

# 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

**ERRATA:**

**The header on page 1203**

**in the Regular Session**

**should read**

**“SENATE, APRIL 22”**

**instead of**

**“SENATE, APRIL 23”**

## SENATE

Thursday, April 22, 1937.

Senate called to order by the President.

Prayer by the Reverend A. W. Brown of Gardiner.

Journal of yesterday, read and approved.

## COMMUNICATION

STATE OF MAINE  
EXECUTIVE DEPARTMENT  
AUGUSTA, MAINE

April 22, 1937.

To the Honorable Senate and House of Representatives:

There has been presented for my approval Legislative Document 254, "An Act Relating to Emergency Municipal Finance Board."

This document amends certain sections of Chapter 284 of the Public Laws of 1933 whereby a finance board, consisting of the state auditor, state treasurer and state tax assessor, was created for the purpose of assisting various municipalities to be re-established on a sound financial basis. However, the application of this statute was found to be inadequate and certain corrections were indicated. Legislative Document 254 was apparently designed to cover this situation but in my opinion the incorporation of Senate Amendments "B" and "C" emasculated the act.

It is well to point out that since February, 1935, the sum of \$766,597.86 has been expended for so-called "emergency aid", not to mention very substantial expenditures for state paupers, or various forms of federal aid. The Department of Welfare investigations indicate that the demands are rapidly on the increase instead of decrease. For that reason the original purpose of L. D. 254 appeared to have merit.

It seems to me that the legislature might care to reconsider the enactment without the amendments previously referred to, giving the act practical merit.

Respectfully submitted,

LEWIS O. BARROWS  
GOVERNOR.

(S. P. 530)

Which communication was read and accepted.

Sent down for concurrence.

## Order

Mr. Spear of Cumberland presented the following order and moved its passage:

"Ordered, the House concurring, that Legislative Document 254, oil, "An Act Relating to Emergency Municipal Finance Board, be recalled from the Governor".

Mr. ASHBY of Aroostook: Mr. President, I move that the order lie upon the table temporarily, and in explanation of that motion I will say that the Governor wished to hold a consultation with a few of the Aroostook people—it was at his request—before we took any action on this. Of course, if you don't want us to hold the conference, you can prevent it. I move that the order lay on the table until we have a chance to confer with the Governor.

Mr. SPEAR of Cumberland: Mr. President, I know that it is not a matter which is debatable but I would like to ask the Senator if he would be willing to withdraw his motion temporarily.

Mr. ASHBY: I am willing to withdraw it if I am requested to.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook. Senator Ashby, that the order be laid upon the table temporarily.

Mr. SPEAR: Mr. President, I understand that the Senator has withdrawn his motion. If he has withdrawn his motion I would like to state that if the Senate is willing that the order receive passage and the document be recalled I would have no objection at that time to the Senator from Aroostook, Senator Ashby, tabling the bill.

The PRESIDENT: Does the Senator from Aroostook, Senator Ashby, withdraw his motion?

Mr. ASHBY: I withdraw my motion, yes, Mr. President, on those conditions.

Thereupon, the order received a passage.

Mr. WILLEY of Cumberland: Mr. President, I do not understand that the Senator from Cumberland, Senator Spear, has bound the Senate by saying that he will agree that the order be tabled when it comes in here. He is just talking for one member of the Senate. I think that should be understood.

Mr. SPEAR: Mr. President, I am not trying to bind anybody, and

furthermore I do not think it is a solemn occasion.

The PRESIDENT: The Senate will now take a recess to respond at the sound of the gavel.

#### After Recess

The Senate was called to order by the President.

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 under suspension of the rules:

The majority of the Committee on Judiciary to which was recommended bill "An Act Amending the Law Relating to Unemployment Compensation," (H. P. 1519) (L. D. 729) reported the same in a new draft (H. P. 1869) (L. D. 1034) under the same title, and that it ought to pass.

(Signed)

Wiley of Cumberland  
Laughlin of Cumberland  
Philbrick of Cape Elizabeth  
Thorne of Madison  
Varney of Berwick  
Bird of Rockland  
McGlauffin of Portland  
Hinckley of South Portland  
Weatherbee of Lincoln

The minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Fernald of Waldo

Comes from the House, the majority report accepted and the bill passed to be engrossed.

In the Senate, on motion by Mr. Wiley of Cumberland, the majority report "Ought to Pass" was accepted in concurrence, and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

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

Bill "An Act Relating to Elections in the City of Biddeford." (S. P. 1850) (L. D. 1012)

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

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

In the Senate, on motion by Miss Martin of Penobscot, the bill was

indefinitely postponed in concurrence.

The President laid before the Senate bill, An Act Relating to Emergency Municipal Finance Board (S. P. 179) (L. D. 254), recalled from the Executive Department by Joint Order earlier in today's session.

Miss MARTIN of Penobscot: Mr. President, in the absence of the Senator from Aroostook, Senator Ashby, I move that this bill be laid upon the table.

The motion prevailed and the bill was laid upon the table pending consideration.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act Relating to Report to Towns of Excise Tax Payments (S. P. 480) (L. D. 901), tabled by that Senator on April 21st pending indefinite postponement in concurrence.

Mr. FERNALD of Waldo: Mr. President, I now request that the Secretary read the genealogy of this bill, Legislative Document 901, and I wish every member of the Senate would turn to it because it involves \$32,000.

The Secretary read the parliamentary history of the bill.

Mr. FERNALD: Now Mr. President and members of the Senate, this new draft is the unanimous report of the Judiciary Committee to the effect that Chapter 166 of the Public Laws of 1933 "is hereby repealed." Now, Chapter 166 of the Public Laws of 1933 reads as follows: "The state controller shall report semi-annually, as of June 30th and December 31st, to each town and city in the state, showing the excise tax payments on automobiles paid to that town or city, receipts for which have been filed with the Secretary of State." Now, that proposition cost us last year \$16,000 or for the biennium \$32,000, which money comes out of the general highway fund and, mind you, that \$32,000 will build a good mile of good roads. Now let's see what this really is. It means this, that when you get your license you go to your local tax collector whom the locality has elected, and they elected him because he was a man that was competent—my motion, Mr. President, is that we insist and ask for a Committee of Conference. Now, when you go to your

local tax collector who has been duly elected to his job, who is under bond and who, under some laws that we passed here at this session, has his accounts, or the town accounts, audited—we passed a municipal audit bill here which I was against—and you go to this tax collector and you say you want to pay the tax on your car and he looks it up in the books which he buys from someone and he tells you that you should pay so much and you pay it and he gives you two slips, a white one and a yellow one and you come down here and turn in one of them downstairs and you get your plates after paying another fee. Now, all they do with those slips, they check them over again and, of course, they find certain clerical errors, where you have paid ten cents too much or too little, but regardless of what happens or whether too much has been paid or not enough, it doesn't bring in any more revenue to the state of Maine. It affects the localities, the account of the local tax collector who is under bond and who is subject to this municipal audit that we have just passed. Now, it seems to me that if there ever was a duplication in the state government, that is a duplication.

Now, let's hear the other side of the argument which they are going to give you in a minute, that during this period that they have had this there has been an increase in the amount of money that has been paid in from the excise tax. Well, I could stand here and argue with you for fifteen or twenty minutes as to the reason for that but I don't think anybody would stand on the floor of this Senate and argue that just because of this law that increase has been made.

Now, I don't care what you do. There is a chance for you to save \$32,000 over the biennium and do away with a lot of this duplication. Now, there is the nub of the whole situation. And my motion, Mr. President, which I should have made before I started to talk, was that we insist and ask for a Committee of Conference because as I understand it, the matter has been indefinitely postponed in the House. And I ask for a division.

Mr. WILLEY of Cumberland: Mr. President, I don't agree with the Senator from Waldo, Senator Fernald. I do care what happens to this. We can save the state \$32,-

000 in the next biennium. This function is not a state function. It has nothing to do with state affairs. It is merely an advanced bureau of arithmetic maintained by the state to tell the local tax collector that he has made a mistake, if he has made one. Now, if you are going to enact this sort of law about collecting an excise tax on automobiles you should include personal property taxes in the towns, real estate property in the towns and supervise further your local town and city tax collections. It is poor legislation. There is nothing about it that is good. It never was good and is proposed simply for the purpose of making jobs for people. It is outrageous to ask the state to accept it. Just a few weeks ago the Senator from Kennebec, Senator Hussey, spoke on this measure now before us and he said that it would save the state \$32,000 and that he hoped it would pass, and I think probably he feels just the same now. Here is a chance where we can really save \$32,000 to the state and that doesn't hurt the state in any way. And I certainly hope the motion of the Senator from Waldo, Senator Fernald will prevail.

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that the Senate insist on its former action and ask for a Committee of Conference, and the same Senator has asked for a division.

A division of the Senate was had.

Twenty-five having voted in the affirmative and none opposed the motion to insist and ask for a Committee of Conference prevailed; and the Chair appointed as members of such committee, on the part of the Senate, Senators Fernald of Waldo, Willey of Cumberland and Fortin of Androscoggin.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table Joint Order Relative to Purchase of Liquor, tabled by that Senator on April 21st pending passage.

Mr. FERNALD of Waldo: Mr. President, I move that the order be indefinitely postponed and I will say in explanation that the purposes which the order purports to carry out I think are commendable, but it seems to me that it is bad legislation for a legislature to direct a commission in the matter of pur-

chase in routing matters. I think under a more orderly form of government it is better to leave the discretion in such matters to the Commission and if we have not a Commission in charge of liquor that is competent to take care of this matter and take into consideration the interest of Maine corporations and Maine people it is the duty of the Governor and Council to remove them and the Governor and Council have that power and I have no doubt they will exercise it if necessary. I think that no legislation in this matter is necessary and trust that my motion to indefinitely postpone the Joint Order will prevail.

Mr. FORTIN of Androscoggin: Mr. President and Members of the Senate, this order was presented in a spirit of fair play and I just wish to call to your attention the fact that all these companies that are doing business in Maine and paying taxes in Maine should, it seems to me, be encouraged. Now, as far as I am concerned personally, if this order goes no further than having been introduced on the floor it might do some good. I just presented the order for Maine people because we had a complaint, and I think my duty has been done.

The PRESIDENT: The pending question is on the indefinite postponement of the Joint Order Relating to the Purchase of Liquor.

A viva voce vote being had,

The order was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act to Promote Aviation in Maine, tabled by that Senator on April 21st pending the granting of unanimous consent for introduction.

Mr. FERNALD: I will now yield Mr. President, to the floor leader of the minority, the Senator from Androscoggin, Senator Fortin.

Mr. FORTIN of Androscoggin: Mr. President, after this order was introduced I went back home last night and conferred with the aviators—some of them are pilots—and I want to bring a message to the Senate of the feelings of those boys. They seem to think that a commission of that kind for the control of aeronautics, that the matter should be introduced in a different form. They seem to think that at

this late hour of our legislature, to attempt to create a commission that would have something to say in regard to aeronautics would better be deferred. As I understand it, this has reference to an aeronautic bill that is now before both houses. I am now speaking only for the pilots and for the members of the Maine Aero Club and it is their mind that they would like to have this matter go over to the next legislature.

Mr. WILLEY of Cumberland: Mr. President, of course this matter has got to have unanimous consent of both branches of the legislature before we can consider it. Now, in the first place, the Senator from Androscoggin, Senator Fortin, is absolutely confused about the purport of the measure. The measure simply creates a committee to study aeronautics in the state of Maine with the provision that they shall make recommendations concerning matters for the promotion of aeronautics in the state of Maine. This commission is to receive neither compensation nor expenses for their services. The fourth section of this bill authorizes the Governor and Council and the Secretary of State to cooperate and coordinate with such other private and public or federal agencies as may be looking toward advancing aeronautical activities in Maine.

Now, the fundamental facts are these. There is nothing in this world that just happens except the rising of the sun, and the tide, and things that are controlled by the Almighty. Everything else we have, someone has to go and get. In the small towns in Maine the people are busy with their business, with their labor. They have no time and consequently they are not familiar with the agencies existing, the federal agencies from which Maine can get money to develop her airways. They don't know whom to go to. They don't know how to get it. And if they did know they are too busy to go. This bill simply will enable the state of Maine and the people of the several counties to have someone working to promote aeronautics in the state of Maine.

I have talked with the regional directors of aeronautics. I have talked with some of the members of the New England Council On the Development of Aeronautics in New England and without this measure I think Maine will suffer to the ex-

tent of something between \$200,000 and \$400,000 in the next two years that could be brought in here, and all we need is someone to work and bring it in.

Now, I am sure that the Senator from Androscoggin never bothered to copy this act. I am sure he never took a copy of it down to those boys and I know that any man who votes against the introduction of this measure is costing the state \$200,000. Now, if you are opposed to developing aeronautics in Maine, if you are opposed to developing the state, if you are opposed to getting some money in here to develop airways and airports, if you are opposed to extension of the mail service, then vote against this measure, but if you want Maine to go ahead and stand with other states and be progressive then you will all vote for the introduction of this measure.

And I may say that the defeat of the other measure in the other branch of the legislature was caused and must be credited to none other than Harvey Pease, Clerk of the House, and if this one is defeated you can charge him up with costing the state \$200,000, at least during this session of the legislature. It is about time this legislature woke up to what is going on around here. It is about time that we know that measures are being altered. It is about time that we realize that the friction existing between the clerks of the two departments of this legislature was impeding legislation—and there is no reflection on our Secretary because he is a very efficient man and his forces have been very efficient here and his employees are very efficient. But it is time that this legislature said something and said something in no uncertain terms. The Clerk of the House today said, or yesterday, notified the Chairman of the Judiciary Committee, that the Unemployment Insurance bill which we have just passed to be engrossed would not be put on the calendar or sent back to the House until the pages which had been taken out by the Judiciary Committee, which pages had been altered in my opinion with a purpose to confuse and defraud this legislature, until those copies were returned.

Now when you get a Clerk of the House dictating to a legislature, when you get a Clerk of the House defeating measures that mean \$200,000 to this state, it is time someone

had backbone enough to stand up here and say something.

Now, any man who wants to vote against the unanimous introduction of this bill in my opinion is costing the state \$200,000. And I don't think there is a member of this house that can say that a copy of this measure has been shown to any one member of this legislature.

Mr. FORTIN: Mr. President, I fully agree with the Senator from Cumberland about waking up and getting down to business. I, for one, am getting tired of staying around here and having late meals but, nevertheless, we are ready to go along. I believe that most of you are acquainted with the fact that the \$200,000 that the Senator from Cumberland, Senator Willey, speaks about is imagination only. That would pertain to federal funds in the form of W P A which are allotted to any town or city that can show that they have a very good field and the officials, if they are so minded, go through the regular procedure of requesting these federal funds.

I believe we were talking about an aeronautical order and not talking about the Clerk of the House. This order was practically introduced because of the certainty of the defeat of the so-called aeronautics bill that was presented here creating a commission. The aviators of Maine and the pilots would like to have something to say in regard to the forming of a commission or a committee. The passage of this order, I am afraid, would hinder future legislation for the proper control of aeronautics in Maine.

May I impose upon your patience and read to you a little piece that is in the Aero Digest of April, 1937: "State Aviation Legislation. Politicians still try to make a 'good thing' of aviation and, regardless of what effect their bills will have on flying activities, are persisting in their endeavours to tie-up with and benefit themselves from the newest method of transportation. Various pieces of legislation crop up in state and the national houses with regularity. Ominous because of the great number proposed, only isolated bills really aim at improving and benefiting aviation. Most flagrant violators of faith with aviation are those bills calling for state aviation commissions. These usually provide for plenty of so-called 'jobs' with high sounding titles, nice salaries and little or no work. Flying is not the



exclusive concern of the state; air-planes are seldom confined to intra-state activities. Even more than the automobile and railroad, the airplane has outmoded state borders. We have too much regulation of aviation already. The Bureau of Air Commerce wields sufficient regulation and control without the origination and imposition of additional handicaps within the individual states."

We are today, as I understand, controlled by the Interstate Commerce Commission plus the State Department of Aviation. I wear the wings because I love aviation. I like to fly. I am not an aviator but I do ask you people to let those who are seriously interested in aviation come here two years from now and form an honest-to-goodness commission for the real promotion of aviation and not a make-believe committee to advise the Governor and Council. I think this bill is unfair and will retard proper legislation for aviation and I for one, if one vote only is necessary, shall oppose unanimous consent for the introduction of this bill.

Mr. SPEAR of Cumberland: Mr. President—

The PRESIDENT: The Senator from Androscooggin, Senator Fortin, having opposed the granting of unanimous consent for the introduction of this bill, the bill is not received.

Mr. SPEAR: Mr. President, may I speak?

The PRESIDENT: The Senator may not speak on the matter that has just been disposed of.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table Senate Amendment "A" to L. D. 1058, tabled on April 21st by that Senator pending adoption; and that Senator yielded to the Senator from Knox, Senator Burkett.

Thereupon, Mr. Burkett of Knox was granted unanimous consent to withdraw Senate Amendment "A" to Legislative Document 1058.

On motion by Mr. Burkett of Knox, the Senate voted to take from the table An Act to Provide for Old Age Assistance, to Guarantee a Minimum Educational Program and to Provide Revenues Therefor by Means of Miscellaneous Taxes, Title 7 and Title 5 (H. P. 1884) (L. D. 1058), tabled by that Senator on April 21st pending consideration.

Mr. BURKETT of Knox: Now, Mr. President, in consideration of the Senate, I wish to make my explanation clear with relation to withdrawing Senate Amendment "A". The reason I withdrew Senate Amendment "A" was because there is another amendment that takes the place of it and possibly the other is better. I yield now, Mr. President, to the Senator from Somerset, Senator Friend.

Mr. FRIEND of Somerset: Mr. President, I present Senate Amendment "B" to Legislative Document 1058, Consolidated Bill A, and move its adoption:—

"Senate Amendment B to Legislative Document 1058, Consolidated Bill 'A' entitled: '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 in Section 18, Title II, by substituting \$1,350,000 for the \$1,500,000 in line 3 thereof and \$1,800,000 for the \$2,000,000 in line 4 thereof."

Mr. FRIEND: Mr. President, I would like to say that this amendment has no connection with the amendment that Senator Burkett withdrew, and the reason for this cut in the appropriation is that it didn't seem possible for the Senate to get together on miscellaneous tax measures or luxury taxes which would be sufficient to take care of the amount which we had previously lined up for the pensions, so the amount had to be reduced in line with the luxury taxes that the Senate seemed to be in favor of.

The PRESIDENT: The pending question is on the adoption of Senate Amendment "B" to Legislative Document 1058. Is the Senate ready for the question?

A viva voce vote being had, Senate Amendment "B" was adopted.

Mr. Cook of Somerset presented Senate Amendment "C" to Legislative Document 1058 and moved its adoption:—

"Amend said bill by striking out in paragraph numbered 'c' of section 1 of Title I thereof, the figures '\$500,000' and substituting in place thereof the figures '\$450,000.' Further amend said bill by striking out in section 2 of Title III of said act the figures '\$500,000', and substituting in place thereof the figures '\$450,000.'"

A viva voce vote being had

Senate Amendment "C" was adopted.

Mr. Hussey of Kennebec presented Senate Amendment "D" and moved its adoption:—

"Amend said bill by striking out sections 1 and 2 of Title V thereof, and inserting the following sections in place thereof:

**Sec. 1. License fees.** Every person, firm, partnership, association or corporation establishing, owning, operating, managing or maintaining not more than 5 stores as in this act defined, shall pay a license fee of \$5 in addition to a filing fee of 50 cents for each store.

**Sec. 2. Definitions.** The term "store" as used in this act shall mean and include any store or stores, mercantile establishment, warehouse, depot or other place where trade or business is carried on or where goods, wares and merchandise of any kind are sold at retail including places of business where gasoline and petroleum products are sold.

**Sec. 3. Exceptions.** A roadside stand conducted by the owner of the property upon which such stand is erected and where the articles sold are produced by such owner and any roadside stand, the gross receipts from the operation of which do not exceed \$200 per year, shall not be deemed a store within the provisions of this act.'

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

#### **"TITLE VIII**

**Clarifying clause.** All acts or parts of acts inconsistent with the provisions of any Title herein are hereby repealed or amended to conform with the provisions herein.'"

Mr. HUSSEY: Mr. President, in explanation of this amendment, I might say that the committee selected at the Senate caucus are trying to make up a balanced budget to take care of expenditures outlined for aviation and old age assistance. We found it necessary to bring in an amendment here which would raise about \$85,000 more on what we called a store tax, and this amendment would take care of it.

Mr. FORTIN: Mr. President, if I understand correctly, in that particular amendment filling stations that are now exempted are included. I think that is a very wise tax. I have a service station of my own and I am only too glad to pay that

additional tax, and I know that the store owners will be only too glad, including the chain stores to pay this additional tax.

Mr. WALSH of Androscoggin: Mr. President, in view of the fact that the Republicans have taken it unto themselves to handle this taxation matter, and speaking for myself and not the Democratic party, I wish to go on record here and now as being opposed to this procedure; and on any further amendments brought onto the floor of this Senate, I would wish to have a copy of them given to me before they are brought on the floor.

Miss MARTIN of Penobscot: Mr. President, I wonder if we could have that read again?

The Secretary again read the amendment.

Miss MARTIN: Well, Mr. President, it seems to me that since this strikes out in section 1 of Title V where it refers back to the 1933 laws where the provisions for the collection of this license fee are made, and striking out that section, which is a new law by itself and provides that you pay a license fee but not to whom or where or how or why, that it would be a good idea for the Senator from Kennebec, Senator Hussey to place this on the table and fix the amendment up a little.

Mr. HUSSEY: Mr. President, I believe the Senator from Penobscot, Senator Martin, may notice that this does not repeal any part of the statutes back on the 1933 laws. This is just an addition to the laws already on there.

Miss MARTIN: Mr. President, may I ask the Senator a question through the Chair?

The PRESIDENT: The Senator from Penobscot, Senator Martin, may ask her question through the Chair, and the Senator from Kennebec, Senator Hussey, may reply if he so desires.

Miss MARTIN: Mr. President, this doesn't repeal the 1933 law and it doesn't amend the 1933 law. Therefore it doesn't refer to the 1933 law and is a law by itself, standing alone, if I have any experience at all in such matters.

Mr. HUSSEY: Well, Mr. President, one might say that that is the judgment of the Senator from Penobscot, Senator Martin, and that my judgment would be the other way.

I may be wrong and she may be wrong.

Mr. FERNALD: Mr. President, I think there is a good deal to be considered in the suggestion made by the Senator from Penobscot, Senator Martin, that we are dealing with quite a lot of dynamite when we start changing and amending this law, this law that has been fought through every court in the United States right up through to the Supreme Court, and if somebody doesn't tie the thing in with our 1933 law you may find that you will go out of here without any law at all.

Now, I just want to call to your attention to Section Three, the exemption in there. Now, you may knock your whole law out by putting that exemption in there. Now, let me show you how to get around that. Under Section 7 of our 1933 laws, Chapter 260, page 438, it says: "Definition of the Term 'store'. The term store as used in this act shall mean and include any store or stores, shop, mercantile establishment, office, warehouse, depot, business stand or station or other place where trade or business is carried on, where goods, wares and merchandise of any kind are sold at retail"—and here is where the important matter comes in—"but shall not be construed to apply to any place of business conducted principally for the sale and distribution of gasoline and petroleum products."

Now, what you are trying to do is to straighten out from the "but" on and add some additional revenue. Now a little further. I have before me the Indiana law that has been over the hurdles, and here is their definition, and after I have read it you will see, after I have read the Maine definition, that they are both the same thing: "Definition of Term 'store'." This is Section 8 of the 1929 store license fee law of Indiana, Chapter 207: "Section 8. The term 'store' as used in this act shall be construed to mean and include any store or stores or any mercantile establishment or establishments which are owned, operated, maintained or controlled by the same person, firm, corporation, copartnership or association, either domestic or foreign, in which goods, wares or merchandise of any kind are sold, either at retail or wholesale." They go a little further

than we do. Now, the Attorney General of Indiana has made a couple of interpretations on that proposition and I think they have held water, and they didn't have to put into their law what you are trying to do and open the question up for a court of law to decide.

On December 18, 1931—well, it doesn't make any difference who it is—James M. Ogen, Attorney General of Indiana, gave this ruling to the Tax Commissioner, Honorable Philip Zoercher, Tax Commissioner of Indiana. Now, here are two as to farmers which I think will show why this is practically against the fellow who is running his own little roadside place and selling his own vegetables along the road. Here is an interpretation of the Attorney General of Indiana working under the same law:

"Farmer: Who makes butter and packs in a carton or takes his eggs and puts them in a carton and peddles them out at retail or wholesale in competition with merchants or manufacturers of the same line; is he subject to the tax? It is my opinion that the farmer who is selling his own products and delivering them to his customers or selling at wholesale, would not be construed a store in the definition of the act and would not be subject to the license fee, but he is a peddler or hawker." Now, one more definition that covers more specifically our problem and one that concerns us more today: "Farmer: Roadside Stands, sometimes buying from others. Roadside stands maintained by the farmer at his farm as a convenient place for the sale of his farm surplus products would not come within the Act, nor the intent of the legislature, and such roadside stands would not be subject to the provisions of the Act, but if such farmer maintains a roadside stand for the sale of his farm products, together with merchandise bought from others and resold, then such roadside stand would come within the provision of the Act." So the definition covers the subject matter.

But the part of this matter suggested by Senator Hussey that I object to, which I think is unfair, is the proposition that in chapter 260 of our present law, page 457 of the Laws of Maine, of 1933, he is trying to get some more revenue, and we have got six classes of people classi-

fied there. Now, why does he take the first class? Why doesn't he take the second class, or the third class, or the fourth or fifth or sixth class, and ask them to pay a little more? Do we do that? No. What do we do? We take the little fellow and we say, "Now, a dollar isn't enough; we are going to make you pay five dollars." Now, that isn't fair. That isn't good legislation. Now, if you want to be fair, why not take that amount, I think it is \$85,000, that it will bring in, why not take that \$85,000 and divide it up among the six brackets and give everybody a chance? That would be the fairer thing to do, and that is my proposition now, that the fellow that owns just one place, it is unfair to put the great weight of the burden on him and let the fellows in the higher brackets escape. Let us spread it over all of them.

Now, I am not going to stand here and argue the justification of this tax because that question is not before us but if that question arises I will stand here and I will attempt to justify the 1933 law, but that is not before us now. But I do think we should consider it.

Now, I don't press this question more seriously because I think that whatever point I might be able to make this afternoon will be of no avail because I am inclined to think that this same proposition, along with the others that we have adopted and will adopt, will be discarded or sent through an exit known as a window facing the Blaine Mansion. But I think that point should be made, that putting the great burden on the number one class or bracket is unfair, and I just wanted to point that out. And I also want to point out that the other exemption or exception which, I think, is Section 3, should be carefully considered by our Attorney General before the measure goes to the Governor for his signature, if it ever reaches that stage, because after all if we do something here we want to pass a law that will hold water. And I leave that with you for whatever it is worth.

Miss LAUGHLIN of Cumberland: Mr. President, answering the question which Senator Martin raised with reference to the collection of this tax, and so forth, I should like to say that the amendment as offered by Senator Hussey made the provisions for the \$5 tax on all stores where there are not more

than five, and made the provision to exclude gasoline stations, and certain other exemptions. It did not in any place amend Chapter 260 of the Laws of 1933 specifically. It enacted certain provisions there which are contrary to the provisions of that section. Everything else in that section, not in conflict, remains intact, as to classes and everything else, because we have repealed nothing, but we have the saving clause there of repealing everything which is in conflict with this; namely, the one dollar instead of the five dollars, and the exemption of gasoline stations which are in that law, but everything else in the law remains exactly as it was enacted, so we have repealed those matters which are in conflict with the amendments offered by Senator Hussey.

Mr. GOUDY of Cumberland: Mr. President, may I ask a question, through the Chair, of the Senator from Cumberland, Senator Laughlin?

The PRESIDENT: The Senator may ask his question, through the Chair, and the Senator from Cumberland, Senator Laughlin, may answer through the Chair, if she so desires.

Mr. GOUDY: In regard to repealing provisions that are in conflict, perhaps it might be interpreted, might it not, that the entire act is repealed?

Miss LAUGHLIN: I wouldn't say so. We are only in conflict with certain provisions there, none of which touch the other provisions. We repeal only the provisions which are in conflict.

Mr. GOUDY: Well, with that particular clause in, it would repeal the act, wouldn't it?

Miss LAUGHLIN: It doesn't repeal the act. It repeals the sections which are in conflict.

Mr. FERNALD: Mr. President, it seems to me that what we are attempting to do here is to amend the 1933 chain store law. Well, if that is what we are trying to do let's go right at that proposition head on and not go in the back door and perhaps miss the stairway.

Mr. FORTIN: Mr. President, I think that a few minutes ago I showed my good spirit of cooperation on the amendment that was put in by agreeing that it was a good, sensible tax and would meet with favor, but I think at the same time that I might join with the

Senator from Androscoggin, Senator Walsh, in his request that we, representing the minority party who have not been in caucus, should be allowed to see the printed amendment. The majority party went into caucus yesterday afternoon, I believe around two o'clock, and we good-naturedly sat around. The majority party went into caucus again this morning and the minority party members sat around smiling and waiting, anticipating. I think it is only fair to every one of us, because we are all here for one common purpose, that these amendments, in order to intelligently talk on them, to either help you or oppose them, should be printed so that we can at least study them. On that so-called store tax law, which was brought to my attention just now, I showed my good feeling of cooperation by approving, but upon reading it a second time, if I had it here on my desk and could read it a dozen times and see the nigger in it, I would oppose it.

Now, we haven't got copies. We are just like little boys lost in the big forest. We don't know what you are up to. All we want to ask you is to give us a chance to help you. Please give us something to read and know what you are aiming at. Now, in that tax law, I may not understand it, I may be a little off there, but if on reading it I find that that tax is applicable on stores up to five, I wouldn't have to stand up here and look like an ignorant pebble in stating this if I could read it. I don't understand what is in that. I have nothing before me to study, but if that law reads that chain stores are going to be favored or are going to be penalized I will oppose it. But as far as asking me for four dollars more on my own store and filling station, I am glad to do it, but I don't want to see any discrimination and I don't want to favor the chain store, and I don't want to see anybody penalized in favor of another.

Now, in a spirit of fairness, speaking for myself, and if I may, speaking for the minority members, please give us something to read so that we may be able either to help you or to oppose these measures according to our consciences.

Miss MARTIN: Mr. President, I ask permission to speak a second time.

The PRESIDENT: If there is no

objection the Senator may proceed.

Miss MARTIN: Mr. President, the contention of the proponents of this amendment is that it is an amendment to Chapter 260 of the 1933 laws. That being the case, if Chapter 260 of the 1933 laws were repealed it wouldn't affect this in the least. That being so, there is absolutely no provision in this amendment for collection, no penalty for failure to collect, nor any provision as to where the moneys shall go when they are collected, and I think it is a very weak amendment and, aside from any merits that may be involved in the matter under consideration, I am not taking any sides now but I certainly think if we are going to pass anything we want to pass something that has some sense to it.

Mr. ASHBY of Aroostook: Mr. President, Brother Fernald says if we are going to amend the chain store tax let's go at it head on. I am all ready for that proposition. He also goes into a long explanation of what is fair and what is not fair. Now, I can't see why any firm or corporation, simply because they own more than five stores, should be penalized, which they are under the old law. As a matter of fact, you have got the chain stores, or some of them anyway, up where their tax will be fifty dollars. Now, I can't see any justice or fairness in that, especially in view of the fact that two of the chain stores, the grocery stores, have come here to help us. They want to help us. A few years ago when this law was passed there might have been some justification in it. They were using unfair competitive methods that weren't so much against the independent stores as against each other. Today they have got together and they have decided to cut that out, which they have done for the past year. They also come to Maine and say this, "We like your potatoes; we like your corn; we like your blueberries. If you will let us in here to buy those we will bring in a great deal more money to your state than we take out. More than that, we will spend a million and a half dollars advertising these agricultural products." Now, we thought we were straining ourselves quite a bit when we appropriated \$200,000 to advertise Maine products of which the agricultural end got the measly sum, I think of \$50,000. Now

here are a couple of firms that want to come here and expend a million and a half dollars to advertise these same products and we say to them, "We are going to tax you out of the state." Now, if anybody can give any good, sane or logical reason why we should discriminate against these chain stores or any other chain store to the extent of taxing them fifty dollars per store instead of five as we do the others, I would like to hear it advanced and I will try to go into that matter with them. This isn't merely a matter of justice. It is more than that. It is a matter of economy to the state of Maine. We may lose \$20,000 but they bring into the state several million, which they really don't have to do. They don't have to come here and buy our potatoes or corn or blueberries. There are several other states that would be only too glad to have them go to their state and do it. And not only that, but they buy in Aroostook County. They are buying all local meats there now. All over the state of Maine they are buying local vegetables and other things and they are paying good money for them. They are employing a great many people in Maine as clerks and they are paying quite a lot of taxes otherwise. I don't want to favor the chain stores any but I do want to give them a fair deal with the other stores, I do want to give them a living chance. They are willing enough to pay any tax on each store that they have along with what any other single store pays but they do ask for a square deal and I ask for a square deal with them.

Mr. FERNALD: Mr. President, evidently the eye-sight of the Senator from Aroostook, Senator Ashby has changed in the last four years. I read from the legislative record of 1933, March 28, on page 859, in which the Chair placed before the House the 5th matter of unfinished business: "Report A, Ought Not to Pass and Report B, Ought to Pass in New Draft, of the Committee on Taxation on bill, An Act Relating to Store Licenses, House Paper 14, Legislative Document 5, new draft, House Paper 1705, Legislative Document 1030, tabled on March 23 by Mr. Tompkins of Houlton pending acceptance of either report; and the Chair recognizes that gentleman.

"Mr. TOMPKINS: Mr. Speaker and members of the House: This

is not a tax bill and I will explain to you why it is not a tax bill." That is the chain store bill that we have on our books now. And then Mr. Tompkins, who was later Speaker of the House of Representatives went on to explain why this is not a tax bill. And then several other distinguished members of the House spoke and then the distinguished Representative from Fort Fairfield, Mr. Ashby, spoke and in his closing remarks said: "I sincerely hope, in the interest of one of the chief agricultural sections of Maine, that this bill will have passage." And, Mr. President, and members of the Senate, it did have passage and it is right on your books right now.

Mr. ASHBY: Mr. President, I don't know why, whether it is due to old age or not, but the ears of the Senator from Waldo, Senator Fernald are evidently getting bad. I admitted that a few years ago we took that stand, but in view of the change—I said that specifically—in view of the changed attitude of the chain stores towards us and towards the people of Maine, I have changed my attitude. They say that a man may change his mind but a mule never does—no reference to anybody intended. They have changed their attitude toward us decidedly and instead of being antagonistic to us they come here to be helpful. Well, now, I am not so confounded stubborn in my opinion of four years ago that I am not going to accept the olive branch when it is held out to me. Today they come here to help us. At that time they were discriminating against the Aroostook grower and shipper. Today, and within a year, they have boosted the prices of our commodities and have brought millions into Aroostook County that wouldn't have been there had it not been for these chain stores.

Miss LAUGHLIN: Mr. President, I think Senator Martin was right in saying that there should be provisions made for collections and so forth and I therefore offer Senate Amendment "A" to Senate Amendment "D" and move its passage: "Senate Amendment A to Senate Amendment D to L. D. 1058. All provisions of Chapter 260 of the Public Laws of 1933 not in conflict with any of the provisions of this Title (Title V of this act) shall apply to the provisions of this Title."

A viva voce vote being had

Senate Amendment "A" to Senate Amendment "D" was adopted.

Thereupon, Senate Amendment "D" as amended by Senate Amendment "A" thereto was adopted.

Mr. Marden of Kennebec offered Senate Amendment "E" and moved its adoption:

Senate Amendment "E" to Consolidated Bill, A. "Amend Section 26 of Title VI of said bill by striking out everything after the headline in said section and inserting in place thereof the following: 'No tax shall be levied or collected upon any admissions charged at any place of amusement operated solely for the benefit of any religious organization where the proceeds of such admissions do not inure to any one or more individuals; nor shall such tax apply to admissions charged at any athletic games or contests between high schools or grammar schools; nor to admissions to county, state or community fairs.' "

The motion prevailed and Senate Amendment "E" was adopted.

Thereupon, Mr. Cook of Somerset offered Senate Amendment "A" to Senate Amendment "E" and moved its adoption:

Senate Amendment "A" to Senate Amendment "E" to Legislative Document 1058. "Amend said Senate Amendment 'E' to Legislative Document 1058 by inserting at the end thereof the following: 'nor to theatres which pay a federal admission tax.' "

Miss LAUGHLIN: Mr. President, I do not think that amendment is drawn correctly to meet the situation. Some theatres pay a federal tax, but pay only, as I understand it, on tickets that are sold for more than fifty cents. If we amend it as generally as that to cover all tickets sold by those theatres—well, I would like to ask the Senator from Kennebec, Senator Marden, who drew the amendment, whether the amendment should be at the end of a certain section and not at the end of the bill?

Mr. MARDEN: I think possibly Senator Laughlin and those interested in the proposed amendment are thinking along the same lines, but in order not to take up the time of the body, may the matter be tabled for a while to iron it out?

Miss LAUGHLIN: If we exempt these theatres entirely, we will exempt the theatres which don't pay a federal tax. They do pay a fed-

eral tax on income for tickets above fifty cents, and it seems to me it should read, "nor to the income of theatres upon which a federal tax is paid".

Mr. MARDEN: That is the purpose of the amendment.

Miss LAUGHLIN: I would like to ask the Senator, if this doesn't make it the other way?

Mr. MARDEN: Yes.

Miss LAUGHLIN: Should it not say it at the end of Section 26 thereof? There are two other sections—sections 27 and 28.

Mr. MARDEN: It was meant to apply to Section 26 as amended.

Miss LAUGHLIN: I wonder if the Senator who offered the amendment would withdraw it temporarily, for a moment?

Mr. COOK: I would be very glad to.

Thereupon, that Senator was granted permission to withdraw Senate Amendment "A" to Senate Amendment "E".

Mr. Marden of Kennebec offered Senate Amendment "F" and moved its adoption:

"Amend said bill by striking out all of Title VII thereof and substituting in place thereof the following:

#### "TITLE VII

##### "General Poll-tax

"Sec. 1. R. S., c. 13, sec. 1, amended. Section 1 of chapter 13 of the revised statutes is hereby amended to read as follows:

" 'Sec. 1. Poll-tax. A poll-tax shall be assessed upon every inhabitant of the state above the age of 21 years whether a citizen of the United States or an alien, in the manner provided by law unless he is exempted therefrom by this chapter, which said poll-tax shall be \$3.'

"Sec. 2. R. S., c. 13, sec. 8, amended. Section 8 of chapter 13 of the revised statutes is hereby amended to read as follows:

" 'Sec. 8. Lists of employees to be furnished. Every person, association, or corporation employing more than 25 persons in any city or town in the state shall, within 10 days after receiving a written request therefor from the assessors of taxes of the city or town where said persons are so employed, furnish to said assessors a complete list of all persons so employed by said person, association, or corporation in said city or town on the 1st day of the preceding April. Upon neglect or refusal so to do, said per-

son, association, or corporation shall be liable to a penalty of \$50 to be recovered in an action of debt; and the treasurer of said city or town shall upon request of the assessors of taxes bring such action in his name for the benefit of said city or town.

"Sec. 3. Amount of remittance to state of poll-taxes collected. The treasurers of the several towns shall pay to the Treasurer of State on or before December 1st of each year at the time the state tax is due, 50% of the amount collected under the provisions of section 1 of this title.

"Sec. 4. Amending clause. All acts and parts of acts inconsistent with the provisions of this title are hereby repealed or amended to conform with the provisions of this title."

Miss MARTIN: Mr. President, another question. Does Section 1 read, "every male person" or "every person"?

(The Secretary read Section 1 of the amendment.)

Mr. FORTIN: Mr. President, I wonder whether we could be accorded the courtesy of having these amendments printed so we could study them? The same thing goes for the admission tax and this tax here. After all, who is going to pay these taxes? The poor sucker, again. You are, by the other amendment, putting an amusement tax on moving pictures. Now with this poll tax for women—perhaps there is no question but what the ladies' clubs favor this, and the ladies whose husbands have money—of course, they won't object. But in my town—my city, I should say—where people work in mills and shoe shops, the poor husbands are going to pay the tax, so therefore, you are putting a tax on them which is additional to what they are now paying. In addition to that, you are putting a tax of \$3.00 on the single girls and single women. In order,—I ask you again—in order that we can discuss these tax measures which you are bringing up, we ask the courtesy of having a printed form. I cannot remember the provisions of the amendment although I listened very attentively a little while ago when our secretary was reading it, and so if it is possible to table this amendment pending printing, if it takes an hour or so, I would ask that courtesy so we can talk intelligently on these measures.

Mr. CORRIGAN of Washington: Mr. President, I want a little information here. It seems to me there were a couple of sessions of this Body that we knew nothing about. There are things coming up here I never knew about. It may be strange but, believe it or not,—and here is a chance for Ripley—those sessions you held downstairs, the great Republican majority, I do not think that even you will argue that they are official sessions here. I do not think so. You go down there and get together and put through all these amendments and then bring them up and spring them on us. We are weak enough as it is without having this stuff pulled on us. Twice within 24 hours you hold secret sessions and come out and drop these things in our laps without giving us an opportunity to discuss them. I call it decidedly unfair.

Mr. FERNALD: Mr. President, if I thought for a minute that this proposition had much chance of passage in this Body, or even a fighting chance in the House, I would stand here and argue with you and point out to you that this poll tax or any poll tax upon men and women or both, is unfair and unjust. Let me point out to you, so far, we have increased the tax 400% on the independent, single little store keeper. We have come along and told the kids who pay ten cents to go to the movies, "We are going to put a tax on you." Now we come along and impose a poll tax that is regressive, unfair, uneconomic, and really a fiscal anachronism.

Now, to expedite matters and not have this thing kicking around here a week more, I am going to move this amendment be indefinitely postponed without further debate as far as I am concerned, and then if the thing should ever survive and ever get back here again, I will try to talk and try to reason and point out why we should not pass a poll tax of any kind. I, for one, am opposed to the present tax because it violates the principle of ability to pay, and that is agreed to by every economist and every authority upon taxation of any consequence in Maine or any other state.

Miss LAUGHLIN: Mr. President, there are, of course, two opinions as to whether we should pay a poll tax. Some people, like the Senator from Waldo, Senator Fernald, do



not favor it, and do not favor a head tax. Certainly I believe if we have a poll tax it should apply to all adult citizens. Further, I believe a poll tax on all adult citizens is a desirable thing. Every citizen gets benefits from an orderly and organized government and is indebted to that government, and I think should pay something to that government, and I think it would increase the spirit of responsibility on the part of the citizens if they realize they owe something to government and should pay it. That is something we are losing—a sense of responsibility to government or anybody else. I am not in sympathy with this idea that they talk about—that the husband is going to pay for his wife. It seems to me the wife is entitled to more than her board and clothes, and if it is considered that wives are not entitled to more than \$3.00 a year, it is time they woke up to the fact that they are considered paupers by the members of this legislature. The matter came up in an organization I know, and this same statement was made, and a woman who was a farm woman, told all she had done that day, and if she had been properly compensated it would have amounted to more than any of us earn or should earn here, and she said, "If I have not earned \$3.00, I would like to know why". I think there is that growing sentiment and I have said to people regarding this poll tax bill, which I introduced in two legislatures, "I will tell the women of this state that you think they are paupers and not entitled to \$3.00 of their own". And I find a growing demand by women, and certainly all those belonging to organizations, for a poll tax for women if there is to be one for men, on the basis that they are equal citizens and if a poll tax is part of the duty of citizens, they not only think they should pay it, but they want to pay it.

Mr. FORTIN: Mr. President, I for one, have a lot of respect for the fairer sex. I have a Mrs. She is the boss. I am fair enough to admit that. But I was only speaking for the majority. I believe in equal suffrage, and in their rights, and I am not asking them to pay \$3.00 for that right. The only thing I am attempting to bring out is that the majority of women, of ladies, cannot pay this tax. For example, I am going to cite an example in

Lewiston, of our girls and ladies working in the mills and in our shops. Their salaries, their savings, after they have bought their clothes, and after they have had some enjoyment—we know their salaries are fair—it means \$3.00 for every single woman, and I still maintain that for the wife of the poor man who is supporting five, six or seven children, it is an additional tax for him. I admit that any woman, married to a man, earns certainly 2500 times that \$3.00, but I question whether this taxation is wise because it is aimed at the ladies, who are not paying a poll tax now. That was the only idea I wanted to bring out.

The PRESIDENT: The pending question is on the motion of Senator Fernald, that Senate Amendment "F" be indefinitely postponed. Is the Senate ready for the question?

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

A division of the Senate was had. Fourteen having voted in the affirmative and fifteen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Miss Laughlin of Cumberland, Senate Amendment "F" was adopted.

Mr. GOUDY of Cumberland: Mr. President, I arose to talk on the motion to adopt this amendment.

Thereupon, the Senate voted to reconsider its action whereby Senate Amendment "F" was adopted.

Mr. GOUDY: Mr. President, I want to oppose the adoption of any such motion or amendment as this. I must rise in defense of the ladies. We do know, beyond any question, the fact that you find in some households where there is a large family of children, where the woman is fairly well engaged in taking care of the family and the husband, not being very well supplied with the worldly goods, is called upon to labor by the sweat of his brow from early morn to night. Under these circumstances, there is one in the family who has to pay a double tax, one for himself and one for his wife—and that is the husband.

Now, the poll tax, under the old law was payable to cities and towns, but under this amendment, if adopted, it would mean a tax of \$3.00 on men and a \$3.00 on women, and it is collectible by the cities and towns and payable to the State, the cities and towns, as I understand it, retaining one-half of

the amount. That one-half of the amount would be equal to what they have now for their trouble. They would, in the end, receive \$3.00 which they receive now, but they would have to collect poll taxes from men and poll taxes from the women, which would double their efforts and necessitating putting on an extra crew, extra office force, extra expense to the towns, and therefore an addition to the real estate tax in the town.

Now, I am wondering whether or not you could collect the poll tax from a woman if she did not pay. Under the law, as it is now, you have certain statutory proceedings which it is mandatory for the tax collector to follow. Those are, if the taxes are not paid within a certain time, he sends out invoices and subsequent to that, if it remains unpaid, they arrest the delinquent taxpayer and take him to jail. I am wondering what position a tax collector in that position would be in, if he had to go and take a mother of six or seven children to jail because she did not pay her poll tax. I think it is inhuman if you could legally incarcerate a mother in jail, I think it would be inhuman for a tax collector to jail that mother for not paying her poll tax. Therefore, I say you would be restricted in the collection of those poll taxes.

One other point I want to bring up is the fact that probably in a great many cities and towns the male members of the family, not having sufficient funds and not being so well supplied with worldly goods as some members of this Senate, that would impose a tax on the working man, some members of the family, the husbands, are obliged to go forth after working all day perhaps in a factory, and by the sweat of their brow, work on gravel banks or on trucks in order to pay their poll taxes. I know it is a condition you would not want to impose upon women. I wonder if it is a wise solution. First, in the case of married men, you tax him \$6.00 and some of them have difficulty now in paying \$3.00, and if some of the members of this Senate were conversant with civic affairs and had this to deal with, they would know how difficult it is to collect poll taxes now and you have full facilities to follow. If the same law applies to the wife and mother, you would, I believe, hesitate to enforce

it. I hope this amendment is not adopted.

Miss LAUGHLIN: Mr. President, we hear again that the husband would have to pay the woman's poll tax, and that the woman is entitled to nothing and has nothing of her own. I hope it will be said often enough if we don't pass this, so we will wake up. I am impressed by the fact of how much more the men of the Senate know about women than the women do. It is quite impressive. On the question of going to jail, in the first place, I do not believe of putting anyone in jail for not paying his poll taxes. If it applies to men I believe it should apply to women also, but because of the fact that the poll tax would be a debt, and under our law we can not imprison a woman for debt, so she could not go to jail under this, although, as I say, if a man goes to jail, the woman should, too.

We heard, at the time women were given the vote, that the husband would vote for both, and it would just double the vote, but perhaps some office seekers have discovered that the husband does not vote for both. I think we have discovered the woman is indebted, as a citizen of the state, and should be under some obligation or duty, as other citizens are. I am speaking for a great majority of women I know. Probably my experience and knowledge is very limited compared with the gentlemen of the Senate, but the attitude of those women I know is that this poll tax should apply to both men and women, or neither.

Mr. GOUDY: Taking the full force and effect of everything my good colleague from Cumberland has said, as being so, I agree with her that women can not be incarcerated in a penal institution for debt. Without that right you have no way of collecting the tax. The cities have gone to the expense of sending forth collectors, issuing subpoenas, and probably spending two or three dollars to collect a \$3.00 tax, then to find you cannot collect it—if that is good business, I do not see it.

Miss LAUGHLIN: Mr. President, it seems to me we have a considerable amount of taxes in this state which are collected, and this tax can be collected as any other tax is collected, and you can, of course, levy a tax on the property. This

isn't the only tax women would pay. They pay others and there are methods for collecting taxes.

Mr. GOUDY: It is true that the owner of real estate, whether it be by one of the male sex or one of the female sex, is liable for the collection of the tax because the property in and of itself becomes liable whether owned by men or women. Now, if the tax on real estate is not paid by the first Monday of February, the real estate is sold at tax sale, therefore, the tax collector abides by law, the law being that he must do one of three things, either collect the money, or obtain the money in lieu thereof, or have the tax abated by the board of assessors. The same thing applies to personal property. If the tax on personal property is not paid, they can restrain the goods and in 48 hours sell it in public vendue. On the other, it depends upon the willingness to pay, insofar as it affects the female of the species.

Miss MARTIN of Penobscot: Mr. President, there is one point that has not been brought out and that is worthy of consideration. It is the fact that it is an entirely new tax that has not been heard by any committee in this legislature, and it does seem to me it is of such importance and so far reaching, where we are not justified in putting it on at this late date without public hearing.

Mr. FERNALD: Mr. President, it is interesting in going through the legislature to hear the attitude of other states quoted, and I have always listened with a great deal of interest to the practice in California and Colorado and those important states, and I might say that the constitution of five states flatly forbid the use of a poll tax and those five states are California, Maryland, Ohio, Oregon and Utah, and ten states in the Union do not use it at all. In order that we may all be properly advertised in the opposition to this, and that our votes are definitely known, and I know every member of the Senate has thus far been on record on tax measures, I ask for a roll call.

Mr. GOUDY: Mr. President, may I, with the consent of the members, speak a second time? There is one thing I was reminded of by a gentleman in the audience. It is a very good point and it is remarkable that neither Senator Laughlin nor I thought of it. For instance,

a man and his wife may pay a poll tax. They may have four or five daughters and they may be in college, so that makes four or five more poll taxes he must pay on his daughters.

Miss LAUGHLIN: Mr. President, one word to say and not speaking of how much they get in service—but we have heard a lot about the idea that it can not be collected. There are a number of states where they have a poll tax on men and women both, and the tax is collected.

The PRESIDENT: The pending question is on the motion to adopt Senate Amendment "F". Senator Fernald has asked for a roll call. Before a Yea and Nay vote can be taken it is necessary that one-fifth of the members of the Senate present vote in favor. Those in favor of the roll call will rise and stand in their places until counted.

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

Mr. FERNALD: Mr. President, a parliamentary inquiry: A vote "No" is a vote against the poll tax?

The PRESIDENT: The Senator is correct.

Mr. WILLEY of Cumberland: Mr. President, I would suggest we read the amendment. It is not a woman's poll tax we are talking about. I think the Senate should know what we are voting on.

The PRESIDENT: Is it the pleasure of the Senate that the amendment be read again?

(The Secretary read Senate Amendment "F".)

Miss LAUGHLIN: This amendment, as read, is a poll tax upon the inhabitants of the state. It doesn't say anything about women.

Mr. GOUDY: Mr. President, may I point out, that whether this amendment is adopted or not, the statute which places a poll tax on men is in full force and effect.

The Secretary called the roll.

YEA — Beckett, Burkett, Cook, Friend, Hussey, Laughlin, Littlefield, Marden, Osgood, Owen, Spear, Wentworth, Willey, Worthen—14.

NAY — Ashby, Blanchard, Chase, Corrigan, Deering, Fernald, Fortin, Goudy, Graves, Kennedy, Lewis, Malliar, Martin, Potter, Sewall, Tompkins, Walsh—17.

ABSENT—MacKinnon—1.

Fourteen having voted in the affirmative and seventeen opposed, the motion to adopt Senate Amendment "F" did not prevail.

Thereupon, on motion by Mr. Fer-  
nauld of Waldo, Senate Amendment  
"F" was indefinitely postponed.

Miss Laughlin of Cumberland of-  
fered Senate Amendment "G" and  
moved its adoption:

"Amend said act by adding to it  
the following:

#### "TITLE VIII

##### "Tax on Corporations Generating and Selling Electric Current

'Sec. 1. Public service corpora-  
tions to make report. Every public  
service corporation doing business  
in this state and under the jurisdic-  
tion of the public utilities commis-  
sion and organized for making, gen-  
erating, selling, distributing and  
supplying electricity or electric cur-  
rent for power, lighting, heating,  
manufacturing, or mechanical pur-  
poses, incorporated under the laws  
of the state or by special act of  
the legislature, or doing business  
therein shall annually, between the  
1st and 15th days of April in each  
year, return to the secretary of  
state under oath of its treasurer,  
the amount of the capital stock of  
the corporation, both common and  
preferred; and the number and par  
value of the shares.

'Sec. 2. Excise tax. Every public  
service corporation as above defined  
in section 1, organized for making,  
generating, selling, distributing and  
supplying electricity or electric cur-  
rent for power, lighting, heating,  
manufacturing or mechanical pur-  
poses, incorporated under the laws  
of the state or by special act of the  
legislature or doing business in said  
state, operating any such public  
service corporation in this state  
under lease or otherwise, shall pay  
to the treasurer of state for the  
use of the state an annual excise  
tax for the privilege of exercising  
its franchises and the franchise of  
its dams, power stations, power and  
transmission lines, switchboards and  
other property, and which said an-  
nual excise tax shall be in addition  
to all taxes upon such public service  
corporations, their property or  
stock.

'Sec. 3. Statement to be filed.  
Every such public service corpora-  
tion as defined in section 1 of this  
act and under the jurisdiction of  
the public utilities commission, shall  
file with said public utilities com-  
mission on the 1st day of Septem-  
ber in each year a statement under  
oath of the total number of kilo-  
watt hours of electricity or electric

current sold during the preceding  
12 months and the gross income re-  
ceived therefor and the public util-  
ities commission shall report the  
same to the state tax assessor on or  
before the 15th day of September  
following.

"The said tax shall be computed  
at 4% of the gross income as re-  
ported under the provisions of this  
act and the tax against each public  
service corporation herein described  
shall be 4% of the gross income re-  
ceived by said public service cor-  
poration during the preceding 12  
months. Provided, however, that in  
computing the amount of said tax  
there shall be excluded from the  
gross income upon which a tax is to  
be paid all sums received for elec-  
tric current or electricity sold for  
re-sale, or sold to the state of  
Maine, or to any political sub-di-  
vision thereof, or sold to be used in  
the state of Maine for industrial or  
manufacturing purposes.

'And provided, further, that every  
public service corporation liable for  
a tax under this act upon gross in-  
come received for electric current  
sold shall add to each bill for elec-  
tric current with respect to which  
a tax is payable hereunder, meas-  
ured by the income received there-  
for, a separate item marked thereon  
as "excise tax," which item shall  
equal as near as may be 4% of the  
amount charged for such electric  
current according to the established  
rates therefor; said additional  
charge to be and constitute a debt  
from the consumer and collectible  
with and in the same manner as  
the amount charged for such elec-  
tric current.

'Sec. 4. Tax assessor to deter-  
mine amount of tax; report. The  
state tax assessor on or before the  
25th day of September in each year  
shall determine the amount of such  
tax and report the same to the  
treasurer of state and shall forth-  
with give notice thereof to the pub-  
lic service corporation upon which  
the said tax is levied.

'Sec. 5. Tax shall be a lien. Said  
tax shall be payable quarterly to  
the treasurer of state for the use  
of the state in carrying out the  
provisions of this act, the first pay-  
ment to be made on the first day  
of October, 1937. Said tax shall be  
a lien on all property of any such  
public service corporation herein  
taxed and takes precedence over all  
other liens and encumbrances.

'Sec. 6. Abatement. Any public

service corporation aggrieved by the action of the state tax assessor through error or mistake in determining the said tax, may apply for abatement of any such excessive tax to the state tax assessor on or before the 1st day of May of each year, and if, upon hearing and examination, the tax appears to be excessive through such error or mistake, the state tax assessor shall thereupon abate such excess and the amount so abated shall be deducted from any tax due and unpaid from such public service corporation, upon which the excessive tax was assessed, and if there is no such unpaid tax, the governor and council shall draw a warrant for the abatement to be paid from any money in the treasury not otherwise appropriated.

'Sec. 7. Additional facts to be furnished, when necessary; books may be inspected; penalty. If the returns required by law in relation to such public service corporation are found insufficient to furnish the basis upon which the tax should be levied, the public utilities commission shall require such additional facts in the returns as may be found necessary, and until such returns are so required, or in default of such returns when required, the state tax assessor shall act upon the best information he may obtain. The public utilities commission shall have access to the books of any such public service corporation to ascertain if such returns are correctly made and any such public service corporation conducting any of the services defined in section 1 of this act, in the state, which refuses or neglects to make returns required by law or to exhibit to the public utilities commission its books for the purposes aforesaid, or makes returns which the president, clerk, treasurer or other person certifying such returns knows to be false, forfeits not less than \$1000 nor more than \$10,000, to be recovered by indictment or by an action of debt in which such public service corporation conducts any of its service.

'Sec. 8. Repeal. All acts and parts of acts in conflict with any of the provisions of this Title (Title VIII) of this act are hereby repealed.'

Mr. FORTIN: Mr. President, again I ask for the courtesy of having some printed matter. I have almost got a headache listening to that

long document. I have got to stretch my big ears a little further to get every word. In all fairness, I ask again that we be given time to study the amendment. From what I could digest, I wonder who is going to pay this tax. You have excluded, I believe, the large corporations with power for resale and for manufacturing purposes. That is about 80% of the output of electric current and power. Now where is it hitting again? It is hitting the small store owner and the consumer, those who can least afford to pay. If you are going to have a tax of this kind, have it at least not discriminatory. Tax them all alike. The exemptions are not fair. It again throws the burden upon those who can least afford to pay it.

I surrender. If you people would give us a break and let us study these things you are presenting to us—but if we don't have time to study them, I think we are justified in taking the stand—I will speak for myself—to oppose any such tax measure that I do not know anything about and do not understand, and if this is going to penalize the power companies I would be against it and if it penalizes unfairly all our people, and if it is not equal taxation, I oppose it. I ask for a third time, to recess, if it is according to Reed's Rules, and give us something to study so we will know what we are voting on. I am asking only that you be fair. We do not know what you people have talked about. You expect us, two minutes after you have read the amendment, to be able to help or oppose.

Mr. ASHBY of Aroostook: Mr. President, Mr. Fortin is absolutely right, in more ways than one. Our distinguished Senator from Waldo County, Senator Fernald, pointed out that the principle of taxation is based on the ability to pay. Now, if you notice, this bill is so very nicely framed, it places the burden absolutely upon the small consumer. It doesn't even give the Public Utilities Commission the power to take this up. It doesn't give the excise hydro-electric man the power to take it up with the Public Utilities Commission. It puts the burden on the shoulders of the small consumer to start with. It would take a long time to consider that it was being put where there is ability to pay. Now, it exempts the big industrial plants.

I have been moving for this tax since I have been here—five terms—an excise tax on hydro-electric corporations—they have it on railroads and savings banks—but this is the only utility that has made money through the depression. I am not going to talk on this very long because I know it has no more chance going through the House than a snow-ball has in Hades, but I would call attention to the unjust discrimination against the poor, protecting the rich and putting the burden on the poor. And that is what has turned this nation from a Republican to Democratic administration. There are only two states left, and if we persist in piling it on the poor man and letting the rich man crawl out, we will change the slogan to, "As the nation goes, so goes Maine" in our next election.

Miss LAUGHLIN: Mr. President, I do not propose to discuss this bill but I would like to say in answer to the remark about having it to study it, that if the members read the bills on their desks, they would be familiar with this, except for two amendments. The bill, with the exception of two amendments is No. 655 in the book. It was introduced in the House on the 16th day of February, so there have been two months for the members to read the bill. The Committee on Taxation has had it since. This amendment is simply this bill, No. 655, with two amendments,—first, it exempts power used by manufacturing and industrial establishments in the State of Maine; that is, the tax is not levied upon power used by industrial and manufacturing establishments in Maine. Secondly, the other provision is to the effect of putting the tax on the bill. Other than that, with the change of dates so it could be paid immediately, the bill is the same as No. 655 in our Legislative Document book.

Mr. FORTIN: I am very grateful for the kind pointing out by the Senator from Cumberland, Senator Laughlin, of that particular bill.

Miss LAUGHLIN: It was introduced on the 16th of February and has been with the Committee on Taxation ever since.

Mr. FORTIN: Yes, I am referring now to No. 655, but in the last few minutes we have been confining ourselves to No. 1058, which is a redraft of some kind.

Miss LAUGHLIN: We are confin-

ing ourselves to the amendment to No. 1058. The provisions of that amendment, with two exceptions I have mentioned, are the same as appeared in Document 655, which was a taxation bill, before this legislature, and on which there has been a hearing, and I might say to the Senator from Androscoggin, that it has been there two months and I repeat again if we were familiar with the documents introduced in this legislature, we would be familiar with all the features of the amendment, with the exception of exempting industrial establishments and putting the tax on the bills.

Mr. FORTIN: Then I understand No. 655 has been substituted as an amendment to 1058, with those two exceptions? I had read the particular bill pertaining to the tax on power, but in listening to the amendment I didn't get the fact that it was being substituted as an amendment for 1058. If I had had that amendment before me, and had been told it was the same as 655, I would have been able to compare it, but mentally I could not follow line for line and memorize Document No. 655.

Miss LAUGHLIN: In discussing it, you can have it before you.

Mr. FORTIN: The amendment doesn't say it is Bill No. 655. Mr. President, when the vote is taken on this matter, I ask for a roll call.

Mr. WALSH: Mr. President, if we keep on, somebody is going to bounce in here with "Gone With the Wind" as an amendment. I still insist we are entitled to copies of these amendments, and I move the amendment be tabled until the amendment is printed and every member is furnished with a copy.

The PRESIDENT: The question before the Senate is on the motion of Senator Walsh, that Senate Amendment "G" be tabled.

A viva voce vote being had, the motion prevailed.

Mr. ASHBY: Mr. President, is the whole bill tabled or just this particular amendment?

The PRESIDENT: This particular amendment.

Miss Laughlin of Cumberland offered Senate Amendment "H" and moved its adoption:

"Senate Amendment H to Consolidated Bill 'A', L. D. 1058. Amend said act by adding to it at the end thereof the following: 'Title IX. Sec. 1. Repeal. All acts

and parts of act in conflict with any of the provisions of this act are hereby repealed. Sec. 2. Unconstitutionality of any section. In case any section or provision of any section of this act shall be held unconstitutional or invalid the same shall not be held to affect any other section or provision of this act.' "

Senate Amendment "H" was adopted.

Mr. WILLEY: Mr. President, if those are all the amendments, I move we recess until seven forty-five and in the meantime, the amendment which is tabled for printing can be printed and back here.

Miss LAUGHLIN: Mr. President, I ask that this motion be withdrawn for a few minutes.

Mr. WILLEY: I will withdraw the motion, Mr. President.

On motion by Miss Martin of Penobscot, Legislative Document 1058 was laid upon the table pending adoption of Senate Amendment "G".

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, bill, An Act Relating to Local Option Provisions (S. P. 515) (L. D. 1045), tabled by that Senator on April 21st pending motion to indefinitely postpone.

Miss LAUGHLIN: Mr. President, the motion to indefinitely postpone was made by Senator Tompkins of Aroostook, and I recall the reasons given at the time was that the amendments were such that they destroyed the purpose of the bill. Furthermore, subsequent to that, I learned there was a bill introduced before the House, and we have not had a report of their action, but it embodied the provisions and cut out all portions cut out by amendments in the House. I therefore wish to second the motion of Senator Tompkins to indefinitely postpone this bill.

The motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

Mr. WILLEY: Mr. President, I move the Senate recess until 7:45, and in the meantime the amendment tabled could be printed, and I would also add if any members of the Senate have further amendments to offer that it would be a good idea to pass them to the Secretary so he can have them printed before seven forty-five.

Mr. FORTIN: Mr. President, may I move the previous amendments be

printed also so we will have a chance to read them? The amusement tax, especially, I would like to study because it is another that is going to hit the poor kid who has ten cents to go to the movies and has to go and get another cent.

The PRESIDENT: Will Senator Willey withdraw his motion until this motion is put?

Mr. WILLEY: With pleasure, Mr. President.

The PRESIDENT: The Senator from Androscoggin, Senator Fortin, moves that all amendments that have been introduced to Legislative Document 1058 be printed between now and seven forty-five tonight. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on motion by Mr. Willey of Cumberland,

Recessed until tonight at seven forty-five o'clock.

#### After Recess

The Senate was called to order by the President.

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, 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 (H. P. 1884) (L. D. 1058) tabled by that Senator earlier in today's session, pending adoption of Senate Amendment "G", which amendment was tabled by Mr. Fortin of Androscoggin, pending adoption.

Mr. FORTIN: Mr. President and members of the Senate, now that we have the printed matter before us and have been able to glance over it, under this title of the tax on public service corporations, which pertains to the excise tax upon electric power, may I repeat that upon that particular amendment, the people who are going to pay this tax are the poor people.

The PRESIDENT: Will the Senator move, first, that Senate Amendment "G" will be taken from the table?

Thereupon, on motion by Mr. Fortin of Androscoggin, the Senate voted to take from the table, Senate Amendment "G" to L. D. 1058, which was tabled by that Senator earlier in today's session, pending adoption.

Mr. FORTIN (continuing): It seems to me that this tax measure would again fall upon the poor people and I do not really think it is

fair, in view of the fact that just about a month ago the power companies of this state returned to the people a reduction in rates. Now we have a Public Utilities Commission to control, and supervise the power companies of the State, and in reading over this particular amendment, I wish to go on record as opposing this particular tax measure.

Mr. ASHBY: Mr. President, in view of the fact that we all seem to be lost and disagreeing, I suggest that Senate Amendment "A" to Senate Amendment "E" and all the other amendments to this Legislative Document 1058—I move that we painlessly kill them here and not send them to the House to be tortured. I move the indefinite postponement of all these amendments.

The PRESIDENT: The pending question is on the motion of the Senator from Aroostook. Senator Ashby, that Senate Amendment "G" be indefinitely postponed. Is the Senate ready for the question?

Mr. SPEAR of Cumberland: I ask for a division. Mr. President.

Mr. FERNALD: Mr. President, I want to speak in favor of the motion of Senator Ashby. We started out earlier in the session by taking the poor man, the man we were told two years ago, if you gave him a glass of beer it would make a member of the W. C. T. U. out of him because he would not drink anything harder, the man who would be temperate because of this, and we have put a 75% sales tax on his mug of beer. Then we took the theatre tickets of the boys and girls who like to go to the movies Saturday afternoon and we put a tax on them. Then we came to a poll tax on women. We licked that proposition by three votes—14 to 17—and tonight we are going to reconsider that and pass that, and tomorrow we will have enough here to turn it around the other way and we will kill it when it comes back. Then the fourth thing, we have taken the independent merchant in the state of Maine, the man who year in and year out before we heard of W. P. A. and C. W. A. or anybody in Washington to give us bread; the man who carried the relief rolls that we now carry as a government, through winter on his own private accounts and then had them worked out in the summer and then started again to carry them through the winter; we are going to say that we are go-

ing to double this tax, but we are going to multiply it by four, for the independent merchant and grocer in Maine.

I always felt if Maine ever stood for anything, it stood for independent business and the independent business man and the independent person in business and social life. I thought it was one thing we typified, independence, but we are going to try to break him now. We have not been able to do as we wanted to, but we are going to take everybody's electric light bill and put a little notation on the bottom of it, "State tax. Eighty-eighth Legislature. 5% or 4%". We will tack that on so as to aggravate everybody once a month, and we are going to turn around in the same bill and exempt the people that have already been exempted from taxation by this legislature. We are going to exempt the people you proposed to tax by an income tax. So you are taking the little man and hitting him right on the chin. It is going to be great campaign material in two more years.

I am not here for Central Maine Power Company or Cumberland County Power and Light Company or the Bangor Hydro or whatever the company is, but the thing involved here is the incidence of taxation. In other words, where does the burden fall?

I am for the forgotten man of Maine,—Mr. and Mrs. Average Taxpayer, who is in the middle class along with most of us here in the Senate. Now, I do not think we are going to get anywhere putting a tax on his electric light bill because that is going to be the greatest campaign document for the opposition in two more years because it is going to be written on the bill—state excise tax—and everybody knows where it comes from.

When the vote is taken here I want it taken by Yeas and Nays, because I want to come back in two more years and I do not want to have to explain my position on that tax because when you get every housewife, when you antagonize her by putting on a \$3.00 poll tax and then turn around and cut her budget 5%, I cannot express my feelings in the Senate as to just what her reaction is going to be. Now, that is what you are doing. I think we want to go cautiously about this thing, and we want to move within the rule of reason.

Mr. President, when the vote is



taken on this proposition, I ask for a roll call and I believe we will have a roll call, as one thing this Senate has been willing to do is to go on record. I think we have been unanimous in that. I think we have gone on record on everything, and I think we should keep one record clean.

The PRESIDENT: The question before the Senate is on the motion of Senator Ashby that Senate Amendment "G" to Legislative Document 1058 be indefinitely postponed, and Senator Fernald asks for a roll call. Before a Yea and Nay vote can be taken it is necessary that one-fifth of the members of the Senate present vote in favor. Those in favor of the roll call will rise and stand in their places until counted.

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

The Secretary called the roll.

YEA — Ashby, Blanchard, Chase, Deering, Fernald, Fortin, Goudy, Graves, Kennedy, Lewis, Mallar, Martin, Potter, Spear, Tompkins.—15.

NAY — Beckett, Burkett, Cook, Friend, Hussey, Laughlin, Littlefield, Marden, Osgood, Owen, Sewall, Wentworth, Willey, Worthen.—14.

ABSENT — Corrigan, MacKinnon, Walsh.—3.

Fifteen having voted in the affirmative and fourteen opposed, the motion to indefinitely postpone Senate Amendment "G" prevailed.

Mr. FERNALD: Mr. President, I move that Title VII of Legislative Document 1058, relating to a head tax, a tax of \$4.00 on every person over 21 years of age in the state of Maine be indefinitely postponed in accordance with our unanimous vote in the caucus yesterday. I ask for a roll call. To save time, Mr. President, I will withdraw my motion for a roll call and ask for a division.

The PRESIDENT: The question is on the motion of Senator Fernald to indefinitely postpone Title VII of Legislative Document 1058. Is the Senate ready for the question? The Senator from Waldo, Senator Fernald, has asked for a division.

A division of the Senate was had.

Twenty-five having voted in the affirmative and none opposed, the motion to indefinitely postpone Title VII prevailed.

Mr. ASHBY: Mr. President, I move we reconsider our action whereby we adopted Senate Amendment "E".

The PRESIDENT: The question is on the motion of Senator Ashby

that we reconsider our action whereby we adopted Senate Amendment "E". Is the Senate ready for the question?

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

Mr. FORTIN: Mr. President, do I understand this last vote which we have just taken was on the indefinite postponement of the entire amendment for amusement taxes? I think there was a misunderstanding there.

The PRESIDENT: Senate Amendment "E" relates to the amusement tax and has not been indefinitely postponed.

Mr. FORTIN: Is it open for discussion? Is that part of the bill now debatable, Mr. President?

The PRESIDENT: There is no motion before the Senate in connection with Senate Amendment "E".

Miss MARTIN: Mr. President, in order to get the amusement tax before us, if that is what Senator Fortin wants, I move the indefinite postponement of Title VI.

The PRESIDENT: The pending question is on the motion of Senator Martin that Title VI of Legislative Document 1058, relating to the amusement tax, be indefinitely postponed.

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

Fifteen having voted in the affirmative and fourteen opposed, the motion to indefinitely postpone Title VI of L. D. 1058 prevailed.

Mr. FRIEND of Somerset: Mr. President, now that we have killed the major portion of this bill, the part that raised the major portion of the appropriation we need, I think it would be a waste of time to go any further with this, because it would not raise enough. So as not to waste any time, I move to indefinitely postpone Report A of Legislative Document 1058.

The PRESIDENT: The question is on the motion of the Senator from Somerset, Senator Friend, that Legislative Document 1058 be indefinitely postponed in non-concurrence.

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

Sixteen having voted in the affirmative and twelve opposed, the motion to indefinitely postpone prevailed.

On motion by Mr. Fernald of Waldo,

Adjourned until tomorrow morning at ten o'clock.