

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, May 7, 1947.

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

Prayer by the Rev. Harding W. Gaylord of Farmington.

Journal of yesterday read and approved.

**Papers From the Senate
Senate Reports of Committees
Resolves Substituted for Report—
Amended**

From the Senate: Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve in favor of the city of Calais to Aid in Re-building School (S. P. 342) (L. D. 975)

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

In the House: The House voted to accept the "Ought not to pass" Report of the Committee in non-concurrence.

Tabled

From the Senate: Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve in favor of Bridgton Academy (S. P. 416) (L. D. 1202)

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

In the House: On motion by Mr. Rankin of Bridgton, a viva voce vote being taken, the Resolve was tabled pending consideration and assigned for later in today's session.

**Bills Substituted For Report—
Amended**

From the Senate: Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to the Fire Department of the City of Lewiston" (S. P. 317) (L. D. 875)

Came from the Senate with the Bill substituted for the Report and passed to be engrossed as amended by Senate Amendment "A."

In the House:

The SPEAKER: What is the pleasure of the House? Is it the pleasure of the House to accept the

"Ought not to pass" report of the Committee?

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

Mr. MILLS: Mr. Speaker, I move the acceptance of the "Ought not to pass" report of the committee.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves the acceptance of the "Ought not to pass" report of the committee.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have no particular great interest in this measure, outside of the fact that I wish at this time to state that I was hoping that there would be no more private bills come before you, and I ask your indulgence for a few moments on this.

It seems that this would make—the measure next to it is also along the same line—it would make all our boards at home uniform. In 1939, when the new charter was written up at home, they made up different boards. That is, they had the mayor appointing the different board members for five, four, three, two and one years, and going along so that the following year somebody would be reappointed for a term of five years, and somebody else would be appointed for a term of five years.

They set up a board of finance, so called, that would be somewhat the father of all the boards, made up of five members; a board of education made up of five members; a board of public works made up of five members, a board of health made up of five members. These boards were left as they were, at three men. That is, one board was left as it was, the police commission at three men and the other board had one fire commissioner; it was one man and it was then made uniform to go along with the police commission. This would allow the commission, the Police Commission and also the Fire Commission, the Fire Commission and the Police Commission, to be made uniform, that is, five members of the board. Both resolves have an amendment to them calling for a referendum.

I hope that the bill will be substituted for the report.

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

Mr. WOODWORTH: Mr. Speaker, this bill, as well as the next one, are two of the Lewiston bills. The object was to increase the number of commissioners of the police department as well as the fire department—I have forgotten which one this is—from three to five men. Your Legal Affairs Committee was not particular which should be done but we voted the bill "Ought not to pass", feeling three was enough.

The bill comes to this House with the bill substituted for the report. I have discussed the matter with three of the House members of the committee and two of the Senate members. If the people of Lewiston had rather have the bill with this amendment, which is a referendum, attached to it, it is perfectly agreeable to the Legal Affairs Committee. In other words, if the gentleman from Lewiston, Mr. Jalbert, thinks they ought to have the bill substituted for the report, the Legal Affairs Committee is prepared to go along with it. I therefore oppose the motion which has been offered.

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

Mr. McGLAUFFIN: Mr. Speaker, inasmuch as this amendment provides for a referendum to the people, I also favor the bill.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I am very pleased to be able to agree with my colleague from Portland, Mr. McGlauffin. I believe this is one of his favorites, home rule, and I believe in home rule. I hope that the motion to accept the "Ought not to pass" report does not prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Just for one moment, I might add also that the referendum will not be any expense. This bill will not take effect until after the next election, so it will only be a question of a little bit of a piece of paper and an extra ballot at the next regular election, so that there will be no expense of a special election,—of a special vote on the thing.

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

Mr. MILLS: Mr. Speaker and Members of the House: My motion was put for the purpose of getting this matter orderly before the House. Now if the Legal Affairs Committee is unanimous that the bill ought to pass as it was amended in the Senate, I see no point in pursuing my motion, so in view of the change of feeling of the Legal Affairs Committee, I will withdraw my motion and hope that some of the members of the committee will see fit to make a motion.

The SPEAKER: The Chair recognizes the gentleman from New Sweden, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, I move the substitution of the bill for the committee report.

The SPEAKER: The gentleman from New Sweden, Mr. Anderson, moves that the bill be substituted 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, and the bill was substituted for the "Ought not to pass" report of the committee.

Thereupon, the bill was given its two several readings.

Senate Amendment "A" was read by the Clerk as follows:

Senate Amendment "A" to S. P. 317, L. D. 875, Bill "An Act Relating to the Fire Department of the City of Lewiston."

Amend said Bill by adding at the end thereof the following:

Local referendum; effective date. This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the city of Lewiston at the next regular city election. For the purposes of such election the city clerk shall reduce the subject matter of this act to the following question: "Shall the Act Relating to the Fire Department of the City of Lewiston be accepted?" and the voters shall indicate by a cross placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters voting at said election. The result of said vote shall be declared by the municipal officers of the city of Lewiston and due certificate thereof filed by the city clerk with the secretary of state.

Senate Amendment "A" was adopted, in concurrence, and under

suspension of the rules, the bill was given its third reading and passed to be engrossed as amended in concurrence.

The SPEAKER: The Chair would like to state at this time that when these matters come in from the Senate, the pending question before the House is upon the acceptance of the Committee Report, if no motion is made to the contrary.

From the Senate: Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Police Commission of the city of Lewiston" (S. P. 322) (L. D. 870)

Came from the Senate with the Bill substituted for the Report and passed to be engrossed as amended by Senate Amendment "A"

In the House:

The SPEAKER: The Chair recognizes the gentleman from New Sweden, Mr. Anderson.

Mr. ANDERSON: This Item 4 is about the same thing as Item 3, and the Committee on Legal Affairs sees no reason why the bill should not be substituted for the committee report. I therefore make that motion.

The SPEAKER: The gentleman from New Sweden, Mr. Anderson, moves that the bill be substituted for the "Ought not to pass" report of the committee.

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

Thereupon, the bill had its two several readings.

Senate Amendment "A" read by the Clerk as follows.

Senate Amendment "A" to S. P. 322, L. D. 870, Bill "An Act Relating to Police Commission of the City of Lewiston."

Amend said Bill by adding at the end thereof the following:

Local referendum; effective date. This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the city of Lewiston at the next regular city election. For the purposes of such election the city clerk shall reduce the subject matter of this act to the following question: "Shall the Act Relating to Police Commission of the City of Lewiston be accepted?" and the voters shall indicate

by a cross placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters at said election. The result of said vote shall be declared by the municipal officers of the city of Lewiston and due certificate thereof filed by the city clerk with the secretary of state.

Senate Amendment "A" was adopted in concurrence, and under suspension of the rules the bill was given its third reading and was passed to be engrossed as amended in concurrence.

Senate Divided Report

From the Senate: Report "A" of the Committee on State Lands and Forest Preservation on Bill "An Act Creating a State Forest Commission" (S. P. 410) (L. D. 1163) reporting same in a new draft (S. P. 522) (L. D. 1423) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. Cleaves of Cumberland
Williams of Penobscot

—of the Senate.

Rollins of Greenville
Sharpe of Anson
Brown of Wayne

—of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. Murchie of Washington

—of the Senate.

Brown of Milford
Webber of Bangor
Williams of Topsham
Benn of Smyrna

—of the House.

Came from the Senate with Report "A" adopted and the Bill passed to be engrossed as amended by Senate Amendment "A", as amended by Senate Amendment "B" thereto.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I move the House accept Report "A", "Ought to pass."

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the House accept Report "A" of the committee, being the "Ought to pass" report. Is this the pleasure of the House? The Chair recog-

nizes the gentleman from Topsham, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, this bill sets up a new committee. At the present time our arrangement for the Forestry Department is not perfect. This sets up a new committee and that committee appoints the Forest Commissioner instead of the Governor. I do not see as that remedies the present condition, and I hope the motion does not prevail.

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

Mr. WEBBER: Mr. Speaker, the original bill did set up a commission, but I think if you will look at the amendment which was passed by the Senate you will find that that part has been stricken out. I too signed the minority "Ought not to pass" report, but at the present time, in view of the fact that these amendments are acceptable to me, I am going along with report "A".

The SPEAKER: The Chair recognizes the gentleman from Caratunk Plantation, Mr. Sterling.

Mr. STERLING: Mr. Speaker and Members of the House: This seems to be the end of four vicious forestry bills that have been introduced in the House and Senate this session. This is one of those wining and dining bills I told you about the other day, but I see that the gentleman from Rockland, Mr. Sleeper, is in here at the present time.

Now, Members, I have been connected with the Forestry Department in one way or another for the last thirty-five years, and I pretend to know something about the workings of the Forestry Department. I worked under Blaine Viles who used to be Forest Commissioner; I have worked under Forest Colby who used to be Forest Commissioner; I have worked under Neil Violette who used to be Forest Commissioner; I have worked under Waldo Seavey who used to be Forest Commissioner, and I have worked one year under the present Forest Commissioner.

The bill that the Forest Commissioner is working under today has been in working order for I think at least twenty-five years, and I think it has worked well. I think we have had some very fine Forest Commissioners in the State of Maine.

I know what is behind all these bills, and I do not think it is war-

ranted, and Members, I am going to move the indefinite postponement of this bill, and I hope this House will go along with me because I know what I am talking about.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I do not think that it is generally understood by the people in this House, and also the State, that actually under strict interpretation of law we have no Forestry Department. We have a Forestry District. The Forestry District was formed in 1909 after they had had a series of very serious fires in the unorganized territories. This district was formed to protect themselves against forest fires. They taxed themselves in the district for this purpose, and this district has been carried on until this time.

The purpose for which the department was formed, mainly a fire fighting organization, has been a very good one. It has a record comparable to none throughout this country. They have done a very good job in combatting forest fires.

The interim commission and other people have studied this forestry problem from a broader angle, from an over-all State angle. There are about ten million acres of land in the forestry district but there are also nearly seven million acres of land in the organized territory. We believe that this forestry department should be a department which would take in all of the State and also go into other problems other than forest fire fighting more thoroughly.

As the gentleman from Bangor, Mr. Webber, has said, this bill was amended in the Senate in such a way that it practically eliminates the entire content of the bill and puts it back where it was and where it is today. The only thing under the amendment that will be changed is that the State will pay the Forest Commissioner his entire salary of \$6,000. Up until 1945, the Forestry District, the land owners, paid the Forestry Commissioner 3/5 of his salary and the State paid 2/5. In 1945 the Legislature changed that and made it a fifty-fifty proposition, where the District paid the Commissioner one-half of his salary, or \$3,000, and the State paid one-half of his salary, or \$3,000.

Now I contend that a man as Forest Commissioner cannot serve two masters. He is being paid by two people. I submit to you if you are getting half of your salary from one group and half from another, how in the world are you going to serve both equally well.

Now as this bill has been amended, the only thing that will change the present set-up is that the State will pay the Forest Commissioner his entire salary, and also it provides that when a new Commissioner is appointed that he shall be a graduate of a qualified forestry school and have sufficient experience in forestry problems in order to conduct his office in a proper manner. If you will follow the amendments to the bill through, you will find that is what it boils down to at this time.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: There is not much that I can add to my colleague from Wayne, Mr. Brown, but I have sat in this Legislature quite a while and I have seen some Forest Commissioners myself. It has been my avowed purpose since I have been here to have the Forest Commissioner paid by the people of Maine; to have the Forest Commissioner work for the people of Maine, same as every other commissioner we have.

As Mr. Brown told you, in 1945 we did get this up to a fifty-fifty basis. We now pay him \$3,000, and the land owners or the forestry district pay him \$3,000. What this bill purports to do at the present time, as it is amended with Senate Amendment "A", is for the State of Maine to pay the salary of the Forest Commissioner.

On Senate Amendment "B" I do not agree, and while I am on my feet I might as well say why. That would delete the requirements of a forest commissioner to be a graduate of a recognized forestry school. Now as many of you know, and against my objection many times, there has been many millions of dollars given to the University of Maine. We have one of the best recognized and highest type forestry schools at the University of Maine. We are spending our taxpayers' money to maintain it. Why should we not hold out something for the graduates of such a school?

Therefore at the proper time I will move the indefinite postponement of Senate Amendment "B" because that takes away that incentive of our school. I trust that the motion before the House to indefinitely postpone this bill does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Caratunk Plantation, Mr. Sterling, that this matter be indefinitely postponed. The Chair recognizes that gentleman.

Mr. STERLING: Mr. Speaker and Members of the House: I hesitate to rise a second time on this matter, but I do not think that the proponents of this measure know the whole story.

As I understand this matter, I know that the Maine Forestry District pays a two and one-half per cent tax on the valuation of the property in that district, and I believe that the men that pay that tax should have a little something to say in regard to forestry. That is their business, forestry. Their bread and butter comes from forestry. I do not see any trouble in letting them pay the bills and save the State \$3,000.

Now Mr. Rollins speaks about the amendment and he wants to kill that because it is not going to be a University of Maine man as Forest Commissioner. I say to you Members that there are men that never have seen the University of Maine, or never seen a college, that have made good Forest Commissioners, and perhaps that might continue. They might want to appoint a good practical Forest Commissioner sometime.

Now another joker they have in this bill, one Governor could appoint a Forest Commissioner, and another Governor could come in the next day and fire him out. I do not think you find that in many of these heads of departments here.

I still say that this bill should be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I would like to call the attention of the House to the fact that the land in the unorganized territory, wild lands in the State of Maine, are taxed two and one-quarter mills on the fores-

try district. They also pay a State tax of seven and one-half mills, making nine and three-quarter mills. That is all the tax they pay on that land. I submit to you that I think the tax rate in the various towns is considerably higher than nine and three-quarter mills.

Now I have no quarrel with the Forestry Department, but I do believe that it should be on a broader base than it is at present and I do think that if the Governor and Council appoint a man for the job, they should be able to remove him for cause. I should hate to have a man working for me that I could not release if I had just cause.

The SPEAKER: The question before the House is on the motion of the gentleman from Caratunk Plantation, Mr. Sterling, that Bill, "An Act Creating a State Forest Commission" be indefinitely postponed.

The chair recognizes the gentleman from Caratunk Plantation, Mr. Sterling.

Mr. STERLING: Mr. Speaker, I request a division.

The SPEAKER: The same gentleman has requested a division. Is the House ready for the question? All those in favor of the indefinite postponement of this measure will please rise and remain standing until counted and the monitors have made the count.

A division of the House was had. Sixty-three having voted in the affirmative, and 45 in the negative, the motion prevailed, and the bill was indefinitely postponed.

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

Senate Divided Report

From the Senate: Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve in favor of Freedom Academy (S. P. 375) (L. D. 1059)

Report was signed by the following members:

Messrs. Savage of Somerset
Cleaves of Cumberland
Williams of Penobscot
—of the Senate.
Brewer of Presque Isle
Bowker of Portland
Finnegan of Bangor
Bird of Rockland

Poulin of Waterville
Seeger of Kittery

—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following member:

Mr. Brown of Unity

—of the House.

Came from the Senate with the Minority Report accepted and the Resolve passed to be engrossed.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Brown.

Mr. BROWN: Mr. Speaker, I move the acceptance of the minority report in concurrence.

The SPEAKER: The gentleman from Unity, Mr. Brown, moves the acceptance of the minority "Ought 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, and the "Ought to pass" report was accepted in concurrence.

Thereupon, the Resolve had its first reading and under suspension of the rules it received its second reading and was passed to be engrossed in concurrence.

Non-Concurrent Matter

From the Senate: An Act relating to Determination of Valuation of Property with relation to Inheritance Tax (H. P. 1069) (L. D. 700) which was finally passed in the House on March 13th and passed to be engrossed as amended by Senate Amendment "A" on May 6th.

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

In the House, on motion by Mr. Muskie of Waterville, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

From the Senate: Resolve in favor of Portland Junior College (H. P. 414) (L. D. 244) which was passed to be engrossed in the House on April 23rd.

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

In the House, on motion by Mr. Payson of Union, the House voted

to recede and concur with the Senate.

Non-Concurrent Matter

From the Senate: Bill "An Act relating to Tax on Cigarettes" (H. P. 635) (L. D. 415) which was passed to be engrossed in the House on May 6th as amended by House Amendment "A".

Came from the Senate passed to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" and Senate Amendment "B" thereto.

In the House:

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

Mr. MILLS: I move that the House recede and concur with the Senate.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the House recede and concur with the Senate.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I object very much to Senate Amendment "A". As I stated very plainly yesterday, the bill is purely a revenue-raising measure to fill a needed want for money. I don't see any need of amending a law that already exists, to make it a measure that demands a two-thirds vote.

So I move that the House does not accept Senate Amendment "A" in non-concurrence.

The SPEAKER: The question before the House is on the motion of the gentleman from Farmington, Mr. Mills, that the House recede and concur with the Senate. 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: Fifty having voted in the affirmative and sixty-four in the negative, the motion is lost.

Mr. SLEEPER: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. SLEEPER: I suppose that I should move the indefinite postponement of Senate Amendment "A"?

The SPEAKER: The matter is not before the House, the House having refused to recede from its former position.

Mr. MILLS: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. MILLS: I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the House now insist and request a Committee of Conference. 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 doubted, A division of the House was had.

The SPEAKER: Eighty-five having voted in the affirmative and sixteen in the negative, the motion prevailed, and the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

From the Senate: 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 6th as amended by Senate Amendment "A" and as amended by House Amendments "B" and "C".

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" and "B" and House Amendments "B" and "C" in non-concurrence.

In the House, on motion by Mr. Mills of Farmington, the House voted to recede and concur with the Senate.

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

Mr. BOWKER: Mr. Speaker and Members of the House: I believe that there are a very few people in this House that truthfully believe that this measure should pass. We have passed this bill back and forth between this branch and the other branch, and we don't seem to be getting very far with it—

The SPEAKER: The Chair would inquire: For what purpose does the gentleman rise?

Mr. BOWKER: Mr. Speaker, I want to make a motion for the indefinite postponement of the bill.

The SPEAKER: The Chair will state at this time the House receded and concurred with the Senate and the bill was passed to be engrossed and is not now before the House for consideration.

Communications from the Senate

From the Senate: The following Communications:

STATE OF MAINE
SENATE CHAMBER

May 6, 1947

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

Pursuant to Joint Rule No. 8, this is to inform you that the Senate today indefinitely postponed (H. P. 1681) (L. D. 1392) Bill "An Act Relating to Conveyance of Elementary School Pupils," which was passed to be engrossed in the House on April 17th, 1947.

Respectfully,
(Signed) CHESTER T. WINSLOW
Secretary.

The Communication was read and ordered placed on file.

STATE OF MAINE
SENATE CHAMBER

May 6, 1947

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

Pursuant to Joint Rule 8, this is to inform you that the Senate today adopted the Minority Report, "Ought Not to Pass" from the Committee on Labor, on the following Bills:

Bill "An Act to Protect the Right to Work and to Prohibit Secondary Boycotts, Sympathetic Strikes and Jurisdictional Strikes," (H. P. 1184) (L. D. 754)

and

Bill "An Act to Prevent Strikes Against Public Utilities and Municipal Corporations," (H. P. 1303) (L. D. 886) which in the House on May 5, were passed to be engrossed.

Respectfully,
(Signed) Chester T. Winslow
Secretary

The Communication was read and ordered placed on file.

The SPEAKER: The Chair at this time notes in the balcony the presence of the Eighth Grade Class from Northport, Miss Johnson and Mrs. Floyd, Teachers, and on behalf of the Members of this House, the Chair bids you welcome here this morning. (Applause)

Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that the members of the House extend to Mr. McClure of Bath and Mr. Jalbert of Lewiston, many happy returns of the day on their birthday today. (Applause)

Mr. CHRISTENSEN of Calais:
Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. CHRISTENSEN: I would like to move to reconsider our former action on the Calais School Bill.

The SPEAKER: The Chair understands that the gentleman from Calais, Mr. Christensen, moves that the House reconsider its action taken earlier in today's session whereby it accepted the "Ought not to pass" report of the Committee on Appropriations and Financial Affairs on Resolve in favor of the city of Calais to Aid in Rebuilding School (S. P. 342) (L. D. 975)

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CHRISTENSEN: Mr. Speaker, I would like to excuse myself; I must have been sound asleep this morning when we substituted the report of the committee for the resolve. I thought we accepted the Senate action of yesterday. I now move that we accept the Resolve in favor of the Calais School.

The SPEAKER: Is it the pleasure of the House to reconsider its action whereby it accepted the "Ought not to pass" report of the committee on this matter.

The motion prevailed.

The SPEAKER: The Chair understands that the same gentleman moves that the Resolve be substituted for the "Ought not to pass" report of the Committee.

The motion prevailed, and the Resolve had its first reading.

Thereupon, under suspension of the rules, the Resolve had its second reading and was passed to be engrossed in concurrence.

Mr. BOWKER: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. BOWKER: I wish to make a motion to reconsider, Mr. Speaker.

The SPEAKER: The gentleman may proceed.

Mr. BOWKER: Mr. Speaker, I move that we reconsider our action taken earlier today whereby we concurred and accepted Senate Amendment "A" as amended by

House Amendments "B" and "C" on L. D. 1489, An Act Imposing a Personal Income Tax to Raise Additional Revenue.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. Bowker, moves that the House reconsider its action taken earlier in today's session whereby it receded and concurred with the Senate on Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue. The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker and Members of the House: I understand that number is the Personal Income Tax bill which is proceeding in an orderly course, as a major tax bill should, and there is no reason whatever why the House should not have receded and concurred in those amendments. They are well considered amendments, and the only object of the motion is to open this matter up so he can make the motion which he did not succeed in making before. I do not know why this bill should not proceed as outlined, and I hope the motion to reconsider will not prevail. These motions to reconsider should not be treated too kindly at this stage of our proceedings.

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

Mr. CHASE: Mr. Speaker and Members of the House: I think it is about time that some of these major tax bills should be considered on their merit. This bill has received very little consideration on its merit. We have been voting for bills here to keep them alive while various bitter end proponents of certain bills have maneuvered for position. We have repeatedly heard the argument that such and such a bill must be kept alive.

Now this income tax bill, as I have said here before, could be fixed up to be a pretty good bill to relieve the towns as a substitute for the property tax, but in its present form I would say there seems to be no disposition of the majority to use it for that purpose, and I have now despaired that they will ever come around to put the bill into shape for that purpose.

From now on, I will look at this income tax bill on its merits. When it first went through the House by a majority of one vote there were

a number of people who said they voted for it to keep it alive, and there may be those who voted against it who have changed now, but it seems to me that the time has come when we ought to vote for it in one way or another on its merits in the form in which it now is as a revenue measure; presumably designed to raise the revenue sometime.

Now is the bill any good as a revenue raising measure? The first money that it will bring into the State will come on April 15, 1949, when the next Legislature is in session, if it has not been more prompt than this one and has managed to adjourn by that time. That is the first money that is in sight under this bill.

Now what does this bill do in its present form? It repeals the franchise tax on savings banks effective by virtue of the amendment on December 31, 1947, so that no money would come into the State from that source during 1948. That is about \$125,000 at least which the State will not get during 1948.

This Legislature has already passed, this House has, and I believe it has passed to be enacted a change in the law respecting franchise tax on savings banks, and whether this one repeals this or not I do not know, but apparently, I am told it has gone through.

It repeals the loan and building association tax. It repeals the tax on trust companies as effective during 1948. Those are minor items. It repeals the bank stock tax, which would bring into the State \$200,000 in 1948, if it were left, so there would be \$200,000 in 1948 that the State will not get.

So as a revenue measure the first thing it does is make a hole in the State income of about \$350,000 in 1948, and brings in nothing in that year. It exempts at once whatever tax, assuming it becomes a law, it exempts at once from taxation those items generally known as intangibles. Of course under the present law, the present condition is that that law is largely nullified, but there are some towns and cities in the State that do derive considerable local revenue from taxing intangibles and there is that part of the State valuation too that comes through to the State. Those immediately become exempt because they cannot be taxed in 1948 if the municipalities wish to do so.

The law does not touch corporations, and as far as I can see, any holder of securities who wants to incorporate and take out a license as a security dealer, it removes the income on that property from taxation; an opportunity for evasion of very great importance.

Now the effect of this law upon me, as nearly as I can estimate it, would be that it would decrease the tax which my small corporation pays to the City of Portland by about two hundred dollars a year, and the tax which I would pay to the State, I think, would be approximately equal to what I would save in the City of Portland, so as far as the effect on my finances is concerned it is not very considerable, and as I have already advocated the bill on another ground, it can be seen that my reasons are not personal in this connection.

Now it imposes, furthermore, on every corporation in the State the obligation to report salaries and dividends to the State Tax Assessor, which creates a great deal of work which might reasonably be said to be a fair swap from the fact that the corporations are not going to be taxed under the bill.

Since there seems to be no disposition to put this bill into proper form and no disposition to use it as a method for relieving the towns, I think we ought to take a vote on this bill on its merits. I assume that the gentleman from Portland, Mr. Bowker, intended to make such a motion. Since the motion now is to reconsider I trust that motion will prevail in order that the gentleman may make his motion so that we may take a vote on this bill, not to keep it alive, but on its merits just as we see them.

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

Mr. MUSKIE: Mr. Speaker and Members of the House: I am not rising to advocate any tax, but I am moved by the thought that of the two major tax bills, the one before us now is the only one that is at present subject to approval by the people. It is true it has no referendum clause, neither does it have an emergency clause. I wondered why there is the sudden urge to debate this on its merit until I turn to page five of our calendar today, and you will find that through the orderly course of procedure in this House the sales tax is before us as

an enactor. Now there is a measure which we can finally dispose of one way or the other, and I object to this type of motion which is intended only for the purpose of bringing pressure for final enactment of this sales tax which is coming up in the orderly course of business.

The gentleman mentioned one point in reference to the tax that another source of taxation would be taken from the State in 1948 and that the income tax will not. I beg to differ with that. It is true that the income tax will not bring any revenue in until the end of 1948, but it will bring in income on 1948 income from the citizens of Maine.

I think the thing to do is to let this thing go along in its present course and dispose of the major tax bill that is up for final enactment. If we dispose of that measure we can then consider this other measure. For that reason, I hope the motion does not prevail.

The SPEAKER: The question before the House is upon the motion of the gentleman from Portland, Mr. Bowker, that the House reconsider its action whereby it receded and concurred with the Senate.

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

Mr. BOWKER: Mr. Speaker, I ask that when the vote is taken, it be taken by a division.

The SPEAKER: Is the House ready for the question? All those in favor of reconsideration of this matter at this time 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-six having voted in the affirmative and fifty-six having voted in the negative, the motion for reconsideration carries.

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

Mr. BOWKER: Mr. Speaker, I now move indefinite postponement of Legislative Document 1489, Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue", and ask that when the vote is taken, it be taken by a division.

The SPEAKER: The gentleman from Portland, Mr. Bowker, moves for the indefinite postponement of Bill "An Act Imposing a Personal Income Tax to Raise Additional Revenue".

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

Mr. WOODWORTH: Mr. Speaker and Members of the House: In opposing the motion of the gentleman from Portland for the indefinite postponement of this bill I would remind you that we still have bills before us, at least four tax bills, including the gas tax bill, because, I understand, that gas tax bill is coming before us, one way or another, soon.

The gentleman from Waterville, Mr. Muskie, has just reminded you that we are departing from the orderly course of business to find some way to dispose, on its merits or demerits, a bill which is calculated to go fairly before the people without any attempt to deprive them of the right to consider the bill.

The two bills which are and have been regarded as major tax bills before this Legislature are the sales tax bill and the income tax bill. The gentleman from Cape Elizabeth has said that it destroys the franchise tax on corporations. It did, but the Senate amendment, which was adopted earlier today, revoked that provision in the bill so as to make it effective December 31, 1947. But that objection does not seem to be too strong a reason, that first objection for defeating the bill. It is true that corporations directly are not taxed by the bill. On the other hand, it is also true that the corporations are subjected by the present laws to a tax, which, at the time it was imposed, was imposed in lieu of all other taxes. And it was the view of the framers of this bill that that present tax would supply all the income that you could reasonably expect if you passed another provision relative to taxation of corporations, that new provision being reasonably fair.

Now, the income tax bill is probably the only fair tax bill we have before us for consideration. It considers the situation of the man who has a limited income. The sales tax does not. It provides a reasonable exemption. It follows roughly the course of the federal income tax law. It will provide sufficient revenue. At the same time, the rates are not exorbitant. The highest possible rate of taxation under this act is six per cent and that applies only to incomes in excess of \$15,000. It comes at a very good time. I think

there is no question but what the Federal Government will, this year, decrease its income tax assessment. There is no reason why the people of Maine should not step in with an income tax and take up some of the slack. You know the people of Maine have never had an opportunity to vote on the income tax.

Every time the problem of new taxation has been brought before the Legislature, the sales tax has come along with it, and there has been a group right here in the State House who said: "Let's give them a sales tax. If we can not get a sales tax across we can never get an income tax." That is just hokum. It is the business of this Legislature to provide revenue, that is true. Why do you people insist on sticking to the sales tax? You say that the people are already educated now to the sales tax. The people are educated far beyond the sales tax; they have been educated for years; if they had not been educated, they would have passed the sales tax. The fact is that the people are educated a great deal better than some of the representatives who think they know what the people want. There is absolutely no basis for the assumption that the people of Maine will accept the sales tax. They will not; there is no reason why they should. It hits the poor man. Now there are a great many poor men, and I do not use this "poor man" in any disparaging sense or any belittling sense. I think that under this income tax law, as we have it here, the meaning of the phrase "poor man" is definitely understood. A poor man is one whose income is about sufficient to meet his needs. Under the sales tax, that poor man pays a tax on everything he earns, everything. If he has a large family, and you have a flat two per cent sales tax and it takes every cent he earns to meet expenses, that means that a flat two per cent rate on everything he earns, it can not mean anything else. But the income tax does not do that. The income tax gives him a certain exemption and he can pay a fair share of taxes, as he should, without burdening himself at all out of proportion to those who have greater income.

The income tax has been criticized because they say it exempts some things. On the other hand, you have a sales tax which exempts nobody except a few institutions like ships used in interstate trade and

things of that sort. It catches the grange suppers and all those things and it looks to me as if it picks up every possible penny that could be reached by any means and I do not understand how anybody can reasonably expect a sales tax to pass.

If you say that we will get no revenue from your income tax bill until 1949, I will say that you will never get a cent from the sales tax because it will never be approved by the people and, if you are going to raise revenue, don't try to pull that one. You can not pass that bill by the people; they know better; they have shown that they know better.

I am going to call your attention to a few defects in the sales tax bill, which seem to have been overlooked. I consider it fair debate since these are the two major tax bills before you.

Let us take a look at the sales tax while we are here. You know the sales tax has its emergency preamble on it; they are going to get two-thirds of the members of this House to support it. That is what the proposition is, but they are not going to get two-thirds of the membership of this House to support any sales tax and you had better put that down in the book right now. You have a sales tax bill which provides, in substance, that there shall be paid two per cent on the amount of every retail sale. It provides a bracket system on the amount to be collected from the purchaser so that the aggregate of collection of taxes by a retailer, so far as taxable, shall equal two per cent of the total receipts. The tax bracket system and schedule may provide that no tax need be collected from the purchaser upon receipts below a stated sum. Well, now, that is a nice place for a retail dealer to be in. It says you pay a two per cent tax on all your receipts, but the State Assessor can come in and say: "You don't have to collect a sales tax on so and so."

The Constitution of the State of Maine says the rate of taxation shall be uniform; the law court says the Legislature may exempt certain items, but here we have something new. We have the State Tax Assessor telling the people what is going to be taxed and what is not. I do not know how the proponents of the sales tax are going to work that into the Consti-

tution when one man sits in his office in the State House and says: "This object shall be taxed and this shall not." What have we a constitution for? All right. Forget that for a moment.

Now, it says it shall be two per cent. Well, the State Tax Assessor says: "We will leave this out." How is this retail dealer going to pay two per cent on certain items?

He has to make up that deficiency somehow. How do you think that he will do it?

Over here it says: "The retailer shall be personally liable for the tax." That's nice, that's fine, the clerk may be liable to pay two per cent whether he gets it or not. How would you like to be a retail dealer? It is considered unlawful for any retailer to advertise that the tax or any part thereof will be assumed or absorbed by the retailer, although it is perfectly all right for him to say: "I will absorb the tax, but don't advertise it." What is advertising anyway? If you whisper it in somebody's ear, that is not advertising, but if he sticks it on the front page of the paper, that is. What this bill is—well, I won't say that it is nice for the retailer to steal, but there is a nice set-up there. He isn't going to pay two per cent. If he is going to dig that out of his own pocket, why then we just do not agree, that is all.

The consumer is going to pay that two per cent that the retail dealer has to cough up. You take a busy grocery store, for example, you have six or eight clerks standing around, and it is jammed full of customers; you have seen that kind of a store many times. The bill says that you shall assess the tax separately. You just see those six or eight clerks in that room full of customers, sitting down and writing out sales tax slips. Well they won't. You bet your life they won't do it. How will they get that tax money? They won't take it out of their own pocket. No. They will hitch up two or three cents on every item in the store. Yes, and then what? Somebody says that the retailers are in favor of this tax. Yes, if there is a tax and they have time to write out a sales slip, they would, but the retail dealer is not going to lose any money. He is going to pay two per cent on his gross receipts just as the bill calls

for, but if he has not items enough to cover that and something besides, what does that mean? It means two things. The retailer is going to be happy to have the retail sales tax because it is going to increase his profits and the consumer is going to pay the tax and a little something besides. That is your sales tax the way it is written. A nice sales tax! Retailers like it so they say. Can you blame them? We have this thing. We have a registration fee, and we have two or three other fees in here. We have unlawful advertising, we have most everything; then you have exemptions. We have exemptions by constitutional division, that means something the laws says you can't sell.

We have vessels, usually in certain sizes and weights; we have gas, that is already taxed; we have sales of liquor, those are already taxed; we have newspapers, and we have meals, for private schools and organizations, and so forth, which are not taxed. All the other meals you get have to be taxed. Containers—what it says about containers you will have to read yourself.

There is something about these exemptions here that remind me of the sickness policies the insurance companies got out years ago. You bought a policy up in Maine which would insure you against any sickness you might possibly catch down at the equator. If you bought a sickness policy down there, it would insure you against any disease you might catch up at the North Pole. This thing is done the same way. We have the provision regarding return day and payments and penalties all over again. And then you have the legal redress. They assess a tax against an Augusta man. If the State Tax Assessor does not like the return he has the power to go over a man's books and write the tax that he thinks ought to be reassessed, and if the other man, the retailer, does not like it, he can come in and ask for re-determination. But before he can get one, he has to post a bond covering all the tax he has to pay.

Now, it says somewhere in 90 Maine, I do not remember the name of the case, there is a case which says that our courts are open to the rich and poor alike and any law which provides that a man must pay a fee to get into court is unconstitutional. All right, you can get into our courts with-

out paying cash in advance. But, in order to get to a hearing before our State Tax Assessor, under this bill, you have to lay down your security. You have to guarantee that you will pay judgment. I do not know why this State Tax Assessor's job should be better than any court we have in the State. But this bill seems to say so and then it says that they have an appeal. Any taxpayer aggrieved because of any determination may, at a certain time, appeal to the Superior Court in the County of Kennebec, or any other county, where he may live. Any taxpayer desiring to appeal shall furnish a bond of recognizance to the State of Maine. But you do not have to furnish security to get into court; they are open to the rich and poor alike. That is unconstitutional, and that is the second one that we have found in this bill, this well-drawn bill which is so much better than the income tax bill. Well, he has a right to appeal to the Superior Court. He puts up his bond, and he says, "I want to appeal." What else does he do? I don't know; it doesn't say.

The assessment and collection of taxes is a legislative matter; it is not judicial, it is not executive; it is legislative and nothing else.

The Supreme Court of our State has held repeatedly that the courts of our State will not take jurisdiction in a tax matter unless it is in violation of statute or some constitutional provision, unless express authority is given by statute. There is not very much expressed authority here. What papers would this man file if he wanted to take an appeal to the Supreme Court? Who would have the burden of proof?

In the ordinary tax case, the tax would have to be proven by the people who assess it. There is nothing of that kind in here. In that poorly written income tax law they do say how you can get into court on appeal. The income tax law says that you may file a petition for the Court for a writ of certiorari, which every lawyer is familiar with.

So there we have it. We have got a tax assessed against him, and I would not wonder if any court, if he makes an appeal, would say, "Who is doing what?" You would have to go up to the Law Court to find out what you were doing in the first place, if you could get past the opening day of the term.

Now here we have the "Collection of the tax." What does it say? "The State Tax Assessor may sell security at public auction if it becomes necessary to do so in order to recover any tax. Notice of sale may be served personally or by mail. Security in the form of a bond issued by the United States or State of Maine which has a prevailing market price may be sold by the State Tax Assessor at a private sale."

I should not wonder if that is the kind of surety he would take in every case, because there is no provision for private sale; he just goes out and sells it to some of his friends and that is that. He has got to sell it at the market price — a good way to pick up a good investment.

Now in the business of collecting this tax, under this poorly-drawn income tax law, when the parties get together and they don't agree, there is authority given to the State Tax Assessor to compromise the claim. In this sales tax you haven't any — it is just go ahead and fight. I do not know how many redeterminations they can make, but he has absolutely no authority to compromise the claim.

Now you have the question of which of these measures you want to adopt. The motion is that you indefinitely postpone the income tax law. I say the income tax law is the only one that will be approved by the people of Maine if they take the trouble to pass upon it. I say the rates are fair and reasonable. I say that it will raise sufficient revenue. I say that it ought to be given fair consideration; as long as there is any bill left to be considered in this House or in this Legislature, this should be the one.

Just remember that this income tax bill has stood fairly on its merits — it has things in it that should not be there—but this sales tax has been a lemon from the day that it was introduced. They stuck an emergency preamble on it for the purpose of preventing the people from having anything to say about it; they stuck some bait on it in the form of a rebate to the towns, and that bait has gradually dwindled down and dwindled down, and now it is gone, and you haven't got that any more. They started on a two per cent assessment and they could not put that across, and now they have got it down to one per cent and they cannot put that across. They got a 75 to 50 vote on it, but you

need two-thirds. And the next thing you know they are going to pull off the emergency preamble, and the talk is that if they do not get to first base they are going to hang the teachers' pension on it. That is going to be a nice clothesline for everybody. (Laughter)

How are you going to pass that sales tax if you keep changing? There are people here that believe the sales tax is a good one, but that vote has gone down steadily. You say you have not had any vote on the merits of the income tax, but they respect it because they know it is an honest, fair bill.

A couple of weeks ago, the gentleman from Corinth, Mr. Elliott, brought in a report of five members of the Committee on Taxation, asking that this bill be passed. When the gentleman presented his motion, he said, "I do not suppose the House will pass this bill because it places a tax upon those who have the most of this world's goods." I may be inaccurate, but that is my recollection.

Now, Members, there is a world of reproach in that remark. It means that this Legislature will not pass a tax bill which will hit those who are able to pay. How do you like to be told that? That was what the gentleman from Corinth told you. It has been true in the past, I should say, but I hope it is not true now.

You have the sales tax which burdens the poor man, and you have the income tax which places the burden on those who are able to pay. It has been repeatedly said, as I have mentioned, that in years past they have always said, they have always been able to say, "We will stick them with the sales tax. Keep the income tax back." Why don't you give the people a chance to vote on the income tax? Why not? If there are people who say you will not pass a tax bill because it is a tax on yourselves instead of on the poor man, why don't you prove that is not so?

The gentleman from Portland asked that this bill be indefinitely postponed. He says in effect, "We do not want to tax ourselves; we want to tax the poor, and let's make it known now." If you want it known now, support that motion!

The SPEAKER: The question before the House is upon the motion of the gentleman from Portland,

Mr. Bowker, that the House indefinitely postpone "An Act Imposing a Personal Income Tax to Raise Additional Revenue" (H. P. No. 1742) (L. D. No. 1489).

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

Mr. McGLAUFFLIN: Mr. Speaker, I wish to remind the members of this House that the question before the House is upon the indefinite postponement of the income tax proposition.

I am reminded of an occasion in this House some years ago when the Ku Klux Klan was flourishing, they had a discussion in this House as to whether or not the so-called Barwise bill should pass, and one of the speakers to uphold that measure was Max Pinansky, of Portland, who came into this House, which was packed, and he told us about the American schools and the American flag and he never touched on the subject at all. They gave him one of the greatest ovations I ever heard. I mention that because the gentleman who has just spoken has spent much time discussing something that is not before us at all. Now, let us get back to the subject.

We have before us — we have passed, I should say, three tax measures. Now, are we planning upon passing them all? Are we going to pass every tax measure that we can think of and let it go at that? If we are going to get out of this place before Christmas, we have got to do something definite pretty soon.

Evidently the other body, which I am not supposed to refer to, has passed it on to us to do something. Now, if we can not pass any measure, let us start killing something. I am in favor of the indefinite postponement of this bill. It has been demonstrated here this morning that this income tax bill will not meet the issue, and don't let the bugaboo of the unconstitutionality of some other bill trouble you. Every time anybody gets stuck on something that they don't like, it is always unconstitutional. I say, let us make some progress this morning and kill this bill at the start. Then, perhaps, we can get somewhere on something else.

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

Mr. McCLURE: Mr. Speaker and my colleagues, I wish to thank you for wishing me luck on this, my fiftieth birthday. I also want to thank God for the Constitution of our great State and our great country that allows me to use my birthright in behalf of my fellow-men. Due to the fact that this vote will not be taken by a yea and nay vote, I shall vote against the indefinite postponement of this measure because I believe that it is in the best interests of all of our citizens for me to do so. I thank you.

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

Mr. HARRIS: Mr. Speaker and Members of the House: We have had two major tax bills, aside from the road money. One has been a personal income tax, the other, a sales tax. Now, whether intentionally or unintentionally, every time the sales tax has been presented, it has been presented in its most favorable light. Every time we have heard about the income tax, it has been partially hidden behind something. First, the only thing we could do would be to substitute it for a property tax. Now, we hear, this morning, we can not get any revenue until 1949 and it exempts some revenue from being paid in 1948, which we are now getting.

Anybody that has spoken to me about these two taxes—I won't say anybody, but most everybody—has said this: "Why do you want a sales tax rather than an income tax?" And I have been able to tell them that I do not want a sales tax rather than an income tax. I am against the indefinite postponement of this measure and I would like to have you people stop and think before you vote on this.

If the income tax is such an evil thing and the sales tax is such a good thing, how come that we have in Massachusetts, New York State, Vermont, and New Hampshire, a state income tax and no sales tax? They have had a state income tax in several of these states several years. There has been no movement in those states to repeal the income tax and substitute a sales tax.

I concur with what the gentleman from Fairfield said that we are trying to get the tax from those who can afford to pay onto those who can not afford to pay, and I hope that before you vote here you will stop and think of that. And I see

no reason why this income tax can not be amended so we will get revenue before then and not exempt these things that have been talked about this morning. I hope the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, I hesitate to oppose my colleague from Fairfield. There are a few statements which have been made this morning with which I disagree. Several objections have been made to the sales tax bill; several things have been said in favor of the income tax bill, and with these I disagree. In the first place, we have been told here this morning that this income tax bill is the bill which we want because it does not have an emergency clause to go back to the people. I would like to quote, for just a minute, an editorial, two or three days old, from one of our Maine papers, which I think answers in the very best possible way this particular contention. This is what it says.

"In reference to the fact that so oftentimes when we are arguing about tax bills in this House, the Legislators say: 'Let the people say what they want,' and this is the answer: 'That attitude probably is defended as one of pure democracy.' But is it? The democratic process expects that the representatives of the people will use their best judgment to frame legislation that will serve the best interests of the State. Weak refusal to assume responsibility, passing the buck back to the people, is a denial of responsibility and of democratic process. The National Congress seems about to pass a tax bill, as it has many of them, it acts according to its lights and there is no referendum except in the biennial election. That has always been hailed as the democratic process at work. It could work as well in Maine. It is not working if the legislature bogs down and refuses to act."

I think the truest statement in that whole paragraph is the one that "the only referendum we have on Congress is the biennial election." It seems that, perhaps, some of us here are more afraid of that referendum than of any other. We are following along the line of weak refusal. We are bogging down because we want to let the people decide. It seems to me that that is

one of the best excuses we can offer if we, ourselves, do not dare to stand for what we think is right and dare to stand for what we have voted for in the next biennial election.

Now, we have heard much criticism of the sales tax this morning. We have heard this criticism and this has been the argument against the income tax. We have been told that the State Tax Assessor said what will be taxed and that this is setting up dictatorial powers which we should not do. And yet, if I can read the income tax correctly, the State Tax Assessor, in there, can tell us what is included under the gross income, he can tell us also what items are not deductible and, if we want to follow the same line of reasoning, we are giving him the same powers, under the income tax, which we are giving him under the sales tax. And, I ask you, what is a State Tax Assessor for if he does not set down some of the rules and regulations governing the tax program of the State of Maine?

It seems to me that that is a poor criticism. If we are going to say that he is gaining great dictatorial powers by saying what items are to be taxed under a sales tax, he is assuming the same powers under this well-written income tax bill by telling us what is included in gross income and what items are not deductible.

We have also been told here this morning that if the income tax is so evil and the sales tax so good, why does a State like Massachusetts have the income tax and no sales tax? If I remember correctly, I have been reading in the paper for the last two days about the program which Massachusetts is hashing over, about the same as we are doing here in Maine, and there seems to be quite some support there for a sales tax on top of the already existing income tax. And while we are on the topic of Massachusetts, and speaking of a good bill as an income tax bill and a poor bill as a sales tax bill, I think if we read the history of the income tax in Massachusetts, we will be enlightened quite a bit as to why we should not pass the same kind of a tax here in Maine. An income tax is a very easy tax, year after year you can say let us tack another one per cent on it. If future legislators find that they are lacking funds, what will they do? They will merely tack one per cent more on the income

tax and, finally, we will have the same kind of a tax that they have in Massachusetts. Especially do I refer to their tax on unearned income, whereby a person, an older person, who is trying to live on what he has saved, is taxed to a great extent on his unearned income, and finds it very difficult when he has to write a check out to the State of Massachusetts each year for a sum which is really unreasonable.

Now, I am also amazed to know that during my stay in the Legislature for these four months that I am in contact with such rich people. Of course, perhaps, there are some, but I am under the impression that not all of us are trying to steer clear of the income tax because we are afraid that it will hit our pocketbooks more; in fact, I am perfectly frank to say that in my own case I should more favor the income tax because the other will hit me more. But because I see the existing evil, the evil that year, after year, after year, we are going to tack one per cent more on whenever we need more money, and also the true testimony that in those states where we have the sales tax we do not see that increase year after year, leads me to believe that the income tax should be argued on its merits at this time. And, because I feel also that I am here, that we all are here, as representatives of the people and we should have enough gumption, we should be strong enough to stand up for what we think is right, we should believe enough in the democratic process to do what we think and then refer this to referendum at the next biennial election and if the people want to talk then, let them talk, so someone else can sit in these comfortable chairs that we have enjoyed in the Ninety-third Legislature. For these reasons, I support the motion of the gentleman from Portland and I hope it will prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Speaking as an individual, I am in accord with the motion of the gentleman from Portland. I might state, listening to the remarks of the last speaker, there is nothing that will stop anybody from coming in here and tacking an extra one or two or three per cent on the sales tax if it is passed.

Speaking about comments that I have heard here during my stay at the last session—by the way, I am sorry, I want to thank you very much for the kind gesture, this morning, in wishing me a happy birthday. I have heard during my stay at the last session, the special session, and this session, repeatedly, other states, from Maine to California, Massachusetts has this, New York does this, Wyoming does this, California does this. We are not copy cats, our motto is "Dirigo"—We Lead, and we are proud of it. If we are going to do what other states do, why don't we go along and vote in November? Even Vermont did in 1913, and I am astounded that you have not by now.

Speaking also about remarks made twice, concerning the special session, that I sponsored a luxury tax,—it is an old story with the old members—but to remind them, and for the benefit of the new members, I will explain that situation. That was pertaining to a bonus, and I have said it and I will always say it, I will always vote for a bonus. Other states have a bonus, why do not we have it? I will always vote for a bonus, but I have told the boys that deserve a bonus, time after time, I begged them to vote for that bill last fall, because I feel in my heart that it is the only chance for them to get a bonus. They will get an income tax some day without the bonus.

And, going back to this special session, we were here for three weeks. Personally, I had a picnic. The bill that was presented was the luxury tax. Here is the bill that was finally enacted. It was my original bill. It was passed on a Friday night, about quarter of twelve. We came back Saturday morning, and you have heard of reconsideration, that happened, they reconsidered. And, after they reconsidered, they picked up the famous sales tax measure, kicked that around for five days, and, on Thursday night, about 11:30, I left with my very good friend from Auburn, whose seat I am occupying now, Mr. Jacobs, and just out of a clear sky I said: "Mr. Jacobs, you know I saw a little group getting together with the Revisor of Statutes." I said: "I do not know but what that luxury tax is going to be revived." I got up from my bed next morning, I picked up the document, I started to read it, as I

turned the pages, I saw my bill, and I looked at the title—the name, “Presented by the gentleman from Clifton, Mr. Williams.” At that very moment I turned and Mr. Williams was standing right here, and he turned around and said: “How are you, Mr. Jalbert?” I says, “How are you, Mr. Williams?” The story there is this: that it cost \$30,000 of the taxpayers’ money to change my name from Jalbert to Williams because I was a Democrat and they did not want me to put the thing through. That is why I am not going to vote for any taxation! Never! I do not care if I stood alone, I would not vote for any taxation, for the benefit of the teachers, for nobody’s benefit! Let’s cut the cloth! I do not want to investigate anybody’s department; I do not want to probe. Let’s cut the cloth to fit. Let’s inspect these departments to prove something to ourselves in fairness to them, and then if we find we cannot cut the cloth sufficiently, let’s come back here and vote the necessary amounts that we need no matter what they may be.

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

Mr. MILLS: Mr. Speaker, I am sure I enjoyed the remarks of my good counterpart across the hall. I am not just sure whether he wants to vote for the bill of the gentleman from Portland, or not. His remarks were both ways, but I think the gist of it was that he hopes the motion will prevail. I hope that it will not prevail. I think that you will not get any vote for the sales tax as a one per cent measure in a few minutes by killing off the income tax at this time, and, if that is a maneuver, I think it is destined to do harm, do more harm than good. I think that this bill should be kept alive, and I say that advisedly because there is before us a large amount of money that has to be raised in some manner if these bills that have gone through this body and have gone to the enactment stage in the Senate are finally enacted.

Now, several weeks ago we had before us a combination sales and income tax and, speaking as an individual, I voted for it. I think it was the fairest approach to the problem and I still think it is. I think a low rate income tax and a

low rate sales tax joined together would do the job of appropriating money which we need to have during the next biennium and also relieve real estate. It is a fair and just approach to this problem, it seems to me. I hate to refer you to the experts, but some of the imported experts from out of town told us that last fall. Even so I think it is the right answer.

Of course they say an expert is any son-of-a-gun from out of town, but these people were recognized as being prominent in their field, and I think they had the right answer. I think it would be a serious mistake politically, in regard to the approach to the sales tax, in a few minutes and on the merits, to kill this bill at this time.

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

Mr. WEBBER: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Bangor, Mr. Webber, has moved the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question 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-six having indicated their consent and one hundred and thirty-nine members being present, and sixty-six being more than one-third of the members present, the motion for the previous question is entertained.

The question before the House is: Shall the main question be put now? All those in favor will say aye; those opposed no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House is upon the motion of the gentleman from Portland, Mr. Bowker, that the House indefinitely postpone Bill “An Act Imposing a Personal Income Tax to Raise Additional Revenue” being new draft House Paper Number 1742, Legislative Document No. 1489.

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

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

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, asks for a division.

All those in favor of the indefinite postponement of this measure will please rise and remain standing until counted and the monitors have made and returned the count.

Mr. ROLLINS of Greenville: Mr. Speaker, owing to the fact that many of us have had no chance to state our position on this bill I would ask for a yea and nay vote.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, has requested a yea and nay vote. The Chair will entertain a yea and nay vote when one-fifth of the members present indicate their desire therefor. Those who wish a yea and nay vote will please rise and remain standing until counted and the monitors will make and return the count.

The SPEAKER: Twenty-four members arose. One hundred and forty-two members being present, and twenty-four indicating their desire for a yea and nay vote, twenty-four not being one-fifth of the members present, a yea and nay vote is not in order.

Those members in favor of the motion of the gentleman from Portland, Mr. Bowker, that this matter be indefinitely postponed 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-one having voted in the affirmative and seventy-nine having voted in the negative, the motion is lost.

On motion by Mr. Mills of Farmington, the House voted to recede and concur with the Senate.

House Reports of Committees Ought Not to Pass

Mr. Chase from the Committee on Labor on Resolve Proposing an Amendment to the Constitution Defining the Rights and Responsibilities of Labor (H. P. 171) (L. D. 124) reported "Ought not to pass" as legislation is inexpedient.

Report was read and accepted.

Ought to Pass in New Draft

Mr. Anderson from the Committee on Legal Affairs on Bill "An Act relating to the Construction, Instal-

lation, Repair, Use, Operation and Inspection of Elevators, Dumb-Waiters and Escalators" (H. P. 1442) (L. D. 1054) reported same in a new draft (H. P. 1754) (L. D. 1501) under same title and that it "Ought to pass".

Report was read and accepted, and the New Draft, having already been printed, was read twice and was assigned for third reading tomorrow morning.

Mr. Hayward from the Committee on Ways and Bridges on Bill "An Act relating to Snow Removal and Providing Revenue Therefor" (H. P. 1475) (L. D. 1079) reported same in a new draft (H. P. 1753) (L. D. 1500) under title of "An Act Providing Revenue for the Highway Fund" and that it "Ought to pass".

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Hayward.

Mr. HAYWARD: Mr. Speaker and Members of the House: This is a thirty-two cent tax. The act provides to September 1, 1950, for three years only. And, as we have discussed the two-cent tax to a great extent here, I do not think there is much need for me to say anything further, only that it is a straight two-cent tax with no kick-back to the towns.

Thereupon, the House accepted the "Ought to pass" report of the committee, and the bill, having already been printed, had its three several readings under suspension of the rules and was passed to be engrossed.

On motion by Mr. Hayward, the bill was ordered sent forthwith to the Senate.

Passed to be Engrossed

Bill "An Act Exempting Certain Independent Contractors from the Regulations in re Motor Vehicles Used in Intrastate Traffic" (S. P. 546) (L. D. 1485)

Bill "An Act Creating a Sewer District in the town of York" (S. P. 550) (L. D. 1497)

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

Amended Bill

Bill "An Act relating to Veteran's Permit to Hunt and Fish Free" (S. P. 547) (L. D. 1484)

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

On motion by 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.

Mr. MILLS of Farmington: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. MILLS: Mr. Speaker, I ask unanimous consent that all matters acted on this morning and passed to be engrossed in concurrence—all matters that require concurrent action by the Senate—be sent forthwith to the Senate.

The SPEAKER: The gentleman from Farmington, Mr. Mills, asks unanimous consent that all matters acted on this morning and passed to be engrossed in concurrence or that require concurrent action by the Senate be sent forthwith to the Senate. Is there objection? The Chairs none, and it is so ordered.

The SPEAKER: On the disagreeing action of the two branches on Bill "An Act Relating to Tax on Cigarettes" (H. P. 635) (L. D. 415) the Chair appoints as Conferees on the part of the House: The gentleman from Rockland, Mr. Sleeper, the gentleman from Farmington, Mr. Mills, and the gentleman from Monmouth, Mr. Marsans.

Mr. SHARPE of Anson: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. SHARPE: To make a motion to reconsider, Mr. Speaker.

The SPEAKER: The gentleman may proceed.

Mr. SHARPE: Mr. Speaker, is it in order for me to make a few remarks before I make the motion?

The SPEAKER: The gentleman may proceed.

Mr. SHARPE: Mr. Speaker and Members of the House. There has been no school resolve presented to this Legislature which has any more

merit than the resolve in favor of Anson Academy.

Now, Anson Academy provides high school facilities for North Anson, and Embden, and Concord, Lexington, and Highlands, and several other communities up in that vicinity. Last fall, their building burned and they are now here asking for \$25,000 for Anson Academy, and I was told by the Senate Chairman of the Appropriations and Financial Affairs Committee and by other members of that committee that if any one of these similar resolves received favorable action from that committee, my resolve certainly would receive like action.

Now, on April 15th, the resolve came in on the calendar "Ought not to pass" with all the others, and I failed to table the matter. Now, at this time, I am only seeking to get this resolve into the same position that these other resolves, acted on this morning, are—Hebron Academy, Bridgton Academy, and a Resolve in favor of the City of Calais and, with that purpose in mind, I now move that the rules be suspended so that we may reconsider the action whereby the House on April 15th accepted the "Ought not to pass" report of the Resolve in Favor of Anson Academy (H. P. 1055) (L. D. 1503)

The SPEAKER: The gentleman from Anson, Mr. Sharpe, moves that the rules be suspended so that the House may reconsider its action of April 15th whereby it accepted the "Ought not to pass" report of the Committee on Appropriations and Financial Affairs on Resolve in Favor of Anson Academy. Is there objection? The Chair hears none, and the rules are suspended.

The Chair understands that the same gentleman now moves that the House reconsider its action of April 15th whereby it accepted the "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The same gentleman now moves that the bill be substituted for the "Ought not to pass" report of the committee? Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The resolve, not having been printed, will be laid on the table for printing under the Joint Rules.

**Passed to be Enacted
Emergency Measure**

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

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 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. Is the House ready for the question?

All those in favor of the passage of this measure to be enacted as an emergency 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-four having voted in the affirmative and fifty-eight having voted in the negative, seventy-four being less than two-thirds of the entire elected membership of the House, the bill fails of passage.

An Act relating to Baxter Park Road (S. P. 494) (L. D. 1362)

An Act relating to Neglected Children (S. P. 541) (L. D. 1465)

An Act relating to Old Age Assistance (S. P. 542) (L. D. 1468)

An Act relating to Adoption of Neglected Children (S. P. 543) (L. D. 1467)

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

An Act to Incorporate the Lincoln-Chester Bridge District (H. P. 499) (L. D. 354)

An Act Giving Commissioner of Agriculture Authority to Establish Quarantines (H. P. 1365) (L. D. 987)

An Act Creating a Sewer District in the town of Sanford (H. P. 1643) (L. D. 1335)

An Act relating to Tuition for Pupils from Towns not Maintaining a Standard Secondary School (H. P. 1651) (L. D. 1349)

An Act relating to Maintenance of Bridges on State Aid and Third Class Roads (H. P. 1746) (L. D. 1492)

An Act relating to Service in Divorce Cases (H. P. 1749)

Finally Passed

Resolve in favor of L. Archer Weymouth of Clinton (S. P. 177) (L. D. 524)

Resolve in favor of Washington County (S. P. 253) (L. D. 715)

Resolve in favor of William Rardon, of Sullivan (S. P. 329) (L. D. 974)

Resolve Providing for Maintenance of a Road in the town of Lamoine (S. P. 341) (L. D. 962)

Resolve in favor of Roy R. Bell, of Thomaston (H. P. 328) (L. D. 206)

Resolve in favor of Leola J. McCourt of Strong (H. P. 417) (L. D. 247)

Resolve in favor of Mrs. Ralph Cooper, of Madison (H. P. 586) (L. D. 359)

Resolve in favor of Stacyville Plantation (H. P. 1018) (L. D. 650)

Resolve to Reimburse the town of Whiting for Transportation of State Children (H. P. 1020) (L. D. 652)

Resolve in favor of Carrie M. Brawn, of Guilford (H. P. 1053) (L. D. 692)

Resolve in favor of the town of Woodstock (H. P. 1148) (L. D. 764)

Resolve to Reimburse the town of Strong for Fighting Fire in Salem Township (H. P. 1155) (L. D. 1494)

Resolve to Compensate Town of Houlton for Assisting Kingman to Fight Fire (H. P. 1270) (L. D. 1483)

Resolve in favor of Irving I. Bates, of Moro (H. P. 1611) (L. D. 1277)

Resolve Providing for the Payment of Certain Damages Caused by Protected Wild Animals (H. P. 1738) (L. D. 1476)

Resolve Providing for the Payment of Certain Pauper Claims (H. P. 1741) (L. D. 1488)

Resolve in favor of Several Academies, Institutes and Seminaries (H. P. 1747) (L. D. 1493)

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.

Tabled

Resolve in favor of Joseph V. Tar-diff, of Augusta (H. P. 1150) (L. D. 765)

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. DeSanctis.

Mr. DeSANCTIS: This resolve, as it now is, is not the way that the committee agreed upon it, therefore I would like to make a motion to table this matter so that I can have an amendment drafted to take care of the situation.

The SPEAKER: The gentleman from Madison, Mr. DeSanctis, moves that Resolve in favor of Joseph V. Tardiff, of Augusta, be laid on the table pending final passage. Is this the pleasure of the House?

The motion prevailed.

The following papers from the Senate were taken up out of order under suspension of the rules:

Senate Report of a Committee Ought to Pass in New Draft

From the Senate: Report of the Committee on Motor Vehicles on Bill "An Act relating to Width of Trucks Hauling Forest Products" (S. P. 426) (L. D. 1212) reporting same in a new draft (S. P. 551) (L. D. 1499) under same title and that it "Ought to pass"

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

The SPEAKER: Is it the pleasure of the House that we accept the "Ought to pass in New Draft" report of the committee?

The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: This bill calls for a hundred and two inches in width for motor vehicles or trailers hauling firewood, pulpwood logs and bolts "may be operated on a bridge or way, etc." This is the same bill, in substance, as the amendment which we brought last week here in the House and killed. It is loading the wood on crossways, extending the width to 102 inches, or extending the width six inches. Our roads in Maine, at the present time, do not warrant the extra width. Mr. Speaker, I move that the bill be indefinitely postponed.

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

Mr. BREWER: Mr. Speaker, as a member of the Motor Vehicles Committee, who reported this bill out, I would say to the Members here that up in our country they are doing it now. It is a matter of piling your pulpwood so that you can unload it without carrying, and in-

volving a whole lot more work. As I say, it is being done every day. I do not believe that it affects anybody walking in the roads, and I hope that the motion of the gentleman does not prevail because it does make a considerable difference in the amount of work, how you drive into the cars and how this can be unloaded.

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: Isn't it time some of us ordinary drivers of cars in the State of Maine have some rights on the road? Now, I have followed these trucks for miles on our highways without being able to pass, and on the road from here to my town, from Augusta to Boothbay Harbor, the road is not wide enough for us to get by, and you add six inches to the size of these trucks, and trailers, and we will have to take to the woods. I hope Mr. Speaker and Members of the House, that the motion of the gentleman from Greenville prevails.

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

Mr. COLE: Mr. Speaker, I would like to suggest on this bill that the gentleman from Boothbay Harbor has just argued, this bill is wholly for public highways. I do not think there are many pulpwood haulers on that particular road.

Pulpwood, as you all know, is a dangerous commodity to haul in an open-rack body, which is the only way that it is hauled. If you haul it crossways in open trucks, most trucks do not have side partitions on the sides or stakes anchored sufficiently, so you are getting a nine-foot width anyway.

I think it is all a question of whether or not pulpwood is more dangerous hauled cross-ways in a truck or lengthwise. I do not think it makes a great deal of difference whether it falls off the side or falls off the back. If you follow pulpwood trucks, you know in the areas where they haul it it is mostly from the woods to the railroad station. This will save a considerable amount of money for the pulpwood haulers, and I am for the bill. I hope the motion does not prevail.

The SPEAKER: The Chair recog-

nizes the gentleman from Aurora, Mr. Silsby.

Mr. SILSBY: Mr. Speaker and Members of the House: The purpose of this bill is to acquire a tolerance for hauling pulpwood and logs. As I told you here last week, pulpwood, under the present law, is hauled lengthwise in the trucks and, with the eight-foot width, if we had a tolerance of three inches, which is on each side of the truck, we could haul the pulpwood crossways and that would eliminate a great deal of work. Under the present conditions, the pulpwood in most of the trucks, is hauled four-tier and it means that you have to back the truck up to the pile of wood on the side of the road, and I think a good many of us will agree that we have come along to roadways where we have found trucks backed up at different times and the drivers had to get in and start ahead and let us by. Now, under this law, the truck can drive along beside the pile and he can put the wood on crossways and then he can turn around and he can load the other side of his load and, coming along the road where the trucks are used, you do not find much traffic, and in the areas that the trucks haul wood this way. Now, I ask you to apply the law of physics and load a stick of wood on a truck. It would come out endways into the road as quickly as it would roll off. Now you gentlemen have seen trucks which are belled out on each side because of the wood, it was pressure against the sides of the rack, and I will venture to say without any fear of contradiction that you will find ninety per cent of the pulpwood trucks today on the road, eight feet, hauling wood lengthwise which, in the middle of the body, will probably measure nine feet. And, under this law we are only asking a little tolerance in order that we can haul the wood crossways and have a place for our scarf end, which might be three inches. That is all we ask for, Members, and it will save a great deal of work and it will eliminate one man on every truck, and I hope that the motion of the gentleman from Greenville, Mr. Rollins, does not prevail.

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

Mr. THOMPSON: Mr. Speaker, we have tried to kill the income

tax and the sales tax because the poor people have to pay for it. We have tried all kinds of ways to keep up with the poor man. Now, we want to go to work and kill this bill that the poor man gets his living from, hauling pulp. I hope that the motion of the gentleman from Greenville does not prevail.

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

Mr. MARSANS: Mr. Speaker, this particular subject is one that is a bit foreign to me. I have not loaded any pulpwood and I hope I do not have to. I would call it to your attention, because people in my section have asked me to speak in favor of it.

I was against the original amendment whereby six inches were to protrude only on the right hand side of the truck, because that, we can see, would tend to overcrowd the road.

The pulpwood haulers in my section are not large operators, but they are on small roads. Pulp is piled alongside of the roads, and the roads are not wide enough so they can back up to these piles, and it would greatly facilitate their actions if they could pile them crossways. They also showed me that the trucks which they used carried pieces of wood that tended to tier these into the middle, so you didn't actually get three inches on each side if the stick did reach that dimension. Their loadings were only from where the cutting took place to the railroad tracks and did not in any way impede the normal flow of traffic. You never had two loaded trucks trying to get by each other: one was always going back empty while the other was full. I think, at least in my section of the country where there are small operators, it is a definite help. I shall certainly vote against the motion of the gentleman from Greenville.

The SPEAKER: The Chair recognizes the gentleman from Lovell, Mr. McKeen.

Mr. MCKEEN: Mr. Speaker, as far as trucking the timber and pulp only a short ways, I should like to say that in Oxford County we truck pulpwood forty or fifty miles over all kinds of roads, narrow roads, improved roads, State roads, all kinds of roads. There is nothing in this bill that compels the raising of the sides of the trucks

which would be a big help if that was practiced wholly. If pulpwood is loaded packed down, it would certainly, some of the smaller sticks, be apt to work out. I have known pulpwood sticks which worked outside of a load of pulpwood that way and go through a man's windshield, who was following behind. If there is an amendment to that bill, it has been written into the bill, how to raise the platforms that they can raise three inches, why I certainly would be in favor of this bill. Otherwise, I would be, certainly, opposed to it. It would be possible, of course, if every stick of pulpwood is exactly four foot long to build his load of pulp, possibly to 100 or 102 inches, but if it runs very much over that why you will have pretty hard work piling pulp to 102 inches at any time. I would like to have this stated so that they will know. What I am telling you I know, because I have trucked hundreds of thousands of cords of pulp and I know what pulp is, I know how to handle it up in Oxford County.

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

Mr. ALLEN: Mr. Speaker, as a co-chairman of the Committee on Motor Vehicles, I would not only like to re-emphasize the statement of the gentleman from Monmouth that this should not be confused, in any way, with the so-called lopsided bill, but also to reassure the gentleman from Greenville and the gentleman from Boothbay Harbor that when we had this bill in committee, we did consider it very carefully because we knew people would be concerned and we feel that this new draft has taken out any danger that this bill would be to any motorist or any other individual. I would merely like to remind the House that this Committee on Motor Vehicles did study this thoroughly and have turned out a new draft unanimously "Ought to pass" and, therefore, I hope the motion of the gentleman from Greenville does not prevail.

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

Mr. WEBBER: Mr. Speaker and Members of the House: The pulpwood operators, haulers, and lumber interests are very much interested in the passage of this bill in its new draft. It will make it much

easier in the loading and unloading, it will certainly be a great deal safer to have the wood piled crossways instead of lengthwise and it will make for a greater economy in the hauling of pulpwood. And I hope that the motion of the gentleman from Greenville does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: I know, as the last speaker just told you, that the interests want it and they will get it. Nevertheless, I am opposed to it. As the gentleman from Monmouth (Mr. Marsans) says, the road is not wide enough, they could not back up and load it, and they want to get it on sideways. That is the condition, Members; most of our roads are not wide enough to pass, and especially if there is scarf that is pointed and sticking out like that.

I am leaving the same picture with you, Ladies and Gentlemen. I have seen it happen. It can happen again. When one of those sticks are out there they are not going to hammer them in with an axe and get them all level. You will find them coming down the road with the jagged ends sticking out, and if one of those goes through your windshield just remember that if Harry Rollins did vote "No" on the tax bill to help the poor man, he is voting "No" on this bill to save the poor man's life, and perhaps some of you rich men's lives, too.

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

Mr. ST. PIERRE: Mr. Speaker and Members of the House: As a truck driver, I wish to go on record in support of Mr. Rollins' motion because I know what it is to drive a truck and a big van. I have been driving on the road quite a few miles; I had plenty of cars following me for five or six miles and now, if we go on record to widen those trucks six or eight inches, I think we are making a great mistake.

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

Mr. SHARPE: Mr. Speaker, I want to call your attention to the remark that was made by the gentleman who has just spoken. He mentioned that there were a lot of times when cars followed his truck for six miles. Now, I realize that that happens an awful lot, you follow those pulp

trucks for six miles before you can get by. Now, I am interested in just one aspect of this bill; I am opposed to this bill simply because of the fact that there is no provision which provides for them putting an elevating skid along the outside of the box so that the other end of these sticks will be elevated so that they can not slide out. Now you have all, a lot of times, followed a truck, that is, a pulpwood truck, where sticks would slide out; the sticks in there happen to be a little loose and they slide out. Well, they do not fall off, all of them; the ones that fall off are not too dangerous because it just takes a minute for them to fall off and roll off into the ditch. But if these sticks are piled crosswise, the stick that slides out a ways and stays there is one of the worst menaces that it would be possible to meet on the highway. I am going along with the motion of the gentleman from Greenville simply on that account. If the bill could be modified to take care of that feature, I would not oppose it at all.

The SPEAKER: The Chair recognizes the gentleman from Caratunk Plantation, Mr. Sterling.

Mr. STERLING: Mr. Speaker and Members of the House: If the opponents of this bill lived somewhere besides on a four-lane road, lived up in the country where I live, where our roads are only sixteen and eighteen feet wide and had watched the trucks coming down through town with a ninety-six inch width, so dangerous that the people owning touring cars do not dare to get out on the road in the winter time, especially the women, because they are afraid of meeting those big log trucks and pulp trucks coming down the road. Now, if you have ever been up in Jackman country, you will realize that we do not have the roads that you have got around Augusta or Portland, or Bangor, and there is not room for two cars to pass, two of these trucks. In a great many instances, the width that they are now, they have to back up in order to get by each other. They can not find a place in the road that is wide enough so that they can get by, two of these pulp trucks. If you are driving along the road and come up behind one of those pulp trucks you can blow your horn until doomsday, and they won't pay a particle of attention to you. As a matter of

fact they will take to the middle of the highway. I think it is about time to check it up a little bit. Instead of making them wider, I believe this House should make them narrower and give the people who own touring cars a chance to get out onto the road if they live back in the country. Therefore, I am supporting Mr. Rollins' motion.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Sweetser.

Mr. SWEETSER: Mr. Speaker and Members of the House: There is another angle to this situation which has not been presented. I am not a good enough legal authority to know exactly where the situation stands, but, in the original law, there is a conflict and this states rather definitely that no motor vehicle or trailer, with or without load, and so forth, it makes no provision for hay, brush, pea vines, and so forth that are being continually hauled over our roads in wider loads than one hundred and two inches. I think until that matter is straightened out that we can not vote intelligently on this bill. I will support Mr. Rollins' motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I think the position taken by the gentleman from Cumberland is correct. This seems to me to be special legislation, it is class legislation, it is a discrimination against anyone except those who are hauling pulpwood and so forth, and I hope the motion of the gentleman from Greenville prevails.

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

Mr. MILLS: Mr. Speaker, I am not entering this debate, Mr. Speaker and Members of the House, except to read the part that takes care of loading hay, Section 85, Chapter 19, which says, after a couple of sentences, "Provided, however, that the provisions of this section shall not apply to snow plows and equipment used exclusively for the removal of snow or for construction equipment, use of which is confined to the limits of highways, bridge construction projects, and provided, however, that the provisions of this section shall not be construed as limiting the

width of a load of loose hay or pea vines or corn stalks."

The SPEAKER: Is the House ready for the question?

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

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

The SPEAKER: The gentleman from Brewer, Mr. Thompson, requests a division.

The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the House indefinitely postpone Bill "An Act Relating to the Width of Trucks Hauling Forest Products" being Senate Paper 426, Legislative Document 1212, which was reported in New Draft, Senate Paper 551, Legislative Document, 1499.

Those in favor of the indefinite postponement of this bill will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Forty-eight having voted in the affirmative and seventy-six having voted in the negative, the motion is lost.

Thereupon, the "Ought to pass in New Draft" report of the committee was accepted and the bill had its two several readings.

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

Mr. WIGHT: Mr. Speaker, is it in order that we lay this bill on the table until we can prepare an amendment?

The SPEAKER: Under the rules, the bill will be laid on the table pending its third reading tomorrow morning.

Thereupon, the bill was assigned for third reading tomorrow morning.

Non-Concurrent Matter

From the Senate: Bill "An Act to Repeal the Charter of the Bay Point Village Corporation" (H. P. 1606) (L. D. 1272) which was re-committed to the Committee on Legal Affairs and passed to be engrossed by the House on April 24th.

Came from the Senate with the Majority Report reporting "Ought to pass" accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion by Mr. Payson of Union, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

From the Senate: An Act relating to State Normal Schools' Reserve Accounts which was recalled to the House from the Governor, and which the House voted on May 6th to return to the Governor.

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

In the House:

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

Mr. MILLS: Mr. Speaker, it was my intention yesterday to offer Senate Amendment "A" as House Amendment "A" if there had been reconsideration, but the seventy-four votes which were given yesterday for reconsideration were insufficient to suspend the rules so that it was impossible for me to offer the amendment.

This came up right after that muskrat matter, and I want to assure you that it has got nothing to do with muskrats, and there was no reason why it shouldn't be done—so far as I can see wasn't because the bill was lying on the Governor's desk and about to be signed, the five days was about to run, and one of the State Officials, the State Controller, found a bug in it, and it had to be cleared up in order to properly administer it. Therefore we asked to have it called back, and being unsuccessful yesterday in suspending the rules, we got it done last night in the other branch and got Senate Amendment "A" put on. So I now ask, Mr. Speaker, that this clarifying amendment, which is merely to set these reserve accounts up in such a way that the Controller can intelligently handle them, be adopted by House action of receding and concurring with the Senate. I make that motion.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the House recede and concur with the Senate. Is this the pleasure of the House?

The motion prevailed.

Mr. COUSINS: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. COUSINS: I rise to make a motion to reconsider.

The SPEAKER: The gentleman may proceed.

Mr. COUSINS: Mr. Speaker, I wish to make a motion to reconsider "An Act relating to Veteran's Permit to Hunt and Fish Free." My reasons for doing this at this time are this, although I know that we are fairly well along in the session, I had a very important thing called to my attention. The Commissioner of Inland Fisheries and Game received a letter from the Veterans Administration and it seems that the mental patients in the Veterans Hospital out there at Togus can not qualify for hunting and fishing licenses because they are not competent. Part of their therapy, and it is very important, by the way, is taking them out into the woods on the streams and letting them fish. He was wondering if anything could be done so that they could get a free hunting and fishing permit, the same as the other veterans do. I think that it is only fair to reconsider this bill and to reconsider our action whereby it was passed to be engrossed and prepare an amendment to take care of that. The amendment is now being prepared and I hope I will be allowed to have this matter reconsidered.

The SPEAKER: The Chair will state that the gentleman's motion is out of order and under the unanimous consent agreement the papers having been sent forthwith to the Senate.

Mr. COUSINS: Mr. Speaker, may I inquire if by unanimous consent I could get the papers back?

The SPEAKER: The gentleman may do so.

Mr. COUSINS: Mr. Speaker, I request unanimous consent for the House to retrieve the papers.

The SPEAKER: The gentleman from Fort Kent, Mr. Cousins, requests the unanimous consent that the House retrieve the papers from the Senate, if possible. Is there objection? The Chair hears none. The House will attempt to retrieve the papers from the Senate, if possible. (Laughter)

Mr. SLEEPER: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. SLEEPER: Mr. Speaker, I move that the House reconsider its action of yesterday whereby it indefinitely postponed the bill House Paper 1171 Legislative Document 847, permitting fly fishing in certain Franklin County waters. In support of that motion, Mr. Speaker, I will say that I voted to indefinitely postpone the bill. Since then, it has been brought to my attention that this is a measure, as I once before stated, which is purely local in its application and I feel, since it has been brought to my attention, the majority of the Representatives in this House from Franklin County wish to close those waters to all fishing except fly fishing and that is the business of Franklin County. We have had several measures here which applied to other local districts. I do not know whether it was yesterday or day before that you allowed us to close certain parts of the bay to scallop fishing, and then we reconsidered and indefinitely postponed it. But this House has been very considerate in following along on all salt water measures, so I do wish the House would reconsider and give this local matter another chance to be ironed out here. So I move you, Mr. Speaker that we reconsider our action whereby we indefinitely postponed this bill.

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

Mr. MILLS: Mr. Speaker, I just want to say that the majority of the representatives and senators from Franklin County want this done but they are one hundred per cent unanimously. Not only that, but if it is done, we want the Cape Elizabeth and South Portland lobster fishermen to come up and enjoy our fly fishing in Franklin County.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Jennings.

Mr. JENNINGS: Mr. Speaker, I have not spoken before on this bill, nor really being a fisherman. I do think the intentions of this bill are the right sort and I do feel that people living in Franklin County are not trying to make a handicap on people living in other parts of the State. Therefore, I feel that this should have reconsideration. Also, I think in this bill the thought was to make better fishing in these certain waters by what is specified in the bill.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the House reconsider its action of yesterday whereby it indefinitely postponed Resolve Permitting Fly Fishing in Certain Waters of Franklin County. Is the House ready for the question?

All those in favor of the motion of the gentleman from Rockland, Mr. Sleeper, to reconsider this matter will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

The SPEAKER: Eighty-three having voted in the affirmative and nineteen having voted in the negative, the motion prevails.

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

Mr. MILLS: Mr. Speaker, I now move final passage, if such a motion is in order.

The SPEAKER: The motion is in order.

Thereupon, the motion prevailed, and the resolve was finally passed, signed by the Speaker and sent to the Senate.

Mr. MILLS of Farmington: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. MILLS: To make a motion to reconsider, Mr. Speaker, and I hope that my motion does not prevail.

The SPEAKER: The gentleman may make his motion if he wishes.

Mr. MILLS: Mr. Speaker, I move that we reconsider our action.

The SPEAKER: What action, Sir? Mr. MILLS: The action whereby this resolve was finally passed, and hope that the motion which I make does not prevail.

The SPEAKER: The Chair will inquire if the gentleman voted for the passage of the resolve.

Mr. MILLS: I did not, Mr. Speaker.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the House now reconsider its action whereby this resolve received final passage. All those in favor will say aye; those opposed no.

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

Mr. SWEETSER of Cumberland: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. SWEETSER: I rise to ask for information, Mr. Speaker, there are two bills which we have voted

to pass for enactment today, which are supposed to be new drafts of other papers. Legislative Document 1465 is supposed to be new draft of Legislative Document 1296. Legislative Document 1465 is under the title of "Act Relating to Neglected Children." The old document of which this is supposed to be a new draft was "An Act Relating to Old Age Assistance Payments." Legislative Document 1467, the second one, is new draft of Legislative Document 1295. The title is "An Act Relating to Adoption of Neglected Children." The old one is "An Act Relating to Old Age Assistance Recipients."

I have been attempting to find out the discrepancy in these, but I have not been able to get the information. I would like to be informed as to the correct numbers of the redrafts. It appears to me we have bills under titles which do not apply.

The SPEAKER: The Chair understands the gentleman is referring to two matters acted upon this afternoon?

Mr. SWEETSER: Yes, Mr. Speaker, 1465 and 1467. They appear to be under titles entirely apart and have not been presented under the unanimous consent.

The SPEAKER: The Chair will inform the gentleman that the Committee on Welfare reported new draft S. P. 543, L. D. 1467, a new draft of S. P. 460, L. D. 1295.

Mr. SWEETSER: Mr. Speaker, now my further question is: Can a Committee report under a new title without unanimous consent?

The SPEAKER: The Chair will state that the Committee has reported and that that report has been accepted by the House.

Mr. SWEETSER: I just do not know what is involved in the re-writing of these bills. It appears to me that the Committee has gone beyond their rights in not asking unanimous consent to present these bills under a new title.

The SPEAKER: The gentleman's inquiry is not a parliamentary inquiry at this time.

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

Mr. COUSINS: Mr. Speaker, on the record, I wish to make a motion that the House reconsider its action whereby Bill "An Act Relating to Veterans' Permit to Hunt and Fish

Free" was passed to be engrossed.

The SPEAKER: The gentleman from Fort Kent, Mr. Cousins, moves that the House reconsider its action earlier in today's session whereby it passed to be engrossed "An Act relating to Veteran's Permit to Hunt and Fish Free".

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

A viva voce vote being taken the motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. COUSINS: Mr. Speaker, I move that this matter lay on the table until an amendment can be prepared.

The SPEAKER: The gentleman now moves that this matter be laid on the table.

Is this the pleasure of the House?

The motion prevailed.

Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, House Order which was tabled on May 6th by the gentleman from Boothbay Harbor, Mr. Perkins, pending adoption.

"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.'"

Is it the pleasure of the House that this Order be adopted?

The Chair recognizes the gentleman from Cumberland, Mr. Sweetser:

Mr. SWEETSER: Mr. Speaker, this proposal, it seems to me, is unnecessary. I do not know what prompted the gentleman from Boothbay Harbor, Mr. Perkins, to present this change in the House rules but it does occur to me that frequently we have occasion for a number of visitors and I see no objection. If it were a town meeting, where we had a great many people present who were not allowed to vote, we have, some of us, known that on a voice vote it is a little difficult, perhaps, to determine who is voting. I do not believe we have ever experienced that situa-

tion and I am opposed to the adoption of this. Furthermore, I note that this would exclude the Governor. Apparently, there is no objection to the Governor's addressing the House if he so chose but according to this rule I believe he would be excluded. I move that this be indefinitely postponed.

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

Mr. MCGLAUFLIN: Mr. Speaker, I rise to second the motion to indefinitely postpone this measure. I have been coming up to this House quite a number of years and it has quite frequently happened that the public was interested enough to attend this hall so that we have men and women on both sides as well as in the rear. Now, if we are going to continue this session until it gets to be a circus, the public will want to be present. I am against excluding them.

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I will say that I am a member of the Rules Committee on the part of the House and that I was handed this order and asked to introduce it as I have done on several other occasions. Personally, it is not my order; I was asked to present it as a member of the Rules Committee and I have done so. What you may do with it is your business.

The SPEAKER: The question before the House is on the motion of the gentleman from Cumberland, Mr. Sweetser, that the order be indefinitely postponed.

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

A viva voce vote being taken, the motion prevailed and the order was indefinitely postponed.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, 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) tabled on May 6th by the gentleman from Waterville, Mr. Muskie, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. Muskie presented House Amendment "A" and moved its adoption.

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

House Amendment "A" to S. P. 545, L. D. 1472, Bill "An Act to Amend the Pension Law for Members of Police and Fire Departments of the City of Waterville."

Amend said Bill by adding in section 5 thereof, after paragraph "No. 4" and before the last paragraph thereof, the following:

No. 5. "Shall the Pension Act for the Police and Fire Departments be changed to permit any member of the police or fire departments to join the employees' retirement system of the State of Maine?"

Further amend said Bill by renumbering section 5 to read section 6.

Further amend said Bill by renumbering section 6 to read section 5.

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 the third tabled and today assigned matter "An Act to Effect Certain Changes in Administrative Procedure Under the Unemployment Law" (S. P. 533) (L. D. 1443) tabled on May 6th by the gentleman from Portland, Mr. Haskell, pending passage to be enacted; and the Chair recognizes that gentleman.

On motion by Mr. Haskell, under suspension of the rules, the House voted to reconsider its action taken April 29th whereby this matter was passed to be engrossed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HASKELL: Mr. Speaker, as House Chairman of the Committee reporting this bill, I now offer House Amendment "A" designed to correct a clerical mistake appearing in the bill, and move its adoption.

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

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

House Amendment "A" to S. P. 533, L. D. 1443, Bill "An Act to Effect Certain Changes in Administrative Procedure Under the Unemployment Compensation Law."

Amend said Bill by striking out at the end of the 3rd line from the

end of section 4 thereof the figure and word "10 days" and inserting in place thereof the underlined figure and words '3 consecutive work weeks'

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

Mr. RANKIN of Bridgton: Mr. Speaker,—

The SPEAKER: For what purpose does the gentleman rise?

Mr. RANKIN: I rise to move that we take from the table Senate Paper Number 416, Legislative Document 1202, tabled by me this morning, "Resolve in Favor of Bridgton Academy."

The SPEAKER: The gentleman from Bridgton, Mr. Rankin, moves that the House take from the table "Resolve in Favor of Bridgton Academy," which was tabled by that gentleman earlier in today's session? Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. RANKIN: Mr. Speaker, I move that we substitute the resolve for the report. The situation is the same as that which related to Anson Academy, and on that we took action on the motion of the gentleman from Anson a few moments ago.

I move that the resolve be substituted for the report. It is the same situation except that it comes to us passed to be engrossed.

The SPEAKER: The gentleman from Bridgton, Mr. Rankin, moves that the House now substitute the resolve for the "Ought not to pass" report of the Committee on Appropriations and Financial Affairs on "Resolve in Favor of Bridgton Academy", House Paper 416, Legislative Document 1202. Is this the pleasure of the House?

The motion prevailed, and the Resolve was given its first reading.

Mr. Rankin then offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to S. P. 416, L. D. 1202, "Resolve, in Favor of Bridgton Academy."

Amend said Resolve by striking out all of the emergency preamble.

Further amend said Resolve by

striking out at the end thereof the emergency preamble.

Thereupon, House Amendment "A" was adopted, and the Resolve had its second reading under suspension of the rules and was passed to be engrossed in non-concurrence and sent up for concurrence.

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

Mr. MILLS: Mr. Speaker, I ask unanimous consent that all the papers just passed be sent to the other branch.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that by unanimous consent all matters acted upon to this date be sent forthwith to the Senate. Is there objection? The Chair hears none, and it is so ordered.

The SPEAKER: The Chair at this time notes in the balcony the presence of a class from Waterville High School, Miss Alice Clarkson in attendance with the class, and on behalf of the members of this House, the Chair bids you welcome here this afternoon. (Applause)

On motion by Mr. Mills of Farmington,

The House recessed until 4:00 o'clock E. S. T.

After Recess

4:00 P. M.

The House was called to order by the Speaker.

On motion by Mr. DeSanctis of Madison, the House voted to take from the table H. P. 765, L. D. 1150, Resolve, in Favor of Joseph V. Tardiff of Augusta, tabled by that gentleman earlier in the afternoon session.

On further motion by the same gentleman under suspension of the rules, the House voted to reconsider its action of May 1st whereby this resolve was passed to be engrossed.

Mr. DeSanctis then offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 1150, L. D. 765, Resolve, in Favor of Joseph V. Tardiff, of Augusta."

Amend said Resolve by striking out the figure "\$2,000," and insert-

ing in place thereof the figure '\$750.'

Thereupon, House Amendment "A" was adopted, and the resolve was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

On motion by Mr. Cousins of Fort Kent, the House voted to take from the table Bill "An Act Relating to Veteran's Permits to Hunt and Fish Free," (S. P. 547) (L. D. 1484) tabled by that gentleman earlier in today's session.

Mr. Cousins then offered House Amendment "B" and moved its adoption.

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

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

Amend said Bill by adding at the end thereof the following:

"The Commissioner of Inland Fisheries and Game is hereby authorized to issue free veteran's fishing permits covering groups of mental patients undergoing rehabilitation training at the Veteran's Administration Center at Togus. These permits shall be issued on request of the manager of the Veterans Administration Center at Togus, shall be effective while such groups are being conducted by a representative of the Veteran's Administration and while such groups are fishing within a 5 mile radius of Togus."

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

Non-Concurrent Matter

From the Senate: The following paper from the Senate was taken up out of order under suspension of the rules:

Bill "An Act Providing Revenue for the Highway Fund" (H. P. 1753) (L. D. 1500) which was passed to be engrossed in the House earlier in the day.

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

In the House, on motion by Mr. Hayward of Machias, the House voted to recede and concur with the Senate.

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

Mr. MILLS: Mr. Speaker, I wish to make a motion in a moment, but before making it I would like to state that due to the importance of the measures that are likely to be coming, not only tonight, but during the remainder of the session, it is most important that every member exert himself to be present.

We are coming into the last hours, I think, of the Legislature—that is, perhaps forty-eight hours, and it is most important that all of us be in our seats so that we will have a minimum amount of reconsideration take place.

I move, Mr. Speaker, that we recess until seven o'clock, standard time.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the House now recess until seven o'clock Eastern Standard Time. Is this the pleasure of the House?

The motion prevailed, and the House so recessed.

**After Recess
7:00 P. M., EST**

The House was called to order by the Speaker.

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

Mr. ELLIOTT: Mr. Speaker and Members of the House: I have here a letter from the office of the Governor of the State of Maine.

“ May 7, 1947

“Hon. Ross Elliott
House Chairman of Welfare Committee of the 93rd Legislature
Augusta, Maine
Dear Mr. Elliott:

I am enclosing herewith a letter from the office of John M. Hardy, Regional Director of Region 1, Federal Security Agency, Social Security Board, Boston, Massachusetts.

While I do not necessarily concur with the thoughts expressed by the author, I feel it is of sufficient importance to transmit it to you. I request, furthermore, that the contents be brought to the attention of the 93rd Legislature. In my opinion, it should be made a part of the proceedings thereof.

Sincerely yours,
HORACE HILDRETH
Governor”

The SPEAKER: The gentleman from Corinth, requests consent that the Clerk read the communication. Is there objection? The Chair hears none and the Clerk will read the communication.

The CLERK: (reading)
In Reply Refer to
File No. 10:RO:I
**FEDERAL SECURITY AGENCY
SOCIAL SECURITY BOARD
Washington, D. C.**

May 7, 1947

Office of the Regional Director
Region I * 120 Boylston Street
Boston, Massachusetts
Zone 16

The Honorable
Horace Hildreth
State House
Augusta, Maine
Dear Governor:

Thank you for your letter of May 2, 1947, which you forwarded because of my emergency phone conference with your legislative secretary, General Philoon, on April 29 (You were at the time at an extended meeting with your Councilors) suggesting the great need for caution due to our grave concern relative to the two Legislative Documents numbered 1354 and 1355, which if in their then form should become laws. We are very pleased to receive the attached proposed amendments, intended as you say, to eliminate the concern indicated.

We have very carefully examined these proposed amendments to Legislative Documents 1354 and 1355. After the most careful consideration, these amendments, if enacted into law, in this office's opinion, in their presently proposed form would raise a legal conformity question. They would require that an applicant who is unable to obtain sworn statements of a spouse or child, to prove, his inability to obtain such statements at a hearing as a condition precedent to having his application considered up on its merits. It must be accepted and without seeming argument that such a requirement forecloses the agency from making a usual and/or ordinarily required administrative investigation and determination concerning the applicant's eligibility. It would require the agency to make a determination in its nature judicial that the condition precedent as to his right to file an application has been met before any other consideration might, may or could be extended. In other words, such

a requirement also forecloses the agency from making an administrative determination on the merits of the applicant's otherwise eligibility status without such a hearing. In that respect, the proposed amendments are in their nature discriminatory. I am sure, aware as you are, from our negotiations with the State agency and previously submitted comments on the original bills of the serious questions likely to arise if these amendments were adopted. If, notwithstanding what we have previously stated, it is the considered judgment that legislation of the character under consideration should be adopted; it imposes the constrained duty to suggest that if such legislation is considered necessary for adoption in the judgment of State officials that an amendment to these proposed amendments be made by striking the words in the second paragraph, 3rd line, after the word "so" and before the word "then" in the 5th line, that is, the words "and after hearing, the department shall determine whether such inability to do so is real and genuine, and if it decides that it is real and genuine then" so that the second paragraph under this proposed amendment to the original bills will read as follows: "If the applicant is unable to obtain the sworn statement from such child or spouse as above provided, then upon proof of his inability to do so the merits of his application shall be considered. Any determination made under the provisions of this section shall be subject to the right of appeal by the applicant under the provisions of section 262." This with regard to Legislative Document 1355 and the same suggested amendment for Legislative Document 1354 except that the section number be section 283 instead of 262.

Even with the adoption of these suggested amendments, I am constrained to counsel that the acceptability of the necessity to submit amendments to the Maine Federal-State relationship plans, relative to old-age assistance and aid to the blind programs will impose a most careful consideration of the plan material to be submitted and very definitely shall include a consideration of the ways and means — the methods — the functional operations — and the practices thereunder which the agency shall be required to effect for the purpose-

ful implementation of such basically amended laws. In this connection because of the principle of soundness, of the basic law and efficiency in operations, we cannot but wisely intimate that as viewed in the perspective there is genuine concern that serious questions involving proper and efficient administration seem as inevitable and likely to arise. I am sure, therefore, but very respectfully suggesting that all having concern, however, slight the degree, should have an awareness that one-half the cost of the State's administration of operations of both programs is borne as part of the overall grants by the Federal Government. We should not, aye, we cannot passively stand by in the knowledge that a situation is about to develop the effect of which is to impose a greater increase in the cost of total operations than is upon all the circumstances reasonable without not only calling attention to the circumstance, but to pointedly call attention to what our responsibility involves concerning our discharge of that public obligation. I am sure you support the recognition of that responsibility as one of grave public concern and that both sovereignties of Government have the duty, as in the instant moment, to do all which shall tend to reduce the overall cost of operations rather than to increase them.

As has before been said to the State agency, these proposed laws if finally enacted will increase the overall cost of administration by adding additional functional operations that can under the obligations imposed by the present laws, rules and regulations be appropriately discharged as proper within the said law and regulations thereunder promulgated without increased costs.

My concluding comment, very respectfully stated, is that the enactment of these proposed bills, even with the proposed amendments about which I have just commented, would tend to straight jacket the aged people of your State by imposing the onerous burden of individual administration which otherwise is that much of the State Department's obligation to discharge on behalf of such worthy citizens. That duty the State has already imposed as an obligation upon the State Department. I have purposely refrained from the use of other figures of

speech that might fittingly be stated in a comparable analyses in support of the reasons hereinbefore announced lest a not intended inference of unfriendliness be therefrom drawn. That would not be the wish of this office.

In the hopeful trust you will find these comments helpful, I have the honor to remain.

Very respectfully yours,
(Signed) JOHN F. HARDY
Regional Director

The Communication was ordered placed on file.

The following Reports were taken up out of order under suspension of the rules:

House Reports of Committees Covered by Other Legislation

Mr. Marsans from the Committee on Education on Bill "An Act to Increase State Aid to Towns for the Support of Schools to Establish Minimum Salaries for Teachers" (H. P. 167) (L. D. 121) reported same is covered by other legislation.

Same gentleman from same Committee reported same on Bill "An Act relating to Union School" (H. P. 1192) (L. D. 780)

Reports were read and accepted.

Ought Not to Pass

Mr. Marsans from the Committee on Education reported "Ought not to pass" on Bill "An Act relating to High School Facilities in Brunswick and Certain Nearby Towns" (H. P. 1265) (L. D. 944)

Report was read and accepted.

Ought to Pass

Mr. Hammond from the Committee on Claims reported "Ought to pass" on Resolve in favor of E. E. Webber, of Rockland (H. P. 1271) which was recommitted.

Report was read and accepted and the Resolve was ordered printed under the Joint Rules.

Ought to Pass With Committee Amendments

Mr. Rankin from the Committee on Legal Affairs on Bill "An Act Creating a School District for the Oakfield - Merrill - Smyrna - Dyer Brook Community" (H. P. 1627) (L. D. 1301) which was recommitted, reported "Ought to pass" as amended by Committee Amendments "A" and "B" submitted therewith.

The SPEAKER: The bill already having had its three several read-

ings, the Clerk will read Committee Amendment "B".

Committee Amendment "B" to H. P. 1627, L. D. 1301, Bill "An Act Creating a School District for the Oakfield-Merrill-Smyrna-Dyer Brook Community."

Amend said Bill by renumbering Sections 4 and 5 to be sections 6 and 7.

Further amend said Bill by inserting after section 3 thereof, two new sections to be numbered sections 4 and 5:

Sec. 4. Superintendent of schools. The superintendent of schools of the town in which the community school is located shall be superintendent of the community school and shall have the same duties, powers and responsibilities with respect to said school and its committee as are prescribed by law for public school superintendents.

Sec. 5. Transportation. Transportation shall be provided by the community school committee in the same manner as is provided for transportation of elementary pupils in section 8 of chapter 37, the expenditures for transportation to be considered an expense of operation of the school.

Further amend said Bill by renumbering section 6 to be section 8 and amend said section by striking out all of the 1st sentence and inserting in place thereof the following:

"The community school committee of the "Oakfield-Merrill-Smyrna-Dyer Brook Community School District" shall determine what sum is required each year for sinking fund payments, or if the bonds or notes authorized by this act shall be issued to mature serially, what sum is required each year to meet the bonds and notes falling due, and what sum is required each year to meet the interest on said bonds or other obligations, and what sum is required each year to meet other necessary expenses in the district, and shall each year, before the 1st day of April, apportion the amount among the participating towns in the same ratio that each town's valuation is to the total valuation of the several towns, said valuation to be determined by the board of equalization and issue their warrant in the same form as the warrant of the treasurer of state for taxes, with proper changes, to the assessors of the towns comprising

the district, requiring that they assess upon the taxable polls and estates within each town an amount in proportion to the total sum required each year as that town's valuation bears to the total valuation of all the towns comprising the district and to commit their assessment to the constable or collector of said towns, who shall have all authority and powers to collect said taxes as is vested by law to collect state, county and municipal taxes.'

Further amend said Bill by renumbering sections 7 and 8 to be sections 10 and 11.

Further amend said Bill by inserting before section 10 thereof a new section 9, to read as follows:

'Sec. 9. Operation and maintenance. The community school committee shall determine what amount is necessary each year for operation and maintenance of said community school, and shall annually before the 1st day of March prorate the amount to the several towns on the basis of the maximum membership at the school of pupils for each participating town during the preceding year, provided that until such school shall have been in operation for 1 year, such pro-rating shall be based on the maximum membership of pupils from each such town in comparable grades during the preceding year. The committee shall then issue warrants in the same form as the warrant of the treasurer of state for taxes with proper charges to the assessors of the towns comprising the district who shall deduct the amount of subsidies accruing to the town because of its share in the community school and assess the remaining sum upon the taxable polls and estates within the district as provided in section 8.'

Thereupon, Committee Amendment "B" was adopted and the bill was passed to be engrossed as amended and sent up for concurrence.

Mr. Weeks from the Committee on Legal Affairs on Bill "An Act to Create the Ashland Area Community School District" (H. P. 1613) (L. D. 1279) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Thereupon, the House voted to accept the report of the committee, and the bill, having already

been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 1613, L. D. 1279, Bill, "An Act to Create the Ashland Area Community School District."

Amend said bill by striking out the punctuation "." at the end of the title of "Sec. 4" and inserting in place thereof the following underlined punctuation and words: 'superintendent of schools.'

Further amend said Sec. 4 by adding at the end thereof the following new paragraph:

'The superintendent of the community school shall be selected by the community school committee and shall have the same duties, powers and responsibilities with respect to said school and its committee as are prescribed by law for public school superintendents.'

Further amend said bill by striking out in the 7th line (6th line as printed) of Section 6 the figure "2½" an inserting in place thereof the figure '4'.

Further amend said bill by striking out the entire first sentence of Sec. 9 and inserting in place thereof the following: 'This act shall take effect on its approval by the governor only for the purpose of permitting its submission to the legal voters of the several towns embraced within the limits of said district, present and voting at a regular election or one especially called and held for the purpose in each respective town, by the municipal officers of each town, Ashland, Portage Lake, Masardis, Garfield, Nashville, and Oxbow, at its regular place for holding town meetings; the date of holding said elections to be determined by the municipal officers of each respective town but in no case shall be more than 1 year after this act shall become effective.'

Further amend said bill by striking out Sec. 12 thereof and inserting the new section following:

'Sec. 12. Participating towns; withdrawal. Towns not originally in the participating group of towns may be included upon vote of all the towns concerned in the same manner as is prescribed for the establishing of the community school, under such terms and arrangements as may be recommended by the community school trust-

tees and approved by such vote, provided the cost to applying towns shall be based on a fair valuation as determined by the state board of equalization.

When any one town decides to withdraw from the community school district, it must decide affirmatively to do so by a 2/3 vote of the legal voters in said town present and voting at a special town meeting called for that purpose, and by giving to the community school district a 2-year notice of their intent to withdraw; provided the withdrawing town may claim and demand a share equal to 50% of the equity in its capital investment after deduction of depreciation costs; provided further, that the remaining towns in the district shall assume and be liable for the outstanding indebtedness of the district notwithstanding the provisions of section 5. The superior court in equity shall have jurisdiction for the enforcement of the provisions of this section.

Thereupon, Committee "A" was adopted and under suspension of the rules the bill was given its third reading and was passed to be engrossed as amended and sent up for concurrence.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Amending the Law relating to the State Board of Arbitration and Conciliation" (H. P. 1461) (L. D. 1065) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. Hopkins of Kennebec
Haskell of Penobscot
—of the Senate.
Brown of Unity
Chase of Cape Elizabeth
Leavitt of Old Town
Brown of Baileyville
Marshall of York
Sharpe of Anson
Collins of Caribou
—of the House.

No Minority Report was filed.

On motion by the gentleman from Unity, Mr. Brown, the House voted to accept the report of the committee, and the bill, having already been printed, was given its two several readings.

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

Committee Amendment "A" to H. P. 1461, L. D. 1065, Bill "An Act Amending the Law Relating to the State Board of Arbitration and Conciliation."

Amend said Bill by striking out in the 19th line of section 1 thereof the underlined figures "\$25" and inserting in place thereof the underlined figures "\$10"

Further amend said Bill by striking out in the 9th line from the end of section 1 thereof the underlined word "agent" and inserting in place thereof the underlined word "agency"

Further amend said Bill by striking out in the 4th line from the end of the 1st paragraph of that part designated "Sec. 14-A" the underlined word "upon" and inserting in place thereof the underlined word "on"

Further amend said Bill by inserting before the underlined word "parties" in the 2nd line of the 2nd paragraph of that part designated "Sec. 14-A" the following underlined words "agent or agencies which represent or constitute"

Further amend said Bill by striking out the last paragraph thereof and inserting in place thereof the following underlined paragraph:

'Appeal to any court of competent jurisdiction as to matters of law may be had from any decree, order or rule issued under this section, provided any party desiring to make such an appeal shall give notice of such appeal within 10 days of the date of the decree; but such decree, order or rule shall remain in full force and virtue pending such appeal.'

Committee Amendment "A" was adopted, and under suspension of the rules the bill had its third reading and was passed to be engrossed as amended and sent up for concurrence.

The following papers from the Senate were taken up out of order and under suspension of the rules.

Non-Concurrent Matter

From the Senate: Report of the Committee on Welfare on Bill "An Act Relating to Increasing the Maximum Payment in Old Age Assistance" (S. P. 310) (L. D. 783) reporting same in a new draft (S. P. 487) (L. D. 1355) 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

as amended by Senate Amendments "A", "B" and "C".

In the House, the report of the committee was read and accepted in concurrence, and the bill had its two several readings.

The SPEAKER: The Clerk will read Senate Amendment "A".

Senate Amendment "A" was read by the Clerk as follows:

Senate Amendment "A" to S. P. 487, L. D. 1355, Bill "An Act Relating to Increasing the Maximum Payment in Old Age Assistance."

Amend said Bill by striking out in the 7th line of section 2 thereof the underlined words "ability to work."

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

Mr. CHASE: Mr. Speaker, this bill is not the bill referred to in the long communication recently read. Since there are three amendments to consider, the discussion of them perhaps can be given at one time.

The bill, itself, will increase the maximum grant of old age assistance from \$40 a month to \$45 a month. In view of the facts which were brought out at the hearing before the Committee on Welfare, the Committee seemed to feel that it was appropriate to put into the bill a requirement that the Welfare Department should have from the applicants for old age assistance a sworn statement of their assets and liabilities and, further, a sworn statement of the assets and liabilities from the accessible children, or wife, or husband of the applicants. There was also written into the bill the essential feature of another bill which required also the consideration of the applicant's ability to work. Senate Amendment 'A' would strike out that requirement of approval as to the ability of old age assistance applicants to work. The Committee did not deem it essential, and I believe I can speak for the other members of the Committee when I say that it is entirely agreeable to us to strike that from the bill as Senate Amendment 'A' would do.

Senate Amendment "B", if adopted, would add to the bill the requirement that the present recipients of old age assistance should supply similar information. This would require a great deal of work in going back and checking every recipient who is on the rolls back

to a certain date, and I think it adds very little to the bill. There was plenty of law to enable the department to do that when these people were put on the rolls.

Senate Amendment "C" is an amendment which changed the provisions of the bill to bring them closely into conformance with the suggestions made by the Federal agency, and I am informed that Senate Amendment "C" has had the approval of the State's legal authorities.

I would like to make this motion, Mr. Speaker and it may be necessary to ask the House to adopt Senate Amendment "A" and Senate Amendment "C", and then I would like to move indefinite postponement of Senate Amendment "B" in non-concurrence.

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

Is it the pleasure of the House to adopt Senate Amendment "A".

The motion prevailed.

Senate Amendment "B" was read by the Clerk as follows:

Senate Amendment "B" to S. P. 487, L. D. 1355, Bill, "An Act Relating to Increasing the Maximum Payment in Old Age Assistance."

Amend said Bill by adding at the end thereof the following:

"Sec. 3. R. S., c. 22, § 265, amended. Section 265 of chapter 22 of the revised statutes is hereby amended by adding at the end thereof the following:

'Any recipient of old age assistance shall be disqualified from receiving old age assistance unless he files with the commissioner, on or before January 1, 1948, and annually thereafter during the month of December, the following information:

I. A sworn statement concerning income, assets and liabilities of the recipient, sworn to by the recipient;
II. An individual sworn statement of inability to support the recipient made on the part of each accessible adult child or spouse of said recipient, and such statements shall include full information regarding individual income, assets and liabilities.'

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

On motion by Mr. Chase of Cape Elizabeth, a viva voce vote being taken, Senate Amendment "B" was indefinitely postponed.

Senate Amendment "C" was read by the Clerk as follows:

Senate Amendment "C" to S. P. 487, L. D. 1355, Bill "An Act Relating to Increasing the Maximum Payment in Old Age Assistance."

Amend said Bill by striking out the last underlined sentence of that part designated "Sec. 260" of Section 1 thereof and inserting in place thereof the following 2 underlined paragraphs:

'An application shall not be considered unless accompanied by an individual sworn statement of inability to support the applicant made on the part of each adult child or spouse of said applicant residing in this state, and such statements shall include full information regarding individual income, assets and liabilities.

If the applicant is unable to obtain the sworn statement from such child or spouse as above provided, then upon proof of his inability to do so and after hearing, the department shall determine whether such inability to do so is real and genuine, and if it decides that it is real and genuine, then the merits of his application shall be considered. Any determination made under the provisions of this section shall be subject to the right of appeal by the applicant under the provisions of section 262.'

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

Mr. PEIRCE: Mr. Speaker, as I understand it, this amendment requires applicants for old age assistance to file an affidavit showing the assets of his closest relatives who might, otherwise, be called upon to support him. The amendment which we just killed would apparently have had the same effect on those people who are already receiving old age assistance. If I understood him correctly, the gentleman from Cape Elizabeth said that there was already enough law on the books to provide that if it was considered necessary. I wonder if it is necessary at this time to further encumber the law by adding this amendment.

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

Mr. McGLAUFFLIN: Mr. Speaker, this matter, of course, has just come to us so we have had no opportunity, those who are not on the

committee, to give it consideration. Before I vote on that measure, I should like to know what the occasion is that calls for it. I do not know of any reason why this Amendment "C" should be passed. I would like more information before I vote for it.

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

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

Mr. CHASE: Mr. Speaker, with regard to the question of the gentleman from Portland, the House members of Committee did not deem it advisable to go back into the past. These people are on the rolls and have been taken on by the State Department, which perhaps could have more carefully checked at the time, and which had some law to enable a more careful check than was made. There was no provision of law which would require the department to ask for a sworn statement.

The point is that we do not want to go back to attack and repudiate the actions which the department has made. We would like to take up from here so that we would be sure that the department would be required by law to get this full information from relatives whom the law now says are responsible so that the department will have a full information from relatives whom the law now says are responsible, so that the department will have full information by which the measure of responsibility may be judged. That is the purpose of the bill and of Senate Amendment "C."

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

Mr. McGLAUFFLIN: Mr. Speaker, I think that the Welfare Department looks pretty closely now to see that people do not get assistance unless they deserve it.

Now, I am going to tell you of a couple of cases that have come to my attention. One was in the Town of Mapleton where the husband of a woman I happened to know was getting old age assistance. She wrote to me and asked me if she could let a room at a dollar a week so as to get enough money to pay the taxes and she stated that the Welfare Department at Augusta had told her that she could not do that; if she did, it would be taken off of

her husband's assistance. I could not believe that that was so but I wrote up here to Augusta and found that that was even so; and the result was that that woman lost her little home because she could not pay the taxes and the town took it over for taxes.

Another case, a woman in Portland, was getting old age assistance and she came to me and said: "They have taken away my assistance." And I said: "What?" She said: "I had \$100 and I had that to pay my funeral expenses." I took that letter up to a member of the Legal Department here in Augusta and what do you suppose I was told? That she was liable to prosecution because she did not reveal that \$100. I do not want to tell what I said to him about what I thought of that rule. The result of it was that you won't send that woman to jail—over seventy years old.

Now I am telling you that they are stopping giving assistance to everybody that they can get any excuse for whatever; and it strikes me that this is a move to help this Department step on somebody that, perhaps, ought to be given consideration. I move the indefinite postponement of Amendment "C."

The SPEAKER: The Chair understands that the gentleman moves indefinite postponement of Senate Amendment "C."

The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I believe that this is something that has come to us very suddenly and I think we should give it a little deliberation. I believe, perhaps, that what we are doing here, we are passing a little class legislation if we pass one of these amendments and kill the other one. I just opened the book in front of me here that I borrowed from one of my neighbors, and it says here, Case 36, "Case was insufficiently investigated by field worker. Opinion of reviewer: Payment was justified but that daughters should contribute towards support of their father." The next page I opened is: "Case insufficiently investigated by field worker. Opinion of reviewer: Payment is justified but the children should assume full support of their parents."

Well, now, as I hastily realize what is going on with these amendments—it was to find out in the future what relatives were responsi-

ble for the support of the parents. And I would call it class legislation if you let the number who are on here now go scot free without investigating them. Mr. Speaker, I move that the whole thing lie on the table and be specially assigned for tomorrow morning pending the motion for indefinite postponement.

Mr. FOWLER of Augusta: Mr. Speaker—

The SPEAKER: The motion to lay on the table is not debatable.

The gentleman from Greenville, Mr. Rollins, moves that this matter be laid on the table, pending the motion of the gentleman from Portland, Mr. McGlauffin, that Senate Amendment C be indefinitely postponed.

All those in favor of the motion of the gentleman from Greenville, Mr. Rollins will say aye; those opposed no.

A viva voce vote was taken, and the motion prevailed.

Non-Concurrent Matter

From the Senate:

An Act relating to Taxation of Various Corporations (S. P. 244) (L. D. 664) which was passed to be enacted in the House on April 8th and passed to be engrossed on April 1st.

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

In the House: The House voted to recede and concur with the Senate.

Bill "An Act to Amend an Act Providing for the Board of Commissioners of Police for the city of Augusta" (H. P. 1707) (L. D. 1432) which was passed to be engrossed in the House on April 21st.

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

In the House: The House voted to recede and concur with the Senate.

The following Bill on its passage to be enacted was taken up out of order under suspension of the rules:

An Act Imposing a Personal Income Tax to Raise Additional Revenue" (H. P. 1742) (L. D. 1489)

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

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, I move that this act be indefinitely postponed. As this may be the last time that I shall ever address this or any other House of Representatives, I wish to take the opportunity, at this time, to thank the Members of this House for their kindly consideration of me. I have not been able to speak or take the part that I would like to take in this term owing to conditions over which I have had no control and I would, indeed, be recreant in my duty, representing the section of Maine which I do, if I did not move the indefinite postponement of this income tax proposal.

I come from a section of Maine which does a large resort business and, if this act is passed, it will place upon us and do our section of the State a great injury.

It may be, perhaps, difficult for you people here to understand our condition. But these people who come to us and who have come to us because we have had no income tax are among some of the very best citizens that we have. Not only may some of them remove to other states, but it will prevent anybody coming to us in the future. What it will mean to us, I alluded to a few days ago. In my own town, one of these people came to our town office, and laid out several thousand dollars as a gift to the town. They would not have done that if they had been temporary residents. They had made it their home. Another one gave us our domestic science room in our high school building, and equipped it much better than we could have afforded to do ourselves. They contribute to all charitable relief and one lady, for several years, contributed at least seventy-five Christmas boxes for the worthy poor of our town. And let me repeat had she not been interested as a citizen of our town, she would not have had that interest which she had given us.

And to call your attention to another instance, recently in this House there was passed a bill relating to the Reef Point Gardens, in Hancock County where a woman had expressed a desire to give to that organization to beautify that section and to furnish it with this great arboretum, the sum of one-half million dollars and the Legal

Affairs Committee passed out a bill so that she might give that organization a quarter of a million dollars. It is difficult for some of us here in this House, perhaps, to realize what that means to these resort areas. We do not have any agriculture, large manufacturing, in our communities. All we have is this resort business and we have enticed them to come, a great many of these people; I have done a great deal of it myself, and one of the great arguments that we have had for them is that we had no income tax. And it seems unjust, inequitable, and unfair to pass a tax bill that would do damage to a certain section of our State, which I have the honor to represent. We would not do it to you; if these tax bills cast an extreme burden upon your section or would do any damage, we would vote against it. I voted for all these bills raising money for schools and I voted for every tax bill except this income tax, which I, under the circumstances, am unable to do.

Now, so much for that. Someone has said here; "Where would they go?" I have in my hand a sheet dated May 1, 1947, from Mr. Russell, Executive Secretary of the School Association, and he says here that there are only fourteen states which have this tax and he lists them here. Now Rhode Island and Connecticut do not have this income tax, Florida does not, and there is plenty of opportunity for these people to go elsewhere. Now, we do not want them to go. It is one of the greatest assets we have in our section and we want to keep it. These people are not tax conscious but the tax situation has become so grave that they have to watch their budgets and it would cast a great burden, it seems to me, upon my section of the State. Now this bill is labelled an income tax will and is a personal income tax measure to raise additional revenue.

Now, Mr. Speaker and Members of the House, it is a personal income tax bill and, lest I forget it, let me say that this bill contains no provision whereby a State of Maine income taxpayer could obtain credit for the tax which he pays the Federal government. If he paid an income tax of one thousand dollars to the Federal government, he gets no credit for that on his income tax return here in the State under this law. Furthermore, there is no tax upon corporations—and I might re-

fer for a moment to the situation in the State of Massachusetts. They show what happens to an income tax. The Government there proposed a day or two ago to double their income tax; a sales tax of two per cent, a gasoline tax of two per cent, and what else? A tax on corporations.

Now, this is a personal income tax law and, in this law, it contains certain exemptions. Under Section 283, Section 3, Page 32, of this bill, if anyone has his money invested in a telephone company or anything of the sort where they pay an excise tax, it says they are exempted, "the excise tax is in place of all taxes upon the property of such corporations, associations, or a person employed in such business."

Furthermore, not only this bill full of things like that, this bill is thirty-five pages long and I doubt if more than two members of this House have ever read it or have any idea what is in it or what is left out of it. Corporations are exempt because it is a personal income tax law and, at the very start, on page 2, Section 245, Roman numeral I, the term 'personal' shall not include corporations." I respectfully submit to you, Mr. Speaker and Members of the House, that all one has got to do to evade this income tax law is to incorporate his business and that can be done for a reasonable sum and anyone who knows anything about organizing corporations can set it up and so they will not be in too much danger from the Federal government. And it seems to me that this bill has a great many holes in it and if we are going to pass an income tax law, Mr. Speaker and Members of the House, this is not such a bill as we should pass, and I hope the motion to indefinitely postpone will prevail, and Mr. Speaker, when the vote is taken I would ask the yeas and nays.

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

Mr. MCGLAUFLIN: Mr. Speaker I also want to oppose this measure for a very different reason. I do not find the income tax in itself objectionable. I think it is a very fair tax. But it has been pointed out to you today by the gentleman from Cape Elizabeth, Mr. Chase, that we won't get any money from this source, if we pass it, until 1949.

Now, if we are going to take care

of the program before us; if we are going to provide teachers' salaries and teachers' pensions and a building for Pownal and the money for the University of Maine, we want that money before 1949 or 1950.

I can not see how this Legislature can fool over this income tax, first passing it and then taking it back and reconsidering it, and fooling with it when we know we can not get the revenue from it. I think it is time that we did something definite. This is our nineteenth week; some of us want to get home before the Fourth of July. I should judge that perhaps my friend, Mr. Sleeper, would stay here all summer before he would vote for anything. But, Members of this Legislature, this is getting to be serious. We voted, over and over again, and I voted for this thing to keep it so we could consider it. But I am convinced that it does not do the job, and won't raise the money we need no matter how good the income tax idea may be. Aren't we sometime going to decide to do something? Can't we pull together on something? Now we know this won't do the job, it positively will not. Why can't we wipe that out now, and get started? Then perhaps before morning we can make some progress.

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

Mr. FINNEGAN: Mr. Speaker and Members of the House: As you know, I have opposed all these major tax legislations on the emergency feature. I oppose this one not only on the emergency but on the implication that it may contain to the future.

I witnessed the birth of the Federal income tax in 1913. I have never been separated from it and neither have many people in this House. But that started out as a very innocuous tax bill, it was not going to cost anybody very much money and it did not when it started out. I was doing a little research recently on just what has happened on this Federal income tax over the years since it was first inaugurated as part of our national taxation system and I think these figures will be of interest to you. The basis for them is contained in

a United States News under the date of December 13th, 1946 and I would just like to review a few of these figures with you. It won't take but a minute or two to do it.

This tax, as you know, started in 1913; it reached its highest level in the early days in 1918. The examples which this report has set forth is based on income accruing to a family of, a typical American family of four people, that is, a man, his wife and two children and the figures are as follows: That family, with an income of \$5,000, in 1918 paid a tax of \$158; the tax was lessened over the years, the low point in all of these income tax assessments was reached in 1929. In 1929, that same family paid a tax of \$3.00; in 1932, the tax was \$68; in 1939, it was \$48; that was seven years ago; in 1945, that tax became \$755. I call your attention to the fact of a \$3 low in 1929 and a \$755 high in 1945. On a ten thousand dollar income, before exemptions, the same family in 1918 paid \$782; in 1929, the same family paid \$41; in 1932, it paid \$416; in 1939, it paid \$343; in 1945, it paid \$2,245. A family with an income of \$25,000, the same family, in 1918, it paid \$8,672; in 1929, it paid \$839; in 1932, it paid \$2,456; in 1939, it paid \$2329; in 1945, it paid \$9,705. That is a low of \$839 and a high of \$9705 on an income of \$25,000.

And, just to relieve the minds of some of our members, who are disturbed that our residents who have taken up residence in the State, as they say, to avoid taxation, just to give you a little idea that they are not sleeping on a bed of roses, I am using these same figures I have got out here. A person who had the same family and who had an income of \$50,000, there may be some of those in the State, I think there may be many, in 1918, he paid \$11,000; in 1929, he paid \$4166; in 1932, he paid \$8536; in 1939, he paid \$8621; in 1945, he paid \$26,865. It goes on from \$50,000 to \$100,000, but I will read you the \$100,000 one because it is interesting. An income of \$100,000 for the same family—in 1918, he paid \$35,000; in 1929, paid \$15,000; in 1932, paid \$30,000; in 1939, paid \$32,000; and in 1945, he paid \$68,565. So do not let anyone lose any sleep that these poor fellows who are living on an income are having any bed of roses.

Now, to work this out in connection with the tax that has been pro-

posed, I would call your attention to the fact that on this bill which we are now considering an income of \$5,000 would cost \$110; that same income, on the same family, in 1939, according to this, would pay \$48; this is two and a half times what the Federal tax was in 1939. An income of \$10,000 compared with this one, you would pay \$300 under this proposed bill and it was only \$343, the Federal tax, in 1939. So nobody who thinks they are starting off with a modicum of taxes had better just keep those figures in mind.

Now I object strongly to these major income tax measures because when the emergency arises, which can arise in this State, you have the same vehicle, you have the same possibilities of accelerated taxes that the Federal government has when they meet an emergency. And if this is your basis for taxation, whatever the cost is going to be, the rate will have to be fixed accordingly because the money must come from some place.

Now, another thing about this income tax, I again would like to call the attention of the members to, at the point even of repetition, of boring you a bit, and that is this mill tax which is supposed to be dropped in this income tax, if it becomes a law. They say this will relieve the property taxes. Well, the property tax that will be relieved at the present time is seven mills. It has nothing to do with your tax that is burdening people in the towns and in the cities, where the rates are \$50, \$60, or \$70, a thousand. This mill State tax increases that—it is imposing that tax to the extent only, as I told the Session before, \$7.00 a thousand dollars of taxable valuation. In other words, if the tax rate is seven per cent, \$63 is your local assessment, \$7 is the State.

So, let us not be confused or disturbed by this burden that is going to be lifted from the shoulders of the taxpayers because there isn't going to be any burden lifted. You are going to have your same tax rate. It does not matter what the income tax is, whether you pass it or you don't, the saving that this implies will never be reflected in the tax bill of any of us who live in any town or in any city because it is too infinitesimal to be figured and an excuse will be found for using that money for some other

purpose. Those are some of the reasons that I object, most of the other reasons have been stated, so I am not going to repeat them.

But in this dilemma that we are in we are seeking revenue if we pass Mr. Sleeper's cigarette bill, even the cigarette without the tobacco tax, that will provide, according to the State Tax Commissioner, two million dollars.

Now, whatever we need in addition to that can be adjusted with this mill tax. Two mills will be the top, it might be even less than that, to give us what money we need. Now that, if it were a two mill tax, would be a million and a half, two million for the cigarettes, that would be three million five hundred dollars per year or seven million for the biennium.

I submit to you that there is no tax that we can levy that would require less administration, less change in their tax system, it does not involve at the most more than one auditor, according to Mr. Stevens, on passing the cigarette tax; the other is automatic.

Now, nobody knows what is impending in the next two years; many things can happen; there is one situation that I think would bear a little watching and that is the Federal government, in its retrenching program, with a cut of from twenty to thirty per cent already almost assured, are going to search some place to relieve themselves of the burden they have been assuming; and it has already been mentioned at Headquarters in Washington that perhaps the State now should go back to taking care of its own relief program. If that should happen, we will have a crisis in the State of Maine as these matching funds may not be available.

I am not saying that is going to happen right away and it probably won't happen in the next few years, but it is something to be thinking about so, if we burn all our bridges and pass these major income taxes, sales or income, at a time when there is no emergency, I leave it to your judgment what may happen in view of the figures that I have read you here, that accelerated Federal income tax proposal. Those figures, to me, are very sobering, and I say they are official, you don't have to discount them. So, if we want to go home and stay home, and Lord knows I hope we

can do that, we can pass that cigarette tax and, if necessary, adjust that mill tax just a little, a two mill tax would mean \$2 on a thousand dollars' worth of taxable property; on ten thousand dollars' worth of taxable property, it would be \$20. There is no expense attached to it, and, for my solution of this problem, I offer you this program and I go along with the indefinite postponement of this income tax bill.

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

Mr. McCLURE: Mr. Speaker, I believe that my colleague from Boothbay Harbor, Mr. Perkins, is partly correct, that if we do not get this income tax through and keep it alive, what next? Why the smoke screen? We know that we have the sales tax, the sales tax is going to hit the small men. If we get rid of this income tax by indefinite postponement, what do we have left? We have the sales tax; it hits the little man. This income tax may take away some of the luxuries from those that it will affect the most, but the sales tax will hit the little fellow and take away the necessities of life. I am opposed to the indefinite postponement of this measure until we see what other action we take on other tax measures.

The SPEAKER: The Chair recognizes the gentleman from Aurora, Mr. Silsby.

Mr. SILSBY: Mr. Speaker and Members of the House: I want to go on record as opposed to this income tax measure.

Since we convened here on January 1st, it has been the theme song that we have got to have new money; we have got to have it at once; and yet we have for our consideration an income tax bill which pays the State of Maine no income until 1949. Now, if we pass this bill, as it is, the people of this State have been educated in the matter of an income tax with our Federal government, and I do not believe that the people of this State will permit this tax to become law without a referendum and if they do, then we have missed the boat entirely. And I, for one, think that we should bat this ball out of the park once and for all and have it over with, and let us consider something that is going to give us some relief. We have not got it

here and there isn't any chance for it to give us any. I hope the motion of the gentleman from Boothbay Harbor prevails.

The SPEAKER: The question before the House is upon the motion of the gentleman from Boothbay Harbor, Mr. Perkins, that "An Act Imposing a Personal Income Tax to Raise Additional Revenue" be indefinitely postponed.

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

Mr. WIGHT: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Bangor, Mr. Wight, moves the previous question. In order for the Chair to entertain the motion for the previous question, it requires the consent of one-third of the members present.

Mr. McGLAUFILIN: Mr. Speaker—

The SPEAKER: Until the matter of consent is decided, the question is not debatable.

All those in favor of the Chair entertaining the motion for the previous question to be put now will please rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: One hundred thirty-two members being present and thirty-seven having arisen, and thirty-seven not being one-third of the members present, the motion for the previous question is not in order.

The question before the House is upon the motion of the gentleman from Boothbay Harbor, Mr. Perkins, for the indefinite postponement of the bill.

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

Mr. WOODWORTH: Mr. Speaker and Members of the House: I thank you very much for voting in such a way that I might be heard.

I may say at the outset that I have the greatest personal respect for the members who have argued for the indefinite postponement of this bill. I will do my best to answer the objections which have been made.

It has been said that we have a great many people who have settled here because the State had and has no income tax law. I do not question that as a matter of fact. I doubt, sincerely and seriously, whether they would move away if

we do now pass a modest income tax law. They inherit, they pass their property along and it is, of course, true that it creates a certain amount of work for people, lawyers, who live in that vicinity and, of course, if they do move away and change their residence, the lawyers in that neighborhood will lose some business. But, I do not think that there has been any conscious intent on the part of any proponents of this bill to pass this law because it would hurt some sections of the State. On the contrary, I believe that this bill has been supported because it is the best bill available to provide the income that we need. I do not think that we are going to lose as much as the gentleman from Boothbay Harbor says we shall lose. I believe that people will continue to move here because I believe that our tax rates are, and will be for many years, less than they are elsewhere. And I appreciate very much his reference to the Reef Point Gardens, which I did my best to put through— I think it is a worthy cause and I do not believe that it was created or offered to the people of Maine for the reason that we had no income tax law. That is entirely beside the point.

The objection has been made that there is no exemption of taxes paid to the Federal government. The first paragraph says "taxable net income." In my opinion, net income includes the income that remains after the Federal tax is deducted so that you may deduct your Federal tax.

His third objection is that there is no tax on corporations. There is no tax on corporations in the direct sense but there is a tax on personal income. The income of anyone who assumes property is taxed, and I may say that that the reason why there is no direct tax on corporations is two-fold. The first reason is that the State of Maine has a very unusual set-up in corporation laws which are known to us in this Legislature. You have heard frequently about the Maine corporation; and the fact is the corporation laws of our State are very lenient. For that reason, you find thousands of corporations which do not have actual businesses here but do have an office so that they can do business according to the laws of Maine. These corporations pay thousands of dollars to the State of

Maine every year in franchise taxes, and if we pass an income tax and we impose a direct tax on the business which they really do not do here, they would simply pick up this office and move it somewhere else so that we would lose a great deal more than we would gain by a direct corporation tax. You must remember that very few corporations are chartered under United States Government laws. This is a State affair.

The second reason I say that corporations are exempted is because this bill which you have before you provides that although hitherto the capital stock of the corporation has not been subject to direct taxation that that exemption is removed by this statute so that the corporation's stock is now directly taxable, and you know that the value of the stock is determined by the value of the corporation, its assets determine the value of the stock.

The first objection which I noted is no income until 1949. That is true. The question then comes up: What other form of taxation would do better? I say there is none. This is the only form of taxation, I believe, which is certain, eventually, to bring us some form of taxation. The cigarette tax has been mentioned. I think we can very well use that as a stop-gap and I think we can pass this bill in anticipation that this House, which is well disposed to raise the necessary money which the State needs, will give that bill also favorable consideration.

The gentleman from Bangor, Mr. Finnegan, has given us the history of the Federal Income Tax and has also reported to us his theory of the mill tax increase and what has been its result on our tax problem. That is just an example. He may be right, but I think there are a great many people in the State of Maine who have enough mill tax limit on their property now. I have not heard anybody say that they were not satisfied that they were getting all the tax their property needed and I believe a great many others object to an increase in the mill tax. I would like to call your attention to the fact that the gentleman from Bangor also sees the feasibility of the cigarette and tobacco tax to close the gap until the money from the income tax starts rolling in.

This, as you know, is the second

time today that this bill has been under fire and, in this case, it has been attacked by a motion for the indefinite postponement. I realize that all of the Members of this House want to do the best that they can to protect the interests of our State and to secure money which is necessary to operate our State. Some do like the sales tax; some may not; some may like the income tax and some may not and, if we spoke our own personal minds, I suppose we would all say that we do not want any new taxes; that we are considering them only because we have to.

In asking you to support this bill and to oppose the motion which has been made, I say this: I believe that this income tax bill is the surest way of raising money. I do not believe that the people of Maine will accept a sales tax law. I believe that they will accept an income tax law. We have been here for more than four months and up until now we have accomplished nothing. I believe that if the people of Maine will accept this income tax. Now if this House will vote not to postpone this bill but will instead enact it, we can say to the people who sent us here that we have honorably fulfilled our duty and that we have done the job they sent us here to do. I hope the motion may fail.

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I would like to correct one statement made by the gentleman from Fairfield, Mr. Woodworth. I have read this bill over carefully and I can not find under the exemptions any Federal Income Tax. There is no exemption of the Federal Income Tax in this law. If I pay a thousand dollars or five hundred dollars a year to the Federal government, I can not deduct it from my return to the State Tax Assessor. Most States have a reciprocal provision in their State income tax law. We have no such statement here. If you will read the definition of gross income on page 3 and then turn over and read the exemptions you will find that there is no exemption for a tax paid to the Federal government.

The SPEAKER: Is the House ready for the question?

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

Mr. ELLIOTT: Mr. Speaker and Members of the House: I know that I can not make a speech. You have heard figures read here on the cost of the Federal Income Tax Law and I also understood my friend from Bangor to tell what it would cost us as taxpayers under this law.

Now, on page 11 of this income tax law, if you have an income of \$5000 and have a wife and two children, the tax would be the enormous sum of \$37, and I do not think that that is a very heavy tax to a man with a \$5000 income; and we do know that the cigarette tax would be a wonderful tax, as the gentleman says, for both he and I. I never have yet smoked a cigarette and I have never seen him smoking one. Nevertheless, I think that the average man who smokes cigarettes is paying all the tax he ought to. I am willing to pay my share of an income tax which I certainly would be hit by even if I am a farmer.

I do not represent, I will admit I do not represent, a locality which gets its entire living from a few summer residents and I do not believe that those localities that do would lose their summer residents. I do not know of but just one place where he can go to escape taxes and that is to hire the undertaker to nail us into a pine box, and I am not ready yet to be nailed in. I am willing to pay my share of the tax and I certainly hope that the motion of the gentleman from Boothbay Harbor does not prevail.

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

Mr. HARRIS: Mr. Speaker and Members of the House: As has been mentioned here, this is our nineteenth week. We have two major tax revenue bills here. Some of us like one, some another. None of us like either—there are not enough of us who like either to pass them as an emergency. Some say a referendum will turn down the income tax. The only fair way that I see is to let both of these taxes go to a referendum and see which is turned down. Therefore, I think we would be very unwise to vote for indefinite postponement, and I hope the motion does not prevail.

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

Mr. HASKELL: Mr. Speaker and Members of the House: The situation we appear to be in tonight reminds me of a personal situation which occurred some ten years ago.

Shortly after I was married, it became necessary to buy a new suit of clothes, so I took my wife and mother-in-law and went down to the clothing store. I had an idea that a gray shark-skin suit was just what I wanted. My wife thought that some English tweed was what I needed. My mother-in-law thought that a nice conservative black worsted that would not show the wear was just what I needed. I found out that that was an ideal situation to create confusion. I have heard remarks around here and I must say that there has been a little confusion in this Legislature. We have had tax bills marched in, marched out, voted on, voted up, and voted down. It seems to me that it is about time we reached some decision.

Now, as far as I am concerned, personally, I am perfectly willing to go along with any measure that the majority can agree on that will do the job. However, I certainly do not want to go home after this length of time and do nothing. Neither do I want to take a step that would seem to bring us back into special session in a few weeks or a few months. As far as the income tax is concerned, if the majority want it, I am perfectly willing to go along, but at the moment and for the reason that it is not going to produce the revenue, I am opposed to it. I think this House is well aware whether we can agree on the amount that we need or not, we do need some revenue. We need it now; we do not need it in 1949 because it won't do the job that we have to do now. I hope that the motion of the gentleman from Boothbay Harbor prevails.

The SPEAKER: Is the House ready for the question?

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

Mr. BREWER: Mr. Speaker and Members of the House: I still am opposed to this income tax. This is my fourth time in the Legislature and every time I have seen them patch this weak roof, put a shingle here and a shingle there. I am opposed to your income tax because it does not give you what money you want nor does it give it to you when you want it. You have heard the theory advanced to you to increase the mill tax, which is 7½ mills. To my way of thinking, that is mere folly. I have heard the gentleman from Bangor

speaking of tax rates of fifty mills and up. In the country I come from they run anywhere from eighty up to one hundred and twenty-two mills, and we certainly agree in my territory that your mill tax and property tax are taking about all the cash you can spare.

Now, as I say, I feel that we can go into new fields and really have a tax producing revenue, and that is in a sales tax. I have heard them say that the poor man pays it. I have seen no amendment in the bill which allows only the poor man to pay it; everybody pays it.

When the subject of the mill tax came up in the Appropriations Committee, when the gentleman from Bangor suggested it, I said to him: "You probably can pay yours and I may be able to pay mine but, brother, there are not enough Finnegans and Brewers to go around to carry it alone." And I feel that only through a sales tax and a real tax can we get anywhere. You can patch here and you can patch there but I am not interested in it. The cigarette tax, as I told you the other day, about ninety-two per cent of your tobacco tax is cigarettes, and so far as trying to collect the tax on the other tobaccos, I believe that for what revenue you get the cost in trying to collect that tax is all out of proportion. So I say to you I, personally, am interested, and I may have a selfish motive, I believe that everybody should contribute some proportionate share towards the tax to carry on this State.

Some of you are passing the buck by saying the people back home would not vote this; they would not vote that. I do not know what you have been told but I have been told that I have been sent down here to do in my judgment what I considered was best and that I have facts and figures that sometimes they didn't, and I ought to know what the condition is down there. And, gentlemen, if I make a mistake, it will be those people, my folks back home, their privilege, the next time I run for office to vote against me, but I think that if you have the courage of your convictions—and the only thing that you have got to answer to is your conscience and I think that you will have less to answer for if you go home by doing the job you think you ought to do

rather than pass the buck. So I say to you the income tax does not do it and if you keep adding here and there you are just patching the roof and you have not any good tax structure. I still think that everybody should pay their share, and I hope that the motion of the gentleman from Boothbay Harbor, Mr. Perkins, prevails.

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

Mr. JORDAN: Mr. Speaker, I want to speak because I would like to explain my position and when I vote with Mr. Perkins, I do not want anybody on the Taxation Committee to misunderstand the reason.

I promised to vote for an income tax if the sales tax was defeated, but I believe that that was based on the premise that the income tax would take care of the expenses of the State, and I do not believe that I promised that I would vote for any tax that would not bring any money in until 1949 and would call for another tax to carry the burden of the next two years. I would prefer to vote for another tax which would carry over the next years and let the next Legislature settle its own tax problems if they have any. I call to your attention the fact that this bill, alone, if we pass this bill alone, that will not settle anything. If another tax is not levied, the State will have to resort to deficit financing. If that is the case, they might as well use deficit financing without the tax and let the next Legislature pay for that in some manner. I do not favor that. I feel we should find some measure which will settle the problem. This measure does not do so and so I hope the motion to indefinitely postpone will prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Lewiston, Mr. St. Pierre.

Mr. ST. PIERRE: Mr. Speaker, I rise in support of the gentleman from Boothbay Harbor, Mr. Perkins, because I feel it is my duty to rise at this time. You will remember a few months ago I presented a bill here on an income tax for a bonus which when it came to the House "Ought not to pass" nobody got up to support it because it was a good bill and now, Gentlemen and Ladies of this House, I feel that if this income tax was not good enough for the veterans, I feel that this income

tax is not good enough for the people of the State of Maine.

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

Mr. BOWKER: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Bowker moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present. All those who are in favor of the Chair entertaining the motion for the previous question 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: Obviously more than one-third having arisen, the motion for the previous question is in order.

The question before the House is: Shall the main question be put now? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House is upon the motion of the gentleman from Boothbay Harbor, Mr. Perkins, that "An Act Imposing a Personal Income Tax to Raise Additional Revenue" (H. P. 1742) (L. D. 1489) be indefinitely postponed, and the same gentleman has requested a yea and nay vote. In order for the yea and nay vote to be in order one-fifth of the members present must indicate a desire therefor. Those desiring the yea and nay vote will please rise and remain standing until the monitors have made and returned the count.

A division was had.

The SPEAKER: More than one-fifth having arisen, the yea and nay vote is in order.

The question before the House is upon the motion of the gentleman from Boothbay Harbor, Mr. Perkins, that the House indefinitely postpone "An Act Imposing a Personal Income Tax to Raise Additional Revenue." All those in favor of the indefinite postponement of this matter will say aye and those opposed will say no as the Clerk calls the roll.

The Clerk will call the roll.

YEA — Adams, Allen, Atherton, Benn, Berry, Bove, Bowker, Brewer, Brown, Unity; Brown, Wayne; Byron, Cadorette, Campbell, Carey, Carville, Chase, Cape Elizabeth; Christensen, Cole, Collins, Curtis, Dean, DeSanc-

tis, Dostie, Lewiston; Doucette, Ellis, Emerson, Finnegan, Fitch, Fowler, Hammond, Haskell, Hayward, Heansler, Hobbs, Holt, House, Jalbert, Johnston, Jordan, Saco; Jordan, So. Portland; Labbe, Lacharite, Laughton, Leavitt, Legard, Lessard, Longstaff, Marsans, Marshall, McGlauffin, McKeen, Moreau, Morison, Muskie, Nichols, Palmer, Patterson, Payson, Perkins, Poulin, Randall, Rich, Savage, Sharpe, Silsby, Smart, Smith, Exeter; Smith, Westbrook; Sterling, St. Pierre, Tabb, Thomas, Thompson, Tremblay, Weeks, Wight, Williams, Auburn; Williams, Topsham.

NAY—Ames, Anderson, Bell, Berryman, Bickford, Boulier, Broggi, Brown, Balleyville; Brown, Milford; Burgess, Burton, Chase, Limington; Cormier, Cousins, Daniels, Dicker, Dostie, Winslow; Dufour, Elliott, Foley, Fuller, Buckfield; Gallant, Gray, Hall, Hanson, Harris, Hatch, Jennings, Judkins, Kelly, Lee, Lombard, Lord, MacPherson, McClure, McGown, Mills, Moulton, Nadeau, Palmeter, Peirce, Plummer, Rankin, Robbins, Rollins, Ross, Russell, Sargent, Seeger, Sleeper, Stearns, Stetson, Sweetser, Torrey, Turner, Violette, Webber, Woodbury, Woodworth.

ABSENT — Bird, Clements, Day, Dorsey, Fuller, Hollowell; Kent, Malenfant, Martin, Meloon, Prout, Snow. Yes 78, No 59, Absent 11.

The SPEAKER: Seventy-eight having voted in the affirmative and fifty-nine having voted in the negative, eleven members being absent, the motion to indefinitely postpone carries.

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

Mr. JALBERT: Mr. Speaker and Members of the House—

The SPEAKER: For what purpose does the gentleman rise?

Mr. JALBERT: I wish to ask unanimous consent to address the House.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, requests unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: Speaking for my party, with the idea of getting together, as has been suggested by the gentleman from Portland, Mr. McGlauffin, oftentimes, and others, I suggest a Committee of Conference composed of members of the two Houses, representing both major political parties. Mr. Speaker, I might add, if I may, that I don't know just how this should

come about. If the House is in agreement, I might suggest that we recess for say five minutes, the Leaders discuss it with the Speaker, and arrive at some decision.

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

Mr. MILLS: Mr. Speaker, I am about to make a motion, which will be prefaced by this remark: I know that I am, with all of the rest of the members of the party that I represent, ready and willing at this time and at all times to confer on

any matters to expedite the work of this Legislature. I think we can do that after adjournment tonight or before convening tomorrow morning, or any time at the convenience of those concerned. However, at this time I wish to make the motion that we adjourn.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the House do now adjourn. Is this the pleasure of the House.

The motion prevailed and the House adjourned until nine o'clock tomorrow morning, E. S. T.