

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

VOLUME II

1951

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, April 20, 1951

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

Prayer by Rev. Katie MacNeil of Waterboro.

The journal of the previous session was read and approved.

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

Report of the Committee on Natural Resources reporting "Ought not to pass" on Resolve Authorizing the Forest Commissioner to Grant Permits for Poles and Wires on Public Lots in Aroostook County" (S. P. 150) (L. D. 269)

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 Inland Fisheries and Game on Resolve Providing for a Fish Screen at Outlet of Coffee Pond in the Town of Casco (S. P. 160) (L. D. 332) reporting a new draft (S. P. 544) (L. D. 1287) under same title and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence and the Resolve was read once and assigned for second reading the next legislative day.

**Ought to Pass
Tabled**

Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act relating to Rental of Western Somerset Municipal Court" (S. P. 312) (L. D. 663)

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

In the House: Report was read.

(On motion of Mr. Woodworth of Fairfield, tabled pending acceptance of Report in concurrence)

**Ought to Pass with Committee
Amendment**

Report of the Committee on Towns and Counties on Bill "An Act Increasing Salary of Treasurer of Somerset County" (S. P. 421) (L. D. 981) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 421, L. D. 981, Bill "An Act Increasing Salary of Treasurer of Somerset County".

Amend said Bill by striking out in the last line thereof the underlined figures "\$1,800," and inserting in place thereof the underlined figures '\$1,200.'

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

Non-Concurrent Matter

Bill "An Act relating to Schooling of Children of Parents Who Reside on State-owned Property" (H. P. 1471) (L. D. 1083) which was passed to be enacted in the House on April 6, and passed to be engrossed on March 28, and which was recalled to the Senate by Joint Order.

Came from the Senate recommended to the Committee on Education in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Imposing a Sales and Use Tax" (H. P. 1695) (L. D. 1273) which was passed to be engrossed as amended by House Amendments "A" and "D" on April 13.

Came from the Senate passed to be engrossed as amended by Senate Amendments "B", "H", "I" and "K" and as amended by House Amendment "A", and House

Amendment "D" as amended by Senate Amendment "A" thereto in non-concurrence.

In the House:

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

Mr. CHASE: Mr. Speaker, I regret the necessity of taking up this or any other important matter while a single seat in this House is vacant, but it must be apparent to all here that we have come to the point where our hope to adjourn at any time during the month of May requires that we tighten up a little on our courtesy.

In order to bring this matter before the House for consideration, I now move that the House recede from passage to be engrossed and from adoption of House Amendment "D".

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the House recede from its former action where it passed to be engrossed Bill "An Act Imposing a Sales and Use Tax," as amended, and the same gentleman also moves that the House recede from its former action whereby it adopted House Amendment "D".

Is this the pleasure of the House?

The motion prevailed.

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

Mr. CHASE: Mr. Speaker, I move the adoption of Senate Amendment "A" to House Amendment "D".

The SPEAKER: The gentleman from Cape Elizabeth, moves the adoption of Senate Amendment "A" to House Amendment "D". The Clerk will read Senate Amendment "A" to House Amendment "D".

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

Amend said amendment by striking out all of the underlined words which appear after the word "sentence:" and inserting in place thereof the following underlined words:

"Retail sale" or "Sale at retail" do not include the sale of containers, boxes, crates, bags, cores, twines, tapes, bindings, wrappings, labels and other packing, packaging and shipping materials when sold to persons for use in packing, pack-

aging 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, when this container amendment was proposed in the House I opposed it, saying that this was part of the burden which this sales tax put upon industry and that its imposition was part of a balance in fairness and equity which had guided the committee in reporting this bill.

The Senate has adopted an amendment enlarging the container clause. Obviously, I would prefer to have it the other way. However, I want to call the attention of the House to the fact that while through this Senate amendment industry has been to some extent relieved from the tax, the Senate has also relieved the general public to a considerably greater extent in a later amendment exempting domestic fuel. We operate under a bicameral system of government. We have to approach our relations between the two Houses in the spirit of compromise and recognize that they have a right to their opinions; therefore I hope that the House will adopt Senate Amendment "A" to House Amendment "D".

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

The motion prevailed and Senate Amendment "A" to House Amendment "D" was adopted in concurrence.

Thereupon, House Amendment "D" as amended by Senate Amendment "A" was adopted in concurrence.

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

Mr. CHASE: Mr. Speaker, I now move that the House adopt Senate Amendment "B" which adds fishermen's bait as one of the exemptions.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the House adopt Senate Amendment "B".

The Clerk will read Senate Amendment "B".

SENATE AMENDMENT "B" 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 subsection VI, before the period, in that part of said Bill designated "Sec. 10", the following underlined words: **'and sales of bait to commercial fishermen'**

Thereupon, Senate Amendment "B" was adopted in concurrence.

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

Mr. CHASE: Mr. Speaker, I now move that the House adopt Senate Amendment "H". This is a clarification amendment which takes care of water storage used in river regulations by industries and utility companies in the State. It has no effect upon the revenue to be derived from the bill, that I can see, in any way.

The SPEAKER: The gentleman from Cape Elizabeth, moves that the House adopt Senate Amendment "H".

The Clerk will read the amendment.

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

Amend said Bill by adding to the 2nd paragraph of that part designated "Sec. 3", the following underlined sentence: **'No tax shall be imposed on water stored for the purpose of generating electricity when the water so stored is sold by a subsidiary to its parent company.'**

Thereupon, Senate Amendment "H" was adopted in concurrence.

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

Mr. CHASE: Mr. Speaker, I now move that the House adopt Senate Amendment "I", which exempts coal, oil and wood for domestic consumption.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, now moves that the House adopt Senate Amendment "I".

The Clerk will read the amendment.

SENATE AMENDMENT "I" 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 subsection to read as follows:

'VII-A. Coal, oil and wood. Coal, oil, wood and all other fuels, except gas and electricity, used for cook-

ing or heating for domestic purposes.'

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

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

Mr. TURNER: Mr. Speaker and Members of the House: I wonder how this affects gas and electricity for heating. We have got to pay a tax on that, according to this amendment. Am I right?

The SPEAKER: Does the gentleman desire to ask a question through the Chair?

Mr. TURNER: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Auburn, Mr. Turner, asks a question through the Chair of any member of the House, and any member may answer if he chooses.

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

Mr. CHASE: Mr. Speaker, gas and electricity would be taxed under this amendment.

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

Mr. TURNER: Mr. Speaker and Members of the House: It seems as though that is discriminating against your city operators. I know there are a lot of homes which are heated by gas and electricity, and I don't think that that is a fair situation. I move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Auburn, Mr. Turner, moves the indefinite postponement of Senate Amendment "I". Is the House ready for the question?

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

Mr. CHASE: Mr. Speaker, when the vote is taken I ask for a division.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Auburn, Mr. Turner, that Senate Amendment "I" be indefinitely postponed, and the gentleman from Cape Elizabeth, Mr. Chase, has requested a division.

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

Mr. BEARCE: Mr. Speaker, I rise for a parliamentary question.

The SPEAKER: The gentleman may state his point.

Mr. BEARCE: Mr. Speaker, would the rejection of this amendment require that this bill would have to go back to the other body? In other words, if we change from the Senate's proposal, that has been received in this House, would it require that the bill go back there for concurrence?

The SPEAKER: The Chair would inform the gentleman that if the House passes to be engrossed this bill as amended in any other form than what the Senate has already engrossed, then the bill must go back for concurrence.

The question before the House is on the motion of the gentleman from Auburn, Mr. Turner, that Senate Amendment "I" be indefinitely postponed, and the gentleman from Cape Elizabeth, Mr. Chase, has requested a division. All those in favor of the motion that Senate Amendment "I" 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.

Twenty-six having voted in the affirmative and seventy-four having voted in the negative, the motion did not prevail.

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

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

Mr. BROWN: Mr. Speaker, would it be proper at this time to amend Senate Amendment "I"?

The SPEAKER: The gentleman may offer an amendment if he chooses.

Mr. BROWN: I have no amendment prepared, Mr. Speaker, but I agree with the gentleman from Auburn, Mr. Turner, that in the cities there are a great many people who use gas furnaces and heat their homes by gas, and it seems to me only fair to those people who do use gas for domestic heating, that they should be included under this

amendment, and I would like to offer an amendment that gas used for domestic heating purposes be exempt under Senate Amendment "I".

The SPEAKER: The House may be at ease.

House at Ease

Called to order by the Speaker.

The SPEAKER: The gentleman from Wayne, Mr. Brown, presents House Amendment "A" to Senate Amendment "I" and moves its adoption.

The Clerk will read the amendment.

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

Amend said amendment by inserting the underlined word and punctuation 'gas,' after the underlined word "coal" in two places in the third line thereof.

Further amend said amendment by striking out the underlined words "gas and" in the fourth line thereof.

The Committee on Rules and Business of the House recommend consideration of this amendment without printing. The recommendation is signed by "McGlauffin" for the committee.

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

Mr. BROWN: Mr. Speaker and Members of the House: I would like to say at the outset that it is not my intention to delay these legislative proceedings or to sabotage the bill which we have before us. However, I am mindful of the fact that when this bill is passed it will be incumbent upon me and other members of this House to justify our position before the people, and I am mindful of the fact that there are some people—quite a few in some areas—who do heat their homes by gas furnaces, and it did not seem quite fair to me that other types of fuel should be exempt and gas should be taxed for this purpose. That was the reason I offered the amendment.

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

Mr. CHASE: Mr. Speaker, I am one of those persons who heat my house with gas and I have been doing so for a number of years. We use gas, it all goes through the same meter, for heating, for refrigeration and for cooking. We have a fairly sizable house. I guess this tax on gas here, where I couldn't discriminate between what is used for heating and what is used for cooking, might cost me five dollars a year. So far as I can guess as to the amount of revenue involved on gas of the gas companies, and those, I think, are the only ones which have a rate which would justify space heating in any considerable quantity, there might be twenty thousand dollars a year involved here in taxes.

Now if it be said that that is a small sum for the State, I call your attention to the fact that it is just as small a sum to spread among the taxpayers. It may be discriminatory in certain respects. It seems to me that the House is not responsible for it, if it is. I do not know of any tax in the world that cannot be accused of discrimination in certain respects. This particular item does not seem to me to be of very great consequence, either for the State or for the taxpayer, therefore I hope that the House Amendment to the Senate Amendment will not be adopted. I move that it be indefinitely postponed.

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

Mr. FULLER: Mr. Speaker and Members of the House: I want to concur with the gentleman, from Cape Elizabeth, Mr. Chase. I can see where it would be very hard to differentiate between the gas that is used for cooking, heating or refrigeration. It seems to me that you would almost have to have an extra meter, and even though there are a few homes that use gas for heat, it seems to me that in this bill we are trying to make it as easy as possible for the poor low-income groups, and I don't believe that there are very many low-income families that use gas for

heat, and therefore I hope that the amendment of the gentleman from Wayne, Mr. Brown, is not adopted.

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

Mr. MCGLAUFLIN: Mr. Speaker, I have no doubt that the gentleman from Wayne, Mr. Brown, and his followers are correct, that this is not fair, but I feel—and I have to pay on this gas because I use gas—but I don't want to stay here until next August over trifles. We cannot correct every ill that you can find in a measure of this kind, and we won't, if we stay here all summer. I am against trying to ball up the machinery any further. I am against that motion.

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

Mr. DUNHAM: Mr. Speaker and Members of the House: This bill was debated at great length in the Senate, and I listened with great attention to the debate. I have gone as far as I am going with amendments. I will not vote for any additional amendment.

I noted with great interest that the amendment for coal, oil and wood was included. I wanted to see that in there. It takes a lot of money out of the bill. The Senate has taken somewhere around a million dollars from this sales tax, and I think it is worth it, but any other amendments I am going to vote against.

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

Mr. TURNER: Mr. Speaker and Members of the House: It looks to me as if it makes a difference as to who gets the amendments on first. Now the gentleman from Ellsworth, Mr. Dunham, got his amendment on, and that was very nice, but when you come to get something on that is fair play, they don't seem to want to go along.

Now it looks to me that this sales tax business—there are a few in this House who don't care whether it is fair play or what it is; they just want to drive it across, and I don't like that kind of business.

They tell about slowing up the Legislature here. Who is slowing it up? Here are a lot of bills we have

got back here in the Senate and back in some of the committees, these money bills; they are holding them back, holding them back to see whether this tax is passed or not, then if it is passed they are going to dump them in and grab the money. I claim those bills should be put into the House here and let them live or die, on their merits, and I don't like this operation.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a question from my good friend, the gentleman from Ellsworth, Mr. Dunham. I was rather happy to see that he was not going to go along with any more amendments. I would like to ask him if he also includes the amendment that hasn't been presented yet, House Amendment "P," that puts the emergency preamble on the bill.

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

Mrs. MOFFATT: Mr. Speaker and Members of the House: There seems to be quite an urgent drive to stop all discussion on the bill. Apparently we have reached the point where we are ready to say "yes" or "no."

For the matter of the record, I will state in a very few words exactly how I stand. I have an amendment, the same one I offered last Friday. It is out of order, and I will not try, by changing a few words or in any other way, to introduce that amendment. It would probably be defeated anyway. I do want you to realize that as the bill stands today, not on my word, but on the word of legal authority, you will be taxing church sales, charitable sales, hospital sales, non-profit sales, Boy Scout, Legion, and all of those things that are for charity. It reaches pretty near home. We have the Crippled Children's Home in the city of Bath, but you are going to tax their food; you are going to tax everything, therefore I feel absolutely justified in saying that I will have nothing to do with this bill.

I move the previous question, Mr. Speaker.

Mr. BRADEEN of Waterboro: Mr. Speaker—Am I a little too late to voice a view on this bill?

The SPEAKER: The gentleman may proceed.

Mr. BRADEEN: Mr. Speaker and Members of the House: When I came to this Legislature, I am frank to say that I took an exceedingly dim view of a sales tax as a means of raising revenue. As a general proposition I feel, and I have felt for a long time, that the fairest, squarest method of raising public revenue, is an income tax because it is based upon an individual's capacity to pay. If he has it, he pays it. By the same token, if he doesn't have it, he isn't expected to pay, and he doesn't pay it. However, it has been the policy of the Federal government for a long time, in the words of Mr. Hoover, to so explore the income tax field as a means of raising revenue, that the man who started out with a reasonably substantial income had little left for himself and little left to contribute to the establishment of new industrial effort in this country, the type of effort that is necessary if we are to have and to maintain payrolls.

The Federal government has successively decreased the size of the exemption and they have increased the rate. Consequently, when I came here and had an opportunity to consider the financial status of the State of Maine at the moment, it seemed to me that the time had come for me to compromise with everything but conscience and to take something that certainly was hard for me to digest.

Now we have here before us for consideration, and have had for some time, what seems to me to be as equitably devised a sales tax bill as we could hope to find. We have exemptions, and I am perfectly frank to say to you people that I would not have been able to have gone along with a sales tax which stretches across the board. I come from a rural community, and I try to represent the interests of the people who live in five towns in the northern and central part of York County.

My neighbors, some of them at least, work in mills and work in the woods and they get \$35. or \$40. a week, and I know very well men

who have two, three or four children who certainly would not appreciate it, and I could not, in good conscience, and I will not, vote for a tax that will say to that man, when he buys a sack of flour that weighs twenty-four and a half pounds, that he is going to pay money on that. I could not do that.

But we have here a bill that seems to me is well devised, and is as well written as any sales tax bill could be. We have a dozen amendments, more or less, and I feel that it is for the best interests of the people to accept this measure as it has been written and go along with such amendments as have come to us from our Senate. Thank you very much.

The SPEAKER: The Chair now understands that the gentlewoman from Bath, Mrs. Moffatt, withdraws her motion for the previous question, due to the fact that the main question is on the passage to be engrossed, and it would preclude further amendments. Does the Chair correctly so understand?

Mrs. MOFFATT: Yes, Mr. Speaker.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that House Amendment "A" to Senate Amendment "I" be indefinitely postponed. All those in favor of the indefinite postponement of House Amendment "A" to Senate Amendment "I" will say aye; those opposed, no.

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

The SPEAKER: The question is on the adoption of Senate Amendment "I". All those in favor of adopting Senate Amendment "I" will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and Senate Amendment "I" was adopted in concurrence.

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

Mr. CHASE: Mr. Speaker, I now move the adoption of Senate Amendment "K" which exempts re-

ligious books, literature and utensils. This seems to be a matter of Senatorial sentiment, and I do not think it presents a serious financial problem, so I move the adoption of Senate Amendment "K".

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the House adopt Senate Amendment "K".

The Clerk will read Senate Amendment "K".

SENATE AMENDMENT "K" 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 subsection XI of that part designated "Sec. 10", before the period, the following underlined words:

'and also other books and literature and utensils of worship used in and by established churches for religious instruction and prayer'

Thereupon, a viva voce vote being taken, Senate Amendment "K" was adopted in concurrence.

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

Mr. CHASE: Mr. Speaker, I now offer House Amendment "P" and move its adoption. I would like to speak to the amendment.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, now offers House Amendment "P" and moves its adoption.

The Clerk will read House Amendment "P".

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

Amend said Bill by inserting before the enacting clause the following:

'Emergency preamble. Whereas, the essential needs of state government require that additional revenue be raised by this legislature; and

Whereas, the revenue to be collected under the provisions of this act may not be sufficient to provide for said needs during the next fiscal biennium unless the tax is imposed on retail sales made on and after the date of beginning of the next fiscal year, namely, July 1, 1951; and

Whereas, it is necessary to proceed immediately to create and organize an efficient administrative

agency for the collection of said tax on and after July 1, 1951; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend said Bill by striking out the underlined date "**October 1, 1951**," in the 1st sentence of that part designated "Sec. 3" and inserting in place thereof the following underlined date '**July 1, 1951**,'

Further amend said Bill by striking out the underlined date "**October 1, 1951**" in the 1st sentence of that part designated "Sec. 4" and inserting in place thereof the following underlined date '**July 1, 1951**'

Further amend said Bill by striking out the underlined date "**November, 1951**," in the 1st sentence of that part designated "Sec. 12" and inserting in place thereof the underlined date '**August, 1951**,'

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

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.'

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

Mr. **CHASE**: Mr. Speaker, this is the third session of the Legislature in which I have been trying to help, working with others, in the revision of the tax structure of the State, and to meet the needs of State government. In two sessions we have failed to deal with this problem of finance and taxation. The failure, I think, has been due to a number of factors.

First: There have been too many ideas in the air at one time and the attrition of those ideas rubbing against each other has prevented a spirit of cooperation and compromise.

Second: There have been certain individuals in groups who have been more determined to have their own way than they have been determined to deal with the pressing human problems of the State. As

a result, in two sessions we have broken down; we haven't dealt with this problem.

Now during this session there has been more evidence of a better cooperative spirit. I won't say it is universal or unanimous, but we have before us now a tax measure which has won the support of more than two-thirds of the members of the majority party in this Legislature, upon which party falls the primary responsibility for dealing effectively with these State problems. In all these three sessions we have never before come to the point when such a statement could be made, that two-thirds of the members of the majority party were in accord, in substantial working agreement accord, on a tax measure. The situation is better than it has ever been. It may not be good enough, but that responsibility is here upon us, and I believe that those members, constituting that two-thirds of the responsible party, the party which is responsible primarily for dealing with this situation, have been fair, that they have been cooperative, that they have done their best to give the dissenting group every opportunity to participate in the formulation of this policy, and I think now that we have come to the point where we ought to make our final effort to get together to meet the essential needs of State government, and do what most of us know ought to be done.

This amendment is an emergency clause. I don't need to explain to the members of this House the situation which has developed in this State during the past forty years where measures originally introduced, in the hope of giving the people more participation in government, have turned out at times to be trigs in the wheel of responsible representative government. We all know that if we vote for this bill as an emergency, it will prevent what we believe to be a minority from upsetting the State's financial apple cart.

But there is another reason why this bill, if it passes, must be made effective at the earliest possible date. By reason of these amendments which we have adopted we have reduced the estimated revenue

from the bill. It is difficult to give those figures exactly because, for example, in case of fuel, while we had figures on all fuel, they are not broken down and we don't know just what the fuel amendment will cost, but it has substantially reduced the estimated revenue. As the matter stands now, in my opinion, if this tax law can be passed, so it will become effective July 1st, as this amendment proposes, I think it will raise enough money to take care of the appropriations which we have made and those which we will subsequently have to make, and I repeat, I ask everyone to consider if the time has not now come when we need to get together and to raise the money which we all know needs to be raised.

Therefore, Mr. Speaker, I offer this amendment and move its adoption.

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

Mr. FENN: Mr. Speaker, I would like to ask, before we vote on this measure, through the Chair a definition of what consists of two-thirds of the majority of this House, and the figure.

The SPEAKER: In answer to the question of the gentleman from Bath, Mr. Fenn, the Chair will state that Article IV of the Constitution of Maine, Section 16 provides: "That two-thirds of all the members elected to the House," in order to pass the emergency, and the Chair will rule that one hundred and fifty members have been elected to this Ninety-fifth Maine House at this time, two-thirds of which would be one hundred.

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

Mr. JACOBS: Mr. Speaker and Members of the House: I have listened very intently to the remarks of our Floor Leader, Mr. Chase, his interpretation and his position in regard to this emergency, and in regard to the sales tax in general. I want to say in the beginning that I am against the emergency clause, and this amendment, also I am against the sales tax as a whole, believing that there are other methods whereby we can meet the

conditions of this State's financial set-up, and not have a sales tax.

I do not believe that the majority of the people of this State, the taxpayers or the voters of this State, will sanction a sales tax. It is singular to me that in a city of 23,000 people not one person has approached me and asked me to support a sales tax, when thousands of people, not only in Auburn, but in Lewiston and in the Androscoggin Valley, have asked me not to support it. I believe the majority should have something to say about these matters.

As far as the financial status is concerned in this State, we are not bankrupt. We do not need an emergency, in my opinion, on this proposition. We have over \$7,000,000 in the treasury at this very moment, and I believe that is a fair amount of money with which to carry on the financial set-up of this State. Bear in mind that this Administration voted, by the Special Session of our 94th Legislature, \$3,000,000 out of the treasury of the State to take care of the expenses of this State in 1951. That was against my vote at that time, but the majority prevailed.

I believe there is no emergency here. There may be. I am utterly opposed to doing away with the State property tax. Bear in mind that seventy per cent of this \$5,500,000 is borne by big business, utilities, manufacturers, wholesalers and retailers. Fifty-four percent of the people of this State, working people, only average thirty-eight dollars a week, and next year, as a tax to the people of Maine, according to the United States government, over the radio the other night, it said that every taxpayer will have to pay twenty-five to thirty-five per cent of their wages to carry on the Federal government.

We, here today, are subscribing to a sales tax. No doubt it will be passed. You will probably pass it; but I want the people of my community to know that I was sent here to vote against any major tax, believing that there are other methods, and there are, whereby we can meet this deficit and go along and not have a sales tax.

The SPEAKER: The Chair recognizes the gentleman from New Limerick, Mr. Hand.

Mr. HAND: Mr. Speaker and Members of the House: It is quite apparent that of all the revenue-producing measures before this Legislature the bill now under consideration is approved by the majority of the members of this House. It is not perfect. Some of its provisions and some of its amendments are not to the liking of some of us.

It is vitally important that a tax measure be enacted without delay. A majority of us seems to prefer the bill as it is now placed before us. In the ordinary affairs of life compromises are necessary and desirable. Even in courts juries are not always able to agree. In this connection, and as applicable to a parallel situation, let me read you something that is very familiar to all attorneys known as 8 Cushing, 1. It is a case decided by the Supreme Court of the Commonwealth of Massachusetts in 1851, in which the court upheld a charge of its Superior Court to a hung jury. Wherever the word "jury" appears in my reading, I hope that you will, in your own minds, substitute the word "Legislature".

"The only mode, provided by our constitution and laws for deciding questions of fact in criminal cases, is by the verdict of a jury. In a large proportion of cases, and perhaps, strictly speaking, in all cases, absolute certainty cannot be attained or expected. Although the verdict to which a juror agrees must of course be his own verdict, the results of his own convictions, and not a mere acquiescence in the conclusion of his fellows, yet, in order to bring twelve minds to a unanimous result, you must examine the questions submitted to you with candor, and with a proper regard and deference to the opinions of each other. You should consider that the case must at some time be decided; that you are selected in the same manner, and from the same source, from which any future jury must be; and there is no reason to suppose that the case will ever be submitted to twelve men more intelligent, more impartial, or more competent to decide it, or that more or clearer evidence will be produced

on the one side or the other. And with this view, it is your duty to decide the case, if you can conscientiously do so.....But, in conferring together, you ought to pay proper respect to each other's opinions, and listen, with a disposition to be convinced, to each other's arguments. And, on the one hand, if much the larger number of your panel are for a conviction, a dissenting juror should consider whether a doubt in his own mind is a reasonable one, which makes no impression upon the minds of so many men, equally honest, equally intelligent with himself, and who have heard the same evidence, with the same attention, with an equal desire to arrive at the truth, and under the sanction of the same oath. And, on the other hand, if a majority are for acquittal, the minority ought seriously to ask themselves, whether they may not reasonably, and ought not to doubt the correctness of a judgment, which is not concurred in by most of those with whom they are associated; and distrust the weight of sufficiency of that evidence which fails to carry conviction to the minds of their fellows."

I hope that the members of this House will see fit to take the advice of a very wise and learned court.

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

Mr. McGLAUFFIN: Mr. Speaker and Members of the House: The old Greek thinkers found that man was at his best when he exercised the power of reason.

I picked up an advertisement in the Press Herald a day or two ago that cost more to print—it is from the Maine Merchants Association—the amount they paid for this one ad would pay all the taxes that twenty-five so-called poor men would pay in a year. But I want to apply this yardstick of reason to what they put up for argument against the sales tax. In big letters on the top it says this: "That is your money they are playing with, Brother." Isn't it their money no matter what tax you pay? If it is an income tax, isn't it the people's money? If it is a property tax, isn't it the people's money?

Can't you see they are just throwing dust in the air? That is not argument.

The next thing they say is: "This will be the first time that everybody is paying a sales tax." That is only half true. We are paying a sales tax now on gasoline, on cigarettes, on tobacco, on liquor, on beer. That is a misrepresentation.

And then in one place I saw—it may not be in this article but it is one of their contentions—that although we have exemptions we could change those exemptions. Doesn't that apply to any tax that we have, the income tax as well as the sales tax?

I happened to notice the income tax provisions for the State of Minnesota, and it stated that it was one per cent on the first thousand, two per cent on the second, three per cent on the third, four per cent on the fourth and five per cent on the fifth.

This article that I hold in my hand makes out that the man who receives \$2000 a year is in the poor man's class. Under the Minnesota law, as I understand it, an income tax on \$2000 would give a tax of thirty dollars. Under this measure that we have here a man who gets \$2000 would probably spend \$1000 for tax-exempt articles, therefore he would only be taxed twenty dollars.

What I am trying to point out to you is that we could, in this Legislature, pass an income tax that would hit the poor man vastly worse than this sales tax does.

Coming back to this article, it finally winds up and says, "If you get this tax you will pay and pay and pay." Have you ever seen any tax that you didn't have to pay and pay and pay?

Now, what I am leading up to—before I get to my main argument I am talking on this Merchant's Association Article. Instead of being an argument against the sales tax it is dust, mud, misinterpretation and sob stories highly charged with hot air, which they are undertaking to put up as an argument to the people of this State to frighten them into telling us not to vote for a sales tax. Now what I am pointing out in that

particular is that there is no more argument in that whole article than there is water in a mirage.

Now let me tell you something more. Nine thousand and some odd people from the City of Portland voted for me to come up here. I have had from the City of Portland perhaps 130, perhaps 150 post-cards, saying to me, "You are my representative and I want you to vote against the sales tax." But there are practically nine thousand others who left this matter to my judgment because that is what they sent me up here for, and I am not going to let one hundred and fifty tell me what to do to override the judgment of nearly nine thousand who left it to my judgment.

I want to point out another peculiarity of human nature. The very people that tell us to vote against a sales tax, if in your better judgment you find it necessary to vote for a sales tax, those very people will respect you in spite of the fact that you go against their wishes. And I will go further and say that if you don't stand by your convictions on this matter those very people will despise you for doing the very thing they tell you to do.

Now so much for preliminaries. I am now coming to my argument. These very merchants who have been able to get, I understood, thirty-four thousand people to sign papers against the sales tax on such argument as I have shown you isn't argument at all, but the unthinking people will swallow that hook, line and sinker—this is what they say: "We accept the fact that the State needs additional money." They admit we have got to have the money.

Two years ago that was questioned by a large number of voters, but it is pretty well conceded by most everybody, except my friend, the gentleman from Bangor, Mr. Finnegan, and one or two others who think you can run this state without money.

The next thing they say: "We will accept the report of the Appropriations Committee plus any reasonable amount deemed necessary by the Legislature." Therefore this bunch of opposition is ready to ac-

cept our figures; they will trust our judgment to that extent.

Then they go a step further and say, "We want to pay our fair share of whatever is needed."

The first point I want to make is that we were sent up here to do a job, and that job primarily was to raise enough money to run this State for the next two years. There cannot be any question about that statement. Secondly, we come up here and we find it is necessary to raise some money. That fact seems to be pretty generally accepted except by one or two men who have got reasoning powers that I cannot comprehend.

The next question is: How are we going to get this money? Now there are half a dozen methods proposed that I won't waste any time in discussing because they do not have the slightest chance of passage; but there are three taxes that could and have been considered: First, an increase in the property tax, I think I know of three or possibly four members of the House that think that the simple way to solve this problem would be to simply boost the property tax, pass it and go home and forget all about the rest of it. But it is not that simple. The people all over this State in all the years that I have been up here have been protesting against the height that the property tax has reached, and in one legislature they had a bill introduced here that would provide that the Constitution be changed so that you couldn't put more than twenty-five per cent tax on any property. That, of course was defeated. I do not believe you can find in this House twenty-five men or possibly even half that number that would vote for an increase in property tax, and therefore I rule that one out.

The next one, and the one most frequently considered, is the income tax. I would vote for an income tax. I am not so tied up with a sales tax that I prefer a sales tax to some other tax. I can vote for a tax that will raise the money, because that is what I am here to help do. But the United States government has monopolized the income tax field. Furthermore, I have already pointed out to you that we

could pass an income tax that would be worse on the poor people than the sales tax that we are now talking about. And whether the income tax is the best tax that was ever invented and the sales tax is the worst one that anyone ever invented, I am telling you members this: that we can pass a sales tax in this House and we cannot pass an income tax in this House. Therefore, I am driven to the conclusion that the only tax that we can pass is a sales tax, whether it is good, bad or indifferent. I not only say we can pass it, but I will say in all confidence we are going to pass a sales tax this time, because this Legislature has got the sand to do it.

That sales tax has been advocated by the Governor, it has been advocated by a majority of the sixty-six men and women who were appointed by the Governor to investigate this matter. It has been shown repeatedly in this House that we at least possess majority enough to carry this tax along.

Right here, before I strike my next point, I want to say that I understand that there is one Democrat, perhaps more, that is going to vote for this sales tax. Two years ago I appealed to the Democrats to come in and help do something for the State of Maine and they laughed at me. I am not asking them to do anything. I will say that any Democrat that comes along with the Republicans in what he does do is entitled to as much credit as any other member in the House, and the rest of them can go hang as far as I am concerned.

Now my next point is this: A sales tax is going to be passed in this Legislature. Now if I am right up to the present time, and I believe that I am, then I want to point out to you that the Republican who does not vote for the sales tax is throwing away his vote.

You remember the old hymn: "I am serving the Lord in my weak way. I am serving the Lord in my weak way. I have nothing good of my neighbors to say, but I am serving the Lord in my weak way." Now those of you who vote against this sales tax, when you get home you can get off in a corner and sing this song: "I was serving my State in my weak way. I was serving my

State in my weak way. I had a vote, but I threw it away because I couldn't have my own way." (Laughter)

I want to point out one thing more. We have in this Legislature men who advocate assistance to the aged people, who advocate help to the poor, who advocate taking care of children, who advocate increased funds for the hospitals. I want to apply this yardstick of reason to any man that stands for those five propositions and then comes in and votes against the only tax that can bring about the things he stands for. Anybody, I don't care who it is, anybody in this House who so votes is not only inconsistent but he is defeating the very thing for which he claims he stands.

Now why am I wasting your time talking? It is not just to hear myself speak, although I enjoy that too. (Laughter) It is the fact that we have come to a critical stage in proceedings. I admire the way you members have stood together in trying to get out some measure that would take care of the affairs of the State. I can readily forget the times that you have stepped on me over and over when I advocated something and you did not agree with me. That does not hurt my feelings at all. But I do hope that you will apply the yardstick of reason to the situation as it stands now and not let your petty prejudices and your finding that here and there there is a flaw that you can pick in the law, stand in the way of passing this measure and passing it as an emergency.

What would be the situation if we do not pass this as an emergency? Already the merchants have shown that they can get thirty-four thousand names against this tax. It takes only twenty-four thousand names to get a referendum. Supposing we pass this tax with a majority and then it goes back to the people and these people who are so ready to pay their part and who admit that we are in need of money and who admit that we do not ask any too much, instead of showing any kind of patriotism for the State of Maine they will get out and try to kill everything we have spent this winter on to accomplish.

And if they succeed, then where

do you stand? We haven't any money to run the State. Those of you who vote against this sales tax have simply thrown a monkey-wrench into the machinery and made it possible for those fellows who are totally selfish themselves to kill everything we have done here.

On that point, do you think for a moment that that Maine Merchants Association is doing all this for the poor man? My God! They are doing it because it is a nuisance to them. But, as I say, if they defeat this tax, then what can we do? At an expense of fifty thousand dollars more or less the Governor can call us together next summer and we will come right up to this Legislature and again vote for the sales tax, because you cannot get anything else; and I hope to the Lord that by that time some of you that vote against a sales tax will have sense enough to see that if the State is not going into bankruptcy we have got to have some money.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I thought we had the dust the other day. They threw it all over me here in this House, but we had a shower after that and I thought it was settled; but apparently the gentleman from Portland, Mr. McGlauffin, thinks there is someone who is trying to throw dust now. Now I agree with the gentleman: there are some that are trying to throw dust in our eyes and cloud the issue.

I will state my position first. I am against the amendment and I am against the sales tax, and I am a Republican, have always been a Republican. I imagine the gentleman from Portland, Mr. McGlauffin, will put me in the category of the "go-to-hang-with-the-Democrats" if I vote against this bill, but I am going to vote against the bill.

I came down here, and no man has ever heard me say that I didn't feel that we needed more money to run this State of Maine, but I do believe, and I believe more firmly every day, that we do not need as much money as this bill is going to produce.

The gentleman from Portland, Mr. McGlauffin, says that we are inconsistent in voting for certain appropriations and then voting against the sales tax bill. We have had nothing else to vote on. I say that we who stood up and voted against those amendments did all we could, all in our power, to cut down the expenses of the State of Maine, and I do not call that inconsistency.

The gentleman from Portland, Mr. McGlauffin, says that an income tax cannot be passed. How does he know? We have never voted on it. The only thing we have had is this pet measure. He tells about people not voting for this tax because they want to have their own way. I feel that there are certain groups who want their own way when they are pushing this tax to us. I can see both sides of it. It is amusing how they are hanging so many people here today.

The gentleman from Portland, Mr. McGlauffin, says that those who vote against the bill can be hanged, and my good friend and colleague, the gentleman from New Limerick, Mr. Hand, read us a very impressive charge to a jury in the State of Massachusetts. He asked us to consider as we listened that we, the Legislature, were in the place of the jury. Gentlemen, that jury in the State of Massachusetts—I am not familiar with the case, not being a lawyer—but I presume that the penalty at that time was hanging and that was a case of hanging a man in Massachusetts. Now members of this Legislature, I hope that you can get the dust out of your eyes and that you will act as a jury and not hang the people of Maine. That is what you are doing with this sales tax: you are putting a rope around their necks. The people do not want it. I hope that the motion does not prevail.

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

Mr. DUNHAM: Mr. Speaker and Members of the House: There is no dust in my eyes this morning.

First I want to thank the gentleman from Lewiston, my good friend the Democrat (Mr. Jalbert), for drawing my attention to the fact that I said I would not vote for any

amendments. I want to ask his permission if I may qualify that statement, because I am going to vote for this amendment. And the reason why I am going to vote for this amendment is this: A sales tax must be sold to the people of Maine. Now I do not suppose there is anybody in this House who has tried to sell a sales tax any more than I have. I remember very clearly standing here at the hearing and arguing for a sales tax and listening to the people from all over Maine, people from down in my section, coming up here opposing a sales tax. Since then I have met a considerable number of those people. I have spoken to them at Grange meetings, Chambers of Commerce, Kiwanis Clubs, Lions Clubs and so forth; and when this thing is explained to them, when you take up these various taxes and explain it to them, they will raise both hands for a sales tax. Now I know it. With apologies to my good friend, the gentleman from Portland, Mr. McGlauffin, I know what I am talking about.

Now I have not got the time and you have not got the time to go around and knock on everybody's door and explain this tax business. I am not going to take the time. Therefore I want to vote for this amendment.

The gentleman from Auburn, Mr. Jacobs, said it is surprising to him that no one asked him to vote for a sales tax. Why, I am surprised that he would make that statement. Who, in your remembrance, ever asked you to put an extra tax on them? Of course they won't ask you to put on an extra tax. I am surprised. I heard that same gentleman's argument two years ago; and that is the very reason why we came back here in special session and took three million dollars out of the surplus in order to pay our bills.

Now the gentleman says he is not interested in removing this State property tax. Perhaps his county, his towns and his cities, do not need that money, but I am telling you that my towns and my cities need that money. It means a quarter of a million dollars to Hancock County and they need that money. They are operating, I am telling you, on these thirty-cent

dollars just the same as the State of Maine is operating on them, and they need the money. They need it for their schools and their roads and their poor. Perhaps his county does not need it, but my county does.

Now he talks about the federal government. I know how much the federal government steps into the State of Maine and takes out so many millions of dollars, but I cannot do anything about it. I am worried about it, to be sure, but I am going to look after my State first. Taxes, my friends, are the price we pay for civilization, and don't you forget it.

Now the situation in the State is just this: If you don't drink, if you don't smoke, and if you don't own property you are not carrying the burden to help pay the bills of the State of Maine. Now that is the situation exactly: If you don't drink, if you don't smoke, and if you don't own property you are not carrying your responsibility towards this State. And here we have the opportunity to spread this load out so that everybody will be tossing in a little something to help pay these bills, and I want them to do it. Therefore I am voting for this amendment.

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

Mr. BUBAR: Mr. Speaker and Members of the House: I am merely stating my position on the sales tax which is the only tax that has been considered before this House, and it very definitely has been the mind of some that no other tax shall be considered.

I am very sorry to take issue with my Brother, the old Patriarch and member of the School of the Prophets, and, the way it looks this morning, he is also now listed among the poets, my neighbor, the gentleman from Portland, Mr. McGlauffin.

When an issue arises occasionally in our home or in the community to cause an argument, a difference of opinion, my wife has said to me many times, "Ben, I think everybody is wrong but you and I and sometimes I think you are." Now I have always considered that the gentleman from Portland, Mr. McGlauffin, and I were the only

ones here who were right. I am afraid this morning that he is wrong. (Laughter) I am sorry that he is, and I do not know enough hymns so I think I can convert him.

Now this tax that we call a sales tax, it is not a sales tax in the true sense of the word, this hodgepodge, patchwork thing, this is not a sales tax. The seller does not pay this tax, although you call it a sales tax. The buyer pays this tax. This tax, I will admit, is a sales tax to some, and to another class it is an income tax. Do you call that fair?

This is a sales tax to the big fellow who has plenty of money, but I contend it is an income tax to the little fellow from whom it takes every cent he has.

Now so far as everybody wanting this sales tax, if you will give me about two hours and a half I will read the letters that I have, some of them; and members, from Aroostook County I have only had one letter that said "Pass the sales tax." If any member here disputes that, if you will give me the time I will read them.

Last Friday, one week ago, about eleven o'clock, I left this House and went down onto the streets of your city and into the offices and railroad yards and I made, as far as I could, a thorough and honest investigation, and I talked on Friday and Saturday and with a few on Monday, to find out how they stood, and eighty-five per cent said, "We do not want the sales tax and don't pass it." Of the 104—and I have a book full of them here—only ten said, "We want the sales tax." I questioned them. I said, "I am honest with you, and I want you to be honest with me," and they all admitted that they were higher-salaried men and were paying a federal income tax. Those were the fellows, if you please, who wanted the sales tax, and there were only ten of them. And every one I spoke to said, "There is not any emergency existing." And in all of the telephone calls and the letters and the cards from Aroostook County they have said, "There isn't any emergency."

Oh, members, let's be careful. Will you? The people back home

are paying the bills; they are the bankers, they are going to cash the check that we put out here today.

About a week ago I was in the City of Portland. I had six hours there. I met my neighbor, the gentleman from Portland, Mr. McGlauffin, on the street. He knows about it. I think he was feeding one of those metal posts—I don't know what they call them—sort of a sales tax rig they have there to catch the money from the motorists. He was feeding one of those and paying a sales tax. I went right straight down through the stores, one after another, and the wholesale places, and I spent six hours, and every one of them said, "Don't load on us the sales tax," and one of them stepped over and he hit a buzzer three or four times and five men came into the office, and every one of them said, "Don't give us the sales tax." Do you think I am going to vote for it under those conditions? And every one of them said, "There isn't any emergency."

Oh members, let's not be fooled on this thing that is a sales tax to some and an income tax to the poor man who must spend his all.

Now talk about ghost-men going around and trying to scare the people. I want to inform you today that the people of Aroostook County are not easily scared. They have been by graveyards before; they have seen people dressed in sheets before. They are not scared of any of your ghost things you throw before them. They are thinking men and they know what they want, and they are the bankers and they are going to pay the bills. We fellows write the checks down here, do we? We ought to know whether or not they want to pay them. They are the bankers, not us fellows. They pay the bills, and we are going to write the check today. Is this what you are going to write them? Let's ask them—will you, please—what they want.

Now I am not going to discuss the income tax because you have given me the privilege of discussing it next Thursday, but I want to ask you: Who are the men who are behind this so-called sales tax?

I can tell you who they are. They are the brass hats in the political Pentagon of the State of Maine. That is who they are, members, the brass hats in the political Pentagon of this State. That is who they are. That is who is back of it. We poor fellows must pay the bills and we must do the suffering. Members, do not pass this unjust, inequitable tax.

The SPEAKER: The Chair understands that the gentleman from Cape Elizabeth, Mr. Chase, asks the unanimous consent of the House for a moment to suspend the present business we are considering, in order that we may act upon the usual adjournment order from the Senate. Is there objection? 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 23, 1951, at 4:30 o'clock in the afternoon. (S. P. 553)

Came from the Senate in that body read and passed.

In the House: The order received passage in concurrence.

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

Mr. FINNEGAN: Mr. Speaker and Members of the House: At the outset I want to repeat to the House what I repeated to the distinguished colleague from Portland (Mr. McGlauffin) that I never expected to vote with him on any measure, but I still consider him the champion of the world and I really mean it. He is the defender of the Constitution. On matters of legal and all the things that go with a sound and judicial procedure, I certainly would remain very silent in crossing swords with the Judge.

But we are discussing a financial problem. Now I have been on this old planet for the past thirty-five years and more. I have served—I just will mention this to qualify myself to at least have a right to an opinion on financial matters. For thirty-five years I served as a director of the Merchants National

Bank, of Bangor. For about the same period I have been a trustee of the Bangor Savings Bank and President of the Bangor Loan and Building Association, so I have been exposed to some sound financial thinking even if I didn't have much when I started.

The problem which we are discussing here is purely financial, and the necessity of the measure that is before you. Everything that has been presented here—I am not going along with the gentleman from Blaine, Mr. Bubar, in regard to the brass hats in the Pentagon—I am just going to say that the boys in the back room as they are sometimes referred to have a steering committee to engineer this thing, and we have been brought up to this stage of the game without really having discussed the necessity for this bill.

As a member of the Appropriations Committee, and as many of my colleagues felt, we have passed on the financial aspects of all of these things. We have given serious study to the Budget Book here which is of tremendous importance. Nobody really can understand it, and at the same time to analyze it in the light of the financial program. So, in working this out to my own satisfaction, to find out what this budget was all about, I have had the cooperation of the Budget Director and his assistant, at my request, and the whole problem can be stated that all you are concerned with is this unbalanced budget and a terrific appeal has been made to pass a sales tax. It is devoted to just two departments here, one the Department of Health and Welfare. Now you are not asking to curtail the present program. I mean there might be a slight curtailment in it; but what you are asking in this budget, and what is proposed in the budget before you, is an increase in the Health and Welfare budget of about \$5,000,000 for the first year and about \$6,000,000 for the second year. Now that is principally made up—two million is made up in your A. D. C., your Aid to Dependent Children program, and Old Age Assistance has a minor part in this, although this can be worked out.

Now after all of your consider-

ing, and if, today, we pass this as an emergency measure, and balance the budget, and leave a few little necessary adjustments in between, you have only proposed a problem, you have certainly posed one for the next Legislature, because you have not done one single thing that denotes that this is the end. We know it isn't the end. We know it is the beginning of a tremendous increase in these things which have been pyramiding year after year.

I didn't intend to speak this morning. I have no notes with me. I have some I could have brought along had I thought the matter was going to get to this stage. Briefly, this Health and Welfare program started in 1936, with a \$2,000,000 appropriation. I suppose half of that was Federal and half State, but that could be analyzed and could be determined.

Today, that same program is \$19,000,000. There has not been a solitary dollar spent in your hospitals in any perceptible way. In other words, it has gone down the river. However desirable the thing may have been, there is a limit to where this State can be expected to go. Now your Appropriations Committee had several conferences with the Commissioner of Health and Welfare. There are no masterminds on our committee. They are all reserved for the leadership of this House. We just have to go and get the facts. The fact disclosed to us was — this is not a recommendation; I don't want to go on record as saying that the Commissioner recommended it; he did not; he gave us a few places where a cut could be made if we have to make one, but he left the determination of that to the committee.

Now that program was presented in here, and in a flood of tears and emotion, it was overruled and rejected, and it goes back to a very erudite and I am sure, well-informed Senate, although I don't know whether they passed on this any more than we did. They proceeded to put back all the things that we had eliminated in our consideration and went us a little better than that.

Now on the Educational Program it has been stated here this morning

that we have been fairly informed and everything has been above board, and here we are with this terrific program. We debated, and we considered, in the Appropriations Committee, the Educational Bill. That is Bill 551. You have the exhibit on your desks, prepared by Mr. Ladd, covering the Educational Program for the next biennium, and you will find it tagged in the Bill 551. Up to this hour Bill 551 has not been in this House, although it involves about \$3,000,000 in the biennium over and above your 1949-50 appropriation.

Now just to again give you a little briefing on that, it may just be a pure coincidence, but a Special Session was called, a surplus of \$3,000,000 was liquidated, \$2,000,000 of which went into Health and Welfare — I think about \$1,472,000 was allocated to the A.D.C., the Aid to Dependent Children or the "Aid to Delinquent Parents," or whatever you want to call it. Some went into Old Age Assistance, about \$488,000 — I believe that was the figure — these are all out of my head; as I say, I have no official records here. But when you have considered a bill that has not been in this House, and on which we have accepted a report or, in other words, we are supposed to have discussed the Educational Program, but the bill itself, and the reasons for it, the details that go with it, and I can assure you that when it does get here and we do pass on it, you will have an eyeful of something to consider — from my standpoint it is the most illogical document that has yet been presented.

Now those are your two problems. We have also considered the State pulling out of the property tax. Now that little item deserves a little special attention. The State property tax was frozen in 1933, at about \$4,500,000, at that particular time. No man has even suggested that that be touched because that is the burden that the little fellow in the communities and the big fellows in the bigger communities cannot afford to stand; that is their tax burden.

You have now on your desks a document from the Tax Commissioner, Mr. Johnson, and in justice to Mr. Johnson, who prepared it,

and in justice to the talk that I am giving you, I ask you to take that little document and compare the property tax with your own town and your hamlet where you live, big or little. At the same time I ask you to take your Legislative Document covering Bill 551, and see how much aid these towns received from the State, and see if you don't find the most enlightening information there. I am sure it will be worth your time, and I ask that as just one consideration for the effort in getting it to you. Just look it over. That is all I ask.

Now this property tax that went into the deep freeze or the Rip Van Winkle of the property tax of nineteen or twenty years ago, practically, the State was receiving \$1,600,000 from all subsidies, which are now \$6,000,000 on this thing that we are now considering. The Welfare State had not been discovered. There is \$20,000,000 worth of relief, welfare programs that have been pushed onto this phantom state, this imaginary body; that is supposed to have a lot of money, but which now confessedly is broke, not bankrupt, because we still have plenty of assets, but we are broke financially. In addition to the aid which you are receiving for your schools, your Welfare Program, you also have a little item of about \$2,000,000 for snow removal; the snow removal comes out of the highway funds, and we are now talking about the general fund.

Now the source of revenue for the general fund — I am sorry I haven't got my figures here — but it is about \$32,000,000 in all, and the principal amount of the money is derived, something over \$6,000,000 from liquor and beer, about the same amount from tobacco and cigarettes, about \$5,000,000 from the property tax, and about \$6,000,000 from Federal grants, and that will constitute about seventy-five per cent of your general fund. It spends forty-four per cent for Health, and Welfare, about twenty-five per cent, I believe, or twenty-seven per cent for education, and the rest — if you have your 1950 financial report on your desk, you can get all of this information, because that is where I got my information from.

In order to supplement the abandoning of this property tax, somebody has got to provide for the money. There must be a "pot of gold at the end of the rainbow." The magic of rubbing a lamp and getting some money and somebody presenting you with a lot of money is just pure fantasy. So, you have on your desks a release from the Treasury Department which was issued in the latter part of 1949 and which was just made public the latter part of 1950. There is some information there that certainly is pertinent to our financing anything in the State. Now these are official figures. They are released by the Treasury Department, and a man would be a knave to try to tell you that these are anything but official. Now I just ask you to look at those figures at your leisure and find that the little incomes under \$5,000 constitute ninety-six per cent of the returns and fifty-eight per cent of the revenue of \$71,000,000. In other words, there are 344,000 taxpayers paying \$71,000,000, and in the first five groups of \$5,000 and under, there are ninety-six per cent of them, out of 331,000 returns, paying \$41,792, or fifty-eight per cent of the total. When you get up to the \$10,000 bracket, you have got 9,676, less than 10,000 people, and when you have those included, they pay \$8,000,000—those 9,676 people pay \$8,000,000. Now you are up to \$10,000, and you have accounted for 99 per cent of all your taxpayers and 70 per cent of all your revenue.

I would like to call your attention to the fact also that in this population of our State, of around 900,000 people, there are somewhere in the vicinity of 600,000 people who are being fed and clothed and administered to by this group of 331,000 people. In other words, from there on there is only just a handful of the remainder there—1 per cent of the population—and they won't eat any more, won't wear any more clothes, and if they do, they will probably buy them out of the State anyway, but that little group down there is your "pot of gold". They are the little people who are going to pick up the load. There are not any others. You can fool around with this thing all you want to, but

when all is said and done, you will have to get the money where the people are, and they all exist, at least 99 per cent of them, in those little groups.

I call your attention to the little group there earning between \$2,000 and \$3,000. There are 84,000 of those people, paying \$14,293,000, or twenty percent of the whole budget, in the two to three thousand group.

Now a sales tax or any other tax, to be any good, and to be effective, must have some kind of a firm foundation to rest on. If anybody, with any logic, can tell you or me, justify to you and me, how that position is going to be maintained in view of these figures, then, I am waiting for that information.

Now my good friend, the gentleman from Portland, Mr. McGlauffin, mentioned that I advocated more money for the hospitals. Well, I am sorry I missed the boat when that went through, but I am glad of the opportunity finally to again state my position on the so-called hospital aid. It is not hospital aid. I think we have demonstrated that. It is a welfare bill, being administered by hospital finances, but it certainly is not an aid to hospitals.

Since I spoke to you on that bill I had Mr. Curran, of the Eastern Maine General Hospital, give me an estimate of what the professional fees would amount to if they were assessed in regular form, and he gave a figure of \$100 an admission. Now fifty per cent of these are surgical, thirty per cent of them are obstetrical and twenty per cent are medical, and I leave it to your own judgment as to whether or not a hundred dollars for two weeks' service is an extraordinary or exorbitant fee. I am sure it could be much more.

My own information disclosed that admissions throughout the State, in the State Hospitals, there was \$1,250,000 worth of professional fees being administered to these poor, distressed people. They are sick; they need hospitalization and they can provide it. The maximum amount that we can get from it, so far as the ward rate, is sixty percent of the costs. If the hospitals are willing to sell the State Welfare Department a million dollars' worth of that kind of service,

then I leave it to you whether or not it should be purchased. Yet, when we were revising the tax bill the other day we noticed that our distinguished Floor Leader, while he had possession of the bill, took off a couple hundred thousand dollars each year off that fund, but in A.D.C. the racket goes on and nothing happened to that at all.

I have talked longer than I intended to but I just wanted to summarize my remarks this way: There is no necessity, no necessity has been demonstrated, that we are in the financial crisis such as has been made to appear. We are not having any dust thrown in our eyes; the dust-throwing has long since passed, but we are in a very deep fog as to the issues, and they have not been explained. We, as directors of this institution, and that is what we are—we are all individual directors having individual responsibility—and when we go home, there is only one person left that will take the place of this group and that will be our Governor.

I have great respect for Governor Payne—there is nothing personal in what I have to say; I have great respect for the Commissioner of Health and Welfare, Mr. Stevens; we are extremely fortunate to have a man of his ability at the head of it. I am profoundly impressed with the head of our Budget Control, Mr. Mudge. I hope that we will be able to continue the services of these men, so I say all these things that I am saying and in all of these criticisms, there is nothing personal in them, but I say to you that you can serve no useful purpose in balancing this budget by a sales tax to cover the two items I mentioned, namely Education and Health and Welfare, because they accomplish nothing, they serve no useful purpose. The budget can be balanced by a slight addition to this mill tax which has been so carefully guarded, and if we have the same scrutiny on the spending as we have had on the failure to increase that sales tax, we would not be discussing the problem now.

So I am voting "No" on the sales tax, and for the reasons I have given you.

The **SPEAKER**: The Chair recognizes the gentleman from Berwick, Mr. Gowell.

Mr. **GOWELL**: Mr. Speaker and Members of the House: I did not intend to enter into the discussion of the merits of this tax bill because I did not consider that I knew enough about it. I came down to this session of the Legislature with an open mind. I knew that the matter of taxation would be one of the most important, if not the most important, matter that would come before us at this session of the Legislature, and I want to say, with all sincerity, that I appreciate the leadership of our brilliant Floor Leader and our eminent Jurist, the gentleman from Portland, Mr. McGlauffin, and I also say, with the same degree of sincerity, that never have I voted against any of the measures that those gentlemen have sponsored without it hurting me more than it hurt them.

When I came here I talked plainly of a sales tax, and the principal reason was because it was recommended by our Governor, Governor Payne. He urged it in his inaugural address, which to my mind was one of the ablest addresses that has ever been delivered in this Chamber. I walked up and down the corridors for several weeks. I met the members, and they all looked wise and talked the sales tax a little but they didn't explain it very much. I appreciated, and still appreciate, the good work that was done by the Committee on Taxation and by the Committee on Appropriations and Financial Affairs, and if you will remember, we had considerable discussion in regard to the Appropriation Bill, but that bill was discussed section by section, and after quite a little discussion we arrived at a conclusion, and I appreciated the fact that the Senate, the other branch of our Legislature, passed that without amendment. That showed that we had given it considerable thought and whether right or wrong, we had done the best we could.

I expected the same treatment in regard to the tax question. It was reported out of the committee one morning, and we were asked to accept the report. Well, I didn't vote for it. Not that I was opposed to

the measure, but I was not familiar enough with it to say that that was the bill that we should pass at this time. It was stated by several members on the Floor that that would be subject to amendment, but the amendment received kind of a cold shoulder, and I could see that there was concerted action to pass that bill. It may be—I am not saying that it is not—the best bill that we can pass, but I think the members have a right to expect that the different bills that come before the Taxation Committee should be presented on this Floor and debated so that the members would have a little better understanding of the merits of each bill.

I have no particular objection to the sales tax bill, but the people in my county are very strongly opposed to it. I have been told, and I think perhaps it may be right, that it is our duty first to represent the State, and then our community, but I recognize, Mr. Speaker, the fact that the "Created" is not greater than the "Creator."

Now I am not afraid to go home and tell them that I voted for or against this bill because they know that sometimes my vote is in the minority, but I would hesitate to go home with the idea that I had failed to do my duty as I understand it.

Now I understand that the county of Cumberland represents the wealthiest and the largest county in the State. We look to them for leadership, and outside of Imperial Kennebec, we get it, but I am going back at this time on the good old horse sense that I think some of the residents of York County have. I am not going to say that they represent the inane class entirely. I think that we perhaps might raise the revenue sufficiently without the passage of this tax. I am not saying it can be done, but I believe it might be done.

Now I am not on the Appropriations Committee, I appreciate more than I can express the able work that was done by our chairman. You remember the little discussion we had between that committee and the Committee on Ways and Means, and you remember that it came out without too much objection or too much debate, largely

due to the leadership of the gentleman from Auburn, Mr. Jacobs. If anything, he is perhaps too conservative when it comes to raising money, but that is what the people sent us here for, to recognize conservatism to a certain extent, and I believe that he has the right idea. If we had discussed the income tax—I have noticed that that has not been mentioned—I am aware, members, that our Federal government imposes on our industries to such an extent that they cannot stand it much longer, but two cents or three cents to those people who come under that head would not be very much of a detriment to them, and I am not sure that at this time, although it may prolong the session of the Legislature, that this emergency arises.

I have voted conscientiously against the bill. I shall vote against the emergency this morning because I believe in so doing I not only represent the constituency in York County, but I believe I would represent a majority in our State. I may be wrong, but those are the convictions that I have, and I am very glad, Mr. Speaker and Members, that I have had an opportunity to explain my position. I don't want to be against the government; I want to see this Legislature pass a tax bill with which they can face the people, and I believe they will, whether it is a sales tax or any other. That is why I have taken the position that I have. I thank you.

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

Mr. TOTMAN: Mr. Speaker, I will be brief. I think we are all rather exhausted from the pros and cons this morning. Frankly, I am for a sales tax. I don't mind saying it, and mainly because, in spite of all the dire predictions I have heard here today, I happen to have half of my parents living in a state where they have had a sales tax, which disposed of it, and brought it back. There are also twenty-eight states in the United States that have a sales tax, so it can't be the devil that some people try to make it out to be here this morning. It isn't the crackpot theory that the State of Maine is going to impose on the people if

twenty-eight other states also believe in it.

I respect the judgment of the gentlemen here who state quite frankly that they feel they haven't had a fair chance to see whether the income tax or an increase in the property tax is what the members want. I know, from my own personal experience in other political issues in my own home town of Bangor, that when you go to vote on something and the people are confused, the chances are it will be defeated.

Now it seems to me that the critics in this House who believe they haven't had a fair chance to test the income tax, or if the gentleman from Bangor, Mr. Finnegan, and the gentleman from Auburn, Mr. Jacobs, would wish a chance to raise the property tax, why, then isn't the intelligent thing to do to lay this sales tax measure on the table, let the members who propose an income tax and an increase in property tax put it to a test, and as soon as they have voted, then take the sales tax off the table and vote on it? There cannot be any accusations then that we have tried to keep the income tax and the increase in the property tax behind closed doors. I would make that motion, Mr. Speaker.

The SPEAKER: Would the gentleman please state his motion.

Mr. TOTMAN: I would move that this amendment requesting the emergency clause be tabled. I assure the members of the House that as soon as the members who wish to expand their theories on the income tax or an increase in property tax have been heard, I will be glad to immediately remove from the table this amendment.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves House Amendment "P" to Bill "An Act Imposing a Sales Tax," H. P. 1695, L. D. 1273, lie on the table.

Mr. McGLAUF LIN: Of Portland: Mr. Speaker, may I ask a question?

The SPEAKER: The gentleman may state his question.

Mr. McGLAUF LIN: Mr. Speaker, I understand that this amendment does not have to be passed by a two-thirds vote. We aren't up to that point yet. Am I correct?

The SPEAKER: The Chair will inquire if the gentleman makes a parliamentary inquiry?

Mr. McGLAUF LIN: I am asking, Mr. Speaker, if we vote on this amendment it does not require a two-thirds vote for passage.

The SPEAKER: Does the Chair understand that the gentleman requests whether the adoption of the amendment requires a two-thirds vote?

Mr. McGLAUF LIN: I understand it does not, Mr. Speaker.

The SPEAKER: The gentleman is correct; it does not.

Mr. McGLAUF LIN: Thank you, Mr. Speaker.

Mr. CHASE of Cape Elizabeth: Mr. Speaker—

The SPEAKER: The Chair will state that the question is not debatable.

Mr. CHASE: I wish to make a parliamentary inquiry, Mr. Speaker.

The SPEAKER: The gentleman may make his inquiry.

Mr. CHASE: Mr. Speaker, is it not true that if this amendment were now adopted and the bill should go to the Senate that in normal procedure it would be several days before this bill could possibly come back here in the enactment stage?

The SPEAKER: The Chair will inform the gentleman from Cape Elizabeth, Mr. Chase, that if the Senate concurred with the House, it would undoubtedly be several days before the bill returned as an enactor.

Mr. CHASE: Mr. Speaker, I ask for a division of the House on the motion to table.

Mr. BURGESS of Limestone: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. BURGESS: I would like to ask a question through the Chair.

The SPEAKER: The Chair will state that the matter before the House is not debatable.

Mr. BURGESS: It is not my intention to debate it, Mr. Speaker, only to ask a question through the Chair.

The SPEAKER: The Chair will state that the question could be considered debatable.

Mr. BURGESS: May I have the privilege of stating the question, Mr. Speaker.

The SPEAKER: Will the gentleman please state on what grounds.

Mr. BURGESS: Mr. Speaker, I would like to ask the maker of the motion to withdraw it.

The SPEAKER: Does the Chair understand that the gentleman from Limestone, Mr. Burgess, desires to make a parliamentary inquiry?

Mr. BURGESS: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Bangor, Mr. Totman, may answer the gentleman from Limestone, Mr. Burgess, if he wishes.

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

Mr. TOTMAN: Mr. Speaker, in order to make an intelligent answer, I would ask the privilege of speaking to the gentleman from Limestone, Mr. Burgess, if the House would recess for one moment.

The SPEAKER: The Chair will state that the gentleman cannot debate the issue.

Mr. JALBERT of Lewiston: —

The SPEAKER: For what purpose does the gentleman rise?

Mr. JALBERT: Mr. Speaker, to speak on the constitutionality of the tabling of this.

The SPEAKER: The Chair will state that the question before the House is not debatable.

The question before the House is on the motion of the gentleman from Bangor, Mr. Totman, that House Amendment "P" lie on the table unassigned pending its adoption. The gentleman from Cape Elizabeth, Mr. Chase, has requested a division.

All those in favor of House Amendment "P" lying on the table will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Three having voted in the affirmative and one hundred having voted in the negative, the motion to table did not prevail.

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

Mr. BURGESS: Mr. Speaker and Members of the House: What I propose to say to this group perhaps will be embarrassing to me but I do ask your indulgence for a few minutes, believing that I will be able to leave a thought with you that

you will consider over the weekend.

I am a firm believer that criticism that is not constructive is completely worthless and, therefore, I ask you to consider my remarks from the standpoint that they are intended to be constructive in solving the problem with which we are faced.

I am the proponent of an income tax bill and I do not make any claim that I have been mistreated in the manner in which it has appeared from the committee. You have granted me the privilege of tabling to a certain date, next Friday, at which time it will be discussed unless this House wishes it discussed at an earlier date. I do want to ask you to sincerely consider a few points which I am firmly convinced have definite bearing on the method of solving the State's financial needs, and my remarks will be just as true of an income tax measure as they are true with respect to the present program under consideration.

I am a firm believer that the duty and the proper solution to the State's financial problem is to appropriate and tax the smallest amount of money possible to fulfill the statutory requirements of the State and I do not believe for one minute that the party to which I belong nor the members of this House are under any obligation to assess any such tax bill or any such amount as is being proposed.

I am a firm believer that, at this time, the State should not retire from the property tax field, and I will briefly explain my position on that. Now, if there is no other reason than this, I would still be of this opinion, that it is a safeguard against local debt and I further believe that if we repeal the State property tax at this time that at the next town meeting the towns would find that they have waited too long to buy that new fire truck or that new school bus and your taxes would not be reduced one nickel.

This measure it is estimated will produce a revenue in the neighborhood of eleven million dollars. Now, I grant you that that is an estimate and I have no doubt but what it was the best estimate that could be made because I have only

the highest regard for those committee members who have given it such serious consideration. If that is true, I want to ask you to consider whether it is wise to take from the pockets of the taxpayers of Maine in any form that you wish eleven million dollars and turn back to them five and one-half million dollars which represents the State property tax and at the same time provide further services which we are all agreed are heading us into a welfare state. We have discussed here, and I leave it for you gentlemen and ladies to consider over the weekend: Do you want to stop the State from continuing in the direction that it is headed and that is the assessment against the public, the taxpayers, of this amount of money. If you do not, you are then taking a position which is absolutely contrary to what you consider the Federal Government should do.

We haven't been given an opportunity to decide as a House, perhaps we have in our party caucus, whether or not you think it is wise and economically sound and practical to retire from the State property tax and I am going to ask you, if it is in order and at the end of my remarks, if we could be given an opportunity to take an off-the-record vote this morning. That would determine the direction in which you wish the State headed.

We have over the short period of time which I have been reasonably familiar with State affairs allowed a welfare department to increase from two million dollars to the present fifteen or eighteen million dollars and the assessment against the public of this amount of money will continue that and increase it and increase it and you will be back next time raising the rate and appropriating another five million dollars for it.

Now, I say that we are obligated to solve State financial problems but we are also obligated to solve them in the same manner in which we would attempt to solve it were it in our own private business and I say that this is not the way to do it.

Now, the State is in the liquor business, and I am not standing here as a prohibitionist or a teetotaler—I am not, but I say that the State being in the liquor busi-

ness and making it so easy for every Tom, Dick and Harry who can't afford it to buy that bottle of liquor has helped to create this welfare situation. It has caused men to leave their homes. It has caused non-support at the local level. It has done everything that we have hoped to combat, and you are attacking the problem from the wrong end when you say: "Let's continue to sell all the liquor that they want, raise the tax on it and then turn around and assess another tax to assist the families that the same liquor is putting on the relief rolls.

Our present economy in the State of Maine is bolstered considerably by spending of defense money in various parts of the State as well as throughout the Nation, and I haven't heard anyone yet state and I am certain I can't make an accurate prediction and I am not attempting to as to what our economic position would be when this synthetic prosperity is at an end, but I do believe that it will not be maintained at the same level as it is today, that we are going to feel the pinch. We have got to feel the pinch. We can not keep on forever. We will either discontinue our defense armament or we will be in total war and, at the end of that period a drastic setback must come to business throughout the country and especially in the State of Maine.

That is an additional reason why I believe that this House and this Legislature should give up any idea of trying to collect from the people this eleven million dollars and turn back to them five and a half million to put in their pockets, if they will do it, which I know that they won't and you know they won't. You are just kidding yourselves and kidding the public with this idea of solving the State's financial problem in this manner.

Mr. Speaker, if it would be in order and off the record, I would like to ask for a test vote of this House to show their sentiments for the repeal of the property tax. I think that is a major item which we have not considered. I will not press it; if it is not in order I will graciously withdraw the suggestion but, in any event, I would like to

have you consider over the weekend how you would do it if this were your own business and if you will seriously consider it from that standpoint I know that you will not come back here and vote for any tax bill—I don't care whether it is income, sales, or what it is that will take from the taxpayers any such amount of money as this bill proposes to do. It is not sound, it is not practical and the people don't want it. I thank you.

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

Mr. CHASE: Mr. Speaker, some question was raised here in regard to procedure and the right of other bills to have a chance.

Yesterday, two bills were reported out of committee and the report of the committee was published in the newspaper two days ahead of the time those bills came to the floor. I wanted those issues to be disposed of; the sponsors of those bills, the gentleman from Blaine, Mr. Bubar, and the gentleman from Limestone, Mr. Burgess, wanted the issues deferred. They moved to table and to assign for a week ahead. I voted against the motion because I wanted them to be considered at that time. I thought that that was when they should be considered but they, themselves, deferred. Now, I can only surmise what they may have had in mind but it is quite possible from experience in other legislatures that they did not want the matters considered until something else had been acted upon. I am perfectly willing to act on those measures as soon as we can but we can only act upon one thing at a time.

As to the state property tax on which the gentleman from Limestone (Mr. Burgess) wants to take the sense of the House, it will be in order for him to introduce a resolution of some sort to test the sense of the House I presume at some other time but not while a question is pending before the House. If he wants to raise the issue, I would be glad to have a vote on that issue when it can properly be raised.

Now there is just one more thing here that has been said which I think should be corrected in the record. I understood the gentle-

man from Auburn to say that seventy per cent of the State property tax was borne by what he called "big business." In my opinion that statement is not within shooting distance of reality. While the figures cannot be broken down accurately, I doubt if over thirty per cent of the State valuation is represented by industrial property. And while I do not know what he means by "big business," I would venture the opinion that if you took that as any business with total assets of over five million dollars the per cent borne by big business under that definition would be considerably under twenty per cent.

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

Mr. WOODWORTH: Mr. Speaker, if I have followed the proceedings correctly, the question before the House is on the adoption of House Amendment "P", the emergency preamble, so-called. It runs something like this: "Whereas, the essential needs of state government require that additional revenue be raised by this legislature; and

"Whereas, the revenue to be collected under the provisions of this act may not be sufficient to provide for said needs during the next fiscal biennium unless the tax is imposed on retail sales" and so forth.

According to the Appropriations Bill as it has progressed to date, the essential needs of the State are somewhat less than four and one-half million dollars each year. We are asked to pass to meet those needs a tax bill which is estimated to yield ten and one-half millions of dollars. There is a discrepancy of six million dollars and I think the question is pertinent: Why this difference?

We are told that there are hanging in the offing somewhere bills which call for appropriations of several million dollars and that is one item to be considered but I would like to refer, at this time, to the Republican Party Platform. Some of us accepted the tax plank in that platform and some of us did not. I did not but whether you accepted it or whether you did not accept it, it is there on record and since the Republican Party has been told this

morning that it should act as a group, that it was under an obligation to pass this tax, I would like to discuss briefly that platform.

I do not pretend that I am quoting it verbatim but the platform did say that we favored the repeal of the municipal property tax. The platform did pledge the party to repeal that tax. The platform went further and agreed to raise additional revenue or some revenue to take the place of that loss and to meet the demonstrated needs of the State. I think that if that plank means anything the first obligation of the party was to repeal the municipal property tax.

I therefore say that if the sponsors and supporters of this bill want to put themselves squarely before the people on the party's platform, they should demonstrate their good faith by amending this bill by adding to it a provision which would repeal the property tax. Then there might be some reason for that six million dollar discrepancy.

Getting back to this amendment, I think this emergency preamble should include a paragraph which reads something like this: "Whereas, the several municipalities in the State are in urgent need of additional revenue which should require the repeal of the state property tax" and so forth. But I repeat that unless and until this tax bill is amended in such a way as to repeal the property tax on municipalities, no Republican, whether he stood on the platform or not, is under any obligation to vote for this amendment.

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

Mr. **DELAHANTY**: Mr. Speaker and Members of the House: Before I walk the scaffold and hang as was suggested to the Democrats here a while ago I want to have the last word. It may be my last statement with respect to this issue and my life politically.

I would like, at this time, in relation to the debate that has taken place here put a little water into the mirage that the gentleman from Portland, Mr. McGlauffin, feels we are looking for. Also, I should like to point out part of my party's platform. With relation to

taxes and finances my party has said the objectives are:

1. To obtain new revenue by eliminating the waste and inefficiency which admittedly exist in the state departments. That, members, is an admission that has been made by the majority party and we were quick to take advantage of their admission.

2. To avoid a general sales tax or any other tax which is not based upon ability to pay.

3. Full and complete public hearings on any proposal relative to our tax structure.

4. Avoid use of emergency powers to deny the people their constitutional right to pass on new taxes. This, I understand, is the third time the sales tax has come before this House. It is my opinion that when the ball is thrown the third time and you strike at it and miss you are out. I hope that this will be the case with this particular issue.

Your majority Floor Leader has said that the majority party will take the responsibility for enacting this measure. If this measure is enacted, you will assume that responsibility to the people of this State, a responsibility which they do not want you to take because they have indicated many times, if you will listen to the people, that they do not want the sales tax.

I understand and I fully well realize that one party may win an election but it takes two parties to run the State. I came here with that in mind. I have endeavored from time to time to do what I believe the people of this State want to do. I was one who voted for following the Constitution relative to our reapportionment. I believe that those who are on this measure may be divided with respect to that. But, when we hear "8 Cushing" reported to us and then we flagrantly disregard the Constitution, where does that leave us? "8 Cushing", I will have you understand, is one of those things that the prosecution loves to pull out of the law books just about the time that it looks as though they are going to have a hung jury—8 to 4, 9 to 3 or 10 to 2. And generally when that "8 Cushing" is read to you or to the jury, the prosecution will sit back at ease and feel that

he is in a secure position. But "8 Cushing" does not say that you have to defer your opinion when you believe you are right to the opinion of others. You may have your own opinion and you may stick by it and I will admire every one in this House who will stick by his opinion in regard to the measures that we come here to decide.

I have looked over this tax bill; I have gone over it from cover to cover, and, as I look through it, I recall the days of Ancient Rome and Carthage and I recall one particular incident in history and that is the time that the Trojan horse was rolled out onto the people, loaded with enemies, enemies from within, and this bill is attempted to be sold to the people of this State because it is strewn with roses for those who would vote for it, based upon exemptions. Those exemptions, let me tell you, from time to time will be deleted from this bill and then, where are you, those of you who would support it in its present form? But, regardless of this being a Trojan horse, I want to say that there was a remark made here a while ago that this was the Albee bill, so-called. That is the only thing I like about the bill, the reference to it as being the Albee bill, because I have a great admiration for my friend, the gentleman from Portland, Mr. Albee. But, when they come to take it apart or put it together, I think it is the spawn of an unmitigated compromise, a compromise to have those of you who would be against the sales tax follow. You are not here to legislate for your own benefit; you are here to legislate for the benefit of the great people of a great State.

I am not unmindful of two years ago when the Governor stood here and said that a sales tax is a bad tax and this year he had the privilege and he took that opportunity of changing his mind and advocated a sales tax. That was advocated by him following the report of a committee which he appointed. That committee, you will understand, reported but the report of that committee did not reflect the majority opinion of that particular committee.

I have feared to sit here during the long debate and listen to the speeches that were made for fear that I would succumb to the opiate of the plausible sophistry put over on us by some of the members here. I hope that I am able to convince some of you here that the basic theory of taxation is ability to pay and that ability to pay is not represented in this legislative document now under discussion.

We have seen here a bill brought over from the upper branch of this Legislature after the Appropriations Committee reported, a bill which reflected an increase in the amounts set out as being necessary for this State by the Appropriations Committee. The amounts were slightly astronomical, in my opinion; they have been termed, and aptly so, by my good friend and my colleague, the gentleman from Casco, Mr. Hancock, as being fantastic. Those figures were fantastic on Friday, three weeks ago; they are fantastic today. It is my opinion that we do not have to secure for this State revenue to meet those figures that we have set up in our tax bill. It is my opinion that we can roll those figures back to the immediate neighborhood of those set up by the Appropriations and Financial Affairs Committee and when we do that, we will be providing for the needs of the people of this State and we then can find ways of providing for those needs other than through a sales tax. I will be first to combine with any who wish to do so in an effort to relieve the deficit that would be facing us if no new tax was passed.

This measure here is a measure which calls for the relief from the property tax field. Section 34 specifies that the State property tax will be eliminated. I am pleased to say that not only has my party platform indicated that my party is against that but my colleagues in this Legislature have authorized me in the past, and I have done so, to state publicly that we in this House are opposed to the State leaving the property tax field.

I would not take your time to deliver further oratorical remarks to state why we should stay in the field because that was particularly well covered by my friend, the

gentleman from Limestone, Mr. Burgess.

I feel we must now strike a clear and simple statement of our goals and the methods essential to reach them, but the method of reaching those goals is not the passage of a sales tax and I am not here representing any particular pressure groups that would have me do this or do that. I am not making these remarks because they are responsive to ads that have appeared in the paper. I am now acting in response to what I feel is the will of my people, and my people and their will is near and dear to me and I shall ever carry out that will so long as there is a red fibre or a red corpuscle in my body.

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

Mr. SINCLAIR: Mr. Speaker and Members of the House: I am sorry I haven't the oratorical ability of my good friend, the gentleman from Lewiston, Mr. Delahanty, and many of the members who have spoken here today.

As a member of the Taxation Committee, I feel that I should get up and state my position both as a member of that committee and as an individual. I think every member of the House here recognizes the financial position of the State of Maine and I think every member of the House recognizes the consequences of voting for or against this measure. I think the people back home know the conditions in the State of Maine also, and our responsibility is to attempt to solve the situation. I realize there are many people back home who are opposed to the sales tax. I have a number of cards in my desk from people who have said: "Vote 'no' for the sales tax." But if you were to examine those cards, you would see that in ninety per cent of them the address, at least, is written by the same person. I checked on just one of those cards and the statement was that: "Yes, I dropped into the store and he said: 'Send this down to Roy Sinclair, sign your name here.'" They signed it and that is all there was to it.

Now, there definitely is a pressure group attempting to defeat the

sales tax. There is no question about it in my mind and I am willing to go back and face my people and I think there are just as many people back home who are as interested in the financial condition of the State of Maine as they are in this particular sales tax. I have heard it stated this morning that no emergency exists. Well, I ask you, we accepted the Appropriations Bill and we accepted appropriations here and voted to raise a certain amount of money. If that does not create an emergency, I do not know what does because I couldn't do it in my business. If we vote to appropriate or raise more money than is coming in, there is bound to be an emergency. I have heard stated this morning that the poor man spends it all under this bill. I don't think it is fair because the poor man does not spend it all under this bill. The Taxation Committee took into consideration every phase of the economic life of the State of Maine. The poor man does contribute something; he does not contribute it all.

This is not my State of Maine or your State of Maine, it belongs to everybody and everybody should have a share in the State of Maine as well as a share in the country.

I also heard stated this morning that the people know what they want. I think they do know what they want and they want additional services. They have demanded additional services of the Legislature.

We have talked of referendum. I haven't seen any referendum proposed yet—I will take that back, there was a referendum proposed in regard to ADC, education, Old Age Assistance and pauper accounts and so forth but we are expected right here in this Legislature to determine the needs of those departments and we apparently do determine those needs. Why can't we determine the need for raising additional money to meet those needs?

We have heard ability to pay. As I said before, we took into consideration every phase of the economic life of the State of Maine: industry, those people who were earning a comparatively small salary and I think you will find that the majority of the people in the State of

Maine, without these pressure groups, would agree that if this man will pay \$5 a year towards the support of the State of Maine, some other man is willing to pay \$100 a year, but I do not believe that it is good philosophy for the State of Maine to have any one group support all the services that another group is demanding.

In regard to my good friend, the gentleman from Limestone, Mr. Burgess, when he referred to the property tax, stating that the towns would be looking for a chance to buy that new fire truck and so forth, he is right, probably in a good many cases. But there again that is done on the local level and will be decided by the local people and we have heard talk of putting it back to the people. I don't know of any place where the people have a better right to vote than in our town meetings.

One more remark in regard to the amendment before us, my friend, the gentleman from Fairfield, Mr. Woodworth, suggested, it is my understanding, that the tax on state property is levied at each Legislature and there would be a question of repealing the tax. To my knowledge they have not yet levied the tax, so I can't see where that would be needed in this particular amendment.

I don't think this tax is unfair. I think it is a tax which would not hurt the lower group unduly. It should be given very serious consideration. I hope the motion to adopt this amendment prevails.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I just got a call a moment ago from a member of the House that Louis Jalbert get up and speak on this very briefly. I am in a hurry to go home. I asked if he favored the bill and he said: "Yes." I said: "Go home now because I am going to speak on it." Mr. Speaker and Members of the House, I am going to confine my remarks to the amendment, calling for an emergency preamble.

I am well aware of the fact that a few weeks ago I stated that I

felt it was our problem. I didn't mention an emergency preamble to stop the people from initiating a referendum if they wanted to, or from stopping any member of the House from initiating or tagging on a referendum if he wanted to. I stated I was for a major tax bill. I am. I shall vote for one, although I know that I have been waiting, as I stated, and asked the Taxation Committee where some of those bills are that some of us might like to vote on.

I will, however, when the Appropriations Bill rears its head back here, make an attempt to again amend the bill.

The Constitution of Maine states very clearly that an emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety and shall not include an infringement of the right of home rule for the municipalities through a franchise or a license to a corporation or an individual to extend longer than one year or three the provision for the sale or purchase or earning for more than 5 years of real estate and so forth. The word "immediately"! Does it become immediately necessary to tax the people who purchase from twenty-five to seventy-four cents' worth one cent? Does it become an emergency to tax the people who buy from seventy-five cents worth to a dollar and twenty-four cents' worth two cents? Does it become an emergency to add one cent tax plus the above rate for such fifty cents or fraction thereof exceeding \$1.24? Does it become an emergency to tax the sales of medicines sold on doctors' prescriptions? To exempt from that tax those people? Does it become an emergency to exempt the sales of liquor, sales of spirituous or vinous liquors sold in stores operated by the State Liquor Commission? Does it become an emergency to exempt from the bill, and I stated publicly my opinion of the members of the Third House in that I feel that we in Maine enjoy one of the finest lobbies in the country, but does it become an emergency to exclude containers and wrappings and shippings to please the gentleman in the corner? Does it become an

emergency to immediately go out of the property tax field?

Mr. Speaker, on the basis that this amendment is unconstitutional, I move its indefinite postponement and I ask for the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the indefinite postponement of the amendment.

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

Mr. BROWN: Mr. Speaker and Members of the House: Now that I have been told that I am going to be hung, I am going to stick my neck out and let them tie the rope on. That reminds me of a little joke I heard here a while ago about a fellow who was about to be hanged, and the Judge told him, when he sentenced him, that he would allow him to choose the kind of a bush that he wanted to be hung to. The fellow thought a moment and he said: "I choose a gooseberry bush". The Judge said "It isn't big enough or strong enough to hold you." The fellow said: "Wait 'till it grows." (Laughter.)

The reason I suppose that we are going to be hung is because we who ran on the Republican Ticket didn't go along with this. I consider that I am as good a Republican as there is in the State of Maine, and I intend to remain that way. To me, that doesn't mean anything because it isn't the voice of the Republican people in the State of Maine. It was concocted in the night down to Portland. It was brought on the floor of the Convention, and before anyone had a chance to say "aye" the gentleman who is wielding the gavel said: "The motion is carried", and we were supposed to run for office on that platform.

I have held office in some form or other ever since I was twenty-two years old with the exception of seven years. I have always stood on things as I saw them, not swayed by any pressure group, and I don't intend to be swayed by any pressure group, whether it be the Republican Party or what it is, in the State of Maine at this time either.

Last Saturday I happened to be home. A certain gentleman who thinks he is in the "know" in the

State of Maine came to me and said: "Brownie, you had better get on the bandwagon because if you don't your political future is cut right off right now." Well, if I have got to sell down the river the people who elected me and have known my stand ever since I have been in this Legislature, then my political future is done when this Legislature adjourns, but I still have faith in my people; I have got the faith that they do not want a sales tax in the State of Maine, and that is the reason I am standing here today, talking the way I do. If I thought the majority of the people in my district wanted a sales tax, then I certainly would be here voting for it.

I wonder just where we are going, and those are just the words I used in the Ninety-third Session, and the words I used in the Special Session. I wonder where we are going! Now we have all got gray-headed, and a lot of us have lost our hair; fortunately, I haven't, and I am getting up there to the age where maybe I should have lost it before this. Though we have lost our hair and gotten gray-headed, because in this country they have been spending and spending and that has been the theory, that in order to have you have got to spend, and where has that program got us? Right into the very state that we are in at the present time.

We say there is need. There is always going to be need, but today we are building a need that we are trying to raise the tax here today to pay for.

Ever since I have been in this Legislature I have been labeled as one of the "Economy Bloc." I don't know whether there is any economy bloc here or not, but I believe economy is always in the picture and always will be if we expect to have sound government, but in the two sessions of the Legislature that I attended I have not seen any move by this Legislature to bring about a program of economy, and that is my gripe with government today.

Today the legislative branch of our government, whether it be Federal or State, is lying down on the job, and the Executive Branch is running it. The budget that we have before us today is the budget

that is recommended by the Department Heads. Naturally, they are not going to advocate a budget that is within reason. We are going on and are going on until our very security that we are all striving for is going to be knocked right out from under us, and I wonder where we are going to be then?

We can pass a sales tax here today. In four years' time, and maybe a shorter time than that, you are going to be back and you are going to be asked to pass further measures to carry on the load that is continually and continually piling up on us. If we cannot, under the times that we are in today, with jobs open for everybody who wants to take a job, if we cannot finance the burden today, what are we going to do, Members of this House, when we have taxed everything in the picture and then we find no money when this time arrives where there are plenty of hungry people, and we know what that time is — we all went through it back here a few years ago? I may be all wet. I don't know too much about finances. I don't know too much about taxation, but I think a little common sense tells us that this State, nor this Nation, can go on the way they are going because, as I said before, the very security that we are striving for is vanishing, so I want to state right here and now that I am going to be opposed to the passage of a sales tax and utterly opposed to this amendment.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, I move that the House recess until 2:15 P.M.

The SPEAKER: The gentleman from Biddeford, Mr. Nadeau, moves that the House recess until 2:15 P.M. All those in favor of the motion will say aye; those opposed, no.

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

Mr. NADEAU of Biddeford: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Biddeford, Mr. Nadeau, moves the previous question. In order for the Chair to entertain the motion for the previous question, it requires the consent of one-third of the members present. All those 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? I think it is well for the Chair to inform the House that the main question before the House is on the passage of Bill "An Act Imposing a Sales and Use Tax" to be engrossed. The subsidiary motion ahead of it is on the motion of the gentleman from Lewiston, Mr. Jalbert, who moved the indefinite postponement of House Amendment "P" and has requested a ye and nay vote. If the main question is ordered, there will be no more amendments offered; it will preclude any further offering of amendments.

Now the question before the House is: Shall the main question be put now? All those in favor of the main question being put now will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Mr. HAWKES of Saco: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. HAWKES: To ask if you will again explain the motion, because some of us are confused.

The SPEAKER: The Chair cannot entertain the motion at this time.

One having voted in the affirmative and fifty-five in the negative, the motion that the main question be put now does not prevail.

The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "P" be indefinitely postponed, and the same gentleman has requested a roll call. 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.

Mr. DELAHANTY of Lewiston: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. DELAHANTY: Mr. Speaker, I have an order that I will present later, indicating that—

The SPEAKER: Will the gentleman defer the order?

Mr. DELAHANTY: Mr. Speaker, it relates to the matter we are now to consider. Two members of the House are absent and I wanted to announce that they are paired off and how they would vote if they were here.

The SPEAKER: The gentleman may make the announcement.

Mr. DELAHANTY: Mr. Speaker, the gentleman from Bucksport, Mr. Pierce, would vote nay; the gentleman from Sanford, Mr. Letourneau, would vote yea.

The SPEAKER: Is the House ready for the question? The pages will bring the forms to any who desire.

The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "P" to Bill "An Act Imposing a Sales and Use Tax," H. P. 1695, L. D. 1273, be indefinitely postponed. As many as are in favor of the indefinite postponement of House Amendment "P" will say yes when the Clerk calls the roll; those opposed will say no. The Clerk will call the roll.

ROLL CALL

YEA—Albert; Brown, Baileyville; Bubar, Bucknam, Burgess, Castonguay, Chaples; Chase, Belgrade; Clapp, Cote, Delahanty, Dorsey, Dostie, Duquette, Edwards, Fay, Fenn, Finnegan, Fogg, Frechette, Hamilton, Hancock; Hanson, Lebanon; Hanson, Machiasport; Harding, Jacobs, Jalbert, Kelly, Latno, Lessard, Littlefield, Madore; Martin, Eagle Lake; Moffatt, Nadeau, O'Dell, Parent, Rollins; Senter, Brunswick; St. Pierre, Thomas, Jr., Turner, Walls, Williams, Woodcock, Woodworth.

NAY—Albee, Archer, Bailey, Barton, Bates; Bearce, Caribou; Bearce, Hebron; Berry, Boothby, Bradeen; Brown, Robbinston; Brown, Wayne; Burkett, Campbell, Carter, Carville, Caswell; Center, Standish; Chase, Cape Elizabeth; Chase, Whitefield;

Clements, Cobb, Cole, Crabtree, Daggett, Davis, DeBeck, Dennison, Dickey; Dow, Falmouth; Dunham; Fuller, Bangor; Fuller, South Portland; Gay, Gosline, Gowell, Hall, Hand, Hawkes, Hayes, House, Hussey, Ingraham, Jacoby, Jamieson, Jennings, Keene, Knapp, Lackee, Larabee, Lovely, Low, Ludwig, Macomber, March; Martin, Augusta; Martin, Frenchville; Maxwell, McGlaufflin, Morneault, Moulton, Nowell, Parker, Patterson, Perry, Peterson, Philbrook, Plummer, Ricker, Robbins, Roberts, Roundy, Sanborn, Sinclair, Spear, Stewart, Story; Taylor, Lyman; Taylor, Norridgewock; Totman, Travis, Vaughan, Wallace, Watson, West, Winchenpaw.

ABSENT — Couture; Dow, Eliot; Emerson, Farley, Gerrish, Gilman, Jones, Lacharite, Leavitt, Letourneau, Lord, Maguire, Phillips, Pierce, Potter, Stevens, Wood.

Yea 46, Nay 86, Absent 17.

The SPEAKER: Forty-six having voted in the affirmative, and eighty-six having voted in the negative, seventeen being absent, the motion to indefinitely postpone House Amendment "P" does not prevail.

The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House adopt House Amendment "P". All those in favor of adopting House Amendment "P" will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and House Amendment "P" was adopted in non-concurrence.

The SPEAKER: The question before the House is on the passage of the bill to be engrossed.

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

Mr. FENN: Mr. Speaker and Members of the House: Now it seems to be the vote of this House to push things along pretty quickly. In the meantime, I would like to call your attention to something that I think ought to be considered. That is regarding food. There are a lot of people who can't eat in their own homes; there are a lot of people who have to eat out, people that are going to work, going to and from work, eating in diners and restaurants, and so forth. As our good friend, the gentleman from Ellsworth, Mr. Dunham, pointed out, there are a lot of people who do not drink, who don't

smoke and don't have property, but they all have to eat.

Before the Welfare Committee this winter we sat and listened to many, many cases coming either for an increase in a pension or asking for a pension, people who scrutinized the cost of living of food and they can't eat in their homes, some of them do not even have stoves in their homes. They have to go out and eat at a restaurant or diner and I don't think it is fair to tax them with their small amount of money, to make them taxable for the food that they are trying to exist on.

Another thing I would like to point out to you is that the State of Maine advertises for everybody to come to "Vacation Land." Sure, come to Vacation Land and we will tax you to death, even the food that you eat in our gracious State. I think that that is going a little bit too far. I would like to have and I present to the House, House Amendment "Q" and move its adoption.

The SPEAKER: The gentleman from Bath, Mr. Fenn, presents House Amendment "Q" and moves its adoption. The Clerk will read the amendment.

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

House Amendment "Q" to H. P. 1695, L. D. 1273, Bill "An Act Imposing a Sales and Use Tax."

Amend said Bill by striking out the last underlined sentence of the 2nd paragraph of subsection III of that part designated "Sec. 10" and inserting in place thereof the following underlined sentence:

"Food products" also shall include meals served on or off the premises of the retailer; or drinks or food, furnished, prepared, or served for consumption at tables, chairs or counters, or from trays, glasses, dishes or other tableware provided by the retailer.'

Further amend said Bill by striking out the last paragraph of subsection III of that part designated "Sec. 10"

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

Mr. SINCLAIR: Mr. Speaker and Members of the House: We have had this amendment before us

before for consideration. It has been in the Senate; they considered this very carefully in the committee. I recognize what the gentleman from Bath, Mr. Fenn, says in regard to the number of people whom it may help. I would like to point out to you that the number of people who eat out, in my opinion, because of necessity, that is, because of their work, and so forth, would be a small amount, a small number of people, compared to the number of people who eat out on a so-called luxury basis.

I pointed out the other day that this, as near as we could figure out, would mean approximately \$600,000 taken off this bill. I do not believe in creating hardship for those people who do have to eat out and I call your attention to the fact that it would be very difficult to legislate for every individual group and have this bill or any bill cover everybody. In regard to the tourists who come into the State of Maine, I might say that when I go to Boston I pay a five per cent tax and I don't think that would be asking too much to have people pay a tax on the meals when they come into the State of Maine. In the same way, when I go to New York, or New York City, or some of these other states that do have a sales tax, I don't believe I drive out around them to avoid paying that sales tax. I move for the indefinite postponement of House Amendment "Q".

The SPEAKER: The gentleman from Pittsfield, Mr. Sinclair, moves that the House indefinitely postpone House Amendment "Q", to Bill "An Act Imposing a Sales and Use Tax." 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 "Q" was indefinitely postponed.

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

Mr. CASTONGUAY: Mr. Speaker and Members of the House: I have been here now approximately over three months. I was here at the last session. I learned a lot two years ago and I learned through

my so-called young life—I think I am still a fairly young man, at least in mind—that the best way to learn is to listen so that is all I have done, I have sat here and listened. I think it is about time for me to get on my feet and put in my two cents worth in here. If we are going to raise this money which I don't believe we need at all, there is no question in my mind that we need some of it, but not all we are trying to raise and also to explain my position on the stand that I have taken against this sales tax two years ago and again this session, being accused of being a Democrat, which I am not. I am a Republican, as good as any Republican in this House, and I will stand to defend that any time with anybody. I have a right to my own opinion and I exercise that right as I see fit. I am not committed to anybody or to any party. Mainly, first I am an American. I am down here representing all the people, not the Democrats or the Republicans.

We have wasted a lot of time. If we have got a lot of money to give away, let's give it to the veterans a little bit. I would like to present House Amendment "R" and move its adoption.

The SPEAKER: The gentleman from Waterville, Mr. Castonguay, presents House Amendment "R" and moves its adoption. The Clerk will read the amendment.

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

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

Amend said Bill by adding after that part designated "Sec. 34" a new section to read as follows:

'Sec. 35. Veterans' bonus. From the proceeds of the taxes collected under the provisions of this chapter, \$9,000,000 shall be earmarked for the payment of a bonus to veterans of World War II. Such \$9,000,000 shall be accumulated until January 1, 1955 at which time the above mentioned bonus shall become due and payable.'

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I do not have, personally, much doubt as to

where this amendment will end. Please do not misunderstand me for standing up. I am not trying to unnecessarily take time. However, I would like to say—because I haven't heard it said in this House so far—that the World War II veteran, at least some of them, think they were treated very generously; that they do appreciate the generous treatment that they received, and as one such World War veteran, I would like to say publicly on the record that I thank the United States of America for what I received and over my dead body will I ever vote for any bonus.

Now, I felt rather guilty the other day when I had to think that we were cutting the World War I veteran, whom I frankly believe did a great deal to get the World War II veteran the Bill of Rights. I felt just a little bit guilty. When I analyzed the bill and understood that if there were any cases of need the World War I veteran would be exempted, I felt that the bill was for the best of the veterans of the State of Maine. But, when anyone mentions to me giving a World War II veteran any more than he receives, after I got part of my college education, was able to buy my home without any down payment, was able to get reduced life insurance, I could go on, I don't know how many benefits we received then someone suggests that we get a bonus; I repeat, over my dead body will I ever vote yes, and I move the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that House Amendment "R" to Bill "An Act to Impose a Sales and Use Tax" be indefinitely postponed.

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

Mr. CASTONGUAY: Mr. Speaker and Members of the House: I am in just as much of a hurry to go home as anybody else, I know it is about time. They feel they are getting dried up. I was told what five, ten or twelve years ago, the procedure was here at the Legislature, I learned for myself two years ago. Things started moving awfully fast the last two weeks. I went along with them; I wanted to get out. I was sick of it. I am sick

of this session too, but, nevertheless, people have voted for me and I think it is a responsibility I owe them if it takes two years of my time, I think that is what I ran on the ticket for.

The early part of the week, we took some benefits away from the veterans, there is no question that the majority voted that way so the bill must merit the price, but I see no reason especially why my friend from Bangor, Mr. Totman, should make the remarks that he made. I, as one veteran, took his remarks as expressing his own opinion. There are 90,000 veterans in the State of Maine, he is only one of them and I assure you to get the opinion of every veteran out of 90,000 you would get more than one who feels the same way either. But, it would certainly not be in the majority and I guarantee you that.

Therefore, Mr. Speaker, for the sake of the record, when the vote is taken, I request the yeas and nays.

THE SPEAKER: Does the Chair understand that the gentleman from Waterville, Mr. Castonguay, requests the yeas and nays.

MR. CASTONGUAY: I do, Mr. Speaker.

The gentleman from Waterville, Mr. Castonguay, has requested a roll call. As many as are in favor of having the vote taken by the yeas and nays will kindly rise.

Less than one-fifth arose.

THE SPEAKER: Obviously less than one-fifth of the members having risen, the yeas and nays are not ordered.

The question before the House is on the motion of the gentleman from Bangor, Mr. Totman, that House Amendment "R" be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mrs. Fay.

Mrs. FAY: Mr. Speaker and Members of the House: I have not been a talker at this session; I have been a listener. I have also wanted to vote for all amendments presented. I feel that we should do that because I am against imposing any new revenue or passing any. Now, this amendment I would vote for but, seeing that it is the majority feeling of this House and also the Senate that we shall take away

from the people the privilege of whether they are to be taxed or not, I think the word "veterans" should be crossed out and say that the money should be returned to the citizens of Maine who are being disfranchised. (Applause)

THE SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Totman, that House Amendment "R" presented by the gentleman from Waterville, Mr. Castonguay, 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 "R" was indefinitely postponed.

THE SPEAKER: The question before the House is on the passage of Bill "An Act Imposing a Sales and Use Tax", H. P. 1695, L. D. 1273, to be engrossed.

Is the House ready for the question?

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

MR. DOW: Mr. Speaker and Members of the House: The only excuse I have to offer for rising at this time is because it is possibly the last opportunity to present what I have in mind.

It has been stated in this House and repeated substantially in the press that the committee heard the lobbyists from all the big corporations in secret session, or something to that effect. I didn't suppose at the time that remark called for any answer. But, since it came out in the press and since I have heard some indications later in the corridors and elsewhere, I want to say that the Taxation Committee has no apologies to make for any of its actions but that statement may be considered true so far as it went in that we did have representatives of big corporations behind closed doors. Those representatives came at the invitation of the committee, bringing figures as to what certain things that they had bought in the last year had cost, in order to get an estimate of what the tax would be on those things because we wanted to be fair to industry and still we wanted them to pay their part. Those men came not to argue with

the committee but they came and presented their figures as they had been asked to do, one at a time, and then went out.

I hope the impression that the members of the committee were being influenced by lobbyists will be cleared up.

The SPEAKER: Is the House ready for the question?

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

Mr. GAY: Mr. Speaker, I present an order and move its passage.

The SPEAKER: The gentleman from Damariscotta, Mr. Gay, requests unanimous consent, under suspension of the rules, to present an order out of order. Is there any objection? The Chair hears none. The Clerk will read the order.

ORDERED, the Senate concurring, that an invitation be extended to General of the Army Douglas MacArthur to address the members of the 95th Maine Legislature during his scheduled visit in New England, and that the President of the Senate and Speaker of the House be and are hereby authorized to extend said invitation. (H. P. 1777)

Thereupon, the order was received by unanimous consent out of order, read and passed and sent up for concurrence.

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

Mr. ROLLINS: Mr. Speaker, I think the remarks—I didn't see it in the press—but the remarks were made on the Floor of the House by myself about the lobbyists being called in, one at a time, and it is quite evident by the exemptions in this bill that you now have before you that there was quite a lot of appeasement to the corporations. The gentleman from Falmouth, Mr. Dow, didn't deny that they were in there. I spoke nothing but the truth. I just put this on the record. Thank you.

The SPEAKER: Is the House ready for the question?

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

Mr. DELAHANTY: Mr. Speaker, I ask that when the vote is taken it be by roll call and I want to announce again the vote of the two members who are absent today, that the gentleman from Bucksport, Mr. Pierce, would vote yes and the gentleman from Sanford, Mr. Letourneau, would vote no if they were present.

The SPEAKER: The gentleman from Lewiston, Mr. Delahanty, has requested a roll call on the passage to be engrossed of Bill "An Act Imposing a Sales and Use Tax", H. P. 1695, L. D. 1273.

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, as amended by Senate Amendments "B", "H", "I" and "K" and as amended by House Amendment "A", and House Amendment "D" as amended by Senate Amendment "A" thereto and House Amendment "p".

As many as are in favor of the passage to be engrossed will say yes when their name is called and those opposed will say no. The Clerk will call the roll.

ROLL CALL

YEA—Albee, Archer, Bailey, Barton, 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, Daggett, Davis, DeBeck, Dickey, Dow, Falmouth; Dunham; Fuller, Bangor; Fuller, South Portland; Gay, Gosline, Hall, Hand; Hanson, Machiasport; Hayes, House, Hussey, Ingraham, Jacoby, Jamieson, Jennings, Keene, Knapp, Lackee, Larrabee, Lovely, Low, Ludwig, Macomber, March; Martin, Augusta; Martin Frenchville; Maxwell, McGlauffin, Morneault, Moulton, Nowell, Parker, Patterson, Perry, Peterson, Philbrook, Plummer, Rickner, Robbins, Roberts, Roundy, Sanborn, Sinclair, Spear, Stewart, Story; Taylor, Lyman; Taylor, Norridge-wock; Totman, Travis, Vaughan, Wallace, Watson, West, Winchenpaw.

NAY—Albert; Brown, Baileyville; Bubar, Burgess, Castonguay, Chaples; Chase, Belgrade; Clapp, Cote, Delahanty, Dorsey, Dostie, Duquette, Edwards, Fay, Fenn, Finnegan, Fogg, Frechette, Gowell, Hamilton, Hancock; Hanson, Lebanon; Harding, Hawkes, Jacobs, Jalbert, Kelly, Latno, Lessard, Littlefield, Madore; Martin, Eagle Lake; Moffatt, Nadeau, O'Dell, Parent, Potter, Rollins; Senter, Brunswick; St. Pierre, Thomas, Jr., Turner, Walls, Williams, Woodcock, Woodworth.

Absent—Brown, Robbinston; Couture, Dennison; Dow, Elliot; Emerson, Farley, Gerrish, Gilman, Jones, Lacharite, Leavitt, Letourneau, Lord, Maguire, Phillips, Pierce, Stevens, Wood.

Yea 84, Nay 47, Absent 18.

The **SPEAKER**: **Eighty - four**

having voted in the affirmative, forty-seven having voted in the negative, eighteen being absent, the bill is passed to be engrossed as amended in non-concurrence.

Thereupon the bill was passed to be engrossed as amended by Senate Amendments "B", "H", "I" and "K" and as amended by House Amendment "A" and House Amendment "D" as amended by Senate Amendment "A" thereto, and House Amendment "P" in non-concurrence and sent up for concurrence.

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until Monday, April 23, at 4:30 o'clock in the afternoon.