

# 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

Tuesday, May 6, 1947

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

Prayer by the Rev. Shibley Malouf of Hallowell.

Journal of yesterday read and approved.

### Papers from the Senate

From the Senate: The following Communication:

STATE OF MAINE  
SENATE CHAMBER

May 5, 1947.

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

Sir:

Pursuant to Joint Rule No. 8, the House is informed that the "Ought Not to Pass" Report from the Committee on Taxation on (H. P. 1591) (L. D. 1242) Bill "An Act Relating to a Severance Tax on Forest Stumpage in Organized Towns," was today adopted in the Senate. In the House on April 18th, this bill was recommitted to the Committee on Taxation.

Respectfully,

(Signed) CHESTER T. WINSLOW  
Secretary.

The Communication was read and ordered placed on file.

### Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Veteran's Permit to Hunt and Fish Free" (S. P. 178) (L. D. 523) which was re-committed reporting same in a new draft (S. P. 547) (L. D. 1484) under same title and that it "Ought to pass"

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

In the House, Report was read and accepted in concurrence, and the Bill had its two several readings.

Mr. Atherton of Bangor, offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to S. P. 547, L. D. 1484, Bill "An Act Relating to Veteran's Permit to Hunt and Fish Free."

Amend said Bill by striking out in the 2nd line of that part designated "VIII." the word "resident" and inserting in place thereof the word "veteran".

Further amend subsection VIII. by inserting after the word "discharge" in the 6th line of said subsection the words 'of such veteran'.

Further amend said Bill by striking out the underlined word "persons" in the 1st line of the third paragraph of said Bill and inserting in place thereof the underlined word "veterans".

House Amendment "A" was adopted and the Bill was assigned for third reading tomorrow morning.

Report of the Committee on Motor Vehicles on Bill "An Act Exempting Certain Independent Contractors from the Regulations in re Motor Vehicles Used in Intrastate Traffic" (S. P. 338) (L. D. 965) reporting same in a new draft (S. P. 546) (L. D. 1485) under same title and that it "Ought to pass"

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

In the House, Report was read and accepted in concurrence, and the Bill had its two several readings and was assigned for third reading tomorrow morning.

### Orders

Mr. Perkins from Boothbay Harbor, presented the following Order and moved its passage:

ORDERED, that House Rule 24 be amended by adding at the end thereof the following:

'While the House is in session only members and officers of the House and officers of the Senate on official business shall be admitted inside the rail, except members of the press, who shall occupy places at the press table.'

The SPEAKER: This being an amendment to the House Rules, it will be laid on the table and assigned for tomorrow morning.

On motion by Mr. Mills of Farmington, it was

ORDERED, that Rev. Harding W. Gaylord of Farmington be invited to officiate as Chaplain of the House tomorrow, May 7th.

### Passed to be Engrossed

Bill "An Act relating to Pensions

or Annuities of Deceased Teachers" (S. P. 233) (L. D. 644)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent up for concurrence.

#### Tabled and Assigned

Bill "An Act to Amend the Pension Law for Members of Police and Fire Departments of the city of Waterville" (S. P. 545) (L. D. 1472)

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Muskie.

Mr. MUSKIE: Mr. Speaker and Members of the House: There is a technical error in this bill, in the new draft, which should be amended, and I move, therefore, that it be tabled and assigned for tomorrow morning pending the amendment.

The SPEAKER: The Chair would state that if the bill receives its third reading, it could be tabled pending passage to be engrossed.

Thereupon, the bill received its third reading and on motion by Mr. Muskie, the bill was tabled pending passage to be engrossed and was specially assigned for tomorrow morning.

#### Passed to be Engrossed

Resolve in favor of Hugh J. Andrews, of Waterville (S. P. 30) (L. D. 1481)

Resolve in favor of Nora B. West of Steuben (S. P. 39) (L. D. 1480)

Resolve to Provide Funds for Construction and Improvement of Bangor Airport in Old Town (H. P. 1642) (L. D. 1328)

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

#### Amended Bill

Resolve in favor of Harold G. Wyman of Pittston (S. P. 119) (L. D. 1482)

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

#### Conference Report

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

Mr. MARSANS: Mr. Speaker, I submit a report of a Committee on Conference.

The SPEAKER: The gentleman from Monmouth, Mr. Marsans, submits a Conference Report.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act to Amend the Charter of Winthrop Water District" (H. P. 1640) (L. D. 1324) reporting that the Committee is unable to agree.

(Signed)

Messrs. Marsans of Monmouth

Collins of Caribou

Carville of Eustis

—Committee on part of House.

Batchelder of York

Noyes of Hancock

Savage of Somerset

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

On motion by Mrs. Hatch of Milnot, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

The SPEAKER: The Chair at this time notes in the balcony the presence of the Public Administration Class of Bowdoin College, and on behalf of the Members of this House, the Chair bids you gentlemen welcome here this morning. (Applause)

#### Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to the Salaries of Various Officers of Franklin County" (H. P. 1698) (L. D. 1415) reporting that both branches recede from their former positions and pass the Bill to be engrossed as amended by House Amendment "A" submitted therewith.

(Signed)

Messrs. Mills of Farmington

Berryman of Sidney

Palmer of Nobleboro

—Committee on part of House.

Crosby of Franklin

Dunbar of Washington

Cleaves of Cumberland

—Committee on part of Senate.

Report was read and accepted.

Thereupon the House reconsidered its action of April 23rd whereby the Bill was passed to be engrossed. House Amendment "A" was read by the Clerk as follows:

House Amendment "A" to H. P. 1698, L. D. 1415, Bill "An Act Relating to the Salaries of Various Officers of Franklin County."

Amend said Bill by striking out all after the enacting clause and inserting in place thereof the following:

"R. S., c. 79, § 269, amended. That part of the 5th paragraph of section 269 of chapter 79 of the revised statutes, as amended by section 5 of chapter 161 of the public laws of 1945, which relates to clerk hire in the office of register of deeds in Franklin County is hereby further amended to read as follows:

'For clerks in the office of register of deeds, ~~\$\$\$~~ \$1,200.'

"Sec. 4. R. S., c. 140, § 3, amended. That part of section 3 of chapter 140 of the revised statutes, as amended by section 7 of chapter 161 of the public laws of 1945, which relates to the salary of the judge of probate in Franklin County, is hereby further amended to read as follows:

'Franklin, ~~\$\$\$~~ \$1,000.'

House Amendment "A" was adopted and the Bill was passed to be engrossed as amended and sent up for concurrence.

#### Emergency Enactor

An Act Providing Additional Highway Funds (H. P. 1678) (L. D. 1394)

Was reported by the Committee on engrossed Bills as truly and strictly engrossed.

The SPEAKER: This bill having had its three several readings in the House and having been passed to be engrossed, and having had its two several readings in the Senate and having been passed to be engrossed, and the Committee on Engrossed Bills having reported that it is truly and strictly engrossed, is it now the pleasure of the House that this bill be passed to be enacted.

This being an emergency measure, under the Constitution it required for its passage the affirmative vote of two-thirds of the entire elected membership of the House.

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

Mr. BURGESS: Mr. Speaker and Members of the House: It is not my purpose, this morning, in rising to discuss at any length the merits or demerits of a tax measure. I believe that during the nineteen weeks, which we have spent in this

House that we have all become fully aware that in order to carry out a full and well-rounded Highway program for the next biennium that additional revenue is necessary. With your kind permission, I would like to speak briefly on the matter of unity.

I repeat, that we are now in our twentieth week in the hall of this House, and I state frankly to you that I have no doubt in my mind but what many of you could have written a much better tax measure than the one now up for discussion.

The facts are these: that there have been introduced into this Legislature several gas tax measures, each of them have been given consideration and they have fallen by the wayside. We have none left.

I frankly admit to you Ladies and Gentlemen that this particular measure does not meet with my full approval, but I have felt it wise in the interests of the State to compromise to such an extent that a workable bill that would meet the approval of this House and the other body and the people of Maine could be passed. And so, this morning, I hope that you members of the House will recognize that same spirit of compromise that we must recognize in solving our State's problem and enact this measure with an overwhelming vote, so that the public may know that we believed in what we did, even though it represents some compromise on our part.

At this time I can see no need of putting anyone on the spot by a yea and nay vote, and I sincerely hope that when the vote is taken it will be taken by a division.

I only wish to state in conclusion that I thoroughly believe that our citizens of Maine expect this Legislature to solve our own problem and solve it here in the hall of this House and the hall of the other body, without any assistance, and I believe that we are capable of doing it. I hope that this morning we will decide one of the major issues and decide it emphatically. I thank you.

The SPEAKER: The question before the House is upon the passage of this matter as an emergency measure.

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

Mr. McGLAUFILIN: Mr. Speaker, I have voted against the gas tax

up to this time, but I have tried to make it very clear that it is my opinion that we should do the job that we were sent here to do ourselves. I want no referendum on these measures. I am now going to vote for the passage of this measure, and I hope that the men who feel as I do will join with us and let us put this across.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker and Members of the House: I, too, have voted against this gas tax up until this time and I will continue to vote against this gas tax from now on until I can find one unselfish group who are in favor of this tax. It is very odd to me if this gas tax is so universally demanded and if everybody wants it, why does not just one, single, solitary person tell me that they want a gas tax with the exception of a small group around this State House. I shall continue to vote against this gas tax because, in doing so, I shall be using my own mind, my own thoughts in the matter, and I will be following out the dictates of everyone that I represent. I will vote against this gas tax until I hear differently and I hope that when the vote is taken that we take it by the yea and nay.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker, I, also, would vote against this gas tax if I were operating twelve trucks. Gentlemen, I sell automobiles and I believe that there is more wear and tear on your car, it is more expensive than it would be by paying a two cent gas tax and, at a mass meeting of veterans in Bath on Sunday, we took up many matters. The veterans who made it possible for us to speak our minds in this House, today, voted in favor of passing this gas tax.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Bickford.

Mr. BICKFORD: Mr. Speaker and Members of the House: I, too, opposed this tax very strongly when it was first presented and I do not like it yet. But, on the other hand, I think I shall go along with the gentleman from Limestone because I think it is the best thing we can do under the circumstances. The limitation of the time that is set,

does help out quite a bit. We do recognize the fact that if it gets on the books, on the records, it is likely to stay there but, at the same time, we shall have to depend on future legislatures whether they want this tax or not. I have said several times that I would not support this tax until I knew what kind of a tax we were going to have for a general fund tax. I really feel so now and I would like to see the general fund tax passed first. Because, after all, we have to admit that this tax has to be paid by the whole people but we have to admit that the roads are in atrocious condition and that some extra work should be done, and I feel perhaps that we had better go along with it. Thank you.

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

Mr. THOMPSON: Mr. Speaker, I should like to have Mr. Sleeper hear when I say I am going to vote "Yes"! on this measure.

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

Mr. HARRIS: Mr. Speaker and Members of the House: I think, as I have said before, that this is the fairest tax measure that has been here. I have heard some objection to the million dollars going to the cities and towns. Now, we have had here, do have in the State, a Highway Department, whose funds are separate from the general funds. There is not any doubt in my mind but what we have used town general funds to plow roads in the winter. The first time that we tried to keep our roads open in our town was in the winter of 1934 and 1935. It cost us twenty mills on our property tax to keep them open that winter. Now, it seems to me, if we do not want to use any money from registration of cars, or any money from gas, for any other purpose except roads, that we should use some of that gas money to plow roads for the cars and I think that any fair-minded person would say that we need this gas tax for the next three years to match the federal funds available for construction and that it is only fair that some of this tax go to the cities and towns to help keep the roads open for the motorists in the winter time. Therefore, I am in favor of this tax.

The SPEAKER: Is the House

ready for the question? The Chair understands that the gentleman from Rockland, Mr. Sleeper, has requested that the vote be taken by the yeas and nays. In order for the yeas and nays to be in order, one-fifth of the members present, must express their desire to that effect. Those in favor of the yeas and nay vote will please rise.

Thirty-one members arose.

The SPEAKER: Thirty-one having expressed a desire that the vote be taken by the yeas and nays, thirty-one being more than one-fifth of the members present, the yeas and nay vote is in order.

The question before the House is upon the passage to be enacted of An Act Providing Additional Highway Funds, House Paper 1678, Legislative Document 1394, which is an emergency measure. Those members in favor of its passage as an emergency will say aye and those opposed will say no, as the Clerk calls the roll.

The Clerk will call the roll.

YEA—Adams, Allen, Anderson, Atherton, Benn, Berry, Berryman, Bickford, Boulter, Bove, Brewer, Broggi, Brown, Milford; Brown, Unity; Brown, Wayne; Burgess, Burton, Byron, Campbell, Carville, Chase, Cape Elizabeth; Chase, Limington; Christensen, Clements, Collins, Cousins, Curtis, DeSanctis, Dufour, Elliott, Ellis, Emerson, Finnegan, Foley, Fowler, Fuller, Buckfield; Fuller, Hallowell; Gallant, Gray, Hall, Hammond, Harris, Haskell, Hayward, Heansler, Hobbs, House, Jennings, Johnston, Jordan, Saco; Jordan, South Portland; Judkins, Kent, Laughton, Lee, Lombard, Longstaff, Lord, MacPherson, Marsans, Marshall, McClure, McGlauffin, McGown, McKeen, Meloon, Mills, Morrison, Nichols, Palmer, Palmeto, Paterson, Payson, Peirce, Perkins, Plummer, Rankin, Rich, Robbins, Ross, Russell, Savage, Seeger, Sharpe, Smith, Exeter; Stearns, Sterling, Stetson, Sweetser, Tabb, Thompson, Torrey, Turner, Violette, Webber, Wight, Williams, Auburn; Woodworth.

NAY — Bell, Bowker, Cadorette, Carey, Cole, Cormier, Daniels, Dean, Dostie, Lewiston; Dostie, Winslow; Doucette, Fitch, Hanson, Hatch, Holt, Jalbert, Kelly, Labbe, Lacharite, Leavitt, Legard, Lessard, Malenfant, Martin, Moreau, Moulton, Muskie, Nadeau, Poulin, Randall, Silsby, Sleeper, Smart, Smith, Westbrook; Snow, St. Pierre, Thomas, Weeks, Williams, Topsham; Woodbury.

ABSENT—Ames, Bird, Brown, Baileyville; Day, Dicker, Dorsey, Prout, Rollins, Sargent, Tremblay.

Yes 98, No 40, Absent 10.

The SPEAKER: Ninety-eight having voted in the affirmative and forty in the negative, ten being absent, ninety-eight not being two-thirds of the entire elected membership of the House, the measure fails to pass.

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

Mr. HARRIS: Mr. Speaker, I note by today's list and the—

The SPEAKER: For what purpose does the gentleman rise.

Mr. HARRIS: Mr. Speaker, I would like, if it is in order, inasmuch as we had some absent who voted for the gas tax before, that this bill be tabled until tomorrow morning.

The SPEAKER: For what purpose does the gentleman rise? There is no matter before the House at this time. Does the gentleman request unanimous consent to address the House?

Mr. HARRIS: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Chelsea, Mr. Harris, requests unanimous consent to address the House. Is there objection?

Calls of "Yes."

The SPEAKER: There is objection and the gentleman must be seated.

### Emergency Enactor Tabled

An Act Imposing a Sales and Use Tax to Raise Additional Revenue (H. P. 1731) (L. D. 1470)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: This bill, having had its three several readings in the House and having been passed to be engrossed, and having had its two several readings in the Senate and having been passed to be engrossed, the Committee on Engrossed Bills having reported that it is truly and strictly engrossed, is it now the pleasure of the House that it pass to be enacted? This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House.

The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I understand that debate is proceeding on a major tax bill in the other branch, and I request that this bill

lie on the table until later in today's session.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that this matter be laid on the table to be taken up later in today's session. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled.

#### Finally Passed Emergency Measure

Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons (S. P. 511) (L. D. 1445)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 113 voted in favor of same and none against, and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Passed to be Enacted Emergency Measure

An Act relating to the North Haven Port District (H. P. 1680) (L. D. 1386)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Appropriate Monies for the Expenditures of State Government for the Fiscal Year Ending June 30, 1947 (H. P. 1713) (L. D. 1474)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 112 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to be Enacted An Act Creating an Agency to

Rehabilitate the Atlantic Sea Run Salmon (S. P. 510) (L. D. 1396)

An Act relating to Annual Audit of Towns (S. P. 532) (L. D. 1442)

An Act relating to Boards of Registration (S. P. 536) (L. D. 1457)

An Act relating to Inheritance and Estate Taxes (H. P. 1391) (L. D. 1010)

An Act relating to Time of Racing Meets (H. P. 1509) (L. D. 1108)

An Act relating to the Fort Fairfield Municipal Court (H. P. 1653) (L. D. 1348)

An Act to Create the Penobscot Valley Water Commission (H. P. 1697) (L. D. 1421)

An Act relating to the Gasoline Tax (H. P. 1715) (L. D. 1441)

An Act relating to Aid to the Blind (H. P. 1732) (L. D. 1469)

An Act relating to Eligibility of Certain Veterans for Assistance (S. P. 287) (L. D. 802)

An Act relating to Control of Tuberculosis (S. P. 529) (L. D. 1437)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be engrossed, signed by the Speaker and sent to the Senate.

An Act relating to Excise Tax on Motor Vehicles (H. P. 11) (L. D. 10)

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

Mr. FOWLER: Mr. Speaker and Members of the House: I would like to say just a few words in regard to this bill, and then I will move to indefinitely postpone—

The SPEAKER: Would the gentleman agree to lay this matter aside until we take care of the balance of the enactors?

Mr. FOWLER: That would be agreeable, Mr. Speaker.

#### Passed to be Enacted (Cont'd)

An Act Limiting the Weight, Length, Width and Height of Motor Vehicles (H. P. 1194) (L. D. 782)

An Act to Create a Legislative Research Committee (H. P. 1646) (L. D. 1332)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Sharpe.



Mr. SHARPE: Mr. Speaker, I move that the next item, 11F, be passed over and taken up after this list has been completed.

The SPEAKER: The gentleman requests that it be laid aside at this time?

Mr. SHARPE: Yes, Mr. Speaker.

An Act to Provide for the Joining of Towns for the Purpose of Providing Better School Facilities (H. P. 1733) (L. D. 1471)

An Act Preventing Drinking in Public Places (S. P. 505) (L. D. 1391)

An Act to Increase the Purposes and Powers of Bates Manufacturing Company and to Authorize it to Acquire the Assets of Bates Company (S. P. 531) (L. D. 1446)

#### Finally Passed

Resolve in favor of the University of Maine for Buildings (H. P. 80) (L. D. 68)

Resolve in favor of the Maine Distributors, Inc. (S. P. 192) (L. D. 1444)

Resolve in favor of Leon Bemis of Farmingdale (S. P. 540) (L. D. 1458)

Resolve in favor of David Peirce, of Hudson (H. P. 638) (L. D. 429)

Resolve to Authorize a Forest Survey for the State of Maine (H. P. 1047) (L. D. 686)

Resolve to Provide for Repair of Fish Screen at Porter Lake (H. P. 1574) (L. D. 1217)

Resolve in favor of Roby Littlefield, of Ogunquit (H. P. 1716) (L. D. 1448)

Resolve Authorizing the towns of Boothbay and Boothbay Harbor to Close Certain Waterways (H. P. 1740)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

Resolve Permitting Fly Fishing in Certain Waters of Franklin County (H. P. 1171) (L. D. 847)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Byron.

Mr. BYRON: Mr. Speaker, I would ask that this Item 20 be laid aside for the time being.

#### Passed to Be Enacted (Continued)

##### Tabled and Assigned

An Act to Effect Certain Changes in Administrative Procedure Under the Unemployment Compensation Law (S. P. 533) (L. D. 1443)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. HASKELL: Mr. Speaker, I would ask that this matter be temporarily laid aside and specially assigned for tomorrow pending passage to be enacted.

Thereupon, on motion by Mr. Haskell, the bill was tabled pending passage to be enacted and was specially assigned for tomorrow morning.

#### Enactor

An Act relating to Excise Tax on Motor Vehicles (H. P. 11) (L. D. 10)

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

Mr. FOWLER: Mr. Speaker and Members of the House: I just want to say a few words in regard to this bill and enlighten the members of the House. I don't think you realize what is in this bill. I am then going to ask for an indefinite postponement of this bill. I made a check—a spot check, or, rather, I requested a spot check at the main office of the Automobile Registration Office here in Augusta. Two girls were put upon that check and they checked some 1600 registrations, trucks and cars. Of those 1600 registrations checked, I found that eighty-six percent of these cars or 1369 were five or more years old. Next year those cars will be six or more years old.

This bill provides not for one percent or two percent increase, but 150 percent increase in that registration, or, rather, excise tax.

Now last year, 1946, there were 167,514 cars registered. There were 56,499 trucks registered, a total of 224,013 cars and trucks. Eighty-six percent of this would give you a figure of 192,651 registrants next year,—when they go in to pay that excise tax they are going to pay an increase of 150 percent.

Now if you want to change a few enrollments, put this bill through.

And who does it hit? If I had the money I wouldn't be driving a car six years old. I would have a new car as soon as I could, and I think the majority, or a great many will. It is just leaving it to the farmer and the little fellow, and I believe this hits the little fellow.

I have been against all form of taxation, but I will say I will go along on a major tax bill. I am convinced that we need some money, but I don't think this is the way to get it.

I might say here at this time that I checked at Togus last Saturday afternoon, and I find the patients there at that hospital in 1941 cost the government five dollars a day, to keep them there. That same patient today costs seventeen dollars. No wonder we need money!

And the same thing runs right straight up through, so I will go along on some major tax bill. I think we need it, and I am convinced on that point. But I am not convinced that we need this tax for the little fellow, and when he goes to pay his excise tax next year and finds it has jumped 150 percent. I don't blame him if he does holler, and I move the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Castle Hill, Mr. Ellis.

Mr. ELLIS: Mr. Speaker and Members of the House: During the war years when we were not getting new cars, our revenue in the towns dropped off, and we discussed with the town officials and also car owners, many and many times, why it would not be a good idea to increase the excise tax in the lower brackets. The gentleman, who just spoke, told you, I think you understand when he said that when a car gets five or six years old, we are down to the low brackets most of them two dollars. For the last couple of years our tax has increased for those cars that are used on the roads the same as other cars. I have talked with the town officials in my town and other towns, have talked with the boys who own the cars, I have found some objection, of course, but most of the objection has come from the parents who pay the excise tax for the boys, but not from the boys, themselves.

This last fall in the November meeting of the Maine Municipal Association this proposition was discussed. The Legislative Commit-

tee voted to go along with it. Again, in the first of January, we had another meeting and they renewed the vote to go along with this proposition and I introduced the bill. Now, I can not speak for all of the member towns of the Maine Municipal Association but there are three hundred and eighty-seven member towns in this Association and they gave them the green light to go with this, to introduce this measure, through the executive committee, and that is why I introduced the bill. It is a revenue measure, to be sure, but the only objection, the most objection, I found as I canvassed in my town and the other towns that I represent. I found a few cases where the parents pay the excise tax for the boys. But the boys, themselves, said: "We are willing to go along with this because we know we need some help for the roads." I hope that the motion which Mr. Fowler presents will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Burton.

Mr. BURTON: Mr. Speaker and Members of the House: Of course, when you take a small amount of money to begin with, to begin with one dollar and increase it to two dollars, why that is, naturally, one hundred per cent. But I should like to give you a little example of just what is working at this time. It is a personal matter with me and probably with some of the rest of you. I have a 1929 Pontiac which I have driven about 36,000 miles, I think. It looks quite new because I have tried to take good care of it and I pay on that as an excise tax, this year, two dollars. That automobile, today, if I wanted to sell it, I could get and have been offered for it several times, \$1100. Now, of course, those conditions will not continue to exist forever but they do exist, today. Therefore, I do not think I or anyone else would object in an instance like that or a similar instance to paying a little bit more excise tax and I do not think a five dollar minimum is too much and I hope the gentleman's motion for indefinite postponement will not prevail.

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

Mr. WOODWORTH: Mr. Speaker and Members of the House: There is one point that I think should be

mentioned in connection with this bill. This refers to excise taxes. There is already on your car one excise tax, which is the registration fee, your plates. That excise tax goes for roads; what does this one go for? This tax is known to be a substitute for the property tax. So far as I know the effects of these excise taxes have never been passed upon by the Maine law court but, in Massachusetts the Supreme Court has held that the only justification for such a tax is that it is a substitute for the property tax. In other words, you can not have two excise taxes on one item of property for the same purpose and the State registration plates takes care of the highway future. Since this is a substitute for the property tax, it should bear a direct relationship to the value of the car. It has been said that most cars are worth a great deal more at this time but the question is: How long will that state of affairs continue? If we say that every car, regardless of its age, is to be subjected to a five dollar tax and if we assume, for example, that the taxation in a given town is fifty mills, we are placing a value upon every car of one thousand dollars. But, there are so many new cars coming out, that I think the value of these old cars is going to slump very rapidly. While it may be true, at this time, and I doubt this, that every old car is worth a thousand dollars, I doubt very much if that will be true, for example, two years from now. It seems to me that there is a definite legal objection to increasing these fees from their present point and I hope that the motion of the gentleman from Augusta will prevail.

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

Mr. HARRIS: Mr. Speaker and Members of the House: There are two points about this tax that I would like to call to your attention. Anybody fortunate enough to have a new car or a new truck which, before the war, had a valuation of \$1,000 and he will find that he pays a tax on \$1500, they have already raised it fifty per cent. From now on, as this car gets a year older, we are going to get the high valuations on the cars and trucks. If we increase the new from twenty-three to twenty-eight, where he paid twenty-three dollars he would pay forty-two dollars, approximately

twice as much for his excise tax. And another thing, this is just the opposite from the gas tax. A person pays an excise tax if he rides one thousand miles or one hundred thousand miles and, therefore, I think we should not bother that excise tax set-up, and I hope that the motion of the gentleman from Augusta prevails.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: As I understand this excise tax it is a substitute for the property tax. The rate in my city is fifty mills, which is, perhaps, about an average rate. The minimum, now, is two dollars. I happen to be operating a 1940 Ford which is in excellent condition and which has been driven about 75,000 miles. If the city placed a valuation of \$500 on that car, the tax would be twenty-five dollars. I now pay \$2.36. Now, I want to call your attention to what a hundred dollar valuation on a car would produce if you were back in the property tax field. On any car, where you placed a hundred dollar valuation, and the rate was fifty mills, the tax would be five dollars, not fifty dollars, and it does not seem to me that this is a very heavy burden. It seems to me that every person who owns an automobile, under this type of taxation, would be paying a very small tax on on any motor vehicle, and I am opposed to the motion of the gentleman from Augusta.

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

Mr. WOODWORTH: Mr. Speaker, I acknowledge that I have got too many ciphers in my previous statement, and I shall support the bill.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Augusta, Mr. Fowler, that this matter be indefinitely postponed.

The Chair recognizes the gentleman from Castle Hill, Mr. Ellis.

Mr. ELLIS: Mr. Speaker, I just want to say one word. The price of the new cars coming out is so much higher, to ever bring this together for a long, long time, to make it comparable, we would have to bring up the excise tax, because these excise taxes on these cars will be low and, on the new ones, the

list price from factories on which we base our excise tax is going to be very much higher and, as you have heard here, it does make it comparable for the property tax. Mr. Speaker, I hope that the vote will be taken by division.

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

Mr. FOWLER: Mr. Speaker, I would just like to say that, in addition to this excise tax, if you can afford to pay twelve dollars registration plus this five dollars is seventeen dollars, and we are passing the gas tax, here, I believe, putting that up six cents, then this little fellow is going to pay well. He will pay for every mile he uses his car and I will ask for a division when the vote is taken.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Augusta, Mr. Fowler, that An Act Relating to Excise Tax on Motor Vehicles House Paper 11, Legislative Document 10, be indefinitely postponed.

The gentleman from Castle Hill, Mr. Ellis, has requested a division. Those in favor of the indefinite postponement of this matter 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-four having voted in the affirmative and sixty-three in the negative, the motion fails.

Thereupon, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### Enactor

An Act relating to Hunting, Fishing and Guides' Licenses (H. P. 1728) (L. D. 1464)

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Sharpe.

Mr. SHARPE: Mr. Speaker, I move that this item be tabled and specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Anson, Mr. Sharpe, moves that this matter be laid on the table pending passage to be enacted and be specially assigned for tomorrow

morning. Is this the pleasure of the House?

Calls of "No".

All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion did not prevail.

The SPEAKER: The question before the House is upon the passage of this bill to be enacted.

The Chair recognizes the gentleman from Anson, Mr. Sharpe.

Mr. SHARPE: Mr. Speaker and Members of the House: This State began issuing hunting and fishing licenses in, I am not quite sure, but I think it was 1919. The cost of the licenses at that time was 25 cents, and the people were given to understand, and did understand, that that was a license which permitted them to fish and hunt in the State of Maine as long as they remained a citizen of the State of Maine and that the license was irrevocable. I do not question the constitutionality of the revocation of those licenses but I do know, at the time, everybody thought those licenses were a life license. In 1929, they did revoke those licenses and they started issuing annual licenses at a cost of sixty-five cents each.

Now I am at a loss and that is one reason I wanted this thing tabled until I got a few of my notes together. Later, they raised the license to \$1.15 for single licenses and \$2.15 for combination licenses. Now, from some mysterious source around here, there comes the word that the Fish and Game Department must be self-supporting. I do not know what authority that word comes from. If it is the Appropriation and Financial Affairs Committee that assumes that authority, I do not know where they get it.

If the authority came from the Fish and Game Department, I do not know where they got it, or, if it came from the Inland Game Committee, I do not know where they got it. If the Governor says that we have to put the Fish and Game Department on a self-supporting basis, I do not know where he got his authority. So far as I know, that authority rests entirely with this Legislature. Now I think it should be recognized that these hunting and fishing advantages of the State are a natural resource of the State and I know that there are approximately forty thousand non-resident sportsmen

coming into this State every year to fish and hunt and I know that they spend in the State somewhere between four million and eight million dollars a year and I know that the State, as a whole, derives benefits from all that money that is spent here, and, for that reason, I think this bill to increase the hunting licenses; to double resident hunting licenses, is a vicious and unfair thing because it puts upon the residents, the fishermen, and others, all of the State's portion of the cost of operating the Fish and Game Department.

Now, everybody in the State benefits by this money which is brought in here, the stores, the inns, the filling stations, the garages, beer parlors, theaters, they all benefit from that revenue, yet you want to burden about, I will say, one hundred thousand men in the State with the cost of operating the department. It seems to me that is a mighty unfair situation. Now, I do not object, myself, because I am a spendthrift, I do not object to paying a little additional for a hunting license but I know plenty of people who do object to it and I know plenty of people who can not afford to pay even what they are paying now for hunting licenses.

As a matter of fact, a hunting license should not cost any resident of the State one nickel more than it costs to issue the license. It should be for identification purposes only with a slight fee to pay for the cost of printing the ticket and pay the town clerk for making out the license. But I know of a man, you know, everybody knows, you have some neighbors, you know some people somewhere, who don't have this—what people are getting into the habit of calling extra money—I have heard of extra money ever since I was married, that was thirty-two years ago, I hear about it every once in a while and I can not find out where is this mysterious source from which comes extra money; I do not know what extra money is. I do know of some men though who have to buy, that is if they hunt and fish and their wives hunt and fish, and there are two or three boys who are old enough to have to have a license and yet are not self-supporting, if they have to pay. I know that a licensee under this new bill will have to pay seventeen dollars a

year for hunting licenses for his family. Now, I think that this piece of legislation is entirely on the wrong track and I move indefinite postponement of this bill.

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

**MR. WIGHT:** Mr. Speaker and Members of the House: I am going to take just two or three minutes here in repetition of what I said the other night when we voted overwhelmingly in favor of this bill. There is nothing that I know about that a person gets more from than he does from a hunting or a fishing license, even at the rates named in this bill. The average person spends about thirty dollars a year on movies and spends about fifty dollars on liquor, at least the average citizen does in the State of Maine. The citizens of the State of Maine pay a cigarette tax of \$1,964,000, which is almost three times as much as fishermen and hunters will pay under this bill. So I believe that the people of the State of Maine can afford to pay these licenses providing the money is going towards our hunting and fishing facilities. I have talked with a great many people and there are very, very few people who object to paying if the money goes for that purpose which I believe it will.

We had a group of game wardens down here at the hearing and I can assure you that they were all in favor of these licenses, even to the increases for their own licenses, the guides licenses, they favor them. Of course, the hunters and the fishermen should pay for the game wardens and for the other expenses of this department just as much as the automobile users should pay for the highways. The gentleman has asked something about the figures, or the way in which this figure was arrived at. Last year the Fish and Game Department spent \$730,445. We appropriated from the general fund for that amount \$200,000. If this bill goes through, of course, that will eliminate any need for an appropriation from the general fund. It is figured that these new license rates will produce for the department \$762,000, which is slightly more than the amount spent last year by that department but they will, at least, put in operation this year five new hatcheries which will need some money for operation, at least \$75,000, I believe, for that pur-

pose. So, the \$760,000 is not excessive. During the past five years, we have made appropriations from the general fund of the State for the expenses of this department. If this bill passes, the department will be entirely self-sustaining. I wish I could say that of every department here in this State House. That is all, Mr. Speaker; I hope that the motion to indefinitely postpone 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 Anson, Mr. Sharpe, that an Act relating to Hunting, Fishing and Guides' Licenses, being House Paper 1728, Legislative Document 1464, be indefinitely postponed.

The gentleman from Bangor, Mr. Wight, has requested a division. Those in favor of the indefinite postponement of this matter 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:** Twenty-six having voted in the affirmative and seventy-seven in the negative, the motion is lost.

Thereupon, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**THE SPEAKER:** House Paper 1171, Legislative Document 847, Resolve Permitting Fly Fishing in Certain Waters of Franklin County.

The Chair recognizes the gentleman from Hollis, Mr. Byron.

**MR. BYRON:** Mr. Speaker and Members of the House: I rise again in opposition to this bill and, as a signer of the majority "Ought not to pass" report, I feel that I should support my opinion as far as I can.

Now this bill, coupled with the existing legislation on the books, is going to close approximately ninety per cent of the waters in Franklin County to all fishing except fly fishing. Some of those waters, mostly tributaries for the ponds and lakes, particularly in this bill will be closed to all fishing. Now, we have heard frequent reference to the small man. What does this do to the youngster up in Franklin County? He can not go out, cut his alder pole and put his line on with a bent pin for his hook, or whatever he can get and do any fishing at all. He must fly fish. Many

youngsters are incapable of doing that. An instance that happened down in my town three years ago: a youngster of about seven or eight years of age, another friend and myself got him a steel telescope pole, repaired it up, gave him a line and hook. He goes out of the village about a mile fishing, gets an eight pound trout, he is tickled to death, runs almost all the way home, and tells his parents and his friends what he has done. Now are we going to take this same privilege away from the youngsters in Franklin County?

Furthermore, this bill says to the people of the rest of the State: "Sure, you can come to Franklin County but if you do you have to fly fish in ninety percent of the waters. If you want to bait fish, go to some other county." It says to the people in Franklin County: "No, you can not bait fish in our waters, you go over into Somerset County, or to Oxford County, go anywhere else where they have bait fishing." Personally, I do not think that this is a fair bill to the people in Franklin County, the people in the rest of the State, and particularly the youngsters. I move the indefinite postponement of this bill and when the vote is taken I ask for a division.

**THE SPEAKER:** The gentleman from Hollis, Mr. Byron, moves to indefinitely postpone the resolve.

The Chair recognizes the gentleman from Eustis, Mr. Carville.

**MR. CARVILLE:** Mr. Speaker, I do not wish to take up any time of this Legislature at this time on this bill. It was very well ironed out here some time ago and I am not going to say a great deal, but I have to correct a few statements that have been made both in this branch and the other. One that was just made by the gentleman who just spoke who said that ninety per cent of the waters were being restricted. This is just one little corner that sits way up, one road that goes into it. The biggest part of this water, to get into it you have to have a permit to go over the Brown Company's road. There certainly will be no little boys going up there. It is nowhere near a town or a settlement.

I have here, I intended to read this, but I am not going to take so much of your time. This is an extract taken from the survey by Dr.

Lloyd Smith, who is Supervisor of Fisheries Research for the Minnesota Division of Fish and Game. This has been going on since 1932. They have made extensive studies of propagation of fish, which this all comes back to. It is very interesting to know what this costs. I would like to read it all, but I am not going to.

"The cost of stocking catchable size trout: The rearing and planting of catchable sized trout is an expensive form of fish maintenance. The actual cost of rearing and distribution of seven to nine-inch fish in Minnesota is approximately fifteen cents each. Michigan estimates their cost to be twenty cents; other states have estimates ranging considerably higher. On the basis of Minnesota costs on a twenty-five per cent return in planting trout, each hatchery trout which eventually reaches the fisherman's creel has cost the State fish and game fund sixty cents. When planted trout average six or eight to the pound, then a pound of hatchery trout in the fisherman's creel will cost between \$3.60 and \$4.80. If satisfactory trout fishing must depend on each fisherman getting ten planted fish on each trip, then we must be present to plant six pounds of trout for each angler for each day he fishes."

That is from a survey by the State Department over a period of years.

"It appears that satisfactory trout fishing in the future will depend to a large extent on the anglers themselves. Trout fishing must be considered as a fine sport and not as a means for securing meat for the table. The use of non-destructive tackle and gear such as the fly and fly-rod should be encouraged so that small trout may be easily returned to the water and trout caught but not desired for the creel may be released unharmed. Legislation as to bag limit and restriction of possession limit will assist in the maintenance of satisfactory fish population throughout the season."

There are a number of other parts in here. They go on to state that they started in as we did rearing small fish, and they finally got into the catchable size fish, and now they are going back to natural propagation. That is what we would like up there.

The gentleman says it takes in ninety per cent of our waters; it does not take in ten per cent. There

is just one stream in this whole bill that will be closed that is actually now fished, Horseshoe Stream. The little brooks that go into those ponds, I should not even have mentioned, but I did put in tributaries. They refer to the little small brooks, but there is no one fishing there. But the idea of closing these small brooks flowing into our larger lakes is something we will all have to come to before many years if we are to have any fishing, because that is the natural breeding ground for the lakes.

I am not going to take any more of your time, but I certainly hope that the gentleman's motion for indefinite postponement does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Sharpe.

Mr. SHARPE: Mr. Speaker, my argument against this measure is, just as it was the other evening, based on the assumption that this State already has discriminated too far in the matter of setting off certain waters for fly fishing only. I think that if any body of water does not hold a sufficient supply of fish, close it to all fishing, do not discriminate against an angler or a troller.

While the gentleman from Eustis (Mr. Carville) was speaking, the messenger came down this hall and passed me this envelope, and I opened it and I find it contains an angle worm. Now, that is a very familiar object to everyone in this House. We have all dug them and we have all used them and, Ladies and Gentlemen, I have known plenty of fly fishermen to keep a small supply of these little worms in some pocket. I hope that the motion of the gentleman for indefinite postponement of this bill prevails.

The SPEAKER: The question before the House is upon the motion of the gentleman from Hollis, Mr. Byron.

The Chair recognizes the gentleman from Hollis, Mr. Byron.

Mr. BYRON: Mr. Speaker, I would like to correct a statement made by the gentleman, Mr. Carville. He says that I said this bill would close ninety per cent of the waters. I said that this bill, coupled with the existing laws, would close ninety per cent of the waters. I think he will find that that is very nearly correct.

The SPEAKER: The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. CARVILLE: Mr. Speaker, I am not closing any waters, except one stream, Horseshoe Stream, and the inlet. That is all that I have told you. That certainly is not ninety per cent of the waters that we have in Franklin County.

The SPEAKER: The question before the House is upon the motion of the gentleman from Hollis, Mr. Byron, that the bill be indefinitely postponed. The same gentleman requests a division.

The Chair recognizes the gentleman from Brunswick, Mr. Lacharite.

Mr. LACHARITE: Mr. Speaker, we have just enacted a bill to increase the hunting and fishing licenses. The purpose of that bill was to create better and more hunting and fishing facilities for our State residents. Now this can not start by closing brooks and streams to the small fisherman, those who can not afford to go out fly fishing. I do not think that this is a step in the right direction. I think that our waters should be open to the residents of this State who want to go out and fish and I hope that the motion will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker, as my colleague from Oxford County stated the other day, the people from the Atlantic waters should not take any part in this. My colleague here on my left, Mr. Carville, is down here to represent the people in his county, in his district, and I believe that they instructed him on this matter and that we should not take any part in it. If they want fly fishing, I think we should go along with them and take care of our own counties.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Wilton, Mr. Morison.

Mr. MORISON: Mr. Speaker, one of the speakers said that this is not the way to conserve our fishing, to make better fishing. I think it is just for that purpose and if you restrict those waters to fly fishing, you will have fishing that will be better and that will last longer. If you catch out these small trout,

which the small boy with the alder pole would do if he had the chance, maybe he would throw back the small ones, but there won't be many of them left. Again I say, as I did the other day, those small boys are prouder to catch fish with flies than any of us older fishermen. I hope the motion does not prevail.

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

Mr. JORDAN: Mr. Speaker, as one of the signers of the majority report "Ought not to pass" of the Fish and Game Committee, after careful consideration, we felt that we should follow along as near as possible with the stream-lined laws that were passed four years ago, and as one poor, little lobster fisherman from Cape Elizabeth, I hope that the motion of the gentleman, wherever he comes from, prevails. (Laughter)

The SPEAKER: Is the House ready for the question?

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

Mr. WIGHT: Mr. Speaker and Members of the House: I signed the minority report on this bill that it should pass for the simple reason that I believe that a great many of these lakes and small ponds should be limited to fly fishing. Everybody can fly fish if they want to; I think we would have a lot of the small fish. Therefore, I hope that the motion will not prevail.

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

Mr. DOUCETTE: Mr. Speaker, I rise in support of the gentleman. I wish to say that owing to the fact that not everyone who goes fishing happens to be an expert fly fisherman,—especially the youngsters who like to go out and fish with a worm,—they have no other way or means of fishing, it is depriving them of a chance to fish. We, as members of the Legislature, a few weeks back voted against a closed shop. In pushing through this legislation, we will be closing another stream or another pond to someone who would like to go fishing there. I, myself, am an expert fly fisherman; I do most of my fishing, fly fishing. I have a guide that guides me around. At one time, one of my legislative friends—he can bear me out on this—Mr.



Jalbert, acted as my guide, one day. I have never seen him go back fishing since. (Laughter) I do not know whether he was sick or tired or what. So, therefore, I wish to say that I wish to go along with the motion of the gentleman.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Hollis, Mr. Byron, that this matter be indefinitely postponed, being a Resolve Permitting Fly Fishing in Certain Waters of Franklin County. The same gentleman has requested a division. Those in favor of the indefinite postponement of this Resolve 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 thirty-nine in the negative, the matter has been indefinitely postponed.

#### Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first tabled and today assigned matter, House Report "A" "Ought not to pass", House Report "B" "Ought to pass in new draft" (H. P. 1736) (L. D. 1478) under new title of "An Act Providing for the Payment of a Bonus to Maine Veterans of World War II and to Provide for the Payment Thereof by Running Horse Racing" of the Committee on Military Affairs on Bill "An Act Providing for the Payment of a Bonus to Maine Veterans of World War II and to Provide for the Payment Thereof by Running Horse Racing." (H. P. 1578) (L. D. 1227) (In House, on May 1st, Report "A" Accepted.) tabled on May 2nd, by the gentleman from Farmington, Mr. Mills, pending motion of the gentleman from Shapleigh for reconsideration.

The question before the House is upon the motion of the gentleman from Shapleigh, Mr. Gallant, that the House reconsider its action whereby it accepted the "Ought not to pass" report of the Committee.

The Chair recognizes the gentleman from Waterville, Mr. Muskie.

Mr. MUSKIE: Mr. Speaker and Members of the House: This is not my motion, but I do think that the House should reconsider its action

for this reason: The vote whereby the House Report "A" "Ought not to pass" was accepted was, I believe, fifty-five to forty-nine, which was less than two-thirds of the total members of this House. It is my feeling that in justice to the veterans, we should have a more convincing demonstration of the sense of this House with reference to this particular bonus measure. I think the veterans will feel better if they know your decision is decisive, and it will be decisive if more of us participate in the vote on the measure. I want to say nothing more on the merits, aside from this particular point: That this is a bonus measure that is, in my mind, as unselfish a request as could be presented on the behalf of any group in this State. The veterans have indicated to me quite convincingly they would not approve a bonus which would require a tax measure; they have advocated this by a large majority, as far as those veterans I have contacted are concerned. I would request your reconsideration so that the House may pass upon this measure in larger number.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker, I concur with my colleague from Waterville. I think it is a matter that needs the consideration of more than ninety-six members. They had faith in us when they left. We feel, some of us, anyway, from what we read, that we may have another war in the future. If we have not kept our faith with these boys who defended us in the past, are the boys in the future going to believe that we will keep our faith with them? I only think it is fair that we reconsider this, now that we have many more members here, and give it the due consideration that it deserves. Running races, I believe, was the heading we had—we have deleted the dog tracks, and, as I stated here before, if we allow gambling in the State of Maine, why should we make any exceptions, if it is on horse racing?

We had a large mass meeting, as I stated before, in our city, only on Sunday, and, with few exceptions, the boys unanimously endorsed even a State lottery. There are a lot of boys who have reached the age that they can not go to college. It has been a handicap to them financially to have served in this war while

many of us at home made money. We know our industries made money at cost plus ten per cent. The least we can do is give this reconsideration, and I trust that you gentlemen will go along with that one matter.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Cousins.

Mr. COUSINS: Mr. Speaker, I have said all that I am going to say on this measure. I just want to say that I am in favor of Mr. Muskie's motion.

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

Mr. DOUCETTE: Mr. Speaker, I rise in favor of the ninety-two thousand odd veterans that served in the last war and I say that they should have the support of this House in the reconsideration of this bill. At least, we can give to those veterans the benefit of the doubt in giving them the reconsideration. That is all I will say in regard to this measure.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Shapleigh, Mr. Gallant, that the House reconsider its action whereby it accepted the "Ought not to pass" report from the Committee on Military Affairs on Bill "An Act Providing for the Payment of a Bonus to Maine Veterans of World War II and to Provide for Payment Thereof by Running Horse Racing."

All those in favor of the motion to reconsider this matter will please say aye; those opposed, no.

A viva voce vote being doubted, a division of the House was had.

The SPEAKER: Sixty-seven having voted in the affirmative and thirty-five having voted in the negative, the motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Muskie.

Mr. MUSKIE: Mr. Speaker and Members of the House: I now move the acceptance of House Report "B" "Ought to pass in new draft."

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker, and I move that when the vote is taken, it be taken by a yea and nay vote.

The SPEAKER: The question before the House is upon the acceptance of House Report "B" of

the Committee on Military Affairs the report being "Ought to pass in new draft" under the new title of "An Act Providing for the Payment of a Bonus to Maine Veterans of World War II and to Provide for the Payment Thereof by Running Horse Racing".

Is the House ready for the question?

The gentleman from Bath, Mr. McClure, has requested that the vote be taken by the yeas and nays.

In order for the yeas and nays to be in order, one-fifth of the members present must indicate their desire.

Those in favor of voting by the yeas and nays 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: One hundred thirty-three being present and twenty-two having indicated their consent, twenty-two being less than one-fifth of the members present, the yeas and nays are not in order.

The Chair recognizes the gentleman from Waterville, Mr. Muskie.

Mr. MUSKIE: Mr. Speaker, I would like to ask for a division.

The SPEAKER: The gentleman from Waterville, Mr. Muskie, has requested a division.

Those in favor of the acceptance of the "Ought 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: Sixty-four having voted in the affirmative and fifty-two having voted in the negative, the "Ought to pass" report of the Committee has been accepted.

This being a printed bill, under suspension of the rules it was given its three several readings and passed to be engrossed.

The SPEAKER: The Chair lays before the House the first unsigned matter pursuant to the House Order being House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to Tax on Cigarettes." (H. P. 635) (L. D. 415) tabled on May 1 by the gentleman from Rockland, Mr. Sleeper, pending acceptance of the committee report.

The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker and Members of the House: Today apparently is a day of changing convictions, when blocs crumble and ideas fade and pass away. This might not be, however, the case later in today's session; it might not be the case tomorrow or the next day. I still feel that there are some pending measures before this House that are worthy of consideration. I will not name them but among them, of course, is the teachers' pay raise, the employees' pension fund, and the cost of living raise to State employees. These will, undoubtedly, demand a little money. Now, as to whether this House will yield on the sales tax or the income tax, is a question for you to decide. I have been here six or seven terms; perhaps one of the reasons I keep coming back so easily is that I never change my mind, and I always go by what I am told by the people I represent.

If they tell me that they do not favor this tax or that tax, I do not vote for it. If they tell me that they do not favor a sales tax, I do not vote for it. If they tell me that they do not favor a gas tax, I do not vote for it, and I never will. If they tell me that they do not favor an income tax, I do not vote for it and I never will. I do not know how the rest of you feel, perhaps your ideas run differently than mine, but that is the way it stands with me and I hope that is the way it stands with the majority of the members of this House. So I would think, perhaps, it is safe to say that the House will not pass with a two-thirds vote either a sales or an income tax and, apparently, the powers that be do not wish these taxes to go before the people. Why, I do not know, because if they are necessary, if they are filling an urgent need, of course the people will vote for them.

However, I do feel and I have found out that the majority of the people do favor an increased cigarette tax. I would like to read this letter, which is well written, and I will say right here that this is perhaps just one out of one hundred or more letters that I have received during this last three or four months of turmoil and strife. That same turmoil and strife does not bother me one bit because I like it.

"Dear Mr. Sleeper:"

(I will read the whole letter be-

cause it is the gist of most of the letters that I get)

"You are doing a wonderful job in holding the "No Tax Line" (at Augusta).

"If your constituents are like ours in opinion you are gaining prestige that means an interested backing.

"There is only one way to force economy at Augusta. That is to deny them. Otherwise we'll have to build another State House to hold the unnecessary employees; talk about people on the Welfare and the inefficiency of the Welfare Dept.—well, no doubt all that is true. But most of us know that the Welfare jobs start right in the state house with jobs given and created to last many years, for political purposes only.

"The recession already here, and the coming depression will not allow new taxes; to create them will mean economic disaster to the State. We have people now coming in to the State to become local taxpayers who are coming for the principal reason that they feel Maine is a conservative State; that we won't have these new taxes. We need them to take up our old farms, and so forth. Let's not drive them out.

"However, if in the last analysis, our Legislature feels that we must have some new revenue, then just add on a percent to cigarettes and liquor. The summer people will have to pay a good part of this increase, but they're used to high prices for the same things in their states mostly. Then, at least, the Republican party can state truthfully that they 'created no New Taxes'."

"But if we can do fairly and justly without any new revenue then continue in the good job you're doing; hold the line for 'No New Taxes.'"

So, with that thought in mind, I feel we will still have to hang onto the cigarette tax. I feel we do need some new revenue, not too much. We can issue the bonds for these buildings, the insane asylums, colleges, and Pownal. That will fill the bill, and for the ready cash, an added cigarette tax will easily do it, and, with that thought in mind, I have had prepared for me a very large and comprehensive amendment which will bring in about \$4,500,000 in revenue to the State. In addition to the two cent extra tax on

each package of cigarettes, this amendment will also tax cigars and that will get me because I do not smoke cigarettes, and that will tax tobacco products of all kinds. For that reason, Mr. Speaker and Members of the House, I would like to substitute the bill for the "Ought not to pass" report, lay it on the table pending reproduction of this amendment, which provides for a tax on cigars and other tobacco products and which will yield the State \$4,500,000.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the bill be substituted for the "Ought not to pass" report of the Committee.

Is the House ready for the question?

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

Mr. WIGHT: Mr. Speaker and Members of the House: I wish to rise in support of Mr. Sleeper's motion. We were told here, yesterday, that a sales tax would cost to collect \$240,000 the first year; after that \$150,000 a year. That means more expenses for the State, and I do not think we want that. The cigarette tax will yield \$2,000,000 and I believe the tobacco tax, which Mr. Sleeper proposes, is something like \$2,500,000 more. I was talking with our friend Dave Stevens this morning, and he tells me that to collect the cigarette tax will cost practically nothing for his department. He figures that one extra clerk will take care of the expense of collecting that extra cigarette tax. So I hope that Mr. Sleeper's motion will prevail and that we can consider this bill as amended.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, at the present time, these two giants, the income tax and the sales tax appear to be hors de combat. Both are resting on the respective tables of this Legislature. Because of the fact that the suggested solution of the gentleman from Rockland, Mr. Sleeper, may prove to be the answer, at least, it may prove to be one which should be given serious consideration, I hope that his motion will prevail in order to keep it alive and in order to keep it before us, as it may be a resort which we need, since the other two great tax measures may beat themselves out and fall to the ground. There-

fore I hope that the motion of the gentleman from Rockland, Mr. Sleeper, will prevail.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Rockland, Mr. Sleeper, that the House substitute the bill for the "Ought not to pass" report of the committee.

All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

This being a printed bill, under suspension of the rules it was given its two several readings.

Mr. SLEEPER: Mr. Speaker, I now offer House Amendment "A" and move that it be tabled pending printing, because it is large and comprehensive.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, presents House Amendment "A" and moves its adoption. The Chair understands that the gentleman from Rockland, Mr. Sleeper, now moves that this matter be laid on the table pending adoption and be specially assigned for later in today's session. Is this the pleasure of the House?

Thereupon the matter was tabled and specially assigned for later in today's session, pending adoption of House Amendment "A".

On motion of Mr. Mills of Farmington, the House recessed until 1:30 P. M., E. S. T.

#### AFTER RECESS

1:30 P. M., E.S.T.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, out of order and under suspension of the rules, I present an order and request its passage.

The SPEAKER: The gentleman from Farmington, Mr. Mills, presents an order out of order and under suspension of the rules and moves its passage. The Clerk will read the order.

#### Orders Out of Order

On motion by Mr. Mills of Farmington, out of order and under suspension of the rules, it was

ORDERED, the Senate concurring, that H. P. 1708, L. D. 1434, "An Act relating to State Normal

Schools' Reserve Accounts", be recalled to the House from the Governor, for further consideration.

On further motion by the same gentleman, the order was ordered sent forthwith to the Senate.

On motion by Mr. Byron of Hollis, out of order and under suspension of the rules, it was

ORDERED, the Senate concurring, that H. P. 1722, L. D. 1454, "An Act Relating to Hunting and Trapping Seasons," be recalled to the House from the Governor, for further consideration.

On further motion by the same gentleman, the order was ordered sent forthwith to the Senate.

Mr. LORD of Camden: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. LORD: Mr. Speaker, I should like to have action on the recalled matter that we have here.

The SPEAKER: Upon the request of the gentleman from Camden, Mr. Lord, the Chair lays before the House the first recalled matter, An Act Relating to Closed Time on Scallops (H. P. 471) (L. D. 276).

Mr. LORD: Mr. Speaker, I move that we reconsider our action whereby we passed this matter to be enacted.

The SPEAKER: The gentleman from Camden, Mr. Lord, moves that the House reconsider its action of April 22nd, whereby this measure was passed to be enacted.

Is it the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. LORD: Mr. Speaker, I now move indefinite postponement.

The SPEAKER: The same gentleman now moves that this matter be indefinitely postponed.

Is it the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair lays before the House the first today assigned matter, An Act Imposing a Sales and Use Tax to Raise Additional Revenue. (H. P. 1731) (L. D. 1470), tabled by the gentleman from Farmington, Mr. Mills. This bill having had its three several readings in the House, and having been passed to be engrossed, and having had its two several readings in the Senate, and having been passed to be engrossed, and the Committee on Engrossed Bills having reported

that it is truly and strictly engrossed, is it now the pleasure of the House that it pass to be enacted? This being an emergency measure, under the Constitution, it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, I had intended to make a motion for indefinite postponement of this bill, but now the question is before the House I do not think it is necessary. I move the vote be taken by a division.

The SPEAKER: The question before the House is on the passage of this bill to be enacted. The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, I do not think this bill yet has had a fair chance as a revenue raising measure. As I understand it, it still stands as a two per cent sales tax, as an emergency measure, and it seems to me that it is very unlikely that it will ever pass in its present form. If the vote is taken in its present form, I shall vote for the enactment of the measure, but it raises more money than the State needs and I believe it would be more favorably received if it were amended to be an emergency with a one per cent sales tax. Having this in mind, I considered the preparation of an amendment for that purpose and was advised that such an amendment had already been written; and, for that reason, assuming that such an amendment would be offered, I did not, myself, proceed to duplicate the work which I was told had been, or was being done. Unless that amendment is to be offered, it would be my intention to ask that consideration be deferred until someone else will offer such an amendment or until I can have one prepared. I do not know, Mr. Speaker, whether I should make the motion now unless I see some signs that someone is going to present such an amendment, so I move that the motion lie on the table for later consideration.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that this matter be laid on the table pending passage to be enacted and to be taken up later in today's session.

Is it the pleasure of the House?

All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the matter was so tabled.

The SPEAKER: The House may be at ease.

#### At Ease

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

Mr. CHASE: Mr. Speaker, I move that we take from the table L. D. 1470, An Act Imposing a Sales and Use Tax to Raise Additional Revenue.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves to take from the table An Act Imposing a Sales and Use Tax to Raise Additional Revenue (H. P. 1731) (L. D. 1470) tabled on May 6, by the gentleman from Farmington, Mr. Mills, pending passage to be enacted.

Is it the pleasure of the House? The motion prevailed.

Mr. CHASE: Mr. Speaker, I now move the pending question.

The SPEAKER: The pending question is the passage of this act to be enacted as an emergency measure.

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

Mr. FINNEGAN: Mr. Speaker, if it is in order at this time, I would like to state my objections to the enactment of this bill.

The SPEAKER: It is in order, sir.

Mr. FINNEGAN: Mr. Speaker, it is simply to restate my position which I have outlined on these emergency tax measures. I have no idea that I will change anyone's vote but I want to be sure that at least I am recorded on the basis on which I object to an emergency tax measure of any nature which necessitates a major change in our taxation program in this State.

Any change as radical as this or the other tax which has been proposed deserves a lot of consideration. The possibilities of this tax in future operations should be carefully considered. I am not so much concerned as to whether this tax is one per cent or two per cent, whether it includes certain commodities or excludes certain commodities; I think that is relatively unimportant. But this does provide

a vehicle for some future Legislature to harness up a spending program. Now whatever this tax is that we have to start with, it will either do the job or it will not. Nobody can tell with any certainty; it is a fluctuating affair. The result of this tax must necessarily depend upon the ability of the people to purchase goods and it does affect the people in this way, inasmuch as it does not in any way affect or eliminate the cause of most of our concern, that is, extravagant and unwarranted spending, it fails, in my estimation, to do the work that we should do.

Now, I am not at all afraid to refer this matter to the people. I think it takes more courage to administer a little financial surgery to our present administration's spending departments than it does to refer a major tax change to the people who, in the years to come, will be saddled with this for good or for evil. They are going to pay the tax; I believe they have a right to pass on it. Now I am not saying that with the hope that this tax may not pass a referendum vote; it may very well do that. I think it is the only tax that would pass a referendum vote. But I say that the people back in the homes who are going to be saddled with it and who are going to assume the burden of it, I believe they have a right to be heard and I, for one, will not under any circumstance vote an emergency tax measure without having it referred to the people, which, of course, means that I will not vote for an emergency tax measure.

Now, as to this tax itself; there are tremendous administrative problems involved. An area as large as the State of Maine must necessarily have a terrific lot of policing. I do not know who is going to do that policing but it is certainly going to cost somebody some money; it is going to entail a burdensome crew to see that the tax is collected and paid. The opportunity for evasion which is prevalent in every state where this tax is established, where they buy the goods in New York and ship them to New Jersey, or some place to avoid the resident tax, that is a problem and who is going to police that? And, last but not least, of all these objections I believe that the terms which we are imposing upon the people who are going to ultimately pay this tax, that is the

little fellow with the small or larger family, who can least afford to pay it, he will have to pay it. As I see it, it does not seem to me whether it is one per cent, one-half of one per cent, or two per cent, whatever the tax, it must of necessity do the job that is required, and, to that extent, these rates will be changed and there is no denying that fact. So, this being a plain statement of facts, I would like, at least, to have them considered as real objections, that I am not affiliating myself with any bloc, I am not lobbying the House as to what any one would do with this.

I believe there is another alternative for this tax and I would like to just suggest it at this time: The cigarette tax, which Mr. Sleeper has tabled this morning. I do not know whether or not it contains all the tobacco products or whether it is just confined to cigarettes, but on the basis proposed it will, according to the Tax Commissioner, provide us \$2,000,000 worth of revenue. A very slight adjustment in the mill tax, which seems to be a horror when we talk about it to anybody, that nobody must touch that property tax. They seem to be utterly confused and their minds have been so—I believe, distorted, as to the importance of what this tax entails, that I believe that a little bit of enlightenment, perhaps, should be given at this time. A two mill tax, which seems to be the top that would be required, maybe less than that, but a two mill tax on the property now subject to taxation under the State taxation program, a two mill tax, according to the Tax Commissioner would provide approximately \$1,500,000. Now, in this cigarette tax, and in this mill tax, you have a total of \$3,500,000 per year, which is \$7,000,000 for the biennium. Now, if you contrast the administration of this type of tax, which does not necessitate more than one employee, I believe, according to the Commissioner, the machinery is all set up, there is nothing to be added, there is no policing, there are none of the objections which I have mentioned to this proposed sales tax. I say that that, to me, is the simplest and the surest way of accomplishing the results we are after and enable us to go home and provide sufficient funds to do the job that is required.

In this connection, as I say, I

want to be understood that I am not trying to set up myself as a Communist. I am just a freshman in this hall of statesmen and I defer to the wiser counsel of people who have been here many years but this is the way it occurs to me so I offer my solution to the tax problem.

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

Mr. McGLAUFFLIN: Mr. Speaker, I take very opposite view from that of the gentleman who has just spoken. I have tried to make it clear and I think I have that my feeling is that this job is up to us. To me, it seems like a cowardly thing to be passing the buck back to the people after they chose us to do this job. If we can not meet this situation, I, for one, shall go home ashamed of the fact that we were not big enough to measure up to the standards that we were called upon to fill.

Just a word on this latest proposition about cigarettes. That is a measure that does not meet with my approval at all because you are putting the tax on just one class of people and that is the men who smoke. The tax now is so big that you are paying more for taxes than you do for tobacco. Cigarettes are up out of sight in price. I do not use them. I smoked everything that is smokable in the past to some extent. Just now I am not using tobacco so that does not affect me but I do say it is a totally unfair tax for a major tax.

Now, coming back for a moment to this sales tax. We had in mind when we came here that we might do some pretty good chores. One of the propositions was to take off the 7½ mills from real estate taxation and pass that back to the towns. We have found that not only the State needed money but that the towns needed money, too. The State has ways of getting money; the towns have very few ways of getting money except to increase the already intolerable rates on real estate. Now, it has so happened, that there is not any possible prospect of getting that real estate tax taken away from the State and passed on to the towns. We have had up for consideration three possible methods of raising the necessary money. I say necessary, I, at least, am convinced that we do need some more money. We need it to

take care of the school teachers; we need it to take care of the University of Maine; we need it to take care of Pownal; we need it to take care of general expenses, and, being convinced that money is needed, then the question comes as to where we are going to get it.

We have definitely turned down the combination sales and income tax. I, myself, am thoroughly convinced from the interviews I have had in the City of Portland and with many members of this Legislature that you are never going to get to first base on the income tax no matter how good it is, you are not going to get it across and that leaves the only feasible and the most practical way of raising money, as it seems to me at this time, is by passing the sales tax. A good many of you do not like the sales tax. We do not, any of us, want additional taxes unless they are absolutely necessary. The situation that we are facing right now is that we can pass a tax as an emergency, in that case we can go home being secure in the fact that all of the measures we have passed will be taken care of. If we merely pass any tax, no matter what is is, without an emergency, we do not know today and we won't know for months whether we have accomplished anything at all in the nineteen weeks we have spent up at this State House.

This measure that is before you now provides something for the towns. If we accept the one per cent tax, the towns are going to get nothing. Now there are many of you people from all over the State of Maine that realize the fact that your towns need some more money. It is just as plain as a,b,c, that if we have to adopt the one per cent tax, you are going to get nothing. Now, the measure that will be before you in just a minute is: will you go ahead with the two per cent tax, pass it as an emergency, pass it so that you know the towns are going to get something, you know that the schools are going to be taken care of, you know that Pownal and the University of Maine will be cared for and we can go home proud of the fact that we have accomplished something worthwhile. Unless we do that everything is left in the lap of the gods as to what will happen in the future. I am voting for this tax measure now.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the passage of an Act imposing a Sales and Use Tax to Raise Additional Revenue (H. P. 1731) (L. D. 1470) as an emergency measure and, under the Constitution, it requires the affirmative vote of two-thirds of the entire elected membership of the House.

Those in favor of its passage as an emergency measure 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-seven having voted in the affirmative and sixty-two having voted in the negative, the measure fails of passage as an emergency measure.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I now move that we reconsider our action whereby this bill "An Act Imposing a Sales and Use Tax to Raise Additional Revenue" failed of passage as an emergency measure, for the purpose of offering an amendment.

The SPEAKER: The Chair will inquire how the gentleman voted on the previous question.

Mr. WILLIAMS: Mr. Speaker, I voted no.

The SPEAKER: The gentleman from Auburn, Mr. Williams, moves that the House reconsider its action whereby it failed to enact this matter as an emergency measure.

All those in favor will say aye; those opposed, no.

A viva voce vote being doubted, a division of the House was had.

The SPEAKER: Seventy-six having voted in the affirmative and forty-four having voted in the negative, the motion prevails.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. WILLIAMS: Mr. Speaker, I now move that we reconsider our action whereby we passed Legislative Document 1470 to be engrossed.

The SPEAKER: The same gentleman now moves that the House reconsider its action of yesterday whereby this measure was passed to be engrossed.

Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I now present House Amendment "E" to



Legislative Document 1470, Bill "An Act Imposing a Sales and Use Tax to Raise Additional Revenue. This amendment has been distributed under filing number 416.

The SPEAKER: The gentleman from Auburn, Mr. Williams, presents House Amendment "E" and moves its adoption.

The Clerk will read the amendment.

House Amendment "E" 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 the figure "2%" wherever it appears therein, and inserting in place thereof the figure '1%'.

Further amend said Bill by striking out all 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.**

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: It has become apparent that it is going to be difficult to pass any tax measure to cover the items that have previously been passed by this House. This bill, as originally reported from the Committee, calls for a two per cent sales tax. This amendment, as you will note, proposes reducing that to one per cent. If the estimates are correct, this will produce about three and one-fourth million dollars and we need approximately one-half million to balance our appropriations, which would leave a little less than three million dollars to cover new legislative matters calling for appropriations. This would not be enough to cover all the matters that have been passed through this branch of the Legislature and are now tabled in one branch or the other. But by eliminating some of them, it would cover, I believe, the essential matters. You will note the amendment, in section 356, disposition of proceeds provides that the entire amount raised be paid into the general fund. I, with many other members of this House, and with members of our respective communities, would like to relieve the municipalities to some extent from the property tax. However, that is not possible unless we pass a major tax bill that would raise nearly ten million dollars. It

does not seem to me that we will really be relieving the situation in the towns to any considerable extent unless we eliminate the State property tax, which would not be possible under this bill, in any event.

Therefore, I believe we would do well to consider amending this bill and raising merely one per cent. The cost of administration would obviously be as great raising one per cent as it would be raise two. I understand that that would cost approximately \$125,000 per year.

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

Mr. CHASE: Mr. Speaker, I hope that the House will adopt this amendment.

Speaking on the general situation of the tax program, the other day, I suggested to the House a program by which we would raise by sales tax \$3,500,000 and use the income tax bill with a referendum as a substitute for the property tax to give the people of the State an opportunity to relieve themselves by substituting one tax for another. We are talking now about \$3,000,000 but half a million dollars is nothing for me to concede. We fall half a million dollars short in raising the additional revenue which we need to pay our bills. I would go along with Mr. Sleeper on part of this cigarette tax if it develops that we need a little more money.

I claim no following here, however, and, although the other day a substantial number were good enough in rising with me in endorsing a program which I suggested, as I have just outlined, and I should like to say that if this amendment is adopted and if, with this amendment this sales tax is due to pass as an emergency measure, then I shall be very glad to cooperate with the friends of the income tax in an effort to pass that with a referendum clause by which the people, themselves, can relieve themselves of the property tax if they see fit to so do. I hope the amendment will be adopted.

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

Mr. MELOON: Mr. Speaker and Members of the House: During the three or four months I think it is five now, that we have been asso-

ciated here together, we have come to know each other pretty well and I think most of us have learned to like the other fellow pretty well and have quite a lot of respect for his judgment. I think I am expressing the sentiment of this House because I feel it myself that I am, personally, very proud to have been a member of this Ninety-third Legislature. I have made some very fine acquaintances and many of them have developed into what I believe will be firm friends throughout the coming years.

I realize that we owe a certain amount, a considerable amount, of loyalty to our leaders of the various parties and to the people back home. Now, the people back home, I should just like to speak about them a moment, as I find them, and I think my community is not too far different from other communities in the State. They have been following, during the last four months, our doings down here, sometimes by contact with the members of the Legislature and sometimes daily through the newspapers, and their minds are pretty well made up. I mean the thinking group, the people that you and I know that are business men, that are taxpayers, and are professional men back home. They have not had the opportunity that we have had to hear the merits of the various requests for funds discussed. In other words, they have not been attending a session of school as we have, to have those things brought up to us, and we could make our individual decisions.

I think that when we accepted this job down here, we took the responsibility of our acts for the best interests of the folks back home and the best interests of the State of Maine squarely on our own shoulders and, I think, in that capacity, we have to act and we have to act with courage. Never mind where the fault-finding may arise from; never mind where things may seem to go haywire when you get back home, if it is your own firm conviction that it is for the best good of the people of the State of Maine that we should vote so and so, I certainly hope that we will do it; that we will be very united in doing it. I am not asking anybody to change his vote or do differently, but I am asking you to give very serious consideration to the responsibility that each and all of you share.

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

Mr. FINNEGAN: Mr. Speaker and Members of the House: I do not intend to develop my objections to this one per cent tax any further than I have already done in my previous remarks. I arise, this time, to sort of clarify it, in the minds of some people whose minds need clarifying, I intended to previously but I got off on another tangent, and that is in reference to this mill tax.

That is a bugaboo that we talk about and it is a terrific burden which the towns are assuming, which the cities are assuming, but it resolves itself to me in this fashion: A town or a city has a tax rate of seven per cent, \$70 per thousand, and that is probably higher than most and maybe smaller than some others. Of that \$70, \$63 remains for local use, \$7 of that, or approximately \$7.25, to be exact, of the present mill tax goes to the State. If a town has a rate of six per cent, or \$60 per thousand, the town retains \$53 for its own use, \$7.25 is retained by the State. Now from that general fund, the State is expected to take care of the relief rolls, the administration of all State affairs, all of the things that the State does for the towns and does for the cities, and I think that if anybody ever proposes that we step out of that very modest assessment and substitute for that any form of income or sales tax, they will be taking a step off the greatest precipice that they have ever taken. This is fixed, it is simple, it is inexpensive and two mills added to that would simply mean \$2.00 added to that tax. That is, if the tax was nine mills, the town would still retain \$61 and the State would take \$9 for all these things we are expected to furnish.

Again, to straighten out any misapprehension that may be existing in anybody's mind that the substitution of the cigarette tax and the adjustment of the mill tax would necessitate an emergency vote; that is not necessary, they are automatic, these taxes are already in effect. It simply means adjusting the rates so you can go home with your job well done if in the course of our voting and our deliberations here we fail to pass any of these emergency tax measures that are now proposed. I just want to clari-

fy that, that some way or other there has been built up in the minds of the people that the State is responsible for this terrific tax load. It is responsible just to the extent I have mentioned, the extent of seven mills, and if your tax is six per cent, or seven per cent, or eight per cent, or five per cent, this stays fixed at seven mills and let us not let anybody take that out of our mind because those are the facts. Now, with that explanation, I certainly want to conclude my remarks.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker and Members of the House: Since it appears that this vote might be on a division, I would like to, on the record for what few friends I have left, say that I will not vote for this amendment; I am still not in favor of the sales tax in any form whatsoever. It is still a sales tax; it is still unwarranted and still uncalled for. In my opinion, the only saving grace that the tax had was a kick-back to the cities and towns. Now that that is gone, there is no justification at all for this tax.

I will not build up the good points of the next tax measure, the cigarette tax, but this one per cent sales tax will not net as much as the cigarette tax would and, therefore, would not accomplish the same purpose. It has been optimistically stated that the administration of this tax would be \$125,000; yet I see that the Committee on Appropriations and Financial Affairs are asking for Legislative Document 1470 for administration of the sales tax, \$422,000, that is quite a difference, that is \$300,000 more than the optimistic advocate of this amendment stated, \$300,000. Take \$422,000 from the pitiful pennies that you will wring from the people on this sales tax, and you won't have too much left, and I still say that you are still wringing those pennies. If this tax is so wonderful, so justified, why not put this tax to a referendum, or pass the income tax as an emergency measure, or better still put both taxes out to a referendum? We will get along, until the people have returned their verdict, on this cigarette tax; there is no crying, vital need for these things. No one is starving.

I would not vote for this amendment.

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

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

Mr. BURGESS: Mr. Speaker and Members of the House: I rise to voice myself in favor of the adoption of this amendment and the sales tax if this amendment is adopted.

I would like to point out to you something which you already know, but allow me to call your attention to it. We have passed here the so-called teachers' bill, which, if my memory is correct, would put back into the various communities of the State \$1,400,000 the first year and \$2,000,000 thereafter. I agree that if the tax measure this Legislature passes is scaled down some that might have to be. But there is a fund that goes to the community and it is an ample fund. It is an accepted statement of fact that the State does need from three to three and a half millions of new money to carry along the necessary functions of State in addition to the assistance to the towns under the so-called Williams bill. I hope that you will accept the amendment.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker, I have gone along with my colleague on many occasions and, on this particular measure, I feel that we were sent here by the people to act as their jurors. After weighing the evidence, I feel that for the good of all the sales tax is not the right measure, therefore I shall vote "no" on the amendment.

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

Mr. JORDAN: Mr. Speaker, I rise in support of the passage of this sales tax measure. And, if for no other reason than for one, that we trusted the people who elected us as members here, they trusted us to do what was right. Therefore, if we pass a sales tax measure, I see no reason in the world why we should send it back to the people again to vote on it as my good friend from Rockland, Mr. Sleeper, suggests should be done. It is a good deal like when you hire a person to work for you, you send him

out to do a certain job and you expect him to do it. If he runs back and asks you how shall I do that and why shall I do that, the obvious answer is you discharge the gentleman. Therefore, if we do not do our job down here, the general public has a perfect right, and they should, discharge us which I think probably they will. But I certainly do believe that we must have some additional revenue. You can not run things in the way you did in the horse and buggy days. As one of my good friends said this morning, when he referred back to 1919: Good heavens; I worked for fifty cents a day in 1914. Still most any one of us could go out today and get himself seven or eight dollars a day. Therefore, that does not make sense. I think we should assert ourselves and pass a tax measure that would pay our teachers somewhere near what they are worth and, at least, adjourn if we do not do anything else.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Collins.

Mr. COLLINS: Mr. Speaker, I am very definitely in favor of the sales tax. I would have preferred the two per cent sales tax but I believe that this measure, the one per cent measure, will be fully acceptable to the people.

In my own community, I have had only two people who said they were against the sales tax. One of those, I went to see personally and he said that while he did not like the sales tax, that he was for an income tax, he definitely would accept the sales tax if the revenue to be provided was necessary. I think there is a general acceptance of the principle of the sales tax and I believe the people are in favor of us passing a tax measure here, I certainly think we should pass it as an emergency. I do not like the cigarette tax because that is only a selective sales tax, and is a sales tax just as much as this is, but it is a selective sales tax. So, I hope that this amendment will be accepted.

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

Mr. THOMPSON: Mr. Speaker, as I have said before in the House, I represent about eight thousand people, I have been home about sixteen different week ends, and during the sixteen weeks that I

went home, one man called me up on Sunday and I lost my dinner while I listened to him against the sales tax. That is the only person who did not want the sales tax.

I was sent over here to use my best judgment. I do not know why we should send it back to the people when they sent us over here to do our duty. I, for one, want an emergency on the sales tax and I shall vote for it.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: There has been quite a lot of discussion as to who would pay the tax and upon whom the burden will fall most heavily as between a one per cent sales tax and a tax on cigarettes and tobacco. So far as I am concerned, I would be exempt from the tax under the bill proposed by the gentleman from Rockland because it happens that I do not use tobacco. So, from a purely selfish point of view, I should vote for that bill instead of a sales tax.

However, I would like to call your attention to this: It seems to me that the ordinary man with a small income, working in a mill or shop, stops his work and runs out for a brief smoke and that he will probably pay a larger percentage of the tax, under such a tax as that, than he would under a general sales tax. This is because the man with the larger income would buy more expensive food, more expensive clothing, and in so doing he would pay a higher tax. I ask for a division when the vote is taken.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Auburn, Mr. Williams, that the House adopt House Amendment "E", and the same gentleman has requested a division.

All those in favor of the adoption of House Amendment "E" 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: Seventy-five having voted in the affirmative and fifty in the negative, House Amendment "E" has been adopted.

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

Mr. ELLIOTT: Mr. Speaker, I will present House Amendment "D" and move its adoption.

The SPEAKER: The gentleman from Corinth, Mr. Elliott, presents House Amendment "D" and moves its adoption.

The Clerk will read the amendment.

House Amendment "D" was read by the Clerk as follows:

House Amendment "D" 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. 357."

Further amend said Bill by changing the reference "sections 284 to 357, inclusive," wherever it appears in said Bill to read: "sections 284 to 356, inclusive."

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

Mr. ELLIOTT: Mr. Speaker and Members of the House: If you are not familiar with this bill, section 357 is the one that makes it four per cent for the first year and afterwards two and one-half per cent for the collection of this tax. In striking out this Section 357, the Appropriations Committee will take care of the collection of the tax which the State Tax Assessor says would only be one hundred and twenty-five thousand dollars instead of four hundred thousand dollars.

Thereupon House Amendment "D" was adopted and the bill was amended to be engrossed as amended in non-concurrence and sent up for concurrence.

On motion by Mr. Mills, of Farmington, the bill and accompanying papers were ordered sent forthwith to the Senate.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter House Amendment "A" (which has been printed as L. D. 1498) to Bill "An Act Relating to Tax on Cigarettes." (H. P. 635) (L. D. 415), which was tabled earlier in today's session by the gentleman from Rockland, Mr. Sleeper, pending adoption.

The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker and Members of the House: Recognizing the need for some money, at least, I introduced the cigarette tax. The

amendment to the existing cigarette tax, which will result in bringing to the State \$2,600,000 of new money, and there will be no additional cost in the collection of the same because the set-up already exists and the machinery is already in motion.

I will not argue too much for the cigarette tax. Any tax is a nuisance, but, at least, the cigarette tax is not a tax on bread, or butter, and it can be dodged. If you wish, you can avoid it, you can smoke one less cigarette. Of course you can come back and say if that is the case there will be no additional revenue, but I doubt that, because I do not think that will make too much difference in the sales. Cigarettes run now from eighteen cents in the chain stores to nineteen cents in the drug stores and twenty cents in hotels and inns.

This will apparently solve the crucial part of the situation. We need, as near as I can find out, only about from three to three and a half millions of new money. This bill will bring \$2,600,000 of new money, and another measure which I introduced—and you will note that the bulk of the measures I have introduced result in money coming into the State and not money going out—the other measure, the night harness racing, should result in two to four hundred thousand dollars in new money. That is up to pretty near the three million dollar figure. If you need a few hundred thousand dollars more, you can further amend this bill and add on some other thing, such as additional taxes on liquor, which I do not advocate too much—I am not talking of myself, because I understand I am being wine and dined by other people—but if you put the liquor tax up too much—I think it is better to get a dollar a bottle on ten bottles than to get a dollar and ten cents on eight bottles—but if you think we can stand more taxes on liquor you can amend that and get a few thousand more, or you can tax moving pictures and other things.

However, I do not think there is need for any more taxes at this time other than the cigarette and obacco tax. That will give us \$2,600,000, and all we need is in the neighborhood of three million in new money.

If you want to revamp the entire tax structure, which is not an absurd idea, because many people are for it, put out your tax measures on

a referendum for the people. I have quite a lot of respect for the people who sent us here. I think the majority of the people must be intelligent or we would not be here. (Laughter) I think if I can be sold the problem they can. I think if there are enough people in the State who, if they are convinced that this State needs to embark on some new financial set-up, you can sell that to them on referendum problems. However, our problem here at this time is to find about three million dollars of new money, principally to take care of the teachers' pay raise, retirement fund of the State employees and other vital things. This cigarette tax will do it, and I hope that this House will go along with me and adopt this amendment.

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

Mr. BREWER: Mr. Speaker, as far as this cigarette tax goes, I am perfectly willing to go along with it but I do feel that is one thing that is over-taxed. I do want to point out to the House that two per cent of your cigarette tax which is turned into the general fund already is tied in to old age assistance. Now you will get on the one per cent tax about one million dollars on cigarettes and, with your two cent increase, that would give you your two million dollars. But I do object to this amendment on tobacco for the simple reason that it involves about thirty-five different stamps. The fact that it could not be administered is one reason that the tax has escaped so far on tobacco and cigars and I feel that it would be a very, very costly thing to enforce. In fact, I do not think anybody, as yet, will hazard a guess as to what it would involve on your tobacco and cigars. Mr. Sleeper tells you that it will bring in approximately \$600,000 a year; that would be a very optimistic guess, if we believe the figures submitted to us. I would rather go along on \$500,000 or less but I do want to point out to you that you will have to have a lot of investigators, where you collect the cigarette tax without too much effort, and I wonder if the amount it brings in is worth the effort to try to enforce it and collect it. For that reason, I object to Mr. Sleeper's amendment to your cigarette bill.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker, I would like to go along with my colleague, Mr. Sleeper, on his bill. I opposed the creation of all new departments before every committee. We have now a fine department collecting our cigarette tax.

I also have faith enough in the merchants and people of Maine to think that the amount of money that they will try to get away with will be nil. And this is a bill that will tax me because I use many cigarettes during the day. I think it is a fair tax. I think it will help us in all that my colleague, Mr. Sleeper, has said. I will go along with that bill one hundred per cent.

The SPEAKER: Is the House ready for the question?

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

Mr. WOODWORTH: Mr. Speaker, we have as yet enacted no revenue act and the House has followed the policy of keeping its tax bills open until we know that we have arrived somewhere. I hope that this amendment by the gentleman from Rockland may be kept alive.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I would just add a word in view of my remarks last week in regard to the cigarette tax. The gentleman from Rockland said a few moments ago, and the gentleman from Bangor said a few moments ago, in their reference to the tax situation that they "were opposed to any sales tax." As has been mentioned here by another one of my colleagues, on the right, it seems to me that any tax that takes the figures that the gentleman from Rockland is talking about, the figures which he claims are even in excess of this amended sales tax, certainly it must hit somebody. I say, do we want to go to the front door and say: "Gentlemen, may we have one per cent on your sales," or, do you want to continue with what the Maine Legislature has done for years, go to the back door and swipe four million bucks from the baby's bank in the back room. That is what you are going to do. In other words,

you are taking the money from the people anyway. Or, are you going to the front door and say: "We need the money and we are not afraid to vote it; we think the one per cent sales tax will meet the bills that we have to pay and will not be in excess of the amounts needed," or are you going to continue by putting another tax on cigarettes? And I maintain that a tax on cigarettes will be a lot harder to get off than a sales tax because the people are very conscious of the sales tax and if they feel that the money is needed, they will come down, themselves, or send their representatives down here, two years from now, and they will take it off. Once you get a cigarette tax on or any other selective sales tax, and I repeat a sales tax, you will not get it off. Not only that, last July, or last year, it was mentioned in the House, and whether or not you agree with the point—I haven't any figures from the Gallup poll or anyone else, as to who smokes the cigarettes. I maintain that more young people smoke cigarettes than any other group. If you want to talk about veterans, you are hitting the veterans when you put another tax on cigarettes because I will wager that the veterans smoke more cigarettes than any other group because young people smoke more cigarettes than any other group.

And I maintain that a miscellaneous selective sales tax, is not the answer and I certainly hope that the House does not go along with this amendment presented by the gentleman from Rockland.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker, how long since have cigarettes and tobacco been a necessity. I say that we are not taking it away from the child.

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

Mr. McGLAUFFLIN: Mr. Speaker, the other day, Representative McKeen told me a story, and I thought it was a very good one.

A man had a horse to sell, and another man came along and said: "How much do you want for that horse?" He said: "\$105". The other fellow said: "I will give you \$5". The

first man said: "That is a heck of a drop but I will take it." (Laughter)

It strikes me that you drop about the same way when you jump from the sales tax to this fool cigarette tax.

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

Mr. PEIRCE: Mr. Speaker and Members of the House: There are two reasons why I oppose the cigarette tax and the amendment covering tobacco. The first reason has been ably demonstrated by the gentleman from Presque Isle, when he showed that the amount of revenue to be obtained is very uncertain. The second reason I am opposed to it is what we are already demonstrating here in this session of the Legislature, namely, the difficulty of the entire tax structure of the State of Maine.

If you have a house resting on old, rotting, cedar posts, sometime or other, you will have to remove those rotting, cedar posts and put in a solid cement foundation. I think it is about time the State of Maine put a solid foundation under its financial structure and the only way, at the present time, this can apparently be done is through the enactment of some major tax legislation such as a sales tax or an income tax.

Last summer, in special session, we were put in the embarrassing position of having to accept a tax program offered by a minority group. I hope we will not have to do that again. I hope that we can build up support for a major tax program, a tax program of the majority party that will be acceptable to all the people in the State of Maine.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the adoption of House Amendment "A", which has been printed as Legislative Document 1498.

All those in favor of the adoption of the Amendment will please say aye; those opposed, no.

A viva voce vote being doubted, a division of the House was had.

The SPEAKER: Sixty-six having voted in the affirmative and fifty-six having voted in the negative, House Amendment "A" has been adopted.

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

On motion by Mr. Mills, of Farmington, the bill and accompanying papers were ordered sent forthwith to the Senate.

The following paper from the Senate was taken up out of order and under suspension of the rules.

**Senate Committee Report  
"Ought to Pass in New Draft"**

From the Senate: Report of the Committee on Public Utilities on Bill "An Act Creating a Sewer District for Town of York" (S. P. 450) (L. D. 1254) reporting same in a new draft (S. P. 550) (L. D. 1497) 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 was given its two several readings and tomorrow assigned for third reading.

**House at Ease  
4:45 P. M., E. S. T.**

House called to order by the Speaker.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act relating to the Salary of the Judge of the Lisbon Municipal Court" (H. P. 186) (L. D. 134) reporting that the Senate recede and concur with the House in passing the Bill to be engrossed without amendment.

(Signed)

Messrs. Plummer of Lisbon  
Williams of Auburn  
Bickford of Auburn  
—Committee on part of House.  
Haskell of Penobscot  
Barnes of Aroostook  
Boucher of Androscoggin  
—Committee on part of Senate.

The Report was read and accepted.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to the Payment of Fines and Costs and the Salary of the Judge of the Municipal Court in the town of East Livermore, now Livermore Falls" H. P. 950) (L. D. 555) reporting that the Senate recede and concur with

the House in passing the Bill to be engrossed without amendment.

(Signed)

Messrs. Moulton of Livermore Falls  
Williams of Auburn  
Jalbert of Lewiston  
—Committee on part of House.  
Haskell of Penobscot  
Barnes of Aroostook  
Boucher of Androscoggin  
—Committee on part of Senate.

The Report was read and accepted.

Mr. BYRON: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. BYRON: Mr. Speaker, to ask if House Paper H. P. 1722, L. D. 1454 "An Act Relating to the Hunting and Trapping Season" is in possession of the House.

The SPEAKER: It is.

The Chair recognizes the gentleman from Hollis, Mr. Byron.

Mr. BYRON: Mr. Speaker and Members of the House: During the week that I was absent here, this bill "An Act Relating to the Hunting and Trapping Seasons" came out of the Committee with an "Ought to pass" report. Needless to say, had I been here, I would have signed the minority "Ought not to pass" report. This bill divides the trapping season on muskrats. At the present time we have a good, flexible law regarding the trapping of muskrat, which is in the spring. Some counties in the southern part of the State are limited to one month, those counties farther north have additional time. At the hearing, the proponents of this bill, for fall trapping, were very nearly evenly divided, about fifty per cent wanted fall trapping and about fifty per cent wanted spring trapping. And this is the result of that hearing.

I would like to read you this section of the bill: "There shall be an open season on muskrat in the Counties of Franklin, Hancock, Penobscot, Piscataquis, Somerset, Oxford from November 17th to November 30th and from April 10th to April 15th, inclusive."

Now in these northern counties along about November 15th to 20th, you begin to get the real cold weather in your streams, and your streams and ponds begin to freeze over. When that happens, the



trappers pull up their traps. They know there is no use in trapping the moment the ice begins to form in your ponds. Then from April 10th to April 25th, in those northern counties the ice is not out, so, therefore, they can not trap in the spring. It seems to me that this bill just legislates the trapper out of business, the trapper who traps for business; it is his business. I would move the indefinite postponement of this bill and when the vote is taken, I ask for a division.

The SPEAKER: The Chair will state that the motion for indefinite postponement is not in order at this time. The gentleman may move for reconsideration under suspension of the rules.

Mr. BYRON: Mr. Speaker, I do that.

The SPEAKER: The Chair understands that the gentleman from Hollis, Mr. Byron, moves that the rules be suspended and that the House reconsider its action of May 1st, whereby it passed to be enacted "An Act Relating to Hunting and Trapping Seasons" (H. P. 1722) (L. D. 1454).

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

Mr. WIGHT: Mr. Speaker and Members of the House: We have gone over this bill quite thoroughly before, I believe, and I have explained that this is a compromise bill. We had people appear before that committee, as I explained before, they came from different parts of the State of Maine and many of the proponents were roving trappers from Massachusetts, who operate in Massachusetts in the fall while the open season lasts and they go to Maryland in the winter, in December and January, and when the season is over they come to Maine at the end of the season.

This is a compromise bill; the Committee was unanimous in its report and, therefore, I hope the motion of the gentleman will not prevail.

The SPEAKER: The question before the House is upon the suspension of the House rules in order that the House may reconsider its action whereby the matter was passed to be enacted.

All those in favor of suspending the House rules 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: One hundred and thirty-two being present and thirty-two having voted for the suspension of the rules, and thirty-two not being two-thirds of the members present, the rules have not been suspended.

Thereupon the Bill was returned to the Governor.

On motion by Mr. Christensen of Calais, it was voted to take from the table the first tabled and unassigned matter, House Amendment "A" to Committee Amendment "B" (L. D. 1490) to Bill "An Act to Change the Charter of the City of Calais, (S. P. 490) (L. D. 1356) tabled by that gentleman on May 5, pending adoption of House Amendment "A."

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

Under suspension of the rules, the House voted to reconsider its action whereby it adopted Committee Amendment "B."

House Amendment "A" to Committee Amendment "B" as amended by House Amendment "A" was adopted, and the bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair lays before the House Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue" (H. P. 1742) (L. D. 1489) which was passed to be engrossed in the House on May 5th.

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

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

Mr. WOODWORTH: Mr. Speaker, I move that we do now recede.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, now moves that the House recede from its former action.

Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. WOODWORTH: Mr. Speaker: I am about to offer two amendments, being House Amendment "B" and "C" bearing Filing numbers 419 and 420. The first of these

strikes out two sections which impose a lien on real estate.

The SPEAKER: The Chair would remind the gentleman that the pending question, at the present time, is the adoption of Senate Amendment "A". Will the gentleman permit us to dispose of that amendment first?

Thereupon Senate Amendment "A" was adopted in concurrence.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. WOODWORTH: Mr. Speaker, I am about to offer two amendments, being House Amendments "B" and "C". The first of these simply strikes out two sections which impose a lien on real estate. This lien is not essential to the collection of the tax and it does confuse the title very much. The second one strikes out the emergency preamble, which is not necessary to the tax because there is no tax until 1948.

Mr. Speaker, I offer House Amendments "B" and "C" and move their adoption.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, presents House Amendment "B" and moves its adoption. The Clerk will read the amendment.

House Amendment "B" to H. P. 1742, L. D. 1489, Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue."

Amend said Bill by striking out all of sections 278 and 279.

Further amend said Bill by renumbering sections 280 to 283, inclusive, to read sections 278 to 281, inclusive.

Further amend said Bill by changing the figures "244 to 283" wherever they may appear to read "244 to 281"

House Amendment "B" was adopted.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, now offers House Amendment "C" and moves its adoption. The Clerk will read the amendment.

House Amendment "C" to H. P. 1742, L. D. 1489, Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue."

Amend said Bill by striking out all of the Emergency preamble.

Further amend said Bill by striking out all of the Emergency clause.

House Amendment "C" was adopted.

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

Mr. ATHERTON: Mr. Speaker, I offer House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Bangor, Mr. Atherton, presents House Amendment "A" and moves its adoption. The Clerk will read the amendment.

House Amendment "A" to H. P. 1742, L. D. 1489, Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue and Equalize the Tax Burden."

Amend said Bill by adding after subsection III of that part designated "Sec. 249" of section 1 thereof a new underlined subsection to be numbered IV, to read as follows:

**IV. In the case of a veteran who has served in the armed forces of the United States during the federally recognized period of World War II, who was honorably discharged, or who was separated from such service under conditions other than dishonorable, \$1,500.'**

The SPEAKER: Is it the pleasure of the House to adopt House Amendment "A." All those in favor will say aye; those opposed, no.

A viva voce vote being doubted, a division of the House was had.

The SPEAKER: Twenty - eight having voted in the affirmative and forty-five in the negative, the motion does not prevail.

Thereupon the bill was passed to be engrossed, as amended, in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I would like to inquire if the Clerk has in his possession Bill "An Act Relating to State Normal School Reserve Account," recalled from the Governor's office early in today's session.

The SPEAKER: The Chair will state that the papers are here.

Mr. MILLS: Mr. Speaker, I move, under suspension of the rules, reconsideration of our action whereby this bill was passed to be enacted.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the rules be suspended and that the House reconsider its action of April 29th, whereby Bill "An Act Relating to State Normal School Reserve Account" (H. P. 1708) (L. D.

1434) was passed to be enacted. All those in favor of suspending the rules 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**: One hundred and twenty-seven members being present and seventy-two having voted for the suspension of the rules, and seventy-two not being two-thirds of the members present, the rules have not been suspended.

Thereupon the bill was returned to the Governor.

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. Dostie, of Winslow,

Adjourned until 9:00 A.M., E.S.T.