

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, May 5, 1947

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

Prayer by the Rev. Hazen Rigby of Gardiner.

Journal of yesterday read and approved.

**Papers from the Senate
Senate Reports of Committees
Ought to Pass**

Report of the Committee on Claims reporting "Ought to pass" on Resolve in favor of Hugh J. Andrews of Waterville (S. P. 30) (L. D. 1481)

Report of same Committee reporting same on Resolve in favor of Nora B. West, of Steuben (S. P. 39) (L. D. 1480)

Came from the Senate with the Reports read and accepted and the Resolves passed to be engrossed.

In the House, Reports were read and accepted in concurrence and the Resolves read once and tomorrow assigned.

**Ought to Pass with Committee
Amendment**

Report of the Committee on Claims on Resolve in favor of Harold G. Wyman of Pittston (S.P.119) (L. D. 1482) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report accepted and the Resolve passed to be engrossed as amended by Committee Amendment "A".

In the House, Report was read and accepted in concurrence and the Resolve read once.

Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to S. P. 119, L. D. 1482, "Resolve in Favor of Harold G. Wyman of Pittston."

Amend said Resolve by striking out the figures "\$62" in the 2nd line thereof and inserting in place thereof the figure '\$31'

Committee Amendment "A" was adopted in concurrence and the Resolve was assigned for second reading tomorrow morning.

Ought to Pass in New Draft

Report of the Committee on Le-

gal Affairs on Bill "An Act to Amend the Pension Law for Members of Police and Fire Departments of the city of Waterville" (S. P. 316) (L. D. 876) reporting same in a new draft (S. P. 545) (L. D. 1472) under same title and that it "Ought to pass."

Came from the Senate with the Report read and accepted and the new draft passed to be engrossed.

In the House, Report was read and accepted in concurrence and the Bill read twice and tomorrow assigned.

Covered by Other Legislation

Report of the Committee on Judiciary on Bill "An Act relating to Pensions or Annuities of Deceased Teachers" (S. P. 233) (L. D. 644) reporting "Ought not to pass" is covered by other legislation.

Came from the Senate with the Bill substituted for the Report and passed to be engrossed.

The SPEAKER: What is the pleasure of the House? Is it the pleasure of the House to accept the "Ought not to pass" report of the committee.

It is a vote.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Marsans.

Mr. MARSANS: Mr. Speaker, I would move that we reconsider our action whereby we accepted the "Ought not to pass" report of the committee.

The SPEAKER: The gentleman from Monmouth, Mr. Marsans, moves that the House reconsider its action whereby it has accepted the "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. MARSANS: Mr. Speaker, in moving that we recede and concur with the Senate action, I will say that this particular bill comes from the fact that the old teachers who are receiving annuities—the present bill provides that on their decease it shall go to their husbands or wives, as they are quite well along in years. This changes it to "heirs". I understand the Judiciary Committee approves of this. I think we should uphold the action taken in the Senate.

The SPEAKER: The gentleman from Monmouth, Mr. Marsans, moves that the bill be substituted

for the "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed and the bill was substituted for the "Ought not to pass" report.

Thereupon, the bill was given its two several readings and was assigned for third reading tomorrow morning.

Non-Concurrent Matter

From the Senate: Bill "An Act Imposing a Sales and Use Tax to Raise Additional Revenue" (H. P. 1731) (L. D. 1470) which was passed to be engrossed in the House on May 1st as amended by House Amendment "B".

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Haskell.

Mr. HASKELL: Mr. Speaker and Members of the House: I would move that we recede and concur with the Senate. In supporting this motion to recede and concur with the Senate, I would like to speak just a moment from the appropriations side of the picture as we see it here this afternoon.

We have had before us the appropriations bill, L. D. 1475, which calls, for the next biennium, for \$38,450,000 in round figures. Since that bill has been reported to us, we have also heard from the Appropriations Committee that there appears to be \$1,200,000 more necessary, principally due to the State employees' pension law, which, at the time of the original draft of the appropriations bill, was in process, but it was not known whether or not that bill would be favorably acted upon. Thus we can see that the general fund in the next two years will approximate \$40,850,000.

In addition to that, we have bills which have passed through this branch of the Legislature and currently on the table in the other branch which total approximately, in round figures, \$7,900,000. A few of these bills are such as the teachers' salary bill, the University of Maine at Orono, the University of Maine at the Brunswick campus, retirement bill, the veterans provision bill, the contingency fund bill, and there are dozens of others.

I do not suppose it is proper to

believe, because I do not believe so myself, that all of that \$7,900,000 represented by these bills will receive final passage, but I do think it is fair to say that approximately six million dollars of these are good bills and will be finally passed. Thus we see we must have approximately eight million dollars in new revenue.

Further than that, currently in the other branch of the Legislature, covered by "Ought not to pass" reports, there is \$1,340,000 worth of bills. These are such bills as the Medical College at the University of Maine, Bridgton Academy, Freedom Academy, Calais School and Portland Junior College.

Furthermore than that, there is another \$1,400,000 in process, represented by possible cost of administration of the sales tax, the Pownal development, the superintendents' salary bill, \$90,000 legislative deficiency bill and others.

Based on all these figures, it seems to me if we want to be realistic we have to visualize the expenditure of nine million dollars in new money. This is not taking into consideration any of the "Ought not to pass" bills now on the table. I shall be realistic. We must visualize nine million dollars, for the reason if we are not realistic it seems that this is our situation today. If we pass these bills and do not provide revenue to pay for them—this is my personal opinion, but I think the House will agree with me—we can look for a veto message on all of them.

Now speaking again individually, I do not relish the thought of passing on new taxes to the people of this State, neither do I relish the thought, after staying down here nineteen weeks, of going home and doing absolutely nothing. Therefore, I think we must face and face squarely a new tax measure.

But the particular point this afternoon has to do with the amendment on the sales tax, the so-called food and fuel amendment. Now I would like to cite to the members of this House three perhaps proper reasons for moving to recede and concur with the Senate.

The first reason is this: As I understand the picture, this amendment reduces the income approximately fifty per cent. Secondly, if that be so, it is quite apparent that no town in this State will get any relief, because if there is not

going to be enough money for the general fund there certainly will not be enough money to pass out to the towns. And, third and finally, in my mind the important consideration is this: that with the amendment on the bill it is going to create confusion, at least as I see it, confusion from the angle of administration by State officials and more especially confusion among the retailers who must collect this tax if this bill is passed.

Let us look at the situation of the retailer who has on his table half items which are taxable and half items that are not taxable. Just where is he going to come out on his bookkeeping? I do not think it can be a workable measure. Further than that, as I understand it, I think only three of the twenty-four states which have the sales tax now enacted considered such broad exemptions as are included in this amendment.

As I see it now, if we are to pass a sales tax, let us pass a right sales tax, one which will provide the revenue, one which can and will be administered, one which will do the job as we want it done.

Mr. Speaker and Members of the House: I move that we recede and concur.

The SPEAKER: The question before the House is upon the motion of the gentleman from Portland, Mr. Haskell, that the House recede and concur with the Senate.

Is the House ready for the question?

The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker and Members of the House: I am opposed to the motion to recede and concur with the Senate. I do not wish anything that I say to be construed as an approval of the sales tax in any form. This is my position: That if we are to have a sales tax, we ought to have a tax that has some consideration for the poor man. The amendment which the Senate has rejected, and which will be finally rejected if the motion of the gentleman from Portland is sustained, would exempt the ordinary necessities of life, food-stuffs and the like, from taxation. As your bill stood before the Senate passed it House Amendment "B" would exempt these things.

Now, if you do not exempt the vital necessities of life, it means that every man with a limited in-

come, every man with a family to support, will have to pay a flat two per cent tax on everything that he has because it will take all that he earns to make a living. If this does cut fifty per cent off the income, so that the towns will receive nothing, I say to you that that is no loss. That fifty per cent drag for the towns was put in there for no other purpose than to get this sales tax passed. The people of Maine have repeatedly shown that they do not want a sales tax and knocking off that fifty per cent would only eliminate the bait that is being used to catch suckers. Please do something for the poor man. I do not care for the sales tax, I do not want the sales tax, but, if we must have one, we might at least give them a decent law.

The SPEAKER: The question before the House is upon the motion to recede and concur.

Mr. WOODWORTH: Mr. Speaker, I ask for a division.

The SPEAKER: Is the House ready for the question? All those in favor of the motion of the gentleman from Portland, Mr. Haskell, that the House recede and concur with the Senate will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Sixty-three having voted in the affirmative and forty-six having voted in the negative, the motion to recede and concur prevails.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Elliott.

Mr. ELLIOTT: Mr. Speaker, I would like to present House Amendment "C" and move its adoption. Is this the proper time?

The SPEAKER: The question is not before the House at this time, Sir.

Mr. ELLIOTT: All right, Mr. Speaker. Thank you.

From the Senate: The following communication:

STATE OF MAINE
SENATE CHAMBER

May 1, 1947.

Honorable Harvey R. Pease,
Clerk of the House
93rd Legislature
Sir:

Pursuant to Joint Rule No. 8 this is to inform you that the Senate

today indefinitely postponed (S. P. 36) (L. D. 155) Bill "An Act Relating to the Salary of the Treasurer of State," which was passed to be enacted in the House on April 18, 1947.

Respectfully,
(Signed) CHESTER T. WINSLOW
Secretary.

The Communication was read and ordered placed on file.

On motion by Miss Cormier of Rumford, Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

Orders

On motion by Mr. Burton of Milo, it was

ORDERED, that Mr. Bird of Rockland be excused from attendance this week because of business.

Mr. Stetson of Dixfield, was granted unanimous consent to address the House.

Mr. STETSON: Mr. Speaker and Members of the House: It has developed over the week-end that the referendum time limit in the Act Creating the Charter for the Town of Dixfield is going to be too short to answer our purpose, and this amendment has been prepared and cleared with the office of the Revisor of Statutes, extending the time two months, and I shall ask unanimous consent to introduce this bill, and if it is received, it will not require reference to any committee, and I shall move that it be given its three readings and pass to be engrossed at this time, if in order.

The SPEAKER: The gentleman from Dixfield, Mr. Stetson, requests unanimous consent to introduce a bill. The Clerk will read the title.

The CLERK: (reading) Bill "An Act Amending the Charter of the Town of Dixfield School District."

The SPEAKER: Is there objection to the reception of this bill? The Chair hears none and it has been received by unanimous consent.

The same gentleman now moves that the bill be given its three several readings and passed to be engrossed without reference to any committee.

Thereupon, the bill was given its first reading under suspension of the rules.

The CLERK: (reading) Bill "An Act Amending the Charter of the Town of Dixfield School District."

Be it enacted by the People of the State of Maine as follows:

P. & S. L. 1947, c 109, Sec. 9, amended. The first sentence of section 9 of chapter 109 of the private and special laws of 1947 is hereby amended to read as follows:

"In view of the emergency recited in the preamble hereof, this act shall take effect when approved only for the purpose of permitting its substitution to the legal voters of the territory embraced within the limits of said district at a special meeting thereof called and held for the purpose not later than 4 6 months after the approval of this act."

The bill had its second and third readings under suspension of the rules and was passed to be engrossed without reference to a committee and sent up for concurrence.

Reports of Committees Ought not to Pass

Mr. Prout from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act relating to Increased Participation of Agricultural Fairs" (H. P. 1559) (L. D. 1188)

Report was read and accepted.

Leave to Withdraw

Mr. Boulier from the Committee on Ways and Bridges on Bill "An Act Designating a Portion of State Route No. 139 as a State Highway" (H. P. 1332) (L. D. 924) reported leave to withdraw.

Report was read and accepted.

Passed to be Engrossed

Bill "An Act to Protect the Right to Work" (H. P. 1743) (L. D. 1487)

Bill "An Act to Prevent Strikes Against Public Utilities and Municipal Corporations and the State of Maine" (H. P. 1744) (L. D. 1486)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Bill "An Act relating to Aid to Dependent Children" (S. P. 544) (L. D. 1466)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended and sent to the Senate.

The SPEAKER: The Chair, recog-

nizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I move that the House reconsider its action whereby Item 6, Bill "An Act Imposing a Sales and Use Tax to Raise Additional Revenue" was passed to be engrossed. My reason for making this motion is that I wish to offer a clarifying amendment which has been distributed under Filing Number 412, so I move to reconsider our action whereby we passed this bill to be engrossed.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the House reconsider its action whereby it concurred with the Senate. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair understands that the gentleman from Farmington, Mr. Mills, moves that the House now indefinitely postpone House Amendment "B." Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair understands the same gentleman now moves the adoption of Senate Amendment "A." Is this the pleasure of the House?

The motion prevailed.

Mr. MILLS: Mr. Speaker, I offer House Amendment "B" and move its adoption.

The SPEAKER: The same gentleman now offers House Amendment "B" and moves its adoption. The Clerk will read the amendment.

The Chair would inquire whether the gentleman from Corinth, Mr. Elliott, has an amendment.

Mr. ELLIOTT: I have an amendment.

The SPEAKER: The Chair understands that there is no amendment prepared by the gentleman from Farmington, Mr. Mills.

Thereupon, Mr. Elliott of Corinth, offered House Amendment "C" and moved its adoption.

House Amendment "C" read by the Clerk as follows:

House Amendment "C" to H. P. 1731, L. D. 1470, Bill "An Act Imposing a Sales and Use Tax to Raise Additional Revenue."

Amend said Bill by striking out all of that part designated "Sec. 356" and inserting in place thereof the following:

"Sec. 356. Disposition of proceeds. The entire proceeds of this tax shall be credited to the general fund. If the proceeds of this tax plus all

other income credited to the general fund shall, in any fiscal year, exceed general fund expenditures for such fiscal year plus the sum of 3 per cent of all general fund income for such fiscal year, any such excess, after deducting the expenditures in accordance with the provisions of section 357, shall be paid to the towns on the basis of the total population of each town in relation to the total population of all the towns in the state according to the last available official federal census; provided, however, that the total amount paid hereunder to the towns on account of any fiscal year shall not exceed the total proceeds of this tax for such fiscal year. The first distribution of moneys, if any, to the towns shall be made on or before September 15, 1948, and annually thereafter distribution, if any, shall be made during the month of September."

The SPEAKER: Is it the pleasure of the House to adopt House Amendment "C"?

The Chair recognizes the gentleman from Portland, Mr. Haskell.

Mr. HASKELL: Mr. Speaker and Members of the House: I should like to speak briefly in support of House Amendment "C" because in my judgment House Amendment "C" very materially strengthens this bill. This amendment pertains only to Section 356 of Legislative Document 1470. Now, the Committee on Taxation, in discussing and reporting out L. D. 1470, of course they did not know exactly what the general revenue fund would be required for in the next two years. Quite properly they took into consideration the fact that two percent tax, all of that would not be needed for the general fund, but it appears that they put into this tax \$3,500,000 to go into the general fund, the remainder to go to the towns on the basis of valuation. At that time, as I have said, there was not a reasonably accurate estimate as to what would be needed for the general fund and, even now, in practically the last days of this session, we still are not sure. It was a good guess then; whether it is now or not I am not prepared to say. But I do feel that this amendment here is particularly favorable for consideration because of its flexibility.

It is a peculiar thing that this House, or this Legislature, can determine with quite a good deal of

accuracy the amount of the appropriation but we have very little control over what the income of the State is going to be in the next two years. For example, I would like to point out to you just this one situation and that is liquor revenue. I have no doubt that all the various departments made as accurate a survey as possible, and I do not believe that now we can say what the liquor revenue of the State is going to be a year or a year and a half from now. We do have some information already to the effect that in certain states, the revenue has dropped off as much as forty per cent. Therefore, it seems to me, that rather than have a hard and set determination of a figure such as \$3,500,000, it would be much preferred to have a flexible arrangement and this is particularly true as long as this House has a part in determining what the appropriations are.

If you will consider for a moment what this amendment does, or at least the way I look at it, it says this, in substance: That all of the proceeds shall be credited to the general fund, but if the general fund revenue plus the proceeds from the sales tax are in excess of what is needed to run the State, then, in that event, the excess goes back to the towns with the sole exception of three per cent of that amount which is reserved to build up the unappropriated surplus. That is why I say that it is a flexible measure.

There is one other consideration, too, which, in my mind, is relatively important along these lines. I think you can call this amendment an economy measure for this reason: if it is passed, and the towns are expected to get back in little revenue, I do not think that this Legislature or any succeeding legislatures are going to find the towns quite so anxious to run down here for a grant every other moment because then they will know that if they come here and secure a grant, say a \$100,000, that the amount coming back to them is going to be reduced by that exact amount. Therefore, I feel that House Amendment 'C' should be supported.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Bowker.

Mr. BOWKER: Mr. Speaker and Members of the House: I rise in opposition to this amendment. If I

understood the proponents of this sales tax correctly, it would seem to me that the municipalities and towns were going to be relieved of part of their property tax. Now, it seems to me that this amendment is just opening the door for about \$7,000,000 worth of bills, \$6,000,000 that are in this Legislature, and more to be presented. I can not see under this amendment where the towns and municipalities get some relief. The way the bill is written they are out of luck altogether because there would be bills in to take care of the money that would be derived from this tax, and there would not be anything to go back to the towns. That is why I am against that amendment.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker and Members of the House: I do not rise here to go against the amendment but only to convey to you some of the thinking on this bill which took place in the committee hearings and executive sessions of the Committee on Taxation which had the bill before them.

As we understand the situation, there was needed, positively needed, some \$3,500,000 new revenue to provide to the State those necessities which the administration and the budget committee recommended and thought were absolutely necessary. The sales tax bill, as written originally, was estimated to produce, if it became law, some \$6,000,000. In order to offer to the House and to the people of Maine some assurance that there will not be a tax bill imposed upon them which brought to the State revenue in excess of what was said to be absolutely needed, the bill came up in committee, as you know, with \$3,500,000 for administration purposes and the balance to be returned to the towns on the basis of population. This amendment, if I understand it correctly, and I believe I do, would not put any limit—and I am merely offering this explanation—would not put any limit on the appropriations we might make here at this time. It would also allow—and I am using this for illustration—if the liquor revenue fell down a million or two in the next year or some following year or some other revenue measure failed to produce they would simply call on this tax measure for it.

I repeat, I do not rise for or against it, but simply to present some of the thinking that took place while this bill was being presented.

The SPEAKER: The question before the House is upon the adoption of House Amendment "C".

The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker and Members of the House: A few moments ago, I said that this \$3,500,000 that was to be refunded to the towns was simply bait to catch suckers. It seems that the bait is being trimmed. Now it appears that we are not going to get \$3,500,000; all that we are going to get is what is left after the State spends all it wants to. You can guess how much that will be.

The SPEAKER: Is the House ready for the question? All those in favor of the adoption of House Amendment "C" will please say aye; those opposed no.

A viva voce vote being doubted

A division of the House was had.

The SPEAKER: Forty-one having voted in the affirmative and sixty-five in the negative, the motion is lost.

Is it now the pleasure of the House that the bill pass to be engrossed?

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, I don't understand what has happened to the provision in Section 357 which provided for expenses of collection. If the excess over three and a half million dollars is to be returned to the towns and if we have struck out that section providing four percent for expenses of collection, it seems to me possible that we have considerably reduced the net to the \$3,500,000. I would like to have somebody explain that.

The SPEAKER: The Chair understands there has been nothing struck out of the bill. As it now stands, the bill is before the House as originally drawn, with one amendment, which is Senate Amendment "A".

Mr. CHASE: House Amendment "B" was not adopted, Mr. Speaker?

The SPEAKER: House Amendment "B" has never been presented.

The Chair recognizes the gentleman from Thomaston, Mr. Bell.

Mr. BELL: Mr. Speaker, I would like to know if it is in order if we insist and appoint a Committee of Conference on this bill.

The SPEAKER: The Chair would state that at this time the House is in agreement with the Senate.

Mr. BELL: Mr. Speaker, I make a motion that we insist on our former action and appoint a Committee of Conference.

The SPEAKER: The Chair will state that there is no disagreement between the two branches at this time. The pending question is simply on the passage of this bill to be engrossed in concurrence with the Senate.

Is it the pleasure of the House that the bill pass to be engrossed in concurrence?

The motion prevailed.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first item of unfinished business, Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue" (H. P. 1742) (L. D. 1489) (In House, read the third time) tabled on May 2nd by the gentleman from Cape Elizabeth, Mr. Chase, pending passage to be engrossed.

Is it now the pleasure of the House that the bill pass to be engrossed?

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I move the indefinite postponement of House Paper 1742, Legislative Document 1489, and when the vote is taken, I move that it be taken by the yeas and nays.

The SPEAKER: The question before the House is upon the motion of the gentleman from Lewiston, Mr. Jalbert, that this matter be indefinitely postponed. Is the House ready for the question?

The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker and Members of the House: We have not yet passed any tax bill. The intention of the gentleman from Lewiston (Mr. Jalbert) is that the Income Tax Bill be indefinitely postponed. It is the position of the minority party that there be no new taxes this year. Where does that leave us? I have said, earlier in the afternoon, that I am opposed to

the Sales Tax. I do not believe the people will ever accept the Sales Tax. Adding that up, what do you get? You get the—and the gentleman from Lewiston knows that just as well as anybody else—if he moves the indefinite postponement of the bill now, and kills it, and the people kill a Sales Tax, you have no new revenue.

I think we had better hang onto this bill and be sure that we will get some revenue this year.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, In view of the fact that debate on another measure on Friday, certain surmises were made in regard to my motives and intentions in regard to the income tax, which were entirely unjustified at that time, I should like to say that I, too, am opposed to the indefinite postponement of the income tax at this time. Until the tax situation is clarified in this Legislature and until it is definitely decided, if it is so decided, that the Sales Tax is to be our medium for raising revenue, I believe that this income tax bill should be kept alive.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Saco, Mr. Jordan.

Mr. JORDAN: Mr. Speaker, I suppose that everybody here knows that I am against the Income Tax, but I am not ready to kill it at the present time.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: The reason that I move indefinite postponement of this measure at this time is, I know, an obvious one. This bill is going to be killed anyway. Many of you want to get to the Sales Tax. That's the bill. I am only facing facts; therefore, in view of expediting matters—this thing is going to its ultimate death anyway, so let's get rid of it right now. That is why I move the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Peirce.

Mr. PEIRCE: Mr. Speaker and Members of the House: I think it is about time that the majority leadership in this House dealt with the expediting of certain matters.

If anything is going to be indefinitely postponed or killed or expedited, we, as a Republican majority, ought to do it. Last summer, I sweated here with others trying to get a tax which would pay a veterans' bonus. What went through was nothing more or less than the tax measure originally sponsored by a representative of the minority party. The people turned that down completely in a referendum. As a Republican majority, it is about time that we got behind some definite tax measure and put it through and then went out and sold it to the people. I hope that this motion will not prevail.

(Mr. Jalbert was granted permission to speak the third time.)

Mr. JALBERT: Mr. Speaker and Members of the House: I thoroughly agree with the gentleman from Augusta, Mr. Peirce. There are a hundred and twenty-seven of you here; there are only twenty-seven of us. It is your move.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Lewiston, Mr. Malenfant.

Mr. MALENFANT: Mr. Speaker and Members of the House: No doubt you are going to be surprised to see the whole delegation from Lewiston agree on this motion. So far as this income tax bill is concerned, I am in favor of the motion of the gentleman from Lewiston, Mr. Jalbert. If I vote for that income tax bill I will be called a traitor by the working people.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Chelsea, Mr. Harris.

Mr. HARRIS: Mr. Speaker and Ladies and Gentlemen of the House: I am one who believes that we are not going to be able to pass any tax measure with one hundred votes. I think, before we get through, we are going to have to put up to a referendum whichever tax the people want, the Sales Tax or an Income Tax, and I for one think that they will turn down the Sales Tax and vote for the Income Tax, therefore I think we would be very foolish if we killed either of these now until we found out what the people want, and I hope the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Elliott.

Mr. ELLIOTT: Mr. Speaker and Members of the House: I assure you that I have no desire to see this session of the Legislature prolonged one day or one minute, and I cannot see why, by passing this to be engrossed and keeping the bill alive, you would prolong it. I certainly hope that the motion of the gentleman from Lewiston (Mr. Jalbert) does not prevail.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Lewiston, Mr. Jalbert, that the House indefinitely postpone Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue" being House Paper 1742, Legislative Document 1489. The same gentleman has requested the yeas and nays vote. In order for the yeas and nays vote to be in order, it will be at the desire of one-fifth of the members present. Those in favor of the vote being taken by the yeas and nays will please rise.

A sufficient number not having arisen, the yeas and nays are not in order.

All those in favor of the motion of the gentleman from Lewiston, Mr. Jalbert, to indefinitely postpone this bill—

The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, I ask for a division please.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, has asked for a division. All those in favor of the indefinite postponement of this bill will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Sixteen having voted in the affirmative and ninety-four having voted in the negative, the motion is lost.

Thereupon, the bill was passed to be engrossed and was sent up for concurrence.

Mr. Jalbert of Lewiston, was granted unanimous consent to address the House.

Mr. JALBERT: Thank you, Mr. Speaker and Members of the House. I am fully convinced now that this clears my skirts, along with my assistants. Had the bill been killed last week, when much was done about our absence, it is very obvious that it would have been reconsidered and it would still be alive.

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on "Resolve, to Provide Funds for Construction and Improvement of Bangor Airport in Old Town." (H. P. 1642) (L. D. 1328) tabled on May 2nd by the gentleman from Bangor, Mr. Webber, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. WEBBER: Mr. Speaker and Members of the House: We have reached a crisis in the airport situation in the City of Bangor and also Eastern Maine. Last winter notice was served by the Army that after a certain date the Bangor Airport could no longer be used by the Northeast Airlines or any other aviation activity of a private or commercial nature. That presented quite a problem to us in the city. We had two other alternatives: we either could use the Old Town airport or the one located in Winterport. After surveying the situation, we finally selected Old Town, as it is better suited for our needs and it is somewhat nearer to the city.

At the present time it is estimated it will cost about \$120,000 to fix up this airport at Old Town. Of this, there are \$60,000 of federal funds available, and we are called upon to match the other \$60,000. We are asking the State of Maine for an appropriation of \$35,000, Penobscot County for \$20,000, and the City of Bangor will put in \$5000.

As you probably know, the Bangor Airport provides air service for not only Bangor but all eastern Maine. There are various counties interested in this project: Penobscot County, Piscataquis County, Hancock, Waldo and Washington County. I also might add that a great many summer people use this airport, and it is of vital concern to them to have air facilities in eastern Maine.

I would like to congratulate the Appropriations Committee on the fine work they have done this session. They have had very trying conditions, and I believe they have handled it very well. I believe their policy has been to approve measures and bills where the money is available and in sight, and other measures they pass out "Ought not to pass." I believe at the present time that before this session is ended we shall have a major tax bill, and,

on the strength of that, I think the whole situation will change and we will have a just cause for consideration.

We have seen in this House various measures passed: the Portland Junior College bill was approved for \$100,000. Last week we noticed that some of our schools and academies also got small grants. I believe that the aggregate amount for the schools and academies was well over \$23,000. I have often wondered just what magic wand was exercised in these cases. Certain ones received approval; others received the kiss of death.

Failure to provide funds for the airport would be a body blow to the future of the commercial airlines and aviation in Bangor and Eastern Maine. If Bangor is eliminated from the air map it will mean that many of the scheduled routes will be either curtailed or eliminated. That is of direct concern to Aroostook County, because at the present time they enjoy very good air service.

Bangor is Maine's third largest city. We feel we are justified and have a reasonable request. After all, it is only a small amount: we are only asking for \$35,000. I believe that this Legislature is made up of fair-minded men and women, and I am in hopes that they will see fit to grant us our request. After all, this is no new policy. In the past the State has given assistance to airports. I believe at our airport in Bangor in the early stages we received a certain amount of State funds. If Maine wants to stay on the air map of this State, I move that the bill be substituted for the "Ought not to pass" report of the committee, and I request a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Webber, that the House substitute the resolve for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Bangor, Mr. Finnegan.

Mr. FINNEGAN: Mr. Speaker and Members of the House: As a citizen of Bangor and also as a member of this committee that put out this "Ought not to pass" report, I would like to lay before you the exigencies of this matter as well as some other matters that we reported "Ought not to pass" that the House finally decided should pass.

My colleague from Bangor, Mr. Webber, has set forth this matter very clearly. I do not recall whether he mentioned in his remarks that this might be the termination of air mail facilities for eastern Maine, but it certainly will amount to that unless we can go to Old Town and complete an airport there. The appropriation of Penobscot County, you understand, will be forty per cent, part of which will be contributed by the citizens of Bangor, as well as their own private contribution of \$5000. It does not concern Bangor wholly: it does concern eastern Maine, as Mr. Webber has mentioned. It is worth while. I held out on this as long as anybody really could. I thought if sufficient pressure was brought to bear on the authorities in Washington a way might be found to allow commercial planes to land there. It is a large field, and I still see no reason why it should not be permitted. Perhaps some good military man knows more about that than I do. Probably we will have to subscribe until they get a change in personnel perhaps. But I can assure you of one thing: that if there is any living, feasible way of getting this through without using any of this money, there will be nobody in the City of Bangor that will want to go to Old Town to take off for western points. Of course, if this is your judgment and this money might be found in some obscure place or some place that is not clear now, I would hope that this might receive favorable passage. I am just stating my position, and I go along with Brother Webber on that.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Fowler.

Mr. FOWLER: Mr. Speaker and Members of the House: I think that this is a very fair request. I might say that the first time I flew into Bangor Airport quite some few years ago we had to fly around about ten minutes to get the cows off so we could land. I have seen one of the best ports in the east grow there. It is a great benefit to Bangor and that community. What has happened is that the Federal government has taken that over, not only the kitchen stove but the pantry with it, and they are left high and dry. I think this is a very reasonable amount, and I think it is not only fair to the people in that sec-

tion but to the people in Penobscot, Hancock, Washington and nearby counties and all the people in that district. I would like to see the motion of the gentleman from Bangor, Mr. Webber, carried through.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker and Members of the House: As one of the signers of the "Ought not to pass" report, I would like to tell you one of the reasons why we decided, or why I did rather, that this money should not be given to Bangor.

In the first place, Bangor had the choice of accepting the Northeast Airlines or the Army, and of course the Army is worth more money to the people of Bangor than the Northeast Airlines perhaps would be. Although the business the Northeast brings in there is very desirable, the payroll would not compare.

Now I will say to you, whether anybody will agree with me or not, that it is my feeling that the Army today does not want to stay in the Bangor Airport, and that is one way of saving face, by telling Bangor that if the Army kept it the Northeast could not go in there.

Another reason is that I feel we would be building an airport for Northeast Airlines pretty much alone, and I do not think the State is in a position to do that sort of thing right now. Although I have all the sympathy in the world for the situation which has happened at Bangor, I do feel it is establishing a precedent, and there is not any reason why many others should not come in and ask for the same thing.

I hope you will consider this situation and weigh it very seriously before you vote to accept it. I hope the committee's report, "Ought not to pass" is sustained.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wight.

Mr. WIGHT: Mr. Speaker and Members of the House: I just want to emphasize the fact that the federal government will pay one-half of the cost of this airport. We have heard the word "Bangor" here about twenty-five times in the last ten minutes, but the airport is located in Old Town and I am sure the completion of that airport will benefit that whole section of the

State of Maine. I hope the motion will prevail.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Finnegan.

Mr. FINNEGAN: Mr. Speaker and Members of the House: I would like to straighten out the thinking of the gentleman from Presque Isle who reversed his field on the University of Maine appropriation to the tune of \$175,000. After voting for the appropriation, that it ought to pass, he turned around and supported the motion of "Ought not to pass."

Now if this was left to the City of Bangor to maintain that airport they simply could not do it. They face that situation there of the cost of maintaining that enormous field, and even the plowing of snow and all the other things would be well beyond the city's ability to do that, but, with the help of the Air Force at the air base there they were able to contribute their share and they are contributing a large share. The gentleman from Presque Isle mentioned the fact that they will eventually locate in Limestone. I think the problems they will create will be greater than the benefits that they receive if the experience of the City of Bangor can be taken as any criterion of what may follow.

So this is not a Bangor matter. We do receive something from that Bangor field and a few passengers land there, but it is an alternate field for the planes that cannot land at LaGuardia field. During the last year there have been several of these Constellation planes, where the ceilings were low in New York they could not get into New York and they landed at Bangor. There is a field there where they can land. They could never land at Old Town. All Bangor is doing is contributing to an airport in Old Town, Maine, where they are financially unable to contribute anything to it. In regard to this appropriation that the County of Penobscot is contributing, forty per cent of that is Bangor money too. Let's not hit below the belt, but let this bill pass and face the situation as it is.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Thompson.

Mr. THOMPSON: Mr. Speaker, the Northeast Airlines made a survey of a plot of Brewer, but that is a small airport, and so is Winterport. Now Old Town is the logical

place for this airline to land. It is only twelve miles from Bangor. We have already appropriated \$200,000 for Limestone to build a school up there, and I think the small amount we ask here should be favored by this Legislature.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Meloon.

Mr. MELOON: Mr. Speaker, I wish to speak very briefly on this matter entirely as an individual and not as a member of the Committee on Aeronautics. I would like to concur with the request of the gentleman from Bangor, Mr. Webber. I believe if we turn this request down we will be striking a very serious blow against the future of aviation and the present aviation in the State of Maine. I would like to go along with him.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Webber, that the House substitute "Resolve, to Provide Funds for Construction and Improvement of Bangor Airport in Old Town" (H. P. 1642) (L. D. 1328) for the "Ought not to pass" report of the committee, and the same gentleman has requested a division.

All those in favor of substituting the resolve for the "Ought not to pass" report of the committee will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Fifty-nine having voted in the affirmative and seventeen in the negative, the motion prevails.

This being a printed resolve, under suspension of the rules it was given its first reading and tomorrow assigned for second reading.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Claims on Resolve in Favor of the Town of Springfield" (H. P. 1484) (L. D. 1085) tabled on May 2nd by the gentleman from Lakeville Plantation, Mr. Dicker, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. Dicker, the "Ought not to pass" report of the committee was accepted.

The SPEAKER: The Chair lays

before the House the third tabled and today assigned matter, Bill "An Act to Change the Charter of the City of Calais" (S. P. 490) (L. D. 1356) tabled on May 2nd by the gentleman from Calais, Mr. Christensen, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. Christensen presented House Amendment "A" to Committee Amendment "B" and moved its adoption.

House Amendment "A" to Committee Amendment "B" read by the Clerk as follows:

House Amendment "A" to Committee Amendment "B" (L. D. 1490) to S. P. 490, L. D. 1356, Bill "An Act to Change the Charter of the City of Calais."

Amend said amendment by deleting, in the 7th and 8th lines of the 1st paragraph of section 6 of Article VII, the words "chapter 120 of the private and special laws of 1917" and inserting in place thereof the word 'law'

Further amend said amendment by deleting, in the 4th and 5th lines of section 2 of Article V, the words "chapter 120 of the private and special laws of 1917" and inserting in place thereof the word 'law'

Further amend said amendment by deleting in the last line of section 4 of Article VII the words "2nd day in April" and inserting in place thereof the words "2nd Monday in April"

The SPEAKER: The amendment will be laid on the table pending adoption, in order that the same may be reproduced.

The SPEAKER: The Chair lays before the House the fourth today assigned matter, Bill "An Act to Define "Distributor" in the Gasoline Tax Law" (H. P. 1639) (L. D. 1327) (In House, read the third time) tabled on May 2nd by the gentleman from Limestone, Mr. Burgess, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. BURGESS: Mr. Speaker and Ladies and Gentlemen of the House: Since this matter was tabled I asked the State Tax Assessor to clear with the Attorney General's office as to its legality and workability and I find that it is correct as it has been presented, including the amendment. So I now move, Mr. Speaker, that this measure pass to be engrossed.

Thereupon, the motion prevailed and the bill was passed to be engrossed and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day.

If there is no further business to

come before the House, the Clerk will read the notices.

On motion by Mr. Anderson of New Sweden,

Adjourned until nine o'clock tomorrow morning, E.S.T.