demand would be great to immediately go to the top bracket which we said they could go to during the next two years.

I think that pretty well covers my argument on this bill and I hope that the Senate will see fit to go along with Report A of the committee "Ought to Pass." I will later offer the amendment.

Mr. HALL of Franklin: Mr. President and members of the Senate, I feel at this time I should explain a little more why I signed Report B "Ought Not to Pass." We consider these department heads in three different groups. We have the department head directed by the legislature and salary set by legislature. We have another group of department heads that are appointed by the Governor with the consent of the Council and their salary is set by the legislature, and also another group which is appointed by the Governor and their salaries set by the Governor. We spoke about leaving in the hands of the Governor the ones he appoints and sets a salary for. The main argument has been if we don't

do that we are apt to lose heads of departments which we cannot afford to lose. I know of course that we are mighty fortunate to have such good men for these jobs and we don't want to lose them. I always thought that these men for these jobs think something of the job. Of course the salary has a lot to do with it, but I never knew of any time when an office was vacant, there being a chance for appointment, but what there were many people, good men who are always ready for the job at any time.

Maybe it is hard at this time but usually at any time there are always good men and it is hard to decide which one you want, there are so many candidates for the office. We have a good many men in office today but I think there are others left. The heads of departments that are elected by the legislature and their salaries also set by the legislature, those bills would come in separately and every one of them was reported "Ought Not to Pass." That group is left out by themselves. They have no chance for a raise. I can't see why we are not just as apt to lose some of those men from that group as we are from the other group because they have no chance. If we put this other group in the hands of the Governor with the consent of the Council they all know there is a chance for a raise. I would just as soon trust it to the Governor and Council as anyone in the world and we are fortunate to have the group in office that we have at the present time. It looks to me as if we had left that group out by themselves, the group elected by the legislature. They have no chance to ask for a raise. I therefore hope that the motion of the Senator from Aroostook, Senator Bragdon, does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Bragdon, on the acceptance of Report A "Ought to Pass" on Legislative Document 356. Is the Senate ready for the question?

Mr. WORTHEN of Penobscot: Mr. President, I would like to have this bill laid upon the table until tomorrow morning.

The motion prevailed and the bill and accompanying reports were laid upon the table pend-

ing acceptance of either report and especially assigned for tomorrow morning.

On motion by Mr. Varney of York, the Senate voted to take from the table House Report from the Committee on Taxation "Ought Not to Pass" on bill, "An Act to Provide a Tonnage Tax on Commercial Fertilizer" (H. P. 1226) (L. D. 712) tabled by that Senator on March 26 pending acceptance of the report.

Mr. VARNEY of York: Mr. President, it is unusual, I think, when a good tax bill is presented to the Taxation Committee and they report it out unanimously "Ought Not to Pass," but it is more than unusual when a good tax bill is presented to the Taxation Committee and those who are to pay the tax want it as well as those who are to receive the money and still the Taxation Committee reports it out as "Ought Not to Pass." When that happens I cannot help but think it was because the Taxation Committee did not understand the bill as it was presented to them, and I am going to make a motion and will make it now, Mr. President, that this bill be substituted for the "Ought Not to Pass" report of the committee.

In the early part of the session the Agricultural Department appeared before the Appropriations Committee asking for their annual appropriation and explained to us of the Appropriations Committee that since 1883 it had been one of the functions of the Agricultural Department to analyze fertilizer that was sold here in the state of Maine. Now since 1883 that duty has been performed by the Agricultural Department and the expense for doing it has come from a tax on the fertilizer companies based upon the number of brands of fertilizer which they register for sale in the state of Maine. That is to say last year there were some 900 different brands of fertilizer sold in the United States. I don't know exactly how many of those were registered for sale in the state of Maine but a large number. When each one was registered the company who registered that brand paid a fee to the department for registration. That fee brought in the funds which the department

used in inspecting these fertilizers. This year as was explained to us, this year the federal government has limited the number of brands of fertilizer which can be manufactured. As I understand it, there are left but fourteen different brands of fertilizer which can be registered in Maine this year.

The Department explained to the Appropriations Committee that therefor there would be a reduction in the fees which they would receive from registering these brands of fertilizer of approximately \$3500. Anticipating such a reduction the Department has taken the matter up with the various fertilizer companies and had been assured by the companies that they not only were willing but would like to see a small tonnage tax, that is, a small tax placed on each ton of fertilizer sold in Maine large enough to make up that \$3500 loss to the Department and enable the Department to continue this very valuable work without asking the state for any additional appropriation from general funds.

Such a bill was presented to the Taxation Committee. It was represented to Appropriations that if that bill did go through we would not have to make additional appropriations to Agriculture out of the general funds.

Now the bill was reported out by the committee "Ought not to pass" and I have talked with two members of the Committee on the part of the Senate and partially with the third member. The bill is L. D. 712 and I take it from the two members with whom I talked that first they did not get the impression that the fertilizer companies were in favor of the tax. You might right off quick say why should anyone favor having a tax placed on their product which they will have to pay? The reason as I understand it is this. The companies at the present time manufacturing and selling fertilizers in Maine have no way of knowing how much fertilizer is sold in Maine of different brands. They would like that information. They want their fertilizer tested.

Following the last war I am informed that some fertilizer companies were required to pay back to the farmers in Aroostook County a total of \$375,000 for damages to potato crops that had been wrecked

by American potash mixed with borax content, whatever that means. I have here a letter from the Consolidated Rendering Company addressed to the Taxation Committee. I am not going to read the whole letter. It pertains to this bill. The first paragraph which I will read states, "We operate a fertilizer plant at Portland, Maine; namely, the Portland Rendering Company. We have an extensive tonnage of complete commercial fertilizer in the state of Maine. The above proposed act, calling for a tonnage tax on commercial fertilizers, is, we feel, correct. We approve of the principle involved. Under this arrangement, manufacturers will pay a registration fee per grade as heretofore, and in addition will pay a tonnage tax assessed on the tonnage of each grade which is sold in the state."

I have a letter from the Eastern States Farmers' Exchange, a paragraph of which I will read.

"We consider the principle of a tonnage tax as equitable. It is our belief that when a tonnage tax is imposed that the registration fee should be of a nominal amount only. We trust that in revising the laws of the state of Maine concerning fertilizer inspection that this principle will be taken into consideration. Eastern States recognizes the sound service rendered by fertilizer analysis and official sampling performed under such controlled laws and is glad to pay its share of the cost of such service."

Another letter from the Aroostook Federation of Farmers.

"We have read the act to provide a tonnage tax on fertilizer.

We can readily see that, because of the restricted number of grades of fertilizer to be sold, the revenues of the Maine Department of Agriculture must be cut into seriously.

We believe efficiency in the conduct of the Fertilizer Control Department is to the interest of fertilizer producers doing business in Maine. We, of course, realize that no department can be run efficiently if it does not have sufficient revenue on which to run, therefore, we are disposed to express our approval for the act."

I learned from the members of the Taxation Committee with whom I talked that one of the objections to the act as presented was that it contained a provision,

a sentence, which I will read, or contained a provision which would permit the Commissioner of Agriculture or his authorized deputies to examine the books of the person filing the statement for the purpose of verifying the same. Now the department and the bill do not make that provision. I have prepared an amendment which if the bill is accepted strikes that provision from the original bill. The original bill called for a six cent per ton tax. The department has now estimated that they do not need a six cent per ton tax, that three cents is large enough. I have accordingly prepared an amendment which will reduce the amount of the tax from six cents to three. I have also changed one word in the act which the committee did not suggest to me but which is suggested by one of the fertilizer companies. The act all through speaks of the brand of fertilizer when it should refer to the grade of fertilizer. The prepared amendment therefore strikes out the word "brand" and substitutes the word "grade" wherever it appears in the bill.

I am further informed by the department that a majority of the fertilizer companies representing 85% of the fertilizer used in Maine are willing to see this tax imposed. I understand, although I am not an authority for this, that the only objection on the part of any fertilizer company to this tax is from a Canadian fertilizer company.

With those brief remarks, I move that the bill be substituted for the "Ought Not to Pass" report of the Committee.

Mr. DOW of Oxford: Mr. President, in explaining the reason why the Committee on Taxation reported the bill out "Ought Not to Pass," I must confine my remarks to the bill as it was before and not to the amendment offered. It was called to our attention that Armour and Company and some other companies were opposed to the bill. There was objection to the inspection of the books and that went further. It didn't seem to be inspection of the books that bothered but they could do it at any time of year and there were certain months when it would be a bother to have them inspected at that time.

I realize that Senator Varney approaches it from the Appropriation angle and does not wish to set up

\$3500 extra for this particular matter. The legislature recently accepted a report from the Taxation Committee—and maybe it was wrong—in regard to a tax on parlor cars. This bill is not much different from that. It was a bill to repeal the tax on parlor cars. This is along the same line possibly in reverse.

I want to say I just came from Executive Session of the Committee on Taxation where this matter was talked over again among other things. We did not meet for that matter. I said while the committee was in session, "Who told me sometime during the hearing or some other time that if the department did not get the appropriation they would get along all right?" One member said, "I did; I was told so by the department." I make no apologies for signing this report but I do want to express my stand in signing it. When I am on a committee with people who know something about farming and fertilizer and live in a community where a lot of it is used, I rely on them for information of what it is all about, the same as a layman on a committee of lawyers looks to them for legal angles. I think I relied on the members on the committee for the information that they gave. I think they influenced my vote and I think my vote was perfectly all right. I give you this to explain the action of the committee in reporting it out. Armour and Company was reported as being opposed to it and some others.

Mr. PETERS of Androscoggin: Mr. President, I am aware that at the present time there are some liquid fertilizers sold in the state of Maine. I would like to ask the Senator from York, Senator Varney through the Chair, if L. D. 712 is enacted into law in accordance with his amendment, if there is any method by which we can compute a tax on liquor fertilizer.

The PRESIDENT: The Senator from Androscoggin, Senator Peters, has asked the Senator from York, Senator Varney, through the Chair, a question which that Senator may answer if he wishes.

Mr. VARNEY: Mr. President, I would say in answer to that that commercial fertilizer is made up of three elements: nitrogen, phosphorous and potassium and these are brought together and put all in

one group and used by the farmers. I suppose that a liquid combination of these three elements weighs the same as a dry combination does. I suppose you can have a ton of liquid as well as a ton of dry commercial fertilizer. I don't know.

Mr. DOW of Oxford: Mr. President, at a chance of being misunderstood, it does seem to me that some question came up, some question about double strength fertilizer. I think it was said this bill did not cover that particular phase of fertilizer. That was another objection some members had to it.

Mr. BROWN of Aroostook: Mr. President, I might say that I had understood there was no particular opposition to this bill. I did not attend the committee hearing. I was unable to do so for certain reasons but I have been very much interested in the discussion. We have a fertilizer plant at Caribou, the Aroostook Federation of Farmers, from which Senator Varney read a letter. I am not speaking as a fertilizer expert but I built that fertilizer factory. I went out among the farmers and raised the money and was for two years the first general manager of the first fertilizer farm owned by farmers. At that time I did know something about fertilizer. I talked with the manager while up there and he said they had no opposition to this tax, in fact he thought it would be a good thing under present conditions. Formerly the cost of inspection was raised by registering different brands. Today they have had to reduce them to such an extent that it would not pay for the cost and they were willing to go on a tonnage tax. That is what this bill does. I see no objection to the bill from the manufacturer's or from the farmer's standpoint. The farmer is going to pay for it anyway. It has formerly been added to the cost of the fertilizer so that the manufacturer could pay for the cost of registering the brand. Now it will be taken out on a tonnage basis.

I never had experience in mixing liquid fertilizer. I don't think they are using it commercially to any great extent. I don't know if they would tax it by the gallon, but I don't think that is very serious. I can see the objection to the inspection of books and I will go along

with the amended bill which I think takes care of that. I think this is a very good bill from the standpoint of the manufacturer and from the standpoint of the farmer. As to the double strength, double strength means what is says, it is double strength, but at the present time the government is not allowing us to make any double strength.

Mr. DOW of Oxford: Mr. President, I would like to say in all fairness that the amendment offered by Senator Varney cures a good many of the objections raised in committee.

The PRESIDENT: The question is on the motion of the Senator from York, Senator Varney, that the bill be substituted for the "Ought Not to Pass" report of the Committee on Taxation. Is the Senate ready for the question?

Mr. BRAGDON of Aroostook: Mr. President, I did not mean to come into this but it has been called to my attention and I assumed this was a manufacturer's tax and that whatever the tax was would be added to the consumer. Probably they are not asking for any more money than they received before on the way they charged on the various brands. In the first part of this bill, if you read it, it says that any person who shall manufacture, sell, distribute, transport, offer or expose for sale, and so forth shall pay this tax. It looks to me if you interpret it literally it seems it should be paid by the manufacturer and should stop there. It does not appear that every man who handles the fertilizer should be subject to the tax.

Mr. VARNEY of York: Mr. President, I think perhaps he may have raised a pertinent question. It is only intended that this tax should be paid once and that by the manufacturers. With that understanding if he will go along with the bill until we have given it a reading, if it needs to be amended again, I will be glad to fix it up so that it will only apply to the manufacturer.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Varney, that the bill be substituted for the "Ought Not to Pass" report of the Committee on Taxation. Is the Senate ready for the question.

A viva voce vote being had, the motion prevailed and the bill was given its first reading.

Thereupon, the same Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A:

"Senate Amendment A H. P. 1226, L. D. 712, Bill "An Act to Provide a Tonnage Tax on Commercial Fertilizer."

Amend said Bill by striking out the underlined word '**brand**' wherever it appears therein, and substituting in place thereof the underlined word '**grade**'.

Further amend said Bill by striking out the 2nd sentence thereof, and substituting in place thereof the following sentence:

'Such statement shall also list the number of tons of each grade sold.'

Further amend said Bill by striking out the figure '6c' in the 3rd sentence thereof, and substituting in place thereof the figure '3c'.

Further amend said Bill by deleting from the last sentence thereof of the words '**and the permit**'."

Senate Amendment A was adopted, and the bill as so amended was tomorrow morning assigned for second reading.

Mr. PEAKES of Piscataquis: Mr. President, I move that the Senate reconsider its action taken earlier in the day whereby it accepted the "Ought Not to Pass" report on L. D. 314 bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims."

The PRESIDENT: The Senator from Piscataquis, Senator Peakes moves that the Senate reconsider its action taken earlier in today's session whereby it accepted the "Ought Not to Pass" report of the Committee on Legal Affairs on bill, "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims" in non-concurrence. Is this the pleasure of the Senate?

Mr. SANBORN of Cumberland: Mr. President, I supposed that when the Senate took its action this morning, it took it deliberately and in accordance with its purpose in regard to this bill. We have been here now an hour and have gotten one matter off our list. If this reconsideration takes place and this is debated from now to six o'clock,

an hour wouldn't be sufficient to debate it fully. We want to get through this session of the legislature some time between now and Memorial Day. I trust that the motion will not prevail.

Mr. MCGLAUFLIN of Cumberland: Mr. President, I too am opposed to the reconsideration of this measure. I want to say very briefly that I led the opposition to the bill before the Legal Affairs Committee and I am not going to take the time to discuss it now. I just want to point out two or three features of the bill. First, before I do that I want to say that there was quite a demand on the part of some people to have a small claims court and they don't know what this bill is. This is one of the most obnoxious bills I have seen introduced into this legislature. We killed a better bill two years ago and now they are trying to thrust through this vicious bill. I will mention one or two of the things to show you the nature of the bill. In the first place it takes away the right of appeal. In the second, it probably is unconstitutional anyway. It takes away all rules of evidence. One of the rules of evidence that has come down through the ages is that you should not admit hearsay evidence. Under this bill you can take a newspaper report and the judge can use it for evidence if he wants to. You are making the judge a little czar and perhaps you think you can trust the judges but you can't trust any man when he has got all the power in the world. If I have to discuss this later I will tell you some instances of that. Another thing this bill provides, the judge is not the judge but is a disclosure commissioner as well. Under the disclosure law he is allowed if he has no property to take the poor debtor's oath. Now under this bill he has no right to take that oath.

I found at the hearing that the attorneys that represent the proponents of this bill themselves did not appear to know the contents of the bill. The argument was based almost entirely on the merits of the small claims court. My opposition to the bill was based upon the demise of the bill itself. I hope that reconsideration is not upheld.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Peakes, for reconsideration of the action of the Senate taken

earlier today in accepting the "Ought Not to Pass" report. Is the Senate ready for the question?

A viva voce vote being had, the motion to reconsider did not prevail.

Mr. EMERY of Hancock: Mr. President, I rise with some feeling of trepidation, when I make the following motion which is that the Senate reconsider its action taken earlier in today's session whereby Legislative Document 384 An Act Relating to Sale and Use of Fireworks was indefinitely postponed. I am vitally interested in this measure, otherwise I would not be on my feet at this time. I also feel that the subject matter has been extremely well covered but simply for the fact of allowing the Senate or members of the Senate to think a little more seriously on this most serious matter I make this motion.

The PRESIDENT: The Senator from Hancock, Senator Emery moves the Senate reconsider its action in indefinitely postponing L. D. 384, a bill Relating to the Sale and Use of Fireworks. Is this the pleasure of the Senate?

Mr. VARNEY of York: Mr. President, I am opposed to the motion to reconsider simply because I am opposed to the bill anyway. I didn't say anything this morning because I thought enough had been said. I think I can explain my reason for being opposed to the bill by saying that I don't believe you can legislate safety into a group of nine to fifteen year old children. If you take the fireworks away from them they will do something else. I wanted to tell a little story this morning and I will tell it now. I understand a group of boys several years ago in my town ran out of fireworks on the 4th of July. They were ten or eleven year old boys and wanting a little excitement they were wandering along the beach and came across a dead lumpfish that had washed in. One of the boys had a bicycle pump and he put it in the mouth and commenced to pump. After he had pumped it up to full size, the fish exploded. It is

true nobody lost an eye but there was considerable property damage as the result of that explosion.

Mr. EMERY of Hancock: Mr. President I would like to ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Emery that the Senate reconsider its action whereby it indefinitely postponed Legislative Document 384 bill Relating to the Sale and Use of Fireworks. The Senator from Hancock, Senator Emery, has asked for a division.

A division of the Senate was had

Twelve having voted in the affirmative and nineteen opposed, the motion failed of passage.

On motion by Mr. Peakes of Piscataquis, the Senate voted to reconsider its action taken earlier in today's session whereby bill, "An Act Relating to the Salaries of Clerks in the Offices of the Register of Probate and Clerk of Courts in Piscataquis County" (S. P. 305) (L. D. 473) was passed to be engrossed; and on further motion by the same Senator, the Senate voted to reconsider its action whereby Committee Amendment "A" was adopted.

Thereupon, Mr. Peakes presented Senate Amendment "A" to Committee Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Committee Amendment 'A' Amend said amendment by striking out the third paragraph thereof."

Senate Amendment "A" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by 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. Elliot of Knox
Adjourned until tomorrow morning at ten o'clock.