

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, April 21, 1937

Senate called to order by the President.

Prayer by the Reverend A. T. McWhorter of Augusta.

Journal of yesterday, read and approved.

Paper from the House disposed of in concurrence.

From the House:

Joint Order (S. P. 526) Relative to Returning of Legislative Document 970 from House to Senate.

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, that body voted to recede and concur with the House in the indefinite postponement of the order.

From the House:

Bill "An Act Relating to Local Option Provisions," (S. P. 515) (L. D. 1045)

(In Senate, passed to be engrossed as amended by Senate Amendment "A.")

Comes from the House, Senate Amendment "A" indefinitely postponed, and the bill as amended by House Amendments "B" and "C" passed to be engrossed in non-concurrence.

Mr. TOMPKINS of Aroostook: Mr. President, as this bill, Legislative Document number 1045, has been mutilated beyond recognition by even its best friends, since you and I, Mr. President, together with our mutual friend on my right, the Senator from Aroostook, Senator Ashby, the only real opponents of the personnel bill in the Senate, would like to get up home and cut some potato seed, and being desirous of keeping down the state's expense and also reducing to a minimum the work in the Secretary's office, I hereby move that this bill be indefinitely postponed.

Mr. OSGOOD of Oxford: Mr. President, I move that the Senate recede and concur with the House. This bill, in the original form, set up four local option questions and I was the one to introduce this bill for the reason that in several of these small towns last fall they were selling beer in package goods and also in the so-called beer taverns and a number of these towns

voted dry because they were opposed to the beer tavern, and they felt that if they could have the fourth local option question they would set up the stores, so I introduced the bill to set up the fourth local option question. When the bill came out in the new draft there was another provision attached to it. Therefore, I move that we recede and concur with the House.

Miss LAUGHLIN of Cumberland: Mr. President, I move that this bill be laid upon the table until later in the day. My reason is that when I was talking with the Senator from Aroostook, Senator Tompkins, I agreed that my position would be for indefinite postponement. Since then, in talking with a member of the House this morning, he informed me that there was another bill which took care of the very options of that bill which had been cut out by the House, and I would like to have time to look that up because in the absence of any index I have no information as to where to find it without consulting the document, so I move that it be laid upon the table until later in the day.

Thereupon, the bill was laid upon the table pending motion to indefinitely postpone, and this afternoon assigned.

Passed to be Enacted

Bill "An Act to Provide for Annual Audits in Cities, Towns, Plantations, and Village Corporations," (S. P. 408) (L. D. 796)

Bill "An Act Relating to Outdoor Advertising." (S. P. 511) (L. D. 1035)

Bill "An Act Relating to Bastard Children." (H. P. 1415) (L. D. 603)

Bill "An Act Relating to Mileage Compensation." (H. P. 1761) (L. D. 871)

Bill "An Act Relating to the Ferry between Indian Island and Old Town." (H. P. 1870) (L. D. 1041)

Bill "An Act to Provide a Census of Crippled Persons." (H. P. 1871) (L. D. 1042)

Bill "An Act Relating to Exemptions from Taxation." (H. P. 1872) (L. D. 1043)

Which bills were severally passed to be enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

The PRESIDENT: If there is no further business to come before the Senate at this time, the Senate will recess to respond at the sound of the gavel.

After Recess

The Senate was called to order by the President.

Additional House Paper, out of order and under suspension of the rules:—

Report "A" of the Committee on Taxation on bill "An Act to Guarantee a Minimum Educational Program and to Provide for the Equalization of Educational Opportunity for the Youth of the State of Maine," (H. P. 1821) (L. D. 955) and bill "An Act to Provide for Old Age Assistance," (H. P. 1863) (L. D. 1029) with instructions to consolidate the same with revenue provisions reporting a Consolidated bill "A" under title of "An Act to Provide for Old Age Assistance, to Guarantee a Minimum Educational Program and to Provide Revenues therefor by Means of Miscellaneous Taxes," (H. P. 1884) (L. D. 1058) and that it ought to pass.

Report "B" of the same Committee on same bills with same instructions reporting a Consolidated bill "B" under title of "An Act to Provide for Old Age Assistance, to Guarantee a Minimum Educational Program to Relieve Property from its Present Burden of Taxation and to Provide Revenues Therefor by Means of a Sales Tax," (H. P. 1883) (L. D. 1059) and that it ought to pass.

Comes from the House, Report "B" having failed of acceptance.

Report "C" of the same Committee on same bills with same instructions reporting a Consolidated bill "C" under title of "An Act to Provide for Old Age Assistance, to Guarantee a Minimum Educational Program to Relieve Property from its Present Burden of Taxation and to Provide Revenues therefor by means of Sales and Income Taxes," (H. P. 1885) (L. D. 1060) and that it ought to pass.

Comes from the House, report "C" having failed of acceptance.

Comes from the House, Report "A", "Ought to Pass" read and accepted, previous to which, Reports "B" and "C" failed of acceptance,

and (H. P. 1884) (L. D. 1058) passed to be engrossed as amended by House Amendments "A" and "B".

Mr. BLANCHARD of Franklin: Mr. President, I move the adoption of Report A as amended by House Amendments A and B.

Mr. FERNALD of Waldo: Mr. President, I move that the matter be indefinitely postponed and ask for a roll call.

The PRESIDENT: The Senator from Franklin, Senator Blanchard, moves the adoption of Report A, "Ought to Pass," on Legislative Document 1058, and the Senator from Waldo, Senator Fernald, moves for the indefinite postponement of the report "Ought to Pass" and asks for a roll call. Before a roll call can be taken it must be ordered by the affirmative vote of one-fifth of the members of the Senate present. Is the Senate ready for the question?

A division of the Senate was had.

A sufficient number obviously having arisen, the Yeas and Nays were ordered.

Mr. FRIEND of Somerset: Does this motion refer to the recent amendments A and B or just to Report A?

The PRESIDENT: The motion to indefinitely postpone applies only to Report A, which is the acceptance of Legislative Document 1058.

Mr. FRIEND: And that is the miscellaneous bill?

The PRESIDENT: It is on the report only, which is "Ought to Pass"; acceptance of the "Ought to Pass" report on the miscellaneous tax bill.

Mr. ASHBY of Arrostook: Mr. President, they have got me all balled up on this alphabetical soup and I want to know just what we are voting for. Are we voting to postpone the combination sales and income tax or the miscellaneous tax?

The PRESIDENT: The Senate is about to vote on the acceptance of a report of the Committee on Taxation, which report is that Report A should be accepted, and the Senator from Waldo, Senator Fernald, has moved for the indefinite postponement of the acceptance of Report A.

Mr. ASHBY: Now, Mr. President, I want to know just what Report A is.

Mr. FERNALD: Mr. President, in order that we may clarify matters and vote on the other two matters which the House took up first and

which would be the logical procedure here, I move that this matter under consideration now lie on the table and that we take up the other two questions, and that will take care of the situation, Senator Ashby.

Mr. ASHBY: Good. I am glad that somebody is taking care of it.

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that Report A be laid upon the table pending the motion to indefinitely postpone the acceptance of Report A.

Mr. WILLEY: Mr. President, I now move that we recess for ten minutes.

A viva voce vote being had, The motion to recess did not prevail.

Mr. BURKETT of Knox: Mr. President, are we voting on Report B or Report A?

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that Report A be laid upon the table pending the motion to indefinitely postpone acceptance of Report A. Is the Senate ready for the question?

A viva voce vote being had

The motion to table Report A prevailed.

Mr. FERNALD: Mr. President, I now move that Report B be indefinitely postponed, and I understand that this is the sales tax proposition; and I ask for a roll call because I think that we want to go on record.

Mr. SEWALL of Sagadahoc: Mr. President and members of the Senate, I signed Report B of the committee, favoring the general sales tax. Frankly, it is with a heavy heart that I did it because I think none of us really wants to levy additional taxes on the people of Maine at this time. But, during the past few months we have established and set up new services of government, in compliance with what I consider our party pledge we have placed Old Age Pensions on a permanent basis, and I don't think that only applies to the Republicans. I believe that the Democrats are more or less pledged to the same general development.

The plan that we have accepted will provide for additional pensioners to the extent of about four-fold of the number that are on now, and will require two million dollars per year. In response to the leaders of

education we have found it wise to at least start on an equalization program. At the last session I resisted that thought, but it seems to me that for the youth, the children of Maine, and in accordance with those who really know more about education than I do, we should consider that and anyway, we have, and that is \$500,000 a year. So now we arrive at a point where the tax must be considered, the bill submitted. I, for one, do not want to favor appropriations and fail to provide money therefor. Whereas it was difficult to come to that conclusion, it was almost doubly difficult on the Committee on Taxation, to decide which of the various plans would be fairest and most equitable and most bearable. But after looking them all over, I signed this report, and for what it may be worth, I feel I should give my reasons therefor although I realize that Report B is probably not the popular report, and although I realize that many of you will not be in accord with my reasons.

First, on the proposition of an income tax; now, as you all know, there have been many figures submitted showing or indicating the gross that Maine might expect in this tax alone, from the original figure of around \$100,000 up to well over a million dollars. After giving considerable study to these figures, it seems to me that there will not be much chance of really grossing more than \$850,000 a year out of this tax. Now, this is only your gross figure and we have got to remember at the present time there are \$362,000 or thereabouts collected in your various towns of Maine under so-called taxes on intangibles, and all agree, including the proponents of the income tax, that this amount must certainly, in fairness, be subtracted from the total gross, or in some way be returned either to those towns who are now collecting it, or have the income tax serve in lieu of that tax. Coming from one of those towns which is collecting from these individuals today, under this tax it would seem to me very unfair to penalize that town by making them forfeit this amount. So I think we all agree, both sides, that this figure of \$362,000 should be deducted from your gross and then you are down to about \$500,000 as a net. You have expenses in collection of intangible taxes, and other expenses to deduct so you would

probably arrive at a figure of \$400,000 or less as net.

Now, at the present time, it is my understanding that Maine is receiving each year from residents who do not make their money in Maine, but who come to Maine, inheritance taxes from which we are receiving about \$375,000 a year, and that is growing very rapidly and there is every indication that that will arrive at six or seven hundred thousand in the quite near future. So it seems to me that for the purpose of getting \$400,000 we are, in fact, jeopardizing the receipt of \$700,000, and it just doesn't look like good business to Maine. You may say that a bird in the hand is worth two in the bush, and you would rather have \$400,000 than wait for the other figure. But believe me, there is nothing surer than death and taxes, and I believe with a little patience, Maine will be much better off leaving it as it is, and its wealth will be more than it would be under this suggested plan. Inasmuch as we, in my opinion, while we would make money by an income tax, I believe it would be probably an ill advised policy to take it on at the present time.

Regarding the selective sales, I grant that sounds attractive. The sound of a luxury tax is attractive. The point, of course, is raised—you talk about movies and cigarettes and say that they do not have to smoke and do not have to go to the movies, but as I saw the arguments unrolled, I became pretty well convinced that whereas they do not have to do these things, they do do them, and in the final analysis, there are more people in the lower brackets of income that are smoking cigarettes and going to the movies than there are in the upper brackets for the simple reason that there are more people in the lower brackets, and therefore, a tax on these special activities, in my mind, is an unduly heavy tax on your lower brackets, with no compensation or compensatory features which bears down harder on your upper brackets. So it does not seem to me to be a very fair solution.

So, finally, I admit that the general sales tax seemed to me fairest because in the final analysis, when you consider our tax base, it seems to me what we have got is a very small group of quite rich people, and unfortunately, a somewhat larger group—but not terribly large

—of desperately poor people, and the great other group known as John Q. Public. Now, in the final analysis, your general sales tax is a forthright, open, honest and graduated tax on those groups who are spending and can spend. It runs from the lowest to the highest, and the fellow that spends ten times as much pays ten times as much to contribute to the support of his government. And for the fellow who is in the desperately poor brackets, the tax itself is designed, and the service that is supported by the tax is to help that man. So I feel that whereas I am somewhat sad to speak in favor of any tax, I nevertheless feel that I shall return home after finally having gone on record in favor of this, in the belief that I have really favored in my mind the fairest tax that is before us, the tax that spreads the burden most equitably over those groups who can pay, and the one that will enable us to give some measure of social security and help to those who can't, and I therefore hope the motion of the Senator from Waldo, Senator Fernald, to indefinitely postpone Report B—I believe that is the motion—does not prevail.

Mr. BURKETT of Knox: Mr. President, as a member of the Taxation Committee I wish to say that we were equally divided on the matter of the sales tax and other taxes. Now, I am utterly opposed to the sales tax and I am fully convinced in my own mind, from reports that I have had, that a majority of the people of Maine are opposed to a sales tax. And if the sales tax is so awfully good why haven't some of the other New England states adopted it? I am not going to discuss figures or the merits of the different bills, but I believe that the people of the state do not want a sales tax. I am thoroughly convinced of it and I think it is up to us to come here and vote against something that the people of the state of Maine do not want. I am also convinced that we can get along without a sales tax and without an income tax, without injuring ourselves very much, and I certainly will support the motion of the Senator from Waldo, Senator Fernald.

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that Report B, which report is "Ought to Pass" be indefinitely postponed, and the same Senator

has asked for a roll call. Before a roll call can be taken it must be ordered by the affirmative vote of one-fifth of the members of the Senate present. Is the Senate ready for the question?

A division of the Senate was had. A sufficient number obviously having risen, the Yeas and Nays were ordered.

The Secretary called the roll.

YEA: Ashby, Beckett, Burkett, Chase, Corrigan, Deering, Fernald, Fortin, Friend, Goudy, Hussey, Laughlin, Lewis, Littlefield, MacKinnon, Maliar, Marden, Osgood, Owen, Spear, Tompkins, Walsh, Wentworth, Willey, Worthen—25.

NAY: Blanchard, Cook, Graves, Kennedy, Martin, Potter, Sewall—7.

Twenty-five having voted in the affirmative and seven opposed, the motion prevailed and Report B was indefinitely postponed.

Mr. FERNALD: Mr. President, I now move that Report C, which is the sales tax and the income tax combined, be indefinitely postponed; and I ask for a roll call.

Mr. WILLEY: Mr. President, there has been such a general substitution of bills all during the session in another department of the legislature that while I don't question the word of any member who makes a report here, I would like to look it up and find out what we are voting for, if the Senate wants to be indulgent for a few minutes, and in that event I will move to lay this temporarily on the table. If the Senate does not agree with that, I will ask to be excused from voting because the Senate does not wish to give me time to find out what I am voting for.

Miss LAUGHLIN of Cumberland: Mr. President, I would like to have Report C read again so that we may know what we are doing. The one that is on the table, Amendment A, is simply a substitution of Legislative Document 1060 for 1058. Taking one part of 1058 which refers to the schools and old age assistance and tacking that on to the last half of 1060. The first half of 1058 and 1060 are exactly the same so the vote on this amendment which is on the table is a substitution of 1060 right straight through for 1058. So we don't have to look at this amendment business. All we have to look at is 1060 because it is a substitution for 1058. But now I would like to know what this Report C is because as I read it Report C was

the miscellaneous tax and not the combined income and sales tax at all. May I have Report C read again?

Mr. FERNALD of Waldo: Mr. President, as I understand the situation now we are discussing Report C which is a sales and income tax and as I understand it the motion that I have before the Senate is that the matter be indefinitely postponed which will mean that the sales and income tax is out of the window, and then we will go back and discuss Report A which has been passed in the House.

The PRESIDENT: The Senator is correct.

Mr. TOMPKINS of Aroostook: Mr. President, I rise to ask a question.

The PRESIDENT: The Senator may proceed.

Mr. TOMPKINS: Mr. President, I am for a combination sales and income tax as sent over to us by the House. Now, the proposition before us is to indefinitely postpone 1060 which plainly calls for an income and sales tax. I am going to vote for the indefinite postponement of that. Then, as I understand it, the House substituted in 1058 a one per cent sales and a two per cent income tax, which I am going to vote for. Am I right? I do not mean to ask you, Mr. President, whether my vote of Yes is right but I mean to ask whether I am right in my supposition.

The PRESIDENT: The Chair presumes that the Senator is right. The question before the Senate is on the motion to indefinitely postpone Report C and a roll call has been ordered. Is the Senate ready for the question? The Secretary will call the roll.

The Secretary called the roll.

YEA: Ashby, Beckett, Burkett, Chase, Cook, Corrigan, Deering, Fernald, Fortin, Friend, Goudy, Graves, Hussey, Kennedy, Laughlin, Lewis, Littlefield, MacKinnon, Maliar, Marden, Martin, Osgood, Owen, Potter, Sewall, Spear, Tompkins, Walsh, Wentworth, Willey, Worthen—31.

NAY: Blanchard—1.

Thirty-one having voted in the affirmative and one opposed, the motion prevailed and Report C was indefinitely postponed.

Mr. FERNALD: Mr. President, I move that we reconsider our vote whereby we indefinitely postponed

Report C and I trust that my motion does not prevail.

Miss MARTIN: Mr. President, I rise to a parliamentary inquiry. That wouldn't affect the House amendment to Report A which is practically the same thing, would it, because if this motion is lost it means that we can never bring this subject up again and would anyone, by making a parliamentary inquiry as to whether the House amendment was this bill in disguise, be able to carry the point? In other words, I suspect the Senator.

The PRESIDENT: The pending question on Report C would in no wise affect Report A. The pending question is the reconsideration of the vote whereby Report C was indefinitely postponed. Is the Senate ready for the question?

Mr. FERNALD: Mr. President, I ask for a division.

A division of the Senate was had. None having voted in the affirmative and twenty-seven opposed, the motion to reconsider did not prevail.

On motion by Mr. Fernald of Waldo

Recessed until this afternoon at two o'clock.

After Recess

The Senate was called to order by the President.

Mr. FERNALD of Waldo: Mr. President, in order to expedite matters and that things may go along in the orderly and regular channels, I move that we take up out of order certain routine matters so that such matters may go to the House for their immediate action where necessary.

The motion prevailed.

Additional papers from the House, out of order and under suspension of the rules, disposed of in concurrence.

From the House, out of order and suspension of the rules:

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of Knox Memorial Association Inc. for Support and Maintenance of 'Montpelier', (H. P. 660) reported the same in a new draft (H. P. 1886) (L. D. 1064) under the same title and that it ought to pass.

Comes from the House passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was accepted in concurrence and the bill was given its first reading. House Amendment "A" was read and adopted in concurrence and, under suspension of the rules, the bill as amended by House Amendment "A" was given its second reading and passed to be engrossed in concurrence.

First Reading of Printed Bills (Out of Order)

Bill, "An Act to Create and Allocate a General Highway Fund for State Road, State Aid and Third Class Highway Construction." (S. P. 527) (L. D. 1066)

Bill, "An Act to Clarify the Administration of the Liquor Laws" (S. P. 529) (L. D. 1065)

Which bills were read twice under suspension of the rules and passed to be engrossed.

Sent down for concurrence.

Report of Committee

(Out of Order)

Mr. Graves from the Committee on Ways and Bridges on several petitions and a memorial, (S. P. 191) (S. P. 316) (S. P. 427) reported that the same be placed on file.

Which report was read and accepted.

Sent down for concurrence.

The PRESIDENT: The Chair will announce at this time that under the resolve relating to a state highway planning survey commission which provided that the President of the Senate would name two members of the Senate to serve on this commission, the Chair appoints as the members on the part of the Senate, Senators Graves of Hancock and Friend of Somerset.

Mr. FERNALD of Waldo: Mr. President, I move that the Senate reconsider its action whereby earlier in today's session Report B was indefinitely postponed by a vote of 25 to 7, and I trust that my motion will not prevail, and I ask for a division.

Mr. SEWALL of Sagadahoc: Mr. President, does that mean that it would preclude any possibility of considering a one percent general sales tax later? I want to get that

clear. It seems to me that that might be coming along and we do not want to absolutely close the door.

The PRESIDENT: The Chair will rule that the question of a one percent general sales tax would not be precluded.

Mr. WORTHEN of Penobscot: Mr. President, I move that Report B be laid upon the table.

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

Fifteen having voted in the affirmative and sixteen opposed, the motion to table did not prevail.

The PRESIDENT: The question is now on the motion of the Senator from Waldo, Senator Fernald that the Senate reconsider its action taken earlier in today's session whereby Report B was indefinitely postponed, and the Senator expresses the wish that his motion will not prevail.

A viva voce vote being had, The motion to reconsider did not prevail.

Mr. FERNALD: Mr. President, may I be advised through the Chair what the status of Report A is now?

The PRESIDENT: Report A has been laid upon the table, the pending question being on the indefinite postponement of the acceptance of the "Ought to Pass" report, made by the Senator from Waldo, Senator Fernald.

Thereupon, on motion by Mr. Fernald of Waldo, Report A was taken from the table.

On further motion by the same Senator, unanimous consent was granted that Senator to withdraw his motion to indefinitely postpone Report A.

Mr. FERNALD: Mr. President, I now move the acceptance of Report A.

Mr. ASHBY: Mr. President, I am lost again. I want to know what Report A is.

The Secretary read Report A.

Mr. FERNALD: Mr. President, I would like to clarify this matter. May I speak on my motion?

The PRESIDENT: The Senator may proceed.

Mr. FERNALD: Mr. President, what we have tried to do here, we have tried to cut out about thirty-five pages of this bill that weren't necessary and we are now talking on the first part of the bill. Now, the bill provides for the educational proposition and the old age propo-

sition, and it provides for four taxes: The liquor tax, the retail store tax, the amusement tax and the head tax. Now in the House they passed that yesterday and then this morning they amended it by striking out the store tax, the amusement tax and the head tax, and putting in place of it a two percent straight income tax. This morning we voted down, when we voted down Report C, a two percent sales tax and a progressive income tax beginning at one percent. Now I want Report A accepted, which was the motion of the Senator from Franklin, Senator Blanchard, and I don't think anybody would object to any motion that he would make. And after we get out of that then we are going to vote on some of these little items in here and see what we want and what we don't want. I am going to give you a chance to vote against me on a lot of those. But by accepting Report A—and if I am wrong I trust that someone will say so—you are accepting the old age and educational proposition and then you have got your question of House Amendment "A" which is the income and sales tax on which, when the time comes, I will give you a chance to vote. Now, you can forget about House Amendment "B" because that is just to change a comma or something. So don't let that bother you. Then after we defeat House Amendment "A" that puts the bill right back in its original position as Legislative Document 1058, and then we will take that apart and see what you want to do with those four taxes in there, and you will probably have some to add and some to subtract. Now, I think we are getting along and everybody is going to have a chance to vote on these things and I won't put anything over on you. So, as I understand it now, the motion is upon the acceptance of Report A, which was the original motion of Senator Blanchard, the Chairman of the Taxation Committee, and I don't want to steal any of his thunder because that is his first motion this session and he is entitled to one motion.

The PRESIDENT: The pending question is on the motion of the Senator from Franklin, Senator Blanchard, that the Senate adopt Report A. Is this the pleasure of the Senate?

Report A was adopted and the bill, "An Act to Provide for Old

Age Assistance, to Guarantee a Minimum Educational Program and to Provide Revenue Therefor by Means of Miscellaneous Taxes" (H. P. 1884), was given its first reading. House Amendment "A" thereto was read.

Mr. FERNALD: Mr. President, I now move that House Amendment "A" be indefinitely postponed, and let us explain ourselves so that we will know just where we are. Now, this morning, we voted thirty to nine to indefinitely postpone Report C which was a combination sales and income tax, which was a two per cent sales tax and a graduated or progressive income tax. Now, you have a chance right here, after we have gone through the mechanism of the various motions, to vote now on whether or not you want a one per cent sales tax and a two per cent flat income tax. Now, you know the difference between a flat income tax and a progressive income tax. Of course, the progressive income tax is a scientific way of doing it, but that is out of the window so we are not talking about it. The flat income tax means that if you have an income of \$100 you pay two per cent on it; if you have an income of \$11,000,000 your rate is two per cent. That is the difference between the two. So the motion before us now is the indefinite postponement of House Amendment "A" and if you vote Yes you are voting in favor of a one per cent sales tax and a two per cent flat income tax. Now, does anybody disagree with that proposition?

Mr. MARDEN of Kennebec: Mr. President, I beg the Senator's pardon for interrupting but most of us on this end understood him to say that a vote of Yes for indefinite postponement meant we were voting in favor of the one per cent sales tax.

Mr. FERNALD: Mr. President, my position is this—and the Senator is correct—that if we vote to indefinitely postpone House Amendment "A" we are voting just the same as we did this morning on Report C. In other words, we are killing the sales and income tax. My other comment was that we have got more of an abortion of pension now than we had this morning. In other words that the income provision before us now is not based on any rhyme, reason or song. It is not scientific nor progressive nor fair. In other words,

it is a sales tax on income so you are really voting now on a double sales tax. And, getting back to Senator Marden's point, a vote Yes to indefinitely postpone House Amendment "A" is against a one per cent sales tax and a two per cent flat income tax regardless of your income. Now, we are all together. And, Mr. President, when the vote is taken I ask for a roll call.

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that House Amendment "A" to Legislative Document 1058 be indefinitely postponed and that Senator has asked for a roll call. Before a roll call can be taken it must be ordered by the affirmative vote of one-fifth of the members present. Is the Senate ready for the question?

A division of the Senate was had.

A sufficient number obviously having risen the Yeas and Nays were ordered.

The Secretary called the roll.

Yeas: Beckett, Burkett, Corrigan, Fernald, Fortin, Friend, Goudy, Graves, Hussey, Kennedy, Laughlin, Lewis, Littlefield, MacKinnon, Malliar, Marden, Osgood, Owen, Sewall, Spear, Walsh, Wentworth, Willey, Worthen—24.

Nays: Ashby, Blanchard, Chase, Cook, Deering, Martin, Potter, Tompkins—8.

Twenty-four having voted in the affirmative and eight opposed, the motion to indefinitely postpone House Amendment "A" to Legislative Document 1058 prevailed.

Mr. COOK of Somerset: Mr. President, I move that the Senate accept House Amendment "B" in concurrence, which is simply to correct a typographical error made in the consolidated bill.

Thereupon, House Amendment "B" was read and adopted in concurrence.

Mr. FERNALD: Mr. President, I now move that we reconsider our vote whereby we indefinitely postponed House Amendment "A" to Report A by a vote of twenty-four to eight and I trust that my motion does not prevail.

Miss MARTIN: Mr. President, I wonder if we may not be making a mistake because we don't know what amendments the Senator from Waldo, Senator Fernald, and some of the others propose to offer to this measure and we may be forced to come back to this and amend the

House Amendment. Now, we know that the House favored this and if we want to sit here and fight with them we can do it and we can do it by getting this so that we can not act with them, and I certainly hope that the motion of the Senator from Waldo (Senator Fernald) will prevail, for a change.

Mr. FERNALD: Mr. President, I ask unanimous consent to withdraw my motion.

The PRESIDENT: If there is no objection the motion may be withdrawn. Hearing none, the motion is withdrawn.

Mr. FERNALD: Mr. President, as the situation is now, my only point in offering that other amendment is to go ahead as fast as we can. If this gets back into the House they will offer House Amendment "Z" to Report X, and as we are voting twenty-four to eight we are pretty well decided on that proposition. I wasn't trying to put anything over on anybody. Here is the way the situation stands now, as I understand it. This Report A is right back to the printed document 1058. Now, the only way we can decide on this document is to take it apart and vote on the different amendments, so I am going to make a motion now that Title Seven, which is the head tax, be indefinitely postponed. Now, you know what that means. I can argue with you but I will just tell it to you briefly. I can argue with you the economics of it and the progressiveness and scientificness and ability to pay, and all of that. As I understand it the head tax imposes upon a man and his wife a tax of eight dollars plus the three dollar tax that the husband is supposed to pay now, or eleven dollars. Now, my motion, if you vote with me on this proposition to indefinitely postpone it, means that we are not going to have the poll tax increased from three to eleven dollars because in rural communities what it really means is that the head of the family has to pay the taxes. So that is my motion, and a vote Yes is to do away with it and cut that out, and, mind you, if you have some other ideas, we are coming along with some other ideas to supplement this, but I think we are all agreed that we don't want that in there, so let us vote on that.

Mr. BURKETT of Knox: Mr. President, as one of the people who

was for this bill a few days ago, I am a little skeptical myself about head taxes. Instead of cutting it out, I would suggest some kind of an amendment be made. For instance, I think a whole lot of women want to pay a poll tax. I suggest an amendment be made so women could pay a poll tax. Mrs. Huddelston of Orono, before the Taxation Committee—here is what she says in her report: "I have never yet found a woman who opposed a poll tax." I know personally, in my town, several women have approached me and asked to have a poll tax, and I am of the opinion that to meet the favorable comment of everybody in this legislature, it would be better to at least revise that with an amendment. I would make a verbal amendment that would read to tax women a poll tax of \$3.00, and cross out the other part of it, and then the poll tax could be taken care of in the towns and then reverted to the State to be applied to old age pensions.

The PRESIDENT: The Chair would suggest that Senator Burkett reduce his oral amendment to writing, so that the Senate may be able to see it.

Mr. FERNALD: Mr. President, as I understand it, after we dispose of Title 7, there will probably be conferences, and probably something can be worked out with the majority of the Senate to take care of Senator Burkett's proposed amendment. The point is, to get the whole thing down to where we are all agreed on this, and then we can bring up amendments necessary. Let's cut it all out to where we can agree on it and then find out how much money we have got to have and then find a way of raising it.

Mr. BURKETT: Mr. President, I favored this bill all the way through, and as far as finances are concerned, I believe whatever financial arrangements we make, whether not money enough or too much, we can get along and do a good job on what the bill calls for. I was told by the Department of Health and Welfare that they could do a good job with around two or three million dollars a year. You know it is not necessary to give everyone over 65 years of age a pension because there are a whole lot of people over that age who do not need pensions. If some drunken sailor

should go through here and throw some money around, everybody would reach out and try to get some of it, and if you make it universal thing in the state everybody would hold out his hands and try to get a part of it.

In that pension bill it says that there shall be a re-investigation of all pensions, and by doing it, I think we can do it and take care of the destitute people of Maine. In my town we have about 100 people over 65 years of age. I carefully went over them the other night and I could not think of more than 10 or 12 that would come under the class of destitute or deserving. I think that the same situation applies everywhere. One man from the northern part of the state told me this afternoon that more pensions had been granted in his town than in the city of Bangor. A re-investigation would cut out a lot of that. For that reason, I think we'd better go along and get what money we can. I do not want to be an extremist and neither do I want to be a pessimist, but I think we'd better go along with this.

The PRESIDENT: Does Senator Burkett desire to table Title 7 relating to a head tax?

Mr. BURKETT: I do, and will make that motion.

The PRESIDENT: The pending question is on the motion of the Senator from Knox, Senator Burkett, that Title 7, relating to a head tax, be laid on the table pending the motion to indefinitely postpone. Is this the pleasure of the Senate?

The motion prevailed.

Mr. BURKETT: Mr. President, I will give up the floor in just a moment. In regard to Title 5, a graduated tax on stores—here is a petition from the heads of departments in every store in the city of Rockland—there may be one or two exceptions. I know that every one of those stores could pay a tax if it could be from \$5.00 up to \$10.00, and there is a chance, if we amend Title 5, to get a lot more money. I know they would be glad to do it rather than to pay a sales tax.

The PRESIDENT: Does the Senator wish to table Title 5 which is entitled Retail Store Tax Increased?

Mr. BURKETT: I do. I make that motion.

The PRESIDENT: The Senator from Knox, Senator Burkett, moves

that Title 5 of Legislative Document 1058, be laid on the table. Is this the pleasure of the Senate

The motion prevailed.

Mr. BURKETT: On Page 20 there is not an error exactly, but I would rather call it a little unnecessary sentence under Exemptions. It goes on to tell about the exemptions to schools and fairs, and then the last clause reads, "The exemptions allowed in this section shall not apply to athletic games or contests between universities or colleges, nor to amusements in which professional performers or promoters are employed, or compensated out of the proceeds of such admissions received." Now, I also make a motion that after the word "colleges" we strike out the sentence, "nor to amusements in which professional performers or promoters are employed, or compensated out of the proceeds of such admissions received". I do that for this reason, that there might be some high school ball game where they might have an umpire who was a professional. I think in that case it is likely the question might be raised of whether it was necessary for them to pay the admission tax on account of that professional. I would therefore move to strike out the words in the last two lines after the word "collect". I do not know whether that is clear, but if it isn't, I have a new draft ready.

The PRESIDENT: The Chair would suggest that the Senator table Section 26 on Page 20 of Legislative Document 1058.

Mr. BURKETT: I make that motion, Mr. President.

The PRESIDENT: Is it the pleasure of the Senate that Section 26 on Page 20 of Legislative Document 1058 be laid upon the table?

The motion prevailed.

Mr. BURKETT: Mr. President, that takes in about all the changes I would recommend. If somebody wants to get more money, they can do so, but I am inclined to think this bill will meet with universal reception all over the state, as being a proper bill to come out at this time, and it seems to me that we can carry this through without hurting anybody but still take care of all the necessary things we have to do. We have got along without old age pensions for a good many years, but with the three or four million dollars which the govern-

ment and this bill will take care of, we can still do a good chore. I think if we adopt this bill, it will meet with approval of everybody in the state. I hope the bill, with these changes and amendments, and possibly some other amendments, will be adopted.

Mr. WILLEY of Cumberland: Mr. President, it is very apparent that some members of the Senate have very definite ideas on this bill, and I move the Senate recess until four o'clock so that some of the members can get together.

The PRESIDENT: The question before the Senate is on the motion of Senator Willey of Cumberland, that the Senate recess until four o'clock. Is this the pleasure of the Senate?

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

Mr. BURKETT: Mr. President, I move to take from the table, Section 26 of Title 6 of Legislative Document 1058, that I may offer an amendment.

The motion prevailed, and Section 26 of Title 6 of Legislative Document 1058 was taken from the table.

Thereupon, Mr. Burkett of Knox offered Senate Amendment "A" and moved its adoption:

"Senate Amendment A to H. P. 1884, L. D. 1058, bill, An Act to Provide for Old Age Assistance, to Guarantee a Minimum Educational Program and to Provide Revenues Therefor by Means of Miscellaneous Taxes. Amend said bill by striking out in Section 26 of Title VI thereof everything after the word 'colleges' in the last sentence thereof and substituting in place thereof, a period."

Mr. BURKETT: Mr. President, I now yield the floor to Senator Cook, of Somerset.

The PRESIDENT: Is it the pleasure of the Senate that Senate Amendment "A" be adopted?

Mr. FERNALD: Mr. President, I move that the matter lie on the table, and in explanation of it, I'd just like to point out to the members of the Senate this fact, that we have all the tax provisions of the bill on the table. We cannot go ahead and we cannot go back. The only thing we can do, those of us interested in this proposition, is get together and have a conference for an hour and agree on some amendments and come in and do business. You cannot now unless you bring it

all up for discussion. That would mean we would be here another week or two. It seems to me we have got to sit down and agree on this thing so far as we can, and then battle out the controversial matters where there is a difference of opinion. It seems to me Senator Willey's motion was a proper motion, and if in order now, I would suggest we recess and confer for an hour. We will never get anywhere the way we are proceeding now.

The PRESIDENT: The question of a recess was voted down. We are still acting on Legislative Document 1058. The pending question is on the motion of the Senator from Waldo, Senator Fernald, that Senate Amendment "A" to Legislative Document 1058 be laid upon the table pending adoption.

Mr. WILLEY: Mr. President, I understand that motion is not debatable.

Mr. BURKETT: Mr. President, I understood I had the floor when Senator Fernald made his motion.

The PRESIDENT: The Senator yielded and lost the floor, and the Chair recognized Senator Fernald. The pending question is on the motion of Senator Fernald that Senate Amendment "A" be laid on the table pending adoption. Is this the pleasure of the Senate?

The motion to table prevailed.

Mr. WILLEY: Mr. President, I now move we recess for one hour. It is absolutely useless to sit here and resolve ourselves into a committee of the whole. We will accomplish nothing. If anything is going to be accomplished, it will not be accomplished by oral amendments and suggestions to a tax bill involving around four million dollars. I make this motion in the interest of accomplishing something.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Willey, that the Senate recess for one hour. Is that the pleasure of the Senate?

The motion to recess prevailed.

After Recess

From the House, out of order and under suspension of the rules:

The Committee on Sea and Shore Fisheries on "Resolve for the Conservation of Clams in the County of

Washington" (H. P. 634) (L. D. 192), reported that the same ought not to pass.

In the House, the report read and accepted.

In the Senate:

Mr. GRAVES of Hancock: Mr. President, Senator Beckett is not in the Senate Chamber and I would like to table this resolve until he has an opportunity of looking at it.

Thereupon the resolve was laid upon the 'able pending acceptance of the report in concurrence.

From the House, out of order and under suspension of the rules:

"An Act Relating to Reports to Towns of Excise Tax Payments." (S. P. 480) (L. D. 901)

(In the Senate, the bill previously passed to be engrossed.)

Comes from the House indefinitely postponed in non-concurrence.

In the Senate:

Mr. FERNALD of Waldo: Mr. President, inasmuch as this bill concerns an economy of \$26,000 I move that it be laid upon the table.

Thereupon, the bill was laid upon the table pending consideration.

From the House, out of order and under suspension of the rules:

Bill, "An Act Relating to Liquor Licenses" (H. P. 1867) (L. D. 1037)

(In the Senate, on April 20th passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, Senate Amendment "A" indefinitely postponed and the bill passed to be engrossed in non-concurrence.

In the Senate, under suspension of the rules, on motion by Mr. Marden of Kennebec the Senate voted to reconsider its action taken on April 20th whereby the bill as amended by Senate Amendment "A" was passed to be engrossed; and on further motion by the same Senator the Senate voted to reconsider its action whereby Senate Amendment "A" was adopted.

Thereupon, the bill was passed to be engrossed in concurrence.

Passed to be Enacted

(Out of Order)

"An Act Relating to Uniforms for Deputy Sheriffs." (S. P. 454) (L. D. 849)

"An Act Relating to Apportionment of Motor Vehicle Registration Fees Paid by Inhabitants of North Haven and Vinalhaven." (H. P. 711) (L. D. 232)

Finally Passed

(Out of Order)

"Resolve in Favor of Several Academies, Institutes and Seminaries." (S. P. 514) (L. D. 1046)

On motion by Mr. Graves of Hancock, the Senate voted to take from the table Resolve for the Conservation of Clams in the County of Washington (H. P. 634) (L. D. 192) tabled by that Senator earlier in today's session pending acceptance of the committee report "Ought Not to Pass" in concurrence; and that Senator yielded to the Senator from Washington, Senator Beckett.

Thereupon, on motion by Mr. Beckett of Washington, the bill was retabled pending acceptance of the "Ought Not to Pass" report in concurrence.

Order

(Out of Order)

Mr. Fortin of Androscoggin, out of order and under suspension of the rules, presented the following order and moved its passage:

"Ordered, the House concurring, that the State Liquor Commission in the purchase of liquors grant a preference to those liquors produced and sold by companies organized and existing in the state."

On motion by Mr. Fernald of Waldo, the order was laid upon the table pending passage.

Mr. Ashby of Aroostook, out of order and under suspension of the rules, presented the following resolve and asked unanimous consent for its introduction:

"Bill, An Act to Promote Aviation in Maine."

The Secretary read the bill.

Thereupon, on motion by Mr. Fernald of Waldo, the bill was laid upon the table pending the granting of unanimous consent for introduction.

On motion by Mr. Graves of Hancock,

Adjourned until tomorrow morning at ten o'clock.