

# 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**

Thursday, May 8, 1947.

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

Prayer by the Rev. Charles T. Brown of Bucksport.

Journal of yesterday read and approved.

**Papers from the Senate**

From the Senate: The following Communication:

**STATE OF MAINE  
SENATE CHAMBER**

May 7, 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 adopted the "Ought not to pass" report of the Committee on Temperance, on Bill "An Act to Prohibit Music, Dancing or Entertainment on Certain Premises Licensed for the Sale of Liquor," which, on March 12th was passed to be engrossed as amended by House Amendment "A", in the House.

Respectfully,

(Signed)

Chester T. Winslow  
Secretary.

The Communication was read and ordered placed on file.

**First Reading of Printed Resolves**

Resolve in favor of Anson Academy (H. P. 1055) (L. D. 1503)

Resolve in favor of E. E. Webber, of Rockland (H. P. 1271) (L. D. 1504)

Resolves were read twice under suspension of the rules, passed to be engrossed and sent to the Senate.

**Passed to Be Engrossed  
Tabled**

Bill "An Act relating to Width of Trucks Hauling Forest Products" (S. P. 551) (L. D. 1499)

Was reported by the Committee on Bills in the Third reading, and read the third time.

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

Mr. COLE: Mr. Speaker, I don't wish to change this bill in any way but I have been advised by the Revisor of Statute's office that there is a mechanical difficulty with the chapter and section numbers of this bill, therefore I ask that this bill be laid on the table until later in today's session, so that can be corrected.

The SPEAKER: The gentleman from Portland, Mr. Cole, moves that this bill be laid on the table pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

**Passed to be Engrossed**

(Cont'd)

Bill "An Act relating to the Construction, Installation, Repair, Use, Operation and Inspection of Elevators, Dumb-Waiters and Escalators" (H. P. 1754) (L. D. 1501)

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

**Bill on Its Passage to Be Enacted**

An Act Providing Revenue for the Highway Fund (H. P. 1753) (L. D. 1500)

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

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

Mr. HAYWARD: Mr. Speaker and Members of the House: I understand that there is a little misunderstanding as to what this bill really calls for. It calls for a straight two per cent tax; there is no kick-back. I have been informed that some misunderstood that, yesterday, and thought there was a kick-back in this bill; there is not. But, when the vote is taken on this, I request a yea and nay vote.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I have been accused of many things because I opposed certain types of taxes. I have been called everything from a renegade way down to a Democrat. (Laughter) Cleveland Sleeper was a Democrat; Cleveland Sleeper, Jr. is registered as a Republican and intends to remain one. I do not want you to think, however, and I

wish to thank everyone in this House for the help and the encouragement they have given me in the several new things that I have tried to do. I have really been sincere in everything I have ever said. Every bill that I have had anything to do with would bring in money and not cost money and that is more than a lot of members can say. I am still very much opposed to the increase in the gas tax for many and varied reasons and I shall not vote for it.

My reasons are these: Of course, I still insist that this is not the time to embark on a great highway program involving a financial outlay costing twice as much now as it will in, perhaps two years when employment will be much more desirable after the recession sets in. I have been accused, as I say, of being an obstructionist. I have heard men say, and they have used my name, and they said: "You have got to come along, Cleve Sleeper, on these bills." I came along, yesterday, on an income tax. That same man who said: "You have got to come along," voted No! And I have heard other individuals say: "We will put this tax up to the people," but I notice that man killed the bill. Perhaps I am entitled to hang to my judgment a little bit. I have yielded on several questions but I notice that when I yield that the people who wanted me to yield have gone the other way.

I feel that I have a right, as a Representative here, to vote the way I want to as long as my vote is justified and I feel that my vote is justified. I am not voting these things to obstruct any program; I am not voting to break up the Republican Party, in fact, I am voting to try to save it.

Now, the reason that I am not going to vote for this gas tax is that I feel that they have plenty of money now. We have a statement here, March 31st, 1947, that the total balance in the Highway Department now is \$7,041,701.02. I understand, and admit, that about four to five million dollars of this is earmarked for highway construction. Now, I do not see why, if it is necessary, that they could not use some of that money for matching funds. They have still got two million dollars of this balance left to match funds for these federal appropriations. There is always a string to Federal appro-

priations, federal grants, rather. That is our money, do not forget that. We send down \$1.30 for every dollar they send us. I noted in the paper the other day, the gas tax jumped twenty-five per cent over last year, so that means that we will have an additional million dollars of gas tax money, with the existing gas tax. That is three million dollars. We also notice that the registration fees have reached an all time high, which will amount to about half a million dollars more, that is \$3,500,000.

Yours truly introduced a bill here, about three weeks ago, which slid by and nobody noticed it, relating to a gasoline tax, which taxes out-of-State trucks for the mileage they use in Maine, and that would bring to the Highway fund an additional \$200,000 or \$300,000. So I would say the Highway Department now has got three and three-quarters million dollars to match these federal grants, which I don't like. They have got that money, so why give them more? They do not need it, and here is the reason we should not give them any more: Every time I have spoken here, one of my good friends, Mr. McClure from Bath, has spoken of this handful of veterans who had this gas meeting and went on record in favor of a gas tax. I would now read an editorial from the Bath Times. The content of it so matches what I really feel, that I want to read it. I don't want you to think that I wrote this editorial myself, because I did not. There it is right there. The title of it is "Pockets and Highways":

"More often than not, agitation for higher road taxes is a device for paving pockets as well as highways. This has been evident in several states during the current legislative sessions where certain interests stand to acquire lucrative financial gains through limitless highway spending, and they have been as busy as the proverbial bee, in putting these bills through.

"In the 45 legislatures which have convened in regular session this year some 67 bills have been introduced that would impose upon the nation's highway users an additional tax burden through increasing state levies on motor fuel. With but few exceptions, the proposed legislation has been ostensibly designed to furnish additional mil-

lions of dollars for alleged highway improvements.

"True, many requests for road construction and improvement are predicated on sincere motives and should be granted with the least possible delay."

That is the reason I let them have the three and a half million that is already available.

"After years of war during which all but essential repairs were let to slide, it is only natural that there are many sections of the country's highway system on which money can be judiciously spent. But, although it has been established and reestablished that every state has ample funds to meet these and other requirements, there are those who would capitalize on this situation for purely selfish reasons.

"Out of the legitimate requests for repairs and improvements has grown what amounts to this day's most serious threat to the future of motorized transportation. In the deft hands of skilled promotional groups the desire of the citizenry for adequate roads is magnified and twisted into a nation-wide clamor for endless ribbons of concrete through every farm and pasture — regardless of cost so bulwarked, the road enthusiasts tell us that we can't have more roads unless more revenues are raised from motorist taxpayers. When questioned, they reply glibly that this is 'exactly what the people want'.

"Nothing could be further from the truth. What the people want is more roads for their money, not more money for roads.

"With two or three times more money available for roads than in prewar years the demand for more road money is at odds with the swing towards reduced prices. President Truman has asked for an over-all reduction in prices and throughout the nation civic groups, businesses, and individuals are setting plans in motion to accomplish this objective.

"What the advocates of higher road taxes for higher priced roads do along this line will be interesting to watch. The motorist-taxpayers will be justifiably interested for they are the chief targets. They have paid a staggering bill. Now they want roads and not money." And that is exactly the way I feel, Mr. Speaker, and when this vote is taken, I will vote "no".

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

Mr. McCLURE: Mr. Speaker, I would like to answer my colleague, if I may, my good friend, Mr. Sleeper, of Rockland. He infers that I had read from the Bath Times an article stating the stand taken at a mass meeting of veterans in favor of the gas tax. I spoke about a mass meeting of veterans, which means more than one. The editorial my colleague just read is only the opinion of one man, the editorial writer for our Bath Daily Times, a man I highly respect on many matters, but I think I have been here, I have weighed the evidence and listened to everything which he has not had the privilege to do, and I think I am in a better position to vote on this than he is, and I believe, gentlemen, that we do need this.

As far as receiving this dollar back, for the dollar thirty cents we send to the Federal Government, I have spent a great deal of time in the South; well, the South, we know, has been very Democratic in all elections, and if you could see what the Federal Government for the \$1.30 we have spent and received nothing for has done down there. I would show you where most of it has gone. I think it is better to spend \$1.30 and get a dollar back than to receive nothing. Gentlemen, I would love to see this tax put through because I think it is in the best interests of every automobile owner in the State of Maine.

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

Mr. BREWER: Mr. Speaker, Mr. Sleeper has told you that at a certain period, there was a surplus of ten million dollars in the highway fund, and he suspected some of that would be ear-marked. I rise to tell you that it certainly is ear-marked and there is no surplus.

I had hoped Mr. Hayward, a member of your Ways and Bridges Committee, would submit some figures to you at this time. I do want to say that there are two committees that I pay tribute to, that have had, to my way of thinking, much more of a problem than your Appropriations Committee which I happen to sit on. One is your Taxation Committee, but I believe that your Ways and Bridges Committee has had much more of a headache

than any of the other two or any of the other committees.

Now, I will read some figures presented to me by the Senate Chairman of Ways and Bridges, the fixed costs that you have in your highway program. The first thing that comes is your interest on your bond and your bond retirement whether anything else is paid or not. On your bond interest, that runs to \$429,868; and your bond retirement, \$1,729,000; your State Highway Commission general administration, \$208,500; Highway Planning, \$16,000; maintenance of bridges, \$300,000; maintenance and betterment of State aid roads, they optimistically raised this to \$6,598,494; removal of snow from highways, \$1,700,000; and the construction of bridges under the general bridge act is \$750,000. Now, on roads on North Haven, Vinalhaven, Swan's Island, Isle au Haut, and Cranberry Island according to Chapter 99, Private and Special Laws of 1937 and Chapter 87, Private and Special laws of 1939, \$4,000; compensation for injuries under terms of the Workmen's Compensation Act, \$50,000. Now under your State Police general administration is \$523,426, State Police headquarters maintenance, \$7,195; motor vehicle registration maintenance is \$9,700; Secretary of State Motor Vehicle Division for expense of registering motor vehicles and licensing drivers thereof is \$246,390. Contributions and transfers to other funds, Bureau of Taxation, for administration for gasoline and used fuel tax, \$21,877. Your general fund for accounting, auditing, purchasing, and legal services rendered to the State Highway Commission, \$53,526. The special revenue funds for auditing services rendered to the State Highway Commission is \$3,500; Trust and agency fund for Employees' Retirement System is \$105,524. Now that with some State aid construction, first class construction, and town road improvement fund, special resolve, comes to about fourteen million dollars.

Now, I will say to you that if you are willing to go along on this particular bill, your anticipated receipts from your present gas tax is \$7,500,000, and your revenue from registration and so forth is \$5,000,000 and your revenues from other sources are \$70,000, and should your additional per cent gas tax pass, it would give you half of the \$7,500,000 on your four cents, or

\$3,750,000, or a total of \$16,320,000. Now your 1947 and 1948 program, as set up by the Committee on Ways and Bridges is \$14,685,000, and your net difference between the money brought in and the program as set up by your committee on the first basis is \$1,635,000.

Now, your amount necessary to match your 1946-1947 federal aid is \$3,968,667. The amount now available for matching is \$2,500,000, that is the surplus last year, and your deficit which we owe, which we have got to pay in for federal funds that we already matched last year is \$1,468,667, or a total of \$3,968,667. Now, you have left over as part of this program \$1,635,000. You subtract from that the money that you have already got to put in to pay for federal funds that you already matched last year, which gives you \$1,468,667 and for the 1948 program it leaves you \$166,333 and you are still short of money.

Now, what I want to say to you, I think the first headache given your Ways and Bridges Committee was the fact that the Supreme Court declared it unconstitutional to issue new bonds and there, immediately, was the loss of \$6,811,000. Now, last year, as I told you, the maintenance for your roads was around \$4,600,000 and, as I say, they didn't do a very good job. Your Committee hoped to build this up to around \$7,000,000 but they did get a little over \$6,000,000, and not much more. Now, remember in years past the expense was around \$3,500,000 for maintenance when they were paying around thirty-five cents an hour for labor. They have between 1400 and 1600 employees in the Highway Department, and the wage scale runs around seventy-five cents an hour. So you can see that there is quite a difference. I want to say to you that the person who says that they do not need the money reminds me a good deal of the man who was wandering around in the graveyard, reading the epitaphs on the different tombstones and upon this particular tombstone was this epitaph: "Gone but not dead." The fellow looked at it a while and said: "Mr., he isn't fooling anybody except himself."

I hope that you will go along, because the fellow that says that the highway does not need the money is merely fooling himself and not

anybody else. I hope you will accept this bill, because it is very vitally needed to carry out our road program and that is one of the reasons we were, I was, instructed to see that we got money for the roads. Gentlemen and Members of the House, the only way I can see that we can get it is by an increased gas tax.

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

Mr. STERLING: Mr. Speaker, I came, as everybody knows, down to this Legislature last year, myself, with the idea that I would not vote for any increase in any tax. And it was my belief up until the latter part of March.

I was sitting on the Ways and Bridges Committee, and we were getting along fine and everything was going good. We did not worry about the program. But, when the Supreme Court knocked almost seven million dollars out from under us, the members of that committee commenced to sit up and take notice, and, from that day until now I have worked as hard for this increase in the gas tax as any man in this House.

Now do you think that I would have gone out and worked for this tax if I did not really think it was needed? I would be the first man who would vote "No," as I have on these other tax questions.

But, ladies and gentlemen, this is serious, and, in a matter that is serious, I believe we should give it consideration, and of all the emergency measures I have ever seen passed in this House — and I have seen a great many of them — I believe this is an emergency measure. I hope that every man in this House will stand up and do his duty here and vote for this gas tax and go home, and nobody back home will criticize you for what you have done. I will guarantee that.

The SPEAKER: Is the House ready for the pending question?

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

Mr. BREWER: Mr. Speaker, there is one other thought that I want to leave with the members at this time: In case they do not see fit to pass this as an emergency, what is going to happen? Your committee has no alternative except to accept the worst. And when I say "the worst," I am going to point out to you what happens when these cuts

are made, because these figures I gave you in the beginning are fixed charges, they have to be taken care of. Now, when they cut, here is where the cut will come: From your State aid construction which is around \$875,000, from your third class construction which is \$350,000, from your town road improvement funds which is built up to about \$520,000, and then your special resolves, that is another one that goes out of the window. So you see that if you do not see fit to vote an emergency tax measure, there is not going to be too much road work done. I want to impress that upon you at this time.

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

Mr. SLEEPER: Mr. Speaker, I did not want to speak a second time but that special road resolve kind of gripes my ire. I know that is the reason a lot of people in this House voted "yes," so as to get those special road resolves. The City of Rockland has road resolves in there for \$1500 and if I have got to prostitute myself to get that \$1500, I won't do it. I will bet, whether this tax passes or not, that Rockland will get its \$1500, and I will bet that if every member in this House votes "no" his town will get road resolves, if there are any. I still say, I won't read all those figures for long; I do feel they are a real, authentic group of figures, a summary of the appropriation account of the highway funds, for the period ending March 31st. Total available, \$19,110,000; expenditures necessary, \$12,069,000; current balance \$7,041,000. There are the figures; you can twist them this way or that way. It looks to me as if they are all right.

The SPEAKER: The Chair recognizes the gentleman from Shapleigh, Mr. Gallant.

Mr. GALLANT: Mr. Speaker and Members of the House: There have been more or less figures scattered around this hall that have got us all confused. Fundamentally, I think we all recognize that costs have risen at least sixty per cent for cost of construction and cost of maintenance. All we are asking for is a fifty per cent increase in the gas tax to take care of a sixty per cent increase in the cost of construction and maintenance, hoping that the total revenue from an increase in traffic will take up the slack.

The SPEAKER: The Chair recog-

nizes the gentleman from Brewer, Mr. Thompson.

Mr. THOMPSON: Mr. Speaker, I would like to go on record as voting "yes" on this emergency. I want Mr. Sleeper to know that I am voting "Yes!"

The SPEAKER: Is the House ready for the pending question?

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

Mr. HARRIS: Mr. Speaker and Members of the House: I have worked for the gas tax every time we have had a bill before us. I know that we need it, and I believe that the two cent gas tax will do what we need and give the cities and towns a million dollars, to help with our snow removal which I think the towns and cities need. I am sorry to say that we lacked two votes the other day for passing that bill simply because some were absent who had voted "yes" before. I think that is the kind of tax bill we want. Therefore, I can not vote for this bill this morning.

The SPEAKER: Is the House ready for the pending question?

The question before the House is upon the passage of this bill to be enacted as an emergency measure, the bill being "An Act Providing Revenue for the Highway Fund (H. P. 1753) (L. D. 1500). The gentleman from Machias, Mr. Hayward, has requested a yea and nay vote. The yea and nay vote shall be in order at the desire of one-fifth of the members present. Those desiring a yea and nay vote will please rise and remain standing until counted and the monitors have made and returned the count.

Obviously more than one-fifth having arisen, a yea and nay vote is in order.

The question before the House is upon the passage to be enacted of this measure as an emergency. All those in favor will say aye and those opposed will say no as the Clerk calls the role. The Clerk will call the roll.

#### ROLL CALL

YEA—Adams, Allen, Ames, Anderson, Atherton, Benn, Berry, Berryman, Bickford, Boulier, Bove, Brewer, Broggi, Brown, Baileyville; Brown, Milford; Brown, Unity; Burgess, Burton, Byron, Campbell, Carville, Chase, Cape Elizabeth; Chase, Limington; Christensen, Clements, Collins, Cousins, Curtis, Day, Dicker, Dufour, Elliott, Ellis, Emerson, Finnegan, Foley, Fowler, Fuller, Buckfield; Gallant, Gray, Hall, Hammond, Hanson,

Haskell, Hayward, Heanssler, Hobbs, House, Jennings, Jordan, Saco; Jordan, So. Portland; Judkins, Kent, Laughton, Lee, Lombard, Longstaff, Lord, MacPherson, Marsans, Marshall, Martin, McClure, McGlauffin, McKeen, Meloon, Mills, Morison, Nichols, Palmer, Palmeter, Patterson, Payson, Peirce, Perkins, Plummer, Rankin, Rich, Robbins, Ross, Russell, Sargent, Savage, Seeger, Sharpe, Smith, Exeter; Stearns, Sterling, Stetson, Sweetser, Tabb, Thompson, Torrey, Tremblay, Turner, Violette, Webber, Wight, Williams, Auburn; Williams, Topsham; Woodworth.

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

ABSENT — Bird, Brown, Wayne; Dorsey, Muskie, Prout, Rollins.

Yes 101, No 41, Absent 6.

The SPEAKER: One hundred and one having voted in the affirmative and forty-one having voted in the negative, six being absent, one hundred and one being more than two-thirds of the entire elected membership of the House, the bill has been passed to be enacted as an emergency measure, and will be signed by the Speaker and sent to the Senate.

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

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

Mr. BURGESS: Mr. Speaker, I would like to inquire if it is in order to move that the document which we just enacted be sent forthwith to the Senate under suspension of the rules.

The SPEAKER: The gentleman from Limestone, requests by unanimous consent that the matter just acted on be sent forthwith to the Senate.

The Chair hears no objection and it is so ordered.

The SPEAKER: We are proceeding under bills on their passage to be enacted.



**Passed to be Enacted**

An Act relating to Pensions or Annuities of Deceased Teachers (S. P. 233) (L. D. 644)

An Act to Incorporate the Lubec Sewerage District (H. P. 465) (L. D. 271)

An Act to Define "Distributor" in the Gasoline Tax Law (H. P. 1639) (L. D. 1327)

An Act Amending the Charter of the town of Dixfield School District (H. P. 1750)

**Finally Passed**

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

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

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

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.

On motion by Mr. Mills of Farmington, under unanimous consent, all matters acted upon by the House today and passed to be engrossed in concurrence and all those that require concurrence with the Senate, were ordered sent to the Senate forthwith.

**Orders of the Day**

The SPEAKER: Under Orders of the Day the Chair lays before the House the first tabled and today assigned matter, Senate Amendment "C" to Bill "An Act Relating to Increasing the Maximum Payments in Old Age Assistance" (S. P. 487) (L. D. 1355) tabled on May 7th by the gentleman from Greenville, Mr. Rollins, pending the motion of the gentleman from Portland, Mr. McGlauffin to indefinitely postpone Senate Amendment "C"; and the Chair recognizes that gentleman.

Mr. MCGLAUFFLIN: Mr. Speaker, before discussing this matter so that I will not have any undue influence on anybody, I want to read just a paragraph from a letter which I received the other day from a stranger:

"My dear Mr. McGlauffin: I have kept tabs on your bellyaching through the entire session of the Legislature, and I think it is time someone pinned your ears back. Who

the hell are you to object to questions upon taxation or other subjects, for that matter going to the taxpayers for final decision? You state that the legislators are sent to Augusta to use their best judgment in deciding what should be done. From some of your remarks, good judgment is not one of your qualifications."

This matter came to my attention last April. It says in this amendment: "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 the State and such statement shall include full information regarding the individual income, assets, liabilities and if the applicant is unable to obtain a 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 may act accordingly." At the present time they take care of the old age petitioner, and if the State finds that the child is able to support him they proceed to prosecute the child. Under this proposition, where funds, they are putting the burden on him to prosecute his own son when he has got no funds to work with.

I cannot see any advantage in this at all. The son, if he wants to get rid of the parent, can turn him right out in the cold. There is nothing here that can compel you to get the son to reveal what he earns or what his financial status may be.

I once saw a cartoon that made a very strong impression upon me. It represented a little boy, perhaps four or five years old, standing in front of a drug store window and looking in the window. It said: "Soda, 5c". And he had in his hand four pennies. Underneath the cartoon, it said: "Ain't it hell to be poor?" And, in this case, I can not but think of the old song:

"I am old, I am helpless and feeble,

And the days of my youth have gone by;

So it's over the hill to the poor-house;

I wander alone there to die."

Here are people with no funds, with no earnings, without learning

in many cases; they do not know what their rights are.

The have gotten to the age when they are in distress and they want some help. Now, they go to the town for assistance, the town official makes their application and an investigator is sent out to get the facts. That investigator can get every fact that is asked for here. Another thing, they won't take the applicant's word for it anyway.

And right here I want to say a word about these investigators. We have in Portland a man, of some prominence, too, who was selected as an investigator of these old age cases. He was once quite interested in his work, his heart was sympathetic to the people that needed assistance, but we passed a law that he had to take an examination, and one of the questions asked him was: How many cords of wood were there in a certain woodpile, so many feet long, so many feet high, and the wood so many feet in thickness. Now, it so happens that I was a teacher of mathematics and I think probably I could figure that out if you would give me time enough, but what did that have to do with the question of human relations? They fired him because he could not answer those fool questions, and they took in his place a young girl with no human experience, with a heart as cold as ice, but smarter than white lightning. She knew all the answers, she was a regular quiz kid with her answers, and that is the one that took the place of the kind-hearted man who wanted to help the people.

For thirty-five years, I have been a trustee of the Portland Benevolent Society, of Portland. That is a society that has quite a large sum of money, the income from which we use to assist the people who have seen better days, not just because they are poor, but because they have seen better days. We have had quite a number of cases where some man or woman is receiving old age assistance, the maximum being \$40 and their conditions are so much different from what they had been formerly that from time to time we had given some assistance to those people. Apparently, here, if they find they are getting a few extra dollars on the side to help them, it is going to be just too bad.

I am opposed to this measure because it puts more of a burden on these old people. There may be a

few cases where some people have taken some advantage of the situation but I think that that does not offset the extra burden placed here.

And right in this connection, I want to mention another thing. We have had an investigation of the Health and Welfare Department and here is the report of the investigators and, if you will look back through, you will find that for the most part the discrepancies that are given there are merely a matter of opinion.

Here is one: The opinion of the investigator was that the payment should be reduced \$26." The opinion of the party that granted it was that that \$26 was needed right where it was, but somebody else comes in and figures out that they could get along with \$26 less. You follow that right through, and you will find that that that investigation does not amount to a Hannah Cook, because it is based on somebody else's opinion from the one that passed upon it. And here we are represented in this Legislature as being a million dollars behind because the Welfare Department did not conduct its business right, when it as a matter of fact we do not know whether it is a million or fifty cents.

Last week I was back at my office and I found a letter from the United States Government Department here at Augusta. I am the administrator, c. t. a., so-called, of a certain estate. I had sent in the report as given to me on the income of that man for the year 1946, and, according to my figures, the U. S. Government owed him \$6. This letter that I found on my desk last week wanted to know all sorts of questions about the widow and about—I won't try to tell the different things—but the thing that particularly interested me was that I was not only supposed to fill out that paper but I was to furnish a certificate that I was the administrator, d. b. n., we call it, of that estate. That part was all right, but what else do you think they wanted? They wanted a death certificate, a death certificate! when the estate had been administered upon and they are not convinced that the man is dead. Now, that is just the kind of red tape which we are getting into up here. I still move for the indefinite postponement of Senate Amendment "C".

The SPEAKER: The question

before the House is upon the indefinite postponement of Senate Amendment "C".

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

Mr. CHASE: Mr. Speaker, it is the purpose of this amendment to get at the truth in the application for old age assistance in this State. One cannot anticipate opposition to a proposal in this House at any time and I confess I am surprised to find opposition to this proposal to get at the truth coming from the gentleman who has just spoken.

On February 19th, a gentleman from Portland, named McGlaufflin, speaking in this House on a measure dealing with vital statistics on the matter of publication of vital statistics dealing with marriages and illegitimate children and so forth, had this to say on the importance of the public's knowing the truth. He consulted the Scripture and he came out with this, bearing on the importance of truth. 'Jeremiah 9 and 5: 'And they deceive every one his neighbor, and will not speak the truth.' And continued with another one: "And they bend their tongues like bows for lies; but they are not valiant for the truth upon the earth." Continuing to quote: "Then I found some that I thought applied to what we should do. James 3-14: 'And lie not against the truth.' And another one: Zachariah 8-16: 'Speak ye every man the truth to his neighbor.' John 8-32: 'And you shall know the truth and the truth shall make you free.' Psalms 117: 'And the truth of the Lord endureth forever.' But here is the one that climaxes them all: 'Thy law is the truth.' God's law is the truth. Don't you see how important that is?" And continuing to quote the same gentleman, in the subsequent paragraph, he says this: "So help you God, and then you come to this Legislature and vote on a measure that suppresses the truth. Is that consistency?" That is what the gentleman said to this House on February 19th. Now, by this bill and amendment, we are asking an applicant for old age assistance and his accessible responsible relative to give us the truth, not to publish, as was wanted in the case of—vital statistics, but as a basis for the determination of the ability on the part of responsible relatives to support that applicant.

If we can eliminate the chiselers in old age assistance, and we all know that there are some although we may differ as to the number, and the question of how many millions of dollars are being paid out now that should not be paid, we know there are some chiselers. If we can eliminate those chiselers by this means of having the truth when the application is acted upon, we shall be able to pay more to the worthy applicants who really deserve assistance at the hands of the State.

Now, as to the present procedure, the gentleman has told you that what they do now is to prosecute these responsible relatives who do not come across. Section 268 of the law says this: "The department may recover from any child, children, or spouse of any beneficiary under the provisions of the sections that relate to old age assistance, who is able to support the said beneficiary but who fails to provide such support in an action on the case for the amount expended by the department for such support. This action shall be prosecuted by the Attorney General in the name of the State and the amount recovered shall be credited to the old age assistance fund."

At the hearing, I myself asked the Department of Welfare in all the years that that law had been on the books, how much money had been collected from responsible relatives and the answer was: "Not one cent." And when I asked if any suit had ever been brought, they were unable to answer that they had, at any time, tried to collect one cent under that law. So when you compare the proposed procedure with the procedure which we have on the testimony of the department, itself, that under this provision which the gentleman has said is in operation, nothing has ever been done and not one cent has ever been collected. I hope that the motion to indefinitely postpone this amendment will not prevail.

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

Mr. MCGLAUFLIN: Mr. Speaker, the gentleman who just spoke evidently forgot that I am a lawyer. I still stand by every word I said about the truth. I don't back down one inch and I ask you: Have I, from the beginning, said anything, anywhere, anyhow, that even sug-

gested that I wanted to suppress the truth? "No!" as Brother Jalbert says. I simply say, let the investigators get the truth themselves. They won't take the word of this old age person anyhow; they probably would not take the word of the children that gave the oath. There is nothing inconsistent whatsoever in the remarks that I made on the former occasion and what I say today. I want to say to this Legislature that I have been here, this is my fifth time, and I have not the slightest fear of ever contradicting anything I have said, because I base my statements on the principles of the truth that you were trying to intimate I was going to suppress.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Nichols.

Mr. NICHOLS: Mr. Speaker, one of the great problems of this old age assistance is that the people have gotten the idea that this is a pension and when a man or woman gets to be sixty-five years old, he is entitled to this amount. If they had to get this money from the towns or even from the State and it was published they were getting old age assistance and what they were getting and so forth, the children would take care of a lot of these cases. The way the law is now, the way the thing is carried on now, they are passing the care on to the State in a lot of cases. And that is one of the reasons for this necessary amendment, to make the children, where they are able, take care of their parents.

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

Mr. WIGHT: Mr. Speaker and Members of the House: I do not think that any needy person will be hurt by reason of this amendment. This amendment simply seeks to stop persons who are not entitled to help from getting it. We have spent quite a lot of money on the Bird report and I think one of the things which Mr. Bird said in his report here illustrates what we are seeking. On page 8 in Section 20, it says "Workers,"—and that means Health and Welfare workers—"bemoan the lack of effective legal action in dealing with recalcitrant responsible relatives, particularly ex-husbands and the A.D.C. cases, and this, coupled with a strong de-

partment policy against checking relatives over the objection of the applicant or recipients. If the departmental interpretation of the law that no legal action can be taken, suggested, or advised by department workers unless applicant is granted relief. This forestalls many golden opportunities to obliterate relief in the first place."

Now, it seems that this Amendment "C" will take care of that situation and I certainly hope that the motion of the gentleman to indefinitely postpone will not prevail.

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

Mr. JORDAN: Mr. Speaker, I would like to tell this House that for ten years I was Chairman of the York County Chapter of the American Red Cross and, being connected with that organization, I have seen how hard it is to get the truth, and I have seen how hard the Red Cross works to get the truth; and I will make the statement here that if they had not gone out and worked hard to get the truth the American Red Cross would not be in existence today. I hope the motion of the gentleman from Portland does not prevail.

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

Mr. HARRIS: Mr. Speaker and Members of the House: I think there is one angle that has not been touched on on this question. The applicant has to be sixty-two years old before they can apply. They apply to the town officials. Nothing can be done then until a case worker gets to the case.

We have a case in our town of a worthy lady who has been waiting several months for a case worker to get around. Now, as I understand, this amendment would eliminate that; by filing directly, their case would be considered then. Before our pension committee, we had a resolve for a State pension until a person became sixty-five years old. We asked the social worker how soon after this person became sixty-five would they get the pension? She could not say. She simply said this, "We are about five months behind now on checking these cases." Therefore, I do not believe this amendment will hurt the people entitled to an old age pension and I think it will expedite

things so that some of them will get it much quicker.

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: This Legislature instructed the Committee to cause an investigation to be made; an investigation was made, and those of you who have read the report know that they said that there were about thirty-four or thirty-five or thirty-six per cent of the cases which were investigated were insufficient investigation. Now, I think that bears out what we, as individuals can see, if we look over the lists of recipients of old age assistance in our own neighborhoods and I, for one, could not exactly follow my friend from Portland when he said, I agree with you, that they are discharging those investigators who have good judgment but can not pass the examination and he says they are hiring some young girls who do not have judgment, therefore we recommend in this recommendation that those investigators have to do some of the things which they are not now doing. I sincerely hope that the motion to indefinitely postpone does not prevail. If the report we have of the investigation we have is not good and we want to throw it away, accept this indefinite postponement and throw the whole thing out of the window.

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

Mr. PEIRCE: Mr. Speaker, through the Chair I should like to ask the gentleman from Cape Elizabeth if it is the feeling of the Committee that this amendment will cost additional money for the department to administer?

The SPEAKER: The gentleman may reply if he wishes.

Mr. CHASE: I should think it would cost less than the investigation as now conducted. Accompanying the application, part of the work would be done by the people themselves and there is every logical reason to believe that a saving would be made by this method.

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

Mr. PEIRCE: Mr. Speaker and Members of the House: It appears

to me that some of these amendments are extremely inconsistent with the report of the investigators.

The gentleman from Cape Elizabeth has stated that in his opinion the amendment now under discussion will save money. That may be true, and, if passed, I hope it operates that way. However, that means, under his interpretation, that there will be no further investigation of applicants and the ability of their relatives to pay once these affidavits are in the possession of the department. If a person will tell a falsehood, it is my experience that he will write a lie, under oath. Knowing that, is there any reason to believe that people will be more hesitant to conceal their assets and ability to pay for the support of their parents under the present laws than they will be under this amendment?

Another inconsistency, ladies and gentlemen, is this: One of the sharpest criticisms in the investigators' report was that the department, the field workers, are already handicapped with too much red tape, too many records to keep, too many reports to file, too many forms to fill out. Here are just that many reports and records which the department will have to keep in its files. It seems to me entirely inconsistent with the aims and objectives of the committee and with the reports filed by the investigators. Now my interest in this matter is wholly unselfish, I am not and do not intend to be an applicant for old age assistance, as far as I know I have no relatives who are now receiving or who will receive old age assistance. However, I do believe that the principle of old age assistance has been well recognized in the State of Maine, that it is a principle which we shall have to continue, and, as long as we do have it, we should have a fair administration of it. In my opinion such an amendment as this now under discussion will not tend to give you fair administration of the law. Last night, the gentleman from Cape Elizabeth said that in his opinion there was enough law on the books today to take care of the investigation of the ability of relatives to pay for the support of recipients of old age assistance. That being the case, he suggested the indefinite postponement of an amendment which would require the investigation of those now receiving old age assistance. If it is

not proper to investigate those now receiving assistance, why should we go ahead and investigate the future applicants, not investigate, but require the affidavit of future applicants for similar assistance? Mr. Speaker, I hope that the motion of the gentleman from Portland does prevail.

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

Mr. BROWN: Mr. Speaker, as I understand the law at the present time, I think these same things that are in these amendments here are covered at the present time, and that we are only repeating ourselves. In fact, I know of applicants just recently who have made application for old age assistance and, in both cases, the blanks have been sent to the children requesting all of this information which is covered under these amendments here. So what is the need of adding more details and repeating ourselves in the law. I believe that if the law is carried out as it is now, as it is on the statute books today, relative to the investigation of these cases it can be covered thoroughly without having any further amendment to the law.

We can sit here and we can legislate all day and for the next year pertaining to the responsibility of the children of these applicants but that will not compel those people to come across in any way and support their fathers and mothers unless they have got the feeling right in their heart and soul that it is their obligation. We see it time after time where the children — we know they are responsible, they could support their families and support their father and mother, but they do not do it. And are we going to see the father or the mother suffer just because of the lack of responsibility of their children or their grandchildren to contribute? I can not see any sense of adding these amendments. I have read them over and I know the application of the law as it is set up, and this, to me, is just adding something more to our statute books. It will not help the situation a particle and it won't save one nickel in our funds so I hope that these do not become a part of our laws.

There is another thing that I heard there this morning that I did not know before and that is that our town officials in any way have anything to do with these applica-

tions of old age assistance. My thought, and what I know of what the law, is that a person makes a direct application to our Department of Health and Welfare. The investigators investigate the case and in no way does the influence of any individual, whether it be a town official or anyone else, ever enter into the thing. So, that is news to me this morning if that is what is taking place with our applicants for old age assistance. Mr. Speaker, I hope that these amendments will be indefinitely postponed.

Mr. McGLAUF LIN: Mr. Speaker, may I ask unanimous consent to say just a word, for the third time?

The SPEAKER: The gentleman from Portland, Mr. McGlaufflin, requests consent to speak a third time. Is there objection? The Chair hears none, and the gentleman may proceed.

Mr. McGLAUF LIN: Mr. Speaker, I merely want to point out this: That under this law, if you read it carefully, if a parent was kicked out by their child, if he makes this application, he can't get any help. I was trying to find the law, but it says, in the first place, that the applicant has got to get a report from the child that he is not able to take care of him. And notice this: If he is unable to get it, then after a hearing, if they are satisfied that they can not take care of him, then they can go and give the matter some consideration. What I am trying to point out is this: At the present time if a person is in need, they can get assistance. Under this proposed bill, they can not; they have got to work out their own salvation and, therefore, I am opposed to this amendment.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Monticello, Mr. Day.

Mr. DAY: Mr. Speaker, I do not know that I can add anything to what has already been said about this bill but I do want to say that I am one hundred per cent for old age assistance and I would like to see everyone sixty-five years of age or over have the privilege of having this assistance or pension but the funds of the State are limited and this amendment was added there to expedite things. There is a long waiting list and this might help color that waiting list so that the department may get at the more essential ones first. And part of

this says that "if he is unable, the department shall determine whether such ability to do so is real and genuine and, if it decides that it is real and genuine, then the merits of the application shall be considered." So, there is a little bit there that might be in favor of the party you say is kicked out, but his children are able to support him, and I believe that if children are able to support their parents they should be made to. I am in favor of this amendment and I hope that the motion of the gentleman from Portland, Mr. McGlauffin, does not prevail.

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

Mr. FINNEGAN: Mr. Speaker and Members of the House: I have just listened to all the conversation and arguments and pleas, and I wonder if we are not just a little confused in the thinking about the whole matter. If the condition, which my good friend from Portland, Mr. McGlauffin, has presented to you was typical of all the cases under consideration, I would be more violent than he is on the very same subject. But if anybody in this House expects to get any consistency out of the administration of that Health and Welfare Department on any plan that you could say was consistent or lived up to in any way, the trouble, that investigation, would never have taken place. I would like to give you an example of two cases, both extremes. There is a little lady up in a near-by town who is receiving \$23 a month on this old age assistance. She has not a chick or a child or a near relative or a near person anywhere to add one thing to her support. She is absolutely dependent upon this money. She gets the magnificent sum of \$23 a month. She is paying rent to a lady, \$8 a month, who is receiving \$40 a month on the old age assistance. Now, I had occasion to take this up with one of the chiefs of the department—I met him in the corridor the other day—and I said to him: "Isn't there something you can do for this woman? She really needs more money than \$23 a month and she is paying \$8 a month rent to a lady who is receiving \$40 a month assistance, the maximum". "Well", he said to me, "that case was mentioned to me about a year ago and I have not

got it right in my mind but I think it was probably decided that she should get more because it cost her more to maintain the house." Well, there is one line of thought.

In the other direction, I talked with a very good Senator the other day of the other House, who had occasion to handle some legal matters for a couple some time ago and this past fall he had occasion to talk with them and ask them what kind of a season they had and they said they were all right, they had made \$3,000 last year. To his horror, he was just scanning over the welfare list, old age recipients of aid, and he glanced through his community to see what was going on there and he found this couple, I don't remember whether the amount is \$39 a month or \$59 a month, but they were receiving old age assistance on either one of those two terms, it does not matter anyway, whether it was \$20 a month. But, nevertheless, that is the other extreme of this old age policy.

Now I have heard more or less criticism of this department, and I have been criticized myself, I get some fan mail that I am out with a hatchet, that I cut the hands off old ladies and old men. Well, that is the farthest thing from my mind and I feel very tenderly towards them and I think that I will have demonstrated that over my lifetime, because that is the way I feel about it. So, there is a confusion of thought existing here and I think it is the basis of this resolution, of this amendment, and that is that these field workers are instructed as to what questions they shall ask, and the old workers, the people who have experience, who have a little common sense, in other words, are absolutely handicapped by the fact that some zealot in the Health and Welfare Department, who has some of this modernistic thinking as to how this aid shall be applied, instructs these people that they must not ask these embarrassing questions. These recipients of old age assistance, and especially these a.d.c. cases, are listed as clients and they are not to be disturbed and their mental processes must not be in any way disturbed by asking embarrassing questions.

Now, I think that the effect of this directive is to see that those questions are asked and it is almost a directive to those people to keep

their hands off it and I do not think that anyone in that Welfare Department, I am not on the Welfare Committee, but I think they have done a magnificent job and this is simply a step in trying to work out some practical, common sense now, on the applications that are coming in, that they shall at least answer some questions. I do not think that it would be anybody's idea, at least I would oppose it violently if I thought it was to embarrass any old age recipient.

Of course, there will be places where that may work a little bit of an irritant, but the intention, I am sure, is not to do that. So, I just offer this little bit of explanation to see that we are not confused in our thinking and that the object behind this motion is to make it more difficult for old age people. It is not; I think it is to clarify the thing and to keep these people who issue these orders to the field worker as to what questions they shall ask, at least they will have to be confined to a little common sense. That is my understanding and, for that reason, I am voting for this amendment.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Sargent.

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

The SPEAKER: The gentleman from Bucksport, Mr. Sargent, has moved the previous question. In order for the Chair to entertain the motion for the previous question, the consent of one-third of the members present is necessary. 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 sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen, the question 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 motion prevailed, and the main question was ordered.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, has requested a division. The question before the House is upon the

motion of the gentleman from Portland, Mr. McGlauffin, that the House indefinitely postpone Senate Amendment "C" to Senate Paper 439, Legislative Document 1355, Bill "An Act Relating to Increasing the Maximum Payments in Old Age Assistance." All those in favor of the indefinite postponement of Senate Amendment "C" will please rise and remain standing until counted and the monitors have made and returned the count.

A division was had.

The SPEAKER: Twenty-two having voted in the affirmative and one hundred in the negative, the motion is lost.

Thereupon, Senate Amendment "C" was adopted, and under suspension of the rules the bill was given its third reading and was passed to be engrossed in non-concurrence and sent up for concurrence.

On motion by Mr. Mills of Farmington,

Recessed until 2:00 P. M. E. S. T.

#### AFTER RECESS

2:00 P. M. E. S. T.

The House was called to order by the Speaker.

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

From the Senate: Bill "An Act relating to the Construction, Installation, Repair, Use, Operation and Inspection of Elevators, Dumb Waiters and Escalators" (H. P. 1754) (L. D. 1501) which is a second new draft and was reported by the Committee on Legal Affairs and passed to be engrossed in the House on May 8th.

Came from the Senate, in that body the Original Bill, H. P. 1442, L. D. 1054, substituted for the Report of the Committee on Legal Affairs and amended by Senate Amendment "A" and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

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

Mr. WOODWORTH: Mr. Speaker, I move that the House insist and ask for a Committee of Concurrence.



The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that the House insist upon its former action and request a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

From the Senate: Bill "An Act relating to Salaries of the Officers of the Legislature" (H. P. 1723) (L. D. 1451) which was passed to be enacted in the House on May 1st and passed to be engrossed in the House on April 25th.

Came from the Senate recommitted to the Committee on Salaries and Fees in non-concurrence.

In the House: The House voted to reconsider its former action whereby this bill was passed to be enacted; and also reconsidered its action whereby the bill was passed to be engrossed. Thereupon, the bill was recommitted to the Committee on Salaries and Fees in concurrence.

The SPEAKER: The Chair wishes to suggest to the members of the House that from now on until this Legislature stands finally adjourned, every session is of utmost importance to each and every member and it is important that all members be in their seats at the hours to which recessed.

On motion by Mr. Mills of Farmington,

Recessed until 4:00 P. M. E. S. T.

#### After Recess

4:25 P. M. E. S. T.

Mr. SAVAGE of Mt. Desert: Mr. Speaker - -

The SPEAKER: For what purpose does the gentleman rise?

Mr. SAVAGE: To move reconsideration.

The SPEAKER: The gentleman may proceed.

Mr. SAVAGE: Mr. Speaker, I move that we reconsider our action of yesterday whereby we failed to enact House Paper 1731, Legislative Document 1470, "An Act Imposing a Sales and Use Tax to Raise Additional Revenue." It will be my intention also, Mr. Speaker, to move that the matter lie on the table. I have the feeling that we shouldn't allow this matter to expire. It is evident that many people here think

favorably of it. I therefore move that our action be reconsidered at this time.

The SPEAKER: The Chair would inquire of the gentleman if he voted in the negative when this matter was up for enactment.

Mr. SAVAGE: I voted against the bill.

The SPEAKER: The gentleman from Mount Desert, Mr. Savage, moves that the House reconsider its action of yesterday whereby "An Act Imposing a Sales and Use Tax to Raise Additional Revenue", being House Paper 1731, Legislative 1470, taken to be enacted as an emergency measure. The Chair understands that the same gentleman moves that that motion be laid on the table to be taken up tomorrow.

Mr. MILLS of Farmington: Mr. Speaker, I move that it be taken up later in today's session.

The SPEAKER: The gentleman from Farmington, Mr. Mills, has moved that it be taken up later in today's session.

The House will decide first the matter of laying the motion on the table. All those in favor of laying this motion on the table will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

The SPEAKER: Seventy-three having voted in the affirmative and fifty-eight in the negative, the motion to lay on the table prevails.

All those in favor of laying this motion for reconsideration on the table, to be taken up at tomorrow's session will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

The SPEAKER: Twenty-six having voted in the affirmative and eighty-three in the negative, the motion is lost.

The matter has been laid on the table, to be taken up later in today's session.

The following Bills on their passage to be enacted and Resolves on their final passage were taken up out of order, under suspension of the rules:

#### Passed to be Enacted

An Act to Change the Charter of the City of Calais (S. P. 490) (L. D. 1356)

An Act relating to the Payment of Fines and Costs and the Salary of the Judge of the Municipal Court in the town of East Livermore, now Livermore Falls (H. P. 950) (L. D. 555)

An Act relating to the Salaries of Various Officers of Franklin County (H. P. 1698) (L. D. 1415)

**Finally Passed**

Resolve in favor of Bridgton Academy (S. P. 416) (L. D. 1202)

Resolve in favor of Portland Junior College (H. P. 414) (L. D. 244)

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

Were reported by the Committee on 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.

**Enactor**

An Act Protecting the Right of Members and Non-members of Labor Organizations to the Opportunity to Work (H. P. 1652) (L. D. 1346)

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

Mr. **ROLLINS**: Mr. Speaker, I move that Item 3, "An Act Protecting the Right of Members and Non-members of Labor Organizations to the Opportunity to Work" be indefinitely postponed.

The **SPEAKER**: The Chair recognizes the gentleman from Gardiner, Mr. Tabb.

Mr. **TABB**: Mr. Speaker and Members of the House: I am not going to bore you with any speech. I have naturally got to get up to defend my own bill. I just want to say a few words with reference to the bill because you all have heard on the floor of this House, and also in the committee, what my reasons were in presenting this bill. I just want to mention one or two small things, and to bring to your attention the closed shop.

First, I want to say that you all know that the closed shop has brought misery to the people of our country, and if we had had some law on the books at Washington John L. Lewis would not have been able to do what he has done, defied the government of this country.

I want you to recall that I said that Communism begins in a closed shop. Those are the only things I am going to mention to you. I ask you to vote on the merits of the bill. It is a very simple bill. I make this statement to you again that I am not opposed to unions nor does this bill bar unions. It bars closed shops only. The opposition will tell you that they do not need such legislation. I will make my last remark as I said in the committee: the time to lock the door is now before the horse is stolen. Mr. Speaker, I ask for a division.

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

Mr. **MELOON**: Mr. Speaker and Members of the House: As you probably all know by this time, I have a keen interest in labor legislation. I hope that the motion of the gentleman from Greenville does not prevail.

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

Mr. **DOSTIE**: Mr. Speaker and Members of the House: As you all know, I am a laboring man. I have worked in the mills and the factories of Maine for many, many years. During the last ten years, we have had direct contact with the Textile Workers Union of America. The great majority of my fellow workers agree that the union has benefitted us and has fought for our rights to the end that we are now receiving a fair wage for our labor. I have been associated with this union directly because I believe in it and I can honestly say that the officers are good, American citizens, and I am not in any way associated or tainted with what my friend, Mr. Tabb, calls Communism. I stand to make my position clear and in defense of those who can not answer Mr. Tabb, merely because of a feeling that might lead to serious trouble.

Last month, a delegation of workers waited on our Congressional delegation in Washington. They all met in the office of Congresswoman Margaret Chase Smith and it was the unanimous opinion of our delegation that labor conditions in Maine were very satisfactory and if the same situation existed nationally there would be no need for restrictive labor legislation, whatever. At the present, labor and management are enjoying peaceful

relations. I beseech you, Members, to let well enough alone by voting for the indefinite postponement of this bill.

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

Mr. COLE: Mr. Speaker, several times I have heard in this House reference made to a member of this Legislature who, being a member of the Portland city government, and the Public Works Department of the City of Portland being out on strike, had some labor difficulty. Well, I happen to be that gentleman.

The night before that happened, the Portland paper stated that I was the only member of the City Council in Portland who would even discuss with them terms of settlement of that strike. The next morning at seven o'clock, the dispatcher called me and said, "The boys won't go to work today; there is a picket line out front." I said: "Why?" "Well," he said, "they want to settle that Public Works Department strike and the quickest way for them to get you to vote them an increase in the Public Works Department is to picket your place of business so we are picketing your place of business and there is not any work today." If that is not labor trouble and if that is not attempting to strike at the root of government, in order to gain their ends, I do not know what is.

I received, yesterday, from my dad, who is in Washington, attending a National Labor Relations conference of the American Trucking Association, some information from that same American Trucking Association.

At the present time, nineteen states have passed some form of anti-closed shop bill. There were seventy-four bills proposed to prohibit the union shops introduced in the following State legislatures, I will not read all, I will only read those who passed it during this present session: Arizona, Arkansas, Georgia, Iowa, New Mexico, North Carolina, North Dakota, Ohio, South Dakota, Tennessee, Texas, Virginia. In addition Colorado and the South Dakota legislatures passed bills memorializing Congress to propose right-to-work amendments to the Federal Constitution.

I also would like to get into the record a report of what is being done in the unions that represent

the trucking companies all over the Atlantic Coast, the whole length of the Atlantic Coast. This is from an A.T.A. Labor Relations bulletin.

"Last month saw the development of a permanent federation of one hundred and thirty-five teamster locals in fifteen states stretching from Maine to South Carolina. According to union spokesmen the newly formed Atlantic Coast Conference of teamsters is an outgrowth of last year's New York City teamsters strike. It is primarily designed to provide permanent machinery for mutual aid in labor-management disputes. John O'Rourke of Local 282, New York City, temporary president of the body, declared that we could not have won the New York strike without combined effort and we want to make sure that any of the local members in the eastern states area can obtain the support of 300,000 teamster members on short notice. Dan Tobin spoke to that same meeting, and I will quote from what he says: "Such a body as this will be able to counteract the pressure on labor and soften the impact of pending legislation."

Now, what this means, gentlemen, is this: That when another union contract for truck drivers is negotiated we will not negotiate with anybody in the State of Maine, we will negotiate with the representatives of those locals, the whole length of the Atlantic Coast and when there is a strike called, gentlemen, there will be a strike called the whole length of the Atlantic Coast in order to enforce their demands. At the present time the truckmen in the State of Maine have no union contract. Our contract ran out the first day of April and because of the fact that this Legislature was in session we have been unable to effect any kind of a negotiation or settlement in this contract. I hope the motion does not prevail.

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

Mr. BROWN: Mr. Speaker, when this bill was before this body before, as I recall it, there seemed about a two to one majority "Ought to pass." Since that time, I have not heard anything to cause the majority of this House to change their minds in regard to it. I do not believe that there are very many members in this House but what agree that the union shop

might be all right, but I think the majority is opposed to a closed shop. I hope the motion does not prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I did not rise this afternoon to speak on this matter that is before you except for one reason: Ever since this legislation has been before this House, we have heard that all we wanted to do here was to outlaw the closed shop. All the people have been led to believe here that all this measure, in the new draft which has passed the House and has passed the Senate, does is to outlaw the closed shop.

Now, let us get it straight. This measure goes far beyond outlawing the closed shop. It hits right at the very heart of the most important industry that we have got in the State of Maine, the paper industry. It hits our union shop which you people, here, figure that under this bill is protected. It outlaws our union shop and it outlaws maintenance of membership. Now, let us recognize that fact. Had it only been the closed shop, I would have hesitated to speak on it but it goes far beyond that and you can take it from anyone who is familiar with the law and he will tell you that it goes way beyond the closed shop. For the life of me, I can not see why the Legislature of the State of Maine, during this whole session, has been so concerned with a matter that bothers the State of Maine so very little. And I only wish that every member of this House could have been with me during the past three or four weeks when we sat down to negotiate with our paper companies here in the State of Maine, and see the way that negotiations are carried on.

Only the day before yesterday, I had the pleasure of conducting negotiations with the St. Croix Paper Company, one of the finest industries that we have in the State of Maine, and I was asked by that management: "What are they trying to do to us who have held contracts for some thirty-five or thirty-eight years where there never has been one minute of lost time due to any labor dispute that has ever arisen?" Every case that

has arisen has been settled around the conference table. The same is true of every other paper company in the State. The same is true of our public utilities, the electrical industry here in the State. It has been over thirty years since anything has ever come up between the employees and the employers in that industry here in the State of Maine. And yet, if this bill becomes a law, what does it do? It destroys the relationship between that union and those companies in the electric industry.

There is one thing in this bill that I want to point out it is continually placing the employer on the spot because the first time that he refuses to hire a person under the law as it is today he is subject to the penalty of one thousand dollars and let me say that that is one thing that the employers are afraid of at this present time.

It is true there is a wave of this legislation coming into all the States over the United States, but there are a lot of them that are throwing that legislation out. In our sister State of New Hampshire only a week or so ago, they allowed the closed shop to come in if it can be negotiated by three-fourths of the employees of the union and the company. If three-fourths of the employees can agree that they want a closed shop and the company is willing to sit down and bargain with them, then the closed shop is recognized.

I hope that you people will decide here today that our labor relations between employees and employers in the State of Maine is the best and we want to maintain it that way. Let us, today say to the rest of the nation that labor and industry can travel along together in the State of Maine and we do not need any repressive legislation cluttering up our statute books here in the State of Maine. And I trust that you will sustain the motion of the gentleman from Greenville, Mr. Rollins, and put this legislation where it belongs—out the window.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Tabb.

Mr. TABB: Mr. Speaker, I would like to answer the gentleman on the question of New Hampshire. He says that they are to have a closed shop providing they can get sev-

enty-five per cent of the members. I agree that is all true but he goes no further. I would like to read you now the provisions of that: "Burdens on Unions. As the bill was passed, any union that qualified by the necessary two-thirds secret vote, secret vote (get that) for a closed shop would still have to meet other rigid requirements before such an agreement would be in effect. A union would have to file in detail a financial statement with the State Labor Department listing all income and all disbursements, salaries, and other expenditures and any donations made for non-union purposes. In addition, initiation fees would be limited to not more than twenty-five dollars and would be ordered at a lesser level at the discretion of the Labor Commissioner."

I think you will agree with me that New Hampshire has a more rigid closed shop bill than what I am trying to get this Legislature to accept. There it is, gentlemen, in black and white. You can decide for yourselves which is the better bill, the one in the State of Maine for labor or the one in New Hampshire.

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

Mr. McCLURE: Mr. Speaker and Members of the House: I would like to have any of us answer the question that my colleague, Mr. Tabb, just stated, the secret ballot. We were all elected here by a secret ballot. That is why we have the booths.

Gentlemen, I have been associated with you since the first of the year. We have met two representatives of labor here, one a Democrat, Mr. Leavitt of Old Town, who also represents that district in the House, and Mr. Brown. I ask you, in fairness to the rest of the labor in Maine, if that is an example of what labor stands for, gentlemen, I also hope that all of you will move for the indefinite postponement of this measure.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Leavitt.

Mr. LEAVITT: Mr. Speaker and Members of the House: I want to speak very briefly because I believe that my colleague, Mr. Brown, over there, covered the conditions here in the State very aptly, the situation that we now face.

After sitting here for very many weeks, watching this House give consideration and reconsideration, I have come to the conclusion, somewhat, that a whole long speech does not make any particular difference as to how you state your position. However, I can see why the gentleman from Portland, my good friend, Mr. Cole, who has had difficulty with the union, can rise and speak against it because in stating his position perhaps he had justification for doing so. But I can not see why a man who claims that he is a farmer and a raiser of chickens could be so thoroughly set against the closed shop. That particular thing I have not yet resolved in my own mind satisfactorily to my own feelings as to why he should do it.

As I said a minute ago, my colleague has presented the case as to how we stand in the State of Maine. I believe that practically every man in this House, alone, realizes that fact, because our labor relations here in Maine are really outstanding.

Only two weeks ago, I attended a meeting where our newly appointed Labor Commissioner spoke before our group and she paid tribute to the fine relationship and the way that we conducted our relationship regarding labor and industry in this State. I am not going to say any more; I think that you people have a mind of your own; I know that you do and I believe that you are going to use a very fair division in your mind as to how you will settle this, and I only hope that you will decide to go along with the gentleman from Greenville to not vote for this measure.

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

Mr. HARRIS: Mr. Speaker and Members of the House: I spoke for this measure when it came up before. I wondered what reaction I would get, not in my town but in the industrial towns around here. Just three people stopped me about it, no one of the three knew what the closed shop was, they thought we were voting against the union shop. Now, I have heard here, today, many employers quoted, but only one speech. If the laborers of Maine are so against this closed shop proposition, why haven't we been lobbied, why isn't there somebody here? And, if the employers

want it, are they so modest that, they hesitate to come here and tell us that they would like to have a closed shop and not have it barred?

Now, there is a misunderstanding over this bill. I heard the gentleman say that it prohibited maintenance of membership. Now the bill I have in front of me does not. The original bill did and that was taken out. I could not support the bill if it prohibited maintenance of membership and I think, as you are probably sick of hearing me say here, that I like to vote for a fair bill and I think this is a fair bill. Anyone, in this bill, can work where they have a union without joining it. There is nothing in this bill that prohibits the employer from taking out the union dues. Now, the only thing this is, in my understanding, it prohibits some union from saying who you or I can hire if we are running a place. That is the principal part of this bill. The union does not say who we hire but whoever works for us must join the union. Now, I do not know if I have made my understanding of this clear. As the gentleman, Mr. Brown, said here, it was upheld approximately two to one and I have not heard anything here, today, to make me change my mind and I wonder who has. Therefore, I hope that the motion does not prevail.

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

Mr. COLE: Mr. Speaker, there seems to be some confusion as to what a closed shop means. I told you, a few moments ago, that we have not any union contract at the present time although we are maintaining and paying our help and are continuing on the same basis that the old contract that ran out the first day of April provided.

Now that contract and all of the labor contracts that we have had in the trucking industry since I have been associated with it, provided for a closed shop and also allowed the union to maintain a closed membership. Now that means that a man comes to me and wants a job driving a truck. I say: "No, I can not hire you; there is no use for me to hire you. Under the provisions of the contract, you can work seven days but the union won't take you in. You go and get into the union and come back and I will put you to work." Now, it does not

make any difference how good the man is or how badly I need him.

I hired one man during the war, who was a very good workman, my men were perfectly willing to work with him, he got along with them well, he worked for me for seven months. At the end of seven months, they had continually tabled his application, at the end of seven months, they sent another man down to take his place who I had to hire and tell this man: "I am sorry but I can't keep you, they won't take you into the union."

Now, when you couple a closed shop to a closed membership, you have nothing but a union hiring hall. If I want a man, I call the union hall, they send a man down. I try him and if I don't like him, I fire him and they send another man down, I try him, until I find a man that is reasonably suitable to put onto my equipment. Now, this equipment that we are operating on the highways has been very hard to maintain and it is expensive. If you had an investment of \$10,000 in your passenger car and you had nothing to say about who was going to drive that passenger car, I wonder how many nights you would sleep. We have been in the position of having the union tell us who we will hire, when they will work, when they won't work, how long we can keep them, if they do not pay their dues they get fired. I say that we need some protection and I say that this bill is little enough.

The SPEAKER: Is the House ready for the question?

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, the consent of one-third of the members present must be indicated. Those in favor of the motion for the previous question will rise and remain standing until counted and the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen, the motion for the previous question is entertained.

The question before the House now 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 Greenville, Mr. Rollins, that "An Act Protecting the Right of Members and Non-members of Labor Organization to the Opportunity to Work (H. P. 1652) (L. D. 1346) be indefinitely postponed.

The gentleman from Gardiner, Mr. Tabb, has requested a division. 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.

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

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

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

Bill "An Act relating to Increasing the Maximum Payment in Old Age Assistance" (S. P. 487) (L. D. 1355) which was passed to be engrossed in the House earlier in the day as amended by Senate Amendments "A" and "C" in non-concurrence.

Came from the Senate with the Senate insisting on its former action whereby it was passed to be engrossed as amended by Senate Amendments "A", "B" and "C", and with the following Conferees appointed on its part:

Messrs. Haskell of Penobscot  
Dunbar of Washington  
Leavitt of Cumberland

In the House:

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

Mr. Elliott: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Corinth, Mr. Elliott, moves that the House insist and join in a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair will point on that committee: The gen-

tleman from Corinth, Mr. Elliott, the gentleman from Cape Elizabeth, Mr. Chase, and the gentleman from Bangor, Mr. Wight.

The SPEAKER: At this time, on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to the Construction, Installation, Repair, Use, Operation and Inspection of Elevators, Dump-Waiters and Escalators" (H. P. 1754) (L. D. 1501) the Chair will appoint as Conferees on the part of the House: The gentleman from Fairfield, Mr. Woodworth, the gentleman from New Sweden, Mr. Anderson and the gentleman from Greenville, Mr. Rollins.

On motion by Mr. Mills of Farmington,

Recessed until 7:45 E. S. T.

#### After Recess

7:45 P. M., E. S. T.

The House was called to order by the Speaker.

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

Mr. MILLS: Mr. Speaker, I would like to present a Conference Report.

The SPEAKER: The gentleman from Farmington, Mr. Mills, presents a Conference Committee Report. The Clerk will read the report.

The CLERK: (reading)

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Tax on Cigarettes" (H. P. 635) (L. D. 415) reporting that the House adopt House Amendment "A" to House Amendment "A" and pass the Bill to be engrossed; and that the Senate recede from its action whereby it adopted Senate Amendments "A" and "B" to House Amendment "A" and concur with the House in the adoption of House Amendment "A" to House Amendment "A" and pass the Bill to be engrossed.

(Signed)

Messrs. Sleeper of Rockland  
Mills of Farmington  
Marsans of Monmouth  
—Committee on  
part of House.  
Ela of Somerset

Noyes of Hancock  
Haskell of Penobscot  
—Committee on  
part of Senate.

Report of the Committee was accepted.

The SPEAKER: The House may be at ease while the amendment is being distributed.

#### House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair assumes that all the members have read the amendment.

Thereupon, the House voted to reconsider the passage of this bill to be engrossed.

The House then voted to reconsider the adoption of House Amendment "A".

House Amendment "A" to House Amendment "A" was then adopted, and House Amendment "A" as amended by House Amendment "A" was adopted, and the bill was passed to be engrossed as amended and was sent up for concurrence.

The SPEAKER: The Chair will state that the House is now proceeding under Orders of the Day. If any member has a matter which he wishes to dispose of, now is the time to do so.

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

Mr. COLE: I move to take from the table Senate Paper 551, Legislative Document 1499, tabled by me earlier in today's session pending an amendment. I believe Mr. McKeen has the amendment ready.

The SPEAKER: The gentleman from Portland, Mr. Cole, moves to take from the table Bill "An Act Relating to the Width of Trucks Hauling Forest Products." Is this the pleasure of the House?

The motion prevailed.

Mr. McKeen of Lovell, presented House Amendment "B" and moved its adoption.

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

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

House Amendment "B" to S. P. 551, L. D. 1499, Bill "An Act Relating to Width of Trucks Hauling Forest Products."

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

"R. S., c. 19, § 85, amended. The 1st sentence of section 85 of chapter 9 of the revised statutes, as repealed and replaced by section 4 of chapter 348 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

"No motor vehicle or trailer which with or without load is wider than 96 inches over all shall be operated upon any way or bridge; except that motor vehicles or trailers hauling firewood, pulpwood, logs or bolts may be operated on any way or bridge if the width of the load does not exceed 102 inches; provided, however, that a strip 3 inches thick shall extend along the sides of the platform securely fastened to the platform of the vehicle or trailer in order that the load shall pitch to the center of said vehicle or trailer; and provided further, that each vehicle or trailer shall carry a solid-boarded tailboard or 5 stakes evenly spaced of sufficient strength to maintain the weight of the load, and such load at no place along its length shall be higher than the tailboard or stakes."

House Amendment "B" was adopted.

Mr. Rollins of Greenville offered House Amendment "A" to House Amendment "B" and moved its adoption.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, presents House Amendment "A" to House Amendment "B" and moves its adoption.

Is it the pleasure of the House to reconsider the adoption of House Amendment "B"?

Calls of "No."

The SPEAKER: All those in favor of reconsidering the adoption of House Amendment "B" will say aye; those opposed no.

A viva voce vote being taken,

A division of the House was had.

The SPEAKER: Twenty-eight having voted in the affirmative and seventy-seven in the negative, the motion fails.

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

The SPEAKER: The Chair would consent agreement, the papers will be sent forthwith to the Senate.



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

Mr. Hayward of Machias was granted unanimous consent to address the House.

Mr. HAYWARD: Mr. Speaker and Members of the House: In these closing days of the present Legislature a matter of grave concern to the town of Leeds has come to my attention, and without delaying legislation, a resolve passed at this time will remedy the situation.

I have seen the House members of the Committee on Ways and Bridges and explained to them the situation. This resolve which I am about to present simply means a re-allocation of money in this town. It will give them an opportunity to use the money this year. I have been informed that this will in no way delay legislation and it will not be necessary to refer the resolve to a committee. The matter pertains only to the town of Leeds, and of course it isn't controversial in any way.

After unanimous consent for its introduction is received, I will move that the resolve be given its two several readings and be passed to be engrossed without reference to a committee.

The SPEAKER: The gentleman from Machias, Mr. Hayward, requests unanimous consent for the introduction of a resolve. The Clerk will read the title.

The CLERK: (reading) "Resolve in Favor of the Town of Leeds" (H. P. 1756)

The SPEAKER: Is there objection to the introduction of this resolve?

The Chair hears none and it has been received by unanimous consent. The Chair understands that the gentleman from Machias, Mr. Hayward, moves that the resolve be given its two several readings at this time and passed to be engrossed without reference to any committee under suspension of the rules.

Thereupon the resolve was read the first time in its entirety.

Under suspension of the rules the resolve had its second reading and was passed to be engrossed without reference to a committee and sent up for concurrence.

The SPEAKER: The House may be at ease at this time until the sound of the gong.

## House at Ease

9:45 P. M. E. S. T.

The House was called to order by the Speaker.

## Enactor

An Act relating to Taxation of Cigarettes, Cigars and Tobacco Products (H. P. 635) (L. D. 415)

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

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

Mr. MILLS: Mr. Speaker, in order to give the proper background to this picture, to this bill, it would be necessary to go back and review the whole struggle that we have had during the last two weeks in regard to taxes. I will not do that, of course, because it is all so familiar to all of you.

It became very apparent, yesterday, that it was perhaps impossible to get a two-thirds vote for either a sales or income tax. It is also very apparent that the State of Maine needs some money to operate on during the next two years. If the Maine Legislature does not accept its responsibility and provide that money, the end of the biennium will come, the 30th of June, and there will not be sufficient funds to operate the State government.

Among the items which it is essential to provide for, it seems to me, is the item known as the cost of living increase of pay to the State employees. That is a misnomer because it is not an increase at this time, it is merely continuing an increase which the Special Session gave last year. I am sure that none of us want that to expire on the 30th of June. There are other very essential things which this Legislature should, and must, it seems to me, provide.

A group met with the Governor last evening until two o'clock this morning, met again twice today, and it was the feeling of that group that the only thing that could be put through this Legislature by a two-thirds vote to take care of these expenditures was this tobacco tax bill.

Now we are not pointing with pride to this tax. We think, many of us think, that the job should be done fuller and better, but you have

got to accept the reality that the two major tax bills have beaten themselves out. You have got to turn and find another loophole in the fence and the State of Maine has got to have some funds to operate on in the next biennium. Now, we want action on this and we want it tonight and I am speaking as a Republican, I am calling on the Republican members of the Legislature to make sure that we get that action.

Under this bill, the State Tax Assessor tells us we can provide \$4,311,881 for the biennium. Certain major essentials can be taken care of with that amount of money, budget adjustments for the running of the government for the next two years, which will be \$1,056,948, can be provided for.

It seemed to the group that met with the Governor, and I want to say that the Governor joined the group it was the feeling of the group, with the Governor having one vote, an equal vote with the rest, it was the feeling of that group that the first consideration would be the teachers' salaries, and the next should be the University of Maine, Pownall State School, fire protection for the Augusta State Hospital, the Brunswick campus of the University of Maine, and several others, all could be provided for. Teachers' salaries to the amount of \$2,000,000, for each year. That is not all, of course, that this Legislature wanted to do but it does come up to the program as enunciated by the Governor in his budget message earlier in the session. I may say that the program based on this amount of money does meet his budget requirements and requests and goes some beyond.

Now, as I said before, this is not a perfect bill, and that has been said of every tax measure that has been up here. There has not been a tax measure placed before this Legislature which, when reviewed after its critics had finished with it, did not look pretty weak, if all the arguments were taken as full and true. I say that this is probably the best that we can do at this time and it will run the State for the biennium.

Now, there is nothing, absolutely nothing, to preclude further action on tax measures after this bill has gone through, if it does indeed go through. There is nothing to preclude us from considering other

measures and providing for the other bills which have passed through this House and have gone through the Senate, nearly through the Senate. I hope that you will accept your responsibility and will pass this bill tonight.

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

Mr. ALLEN: Mr. Speaker and Members of the House: On two previous occasions, I have risen in this House and perhaps in rather sharp words I have expressed my personal opinion on a miscellaneous tax such as this. I have attacked the miscellaneous tax as a patch-work proposition, the kind of legislation we were not sent down here to pass. I have read to you a resolution passed by the Young Republicans of the State of Maine at Waterville, last summer, stating that they felt the State should broaden its tax program and take steps to improve a system which for one hundred years, practically, has resisted any modernization. My personal opinion, tonight, is the same as it has always been.

We are coming down, as has been said many times before in the last week, to our nineteenth or twentieth week of the longest session in our State history. My primary concern and yours has been that the State should function; my primary concern is that our bills should be paid as I would pay my own and as you would pay your own bills. I am concerned, first, naturally, with some such items as have been mentioned by the gentleman from Farmington.

What about this bill before us? I would like to point out, at this time, that this tobacco tax before you has quite a few loopholes. I understand that in the State of New Hampshire, the dealers buy a box of cigars and pay their tax and then they come down to the State of Maine to buy cigars to fill up that box. It is a very difficult tax to collect. I understand that if this tax goes into effect here in Maine, the vending machines, which are built only up to carry the twenty cent load, could not carry a twenty-one cent load. Vending machines are impossible to get. I question, and I know the proponent of this measure probably has checked his figures, but I consider them very, very optimistic.

What shall we do here tonight?

That is our question. This cigarette tax, I shall have to vote for if it means that we are not going to get revenue from anything else, but let me tell you that I do not intend to go home from this Legislature without accepting more of a program than this and I accept the cigarette tax as perhaps half a program.

Editorials in our newspapers, letters, and individual calls make me believe that the people of this State would respect us more if we have the courage, and I have said this before and I say it again, to face our problems squarely and not duck because we are afraid of the political consequences in the next election. They would have more respect for this Legislature if it will brace up, instead of being a weak-kneed group, and pass some major tax legislation. How can this be done? That remains to be seen. We might pass the sales tax without the emergency and print on the ballot some of the millions of dollars worth of bills which are lying in the other Branch and which will die tonight under the axe if we pass only the cigarette tax.

Gentlemen, I still think this is bum legislation, a patch-work proposition. I shall vote for it because we need the money and we have got to have it, but I do not think any of us can be too proud of it. I think it is like putting a tire on your car that has had four or five different patches and hoping it will take you a thousand miles and it might bust down in five. This will get us through the emergency, but legislatures in the State of Maine for years have been passing the buck. I say to you, yes, go along with this cigarette tax, tonight, but our job is not through. We can not go home until we do something. This is only half a loaf.

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

**Mr. BREWER:** Mr. Speaker and Members of the House: I am not willing to go along on this tobacco tax as an answer to the problem which those who met decided that they would hand out as a Republican policy, for the simple reason that they tell us it will embrace four million dollars. It will; it may, but remember, already, two cents of that tax is already tied into your old age assistance. So there is two million dollars.

I have told you that I have been in this Legislature four sessions and that we have patched the roof every time by sliding a shingle up in to stop the leak, and I am tired of that. I would rather go home without any revenue whatsoever and let those who did not have the courage of their convictions sweat it out when they rub elbows with their constituents back home. As far as I am concerned, if this is the best that the Republican Party can offer us in the way of tax revenue, you can count me as a Bolshevik or anything you want, but I certainly won't be a member of the Republican Party that cannot offer anything better than that.

So far as I am concerned, this thing has sold everybody short; it has sold your State employees short; it has sold your teachers short; it has sold your citizens at home short and, in fact, it has sold your Legislature short because you have not the courage of your convictions.

Now, the bills that you have on your table, on our tables, probably involve around \$10,000,000. I will say to you that I do not feel that all of those are necessary to pass but, if you pass this tax and go home satisfied that you have done a job, I want to tell you the things that are going to happen.

In the first place, you have not got too much money for your teachers, all your military and National Guard are washed out, the University of Maine program is cut in half, which compels the University of Maine to close Brunswick. You will cut out your fire protection for the Augusta State Hospital; your aid to your blind, all of your institutions. In fact, there are very few things that are not going to take a cut across the board.

Now, as I have said to you, if this is the best program that is to be offered, I would much rather go home and do with what we have until you have contacted your constituents and are ready to come back to do the job that you are expected to do. To me it seems a good deal as if you had four panes of glass out of the house; you put two in and you leave the other two out and in two years time you will then raise revenue to put the other two in.

I told you the other day that during the war the Federal Government extracted from the citizens of Maine

\$150,000,000 for four years, yet when they ask you, today, to raise anywhere from four to six million dollars a year, you shudder at the thought. A very short while ago, the Democratic party leader offered to sit across the table and compromise or at least talk the thing over. So far as I know, no offer has been made to take this offer of theirs up. I believe that they do not consider themselves as party Democrats to obstruct everything but I feel that they, with you and me, as citizens, are interested in the welfare of the State of Maine. I say to you that that is one bet we have overlooked so far.

Now, as far as I am concerned, I am willing to compromise up to the point where everything is sabotaged, so far as I am concerned this does nothing but sabotage the whole program.

So, I say to you, so far as I am personally concerned, if this is the best that we have to offer, I am perfectly willing to go home and let things rest as the budget recommended them, and I feel sure that when we are called back that we will vote the necessary funds. By that time those of you who have said that if you felt that there was sufficient reason to raise these funds, —and we on the Appropriations Committee have tried to show you that many of these funds are necessary — by that time you will have found that you have a hole so big that this cigarette tax will not fill it and you have got to go out in the tax field and broaden the tax.

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

Mr. WIGHT: Mr. Speaker and Members of the House: I understood my colleague, Mr. Brewer, to say that part of the money which would be collected under this bill would be available for old age assistance. I fear that the gentleman has not read the bill. If he will read Section 205, it says: "Allocation of tax: The revenue derived from the tax controlled by the Provisions of Sections 186 to 205, inclusive, shall be credited to the general fund of the State." I think we should all go along with this measure.

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

Mr. MARSANS: Mr. Speaker, I also feel it necessary to correct one or two impressions left by the gen-

tleman from Presque Isle, Mr. Brewer.

Although I am not very proud of this particular tax, this is no time for us to be scolding others, and this is the only thing we can seize upon at the present time to carry the necessary load.

The University of Maine has been taken care of in two different instances, in one case to the amount of \$350,000 for general operations, and, in the other instance, for their Science and Engineering building, \$400,000; one from this measure and the other from the post-war reserve. The fire protection for your State Hospital is included in this, and some of our institutions — Pownal construction is taken care of for \$400,000 out of the post-war reserve.

So there are many items that are definitely taken care of, more than we can tell you at the present time, because we do not know to what extent the measures calling for money will be passed. It will be a guess. Naturally some will have to fall under the axe, and others will pass. We are not raising enough to take care of all of them. That has been our feeling in the past — those who followed through and voted for all tax measures wanted to see the feelings of the Legislature. Apparently they have been expressed, and this is the only way, apparently, that we can go along with it.

The SPEAKER: The Chair recognizes the gentleman from Mount Desert, Mr. Savage.

Mr. SAVAGE: Mr. Speaker and Members of the House: I feel that we should pass this bill at this time, that is, enact it as an emergency measure. I have not much enthusiasm for it. Nevertheless, it is the only tangible thing we have in sight. We may consider something else later, if we wish, but I think it will be a grave mistake not to enact this, tonight.

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

Mr. MCGLAUFLIN: Mr. Speaker, I expect to go along with this bill because it seems to be the only thing in sight at the present moment but I want to say that I think we are only half doing the job. I am amazed that a bunch of intelligent men, such as we have here, — and you are intelligent gentlemen —

can not agree to pass a tax that will meet the situation. The reason we can not do it is because some of you will not lay aside your prejudices, and it is purely prejudice, against the sales tax. If we had a mind to now, we could pass a two cent sales tax and take care of this whole proposition. I am very much disappointed that with the brains that we have got here and the courage that I know you have, that we can not agree on something that will solve this problem. As it is, if all we pass is this measure, then we are going home to tell the people that, as I illustrated the other day in my talk on the sales tax, "we did not have backbone enough to go any further than Pittsfield; we could not go to Bangor."

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

Mr. McCLURE: Mr. Speaker, what my colleague from Portland, Mr. McGlauffin, has said is true also on the income tax. Yesterday, we defeated an income tax and a sales tax. We have been here over four months and our leaders, during that time, were unable to give us a program for these tax measures. Yet, in less than twenty-four hours, we have it solved, apparently. If we can not present a better tax bill than this, perhaps come together a little bit on an income tax and a sales tax, combine them in such a way that it will be easy on both sides, let us divide it. I will go along with my colleague from Presque Isle, Mr. Brewer, who has served on these committees and has been here over four years and worked hard. I think, gentlemen, that we have been called a House of reconsideration. This bill can be reconsidered if we can not find a better one.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: Unfortunately, or fortunately, any way you want to look at it, this bill has been called the "Sleeper Bill." The bill was not conceived by me or even spawned by me, it was rescued by me on its way to oblivion. I felt that we should have some form of taxation to meet the pressing needs of the State until we could arrive at this great progressive financing of the State's expenses.

I have maintained from the start that I would not vote for any bill that would not go back to the people for a vote, and I still feel that way with the possible exception of this one bill. I have yielded to the oratory of the gentleman from Portland, who said that we have got to do something and I voted for an income tax; I was left alone in that. Now, I am willing to go along with this to fill the gap.

If the Members of this House still feel that the people of this State want a sales tax, pass the sales tax with a referendum clause to it. If everyone wants it, there is no harm in trying it. We can pass a two per cent sales tax with a referendum clause, put it to the people and, after they adopt it and the income starts arriving from it, we can drop this fool measure. But until that time arrives, the leaders of the Legislature, some minds in another body say, "We can make the House pass the sales tax," but I doubt it very much under the two-thirds vote. We are willing to cooperate; we are willing to try. I have said and I know others have felt that they did not want to pass any tax, but I feel that the State is entitled to some consideration. I think the teachers are entitled to some consideration; the employees certainly are entitled to that cost of living increase; the pension fund should be kept on and many other worthy measures we have here. So I am willing, and I feel that others are willing too, to go along with this cigarette tax. It is a tax but it is taxing a habit; it is not taxing the baby's milk or bread, it is a tax on tobacco and can easily be carried.

So, Mr. Speaker and Members of the House, I hope that this House will go along on this measure and give it the two-thirds vote. I am perfectly willing and I think many of the rest of us are, if other people feel that we should embark on a program of a sales tax or an income tax, I will forget all my promises for the future and go along with those as long as they go back to the people and, further than that, I will not pass bills here and then go and scuttle them afterwards; I will try to get them passed on the referendum.

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

The SPEAKER: The Chair recog-

nizes the gentleman from Anson, Mr. Sharpe.

Mr. SHARPE: Mr. Speaker and Members of the House: Several members have inferred that they do not like this bill yet they are going along with it. Now, I, for one, am not going along with it. I am not going along with it because I do not like it. I do not like it because it is no good. I am willing to go along with my vote to participate in the enactment of an adequate tax measure. I am just as anxious to go home as anybody else here, but I am willing to stay here another month or another two months if it is necessary in order to pass a constructive tax measure. I am willing to help do a good job but I am not willing to be a party to the doing of half a job. I will not be a party to it.

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

Mr. BREWER: Mr. Speaker, in answer to my friend, Mr. Wight, of Bangor in saying that I did not read the bill, I happen to have read the bill, but I do want to call to the attention of the House that in this particular bill it has crossed out. I said two per cent of the cigarette tax was already allocated for your old age assistance and I still maintain that it is right even though it is turned into the fund, because you have already depended upon that and that amount, anyway, will have to be used for old age assistance. And I will say to you that that is where a cent of your cigarette tax has gone, because in the bill it is crossed out, and it says "provided, however, that there shall always be available for old age assistance State money to an amount not less than the revenue derived from the cigarette tax."

Now, I say that that money is set up; you are not going to be able to duck that issue; it will be used for that. In answer to Mr. Marsans on the \$350,000, I think, if you will remember rightly, that that was the bill that I signed the minority report on, and when it came before the House, I voted for the increase of \$700,000 which was twice \$350,000. The reason that I voted for that bill was the fact that when that bill came into committee—I am not defending myself, but I am going to tell you what I told you before, what I think it was—that bill laid in committee probably

nearly two months signed before it was put out, and at that time we decided that we were not going to have any money so we were going to use the axe. And at a little later date we decided that we were going to sell the bill on the merits of the thing. I will admit that I was wrong in not telling my committee that I was going to reverse my position but, nevertheless, under that set-up I felt justified in doing it. And I do want to say to you that the \$350,000 for the Brunswick campus is about half what they need and I will say to you that under your tax you will find that that probably will be cut out because I do not believe they can operate on it.

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

Mr. PALMER: Mr. Speaker, if my memory serves me correctly, approximately two weeks ago we had in this House, in the evening, a mock session. At that time, two gentlemen from the House came in as hunters and they were seeking big game and after a lengthy trip through the fir trees in the well of the House, they shot a mouse.

About four months ago, we came to the Legislature to provide money for essential services to the citizens of the State of Maine, which is what government is for and we have fooled around, as did those gentlemen, in the forest of confusion and, tonight, we are going to take home our mouse.

I think we have another lesson, too. When the first vote on the gasoline tax was taken, it did not have much more support than two of the major tax bills for the general fund. But with proper support, it passed this morning by one hundred and one votes. I simply call to your attention those two lessons, which I think we have learned in this session.

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

Mr. MELOON: Mr. Speaker, I also am not satisfied with half a loaf. I think that we are evading the responsibility with which we were charged and which we accepted when we were elected to a seat in this House and I, like many others, feel that, if this is the only thing and the best thing that we can do, I shall return to my people in deep humiliation.

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

Mr. **COUSINS**: Mr. Speaker, I am a young Republican, in this House the youngest Republican. I came down here this winter and I was told that during your first term you were to take it easy, look around for leadership, and things would go well. I have looked around. Evidently the fog in the City of Augusta is very, very thick. I can not see anything. I am not going to vote for this cigarette tax. I will vote for a sales tax; I will vote for an income tax and, if we finally defeat both of them, then I will vote for a cigarette tax, as a last resort, but I will hold my nose when I do it.

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

Mr. **HARRIS**: Mr. Speaker, it has seemed to be the intent of some of the speakers here to put the blame of not passing legislation on the opponents of the sales tax. I was pleased that the gentleman from Presque Isle mentioned the fact that the Government collected \$150,000,000 a year from the State of Maine. They did not do it with the sales tax. Now, there are many of us here who oppose a sales tax and want an income tax and I think if the opponents of the income tax would go as far as we opponents of the sales tax would go, we could have a revenue tax from the two. But I can not see any prospect of us getting either, and, rather than go home with nothing, I will vote for this cigarette tax.

The **SPEAKER**: Is the House ready for the question?

The Chair recognizes the gentleman from Monticello, Mr. Day.

Mr. **DAY**: Mr. Speaker and Members of the House: I have tried to make it my policy if I could not speak good of anything or any person, I would say nothing, so that is what I am saying about this bill. I am saying nothing, but I am saying to the Members of this Legislature, I am disappointed in them, some of them, and I think that the finger of shame is pointing at us tonight and, if we go home with nothing more than this tax to take care of the expenditures of this State, I say to you, Members of this Legislature, may God have mercy on your poor souls.

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

Mr. **FINNEGAN**: Mr. Speaker and Members of the House: I am going to be very, very brief. I have stated my objections to both the major sales tax measures which have been introduced, and let no man question my courage as to whether I dare to pass either one of those two measures. I have no political aspirations and my decision not to go along with either one of them was based on the conviction that they are both unsound at this time.

We are asking a major change in our system of taxation with some bills that have not been read, really; they have not been read through.

That income tax bill was never read through until they discovered, yesterday, that it was not operative until 1949. So let us not quibble about not passing that one.

And in the matter of the sales tax, we are not in the plight that many of us are talking about. I am not ashamed of passing this cigarette tax. You have another alternative, too; you could put a couple of mills on here but it has been lobbied by the municipal associations to the effect that they attribute a couple of mills, which costs practically nothing, which you can not figure in your property tax, as though that is the burden that you are bearing on this property tax proposition. To me it is so simple and so stupid that it should be fed only to adolescent minds and it is about time that we woke up and figured that out for ourselves.

Two mills on a thousand dollars is two dollars; it is not one hundred and two dollars; it is not eighty dollars, it is not these high taxes that we are talking about. For the love of beans, let us do something about this thing and pass out of this adolescent stage. We are holding a mock session here; we have been holding it. We move today for one thing; we reconsider it tomorrow. It is about time we made up our minds and either adjourn and go home or pass this. I go along with this cigarette tax and I also hope that we will have courage enough to debunk those people who have been telling us that this mill tax is such a mill-stone that we should not consider it and if we go home we will be shot. I will take a chance on being shot on that one. So I go along with this cigarette tax.

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

Mr. **McCLURE**: Mr. Speaker, I would like to say that I hate to argue again with my friend, Mr. Finnegan, but I feel that the real estate taxpayer in the State of Maine is paying enough. In all our small towns they keep adding mills; they do in our cities. This bill has been changed and that bill has been changed, why can not the Taxation Committee change the income tax bill? Or the sales tax bill? I would definitely be against any addition of real estate tax in the State of Maine.

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

Mr. **ROLLINS**: Mr. Speaker and Members of the House: I do not speak as a novice in this House. I have been here four sessions and I have probably put in as many tax bills as any man sitting in this House. I had no tax bills this time. Some of them asked me where was my tax bill. I said: "No, boys, that is your problem." Figure it out.

Gentlemen, if there is any finger pointing anywhere, it is on the Committee on Taxation. After four months of deliberation, they bring out the concoction of bills that we have had before us. Four months, and then they bring out something that is unreadable, unworkable. We should have had those bills out here two months ago. We could have amended them; we could have tabled them; we could have taken them off again; turned them around, and reconsidered a half a dozen times, and perhaps we could have got a bill. And, gentlemen, as far as I stand on the cigarette tax, you can read the record. I was here when we first adopted the cigarette tax and when we increased it; I opposed it every time, down to the last ditch. But, tonight, as a last resort, I am going to vote "yes" on the cigarette tax and I hope the House will go along and, Mr. Speaker, I now move the previous question.

The **SPEAKER**: The gentleman from Greenville, Mr. Rollins, has moved the previous question. In order for the Chair to entertain the motion for 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 stand in their places until counted and the monitors have made and returned the count.

A sufficient number arose.

The **SPEAKER**: Obviously more than one-third having arisen, the motion for the previous question is entertained.

The question before the House now is: Shall the main question be put now?

Mr. **MILLS** of Farmington: Mr. Speaker, may I address myself to this question.

The **SPEAKER**: The gentleman may do so.

Mr. **MILLS**: Mr. Speaker, I hope that the main question will not be put now. If there is another man in this House who wishes to be heard on this subject, I hope that the House will give him the chance to be heard.

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

Mr. **DOUCETTE**: Mr. Speaker, before the main question is put before the House, I would like to be given permission to address the House.

The **SPEAKER**: The gentleman may debate whether or not the main question shall be put now and not the main question.

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

Mr. **McCLURE**: Mr. Speaker, not many weeks ago I heard my colleague, Mr. Rollins, get up on his feet and defend a man's opportunity to speak in this House. I am a novice in this House, and I believe that if any man wants to speak on this, it is important enough to hear him. That is what his people send him here for. Members, I believe he should have that opportunity.

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

Mr. **ROLLINS**: Mr. Speaker and Members of the House: I have brought this question up several times when it has been brought up, the motion to move the previous question. I have fought for a man's right to speak and then voted against him. I may do the same tonight. I trust that the motion before the House does not prevail.



The SPEAKER: Does any other Member wish to debate the question?

The pending question 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 motion did not prevail.

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

Mr. DOUCETTE: Mr. Speaker and Members of the House: This cigarette tax bill which you are, this evening, at the present time, trying to pass—if you will go along with me as I speak to you, you are going to find that about eighteen months ago this same question was put up to the people of the State of Maine in regard to paying a bonus to the soldiers, and the people practically defeated this cigarette tax, two to one, because of the fact that the soldiers, themselves, would have to pay back two or three times what they would have received from this tax. This morning, in the Senate, they defeated a bonus bill. I am just giving to you an illustration of what would happen if you put this bill on a referendum vote in front of the people. What they would do to it? You have the power; you have the power in this House. I am a Democrat but, nevertheless, I did present this bill for the interests of the service men. You have power to enact, through legislation, a sales tax, an income tax. Why don't you do it? Are you going to keep us here for two more months. Buck up! Work! Do something for your people, because of the fact that they are working and they are waiting for your actions, ladies and gentlemen. That is all. (Applause)

The SPEAKER: Is the House ready for the question?

The question before the House is upon the passage of this matter to be enacted. 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, it requires for its passage the affirmative vote of two-thirds of the

entire elected membership of the House.

The gentleman from Rockland, Mr. Sleeper, has requested a yea and nay vote. In order for the Chair to entertain the yea and nay vote, the desire of one-fifth of the members present must be indicated. Those in favor of a yea and nay vote will please rise.

A sufficient number arose.

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

While the Clerk is calling the roll it will be necessary for the members and the guests to be quiet so that the correct vote may be recorded.

The question before the House is upon the passage of this measure to be enacted as an emergency, An Act relating to Taxation of Cigarettes, Cigars and Tobacco Products (H. P. 635) (L. D. 415)

All those in favor of its passage to be enacted as an emergency will say aye and those opposed will say no as the Clerk calls the roll. The Clerk will call the roll.

YEA—Adams, Allen, Ames, Anderson, Atherton, Bell, Bena, Berry, Berryman, Bickford, Boulier, Bove, Bowker, Broggi, Brown, Baileyville; Brown, Milford; Brown, Unity; Brown, Wayne; Burgess, Burton, Byron, Campbell, Carville, Chase, Cape Elizabeth; Chase, Limington; Clements, Collins, Curtis, Daniels, Dean, DeSanctis, Dicker, Elliott, Ellis, Emerson, Finnegan, Fitch, Foley, Fowler, Fuller, Buckfield; Gallant, Gray, Hall, Hammond, Harris, Haskell, Hatch, Hayward, Heanssler, Hobbs, Holt, House, Jennings, Jordan, Saco; Jordan, So. Portland; Judkins, Kent, Laughton, Lee, Legard, Lombard, MacPherson, Marsans, Marshall, McGlauffin, McGown, McKeen, Mills, Morison, Nichols, Patterson, Payson, Peirce, Perkins, Plummer, Randall, Rankin, Robbins, Rollins, Ross, Russell, Sargent, Savage, Seeger, Silsby, Sleeper, Smart, Smith, Exeter; Snow, Stearns, Sterling, Stetson, Sweetser, Tabb, Thomas, Torrey, Turner, Wight, Williams, Auburn; Williams, Topsham; Woodbury, Woodworth.

NAY—Brewer, Cadorette, Carey, Christensen, Cormier, Cousins, Day, Dostie, Lewiston; Dostie, Winslow; Doucette, Dufour, Fuller, Hallowell; Hanson, Jalbert, Johnston, Kelly, Labbe, Lacharite, Leavitt, Longstaff, Lord, Malenfant, Martin, McClure, Meloon, Moreau, Moulton, Muskie, Nadeau, Palmer, Palmeter, Poulin, Rich, Sharpe, Smith, Westbrook; Thompson, Violette, Webber, Weeks.

ABSENT—Bird, Cole, Dorsey, Lesard, Prout, St. Pierre, Tremblay.  
Yes 102, No 39, Absent 7.

The SPEAKER: One hundred and two having voted in the affirmative and thirty-nine having voted in the negative, seven members being absent, the bill has been passed to be enacted as an emergency measure, and will be signed by the Speaker and sent to the Senate.

Mr. BYRON of Hollis: Mr. Speaker - -

The SPEAKER: For what purpose does the gentleman rise?

Mr. BYRON: For the purpose of reconsideration, Mr. Speaker.

The SPEAKER: The gentleman may proceed.

Mr. BYRON: Mr. Speaker, I move that we reconsider our action of yesterday whereby we indefinitely postponed House Paper 1742, Legislative Document 1489, and I further move that my motion be laid upon the table.

The SPEAKER: The gentleman from Hollis, Mr. Byron, move that the House reconsider its action of yesterday whereby it indefinitely postponed "An Act Imposing a Personal Income Tax to Raise Additional Revenue" House Paper 1742, Legislative Document 1489, and the same gentleman moves that his motion be laid on the table.

Mr. MILLS: Mr. Speaker - -

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

Mr. MILLS: In regard to assigning a time, I would like to make the motion that this be assigned for later in today's session so it will be exactly in order with the last reconsideration which was requested.

The SPEAKER: The first gentleman must assign a time for his motion to reconsider.

Mr. BYRON: Until later in today's session, Mr. Speaker.

The SPEAKER: The same gentleman moves that it be assigned for later in today's session. Is this the pleasure of the House?

Calls of "No" and "Yes".

The SPEAKER: All those in favor of the motion of the gentleman from Hollis, Mr. Byron, that his motion be laid on the table and be specially assigned for later in today's session will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

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

On motion by Mr. Mills of Farmington,

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