

# MAINE STATE LEGISLATURE

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



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

**LEGISLATIVE RECORD**

**OF THE**

***Ninety-Fifth Legislature***

**OF THE**

**STATE OF MAINE**

**1951**

**DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**HOUSE**

Friday, April 13, 1951.

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

Prayer by the Rev. Fr. John T. Minnehan of Rumford.

Journal of the previous session was read and approved.

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

Mr. **BROWN**: Mr. Speaker, I request unanimous consent to address the House on the first item that appears on the calendar this morning.

The **SPEAKER**: The gentleman from Baileyville, Mr. Brown, requests unanimous consent to address the House on the first item on this morning's calendar. Does the Chair hear any objection?

The Chair hears no objection and the gentleman may proceed.

Mr. **BROWN**: Mr. Speaker and Members of the House: This morning I am going to ask unanimous consent to be allowed to introduce the following bill that appears as item No. 1 on the calendar this morning.

There is a definite need in my town for this bill. All the bill does is ask for two minor changes in the town charter, to clarify the desperate situation that we are in at the present time.

Our town charter calls for the election of officers for the town government on a majority vote. Several times in the past we have been compelled to hold two and three-day elections in order to get a choice of councilmen. This year we ran into the same situation. We have held three elections and as yet we have not arrived at a choice for one seat on our Town Council.

Next Monday they are holding an election again, to arrive at a choice. They have been able, this past week, to get two of the members who are candidates to agree to allow the high man in the contest to take it. However, we will run into the same situation next year.

This clarification that we are asking at this time will not, in any way, affect this election at present, but it will save us from running

into the same situation next year.

Now this is a very minor matter. It just requires changing two or three words in our present charter. I have consulted with the committee that this will be referred to The Senate, or the Upper House, has agreed to it, and I trust that you will grant me the pleasure this morning of allowing this bill to be introduced. I thank you.

The **CLERK**: (reading)

**Papers from the Senate**

Bill "An Act to Amend the Charter of the Town of Baileyville" (S. P. 538) (L. D. 1275)

Came from the Senate received by unanimous consent and referred to the Committee on Legal Affairs.

In the House:

The **SPEAKER**: Is there any objection to the bill being received?

The Chair hears none, and the bill is received.

Thereupon, the bill was referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Resolve for the Laying of the County Taxes for Cumberland County for the Years Nineteen Hundred Fifty-one and Nineteen Hundred Fifty-two (S. P. 540)

Came from the Senate received by unanimous consent, given its several readings under suspension of the rules and passed to be engrossed without reference to a Committee.

In the House:

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

Mr. **BURKETT**: Mr. Speaker and Members of the House: This bill is designed simply to correct an error which was made in the bill fixing the county taxes. Due to nobody's fault, the figures got mixed up some way as figures often do, and this will straighten it out. I hope the House will grant unanimous consent.

The **SPEAKER**: Is it the pleasure of the House to receive the resolve?

The Chair hears no objection, and the resolve is received.

On motion of Mr. Burkett, under suspension of the rules, the resolve was given its first reading in its entirety, and the second reading by title only, passed to be engrossed

without reference to a committee in concurrence with the Senate.

#### Senate Reports of Committees Ought Not to Pass

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of Louis Chute of Bridgton (S. P. 476)

Report of the Committee on Towns and Counties reporting same on Bill "An Act Increasing the Salaries of the Judge and the Recorder of the Presque Isle Municipal Court" (S. P. 193) (L. D. 404)

Report of the same Committee reporting same on Bill "An Act to Increase the Salaries of the Judge and Recorder of the Houlton Municipal Court" (S. P. 192) (L. D. 405)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

#### Ought to Pass in New Draft

Report of the Committee on Taxation on Bill "An Act Repealing the Gasoline Road Tax" (S. P. 68) (L. D. 74) reporting a new draft (S. P. 534) (L. D. 1265) under title of "An Act Amending the Gasoline Road Tax" and that it "Ought to pass"

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

In the House, Report was read and accepted in concurrence, the Bill read twice and assigned for third reading the next legislative day.

#### Ought to Pass

Report of the Committee on Highways reporting "Ought to pass" on Bill "An Act relating to Definition of Private Road in Right of Way at Entrances Thereof" (S. P. 431) (L. D. 994)

Report of the Committee on Public Health reporting same on Bill "An Act relating to Board of Registration in Medicine" (S. P. 243) (L. D. 514)

Report of the Committee on Taxation reporting same on Bill "An Act relating to Refunds of Gasoline Tax" (S. P. 395) (L. D. 942)

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

In the House, Reports were read and accepted in concurrence, the Bills read twice, and assigned for third reading the next legislative day.

#### Divided Report

The Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve relating to Election of Commissioner of Agriculture and State Auditor by the People (S. P. 360) (L. D. 875)

Report was signed by the following members:

Messrs. HASKELL of Cumberland  
BARNES of Aroostook  
—of the Senate.

McGLAUFLIN of Portland  
WOODWORTH of Fairfield  
HAYES of Dover-Foxcroft  
FULLER of Bangor

Mrs. FAY of Portland

Mr. HARDING of Rockland  
—of the House.

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

Report was signed by the following member:

Mr. DELAHANTY of Lewiston  
—of the House.

Came from the Senate with the Majority Report accepted.

In the House: The House voted to accept the Majority Report in concurrence.

#### Divided Report

The Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution to Elect Secretary of State, Treasurer of State and Attorney-General by the People (S. P. 359) (L. D. 874)

Report was signed by the following members:

Messrs. HASKELL of Cumberland  
BARNES of Aroostook  
—of the Senate.

McGLAUFLIN of Portland  
WOODWORTH of Fairfield  
HAYES of Dover-Foxcroft  
FULLER of Bangor

Mrs. FAY of Portland

Mr. HARDING of Rockland  
—of the House.

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

Report was signed by the following member:

Mr. DELAHANTY of Lewiston  
—of the House.

Came from the Senate with the Majority Report accepted.

In the House: The House voted to accept the Majority Report in concurrence.

#### Divided Report Tabled and Assigned

The Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution to Elect Members of the Executive's Council by the People (S. P. 358) (L. D. 873)

Report was signed by the following members:

Messrs. HASKELL of Cumberland  
BARNES of Aroostook  
—of the Senate.

McGLAUFLIN of Portland  
WOODWORTH of Fairfield  
HAYES of Dover-Foxcroft  
FULLER of Bangor

Mrs. FAY of Portland  
Mr. HARDING of Rockland  
—of the House.

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

Report was signed by the following member:

Mr. DELAHANTY of Lewiston  
—of the House.

Came from the Senate with the Majority Report accepted.

In the House: Report was read.

(On motion of Mr. Delahanty of Lewiston, the two Reports, with accompanying papers, were tabled, pending acceptance of either report, and specially assigned for Friday, April 27th)

#### Non-Concurrent Matter

Bill "An Act relating to the Importation of Poisonous Snakes" (H. P. 327) (L. D. 187) on which the House accepted Report "A" reporting "Ought to pass" on April 4, and passed the Bill to be engrossed on April 6.

Came from the Senate with Report "B" reporting "Ought not to pass" accepted in non-concurrence.

In the House:

The SPEAKER: The Chair rec-

ognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker, I move that the House insist upon its former action whereby it accepted Report "A" and ask for a Committee of Conference.

The SPEAKER: The gentlewoman from Bath, Mrs. Moffatt, moves that the House insist upon its former action whereby it passed this bill to be engrossed and ask for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

#### Reception of Petitions, Bills and Resolves Requiring Reference To Any Committee

The following petitions were received, read and ordered placed on file and sent up for concurrence.

Petition of C. W. Greenhalgh of Orono and 143 others in favor of Adequate Support by Taxation of the Departments of Education, Institutional Service and Health and Welfare (H. P. 1700) (Presented by Mr. Bates of Orono)

Petition of Rev. Gladys Firth Burk of Princeton and 71 others in favor of same (H. P. 1701) (Presented by Mr. Brown of Baileyville)

Petition of Benjamin C. Bubar, Jr. of Allagash and 47 others in favor of same (H. P. 1702) (Presented by Mr. Burgess of Limestone)

Petition of Doris Rollins of Guilford and 32 others in favor of same (H. P. 1703) (Presented by Mr. Campbell of Guilford)

Petition of Barbara P. Soule of Cape Elizabeth and 45 others in favor of same (H. P. 1704) (Presented by Mr. Chase of Cape Elizabeth)

Petition of Rev. Philip G. Palmer of Waldoboro and 49 others in favor of same (H. P. 1705) (Presented by Mr. Chase of Whitefield)

Petition of William R. Riddiough of Machias and 128 others in favor of same (H. P. 1706) (Presented by Mr. Dennison of East Machias)

Petition of Hayward S. Thomas of Eliot and 60 others in favor of same (H. P. 1707) (Presented by Mr. Dow of Eliot)

Petition of Harold L. Aldrin of Blue Hill and 69 others in favor of same (H. P. 1708) (Presented by Mr. Dunham of Ellsworth)

Petition of Charles A. Marsteller of Bangor and 268 others in favor

of same (H. P. 1709) (Presented by Mr. Fuller of Bangor)

Petition of Dwight G. McMahon of Berwick and 32 others in favor of same (H. P. 1710) (Presented by Mr. Gowell of Berwick)

Petition of Juan B. Moore of Hartland and 37 others in favor of same (H. P. 1711) (Presented by Mr. Hamilton of Hartland)

Petition of Claude D. Nutter of Dover-Foxcroft and 31 others in favor of same (H. P. 1712) (Presented by Mr. Hayes of Dover-Foxcroft)

Petition of Warren S. Palmer of Lincoln and 52 others in favor of same (H. P. 1713) (Presented by Mr. House of Lincoln)

Petition of A. M. Myhrman of Lewiston and 147 others in favor of same (H. P. 1714) (Presented by Mr. Jacobs of Auburn)

Petition of Roy S. Graffam, of Strong and 85 others in favor of same (H. P. 1715) (Presented by Mr. Jennings of Strong)

Petition of Harriet C. Strattard of Yarmouth and 132 others in favor of same (H. P. 1716) (Presented by Mr. Knapp of Yarmouth)

Petition of Clarence H. Clark of Westbrook and 108 others in favor of same (H. P. 1717) (Presented by Mr. Larrabee of Westbrook)

Petition of Calvin B. Sewall of Wilton and 59 others in favor of same (H. P. 1718) (Presented by Mr. Macomber of Jay)

Petition of James G. Chadbourne of North Bridgton and 40 others in favor of same (H. P. 1719) (Presented by Mr. March of Bridgton)

Petition of Edward L. Lincoln of Portland and 431 others in favor of same (H. P. 1720) (Presented by Mr. McGlaulin of Portland)

Petition of Charles R. Sims of Bath and 60 others in favor of same (H. P. 1721) (Presented by Mrs. Moffatt of Bath)

Petition of Ralph E. Kyper of Saco and 61 others in favor of same (H. P. 1722) (Presented by Mr. Roundy of Portland)

Petition of Mrs. William C. Hobbs of Kennebunk and 29 others in favor of same (H. P. 1723) (Presented by same gentleman)

Petition of Rev. M. Gerry Plummer of Brunswick and 122 others in favor of same (H. P. 1724) (Presented by Mr. Senter of Brunswick)

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

### House Reports of Committees Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reported "Ought to pass" on Bill "An Act to Revise the State Civil Defense Law" (H. P. 152) (L. D. 84)

Report was signed by the following members:

Messrs. HASKELL of Cumberland  
BARNES of Aroostook  
WARD of Penobscot  
—of the Senate.

WOODWORTH of Fairfield  
HAYES of Dover-Foxcroft  
FULLER of Bangor  
DELAHANTY of Lewiston  
Mrs. FAY of Portland  
—of the House.

Minority Report of the same Committee reported "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. McGLAUFLIN of Portland  
HARDING of Rockland  
—of the House.

Reports were read.

(On motion of Mr. Taylor of Lyman, the two reports, with accompanying papers, were tabled pending acceptance of either report, and specially assigned for Wednesday, April 18th)

### Divided Report Tabled and Assigned

Report "A" of the Committee on Transportation reported "Ought to pass" on Bill "An Act relating to Weight of Commercial Vehicles" (H. P. 1646) (L. D. 1209)

Report was signed by the following members:

Messrs. ALLEN of Cumberland  
BOYKER of Oxford  
—of the Senate.

KELLY of Rumford  
TRAVIS of Westbrook  
TURNER of Auburn  
—of the House.

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

Report was signed by the following members:

Messrs. CHRISTENSEN  
                   of Washington  
                   —of the Senate.  
 JONES of Bowdoinham  
 PERRY of Chelsea  
 NOWELL of Hermon  
 MAGUIRE of Auburn  
                   —of the House.

Reports were read.

(On motion of Mr. Travis of Westbrook, the two reports, with accompanying papers, were tabled pending acceptance of either report, and specially assigned for Wednesday, April 25th)

#### Leave to Withdraw

Mr. Maxwell from the Committee on Welfare on Resolve Providing for an Increase in State Pension for John B. Ayotte of Stockholm (H. P. 347) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

#### Ought Not to Pass

Mr. Gay from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the City of Gardiner for Sanatorium Treatment of Sylvester Van Sickle and Aid to Dependent Children of Cora Van Sickle (H. P. 1076)

Report was read and accepted and sent up for concurrence.

#### Tabled

Mr. Hamilton from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the Town of Clinton for Expenses Incurred for Support of William Pushaw (H. P. 1603)

Report was read.

(On motion of Mr. Keene of Clinton, tabled pending acceptance of Committee Report)

#### Tabled

Mr. Hamilton from the Committee on Claims reported "Ought not to pass" on Resolve Reimbursing the Town of Clinton for Support of the Family of Frank S. Smith (H. P. 1520)

Report was read.

(On motion of Mr. Keene of Clinton, tabled pending acceptance of Committee Report)

#### Tabled

Mr. Ingraham from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the Town of Clinton for Expenses Incurred for Support of Bessie Sites (H. P. 1602)

Report was read.

(On motion of Mr. Keene of Clinton, tabled pending acceptance of Committee Report)

Mr. Ingraham from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the Town of Southwest Harbor for Supplies furnished to Edwin Lunt (H. P. 814)

Mr. Farley from the Committee on Highways reported same on Bill "An Act relating to Snow Removal Costs" (H. P. 405) (L. D. 249)

Mr. Keene from the Committee on Public Utilities reported same on Bill "An Act relating to Windshields and Tops on Railroad Cars" (H. P. 1353) (L. D. 928)

Mr. Lovely from the Committee on Public Utilities reported same on Bill "An Act to Incorporate the Saco Sewerage District" (H. P. 1209) (L. D. 767)

Reports were read and accepted and sent up for concurrence.

#### Covered by Other Legislation

Mr. Nowell from the Committee on Transportation reported "Ought not to pass" on Bill "An Act relating to the Definition of Motor Vehicles" (H. P. 561) (L. D. 319) as it is covered by other Legislation

Report was read and accepted and sent up for concurrence.

Mr. Clements from the Committee on Welfare reported "Ought not to pass" on Resolve Providing for State Pension for Benjamin Taylor of Silver Ridge (H. P. 567)

Same gentleman from the same Committee reported same on Resolve Providing for State Pension for Rita Lebel of Hamlin Plantation (H. P. 345)

Same gentleman from the same Committee reported same on Resolve Providing for an Increase in State Pension for Mary Saunders of Sedgwick (H. P. 1598)

Same gentleman from the same Committee reported same on Resolve Providing for State Pension

for Donald McKinnon of Reed Plantation (H. P. 1502)

Mr. Fenn from the same Committee reported same on Resolve Providing for State Pension for Arthur Robbins of Old Town (H. P. 1333)

Same gentleman from the same Committee reported same on Resolve Providing for State Pension for Edward Jacobson of Norway (H. P. 1500)

Mr. Lessard from the same Committee reported same on Resolve Providing for State Pension for Dennis Rossignoll of Stockholm (H. P. 349)

Same gentleman from the same Committee reported same on Resolve Providing for State Pension for Franz Thurston of Great Works (H. P. 1336)

Same gentleman from the same Committee reported same on Resolve Providing for State Pension for Albert Farrar of Rumford (H. P. 950)

Mr. Maxwell from the same Committee reported same on Resolve Providing for State Pension for Wayne Bates of Old Town (H. P. 1335)

Same gentleman from the same Committee reported same on Resolve Providing for State Pension for Harold Taylor of Carmel (H. P. 1334)

Mr. Patterson from the same Committee reported same on Resolve Providing for an increase in State Pension for Daniel McCurdy of China (H. P. 1499)

Reports were read and accepted and sent up for concurrence.

#### **Ought to Pass in New Draft**

Mr. Robbins from the Committee on Highways on Resolve in favor of Westmanland Plantation (H. P. 275) reported same in a new draft (H. P. 1697) (L. D. 1277) under same title and that it "Ought to pass"

Mr. Hand from the Committee on Legal Affairs on Bill "An Act Regulating Closing-Out Sales, So-Called, and Similar Types of Sales" (H. P. 1650) (L. D. 1220) reported same in a new draft (H. P. 1698) (L. D. 1278) under same title and that it "Ought to pass"

Mr. Bearce from the Committee on Public Utilities on Bill "An Act to Incorporate the Wells Beach Sewer

District" (H. P. 1127) (L. D. 712) reported same in a new draft (H. P. 1699) (L. D. 1279) under same title and that it "Ought to pass"

Reports were read and accepted and the Bills and Resolve, having already been printed, the Bills were read twice under suspension of the rules, the Resolve read once, and assigned for third reading the next legislative day.

#### **Ought to Pass Printed Bills**

Mr. Ricker from the Committee on Education reported "Ought to pass" on Bill "An Act relating to Tuition High School Pupils in Mechanic Falls" (H. P. 458) (L. D. 280) which was recommitted.

Mr. Farley from the Committee on Highways reported same on Bill "An Act Amending the Act Creating the Maine Turnpike Authority" (H. P. 685) (L. D. 415)

Mr. Burkett from the Committee on Legal Affairs reported same on Bill "An Act relating to Automobile Junk Yards" (H. P. 1620) (L. D. 1185)

Mr. Woodcock from the same Committee reported same on Bill "An Act relating to Town Ordinances for Junk Yards" (H. P. 1431) (L. D. 1037)

Mr. Littlefield from the Committee on Sea and Shore Fisheries reported same on Resolve relating to Taking of Crabs in Cumberland County (H. P. 850) (L. D. 489)

Mr. Edwards from the Committee on Towns and Counties reported same on Bill "An Act relating to the Salary of the Sheriff of Knox County" (H. P. 1237) (L. D. 789)

Reports were read and accepted and the Bills and Resolve having already been printed, the Bills were read twice under suspension of the rules, the Resolve read once, and assigned for the third reading the next legislative day.

#### **Ought to Pass with Committee Amendment**

Mr. Chaples from the Committee on Highways on Bill "An Act Designating a Certain Road as 'Moosehead Trail'" (H. P. 1222) (L. D. 776) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.



Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules.

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

**COMMITTEE AMENDMENT "A"** to H. P. 1222, L. D. 776, Bill "An Act Designating a Certain Road as "Moosehead Trail".

Amend said Bill by striking out the word "Rockwood" in the next to the last line of section 1 thereof, and inserting in place thereof the word 'Jackman'.

Committee Amendment "A" was adopted, and the Bill was assigned for third reading the next legislative day.

Mr. Hand from the Committee on Legal Affairs on Bill "An Act Amending the Charter of the Town of Fort Fairfield relating to the Number of Councillors" (H. P. 1588) (L. D. 1160) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

**COMMITTEE AMENDMENT "A"** to H. P. 1588, L. D. 1160, Bill, "An Act Amending the Charter of the Town of Fort Fairfield Relating to the Number of Councillors."

Amend said bill by striking out the emergency preamble, starting with the word "Whereas" and ending with the words "now, therefore,".

Further amend said bill by striking out sub-section I. and II. of Section 2, and substitute the following:

'I. At the next annual town meeting to be held in March 1952, 2 councillors shall be elected for a term of 3 years, 2 councillors for a term of 2 years and 1 councillor for a term of 1 year, and thereafter the annual vacancies in the office of town councillor caused by the expiration of terms shall be filled for terms of 3 years. Vacancies that occur in the office of town councillor due to death, resignation or other causes shall be filled for the unexpired term at the next annual

town meeting or at a special town meeting called for that purpose.'

Further amend said bill by striking out entirely the paragraph entitled: "Emergency clause; effective date; referendum.", and substitute in place thereof the following:

**'Referendum; effective date.** This Act shall take effect 90 days after the adjournment of this legislature, only for the purpose of permitting its submission to the legal voters of said town at any special election called and held for that purpose, or at any election called for the purpose of voting upon any state referendum. Such election shall be held not later than 1 year after the effective date of this act and shall be called, advertised, and conducted according to the law relating to municipal elections; provided, however, that the board of registration of said town shall not be required to prepare for posting, nor the town clerk to post, a new list of voters, and for the purpose of registration of voters, said board shall be in session 1 hour preceding such election. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act Amending the Charter of the Town of Fort Fairfield Relating to the Number of Councillors, be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. The result in said town shall be declared by the municipal officers of the town of Fort Fairfield and due certificate thereof filed by the town clerk with the secretary of state. This act shall take effect for all the purposes thereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election.'

Thereupon, Committee Amendment "A" was adopted, and the Bill was assigned for third reading the next legislative day.

Mr. Nadeau from the Committee on Public Utilities on Bill "An Act relating to Gardiner Water Dis-

trict" (H. P. 1062) (L. D. 642) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 1062, L. D. 642, Bill "An Act Relating to Gardiner Water District."

Amend said bill by striking out the first 6 lines of that part designated "Sec. 1" and inserting in place thereof the following:

**"Sec. 1. Limits of district defined.** The following territory and the people within the same, namely: the city of Gardiner, shall constitute a body politic and corporate'

Committee Amendment "A" was then adopted and the Bill was assigned for third reading the next legislative day.

---

#### Tabled

Mr. Peterson from the Committee on Towns and Counties on Bill "An Act relating to Salaries of County Commissioners and County Treasurer of York County" (H. P. 1375) (L. D. 965) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 1375, L. D. 965, Bill "An Act Relating to Salaries of County Commissioners and County Treasurer of York County."

Amend said Bill by striking out in the 5th line thereof the underlined figures "\$1,500" and inserting in place thereof the underlined figures '\$1,250'.

(On motion of Mr. Littlefield of Kennebunk, the report with accompanying papers was tabled pending adoption of Committee Amendment "A".)

---

Mr. Peterson from the Committee on Towns and Counties on Bill "An Act relating to Funds of Volunteer

Fire Departments" (H. P. 1489) (L. D. 1095) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 1489, L. D. 1095, Bill "An Act Relating to Funds of Volunteer Fire Departments."

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

**"R. S., c. 80, §91, amended.** Section 91 of chapter 80 of the revised statutes, as amended, is hereby further amended by adding at the end thereof the following sentence:

'When a town has appropriated a sum not in excess of \$500 for the use of a duly incorporated volunteer fire department within said town, the selectmen may issue their warrant to the town treasurer authorizing him to pay over the amount so appropriated to the treasurer of said volunteer fire department.'

Committee Amendment "A" was adopted and the Bill was assigned for third reading the next legislative day.

---

#### Tabled

Mr. Peterson from the Committee on Towns and Counties on Bill "An Act relating to Salary of Judge of Probate of York County" (H. P. 1437) (L. D. 1048) reported "Ought to pass" amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Littlefield of Kennebunk, tabled pending acceptance of Committee Report)

The SPEAKER: Is there objection to the House taking up at this time bills assigned for their third reading and resolves assigned for their second reading as of ten o'clock?

The Chair hears none.

Mr. GAY of Damariscotta: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. GAY: Mr. Speaker, I rise for the purpose of asking through the Chair if, when we arrive at Item 12, where we have advanced the calendar here, if you will allow time that I may offer an amendment?

The SPEAKER: The House will be at ease.

#### House at Ease

10:00 A. M.

The House was called to order by the Speaker.

#### Passed to be Engrossed

Bill "An Act relating to Licenses for Digging of Clams and Quahogs in the Town of West Bath" (S. P. 137) (L. D. 244)

Bill "An Act relating to the Tagging of Beaver" (S. P. 356) (L. D. 871)

Bill "An Act relating to Closed Time on Deer in Certain Counties" (S. P. 434) (L. D. 997)

Bill "An Act relating to Sea and Shore Fisheries Licenses" (S. P. 532) (L. D. 1264)

Bill "An Act relating to Salary of Clerk of Courts of York County" (H. P. 762) (L. D. 449)

Bill "An Act to Increase the Salary of the Judge of the Calais Municipal Court" (H. P. 1068) (L. D. 648)

Bill "An Act to Authorize the Treasurer and County Commissioners of Knox County to Procure a Loan to Remodel the Court House" (H. P. 1215) (L. D. 772)

Bill "An Act relating to the Financial Responsibility Law" (H. P. 1345) (L. D. 920)

Bill "An Act relating to the County Law Library of Franklin County" (H. P. 1366) (L. D. 957)

Bill "An Act relating to Closed Season on Pheasants" (H. P. 1479) (L. D. 1086)

Bill "An Act relating to Junior Guides" (H. P. 1533) (L. D. 1126)

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

The SPEAKER: Item 12, Bill "An Act Imposing a Sales and Use Tax," H. P. 1695, L. D. 1273, will be passed over until other items under Third Readers are disposed of.

#### Tabled and Assigned

Bill "An Act relating to Licenses to Hunt or Fish for Members of the Armed Services of the United States" (H. P. 1696) (L. D. 1276)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. Watson of Moose River Plantation, tabled pending third reading and specially assigned for Wednesday, April 18th.)

Bill "An Act relating to Fees for Boiler Inspection and Certificates" (H. P. 1679) (L. D. 1247)

Resolve Providing for Construction and Reconstruction of Road in Baxter State Park (S. P. 180) (L. D. 391)

Resolve Naming the Guy H. Hall Memorial Bridge at Dexter (S. P. 430) (L. D. 993)

Resolve Regulating Fishing in Certain Waters in Franklin County (H. P. 1535) (L. D. 1128)

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

#### Amended Bills

Bill "An Act Creating the Maine Economic Poisons Law" (S. P. 342) (L. D. 808)

Bill "An Act relating to Powers of East Corinth Academy" (S. P. 497) (L. D. 1212)

Bill "An Act relating to Cooperative Agricultural Extension Work" (H. P. 442) (L. D. 295)

Bill "An Act Establishing a Tri-State Authority to Enable the Collective Construction and Operation of Institutions in Maine, New Hampshire and Vermont" (H. P. 928) (L. D. 541)

Bill "An Act relating to Adulterated Meat or Meat Products" (H. P. 954) (L. D. 566)

Bill "An Act to Amend the Charter of the City of Augusta Providing for the Appropriation of School Funds by the City Council" (H. P. 1178) (L. D. 745)

Bill "An Act relating to Taxation of Bottled Gas Equipment" (H. P. 1331) (L. D. 894)

Bill "An Act relating to the Recorder of the Brewer Municipal Court" (H. P. 1348) (L. D. 923)

Bill "An Act relating to Stamping of Meat for Human Consumption" (H. P. 1400) (L. D. 1061)

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

#### Tabled

Bill "An Act relating to Hunting from Automobiles" (H. P. 1478) (L. D. 1085)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. Hancock of Casco, tabled pending third reading)

Resolve in favor of the Town of Stockholm (H. P. 1593) (L. D. 1165)

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

Bill "An Act Providing for Funds for Civil Defense and Public Safety" (H. P. 792) (L. D. 472)

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

#### Indefinitely Postponed

Bill "An Act relating to Bookmobile Service" (H. P. 966) (L. D. 572) as amended by House Amendment "A".

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

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

Mr. WOODWORTH: Mr. Speaker, I move that this bill be indefinitely postponed. This is the same bill that was indefinitely postponed yesterday when it called for an appropriation of \$85,000. Later the bill was reconsidered and it was approved with an appropriation of \$25,000. In its original form this bill called for more money than we expend for the entire support of the State Library. In its present form it calls for more than twice

as much as the State spends in assisting all of the public libraries in the State.

Now there should be some element of reason in passing these bills. It is bad enough, when we consider that the State only appropriates a little more than \$82,000 to support our State Library, but when we consider that at the present time the State spends only \$8,000, or \$10,816 for the assistance of all the public libraries in the State, and we now are trying, or some of us are trying, to get \$25,000 a year to support a Bookmobile service which can serve a very limited number of people, the idea seems to me to be ridiculous.

Everybody who follows legislative history knows that when an innovation such as this is introduced, it is just a starting point. We know that the people who sponsored this bill wanted a great deal more money than they now profess to be satisfied with. We know that if we pass this bill now, that the appropriation which will be set up two years from now will be at least twice as large. I do not think the State can afford to start these new projects year after year, knowing that the expenditures will constantly increase, and when we are asked for this one small service, to appropriate nearly one-third of what it costs to maintain our entire library system, including State assistance to small libraries, I think there is no basis whatever for the appropriation, and I hope that the House will vote to sustain my motion.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that Bill "An Act relating to Bookmobile Service" be indefinitely postponed.

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

Mr. ROUNDY: Mr. Speaker and Members of the House: In introducing this bill yesterday, I had very definitely in mind the fact which I tried then to emphasize and which I would like to do now, that libraries are for service, and that now in this automobile age we have this fairly simple arrangement whereby there can be widely extended, throughout the wide areas of Maine, throughout the many small communities, which alto-

gether mount up to more than half of our population, a service which is not being done now in any adequate sense, and which can be done by means of the Bookmobile.

I have taken some pains to inquire from the people who are concerned about the library service in this State, and those who are responsible in association for the library work as it goes on and is extended throughout the State are enthusiastic in this matter of its extension by this simple way of bringing it to pass.

Our State Librarian, the librarians in Portland, and others with whom I have talked, who know about the meaning of library service, its values in coming closely home to the people who welcome the opportunity, are enthusiastic in their feeling that this is a service that Maine, at this time, may well undertake.

We are quite slow in taking this step in keeping with our other northern New England states. Already, for more than a dozen years, Vermont and New Hampshire have been adequately carrying out this program and finding it practically and widely useful.

I hope very much, indeed, that the House will go on, as it decided to yesterday, and with the lower appropriations by amendment, vote definitely not to indefinitely postpone this bill.

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

Mr. JACOBS: Mr. Speaker and Members of the House: I have before me the budget report and its recommendations. The Governor's Budget Report cut the appropriation of the Librarian, or the library of the State of Maine, and the Librarian of the State of Maine came before the Appropriations Committee and asked that her requests be restored, giving us the reason therefor. Consequently, the Appropriations Committee did vote to give the Librarian her requests. Thousands and thousands of books from the State Library are distributed through the State of Maine for the benefit of those who cannot reach the State Library individually, and I believe, when the Librarian comes to us and asks that her appropriations be granted, notwith-

standing the budget report of the Governor, I feel that we have gone a long way in satisfying this department on this particular question, and I believe that this bill should be indefinitely postponed.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Fairfield, Mr. Woodworth, that Bill "An Act relating to Bookmobile Service" be indefinitely postponed. All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the bill was indefinitely postponed and was sent up for concurrence.

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

Mr. JALBERT: Mr. Speaker, I move that we reconsider our action whereby we indefinitely postponed House Paper 966, Legislative Document 572, and Amendment Filing 188, and when the House votes I hope it votes against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby it has just indefinitely postponed Bill "An Act relating to Bookmobile Service." All those in favor of the motion will say aye; those opposed, no.

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

Calls of "Doubted."

The SPEAKER: The reconsideration has been moved and lost. Is the declaration of the Chair doubted?

Mr. JALBERT: I doubt it, Mr. Speaker.

The SPEAKER: All those in favor of the motion to reconsider will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Thirty-three having voted in the affirmative and seventy-three having voted in the negative, the motion for reconsideration does not prevail.

**Passed to be Engrossed (Cont'd)**

Resolve Closing Certain Waters in Hancock County to Taking of

Salt Water Smelts (S. P. 339) (L. D. 755)

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

The CLERK: (Reading) Item 12. The Committee on Bills in the Third Reading on Bill "An Act Imposing a Sales and Use Tax" (H. P. 1695) (L. D. 1273) reports no further verbal amendments necessary.

Was reported by the Committee on Bills in the Third Reading.

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

Mr. CHASE: Mr. Speaker, I told the House yesterday that today we would bring in answers to any questions which should be filed with the committee, and at this time I will answer the questions which have been so given.

Question. In the case of standard form of conditional sale, lease, purchase and equipment trust agreement, the title passes only upon final payment by the purchaser which may be as much as ten or fifteen years after execution of the contract, and delivery of possession of the property, is the tax payable when the contract is executed or when possession of the property is delivered or when final payment is made and the title passes?

Answer. Obviously, the answer would depend upon the terms of the contract but normally it would be expected that the tax would be paid when delivery of the goods was made, as presumably that would be the time when the manufacturer would be paid for the goods.

Question. What is the effect of this act upon contracts which have been running for some time prior to the effective date of this act when delivery of the goods has already been made but under which contract title will not pass until final payment which may be several years from now?

Answer. It is not intended that this tax shall apply to sales contracts made prior to the effective date of this act, when delivery of

the goods has been made prior to that date. If the contract is to continue its delivery of supplies from time to time, the tax would apply on deliveries made after the effective date of the act.

Question. Are cans purchased by a food processor, to be used in packing his product, subject to the sales tax?

Answer. No. As a component part of tangible personal property for later sale by the purchaser, such cans are excluded under the definition of a retail sale on page 2 of the printed bill. In order to make this clear beyond all dispute, a House amendment will be offered by me.

I wish to offer, at the appropriate time, two amendments, one to which I have just referred, which covers cans, boxes and bags in which the product reaches the final purchaser, and then another one which is simply to correct a typographical error or an omission in the act. This second amendment inserts the word "sale" in Section 4 at the end of the second line in the printed bill. Before presenting these amendments I would like to say that I have noted the apparent intention to offer numerous amendments. I do not propose to anticipate the argument of the sponsors of these amendments. I simply wish to say that the committee has spent weeks of time in considering the various interests of the State and that, as we said yesterday, we think that the bill, as it now is, is a fair bill.

I would like now to offer House Amendment "A", which is the amendment which inserts the word "sale", and move its adoption.

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

The CLERK: (Reading)  
HOUSE AMENDMENT "A" to H. P. 1695, L. D. 1273, Bill "An Act Imposing a Sales and Use Tax."

Amend said Bill by inserting the underlined word 'sale' after the underlined word "retail" in the first sentence of section 4 of that part of said bill designated as "Chapter 14-A."

The SPEAKER: Is it the pleasure of the House to adopt House

Amendment "A"? All those in favor of its adoption will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and House Amendment "A" was adopted.

The SPEAKER: Is there any objection to taking up out of order the adjournment order from the Senate? The Chair hears none, and the Clerk will read the order.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 16, 1951, at four o'clock in the afternoon. (S. P. 541)

Came from the Senate, in that body read and passed.

In the House:

The SPEAKER: Is it the pleasure of the House that the order receive a passage in concurrence?

All those in favor of the order receiving passage in concurrence will say aye—

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

Mr. BURGESS: Mr. Speaker, I would like to ask a question of the Chair, if I may.

The SPEAKER: The gentleman may state his question.

Mr. BURGESS: Is it the wish of the Speaker that we convene at the hour stated in the Senate order, to expedite matters? In asking this question, I believe the House is willing to cooperate with those who are guiding the affairs of the House, and we do not wish to oppose them.

The SPEAKER: The Chair would inform the gentleman that it has no preference. It is wholly up to the members of the House.

The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, would you please have the Clerk read that order once more?

The SPEAKER: The Clerk will read the order again.

The CLERK: (Reading) ORDERED, the Senate concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 16, 1951, at four o'clock in the afternoon.

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

Mr. CHASE: Mr. Speaker, I rise for a question through the Chair.

The SPEAKER: The gentleman may state his question.

Mr. CHASE: I would like to ask if we meet at four o'clock, Mr. Speaker, does that mean a short session or does that mean an evening session also? I would like to know at this time.

The SPEAKER: It would depend upon the members of the House. The Chair would state that, under ordinary circumstances, just routine matters would be handled on the afternoon Monday session.

All those in favor of the order receiving passage will say aye; those opposed, no.

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

The SPEAKER: Eighty-four having voted in the affirmative and thirty-two having voted in the negative, the motion prevailed, and the order received passage in concurrence.

Mr. DUNHAM of Ellsworth: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. DUNHAM: To offer an amendment, Mr. Speaker.

The SPEAKER: There is already an amendment pending. The gentleman from Cape Elizabeth, Mr. Chase, has the floor at the moment.

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

Mr. CHASE: Mr. Speaker, I now offer the other amendment which takes care of the cans, bottles, boxes and so forth, situation. It is not an exemption, but it is a further clarification of the definition of retail sales. It is Filing Number 222.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, offers House Amendment "D" and moves its adoption. The Clerk will read the amendment.

The CLERK: (Reading)

HOUSE AMENDMENT "D" to H. P.1695, L. D. 1273, Bill "An Act Imposing a Sales and Use Tax."

Amend said Bill by adding at the end of the 7th paragraph of

section 2 thereof, which defines "Retail sale" or "sale at retail," the following underlined sentence: **"Retail sale" or "sale at retail" do not include the sale of items such as cans or bottles, together with labels affixed thereto, actually accompanying the product sold to the final buyer or ultimate consumer without which the delivery of the product is impracticable on account of the character of the contents.'**

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

Mr. DUNHAM: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. DUNHAM: Mr. Speaker, I would like to make an inquiry of the gentleman from Cape Elizabeth, Mr. Chase, if I may.

The SPEAKER: The gentleman may ask a question through the Chair. The gentleman from Cape Elizabeth, Mr. Chase, may answer if he chooses.

Mr. DUNHAM: I have an amendment myself, Mr. Speaker, which has to do with containers, and I wish to inquire of the gentleman if his amendment covers specifically what this one that I am going to offer has? May I read it at this time?

The SPEAKER: The gentleman may read it.

Mr. DUNHAM: "Sales of containers, boxes, crates, bags, cores, twines, tapes, bindings, wrappings, labels and other packing, packaging and shipping materials when sold to persons who use the same in packing, packaging or shipping tangible personal property produced or sold by them."

The SPEAKER: The gentleman from Ellsworth, Mr. Dunham, asks a question of the gentleman from Cape Elizabeth, Mr. Chase, through the Chair. The gentleman may answer if he chooses.

Mr. CHASE: Mr. Speaker, the amendment to which the gentleman refers, which he apparently intends to refer to, goes considerably beyond the amendment which I have just offered. It includes considerable material which is not intended to be exempted.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a question from any member of the Taxation Committee. As we put these exemptions in the bill, I was wondering, assuming that the amount they thought should be arrived at by this sales tax bill was \$11,000,000, if they would inform us as to how much revenue these exemptions take out of the bill.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Sinclair.

Mr. SINCLAIR: Mr. Speaker and Members of the House: I can understand the interest in this particular item. We discussed this very carefully in the committee and felt that it was necessary to draw the line somewhere, so that we could be fair with all industries and at the same time be sure of the revenue that is going to be needed. Those things had to be considered.

There are some industries that use a great deal of containers, cartons, wrappings and so forth, and there are other industries that do not use or spend as much money for that item. I have gone over three or four different industries and by their own figures I find that the amount of money spent on this particular item varies from \$80,000 to \$800,000; that is the money they spend annually.

In figuring this we figured the same way we did on fuel and electricity. There are some industries that use a great amount of electricity and others that use comparatively little. The same is true of fuel. Some industries use a great amount of fuel in their production process while others use fuel only for heating purposes. Finally, it came to the committee that to grant exemptions on those items would be showing partially to one group and not to another. To exempt them all would certainly lower the amount of revenue that these items would bring in.

I have no way of figuring what the total amount of income would be from this particular item over the entire State, but I have taken three industries, taking their own figures. It would amount to \$40,000. Now that is three industries out of hundreds of industries in the State of Maine, big and little.



I hope that answers the question. I would estimate it would go as high as \$400,000.

The SPEAKER: The question before the House is on the adoption of House Amendment "D" which was introduced by the gentleman from Cape Elizabeth, Mr. Chase, and not on any amendments that are anticipated to be introduced.

The Chair recognizes the gentleman from Island Falls, Mr. Crabtree.

Mr. CRABTREE: Mr. Speaker, it is reasonable to assume that I am not alone in having some confused thinking about a major tax bill, which this is. It is also reasonable to assume, I think, that the various amendments and exemptions do not fully satisfy my ideas. However, if all of these amendments and exemptions are included, we will probably land up with everything from icebergs to orange blossoms. When a man wants his gizzard cut out, nowadays he goes to a gizzard cutting-out specialist, and it seems to me that we have done that in handling this job to our Tax Committee, and I believe that I am going to accept them as the specialist in the case. I also think that we as a group who are in favor of a major tax, and I am, have to remember that we must keep principles above personalities and personal interests. Otherwise, we will be nailing the lid on the coffin today with this document, which I think probably is a good document. I am going to forget my own personal interests in this matter. I have no fault to find with Mr. Chase's clarification of Amendment "D". I am, however, opposed to any and all other amendments which will open the floodgates which may kill the measure, and its effectiveness.

The SPEAKER: The question before the House is on the adoption of House Amendment "D".

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

Mr. TOTMAN: Mr. Speaker, I would like to say a few words on House Amendment "D".

The SPEAKER: The gentleman may proceed.

Mr. TOTMAN: I am very sympathetic with the intent of this amendment, I can see where the sardine industry and other industries that

use cans feel that they would not possibly sell sardines without cans, and therefore they are almost under the classification of raw material. They couldn't put the product on the market without the cans. But I am very much in sympathy with the gentleman from Island Falls, Mr. Crabtree. I think you have all got to give a little. I may have my own neck wrung when I get back to Bangor or Baltimore by my own company for not getting ourselves included. But I would like to ask the members of the House how in the name of heaven you could sell a ton of fertilizer without putting it into paper bags, and I would like to ask you how people could go to the market and buy groceries without putting them in paper bags. It would be very difficult to carry sometimes the twenty or twenty-five dollars worth of groceries you buy unless you had them in a container. And certainly, to get back to the potato industry, how is the potato industry going to ship potatoes to New York or Boston unless they put them in a bag, unless they go in a bulk shipment? My point is this: This House Amendment "D" for cans and bottles is a very worthwhile amendment, there is no arguing that, but equally so is any other amendment which suggests that you exempt containers, because other industries cannot ship their product without containers. So why single out this one industry? I definitely agree with the gentleman from Island Falls, Mr. Crabtree. I say if you are going to exempt one industry you had better exempt them all. Therefore I move for the indefinite postponement of House Amendment "D".

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that House Amendment "D" be indefinitely postponed.

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

Mr. BROWN: Mr. Speaker, I want to concur with the gentleman from Bangor, Mr. Totman. I cannot see why this exemption is any more fair than any other exemption that will be offered here. Certainly the products of the State of Maine are not all put in bottles and cans. With that thought in mind, I want

to definitely oppose this amendment.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Dunham.

Mr. DUNHAM: Mr. Speaker and Members of the House: I do not agree with the gentleman at all. I was the sponsor of a sales tax. Everybody said to me, "You were too liberal with exemptions," but from what I see on my desk I do not think that I was too liberal. The very fact that those exemptions were in there was the reason why this House was filled full of people on the day of the hearing.

I had rather not use this darned thing, but you have asked me to.

The SPEAKER: The gentleman may have permission to face the audience if he prefers and we will change the "mike" accordingly.

Mr. DUNHAM: Mr. Speaker, now speaking about my sales tax, I arose yesterday, out of order, to find out, before I voted on any sales tax, just what was happening to my own, but I did not get that answer. I believe that \$400,000, which has been quoted as the price that we would have to pay if we put in this amendment, is a small price to pay to have this amendment adopted. I favor it because it goes home to every one of us; it goes home to the farmer, it goes home to the orchardist, the manufacturer, the canner, the small businessman. The small businessman, that is the fellow I am concerned with. You are killing off initiative. You are killing off initiative for a man to try to go into business. I have voted many times to protect business in the State. Here we are right up here in the northeast corner of this county. We are at a disadvantage; freight rates are high, going and coming; and anything that you members can do to help the businessman, let's do it.

Now a member of the Taxation Committee recognizes the fact that there should be an amendment. I say his does not go far enough. His amendment will strangle small businessmen, and I do not want to do that. I am going to offer my amendment in due time.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Davis.

Mr. DAVIS: Mr. Speaker and Members of the House: I have read this bill quite carefully, and I consider it a very fair bill as it now stands, in fact I think the Taxation Committee has done an excellent job. I do feel that, if we add these exemptions that are proposed, when we get through we won't have anything left. I hope that the members of this House will consider that point very carefully when they vote on these amendments.

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

Mr. CHASE: Mr. Speaker, I am not too clear just what amendment we are talking about. I think the pending question is the adoption of my amendment relating to cans. Now this is purely to clarify the bill. Cans and that type of container were exempted anyway. Yesterday somebody started a furor about cans and then went to find out what the status of cans was in the bill, and after he had stirred up the whole State by telling them that cans were going to be taxed, he went to find out whether cans were really going to be taxed or not and found out that they were not.

Now it does not make any difference in this bill whether you defeat my amendment or adopt my amendment. The intent is not to tax cans or that type of container. It is inserted here in order to clarify the issue because of this furor that was started without cause. Now you can adopt it or defeat it and cans will still not be taxed. When we come to some other amendment regarding containers, I should like to speak again.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: In regard to this amendment: as I understand the purpose of the bill, the original bill brought in, it is to produce revenue, revenue to meet the requirements of the budget. And while I believe that this amendment will exempt worthy enterprises, yet I find on my desk ten amendments which would exempt certain individuals or indus-

tries. Members, if we accept them all we won't have any money at all. While I intended to support some of these amendments, I cannot do it, because, as the gentleman from Island Falls, Mr. Crabtree, has stated, we must put personal interest aside and vote for the good of all. Therefore I cannot support this amendment or any other amendment to change the purpose of the bill which is to produce income and revenue to meet the requirements of the budget.

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

Mr. McGLAUFFIN: Mr. Speaker and Members of the House: I do not understand that this particular amendment increases or decreases anything. The gentleman from Cape Elizabeth, Mr. Chase, says it is merely to clarify it, so we will understand what is already in the bill. I cannot see any objection at all to passing this particular amendment to clarify what we already have. I am against the indefinite postponement of this amendment because, as Mr. Chase says, you have accomplished nothing, you have left it in doubt as to what the bill now means. Can you not use a little common sense and distinguish between an exemption and a clarification?

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I apologize if I misunderstood Mr. Chase's amendment, and I do think an apology is in order. Evidently this amendment is to clarify the bill, as the gentleman from Portland, Mr. McGlauffin, has just said, and not for an exemption, or at least not for an exemption that is not already in the body of the bill. Therefore I withdraw my motion.

The SPEAKER: The gentleman from Bangor, Mr. Totman, withdraws his motion for indefinite postponement of House Amendment "D."

The Chair recognizes the gentleman from Damariscotta, Mr. Gay.

Mr. GAY: Mr. Speaker and Members of the House: I realize that this is an extremely inopportune time for a man to attempt to offer an amendment. However, it

has been reproduced and is on—

The SPEAKER: The Chair will state that another amendment is not in order until we have disposed of the amendment now under consideration, and then the Chair will recognize the gentleman from Damariscotta, Mr. Gay.

Mr. GAY: Mr. Speaker, I was about to make a statement, in fact I am going to make a motion, despite the fact that I have an amendment that may come in due course of time. I now move that all amendments be indefinitely postponed and that we accept the bill.

The SPEAKER: The Chair would inform the gentleman that there is an amendment now before the House, and that is the amendment offered by the gentleman from Cape Elizabeth, Mr. Chase, House Amendment "D." Does the Chair understand that the gentleman moves that this amendment be indefinitely postponed?

Mr. GAY: Yes, Mr. Speaker.

The SPEAKER: Then the question before the House is on the motion of the gentleman from Damariscotta, Mr. Gay, that House Amendment "D," presented by the gentleman from Cape Elizabeth, Mr. Chase, be indefinitely postponed.

The Chair recognizes the gentleman from Orono, Mr. Bates.

Mr. BATES: Mr. Speaker, I move that a division be taken when the motion to indefinitely postpone House Amendment "D" is acted upon.

Mrs. MOFFATT of Bath: Mr. Speaker, I move the previous question.

The SPEAKER: The gentlewoman from Bath, Mrs. Moffatt, moves the previous question on the amendment. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present.

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

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members present 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 of the main question being put now 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 on the motion of the gentleman from Damariscotta, Mr. Gay, that House Amendment "D," presented by the gentleman from Cape Elizabeth, Mr. Chase, be indefinitely postponed, and the gentleman from Orono, Mr. Bates, requests a division.

All those in favor of the motion that House Amendment "D" be indefinitely postponed will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Twenty having voted in the affirmative and eighty-nine having voted in the negative, the motion to indefinitely postpone House Amendment "D" does not prevail.

The question before the House is on the adoption of the amendment. All those in favor of the adoption of House Amendment "D" will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and House Amendment "D" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Damariscotta, Mr. Gay.

Mr. GAY: Mr. Speaker and Members of the House: I now move that we indefinitely postpone all amendments and accept the bill.

The SPEAKER: The Chair will state that the gentleman's motion is out of order. The amendments are not before the House in order that it may decide accordingly.

The Chair recognizes the gentleman from Ellsworth, Mr. Dunham.

Mr. DUNHAM: Mr. Speaker, I have an amendment which I would like to offer and move its adoption, and when the vote is taken, may I have a division please.

The SPEAKER: The gentleman from Ellsworth, Mr. Dunham, offers House Amendment "B" and moves its adoption. The Clerk will read the amendment.

The CLERK: (Reading)

HOUSE AMENDMENT "B" to H. P. 1695, L. D. 1273, "An Act Imposing a Sales and Use Tax."

Amend said Bill by adding to paragraph X of section 10 of that part of said Bill designated as "Chapter 14-A", a new underlined sentence reading as follows:

**'Sales of containers, boxes, crates, bags, cores, twines, tapes, bindings, wrappings, labels and other packaging, packaging and shipping materials when sold to persons who use the same in packing, packaging or shipping tangible personal property produced or sold by them.'**

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

Mr. CHASE: Mr. Speaker, I doubt if there is anyone in this House whose interest in Maine industry is greater than mine. For the past thirty years my occupation has been dealing in the securities which represent ownership in the industries in this State. It may well be that the gentleman from Ellsworth (Mr. Dunham) and others here are better informed on the situation of industry in this State than I am, but if experience is any basis for judgment, I think I have my right to an opinion, and I believe, and I have consistently maintained in committee, as the members of the committee will inform you, that industry in this State should and is well able to pay its fair share in meeting the essential needs of State government.

I hope this amendment will not be adopted. We have had numerous conferences with industry. We have had detailed figures from many. I have used the information in the files of my own office. I know pretty well what these principal industries earn what condition they are in, and I believe that we have given industry a fair break in this bill, and that as it now stands it will pay its fair share, and I do not want to see industry's share in this tax to be paid reduced any more by such an amendment as this.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Jacoby.

Mr. JACOBY: Mr. Speaker and Members of the House: I move that House Amendment "B", Filing

Number 210, be indefinitely postponed.

The SPEAKER: The gentleman from Dixmont, Mr. Jacoby, moves that House Amendment "B" be indefinitely postponed.

The Chair recognizes the gentleman from Westbrook, Mr. Travis.

Mr. TRAVIS: Mr. Speaker and Members of the House: I rise to oppose the gentleman from Cape Elizabeth, Mr. Chase. This is one of the very few occasions that I have opposed him at this session. I am not a native of the State of Maine, but I have lived in the State of Maine for twenty-two years and have come to love the state dearly. I married a Maine girl. I think that the State of Maine is a wonderful state in which to live, to work and to play.

Of course we all have fond memories of the place where we were born, and appropriate to this amendment under discussion I am reminded of some signs in my home town in my boyhood days. This city in Western New York purchased a large amount of land on the outskirts of the city and erected large billboards along the right-of-way of the principal railroad, the main line between New York and Chicago, advertising "Free Factory Sites Tax-free for Twenty Years." The favorable result, as the result of this foresight of these city fathers, has been that in this small city a large number of industries took root, took advantage of the free factory sites and the fact that their buildings would be tax-free for twenty years. Practically all of them—their period of twenty years is now up and the city is reaping a well-deserved financial harvest from their foresight and forward thinking.

This is a case of a city which wanted industry and took definite steps to encourage it. I feel that House Amendment "B" is a step which would definitely encourage industry. This amendment as you know exempts containers from this sales tax. It would exempt containers and other packing materials upon the sale by the person who is to use them to pack or ship the goods he sells; the cost of the same then becomes a part of the cost of sale of goods to be packed or ship-

ped in them. When such containers and wrapping material are sold with the contents, they are taxed, so that to tax them when purchased earlier, without the contents, results in two taxes on the same property.

In other words, the sale of the empty containers to a retailer, to be used by him in connection with the sale of his merchandise, is in no sense the final retail sale of such article.

When this sales tax bill of Representative Albee was originally drafted, it was drafted as a retail sales tax. The sales and use tax which the Taxation Committee has reported, increases considerably the amount of revenue which this sales and use tax will raise, but it does not seem to me that it is proper to tax containers and wrapping materials and the purchase of the same by the retailer or the person who is to use them in shipping the goods that he sells.

I understand that a number of states having a sales tax have this exemption on containers. This has a very wide application. It is not limited to the sale of containers to manufacturers and merchants; it covers the cans and cartons sold to packers, crates and boxes sold to fruit growers, dairymen and farmers, bags sold to potato shippers, and all similar uses of packing and shipping materials.

Raw materials in this bill are not taxed because they are a component part of the goods sold. Why should wrapping materials which pass to and become the property of the purchaser, along with the goods, be treated any differently.

It has been argued by the gentleman from Cape Elizabeth, Mr. Chase, that it will substantially reduce the yield of this tax. I have no doubt that if you took the figures of a few large companies which do a multi-million dollar business, it would look very substantial, but the number of these large companies in the State is not too numerous. The impact of this use tax on containers would be largely on the small merchant, on the small grower of agricultural products, small orchardists and other users of wrapping and ship-

ping materials throughout the State. The total take from this would not be too large, but the resulting increase in the cost of doing business to our merchants and the manufacturers and the farmers and the shippers and producers would be burdensome, unjust and discriminatory. Because this exemption helps so much of the industrial part of our State, industry, the merchant and the farmer, I hope that the motion to indefinitely postpone will not prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Hebron, Mr. Bearce.

Mr. BEARCE: Mr. Speaker and Members of the House: In our desire to make the impact of this proposed bill a little easier on a few individuals and a few industries, let us not forget that the primary object of a tax bill is to raise money. Every time we put in an exemption, as many of these amendments propose to do, we are cutting down the effectiveness of the proposed bill and we are making the tax more difficult to collect.

Now, I am one of these farmers, or fruit growers, whom the previous speaker had so much sympathy for; I buy fertilizers, spray material and apple boxes. I expect that this amendment that has been proposed would benefit me considerably. I am against it. I am willing to pay that tax. I think the other farmers and fruit growers in this State are willing to do their part. Let's do it; let's not accept these amendments which destroy the effectiveness of the proposed tax. I intend to vote against every amendment that is proposed that will reduce the effectiveness of this proposed tax. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mr. Campbell.

Mr. CAMPBELL: Mr. Speaker and Members of the House: I arise in support of the motion of the gentleman from Dixmont, Mr. Jacoby. The Tax Committee has given us a good bill. It may not be perfect but it has given us something that will provide revenue that we are sorely in need of. I was very much interested in the

talk of the gentleman from Westbrook, Mr. Travis, in regard to the offer of tax exemptions by his city in New York. Probably if it hadn't been for the heavy corporate tax that the State of New York has and also the personal income tax, the State of New York could not afford to do these things. The time has arrived when we need more revenue to carry on the functions of State government at the present level and I am opposed to any amendment to the present bill. Let's not amend it to the point where it will become another patch on a structure already covered with patches.

The SPEAKER: Is the House ready for the question?

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

Mr. TOTMAN: Mr. Speaker, I would like to address through the Chair my own clarification, not to prolong discussion, I state emphatically that I am against the majority of these amendments. I agree with the gentleman who said: "If we are going to have a tax bill, let's not hack it to pieces." But I am confused and I do address an honest, I think fair, question through the Chair to Mr. Chase, the gentleman from Cape Elizabeth.

I did not apologize for opposing his amendment because I felt it was an integral part of the bill. I still have the same question in my mind: If we are going to exempt cans and bottles, which are containers, why do we allow one industry, which I presume is the sardine industry and the beer industry and any other industry that uses cans and bottles, why do we allow them to exempt their containers and require right down to the small groceryman for him to pay a tax on his containers? That is a frank, forthright question. I have nothing up my sleeve. I would like to ask that through the Chair.

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

Mr. CHASE: Mr. Speaker, if the gentleman from Bangor, Mr. Totman, had asked yesterday in regard to a specific type of container, I could have obtained the answer by

consultation with the regular State Tax Assessor, studied the regulations on similar conditions in other states. I do not know now what type of container the gentleman has in mind. What we want to exempt, what we do not want to include, in this definition is the type of container which reaches the ultimate purchaser or user and which he buys at one price along with the contents. Now, there are other types of containers in different phases of industry, which will presumably be taxed and we want to tax.

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

Mr. TOTMAN: Mr. Speaker, I will now throw a question to any member in the House: I think I understand Mr. Chase, the gentleman from Cape Elizabeth, I think he means if you go into a store and buy any liquid product it is put up in a bottle; if you go into a store to buy any canned product it is put up in a can. But I am still a little bit confused in my own mind as to how a potato farmer is going to sell his potatoes in the New York market without putting it in a bag. I am simply trying to bring home to the House that I want to see fair play. If I am carrying the thing too far, I would be glad to be told so and I will drop the subject there but I am confused.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: I just want to say that the product of the potato farmer which has just been mentioned is not subject to a retail sales tax when sold at retail because that is "food for human consumption."

The SPEAKER: The question before the House is on the motion of the gentleman from Dixmont, Mr. Jacoby, that House Amendment "B", presented by the gentleman from Ellsworth, Mr. Dunham, be indefinitely postponed. Is the House ready for the question?

All those in favor of House Amendment "B" being indefinitely postponed will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Eighty-eight having voted in the affirmative and thirty-two having voted in the negative, the motion prevailed and House Amendment "B" was indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Phillips.

Mr. PHILLIPS: Mr. Speaker, I would like to submit House Amendment "C" and move its adoption.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Phillips, presents House Amendment "C" and moves its adoption. The Clerk will read House Amendment "C".

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

HOUSE AMENDMENT "C" to H. P. 1695, L. D. 1273, Bill, "An Act Imposing a Sales and Use Tax."

Amend said Bill by striking out the underlined word "not" in the 8th line from the end of paragraph III of section 10 of that part of said Bill designated as "Chapter 14-A."

Further amend said Bill by striking out the last sub-paragraph of paragraph III of section 10 of that part of said Bill designated as "Chapter 14-A."

The SPEAKER: The question before the House is on the adoption of House Amendment "C" presented by the gentleman from Southwest Harbor, Mr. Phillips.

The Chair recognizes the gentleman from Island Falls, Mr. Crabtree.

Mr. CRABTREE: Mr. Speaker and Members of the House: I move that the amendment be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Island Falls, Mr. Crabtree, that House Amendment "C" presented by the gentleman from Southwest Harbor, Mr. Phillips, be indefinitely postponed. Is the House ready for the question?

The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: I believe that nearly every member of this body is satisfied that the State really needs a large amount of new money. Now, every exemption which we add to this bill increases the problem of the retailer, de-

creases the revenue to be derived from the bill and adds to the cost of administration. I am informed that every exemption would increase the cost of administration about one-quarter of one per cent.

Our Committee on Taxation, I think, has done a very good job. It has put in a lot of time, studied each and every one of these amendments carefully and has rejected them. If we go along now and accept these amendments, one after another, we are going to have a law on our statute books which will confuse everybody and fall far short of accomplishing the purpose of the bill, namely, to raise the monies necessary for carrying on properly the functions of our State government.

This particular amendment, personally, I would rather see it the other way. I would rather see a tax bill with fewer exemptions rather than more, but I am willing to go along with the Tax Committee in this compromise and I hope each and every one of these amendments will be defeated.

The **SPEAKER**: The Chair recognizes the gentleman from Pittsfield, Mr. Sinclair.

Mr. **SINCLAIR**: Mr. Speaker and Members of the House: I arise merely to give some information which I think was promised yesterday in regard to the amount of money that might be involved should various items be added to the list of exemptions. Without prolonging the discussion or pointing out the reasons why the committee felt that the particular items should not be exempt, I merely say that according to the figures that we have been able to gather it would mean between six and seven hundred thousand dollars.

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

The Chair recognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. **MOFFATT**: Mr. Speaker and Members of the House: I would like to ask some member of the Taxation Committee if it was the intent to tax through this your non-profit and your charitable organizations, such as your church societies and the Parent-Teacher groups?

The **SPEAKER**: The gentlewoman from Bath, Mrs. Moffatt, requests information from any member of the Taxation Committee. Any member may answer if he chooses.

The Chair recognizes the gentleman from Pittsfield, Mr. Sinclair.

Mr. **SINCLAIR**: Mr. Speaker, under the list of exemptions, item number XIII takes care of the hospitals and the churches; item V, "School Meals. Sales of meals served by public or private schools, school districts, student organizations and parent-teacher associations to the students or teachers of a school."

I do not know if that answers the question of the gentleman from Bath, Mrs. Moffatt, or not.

The **SPEAKER**: The Chair recognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. **MOFFATT**: Mr. Speaker, as I read section XIII, it says: "Sales to hospitals and regularly organized churches or houses of religious worship, excepting such sales, storage or use in activities as are mainly commercial enterprises."

I still wonder if it means church organizations which are trying to raise a fund for some part of the church activities would be forced, under this law, to pay a two per cent tax on its suppers.

The **SPEAKER**: The Chair recognizes the gentleman from Pittsfield, Mr. Sinclair.

Mr. **SINCLAIR**: Mr. Speaker, I will say yes to the gentlewoman from Bath, Mrs. Moffatt.

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

The question before the House is on the motion of the gentleman from Island Falls, Mr. Crabtree, that House Amendment "C" presented by the gentleman from Southwest Harbor, Mr. Phillips, be indefinitely postponed.

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

A viva voce vote being taken, the motion prevailed and House Amendment "C" was indefinitely postponed.

The **SPEAKER**: The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

Mr. **BARTON**: Mr. Speaker, I present House Amendment "G" and move its adoption.



The **SPEAKER**: The gentleman from Vinalhaven, Mr. Barton, presents House Amendment "G" and moves its adoption. The Clerk will read the amendment.

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

**HOUSE AMENDMENT "G" to H. P. 1695, L. D. 1273, Bill "An Act Imposing a Sales and Use Tax."**

Amend said Bill by adding to that part designated "Sec. 10." thereof a new underlined subsection to read as follows:

**'Bait. Sales of fish, shellfish and fish cuttings to licensed commercial fishermen and lobstermen for use as bait in the fishing industry.'**

The **SPEAKER**: The Chair recognizes the gentleman from Houlton, Mr. Robbins.

Mr. **ROBBINS**: Mr. Speaker, in the interest of expediting action here, I move that House Amendment "G" be indefinitely postponed.

The **SPEAKER**: The gentleman from Houlton, Mr. Robbins, moves that House Amendment "G" presented by the gentleman from Vinalhaven, Mr. Barton, be indefinitely postponed.

The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

Mr. **BARTON**: Mr. Speaker, I present this amendment to the fishing industry as a matter of fairness to the small fisherman. The farmer is exempted his seed, feed and fertilizer under the terms of the bill. The bait used by commercial fishermen, to my mind, comes under the same sort of category. These fishermen are not large sented by the gentleman from businessmen; they are small businessmen, with an investment ranging probably from five to ten thousand dollars each and their average gross income is not large, probably the average of all lobster fishermen, which this would help to the greatest degree, ranges from five to six thousand dollars. Usually they spend approximately forty per cent of their gross income for expenses: replacement of gear and equipment, rope, nylon heading and bait, and other pieces of equipment. In other words, approximately \$2500 each from these small men spent in maintaining their business. They get a very small average yearly income, net income. Probably the

average spent for bait among lobster fishermen is about \$600 a year; based on usage for 150 traps, it would cost them \$6.00 a day. Most of this bait are red fish cuttings which they have to buy in competition with the fish meal plants. It costs about \$1.65 a bushel. In addition to that there are the small line fishermen and trawlers who use a relatively small amount of bait. As near as I can estimate, the yearly sales involved total approximately a million and a half to two million dollars, or a total tax deduction of approximately \$30,000.

I am not asking for full exemption for the fishing industry. As you can see from the figures which I have given you, the amount spent for bait is a relatively small portion of the total expenses which they pay, approximately a balance of \$1500 to \$2,000 which they spend for other items such as rope and twine and replacement of parts, repairs and that sort of thing, which would be taxable. And, in addition, under the terms of this bill, they will not get the full refund on the gasoline tax, which now amounts to five cents a gallon but will pay out of that five cents four-tenths of one cent in a sales tax. In addition to the tax which they would pay under this bill on maintenance and operating expenses, they would pay from their net income, which only averages approximately \$3,000 a year, a sizeable figure in accord with the figures which were given you, yesterday, by the gentleman from Rockland, Mr. Low.

I, therefore, hope the motion to indefinitely postpone my amendment will not prevail and that you will give these small businessmen a small exemption from the sales tax. Thank you.

The **SPEAKER**: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. **WINCHENPAW**: Mr. Speaker, I would like to go along with my colleague, the gentleman from Vinalhaven, Mr. Barton, in supporting this amendment to take the tax off of the fishermen's bait because I noticed in the bill as he stated, that it was very carefully planned that he should pay a tax on his gasoline because he has never paid any road tax on that gasoline because he doesn't travel

on the road. I think he should get the consideration of tax-free bait because it seems to me it would be pretty hard to tax the bait anyway. It is a loose commodity, it is not in a package, they come down there with their ten-ton truck loaded with it and they pitch it out with a pitchfork and it seems to me it would be a pretty hard thing to manage. So, I certainly hope the motion made by the gentleman from Houlton, Mr. Robbins, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker and Ladies and Gentlemen: I can plainly see the position that the fishermen are in on the tax situation. What they pay for bait can readily be considered the same as raw material in industry, just the same as is mentioned for farm property in the production of the farm crop. I am not a fisherman, myself, but I know conditions of the fishermen and I certainly wish to approve the action taken on the amendment of the gentleman from Vinalhaven, Mr. Barton.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Houlton, Mr. Robbins, that House Amendment "G," presented by the gentleman from Vinalhaven, Mr. Barton, be indefinitely postponed.

All those in favor of the indefinite postponement of House Amendment "G" will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had. Seventy-three having voted in the affirmative and forty-six having voted in the negative, the motion prevailed and House Amendment "G" was indefinitely postponed.

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

Mr. TURNER: Mr. Speaker, I offer House Amendment "J" and move its adoption.

The SPEAKER: The gentleman from Auburn, Mr. Turner, presents House Amendment "J" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "J" to H. P. 1695, L. D. 1273, Bill "An Act Imposing a Sales and Use Tax."

Amend said Bill by adding to that part designated "Sec. 10." a new underlined subsection to read as follows:

**'Children's shoes and clothing. Sales of children's shoes, clothing and wearing apparel.'**

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Dunham.

Mr. DUNHAM: Mr. Speaker, the principle seems to be pretty well established here this morning that we want nothing to do with any more amendments. Inasmuch as I offered the most important amendment which has come up so far, I now move that this be indefinitely postponed. (Laughter)

The SPEAKER: The gentleman from Ellsworth, Mr. Dunham, moves that House Amendment "J" be indefinitely postponed.

The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker and Members of the House: I think this is the most important one that has come up yet. We have heard a lot about the widows and the little children and you can't say that there are only a few of them because there are really quite a lot of them and we have got food exempt and I don't know why the clothing and shoes shouldn't go along with it.

Now, I saw a lady the other day who had a kid out playing and the kid's shoes were pretty near shot to pieces. I spoke to her and I said: "You have got to get a pair of shoes pretty quick." She said: "Yes, but they tell me a good pair of shoes is better to buy than a cheap pair but if you haven't got the money you have got to buy the cheap pair."

Now, it looks to me that we should do something to help these little children along. In due time, they have got all of these taxes to pay which we are piling up against them and, when they get grown up, they will be paying, probably, a five per cent sales tax. (Laughter) As the years go along some of these children will be looking up on the wall

and they will be saying: "That's my father or that's my grandfather down at the Legislature. He's the fellow who loaded these taxes onto us."

So, I think that we ought to go along and help them what we can and, just a thought, maybe if we include these children in the exemptions when the tax bill goes to referendum, as it is quite apt to, this might help get a few votes.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Sinclair.

Mr. SINCLAIR: Mr. Speaker and Members of the House: I merely rise in regard to the amount of money involved. I have not been able to break down the figures as far as the application of this amendment in regard to children's apparel, shoes, and so forth, is concerned. In the general apparel group, however, the income on this bill would be well over a million dollars. What it would be on the children's apparel, I have not been able to ascertain. Perhaps there are figures that could be ascertained, but it seemed to me that we are going beyond the line of division if we segregated any one group.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Jacoby.

Mr. JACOBY: Mr. Speaker and Members of the House: Far be it from me to have the coming generation point their finger at me.

I noted in the address of the gentleman from Auburn, Mr. Turner, he spoke about the little children. "Children" is a term which I would like to have defined. At what age does a child stop being a minor and become an adult? There are some of the men, perhaps, and some of the women, who are in this audience, perhaps in the House and in the gallery, who under this bill with the exemption of children's clothing would be buying children's clothing. May I ask at what age a child does not become a child?

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

Mr. JALBERT: Mr. Speaker and Members of the House: If the gentleman from Dixmont, Mr. Jacoby, will check back on the record and read the several debates that we

had on this 18 to 21 beer bill, the answer is 21. (Laughter)

The SPEAKER: The Chair recognizes the gentleman from Fal-mouth, Mr. Dow.

Mr. DOW: Mr. Speaker, with reference to the subject under discussion, I have heard one definition of an adult as a person who has stopped growing except around the middle. (Laughter)

The SPEAKER: The question before the House is on the motion of the gentleman from Ellsworth, Mr. Dunham, that House Amendment "J," presented by the gentleman from Auburn, Mr. Turner, be indefinitely postponed.

All those in favor of the motion will say aye; all those opposed, no.

A viva voce vote being taken, the motion prevailed and House Amendment "J" was indefinitely postponed.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker and Members of the House: I offer House Amendment "K" and move its adoption.

The SPEAKER: The gentlewoman from Bath, Mrs. Moffatt, offers House Amendment "K" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "K" to H. P. 1695, L. D. 1273, Bill "An Act Imposing a Sales and Use Tax."

Amend said Bill by adding to that part designated "Sec. 10." thereof a new underlined subsection to read as follows:

**'Baby oils, etc. Sales of baby oils, creams, ointments, lotions, powders, soap, etc.'**

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

Mr. TURNER: Mr. Speaker and Members of the House: I saw my children get a kick in the seat of the pants, so I am going to go along with the amendment presented by the gentlewoman from Bath, Mrs. Moffatt, and see if you haven't got a little heart for the babies. (Laughter)

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

Mr. FULLER: Mr. Speaker and Members of the House: In the first place, I think that probably every member of this House could offer an amendment that would affect him personally, and I think that we all, as has been said several times, should get away from our selfish aspect and all our pet ideas.

Now, this amendment, right here: I am going to say that if this should be carried I would be using baby soap and baby oil and baby powder all the time. I wouldn't buy any other kind.

I certainly hope that this amendment does not prevail and I move for its indefinite postponement.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, moves that House Amendment "J" be indefinitely postponed.

The Chair recognizes the gentleman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker and Members of the House: This is not a selfish move on my part. I do not feel that the baby oil and baby goods are going to hit me directly. But it has been rather bitter for the mothers who have to go out and pay the federal tax on the baby oil. I do not believe that many of the men are going to wear the baby powders very long, either, unless they want to hear a little adverse criticism. (Laughter) If they want to use the baby powder, that is all right. It may be because they have a skin rash, maybe because the razor was too sharp or too dull when they were using it, but there are distinct differences between the baby products and the adult products and the baby products are very, very important to the mother who is trying to take care of the peace and comfort of the child and maintain peace and harmony in the home. If a child is uncomfortable and signifies that condition and father comes home from work, he isn't very happy. There is quite a bit of turmoil. I think that this certainly does have merit. Not, as I say, as a selfish, personal matter but I think it is one item that can be taken; I don't think we have to rack our brains to know where you stop being a baby on these baby oils and even something else. Therefore, I hope that the amendment is adopted.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Dunham.

Mr. DUNHAM: Mr. Speaker and Members of the House: I have a little baby in my home, four months old. I have another one only three days old which I haven't seen yet but I hasten to say they are not mine. (Laughter)

I will support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members: I know a great many people, some with stooped shoulders, bald heads, and false teeth who use all of these products. Where are we going to draw a line: when does a baby cease to be a baby? I would like to have that question answered: where are you going to draw this line?

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from South Portland, Mr. Fuller, that House Amendment "K", presented by the gentleman from Bath, Mrs. Moffatt, be indefinitely postponed.

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

A viva voce vote being taken, the motion prevailed and House Amendment "K" was indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Damariscotta, Mr. Gay.

Mr. GAY: Mr. Speaker, I am going to now offer House Amendment "I" and move its indefinite postponement. (Laughter)

I also would like to state at this time that the amendment which you laid on the table pertains to malt beverages and does not pertain to home-brew.

The SPEAKER: The gentleman from Damariscotta, Mr. Gay, offers House Amendment "I" and moves its indefinite postponement. The Clerk will read the amendment.

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

HOUSE AMENDMENT "I" to H. P. 1695, L. D. 1273, Bill "An Act Imposing a Sales and Use Tax."

Amend said Bill by adding to Section 10 thereof, in numerical

order, a new underlined subsection to read as follows:

**'IX-A. Sales of malt liquor. Sales of malt liquor, subject to other taxes imposed by chapter 57.'**

Thereupon, the House voted to indefinitely postpone House Amendment "T".

The **SPEAKER**: The Chair recognizes the gentleman from Hudson, Mr. Chaples.

Mr. **CHAPLES**: Mr. Speaker, I present House Amendment "L".

The **SPEAKER**: The gentleman from Hudson, Mr. Chaples, offers House Amendment "L". The Clerk will read the amendment.

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

**HOUSE AMENDMENT "L" to H. P. 1695, L. D. 1273, Bill "An Act Imposing a Sales and Use Tax."**

Amend said Bill by adding to that part designated "Sec. 10." a new underlined subsection to read as follows:

**'Automobiles, trucks, tractors, construction equipment and tools. Sales of automobiles, trucks, tractors, construction equipment and tools.'**

The **SPEAKER**: The Chair recognizes the gentleman from Hudson, Mr. Chaples.

Mr. **CHAPLES**: Now, Mr. Speaker, I move that it be indefinitely postponed.

The **SPEAKER**: The gentleman from Hudson, Mr. Chaples, moves that House Amendment "L" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and House Amendment "L" was indefinitely postponed.

The **SPEAKER**: The Chair recognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. **MOFFATT**: Mr. Speaker, I have an amendment in process of being drawn up; possibly it will meet and probably it will meet the same fate as the others but I will state here and now that I think when you folks sit down calmly and ponder, you will find me not too far afield in saying that in our desire to reach a solution to the sales tax, we have gone all out to kill all amendments. You are not going to find it setting very well on the shoulders of the people to find out that you have taxed church

suppers, church meals, and all things of that nature.

I do not want to hold up the progress of the House but I have that amendment being drawn. If I can present it at this time and let them take the action, I will do it or whatever way of pushing it along but I do think that in stampeding down this road, trying to find an answer and very gaily kicking every amendment hither and yon you are going to meet up against a stone wall. When you meet that stone wall, what are you going to do? It is very, very serious. Maybe baby oils haven't any part, maybe some of the others have. Let's not go along with this thing too hastily.

Mr. **SPEAKER**, what is the easiest and quickest way for me to take care of my amendment?

The **SPEAKER**: The Chair will state that the gentlewoman may present her amendment.

Mrs. **MOFFATT**: Mr. Speaker, I haven't had a chance yet to have it reproduced.

The **SPEAKER**: The Chair will inquire of the gentlewoman how long it will take to produce the amendment.

Mrs. **MOFFATT**: It is in the process of being drawn right now, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. **DICKEY**: Mr. Speaker, I move that we accept the amendment under suspension of the rules.

The **SPEAKER**: The Chair will inform the gentleman we do not have the amendment.

Mr. **DICKEY**: I meant, Mr. Speaker, that we could receive it without reproduction.

The **SPEAKER**: The House may be at ease.

---

#### House At Ease

---

Called to order by the Speaker.

The **SPEAKER**: The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

Mr. **BARTON**: Mr. Speaker, I am about to present another House Amendment. Before I do, I would like to make just a few remarks.

The **SPEAKER**: The gentleman may proceed.

Mr. BARTON: Mr. Speaker, a few minutes ago, my poor lobster fishermen were refused exemption for their bait. I don't see why the fisherman should be taxed on material which is consumed in the course of his business of catching fish and lobsters any more than seed, feed or fertilizer used by the farmer.

I, therefore, present House Amendment "N" and move its adoption.

The SPEAKER: The gentleman from Vinalhaven, Mr. Barton, offers House Amendment "N" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "N" to H. P. 1695, L. D. 1273, Bill "An Act Imposing a Sales and Use Tax."

Amend said Bill by striking out all of subsection VI of that part of said Bill designated "Sec. 10."

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

Mr. CHASE: Mr. Speaker, Section 10 is the section of exemptions, and this amendment proposes, I take it, what has been frequently referred to in conversation as a sales tax "across the board". It strikes out the food exemption, which was the specific recommendation of the Governor in advocating a measure. It would raise at the rate established in the bill an amount of money largely in excess of the essential needs of the State. I suspect that this "across the board" raise embraces a great many difficulties. It immediately raises again the question, perhaps, of manufacturers' exemptions. It strikes out the section on constitutional provision. It eliminates sales to the State or any political subdivisions.

I would like to make it clear to the House what the amendment does in order that in voting on it they may be aware of its significance.

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

Mr. TOTMAN: Mr. Speaker, first of all, I move the indefinite postponement of this amendment and I shall explain why. Before I do, I

might be in the position of trying to explain to my own Floor Leader that I think possibly he has misunderstood the amendment offered.

It refers only to Section VI of Section 10, which refers only to seed, feed and fertilizer but, be that as it may, I still move for the indefinite postponement for this reason: First of all, I hope we don't get into retaliatory amendments here this morning. I don't feel that because somebody got hurt he should turn around and try to hurt that person.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that House Amendment "N" be indefinitely postponed.

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

Mr. CHASE: Mr. Speaker, the gentleman from Bangor, Mr. Totman, is entirely correct and I apologize to the House. I was informed coming down here that this was the purpose of the amendment which was going to be offered. It was just placed on my desk and I didn't have time to read it carefully. I relied on what someone told me. The gentleman from Bangor (Mr. Totman) is entirely correct and I am in error. Thank you.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I would like to point out, and I have already discussed it with the gentleman from Vinalhaven, Mr. Barton, that the only reason feed, seed and fertilizer is spelled out—it is not necessary actually; it didn't need to be printed separately, because if you will look in your bill on page 2, in the last four or five lines of the longest paragraph, there is a raw materials exemption there which is in practically every sales bill in the United States. In other words, it is presumed that anything that goes into the manufacturing of an end product is exempted. The farm group wanted it spelled out in so many words but it does not have to be spelled out because right there it says: "Retail sale" and 'sale at retail' do not include the sale of tangible personal property which becomes an ingredient or component part of,"—and, incident-

tally, I am going to hasten as I do think that the gentleman from Vinalhaven, Mr. Barton, agrees that possibly his bait would become an ingredient or component part of the fish which is the end product. But, certainly, the following words should set that up also: "or which is consumed or destroyed or loses its identity". Well, bait is certainly consumed and destroyed and loses its identity.

Therefore, I did not worry when the bait amendment of the gentleman from Vinalhaven, Mr. Barton, was turned down because I did think it was covered by this raw material clause. I feel that he honestly feels that he is covered too. Therefore, I do move for its indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

Mr. BARTON: Mr. Speaker, I have been informed that not only would the bait be automatically included but so would seed, feed and fertilizer. I wanted the thing definitely stated in the bill so there would be no question.

Before I had my original amendment prepared, I had attempted to determine if under the wording of this bill the fishing industry could be termed a manufacturing establishment because that is what the section refers to. I was told that that question was very much in doubt.

I still think that if the fishermen are not specifically exempted neither should the farmer be specifically exempted.

I hope the motion to indefinitely postpone will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, I hate to disagree with my colleague the gentleman from Bangor, Mr. Totman, but I can't see any resemblance between a lobster and two pans of bait, after he has consumed the bait.

I feel that I should go along with the gentleman from Vinalhaven, Mr. Barton, in support of his measure here because I have never had time to check with the Sea and Shore Fisheries Department but this fishing industry is a tremendous industry. I don't know as it ex-

actly comes up to the farmer but it pretty nearly does. You take all the fish-cutting places in Rockland and all along the coast, and all the draggers, and I have just made a list of some of the things on which they have to pay a tax; they have to pay a tax on the engines, their oil, their gasoline, their boats, their gear, their twine and their seines, their rope, their oil carriers and the nails and all other hardware they use on those boats. It is not only just the lobster fishermen but there are a good many big draggers involved in this thing that would have to pay quite a tax if they are not exempted in some way. Thank you.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Bangor, Mr. Totman, that House Amendment "N" which was presented by the gentleman from Vinalhaven, Mr. Barton, be indefinitely postponed.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I live quite a ways away from the lobster fishermen but I spend more or less time on the coast and I do like lobsters. I do not see any fairness in striking out, taxing the lobstermen and letting the farmer go scot free.

Of course, my good friend, the gentleman from Bangor, Mr. Totman, naturally being in the fertilizer business, would be interested in that subsection VI, but I believe it has been demonstrated right along here that it has been personal interests right along, all the way through. I believe the farmer should not be used any differently than the fisherman, and I hope that the motion of the gentleman from Bangor, Mr. Totman, does not prevail.

The SPEAKER: Is the House ready for the question?

Mr. TOTMAN: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. TOTMAN: To clarify a point, Mr. Speaker.

The SPEAKER: Is the gentleman rising for personal privilege?

Mr. TOTMAN: No, Mr. Speaker, I am not.

The SPEAKER: The Chair will state that the gentleman has already had the floor twice.

Is the House ready for the question?

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

Mr. JAMIESON: Mr. Speaker and Members of the House: This morning when we killed that amendment that would allow us to buy bags, twine, two kinds of bags: paper bags and burlap, it hurt Aroostook County as much as it hurt the fishermen and I want to go along with the gentleman from Bangor, Mr. Totman, on the indefinite postponement of this amendment.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Bangor, Mr. Totman, that House Amendment "N" presented by the gentleman from Vinalhaven, Mr. Barton, be indefinitely postponed.

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

A viva voce vote being taken, the motion prevailed and House Amendment "N" was indefinitely postponed.

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

Mr. PIERCE: Mr. Speaker, I present House Amendment "M" and move its adoption. After it is read, I would like to make a few remarks.

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, presents House Amendment "M" and moves its adoption. The Clerk will read House Amendment "M".

The CLERK (Reading):

HOUSE AMENDMENT "M" to H. P. 1695, L. D. 1273, Bill "An Act Imposing a Sales and Use Tax."

Amend said Bill by striking out subsection IX of that part designated "Sec. 10." and inserting in place thereof the following underlined subsection:

**'IX. Sales of liquor. Sales of spirituous, vinous and malt liquors subject to tax by chapter 57.'**

Further amend said Bill by adding at the end thereof the following new sections:

'Sec. 3. R. S., c. 57, §12, amended. The 1st sentence of section 12 of chapter 57 of the revised statutes

is hereby amended to read as follows:

'All spirits and wines shall hereafter be sold by the commission at a price to be determined by the commission which will produce a state liquor tax of not less than [61%] 65% based on the less carload cost f.o.b., state liquor commission warehouse, excepting only that spirits and wines sold at wholesale under the provisions of section 41, may be sold at wholesale prices established pursuant to the provisions thereof.'

'Sec. 4. Additional malt liquor tax. The excise taxes imposed by section 20 of chapter 57 of the revised statutes on malt liquor are hereby increased in each category an additional 2%.'

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

Mr. PIERCE: Thank you, Mr. Speaker. Through the Chair, could I ask a personal question of the gentleman from Cape Elizabeth, Mr. Chase?

The SPEAKER: The gentleman may ask his question and the gentleman from Cape Elizabeth, Mr. Chase, may answer if he chooses.

Mr. PIERCE: Mr. Speaker, this matter has come before us in the last few hours and it is very conceivable that the Liquor Control Committee might have certain suggestions pertaining to the question. Would it be in any way proper that we might consider the question in our committee?

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, asks a question through the Chair of the gentleman from Cape Elizabeth, Mr. Chase, and that gentleman may answer if he chooses.

Mr. CHASE: Mr. Speaker, I understand the question to be: can the members of the Committee on Liquor Control take under advisement the matter of this amendment. That is a parliamentary inquiry, I take it. I don't know whether the gentleman proposes that this bill and amendment be referred to the Committee on Liquor Control or not. I am not too clear just what the purpose of the inquiry is.

I think, under the bill, we have handled the question of liquor and malt beverages as well as it can be handled.



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

Mr. PIERCE: Thank you, Mr. Speaker. The reason I asked that is because we have before our committee, and I am speaking only as an individual, certain facts and figures pertaining to the fact that inasmuch as we might possibly raise the mark-up on liquor, whether or not it be consumption or the sales thereof would be cut down.

The reason I am proposing this amendment—I won't take more than one minute—instead of tacking this thing on to a sales tax, I believe, in my own mind, we could jack the mark-up of liquor from 61, we will say, to 65, and I am guessing on that, and receive more income. That would, members, forego all these cocktail lounges, the beer parlors, if you will, from all the routine. It would forego the additional inspectors, and I don't know how many that would be, from the State Assessor's office. All we have to do is just jack the price up instead of putting this sales tax on. I hope you ladies and gentlemen get my point. How much it would be, I do not know. Notice I am jacking, in my amendment, liquor up four per cent and only jacking beer up two per cent because it is the poor man's champagne—beer.

I was recently informed by an official that every one per cent mark-up in beer would make an increase of income of around a hundred thousand dollars per year.

I would suggest that in some way we could possibly consider this thing in our committee and then bring it out with actual facts and figures. If any member of the Taxation Committee could give me the answer to that: how we could do it, as an individual, I would like to ask the question from any member of the Taxation Committee.

The SPEAKER: The question before the House is on the adoption of House Amendment "M".

The Chair recognizes the gentleman from Bowdoinham, Mr. Jones.

Mr. JONES: Mr. Speaker, I move that House Amendment "M" be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Bowdoinham,

Mr. Jones, that House Amendment "M" presented by the gentleman from Bucksport, Mr. Pierce, be indefinitely postponed. Is the House ready for the question?

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

A viva voce vote being taken, the motion prevailed and House Amendment "M" was indefinitely postponed.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: A few moments ago—

The SPEAKER: For what purpose does the gentleman rise?

Mr. TOTMAN: Mr. Speaker, I would like to ask reconsideration of House Amendment "G" and I would like to have the privilege of explaining why.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that the House reconsider its action whereby, previously in today's session, it indefinitely postponed House Amendment "G."

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

Mr. TOTMAN: Mr. Speaker, I would like to call to the attention of the members of the House, that Mr. Barton, the gentleman from Vinalhaven, just told you, speaking quite seriously, that he has already asked for interpretation of the "raw materials" clause of the sales tax and in what light bait would be considered as a raw material. He also told you it was very doubtful whether bait would be included.

I would like to make my stand clear and I am quite certain there are other members in the House who feel the same way. We want to be fair and if the members of the House feel that the farm bloc of the House has received special privilege by having the words "seed, feed and fertilizer" spelled out, they don't seem to understand that that phrase is already covered by "raw materials" and they still are convinced that despite all the explanation that I can give that it is covered and it amounts to little except that it is spelled out there for those who can't understand as well as they can read. Then I say in fairness to the fishermen, while

they are not manufacturers in the State of Maine, they most certainly are a very vital industry and they most certainly deserve equal consideration with farming, paper manufacturing and what else we have in the State of Maine. But they are worried that they will not be considered under the "raw materials" clause and yet the farmers can get their raw materials printed and if we pass this bill and the fishermen are excluded, I really don't think you know what you are doing if you exclude them. I don't think you mean to intend to let one group have their raw materials included and yet another big industry in the State of Maine, fishing, have its raw materials excluded.

I ask your serious consideration of what you are doing. I don't think in regard to these amendments and counter-amendments that you want the farmers to have their raw materials tax exempt and yet make the fishermen pay a tax on their raw materials. I therefore ask for reconsideration of House Amendment "G" and move its adoption.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that the House reconsider its action of earlier in the day whereby it indefinitely postponed House Amendment "G." Is it the pleasure of the House to reconsider? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the motion to reconsider the indefinite postponement of House Amendment "G" did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker, I wish to present House Amendment "H" and move its adoption.

The SPEAKER: The gentleman from Blaine, Mr. Bubar, offers House Amendment "H" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "H" to H. P. 1695, L. D. 1273, Bill "An Act Imposing a Sales and Use Tax."

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

**Referendum.** The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, at the next general or special state-wide election, to give in their votes upon the acceptance or rejection of the foregoing act, and the question shall be:

"Shall the Act Imposing a Sales and Use Tax, passed by the 95th legislature, be accepted?"

And the inhabitants of said cities, towns and plantations shall indicate by a cross or check mark placed within a square upon their ballots their opinion of the same, those in favor of said act voting "Yes" and those opposed to said act voting "No" and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return made to the office of the secretary of state in the same manner as votes for governor and members of the legislature, and the governor and council shall count the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of said act, the governor shall forthwith make known the fact by his proclamation, and the act shall thereupon become effective as of the date of said proclamation.

**Secretary of state shall prepare ballots.** The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act, accompanied by a copy thereof.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: I have been opposed to any amendment which alters the intent and the purpose of the bill which is to produce revenue to meet the demands of the budget. This amendment does not alter the intent or the purpose of the bill. It does not change the amount desired to be raised to meet the budget demand but, the Con-

stitution gives us a right to referendum. Back in 1907, the people of the State of Maine discovered that the machinery of the State was taken out of our hands and that a few men in the Senate could defeat any amendment, any law, that the people desired and they said: "Let's put a referendum into the Constitution so that we can take any bill that the House passes and we, the voters, can pass upon it and we can either have it as it is or we can kill it." And, therefore, the reason for the referendum.

Now, this bill is a major bill. It concerns every individual who lives in the State, not only the voters, but every individual who lives in the State. This bill concerns them. They are interested in it and there is a demand that this bill go to the people and if we do not attach the referendum then certain people who are against the bill must initiate it to a great extent. This eliminates that expense and gives them the privilege now of passing it on to the people and allowing the people to say whether they want to pay the bills, whether they want to pay the revenue that this bill calls for, or whether they do not.

Members, I believe it is the only right thing to do and therefore I ask that my referendum amendment be attached and that it be sent back to the voters, who are going to pay the bills and raise the revenue which you and I are asking them to raise. I thank you.

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

Mr. McGLAUFFIN: Mr. Speaker, more than nine thousand persons from Portland voted to send me here. They expected me to help do a job and they did not expect me to pass the buck. It is our job to pass the tax bill, not send it back to the people, and dodge our responsibility. I move for the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, moves that House Amendment "H", presented by the gentleman from Blaine, Mr. Bubar, be indefinitely postponed.

The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker, I was sent here by the voters of central Aroostook; I am representing every citizen in the State of Maine. Now, when they voted for me to come down here they voted for a man, not a measure, and they did not know exactly what I was going to do but when they vote for this bill when it comes in a referendum, when they vote on a referendum, they vote for measures not for men. I contend that the people back home who have their daily papers and have the radio blasting out reports of these men down here at their desks, they know as much about it as we know. I don't set myself up here to know more than the man who sends me down here. They have demanded in the Constitution that we send this bill back if they want it. I contend they want it.

I have not lost faith in the people. I do not put Ben Bubar up against or above the man who is rolling the potatoes in the potato houses down the gangway of Aroostook. He knows what he wants. He is the fellow who is going to pay the bills. Let's send it back to him and let him decide. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: I find myself in disagreement with my friend and colleague, the gentleman from Blaine, Mr. Bubar. And when he mentions the potatoes, it reminds me of a story. A man walked along to a farm house one day looking for a job. He was a big, husky, strong fellow. The farmer thought he could use the man the following year so he thought he would give him a chance. He sent him out on a hard job to start with. He gave him a team of horses and a plow and said: "You go out and plow that big, rocky field." He watched him and he did a wonderful job. He worked from early morning until late at night. The farmer was very happy about it. He finished the job and said: "What will I do next?" The farmer said: "You take the horses and this stone boat and go down there and move those stones off this field that you turned up." He said: "O. K." and

he went at that. He worked like the dickens and it wasn't long before that job was completed. So the farmer thought the fellow had worked awfully hard for three weeks and that now he would try to find an easy job for him. He said: "I am going to town today. Why don't you take it kind of easy. I will give you a job that you can sit down at. There's a bin of potatoes over there. Why don't you take and sort them out, just roughly, one pile of saleable potatoes and one pile of little pig potatoes." And off he went. The farmer came back late in the afternoon and found the man was still sitting there and hadn't sorted out one single potato. The farmer was amazed. He said: "What's the idea? You have worked hard for me these past three weeks and I have been more than happy with your work. I give you an easy job and you haven't done a thing. What's the story?" He said: "Sir, I don't like to make decisions." (Laughter)

Now, I don't want it said of this Legislature that we didn't want to make decisions. I believe that the people of the State of Maine sent us up here to do a job and to do it now. If they had not had confidence in us and in our judgment, they would have sent someone else. I, for one, have made my decision and I am willing to stand behind it.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Senter.

Mr. SENTER: Mr. Speaker and Fellow Members of the House: I believe firmly that any major tax measure should be submitted to the people at referendum. I think only in this way will we definitely know whether these improved and additional services that have been requested, after all they are the reason why we have to pass a major tax measure, I think we should give the people a chance to say whether or not they want these additional services and are willing to pay for them. I, personally, believe that pressure groups are trying to convince us that we want additional services. I think it would be a fine thing and I think it is a fair thing to say to the people: "Here, do you want additional ser-

vices. If you do, pay for them and we will give you a chance to vote for them." I hope the motion of the gentleman from Portland, Mr. McGlauffin, to indefinitely postpone will not prevail.

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

Mr. BURGESS: Mr. Speaker and Members of the House: I rise again to ask permission to outline what I think will take place in the next few days, and that is this: We may find ourselves in a position where it will be necessary or desirable to submit to the people a tax bill or more than one tax bill. If that occasion should arise, then the referendum, I believe, should set the date and that date should be before the end of the present fiscal year. I do not believe I need to go into detail for that reason. We are all well aware that should we fail in this House to come to an agreement on a tax measure and it is necessary that it be submitted before final enactment, it should be done before we run out of funds and start a new fiscal year.

It gives me, certainly, no pleasure to point this out because I assume that it will be construed as opposition to the amendment which is offered. I am firmly convinced that should we find it necessary to submit it to the people that we should set the referendum date at the earliest possible time and then we can go home and sell what we believe should be sold.

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

Mr. BROWN: Mr. Speaker, I am in favor of the motion for the indefinite postponement of House Amendment "H" and I would like to tell you why.

To my mind, this is the best legislative document; 1273 is the best tax measure that I have seen in three sessions of the Legislature. It is the simplest, it is the easiest to collect from the standpoint of the State and from the standpoint of the merchants. I am happy that a good many of the amendments which were proposed this morning were defeated because, if they had been adopted, they would have defeated the measure. We sit here

day after day and we listen to arguments pro and con for bills calling for appropriations and also for tax measures. We should be fairly well conversant with the problems connected with this State. Every week-end and every day, I go back to my business in Livermore Falls and every time that I am there more than half of my time is taken up by people coming in, usually with fire in their eyes, opposing a sales tax, an income tax or any kind of a tax. But when I take a few minutes of my time and explain the financial condition of the State and what each tax means and how it will affect them, I find that most people want those additional services and are willing to pay their fair share of them.

But, I submit to you that, if you ask the average person whether or not he wants to be taxed more, the natural reaction is "no". That is because he is not conversant with the problems connected with the State. I think that we are sent here by the people to do the job in the best interests of the State of Maine and I think—to reiterate—I think it is the best bill I have seen, I think it is the fairest and I think we should pass it here and not send it back to the people and I have another reason.

You and I have spent about four months of our time down here. We have taken this time away from our business and our livelihood and I submit to you that when we go home, most of us have got to go to work. If we don't, we will have to come down here and pass a special relief fund for legislators.

We haven't the time nor the money to go out and carry this to the people and explain to each and every one of them as a group what this sales tax is, what it does for them and for the State.

I have seen much anti-sales-tax propaganda placed in the stores and other places in the State. I don't think that we have the time or the organization to go out and refute and combat some of the statements made. I say it is our job, it is what we are here for, to bring in a tax, make it as fair as possible and for us to pass it.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Carter.

Mr. CARTER: Mr. Speaker, I would like to just take a few minutes to read part of an editorial which was printed in the Lewiston Sun a couple of days ago. It is as follows:

"We submit that tax questions have no place in a public referendum. It would be generally agreed that the people are incapable of judging the scope and the size of total State spending. And if they are necessarily ignorant of what this department or that department should have, and what they should have altogether, then by the same token, they are incapable of making an expert judgment on the kind of tax, and its size, required to balance the budget. They will vote, every time, on the basis of emotion and prejudice which is, of course, a perfectly human reaction.

". . . The voters will see only one side of the question. The whole idea of tax referendums is hostile to the principle of popular representation. What do we send legislators to Augusta for, anyway? They are elected to vote laws that fall within the scope of State government. Especially should they be expected to vote tax laws without hindrance, and then if they misrepresent the sentiments of the voters, they can be ousted at the next election by those who oppose their conduct—if they can muster a majority.

"The referendum idea on taxation is appealing to some legislators — and here we certainly are not including—I will not mention the name—who thinks it takes them 'off the spot' on this controversial issue. But it is not responsible government; if we must have a tax bill, let it be approved by a two-thirds vote of the Legislature and promptly made into law. That is the way we think the majority of Maine people want to be governed."

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Damariscotta, Mr. Gay.

Mr. GAY: Mr. Speaker and Members of the House: There is no question in my mind and, I think, in that of my constituents, the members, or the audience who are visiting this House this morning,

but what we have arrived at a very crucial moment which is going to at this time exemplify the stern stalwart men that they have been sent here to represent them. I believe that in their hearts they expect us, their servants, to take the issue of the day, think carefully, weigh it with justice, and do a job for them here and do it now.

Morning after morning this body here has been admonished by members of the clergy to exercise justice without selfish motives. I believe that I have found, written by one of the eminent poets, something which will be an inspiration, something which I really believe should be that which will dominate the thinking of my colleagues in this House today, and, if you will bear with me, I would like to read this to you, and I will continue later:

"God give us Men! A time like this demands

Strong minds, great hearts, true faith and ready hands;

Men whom the lust of office does not kill;

Men whom the spoils of office cannot buy;

Men who possess opinions and a will;

Men who have honor; men who will not lie;

Men who can stand before a demagogue

And damn his treacherous flatteries without winking!

Tall men, sun-crowned, who live above the fog

In public duty and in private thinking;

For while the rabble, with their thumb-worn creeds,

Their large professions and their little deeds,

Mingle in selfish strife, lo! Freedom weeps,

Wrong rules the land and waiting Justice sleeps."

My colleagues, I have taken that to heart. I have read and I have reread it, and I have received an inspiration from those lines.

I was sent here as a servant of the people of my district who placed their faith in me. You were sent here by the people of your district and they placed faith in you and in your judgment. They expect you and me to exercise that judgment. They have no way of

knowing the problems with which we are confronted, and they trust us or we would not have been here. Today is the time. This is the crucial and psychological moment for us to act on this measure. I know that you want to go home as well as I want to go home and look every single man and woman and child in the eye; and I want to be able to hold my head up, and I want them to say to me, and I will be proud of it, "Well done, thou good and faithful servant."

Members, forget and divest your minds of your selfishness, if you have any in your souls! Stand upon your feet today with courage, with intestinal fortitude, and say, "I will do that which is for the best of the vast majority." Let's pass this measure and send it along.

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

Mr. FULLER: Mr. Speaker and Members of the House: Just a few words addressed to those who favor going to the people on this question of the referendum. I hope that no member of this House will consider going to the people on a question worded the way this question is worded. If we should do that, I shudder to think of the consequences. That is the way it has been done before and it doesn't advise the voters of the consequences of voting one way or the other. So, no matter what the ladies and gentlemen propose to do afterwards—don't consider going to the people on this amendment in the exact manner in which it is worded.

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

Mr. BEARCE: Mr. Speaker, I believe that if any question should go to the people, it should be the appropriations bill and not this because if the people want the services, they must pay for them. We are in the process of approving the appropriations bill and I believe if we approve the appropriations bill, we should assess taxation to pay the bill and I hope that if any bill goes to the people it will be the appropriations bill first.

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

Mr. Jamieson: Mr. Speaker and Members of the House: I believe that if this tax measure goes out to the people on referendum they will kill it and then we have got to come back here at a special session of the House, as we did a year ago, and it is going to cost us \$50,000. I want to support the motion of the gentleman from Portland, Mr. McGlaufflin, that this amendment be indefinitely postponed.

Mr. BUBAR: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. BUBAR: Mr. Speaker, I rise to ask that when the vote is taken it be taken by division.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Portland, Mr. McGlaufflin, that House Amendment "H", presented by the gentleman from Blaine, Mr. Bubar, be indefinitely postponed and the gentleman from Blaine, Mr. Bubar, requests a division.

All those in favor of the motion will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred having voted in the affirmative and six in the negative, the motion prevailed and House Amendment "H" was indefinitely postponed.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker, I offer House Amendment "O" and move its adoption.

The SPEAKER: The gentlewoman from Bath, Mrs. Moffatt, offers House Amendment "O" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "O" to H. P. 1695, L. D. 1273, Bill "An Act Imposing a Sales and Use Tax."

Amend said Bill by striking out all of subsection XIII in that part of said bill designated "Sec. 10" and inserting in place thereof the following underlined subsection:

**'XIII. Hospitals, churches and non-profit or charitable organizations. Sales to and by hospitals, regularly organized churches or houses of religious worship and non-profit or charitable organizations, excepting such sales, storage or use in activities as are mainly commercial enterprises.'**

The SPEAKER: The question before the House is on the adoption of House Amendment "O".

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

Mr. CHASE: Mr. Speaker, I wish to point out that sales of non-profit or charitable organizations raises quite a question. It brings up the whole question of cooperatives and everything of that sort. It considerably enlarges the exemptions and I hope the amendment will not be adopted.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker, I dislike to question the gentleman from Cape Elizabeth (Mr. Chase) but I think it is clearly defined in the last sentence where it says it shall not apply to commercial enterprises. As the law is on the books now any church supper, any church affair or any grange, any legion, any group that are out for charitable work, if they put on a supper, a food sale, paper drive, a rummage sale, anything they want to do to raise money for charitable purposes, they must pay a tax. If they are going into commercial business the same as cooperatives, they do not come under this. That is commercial. But anything that is not commercial, anything that is for charitable work, this would apply to. Therefore I move the adoption and I believe that the members here do not intend to tax church activities and charitable activities.

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

Mr. BURKETT: The amendment, Mr. Speaker, before the House may have some merit but the last line excepting certain activities which are mainly commercial enterprises would put a burden on the tax assessor that would be very difficult

for him to meet. In other words, he has got to examine every situation to determine whether it is commercial or mainly commercial or not. I don't think that would be practical at all.

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

Mr. SPEAR: Mr. Speaker and Members of the House: At least we should not lose sight of who is going to pay this tax; it is going to be you and I.

As far the amendment is concerned, I do not think that my church is going to pay any tax. I am sure that if I go to a church supper I do not object to paying a sales tax.

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

Mr. ROUNDY: Mr. Speaker, my thought is in line with the member who has just spoken I want to say one or two things, of course, I am speaking personally, but as a person and having some acquaintance with churches and having before me a resolution which a good many have signed, in which they urge that we raise sufficient taxes to support the State institutions, I feel I want to go along with the statement as I understand it to be in Roman numerals XIII. May I point out also, that in the laws of the State of Maine, which I think is right and has long been practiced, our churches are not taxed locally nor are the parsonages taxed locally. It seems to me that is perfectly all right. There is a limitation and it is right there should be one, which means that any parsonage which, as I remember it, is worth over \$6,000, shall be subject to taxes beyond that amount. I think that is perfectly right and in order.

However, if they own other property and gain rent therefrom going towards their expenses, such property on which they gain income under our law now requires, and rightly so, that they should pay taxes as other people do. I think we should not have any exception and I am heartily in approval of taking it as it stands.

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

Mr. FENN: Mr. Speaker, I rise to go along with the amendment of the gentlewoman from Bath, Mrs. Moffatt. She seems to have broadened this charitable organization situation a little bit. The reason why I arise is I have a thought in mind that has come to me of one particular organization in the State of Maine, called the Pine Tree Society for Crippled Children. That society is purely a charitable organization, operated by donations and contributions from the people of the State of Maine. They are helping over 250 to 300 children and adults all through the State of Maine, crippled people, to get back to be good citizens of the State of Maine. Their expenses for braces and activities and that sort and the buying of food and all that would certainly hinder their ability to spread within the State and do their fine job. Therefore, in considering that one particular item to broaden this a little bit, as the amendment of the gentlewoman from Bath, Mrs. Moffatt, does, I want to go along with it.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Gorham, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker, I move that House Amendment "O" be indefinitely postponed.

The SPEAKER: The gentleman from Gorham, Mr. Sanborn, moves that House Amendment "O" be indefinitely postponed. Is the House ready for the question?

The Chair recognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker, have I spoken twice?

The SPEAKER: The gentlewoman is in order to speak again if she chooses.

Mrs. MOFFATT: Mr. Speaker, I just want to bring out one point. You members say that you pay a tax and you are glad to do it. All right, I am a woman who works on a lot of these suppers. I just want to tell you members when you see a wife go out of the house with a pie or a cake in her hand going to a supper, you think her work is over. I am telling you it isn't. A woman has to go to these affairs and put on these suppers and run around trying to sell you people the



tickets and try to make some money and if you think the women in these organizations are going to be able to put on these suppers and going to be willing to do a lot of this work and then, what little money they have, have to turn around and pay that much more on a tax, you aren't going to have your suppers, you aren't going to have your rummage sales, you aren't going to have your charitable organizations and your charitable work that the women have to do the hard work on. If you do not have that, you are going to have to pay much more of a tax. Now, there is a lot more to it than trying to get this tax thing through. Just stop and have a little heart for the women who do the hard work on these things, the farm bureau women, the grange women, the club women, your women who really turn around and say: "I think we ought to raise some money for this." And when you men come and you pay down your dollar and your dollar and a quarter, don't feel that you have done all the job because after you have eaten and you are so full you can hardly move, the woman goes out in the kitchen and does the dishes and cleans up the dirty work. And she isn't going to do it if she doesn't have a little bit of profit.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Gorham, Mr. Sanborn, that House Amendment "O," presented by the gentlewoman from Bath, Mrs. Moffatt, be indefinitely postponed. Those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and House Amendment "O" was indefinitely postponed.

The SPEAKER: Third reading of the bill.

The Chair recognizes the gentleman from Auburn, Mr. Jacobs, if he wishes to have the floor.

Mr. JACOBS: Mr. Speaker, I am simply going to move in that direction, to have the bill read the third time and ask for the yeas and nays.

The SPEAKER: Does the Chair understand the gentleman from Auburn, Mr. Jacobs, requests the yeas and nays on the passage to

be engrossed after the third reading?

Mr. JACOBS: Yes, Mr. Speaker. Thereupon, House Paper 1695, Legislative Document 1273, Bill "An Act Imposing a Sales and Use Tax" was given its third reading.

The SPEAKER: This bill having had its three several readings and the Committee on Bills in the Third Reading having reported that no further verbal amendments are necessary, is it now the pleasure of the House that it pass to be engrossed?

The gentleman from Auburn, Mr. Jacobs, requests that when the vote is taken it be taken by the yeas and nays.

Mr. TOTMAN of Bangor: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. TOTMAN: Mr. Speaker, I ask if it is in order for the members to be issued score sheets? If it is, I would like to have one.

The SPEAKER: The Chair will state that it is in order. The pages will distribute the roll call forms.

Is there any further debate on this question? Is the House ready for the question?

The question before the House is on the passage to be engrossed of Bill "An Act Imposing a Sales and Use Tax" and the gentleman from Auburn, Mr. Jacobs, has requested that the vote be taken by the yeas and nays. In order for the vote to be taken by the yeas and nays, it requires the consent of one-fifth of the members present.

As many as are in favor of having the vote taken by the yeas and nays will kindly rise.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth of the members having arisen, the yeas and nays are ordered.

The question before the House is on the passage to be engrossed of Bill "An Act Imposing a Sales and Use Tax", H. P. 1695, L. D. 1273. All those in favor of the passage of the bill to be engrossed will say yes when their names are called and those opposed will say no. The Clerk will call the Roll.

#### ROLL CALL

YEA—Albee, Archer, Bailey, Bates; Bearce, Caribou; Bearce, Hebron;

Berry, Boothby, Bradeen; Brown, Wayne; Bucknam, Burkett, Campbell, Carter, Carville, Caswell; Center, Standish; Chase, Cape Elizabeth; Chase, Whitefield; Clements, Cobb, Cole, Crabtree, Davis, DeBeck, Dickey; Dow, Falmouth; Dunham, Emerson; Fuller, Bangor; Fuller, So. Portland; Gay, Gosline, Hall, Hayes, Jacoby, Jamieson, Jennings, Jones, Keene, Knapp, Larrabee, Lord, Low, Ludwig, Macomber; Martin, Augusta; Martin, Frenchville; Maxwell, McGlauflin, Moulton, Nowell, Patterson, Perry, Peterson, Philbrook, Phillips, Pierce, Plummer, Ricker, Robbins, Roberts, Roundy, Sanborn, Sinclair, Spear, Stevens, Stewart, Story; Taylor, Lyman; Taylor, Norridgewock; Totman, Travis, Vaughan, Wallace, Watson, West, Winchenpaw, Woodcock.

NAY—Albert; Brown, Baileyville; Bubar, Burgess, Chaples; Chase, Belgrade; Clapp, Cote, Couture, Delahanty, Dorsey, Duquette, Edwards, Farley, Fay, Fenn, Finnegan, Fogg, Frechette, Gowell, Hamilton, Hancock; Hanson, Lebanon; Harding, House, Hussey, Jacobs, Jalbert, Kelly,

Latno, Lessard, Letourneau, Littlefield, Moffatt, Nadeau, O'Dell, Parent, Rollins; Senter, Brunswick; St. Pierre; Thomas, Jr.; Turner, Walls, Williams, Woodworth.

ABSENT—Barton; Brown, Robbinston; Castonguay, Daggett, Dennison, Dostie; Dow, Elliot; Gerrish, Gilman, Hand; Hanson, Machiasport; Hawkes, Ingraham, Lacharite, Lackee, Leavitt, Lovely, Madore, Maguire, March; Martin, Eagle Lake; Morneault, Parker, Potter, Wood.

Yea 79, Nay 45, Absent 25.

The SPEAKER: Seventy-nine having voted in the affirmative and forty-five in the negative, twenty-five being absent, the bill is passed to be engrossed as amended and sent to the Senate.

---

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until Monday, April 16, at 4:00 o'clock in the afternoon.