

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Saturday, April 24, 1937.

Senate called to order by the President.

Prayer by the Reverend Edwin Cunningham of Augusta.

Journal of yesterday, read and approved.

Reports of Committees

Mr. Hussey from the Committee on Appropriations and Financial Affairs on "Resolve in Favor of the State Park Commission," (S. P. 218) (L. D. 400) reported that the same ought not to pass.

The same Senator from the same Committee on bill "An Act Relating to Emergency Aid for Unemployables," (S. P. 161) (L. D. 245) reported that the same ought not to pass, as the matter is taken care of otherwise.

Which reports were severally read and accepted.

Sent down for concurrence.

Senate Report of the Committee of Conference on bill "An Act Relating to Exemptions of Motor Trucks from Registration," (S. P. 332) (L. D. 596) reported that both branches recede and pass the bill to be engrossed as amended by Senate Amendment "C".

Miss LAUGHLIN of Cumberland: Mr. President, in the absence of the Senator from Oxford, Senator Osgood, who is chairman of that committee, and who I understand has Senate Amendment "C" in his pocket, I move that this lie on the table for the time being.

Finally Passed

"Resolve in Favor of Manzie I. Rogers, of Bangor, Maine." (H. P. 1877) (L. D. 1054).

Orders of the Day

On motion by Mr. Fortin of Androscoggin the Senate voted to take from the table An Act Relating to Liquor Licenses (H. P. 1867) (L. D. 1037), tabled by that Senator on April 23rd pending passage to be enacted.

Mr. FORTIN: Mr. President, I just wanted to bring to the attention of the Senate the objection that I have to this document. It seems to me that the present law is ample. Now, most of the beer parlors that are now doing business really can not meet this new fee of \$200 and I am just going to leave it up to

the better judgment of the members of the Senate whether these people should be taxed this high license fee.

Mr. MARDEN of Kennebec: Mr. President, speaking with the permission of the chairman of the committee which considered this particular matter, the Senate may recall, or may notice by looking at Legislative Document 659 of which Legislative Document 1037 is a redraft, that Legislative Document 659 requested a general advance in license fees of hotels, restaurants, and clubs, from one hundred to two hundred dollars and of other retailers not authorized to sell for consumption on the premises, from fifty to one hundred, and a license fee for summer hotels, clubs and restaurants from fifty to two hundred dollars on a graduated scale. The Committee on Temperance after hearing, quite naturally, both sides of the proposition reported out 1037 in the present draft.

I think the feeling of the committee was that the restaurant feature of dispensation required very definitely some regulation, additional regulation, and that by increasing the fee from one hundred to two hundred dollars would be a step toward that direction. And that is the feeling of the committee, that Legislative Document 1037 should remain as it is, although I do not understand that the Senator from Androscoggin (Senator Fortin) has offered any amendment.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the bill was passed to be enacted.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table Senate Report of the Committee of Conference on bill An Act Relating to Exemptions of Motor Trucks from Registration (S. P. 332) (L. D. 596) reporting that both branches recede and pass the bill to be engrossed as amended by Senate Amendment "C".

Thereupon, on further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and Senate Amendment "B" was indefinitely postponed in concurrence.

Miss Laughlin presented Senate Amendment "C" and moved its adoption: "Senate Amendment 'C'

to Senate Paper 332, Legislative Document 596, bill, An Act Relating to Exemption of Motor Trucks from Registration. Amend said bill by striking out everything after the enacting clause and inserting in place thereof the following: "Revised Statutes, Chapter 29, Section 57-A amended. The second paragraph of Section 57-A of Chapter 29 of the Revised Statutes is hereby amended to read as follows: "Provided, however, that this privilege shall not be granted to motor trucks of a rated carrying capacity of more than three tons, and provided further that motor trucks having a carrying capacity of three tons or less which are duly registered according to the laws of another state or country which grants like privileges to such trucks registered in this state and to the operators thereof shall not be required to be registered in this state when operating within the fifteen mile zone limit herein provided.""

Senate Amendment "C" was adopted and the bill as amended by Senate Amendment "C" was passed to be engrossed.

Sent down for concurrence.

Mr. GOUDY of Cumberland. Mr. President, a majority of the Committee of Conference for the purpose of dealing with L. D. 1058 asks the privilege of submitting its report:—

"The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Legislative Document No. 1058, 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."

Have had the same under consideration, and ask leave to report:

"That the Senate reconsider the indefinite postponement of the bill and the adoption of Senate amendments B, C, D as amended by Senate amendment A thereto, E and H; that the House reconsider the passage to the bill to be engrossed and the adoption of House Amendment "A" and that both bodies adopt Senate Amendments I and J and Senate Amendment A to House Amendment A, submitted herewith, and enact the bill as amended by House Amendment A as amended by Senate Amendment A thereto,

House Amendment B and Senate Amendments I and J."

(Signed) Clinton T. Goudy
Francis H. Friend
Sumner Sewall

Committee on part of Senate.

(Signed) Ned H. Murchie
John T. Gyger

Committee on part of House,

Mr. GOUDY: Mr. President, I move the acceptance of the committee report.

Mr. FERNALD: Mr. President, may we have the full report read, including the amendments?

Mr. GOUDY: Mr. President, may I present each member of the Senate with the report in writing so they may be able to follow along as the report is read? I would like to say that there is an error in printing here inasmuch as they have put on a separate page one amendment.

The PRESIDENT: The pages will distribute the reports.

The Senate will recess for ten minutes, to respond at the sound of the gavel.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The pending question is on the acceptance of the report of the Committee of Conference.

Mr. FERNALD of Waldo: Mr. President, I move the indefinite postponement of the conference report. I want to explain my motion in this way, that I am trying to bring this thing to an issue quickly in order to expedite matters, and I think we all realize what this report does, and I want to be corrected if I am not right. I cannot tell from reading the amendments or from reading the bill because there is nothing in the bill that tells exactly what it is unless we took half a day off and pieced the thing together. I believe it gives a one percent sales tax with a referendum on it and takes \$300,000 out of the general fund. Now, I think we can vote on that quickly and fast by just indefinitely postponing the report. If I thought there was any question as to how you would vote on it, I would argue this matter at length and point out inequalities, why we are against it, why the Grange is against it, why organized labor is against it, and all accepted authorities are against it as being

regressive, uneconomic and unfair. The housewives of Maine are against it. This Senate is against it because we have already voted on it, we voted 25 to 7 against a 2% sales tax. We voted 24 to 8 against a 1% sales tax along with a 2% income tax. We voted 30 to 1 against a 1% income, progressive rates, with a 2% sales tax. There is no need of any great debate on this, but let's drive one misconception out of our minds, that we have got to have a sales tax or an income tax. That is not so. It is not true. And we can provide for as substantial old age assistance as any state in the Union is giving. We can give the educational people everything they have agreed they wanted. We can take care of the supplemental tax without any new burden of taxation. Now that is correct and that can be substantiated by facts.

Now, let's look at this problem a little bit. I do not want to talk here too long. I know your minds are made up. That program can be put through. Just let me give you ten reasons why you should not vote for a sales tax, and that isn't something I concocted between three o'clock this morning and eleven o'clock today. But there are ten reasons from the point of view of an economist. I will give them to you briefly. These are my objections along with three others, that I made in 1933. They are reasons why you should not vote for a general sales tax.

1. It violates the first and most fundamental principle of equity in taxation in that it takes no account of ability to pay.

2. It usually lays heavier burdens upon the poor than upon the rich. In effect, it tends to be an income tax in reverse.

3. It is condemned by nearly all economists.

4. Some of the advantages claimed for gross sales taxes are of little value or of doubtful validity. Most of the real advantages can be secured by the use of other taxes which have less serious faults. If the people generally thoroughly understood the effects of gross sales taxes as compared with other and better taxes, they would not stand for them at all.

5. Sales taxes are the devices of peoples who are unwilling to face facts, but seek their ends by indirection. Such taxes are much more prevalent among the Latin than

among the Anglo-Saxon peoples, some of whom prefer to know just what they are paying for government services and why, and so are willing to pay direct property and income taxes instead of having exactions concealed in the enhanced prices of commodities which they buy.

6. A sales tax discourages the development of new and promising industries by taxing them while getting on their feet, even though they are making no net profit. A net income tax would be much more favorable to them, and later secure revenue when they are able to pay.

7. A gross sales tax, if heavy enough to yield substantial revenues, is particularly injurious to industries and business with large turnovers sold at narrow profit margins. That is, it is especially antagonistic to the economies of mass production with specialized and expensive machinery, in other words, to the type of industry that has put America in the forefront of the world.

8. The sales tax is usually the refuge and tax most often suggested by the Bourbons as a device to avoid taxation under the generally accepted theory of taxation according to ability to pay.

9. The sales tax sets up new, unnecessary and expensive governmental tax machinery in Maine, which our taxpayers cannot afford to support and maintain and which is not needed to carry on the usual and necessary functions of state government in Maine.

10. The proposed sales tax raises by taxation more revenue than the wasteful 1937 Maine budget requirements call for and consequently is unsound from the point of view of a sound business administration of good government.

Just let me point out in this connection what we are facing in Washington as I read a headline from the Lewiston Daily Sun of Saturday, April 24th—page 1, "Warn of Federal Sales Tax Unless Spending Curbed". There is a statement there that is pertinent. Along with these reasons, let me point out again to the Republicans that organized labor is opposed to this type of levy. Why? Because it is unfair to the laboring man, whether organized or not organized. The Grange is opposed to this type of legislation. The housewives of Maine, the women of Maine who have to balance our home budgets—they are opposed to

it. We know Colonel House was for this legislation in 1933. We know Joe Tumulty is for it today and we know also that the people of Maine are not for it.

When the vote is taken, Mr. President in order that we may clearly put the issue before the people so that they will know when they cast their vote in 1938 whether they want us back here or whether they do not, I ask for a roll call.

Let me suggest in connection with the referendum section of this proposition, instead of taking an unfair advantage of the people of Maine and coupling with a referendum on a tax measure, sympathy, old age, and all the hopes and disappointments of people in the twilight of life, why didn't we put a referendum on some of the unnecessary things we have attempted to support here in the legislature? There are things we could cut. There are appropriations we could put before the people of Maine and the issue would be: Do you want the government to extend its activity in that line of endeavor? Do you want the State of Maine to adopt that type of state activity? They could have answered, Yes or No. If they answered, No, it would not hurt anyone. If they answered, Yes, the functions would go on. We are taking unfair advantage of the people. We are not representatives of the people when we put this issue, of broken hopes of old age or poverty, to a referendum on a sales tax. That is unfair. It is unsportsmanlike. It doesn't draw the issue clearly and I do not think we are going to do it because I think the calm and collective judgment of this body is going to sustain the right, and I think that when we vote, when the record is out, it is going to be clear cut and definite.

Mr. GOUDY of Cumberland: Mr. President, by virtue of the fact that the Senate took the action which it did on this measure and the President chose to appoint me on the committee to accept the responsibility of suggesting a tax measure,—o? course it was a very difficult place to put any member of the legislature, but when we accept our office and come down here to do our duties as representatives of the people, we must necessarily accept our responsibilities regardless of the fact that they may be embarrassing,—but I want to say now that I was very pleased to serve on this com-

mittee. Every member was a perfect gentleman and was absolutely desirous of obtaining some tax measure which would satisfy the financial needs of the state, and therefore, allow the legislature to adjourn. Practically every tax measure that could be suggested has been debated here for weeks and all of these measures were considered carefully by the committee. I have always been opposed to a sales tax. I am on record to that effect. We all had our personal views and personal ambitions in regard to taxes, but it was a situation where compromises must be made. If there could be no compromise, there could be no solution. That same thing applies to the legislature as a whole, as to any subcommittee. So it was a case of give and take, to try to bring forth a fair and equal tax which we could have adopted to take care of our necessary tax problems, and after careful consideration and after discussion, the committee having had the opportunity and the privilege to hear these matters debated pro and con several times before, finally decided on the general sales tax I was in hope that I would be allowed to proceed in a parliamentary fashion and build the bill up to a position where then we could all debate the merits or demerits. When the bill is completed by the postponement or adoption of amendments, we will have in substance and in fact, a 1% sales tax in effect until June 30, 1939, and a referendum attached thereto for the people to vote on as to whether or not they desire this tax. That seemed to be the only solution that the committee could arrive at.

Now I am not going to attempt in any way, shape or manner, to try to sell this bill to the Senate. The committee has met. They have, they think, pursued the only course open. If the report is, at this time, indefinitely postponed, of course that ends the discussion and we need not go on and build the bill up. Of course, we are opposed to taxes and we are not all satisfied. There is some difference between being satisfied and contented, you know. There was a man who said he was satisfied that somebody had stolen his watch but he was not very contented about it.

So I feel if I could be allowed to proceed and put the bill together, and then at that point, open it up

for debate, then we would perhaps have the facts before us and could debate a little more thoroughly, but if Brother Fernald's motion prevails, that will end the matter and of course the committee will ask to be discharged. We do not expect any thanks. I have presented the facts and whichever action the Senate takes is all right with me. We have tried to do our best but if it isn't what the Senate wants,—well, we have tried to do something.

The PRESIDENT: The question is on the indefinite postponement of the report of the Committee of Conference on Legislative Document 1058, and the Senator from Waldo, Senator Fernald, has asked for a roll call. Before a roll call 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 arisen the Yeas and Nays were ordered.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate, I hesitate to take any of the time of this body to express my thought on this measure. Quite a number of us have been against the idea of a sales tax from the 5th day of January down to this morning, but it seems to some of us that we have reached a point where the Senate of the State of Maine is either going to do the job which we were sent here to do, or to fail to do the job, and with consequences which some of us can guess at but few of us can really predict with any certainty.

I respect, and most of us respect the opinion of the Senator from Waldo, Senator Fernald, but it seems to some of us that we should consider this fact, that Senator Fernald was against a miscellaneous tax bill which the Senate at one time voted for, not because that Senator was for another tax program, but because he was "agin it." The same Senator is against the report of this committee, not because he believes another tax program is more advisable, but because he is against any tax program. It seems that we are being forced into a position where we are either going to do the job which we were sent here to do, and provide revenue for the appropriations which

have already been accepted by this legislature, or find ourselves in a position of having accomplished nothing, and with that in mind, and with the hope that my constituents who are opposed to a sales tax may, to a certain extent, agree with the position I am about to take, I feel I should vote for the acceptance of this report for the reasons stated.

Mr. FERNALD: Mr. President, realizing as I do that the Senator from Kennebec, Senator Marden, is out of order, but not wishing to be technical, I would like to ask the consent of the Senate to proceed, out of order, and briefly answer the Senator from Kennebec, Senator Marden.

The PRESIDENT: The Senator may proceed.

Mr. FERNALD: I had hoped I would not have to impose my personal views upon the Senate, but I do have a program and I have been waiting for somebody to challenge me on that ground. I do not, for one moment stand in this Senate and say I'm "agin" everything and have nothing to offer as a substitute, because I have something.

You will pardon me for trespassing upon your time because I did not intend to talk at length on this thing, but there has been a challenge made here, a challenge that we cannot carry on the functions of government without a sales tax, but I deny every word in that declaration. Now I will briefly go along with you. When I get through you may say my program is wrong but there is a basis for discussion, and a little later, after we have disposed of this matter, we can work something out.

We are here, as the Senator from Kennebec, Senator Marden, has said, to do a job. Let's do it. What is our additional need? We came here with the idea that each year the suggestion would be \$2,500,000 for old age assistance. We fussed about it and finally have come to the position, I believe, the position of the man in this Senate who is most familiar with old age assistance, or with two men, and by that I refer to Senator Friend of Somerset and Senator Sewall of Sagadahoc. I believe my position is clear, based upon conversation with these gentlemen, that we can, through the expenditure of a million and a quarter dollars each year

provide for about 10,000 cases under the old age assistance. What are we doing now? We are taking about 4002 cases. I think for a beginning, in the first year, when we are really pioneering, and confronted with the fact that there is some question of constitutionality of this act, when we not only double the old age cases but multiply them by 2 1-2, I think the Maine legislature, the first year it is put on the statute books, it is pretty good. And you know today we have no Act of this kind on the statute books. By setting up that million and a quarter we are giving those over 60, I am told by my colleagues, an old age assistance equal to every one in the United States and not exceeded by any of them. We are taking care of one out of every seven over sixty-five. Now, in two more years, when we come back we will have another million to add to that through the use of the money which we are getting from beer and which we are using for the deficit. Now, I think if we increase it 2 1-2 times, from 4002 to 10,000 at this session, with a million and a quarter, and then after we have the large sums of money coming in from beer to give to them and promise to them in two more years, I think there is no question about the attitude of the people back home toward the position of the Maine Senate on old age assistance, that we are trying to do a good job. Now I think that takes care of that element in the program.

Now, the educational people—let me read this brief statement from a great educator, a great statesman of Massachusetts. Every time I approach the State House in Boston and see the statue of Horace Mann in front of the State House, I am reminded of this statement of Horace Mann's, "In our country, and in our times, no man is worthy the honored name of a statesman, who does not include the highest practicable education of the people in all his plans of administration. He may have eloquence, he may have a knowledge of all history, diplomacy, jurisprudence; and by these he might claim, in other countries, the elevated rank of a statesman; but, unless he speaks, plans, labors, at all times and in all places, for the culture and edification of the whole people, he is not, he cannot be, an American statesman."

Now, let's look at this educational program. They have asked for \$1,700,000. We finally cut it to \$800,000 and then eliminated to \$500,000, and then Senator Cook, in a spirit of compromise suggested we still cut another 10%. We more or less agreed on the figure of \$450,000, all in the spirit of compromise, just the same as Senator Friend of Somerset and Senator Sewall of Sagadahoc compromised so willingly and fairly on the old age proposition. Senator Cook came in and we compromised for \$450,000.

Then we have our supplemental tax. Two or three years ago it was \$500,000 a year and then we clipped it to around \$400,000. I believe through additional old age assistance we are getting and through increased prosperity coming to the state of Maine, and through an increased price on potatoes in Aroostook County, which affects every county and every person in the state of Maine, we can reduce that supplemental tax down to about \$300,000 a year or \$600,000 for the biennium, and substantial reductions have been suggested in the spirit of compromise by Senator Hussey of Kennebec.

If you add these three items up, it costs you \$2,000,000. As Than Tompkins said, when he was a member of the House, "Where are you going to get the money?" Well, I think we are all agreed that a tax on hard liquor is all right. I think we are all cognizant of the fact that if you put a too high tax on hard liquor, you will have the bootlegger, and of all things we don't want, it is the bootlegger. I think when you consider the fact that we have had prohibition four years and a great quantity of hard liquor is coming out of bonded warehouses, the law of supply and demand comes in and so the price will be reduced. I think if you will talk with people of authority in the market, they will tell you that. We can increase the tax from 15% to 20% and take up the reduction in price, and provide a million dollars right there, and in doing that we will not have prices that are excessive as compared with Massachusetts or New Hampshire who are our competitors in the field. That gives a million dollars.

Now, I know the next proposition you will say is water over the dam and you cannot do it. Before we get to it, let me tell you this, that

the Maine legislature is the supreme law of the land, and outside of the restrictions in the Constitution, there is not anything they cannot do. Now if you make a 6% cut—I do not mean a straight cut—on that budget, but take out little here and there you can save \$600,000 a year. Now, let's go into this a little bit. Now, of that \$600,000, I propose to cut from the budget, over 60% of that \$600,000 can be cut without retrenchment over 1934, 1935 or 1936, some one of those years. In other words, we are not going to take any backward step on these things I propose to cut. In other items in the budget I propose to cut, you will be able, in some instances, to give an increased appropriation over last year.

Let me point out to you, on this question of education, right here, it is our duty as member of the Senate and as members of the House to legislate in such a way as will confer upon all the people of Maine the greatest amount of service and benefit possible. Now, on that basis you know and I know that as far as the University of Maine is concerned, that institution caters to the classes, whereas your elementary, secondary and public school system in Maine favors the masses; and our first duty on education is to vote for the education of the masses, and when we have given to the masses, to the great majority of the boys and girls who never get any farther than high school, everything economically possible, then it is right and proper that we extend our endeavors to those more fortunate and those who want to go farther. By that, I do not think I am unfair to the University of Maine because in the appropriation I suggest, we are giving to the University of Maine a 10% raise over what they got in 1935.

Now there is a fundamental proposition there. Now let me point this out to you, let me point out to you that Senator Friend and Senator Sewall and the proponents of the old age proposition have graciously agreed to compromise. Let me point out to you that Senator Cook and the educational people have graciously agreed to compromise. And let me point out to you that the people on the supplementary tax have graciously compromised. But when we come to the nineteen million dollar budget there hasn't been one inch of compromise and there is

the crux of our whole situation, there is the crux of the whole impasse in the tax situation in Maine. The budget people say that the budget is infallible and they will not compromise one inch. I think that is unfair, when they are taking nineteen million dollars, setting it aside and saying they will not compromise when you realize that the fundamental things like education and old age assistance and pensions, and things like that, that those people have been willing to compromise, and that the budget people have not been willing to pull up their belts and say, "Until the financial condition in the state of Maine gets better in two more years, we will compromise, we will compromise so that it will not be necessary to superimpose upon the people of Maine greater taxes.

Now, we are going to have a \$200,000 overdraft on beer. Now, under this program we are going to do away with the sales tax and in turn for that I think that we as members of the legislature should say to the sales tax people, "Now, you have got to compromise; you have got to go a little ways." And I think the store keepers in the state of Maine, all of them, will be willing to get together and contribute \$50,000 or more to help us out on this budget by the tax which we can impose upon them. Let us ask them for \$50,000. I think that is fair. It may be a small matter but I think they should compromise. We are going the whole way with them and not superimposing on them a sales tax and I think if we proposed it to them they would compromise even to the extent of giving us \$100,000. And don't forget this, that before we had our government dole and our CWA and PWA it was the grocers of Maine and the store keepers of Maine that kept a great many people off the state and saved the state of Maine in relief thousands of dollars.

Now, in closing, here is a compromise for the income tax people. It has no additional taxes for these income tax people but they have got to compromise because we are not going to give them an income tax, and I think they should be willing to see the fairness of the thing and go along with us. Now, we are going to ask them for \$50,000 a year. How are we going to do that? Not by imposing a new tax on them, not

by imposing an income tax, but we will say, "Now, come along with the store keepers and the people opposed to the sales tax, come along with us and show us that you are with us a little bit and let us take out the exemption from our banking laws that exempts the big fellow from a hundred thousand dollars a year. That has been tried and it has been done. It has been done in Virginia and it has been upheld as constitutional by the United States Supreme Court. So that can be done and that would spread that \$150,000 among the people able to pay an income tax. And that should give us our two million dollars.

Now if you want to do something further, Senator Laughlin very courageously and correctly pointed out that we could save \$150,000 from the Fish and Game Department which comes from the general property tax. I think that item could be taken out and the revenues of the department not decreased, by increasing the fee a little bit—twenty-five or thirty cents. And then under that license fee for fishing and hunting in Maine, the greatest state in the Union for hunting and fishing, with few exceptions if any, we would have a license fee not in excess of the license fees in a great many other states. And there is \$240,000—if there is any question there.

Now, earlier in the session we passed an order asking the Governor and Council to effect certain economies and we know they are going to do it and we can count upon it. And there are certain other amendments that are coming in.

Now, gentlemen, there is a tax program that has been evolved which I think has merit and which we could consider. It does away with all the objections that the majority of the members of the Senate had. I am sorry that I have had to burden you and to try to superimpose upon you my ideas, because they were not asked for and because I was not on the Conference Committee, which is all right with me and I am not crying "sour grapes" about that. But the challenge was thrown at me that I didn't have a constructive program and in defense of myself I had to make myself clear. Please pardon the personal reference about the thing.

Mr. WILLEY of Cumberland: Mr. President, it seems to me that after the Senate has appointed a committee and they have worked until the early hours of the morning and brought in this report, it seems to me as a matter of courtesy that we should accept their report and then if the Senate doesn't want to accept their recommendations later, that is another thing. But I think out of courtesy the report which these gentlemen have brought in should be accepted, and I hope the motion of the Senator from Waldo, Senator Fernald to indefinitely postpone this report will fail and I hope it fails by almost an unanimous vote, because if we don't accept this in my opinion, it isn't showing a proper respect to the members of that committee.

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

A division of the Senate was had.

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

The Secretary called the roll.

YEA: Ashby Chase, Corrigan, Deering, Fernald, Fortin, Littlefield, MacKinnon, Maliar, Potter, Spear, Tompkins, Walsh, Wentworth—14.

NAY: Blanchard, Cook, Friend, Goudy, Graves, Hussey, Kennedy, Laughlin, Lewis, Marden, Martin, Owen, Sewall, Willey, Worthen—15.

ABSENT: Beckett, Burkett, Osgood—3

Fourteen having voted in the affirmative and fifteen opposed, the motion to indefinitely postpone the report did not prevail.

The PRESIDENT: The pending question now is on the motion of the Senator from Cumberland, Senator Goudy, that the report of the Committee of Conference be accepted.

A viva voce vote being had

The report was accepted.

Thereupon, on motion by Mr. Goudy of Cumberland, under suspension of the rules, the Senate voted to reconsider its former action

whereby L. D. 1058 was indefinitely postponed.

On further motion by the same Senator under suspension of the rules, the Senate voted to reconsider its former action whereby Senate Amendment "H" was adopted.

On further motion by the same Senator, Senate Amendment "H" was indefinitely postponed.

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its former action whereby Senate Amendment "E" was adopted.

On further motion by the same Senator, Senate Amendment "E" was indefinitely postponed.

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its former action whereby Senate Amendment "D" was adopted.

On further motion by the same Senator Senate Amendment "D" was indefinitely postponed.

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its former action whereby Senate Amendment "C" was adopted.

On further motion by the same Senator, Senate Amendment "C" was indefinitely postponed.

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its former action whereby Senate Amendment "B" was adopted.

On further motion by the same Senator, Senate Amendment "B" was indefinitely postponed.

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its former action whereby House Amendment "A" as amended by Senate Amendment "A" thereto was indefinitely postponed.

On further motion by the same Senator, Senate Amendment "A" to House Amendment "A" was adopted, in concurrence.

On further motion by the same Senator House Amendment "A" as amended by Senate Amendment "A" thereto was adopted, in concurrence.

On further motion by the same Senator, Senate Amendment "I" was adopted:—

Senate Amendment I to H. P. 1834, L. D. 1058, entitled: "An Act to Provide for Old Age Assistance, to Guarantee a Minimum Educa-

tional Program and to Provide Revenues Thereof by Means of Miscellaneous Taxes."

Amend Title I of said Act by striking out from paragraph lettered b. thereof the words "annually thereafter" and inserting in place thereof the words 'for the fiscal year ending June 30, 1939'; and by adding at the end of said paragraph the words 'and to pay the expenses of the administration thereof.'

Further amend said Title I by striking out from paragraph lettered c. thereof the word "annually" and inserting in place thereof the words 'for each of the fiscal years ending June 30, 1938 and June 30, 1939.'

Further amend said Title I by striking out all of the paragraph lettered d. and by re-lettering paragraphs lettered e. and f. as paragraphs d. and e.

Further amend said act by adding a new title, as follows:

"TITLE V

Appropriation. Notwithstanding the limitation contained in paragraph d. of Title I hereof, there is hereby appropriated for the fiscal year ending June 30, 1939, the sum of \$300,000, or so much thereof as is necessary, to provide for old age assistance and a minimum educational program the full sums intended to be available in accordance with the provisions of Title I.'

Further amend said act by adding at the end thereof the following title, as follows:

TITLE VI

"Referendum. This act shall be submitted for approval or rejection to the duly qualified voters of the state of Maine at an election to be held on the 3rd Monday of August, 1937. The municipal officers of the cities, towns and plantations in this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives to give in their votes upon this act, and the question shall be: "Shall the Act to Provide for Old Age Assistance, to Guarantee a Minimum Educational Program as submitted by the 88th legislature to the people be accepted?" and the inhabitants of

said cities, towns and plantations shall vote by ballot on said question, those in favor of the act expressing it by making a cross within the square opposite the word "Yes" upon the ballots and those opposed to the act by making a cross within the square opposite the word "No" upon their ballots, and the ballots shall be received, sorted, counted, and declared in open ward, town and plantation meetings, and returns made to the office of the Secretary of State in the same manner as votes for governor and members of the legislature, and the Governor and Council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the act, the Governor shall forthwith make known the fact by his proclamation and thereupon this act shall become law. The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act, accompanied by a copy thereof."

On further motion by the same Senator, Senate Amendment "J" was adopted:—

"Senate Amendment J to H. P. 1884, L. D. 1058, 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 the title to said act by striking out the words, 'by means of Miscellaneous Taxes.'"

On further motion by the same Senator, Senate Amendment "K" was adopted:—

"Senate Amendment K to H. P. No. 1884, L. D. No. 1058, bill An Act to Provide for Old Age Assistance, to Guarantee a Minimum Educational Program and to Provide Revenues Therefor by Means of Miscellaneous Taxes."

"Amend Section 19 of Title II of the bill by striking out the word 'act' wherever it appears and substituting therefor the word 'title';

"Further amend said bill by striking out the word 'act' in the last paragraph of Section 9 of Title III and inserting in place thereof the word 'title';

"And further amend said bill by striking out the word 'merchandise' in the several places where it appears in Section 4 of Title IV of said bill and inserting in place thereof

the words 'tangible personal property as defined in section 1 of Title IV of this act.' "

Mr. GOUDY: Now, Mr. President, for the benefit of the members of the Senate I would like to state that Senate Amendment "A" to House Amendment "A" eliminates the income tax provision and also the sales tax provision terminating on June 30, 1939. Senate Amendment "I" is a minor correction in Title I including limitations in appropriations to the present biennium, and the \$300,000 appropriation for the general fund in the second year to provide the estimated indebtedness and also provide for the referendum by the vote of the people. Senate Amendment "J" changes the title of the act. Now, Senate Amendment "K" strikes out the word 'act' wherever it appears and substitutes therefor the word 'title' and it further amends the bill in Section 9 of Title III in the last paragraph by inserting the word 'title'. And it further amends the act as follows: "Further amend said bill by striking out the word 'merchandise' in the several places where it appears in Section 4 of Title IV of said bill and inserting in place thereof the words 'tangible personal property as defined in Section 1 of Title IV of this act.'" These are the corrections in order to bring the bill into the sales tax category.

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

The PRESIDENT: The Senator from Waldo, Senator Fernald may ask his question through the Chair of the Senator from Cumberland, Senator Goudy, if that Senator desires to yield the floor for that purpose.

Mr. GOUDY: Mr. President, I refuse to yield. The purpose of the bill as amended now is to set up a one percent sales tax terminating on the 30th of June, 1939 and providing for a referendum for the people to vote on. That is what we have done by these various amendments.

Mr. FERNALD: Mr. President, may I now ask a question of the Senator from Cumberland, Senator Goudy, through the Chair?

The PRESIDENT: The Senator from Waldo, Senator Fernald, may ask his question through the Chair of the Senator from Cumberland, Senator Goudy, who may reply if he desires.

Mr. FERNALD: Senator Goudy, your last remark referred to Title IV, I believe. Now, is that Title IV in some other bill or is that still in 1058?

Mr. GOUDY: It is in 1058.

Mr. FERNALD: Well, it didn't seem to me that that applied to Title IV. Did you mean in regard to the tax on liquor?

Mr. GOUDY: No.

Mr. FERNALD: Then, as I understand it there are two Title Fours in the bill.

Mr. GOUDY: No. There is now House Amendment "A" which takes care of that.

Mr. FERNALD: House Amendment "A", as I understand it, Senator Goudy, imposes an income tax and a sales tax.

Mr. GOUDY: It strikes out the income tax.

Mr. FERNALD: Well, House Amendment "A" certainly couldn't do that because it doesn't say anything about eliminating.

Mr. GOUDY: Well, if you desire to peruse the bill on the parliamentary procedure that has been followed, why don't you move to table the matter temporarily?

Mr. FERNALD: Well, my only position, Mr. President, is that if we are talking about Title IV as I understand it, it is in regard to the 15% tax on liquor and these amendments that have been offered—I think there is some clerical error there that might be looked into.

Thereupon, on motion by Mr. Goudy of Cumberland, under suspension of the rules, the bill as amended was given its second reading.

Mr. FERNALD: Now, Mr. President, as we now have the bill before us and as we have extended everybody all the courtesy that they have wanted, I think it is time that we got down to business and voted on this bill, which is for a one percent sales tax with a referendum in August, \$300,000 from the general fund. Now, so that the people back home will know just how we are voting on this and as we are voting on the tax now and not on the courtesy matter, I ask that the bill and the amendments be indefinitely postponed in order that the record may be clear as to just what we are doing here. Now, there have been a lot of explanations about why we were extending courtesy and so forth, but now we are voting on the

merits of the bill, a one percent sales tax with a referendum in August and \$300,000 from the general fund. There is no courtesy mixed up with that. We are talking business now, we are "talking turkey." And we are talking about the taxes that the people back home have got to pay. And when the vote is taken for the indefinite postponement of this bill and the amendments I ask for a roll call.

Miss LAUGHLIN: Mr. President, I think we have not got a very much cut up and amended bill and I think it should be printed. I don't think anybody knows what is before us. We have got some of these amendments and others we haven't got. It should all be printed so that we can see what we are doing. I am not going to vote for indefinite postponement—I don't mean that—but I think there should be some way so that we can see what this bill is.

Mr. FERNALD: Mr. President, I would be glad to withdraw my motion if the Senator would like to table the bill so that she may see it in its proper form but I didn't know but what we wanted to hurry this thing right through. I am glad, however, that the suggestion is made that we read this matter and consider it, and if that is the desire of the Senate I am for it a hundred percent. Under those circumstances I will withdraw my motion.

Mr. GOUDY: Mr. President, I will say for the information of the Senator from Waldo (Senator Fernald) that the bill is now being engrossed so there will be plenty of time to read it.

Mr. FERNALD: Mr. President, I will withdraw my motion, but there is a desire here to see this in a printed copy, so I will withdraw my motion which I will later make after we have got the printed copy of the bill. I want everybody to see it if they have a desire to.

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that he is permitted to withdraw his motion to indefinitely postpone Legislative Document 1058 as amended.

A viva voce vote being had Permission was granted to withdraw the motion.

Thereupon on motion by Mr. Goudy of Cumberland, under suspension of the rules, the bill was given its second reading as amend-

ed by House Amendment "A" as amended by Senate Amendment "A" thereto, and as further amended by House Amendment "B" and by Senate Amendments "I", "J", and "K".

Miss LAUGHLIN: Mr. President, I shall be obliged to vote against this bill unless I can see what I am voting on and I think it should be laid upon the table until we can get it printed so that the members of the Senate will know what they are voting for.

Mr. WILLEY: Mr. President, I think the purpose of the motion as made by Senator Goudy accomplishes exactly what Senator Laughlin wants in that the bill will be returned to us shortly in completely printed form as amended and we may all then see it and vote on it. This motion is simply a means to get it before us in a printed, concise and accurate form so that we may read the bill and have it all before us when it comes to the enacting stage. I hope the motion made by the Senator from Cumberland, Senator Goudy, prevails.

Miss MARTIN of Penobscot: Mr. President, could I offer a verbal amendment to Senator Goudy's motion to the effect that 500 copies be printed because otherwise we will have only one copy of the engrossed bill to refer to.

Mr. GOUDY: Mr. President, I shall be very glad to accept the amendment to my motion.

Thereupon, the bill as amended was passed to be engrossed and 500 copies ordered printed.

On motion by Mr. Fernald of Waldo

Recessed until this afternoon at two o'clock.

After Recess

The Senate was called to order by the President.

Mr. SPEAR of Cumberland: Mr. President, may I make an inquiry?

The PRESIDENT: The Senator may proceed.

Mr. SPEAR: Mr. President, is Legislative Document 1058 as amended in the possession of the Senate?

The PRESIDENT: It is not.

Mr. SPEAR: Thank you, Mr. President.

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

The Committee on Sea and Shore Fisheries on bill "An Act Relating to the Canning, Packing and Barreling of Clams, under License," (H. P. 1576) (L. D. 717) reported the same in a new draft (H. P. 1893) (L. D. 1069) under a new title, bill "An Act Relating to the Canning of Clams," and that it ought to pass.

Which report was read and accepted in concurrence, the bill read once, under suspension of the rules read a second time, and passed to be engrossed in concurrence.

Senate Report of the Committee on Conference on Resolve Relating to Smelt Fishing in Hancock County (H. P. 1774) (L. D. 898) reported that they are unable to agree on House Amendment "A", but agree that the new draft, L. D. 898, of the bill be passed to be enacted.

Bill "An Act Relating to Exemption of Estates from Taxation." (H. P. 1873) (L. D. 1044)

(In the Senate on April 20th, bill and amendment indefinitely postponed in non-concurrence.)

Come from the House, that body having insisted on its former action whereby the bill was passed to be engrossed as amended by House Amendment "A" and asking for a Committee of Conference, and the Speaker appointed as members of such a Committee: McGlauffin of Portland, Mosher of Farmington, Fellows of Augusta.

In the Senate, on motion by Miss Laughlin of Cumberland, the Senate voted to insist on its former action and join with the House in a Committee of Conference; and the President appointed as members of such committee on the part of the Senate, Senators Blanchard of Franklin, Burkett of Knox, and Willey of Cumberland.

Finally Passed

(Out of Order)

"Resolve in Favor of Appropriating Money for the Maintenance, Supervision and Such of State Parks." (S. P. 524) (L. D. 1062)

"Resolve Relative to the Participation by the State of Maine in the New York World's Fair to be held in the Year Nineteen Hundred and Thirty-Nine." (S. P. 525) (L. D. 1063)

Emergency Measure

(Out of Order)

Bill "An Act Amending the Law Relating to Unemployment Compensation." (H. P. 1889)

Which bill being an emergency measure and having received the affirmative vote of twenty-eight members of the Senate and none opposed, was passed to be enacted:

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

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

(In the Senate, indefinitely postponed in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed as amended by House Amendments "B" and "C" in non-concurrence, and asking for a committee of conference, the Speaker having appointed as members of such a committee: Philbrick of Cape Elizabeth, Thorne of Madison, Sleeper of Rockland.

Miss LAUGHLIN of Cumberland: Mr. President, I move that the Senate adhere to its former action. I make this motion because it does not seem to me that there is any likelihood of agreement and further attempts would only mean delay.

The motion to adhere prevailed.

Reports of Committees

(Out of Order)

Mr. Blanchard from the Committee on Taxation on the following remonstrances against any Tax on Amusements, Senate Papers 413, 414, 419, 417, 416, 415, 292, 293, 294, 438, 443, 444, 445., reported that the same be placed on file.

The same Senator from the same Committee on Petition in Favor of a Tax on Income, (S. P. 437) reported that the same be placed on file.

The same Senator from the same Committee on "Petition in Favor of an Act to Extend Suffrage to Qualified Voters in Unorganized Territories," (S. P. 442) reported that the same be placed on file.

The same Senator from the same Committee on "Remonstrance Against a Tax on Cosmetics", (S. P. 428) reported that the same be placed on file.

The same Senator from the same Committee on "Petitions and Rem-

onstrances Against any Increase in the Tax on Tobacco Products, (S. P. 405) (S. P. 420) reported that the same be placed on file.

Mr. Potter from the Committee on Agriculture submitted its Final Report.

Mr. MacKinnon from the Committee on Insane Hospitals submitted its Final Report.

Mr. Potter from the Committee on Indian Affairs submitted its Final Report.

Mr. Owen from the Committee on Public Health submitted its Final Report.

Miss Laughlin from the Committee on Labor submitted its Final Report.

Mr. Spear from the Committee on State School for Boys, State School for Girls and State Reformatories, submitted its Final Report.

Mr. Lewis from the Committee on Sea and Shore Fisheries submitted its Final Report.

Mr. Burkett from the Committee on Pensions submitted its Final Report.

Mr. Blanchard from the Committee on Banks and Banking submitted its Final Report.

Mr. Marden from the Committee on Military Affairs submitted its Final Report.

Miss Martin from the Committee on State Prison submitted its Final Report.

Mr. Spear from the Committee on Salaries and Fees submitted its Final Report.

Mr. Cook from the Committee on Pownal State School submitted its Final Report.

Mr. Chase from the Committee on Interior Waters submitted its Final Report.

Mr. Kennedy from the Committee on State Lands and Forest Preservation submitted its Final Report.

Mr. Lewis from the Committee on State Sanatoriums submitted its Final Report.

Mr. Kennedy from the Committee on Mines and Mining submitted its Final Report.

Mr. Hussey from the Committee on Mercantile Affairs and Insurance submitted its Final Report.

Mr. Wentworth from the Joint Select Committee on University of Maine submitted its Final Report.

Mr. Osgood from the Committee on Towns submitted its Final Report.

Mr. Wentworth from the Committee on Maine Publicity submitted its Final Report.

Mr. Friend from the Committee on Claims submitted its Final Report.

Mr. Marden from the Committee on Library submitted its Final Report.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on bill "An Act to Establish Organized Highway Accident Prevention work as a Function of the Maine State Police," (S. P. 522) (L. D. 1057) reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on bill "An Act Relating to Outdoor Advertising," (S. P. 277) (L. D. 494) reported that they are unable to agree.

Which reports were severally read and accepted.

Sent down for concurrence.

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

The Committee on Sea and Shore Fisheries on bill "An Act Relating to Licenses and Certificates for Selling Clams," (H. P. 1573) (L. D. 638) reported the same in a new draft (H. P. 1894) (L. D. 1070) under the same title, and that it ought to pass.

Comes from the House, report read and accepted and the bill passed to be engrossed as amended by House Amendment "A".

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

Passed to be Enacted

(Out of Order)

"An Act Relating to Emergency Municipal Finance Board." (S. P. 179) (L. D. 254)

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

"An Act Relating to Shipping Clams Beyond the Borders of the State." (H. P. 1575) (L. D. 716)

"An Act Relating to Sale of Alcohol." (H. P. 1836) (L. D. 993)

"An Act Relating to Snow Removal." (H. P. 1887) (L. D. 1068)

Finally Passed

(Out of Order)

"Resolve Creating a Recess Committee on Tax Equalization." (H. P. 1892)

Emergency Measure

(Out of Order)

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

Which bill being an emergency measure, and having received the affirmative vote of 31 members of the Senate and none opposed was passed to be enacted.

Emergency Measure

(Out of Order)

Bill "An Act to Regulate and Restrain the Manufacture, Sale, Transportation, Importation, Traffic in and Use of Liquor, Malt Liquor, Wine and Spirits and to Increase the Fees for Licenses." (S. P. 508) (L. D. 1032)

Which bill being an emergency measure, and having received the affirmative vote of 31 members of the Senate and none opposed, was passed to be enacted.

Emergency Measure

(Out of Order)

Bill "An Act Relating to Licenses of Importers of Malt Liquors; Emergency." (H. P. 1848) (L. D. 1009)

Which bill being an emergency measure, and having received the affirmative vote of 30 members of the Senate and none opposed, was passed to be enacted.

Mr. SPEAR of Cumberland: Mr. President, may I make an inquiry?

The PRESIDENT: The Senator may proceed.

Mr. SPEAR: Mr. President, is Legislative Document 1073 in the possession of the Senate?

The PRESIDENT: Only the printed copies are in the possession of the Senate at present. Legislative Document 1058 has been transmitted to the office of the Clerk of the House.

Mr. SPEAR: Well, Mr. President,

I understood that one of the Senators asked to have that retained in the possession of the Senate.

The PRESIDENT: The Senator is correct and in answer to his remark the Chair will state that in as much as the request for reconsideration was made by a Senator who had not voted with the prevailing motion, the request was not recognized and the papers, under my instructions, were transmitted to the House.

Mr. SPEAR: I thank you, Mr. President.

The PRESIDENT: Is there any further business to come before the Senate? If not, the Senate will recess, awaiting further papers from the House. The Senate will recess to meet at the sound of the gavel.

After Recess

The Senate was called to order by the President.

Paper from the House disposed of in concurrence.

Reports of Committees

(Out of Order)

Out of order and under suspension of the rules.

Mr. Tompkins from the Committee on Education submitted its Final Report.

Mr. Willey from the Committee on Public Utilities submitted its Final Report.

Mr. Tompkins from the Committee on Temperance submitted its Final Report.

Mr. Worthen from the Committee on Inland Fisheries and Game submitted its Final Report.

Miss Martin from the Committee on Legal Affairs submitted its Final Report.

Mr. Goudy from the Committee on Public Buildings and Grounds submitted its Final Report.

Mr. Littlefield from the Committee on Manufactures submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. BURKETT of Knox: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: If there is no objection the Senator may proceed.

Mr. BURKETT: Mr. President,

as things are now we are liable to stay here for the next six months and I think I have a proposition that will get us out of here before six o'clock tomorrow morning. There is a question and there has been a question about this revenue for old age pensions which we will get from the proposed tax on liquor and the proposed tax on stores and how much it would bring in and how much it won't bring in and all those things until my head aches and everybody's head aches in this Senate. Now whether it brings us a million or whether it brings a hundred thousand, whatever it brings, we can give to the most destitute and deserving cases in this state. There have been a lot of measures proposed. Some have been turned down and some haven't been turned down. The Superintendent of Schools tells me that he would be willing to go along the first year with any appropriation or with any deduction or with any discount that we make in connection with old age pensions; he is willing to accept that same discount in relation to school appropriations. Now, it is all an estimate, whether we receive a million or a million and a half or seven hundred and fifty thousand, but whatever it is we will discard all that. Whatever we receive, if there is anything to receive, we can give it to the most destitute and deserving cases in the state of Maine.

Now, there is strong opposition against the sales tax, there is strong opposition against an income tax, there is strong opposition against luxury taxes and against almost any other tax anybody can propose, I don't care what it is. The only thing there is no opposition to is the liquor tax and the next thing that there is practically no opposition to is the store tax. Now if an amendment can be made or if a proposition can be made in any way so that we can adopt this old age pension bill, 1058, by making some sort of amendments or agreements I think that everybody in this Senate and in the House would fall in line with us and we would get out of here between now and six o'clock tomorrow morning, and I would recommend and insist if there is any way to make it legal that we just simply pass this bill with a measure connected with it as to liquor and store taxes, and I might

say that I would recommend that we increase the store tax from one dollar to ten and I am sure that every trader in the state of Maine would be awfully well pleased with it. That does away with the objectionable sales and the objectionable income tax and all the other taxes, the luxury taxes and the taxes on cigarettes, which God knows there are taxes on enough now. There is a simple way for us to get out of here before four o'clock this morning.

And another thing, we are going to save the state, by doing this, at least \$20,000 by not having a referendum and calling a special session of the legislature. Senator Fernald says we want economy and here is a chance to have it right here. Let's give those deserving and destitute people what we can. They never had anything before and we got along, and they lived, a hundred years without it. Somebody may rise and say that we can't aid many that way, but we will take care of them as far as our money goes and after that we will stop, same as we stopped two months ago. Nobody kicked about it being stopped then because they knew we didn't have revenue enough, and when we have paid as far as we can, we can stop and have a reinvestigation. The prevention bill provides that this state, through the Department of Old Age Assistance, or in other words, the Department of Health and Welfare to have a reinvestigation of these matters, and then we will go out and eliminate a whole lot of them, because I know there are a lot of them don't need it. Right down in my own section, in my town, for instance, we haven't got one of them that needs it. Thank God that we haven't, but we haven't got one yet that has been granted old age assistance and I made a careful census in my town—and my town is just the same as your town and everybody else's town—and I found out that in a hundred people over sixty-five years of age there are only seven or eight people actually deserving and needy, and I think that we could carry it through and I am going to make that as a verbal motion and if it goes through this Senate we will fix this thing up in a legal way and we will adopt this measure, Legislative Document 1058, with this motion that I have al-

ready made to go as far as we can. I thank you.

Mr. SPEAR of Cumberland: Mr. President, is Legislative Document 1073 in the possession of the Senate?

The PRESIDENT: Legislative Document 1073 so far as the Chair is informed is not in the possession of the Senate.

Mr. BURKETT: Mr. President, I move that the rules be suspended and that we ask the members to rise, all those in favor of this proposition.

The PRESIDENT: If there is no objection the Chair will entertain the motion. Will the Senator state his motion again?

Mr. BURKETT: I move that everybody in favor of this movement that I have stated here tonight, rise.

Mr. OWEN of Kennebec: Mr. President, may I ask the Senator from Knox, Senator Burkett, to be a little more explicit?

Mr. BURKETT: Will all those in favor of the recommendations that I have said with relation to letting that tax on liquor and stores apply to old age pensions and schools with that reduction to schools in proportion, stand.

Mr. WILLEY: Mr. President, we were unable to vote here on some amendments this morning because some of the members of the Senate wanted them printed. Now, with all due respect to the Senator's motion to suspend the rules, I think this matter is altogether too big to be handled by oral suggestions and that if any member has amendments they should be offered in a proper way so that we would have a chance to study them and speak on them. I certainly am not sufficiently advised in regard to the Senator's suggestion to amend, to decide one way or the other and I don't think anybody else is. I think if the Senator will withdraw his motion—

Mr. BURKETT: Well, Mr. President, I made a motion that we suspend the rules and I think everybody agreed, and I don't see any reason why we can't take action here tonight, to find out, I don't think there are any parliamentary rules that conflict with that.

The PRESIDENT: The Chair will put the motion as to whether or not we shall suspend the rules, first.

A division of the Senate was had.

Twelve having voted in the affirmative and eight opposed, the rules were suspended.

(Further informal discussion, ordered "not for the record.")

On motion by Mr. Fortin of Androscoggin

Recessed until this evening at nine o'clock.

After Recess

The Senate was called to order by the President.

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

The Committee of Conference on the disagreeing action of the two branches of the Legislature on L. D. 1058, entitled, "An Act to Provide for Old Age Assistance, to Guarantee a Minimum Educational Program and to Provide Revenues Thereof by Means of Miscellaneous Taxes," reported that the Senate reconsider the indefinite postponement of the bill and the adoption of Senate Amendments B, C, D, as amended by Senate Amendment A thereto, E and H; that the House reconsider the passage of the bill to be engrossed and the adoption of House Amendment A and that both bodies adopt Senate Amendments I and J and Senate Amendment A to House Amendment A, submitted herewith, and enact the bill as amended by House Amendment A as amended by Senate Amendment A thereto, House Amendment B and Senate Amendments I and J.

(In Senate, report having been previously read and accepted, and the bill passed to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" thereto, and by House Amendment "B", and as further amended by Senate Amendments "I", "J" and "K" in non-concurrence.)

Comes from the House, Conference Committee report indefinitely postponed, and the House insisting on its former action whereby the bill as amended by House Amendments "A", and "B" was passed to be engrossed, and asking for a Committee of Conference, and the Speaker appointed as members of such a Committee: Story of Washburn, Ryder of Orrington, Varney of Berwick.

Mr. ASHBY of Aroostook: Mr. President, I move that we insist and join in the Committee of Conference,

and when the vote is taken that it be taken by a roll call.

Mr. GOUDY of Cumberland: Mr. President, in view of all the circumstances in respect to the situation, in the interest of this legislature, with the consideration of our people at heart, and in the interest of the Republican party, I sincerely hope that the motion of the Senator from Aroostook, Senator Ashby, is defeated.

The PRESIDENT: The pending question is on the motion of the Senator from Aroostook, Senator Ashby, that the Senate insist and join in the Committee of Conference, and the same Senator has asked for a roll call. Before a roll call may be taken it must be ordered by the affirmative vote of one-fifth of the members of the Senate present.

A division of the Senate was had. A sufficient number having obviously risen a roll call was ordered.

The Secretary called the roll.
YEA: Ashby, Chase, Corrigan, Deering, Fernald, Fortin, Laughlin, MacKinnon, Mallar, Osgood, Potter, Spear, Tompkins, Walsh—14.

NAY—Blanchard, Cook, Friend, Goudy, Graves, Hussey, Kennedy, Littlefield, Marden, Martin, Owen, Sewall, Wentworth, Willey, Worthen—15.
ABSENT—Beckett, Burkett, Lewis—3.

Fourteen having voted in the affirmative and fifteen opposed, the motion to insist did not prevail.

Mr. GOUDY: Mr. President and members of the Senate, for the same reasons that I stated a few minutes ago and for several more which I will not state at this time, I make the motion that the Senate adhere to its former position.

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 adhere prevailed.

The PRESIDENT: Legislative Document 1058 will be transmitted forthwith to the House.

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

The Committee of Conference on the disagreeing action of the two branches of the Legislature on bill "An Act Relating to Exemption of Estates from Taxation," (H. P. 1873) (L. D. 1044) reported that both branches recede and pass the bill as amended by House Amendment "B" submitted herewith.

Comes from the House, report read and accepted, House Amend-

ment "A" indefinitely postponed, and House Amendment "B" adopted and the bill passed to be engrossed as amended by House Amendment "B" in non-concurrence.

In the Senate, the report was accepted in concurrence and the bill given its first reading. House Amendment "A" was indefinitely postponed in concurrence. House Amendment "B" was read and, on motion by Mr. Willey of Cumberland, was adopted in concurrence.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by House Amendment "B" in concurrence.

Report of Committee (Out of Order)

The Committee of Conference on the disagreeing action of the two branches of the legislature on bill "An Act Relating to Reports to Towns of Excise Tax Payments," (S. P. 480) (L. D. 901) reported that they are unable to agree.

Which report was read and accepted.

Sent down for concurrence.

Order (Out of Order)

On motion by Mr. Fernald of Waldo, it was ordered, the House concurring, that the State Librarian mail to each member and officer of the House and Senate a copy of the Public Laws of this session when completed. (S. P. 535)

Sent down for concurrence.

Reports of Committees (Out of Order)

Mr. Fernald from the Committee on Judiciary submitted its Final Report.

Mr. Fernald from the Committee on Commerce submitted its Final Report.

Mr. Deering from the Committee on Counties submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

Miss MARTIN of Penobscot: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator may state her point of personal privilege.

Miss MARTIN: Mr. President, at this late time in the legislative session it has been my privilege to

have been chosen as a committee of one to express to you the appreciation of this Body for your kindness and consideration of us during the session. They say that in giving a gift it is not the gift that counts, it is the spirit that prompts it, and in presenting you with a gift I assure you that the spirit back of it is one of admiration for your patience, for your courtesy, and one of friendship because of your unfailing amiability and your very kindly attitude toward all of us.

It has been a tempestuous session and we hope that this gift will mark peaceful and happy moments to you in the years to come. We hope that this watch will tick off many, many happy hours and that fifty years from now you will look back and say, "That was a grand legislature; they don't make them like that these days", and that when time has allowed a perspective on us and our actions that some of the things about which we have been irritable and irritating to you will sink into the background and that the finer things that we have hoped to stand for and that you have helped us to bring out will assume the foreground and that you can look back upon this as a very happy session and one that we hope will have accomplished something and that will go down in the annals of time as having been worth while.

Mr. President, I have the honor, the great honor, of presenting this to you.

The PRESIDENT: Senator Martin and fellow members of the Senate of the Eighty-eighth Legislature, your eloquent tribute and encomiums therein expressed I am afraid are undeserved. However, I hope that I may measure up to them in some degree.

I thank you for your kind words and I thank you and the other members of the Senate for this beautiful gift. I agree with you that it has been a tempestuous legislature but being tempestuous it has been interesting, it has been exciting and it has been fascinating.

While the duties of a presiding officer over tempestuous members of a legislature are somewhat exacting and quite arduous, none the less there are elements that go along with it that make it all very much worth while.

I have appreciated the indulgence that you have manifested toward my frailties and the mistakes which

I have made, and I know that they have been many. But somehow the machinery of the legislature has progressed and we have accomplished much good, and much constructive legislation has been enacted here. That has been due, I believe, to the disposition of the members to compromise for the best interest of the state of Maine. When a crisis arose I noticed that every member was willing to sacrifice and compromise in order that the best interest of our state might be preserved.

I have learned to love you all, the assistance that you have shown me has been appreciated. The members of the minority party have always shown a fine spirit of cooperation and I hold for them the same high regard that I hold for every other member of the legislature. I am also indebted for the kind, efficient and courteous cooperation that has been shown by our efficient Secretary of the Senate and his able office force and I am also deeply grateful to the other officers of the Senate who have at all times shown a disposition to help and aid me in every way.

In conclusion I will say that I will treasure this gift always close to my heart. It is a most exquisite piece of jewelry and as I go through the way of Life and as I refer to it I shall think also of the fine sentiment that goes with it. I thank you.

Order

(Out of Order)

On motion by Mr. Goudy of Cumberland, it was

Ordered, that the Senator from Waldo (Senator Fernald) be presented with a water pitcher.

Miss LAUGHLIN of Cumberland: Mr. President, I rise to a question of personal privilege.

The PRESIDENT: The Senator may state her question.

Miss LAUGHLIN: It is a very great privilege, Mr. President, in that it is to say a few words of appreciation to the genial Secretary of the Senate. A few days ago a very illuminating incident happened here. Two Senators were discussing an obtruse question of theology—something about conditions in the life hereafter or something like that, and finally one of them said, "Well, there's One who knows". Another Senator, passing by at the moment

overheard the last remark and said, "Roy's just out in the corridor. He will be in in a minute and tell you all about it."

We have sat here day after day, asking and getting answers to all the various and intricate questions of legislative procedure. And still we gaze and still the wonder grows—that one small head can carry all he knows. And through it all he never loses his head although he does once in a while lose a bill. But all of us have had that experience, we have all lost some of our bills, so we can sympathize with that.

It is said that speech is silver and silence is golden. If that is true, not many of us here believe in the gold standard. If that be true there has been much silver on display in this Senate in the last three months, whether sterling silver or not, I will not attempt to say. But if speech—if words are silver, then much silver has been displayed by our Secretary, and his voice, like white wings, never grows weary but goes on and on. So to match the silver which he has presented to the Senate it has been decided to present him with some silver from the Senate, and after that was decided, the question arose as to what form the silver should take.

Thinking about that, we thought about what Owen Meredith wrote. I am not standing here and saying I am endorsing all he wrote, but I am on this occasion:

"We may live without poetry, music and art.

We may live without conscience and live without heart.

We may live without friends, we may live without books,

But civilized man cannot live without cooks.

"He may live without books—what is knowledge but grieving?

He may live without hope—what is hope but deceiving?

He may live without love—what is passion but pining?

But where is the man who can live without dining?"

I am sure of one thing—our Secretary will concur with that last line. No man can live without dining. Therefore, on behalf of the Senate, I present to you, Mr. Sec-

retary, these silver knives and forks. Republicans, Democrats though we may be. We all join as friends in this tribute to thee.

Mr. BROWN: Senator Laughlin, Mr. President, and members of the Senate, I am quite overwhelmed by your generosity. I am very pleased to have served as Secretary of the Senate for many of the sessions and I never yet have had the pleasure of serving for a finer Senate. The Senate this session has most carefully and judiciously looked after the affairs before it and has shown great patience, and especially to the officers of the Senate.

I feel that I should be very remiss if I did not accord to the President of the Senate the merit due him for his kindness, his courtesy, his consideration and his patience with all subordinate officers of the Senate. Despite every effort that can be made by all of us, certain errors are made and it has been discovered, I regret to say, that occasionally a bill has been lost. I shall always feel that some House member took it.

I do feel, however, somewhat embarrassed by your very kind gift because, after all, I feel that my services do not merit such high consideration from you. I also feel that I must thank all the other officers of the Senate for their patience and hard work that they have given throughout the session.

In concluding, all I can say is that I am deeply appreciative and shall treasure this as one of the finest of my possessions. I thank you.

Mr. FERNALD of Waldo: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator may state his point.

Mr. FERNALD: Mr. President, it is again my duty as the noisiest and most verbose member of the Senate, in behalf of the members of the Senate, to confer upon you, Chester, Assistant Secretary of the Senate, a small gift in token of our appreciation for your valuable and not unnoticed service to this Body in its seventeen weeks of arduous duty and routine.

Mr. WINSLOW: Mr. President, Senator Fernald and members of the Senate, I want to thank you very kindly for this gift. It looks as if it might be a leather bag, and it looks as if I might need it in the

morning. I sincerely hope I shall. I want to thank the Senate for the consideration and friendliness they have shown me, and I want to thank the whole office force, and especially the girls in the office for the splendid cooperation they have shown, and I hope in two years most of us will be back here and that I may use this bag again. I thank you.

Mr. FORTIN of Androscoggin: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator may state his point of personal privilege.

Mr. FORTIN: It was just to represent the minority party, for the kindness shown our few in number. We have appreciated every courtesy that the members of the Senate have shown us. We also appreciate all the favors from the officials of the Senate. We just want to join our few words of appreciation for the consideration and kindness you have all shown us and we all want to give you our best wishes, and God bless you. Two years from now, we hope we will all come back here again.

Orders

(Out of Order)

On motion by Mr. Fernald of Waldo, it was

Ordered, that the State Librarian be directed to forward bound copies of the Legislative Record to the members and officers of the Senate at their home addresses.

On motion by Mr. Tompkins of Aroostook, it was

Ordered, that the desk and chair in the office of the President of the Senate be presented to the President of the Senate and delivered to his home address.

On motion by Mr. Fernald of Waldo, it was

Ordered, that the offices occupied by the President and Secretary of the Senate and equipment therein remain under their respective control.

On motion by Mr. Cook of Somerset, it was

Ordered, that the Superintendent of Buildings be directed to deliver to the Secretary of the Senate such equipment and supplies as the Secretary shall deem necessary for use

in completing and indexing the Journal of the Senate.

On motion by Mr. Fernald of Waldo, it was

Ordered, that the Senate extend its compliments to the Associated Press and all its reporters for the fairness, impartiality and intelligence with which it has handled the news emanating from the session of the Eighty-eighth Legislature.

On motion by Mr. Willey of Cumberland, it was

Ordered, that the chairs of the chairmen of the Judiciary Committee and Legal Affairs Committee be presented to the chairmen of said committees.

The PRESIDENT: If there is no further business to come before the Senate, the Chair will declare a recess. The Senate will recess to respond to the sound of the gavel.

After Recess

The Senate was called to order by the President.

Out of order and under suspension of the rules

Mr. Hussey of Kennebec presented Resolve in favor of the Chaplains of the Senate of the Eighty-Eighth Legislature (S. P. 536) which was received by unanimous consent, read twice and passed to be engrossed, without reference to a committee.

Sent down for concurrence.

Report of Committee

(Out of Order)

Mr. Sewall from the Committee on Taxation on bill, An Act Relating to Licenses for Retail Stores (S. P. 369) (L. D. 814) reported that the same ought to pass.

Mr. SPEAR of Cumberland: Mr. President, I move acceptance of the report of the committee.

Mr. FERNALD of Waldo: Mr. President, will the Secretary read the bill?

(The Secretary read the bill.)

Mr. FERNALD: Mr. President and Members of the Senate: I think it is regrettable that a matter of this nature should be brought up at this time. It is at least odious, if nothing more. It is just an attempt to get rid of paying the State of Maine \$43,000. It makes no differ-

ence to me whether it is a law under which somebody pays somebody \$43,000 or whether it is money appropriated for the Augusta Airport—it is just the same. I think it is unfair to the people of Maine and an imposition upon the people of Maine to bring in a matter of this kind at this time. I realize, of course, that anything I say at this time will amount to no more than the waves battling against the rocks on the rockbound coast of Maine.

At ten o'clock tonight I received a telephone message from Thad Grant of Houlton, who said he was President of the Houlton Merchants' Association, in which he said his association in Houlton, the merchants in Houlton were opposed to the repeal of the chain store law. He also said he had been in contact with the merchants in Presque Isle and Caribou and they felt the same way about it. He also sent me a 187-word telegram, giving his views, etc.

Now, you have the whole thing lined up and you can put this through, and I could stay here until Monday noon and argue it, but I have to be in Rumford Monday noon so I am not going to try to do that, but I want to point out that under this law in 1933-34 \$45,612.50 was collected. In 1934-35, \$44,772.50. In 1935-36, \$44,266.00, and last year, 1936-37, \$43,454.50 was collected, making a total for the four years of \$178,105.50. Under the very efficient system of the tax assessor, the administration and collection of same tax now amounts to only \$3,436.17.

I want to serve notice on these people that at the next session of the legislature, they will be confronted with the introduction of this bill, with not only the reasonable rates in this bill, but a substantial increase. I pointed out over two months ago that just the procedure that is existing in this body would exist, and we all knew that with this type of legislation and with this method, we would not be legislating for the State of Maine. I think it is unfair, and I think it is unbusinesslike, but far be it from me to attempt to carry on a discussion under these circumstances. I know we are all tired and want to go home, but nevertheless, here is a proposition involving over \$40,000. That is a matter that should have been bought out much

earlier in the session, when both sides of the question could have been thrashed out and discussed.

When the vote is taken, Mr. President, upon my motion to indefinitely postpone the bill, I ask for a division.

Mr. FORTIN of Androscoggin: Mr. President, although I would like to be courteous and yield to my good friend, the Senator from Aroostook, Senator Ashby, I somehow believe that at three o'clock in the morning, and Sunday morning at that, is a very unfair time to bring such a bill before this body. The monopolies of the State of Maine have been favored during this session, and I am now talking about the chain stores. I, for one, did not say one word and there was very weak opposition before the committee that heard the so-called increased license on stores, which meant the chain stores. I believe it is unfair to bring it before this humorous body as it is now. It deprives the State of Maine of some forty thousand odd dollars and is a very serious matter, not to be laughed at and not to be shoved out of the window because we are tired and because we have had a drink. I am frank enough to admit I have had one, but I am keeping my head and holding my intelligence to say that I will not let the State of Maine be deprived of \$40,000 because we are in a very friendly spirit.

Now that bill should have been reported out by the committee at least a month ago, and whoever engineered the thing to come out this morning is unfair to the State of Maine, unfair to the Governor and unfair to their constituents. Now I am just voicing my personal opinion and I hope the motion to indefinitely postpone this bill prevails because two years from now, I for one, guarantee to bring in a chain store bill that will make them pay attention to the fact that they have been fairly treated, and we hope they will leave well enough alone.

Mr. ASHBY of Aroostook: Mr. President, I am glad that the gentleman from Waldo, Senator Fernald, and the gentleman from Androscoggin, Senator Fortin, served notice on me that they are going to be here two years hence. I also want to serve notice that I will be here to defend it. Brother Fernald has said that he got a 178-word

telegram from Houlton. Evidently they know his class and sent a telegram to correspond with his speeches. They talk about unfairness—unfair to the State of Maine—unfair to the Governor—but they do not say anything about it being unfair to the chain stores. Why in the devil—if I must say it, not to be profane at all—should we jump on the chain stores?

I will tell you there was a time when the chain stores were a menace to the local stores. These people have not found out yet that they have changed their policy. Well, there are people in the South, they say, who do not know the Civil War is over. They take this attitude—they speak of \$40,000 and they keep harping on it. Now a highwayman might hold up Brother Fernald with the point of a gun and say, "I know you have some money. I know it is not right to take it away from you, but I am going to do it"—this is just the same. We are treating the chain stores just the same way. We propose to do it but you can not offer one word to justify that attitude. They have come here and they have met us half way. Today they want to help us. In one store alone, one company is leaving \$11,000,000 more in Maine than they are taking out. Do we want to chase them out and antagonize them? To Aroostook County they have meant a million dollars in advancing prices. They have offered to spend a million and a half dollars to advertise Maine products. And for a lousy \$40,000 we would drive these institutions out of our State that will come here and help us and spend millions of dollars. There is not a word to justify this attitude of taxing unreasonably except that we want that \$40,000 and we propose to get it by fair means or foul.

I am glad to know some people are getting a little scared of them. I believe those people are selling tires. Some outfits have been making an enormous profit on tires. Because some chain stores have been selling tires too, they have been compelled to sell at a reasonable price. I would not want to say that for publication, but it is what I think.

Now there might have been a time when they were a menace to the State of Maine but they have got over it. Now, the gentleman from Waldo, Senator Fernald, has

made a motion to indefinitely postpone, and I hope his motion will not prevail.

I am surprised to know that Brother Fortin has had a drink. I didn't suppose anyone in the Senate would take one. If he admits it, I can see he has got a little riled up and got a little mixed. We will forgive him, Senator Fernald, of course, never takes one.

Mr. WENTWORTH of York: Mr. President, I certainly hope this chain store bill—this motion to indefinitely postpone—will prevail and that the law will be repealed. As a member of the Maine Development Commission, I feel the chain stores in the last three or four years have done a good job for Maine in advertising Maine products. I am glad to shake hands in voting once with the Senator from Aroostook, Senator Ashby. I know whereof I speak.

Miss MARTIN of Penobscot: Mr. President, Senator Wentworth has said that he is happy to be voting with Senator Ashby, for a change, and I want to say too, that after all our squabbles, I am glad to be voting with Senator Ashby. I think it is a very discriminatory matter and it is entirely too expensive to administer the law, and I hope the motion to indefinitely postpone will prevail, and we will repeal the law.

Mr. WILEY of Cumberland: Mr. President, as I look about the Senate, although the hour of adjournment is near at hand, I look into the faces of the members of the Senate and it seems to me they look brighter than they have on some Friday mornings during the early part of the session. I think it is a good time to do business, particularly this type of business.

First, I want to defend the Committee on Taxation for not bringing this bill in earlier. It was not their desire or anyone's desire to hold this measure up, but not until a few minutes ago did this legislature pass Legislative Document 1073 which provides for a taxation of all retail stores which is a substitute and will be a substitute for the measure with a nominal fee, that will be repealed tonight.

I want to speak about Cumberland County, the county which I represent here. The First National Stores and the Atlantic and Pacific stores in Cumberland County buy nearly a million dollars worth of agricultural products from the

farmers in that county. They are the sole outlet for the large producers of agricultural products in that county. Without their assistance and cooperation, it would be difficult for our farmers to merchandise their products. It is said that this law is an unfair law and discriminatory, and that is true. I certainly hope the motion made by the Senator from Waldo, Senator Fernald, for indefinite postponement, does not prevail. I think this is a real Maine development, a real one. They will advertise our products a million and half dollars worth a year and they will not save the clippings and put them in a book. We will have some real results from the chain stores, and I think if the Senate will listen to the words of wisdom from Senator Ashby, we will repeal this act, and there will be a great gain for the State of Maine.

Mr. ASHBY: Mr. President, I move the Senator from Waldo, Senator Fernald, be granted leave to withdraw his motion.

Mr. FERNALD: Mr. President, I think it is very nice of the Senator from Aroostook, Senator Ashby, to make the suggestion, but I am still able to make my own motions. We haven't anything to do for three or four hours, anyway. In 1933 when I argued this bill, I submitted a brief of 42 pages, which I will not read at this time. In 1933 when this legislation was introduced by the delegation from Aroostook, I introduced a chain store tax modeled on the Indiana law, which the highest bracket was \$50.00 a store. I believe Representative Tompkins, who was later Speaker of the House, introduced one in which the higher bracket was \$250, which indicated at the time the temper of the people of Aroostook County in regard to chain stores. The legislative record on the matter is clear. The bill was supported by such men as Representative Mason of Mechanic Falls, Representative Flanders of Auburn, Representative Ashby of Fort Fairfield, and Representative Smith of Masardis.

In brief, this was the conclusion and reason for the enactment of the law, that the proposed chain store legislation would be constitutional under both federal and state constitutions; that as a matter of public policy there is vital necessity for the enactment of such legislation at this time; that the proposed legis-

lation as outlined in the two bills now pending before the committee—one was the Tompkins bill and the other the Pernald bill—would not be discriminatory, in its effect upon the chain stores; fourth, the tax would not increase the cost of levying in this state; fifth, that such legislation would create a necessary equalization of opportunity as between the independents and the chains; sixth, an entirely reasonable chain store law would produce substantial revenue which could be utilized in reducing state and municipal taxes. With that thought in mind, the legislature in 1933 put such a law in effect. Such law must have worked pretty well because as I have pointed out, when Mr. Thad Grant, who is President of the Houlton Trade Association or Chamber of Commerce or such a name, tells me the merchants of Houlton are for this thing and they have canvassed those in Presque Isle and Caribou and they do not want repeal of this law, I believe it is an indication that Aroostook County knew what it was talking about in 1933 when they came here and asked for this legislation.

Now they complain about this law not bringing in much money, about it bringing in only \$40,000. Why is that? We had a selfish individual in the legislature at that time, and like a lot of people, had a narrow point of view and was legislating for his own business and it appeared at the time he was in the gasoline business and under this law he would have to pay \$5.00 or \$6.00 on each one of his gasoline stations, so he got an exemption through, which really took the life out of the bill and really took about two-thirds of the revenue. But as all legislators are confronted with such problems, we had to compromise, and we took our bill with the exemption of the gasoline stations in it. There is no reason and no justification for the exemption under the law of 1933 for the owners of gasoline stations, and we all know it. It was thought after the law had gone along a while, the exemption would finally be struck out. Demands have been made. As a matter of fact, conferences were held, struggling over the difference in taxation, and it was felt then that the exemption should be struck out and that we should get that additional forty, fifty or sixty

thousand dollars from gasoline stations.

There is another more fundamental thing connected with this, than the question of revenue. There is a question of public policy. If we permit these chain stores to come in here, unregulated and uncontrolled, sooner or later the chief outlets for commodities, whether groceries or gasoline or drugs or cosmetics or tires or automobile supplies, will eventually be controlled by outside interests. It isn't the way we do business in the State of Maine. We try to pride ourselves that we stand on our own feet. We encourage the independent business man and we like to think of him as being the backbone of our civilization. When assessment day comes along on April 1st, his stock of goods is assessed by the tax collector and he pays his taxes, and probably most of that stock of goods, as taxed and as paid on April 1st, will be with him the whole year; whereas the chain stores manipulate and manage their business on a scientific basis, which is all right, so that their inventory in the localities when the taxes are assessed, is very low and they pay on a low assessment, but immediately after April 1st, a large quantity of goods comes to these stores. Also it is to be considered, they have a very great turnover and under our form of taxation in the State of Maine, we have no way of getting a tax out of this large quantity of goods they use in their turnover, whereas the independent merchant who does business, probably less efficiently and less economically, on his turnover of goods, his taxation is much less. When you consider the volume of business these chain stores do, and when you consider, as we had to consider in 1933, the great service that the independent merchants were rendering the people at the time, during the bank holiday, as opposed to the service the chain stores were rendering at the time, if some of you people will look back you will see as far as a check was concerned you were out of luck with the chain stores in a great many instances, whereas you could depend upon the independent merchant to help you and trust you and extend you credit. As I have pointed out before, before in our history in Maine we could depend upon C. W. A., P. W. A., W. P. A. and whatever you want to call it,

it was the independent merchant that carried our poor families through the winter and made it possible for them to keep off the town, but now they have been displaced by the chain store, and just try to get any credit through the winter from a chain store! What do you have to do? You have to go on the town.

The keeping of this legislation on our books is not unreasonable, and similar legislation is adopted, I believe, in 30 or 33 of our states, it doesn't make any difference how many states, but a considerable number. I think it serves as a certain sobering effect upon the chain stores. In the gasoline business it has been or is becoming the policy of the Standard Oil Company recently to decentralize, and instead of attempting to control themselves, a great many local stations, they have come to the point of view where they will lease stations to independent men and let the independent men run the stations as their own business.

I think the encouragement of this type of legislation and the control it has upon business men is worth the price, and further than that it brings to the treasury a net of \$40,000 a year. Of course, I realize that this legislature is getting into the same state of mind that Washington is, that \$40,000 is a mere drop in the bucket, but some day some legislature will realize \$40,000 is worth considering, and at least, it will take care of quite a few old age pensions for a year. I do not know anyone who is suffering. We have not seen any chain store going out of business because of the carrying on of this law during the last four years. Of course, I am deeply touched and I know you are, by the eulogies being heaped upon the chain stores. At least, as far as I am concerned, for a time I was manager of a chain store—and I was never fired either—and from my work in an independent store, I have never seen a chain store yet that did business for the fun of it. When a store does not pay, what happens? They close it—pull it out. I do not believe they are buying potatoes in Aroostook just to satisfy Aroostook County. They are buying potatoes in Aroostook County because Aroostook has the potatoes and they have the quantity and the quality, and they can do business with them and

it is a product they can put into their markets of New England to bring people to their stores. The same applies to other commodities they buy. Do not let anyone delude themselves into thinking they are doing business just to advertise the State of Maine because if they could do more business and not advertise Maine, that is just what they would do, and that would be perfectly right to do it, because after all, people do business for the profit.

Now, if you want to, at this late hour in the session, complete your final gesture for economy by striking out this bill and doubling the revenue \$40,000, it is all right with me, but it seems to me it would be the final touch upon this, the Eighty-eighth legislature, which has been in session 17 weeks before they could decide to decrease the revenue of the State of Maine some \$40,000.

As I have stated before, Mr. President, when the vote is taken, I would ask for a division.

Mr. WILLEY: Mr. President, I can not permit to go unchallenged the remarks of the Senator from Waldo, Senator Fernald, with respect to the revenue that the state will lose by repealing this measure. The revenue that we may lose by retaining this on our books will run into several hundred thousand dollars to the state of Maine, to the people of Maine. These chain stores do not have to buy our products. Only a little while ago I was in New York City and I found on my table at dinner Nevada potatoes that were sent there and that were advertised there by a chain store. Now, if we can get the advantage of such advertising for our merchandise throughout the United States free, certainly it is a greater saving to Maine to repeal this and gain perhaps a hundred thousand dollars and more, than to retain it and save perhaps fifteen thousand dollars for our state treasury. I think the statement is entirely wrong that there is any loss resulting to the state from the repeal of this act.

Mr. ASHBY: Mr. President, I was out while the gentleman from Waldo (Senator Fernald) spoke. I don't know what he said and if the Senator is running true to form they don't know what he said either, but we will not go into that matter any further. Senator Willey says that

it would mean a hundred thousand dollars to the state of Maine. It is going to mean ten or twelve million to the state of Maine, and saving that ten or twelve millions is worth a good deal more than the lousy little ten or fifteen thousand we are going to take out of them by force. There is no justification in it. We simply say to the chain stores, "We have the power to take this away from you by main force and we are going to do it." It looks a little cowardly to me, and you must remember, when I say that, that I am not a chain store man. The Atlantic and Pacific alone leaves eleven million dollars in the state more than they take out. I don't know just what the First National does but they also deal exclusively in Maine potatoes. So there is a little selfishness in my attitude. I don't want to lose this enormous advantage to Aroostook County through the help that the chain stores can give us and I hope that the motion of the Senator from Waldo (Senator Fernald) will not prevail, and I know it won't.

Mr. SPEAR: Mr. President, I move the previous question.

Mr. FERNALD: Mr. President, I think that the chairman of the Taxation Committee, Senator Blanchard, should be reprimanded by the Senate for his failure to report this bill out before because if the statements and the figures of the Senator from Aroostook, Senator Ashby, are correct and it would mean ten or twelve million dollars to the state of Maine, why, our problems would have been solved, our financial problems, earlier in the session and we would not have had to impose a one percent sales tax upon the people of Maine; and I trust that the Senator will be more careful in the future and not let any of these twelve million dollar revenue measures slip by him. I know that it was not due to any mistake on his part but it must have been an error on the part of one of his clerks.

Mr. ASHBY: Mr. President, I would like to point out to the Senator from Waldo (Senator Fernald) that I have been hollering this at him for the last four weeks but with that stubbornness that prevails in Waldo County he has not listened.

Mr. FORTIN: Mr. President, I really do not like to come here and talk on this question but I don't

believe that we are really serious when we expect to strike off from the present statutes a law that was passed in all seriousness and fully considered through public hearings previous to our meeting here. Now, if the olive branch was presented to the County of Aroostook for their potatoes, Androscoggin has no potatoes but they have plenty of chain stores. Now, let us be serious. Let us not take this as a joke and be funny because I, at least, am speaking for other counties. I am not going to take up the time of the Senate because I am tired and you are tired, but it is unfair to ask us, Sunday morning at four o'clock, passing upon a very important measure such as this. Now, please, let us go slowly and let us consider this matter. I happen to own a store and I know the conditions. I haven't got the money to hand Aroostook to advertise my store. Now, I am serious and I will be funny afterward. It is only the last year that the big monopolies that are controlling your output have come before us and said, "Yes, we will promise to help you because we know you are going to give us a tax that might hurt." So they volunteer to go to our publicity bureau of the state of Maine and say, "We will advertise the products of Aroostook County." They didn't come to Androscoggin and say, "We will advertise your cotton goods," or anything else. I don't believe they will go to Knox County or to Washington County to advertise.

Now, I just want to bring out the unfairness of our considering to repeal a present law that has done no harm to anyone—and bear in mind while I am talking that the chain stores in Maine now are driving me out of business and are driving out plenty of others who can not enjoy mass buying. Now, I want to be fair with them and you have heard me say that I didn't want to see the law as it was proposed day before yesterday, I believe, to be discriminatory. That law meant five dollars to me over and above the present tax. Now, I don't believe it is fair for us to consider such an important measure this morning and I ask every serious minded Senator to defer action and vote against the indefinite postponement of this bill and I know that when we wake up Monday morning—not Sunday morning, but Monday morning or Tuesday

morning—you will feel that you have done a very good job to the state of Maine, you will have left on the books what is right and fair and just and what should be left alone. I am serious and I hope that every one of you will seriously think this over, and don't do it—you will regret it if you do.

Mr. ASHBY: Mr. President, may I speak again?

The PRESIDENT: If there is no objection the Senator may proceed.

Mr. ASHBY: Mr. President, I want to find out from Brother Fortin just this; he says he has got a store and he says the chain store people are crowding him. Perhaps if he hadn't crowded them they would not have crowded him. Now, that is just the attitude that we have been taking here. You must take into consideration that these two big combinations are capitalized as at an enormous sum and if they want to, Brother Fortin, they can crowd you out of business in fifteen minutes. They have been pretty lenient with you, considering your antagonistic attitude towards them. Now don't tempt them to go to the point where they are going to put you out of business. They can do it because they have got the capital.

Mr. FORTIN: May I answer, Mr. President?

The PRESIDENT: If there is no objection, the Senator may proceed.

Mr. FORTIN: That is what we are afraid of, Mr. President, and that is what every independent merchant in the state of Maine is afraid of. They can crowd us out and you are helping them to crowd us out of business if you pass this measure. We are just asking for the right to live. I am speaking for every independent merchant in the state of Maine. They have the capital, they have the equipment, and they can buy twenty-five carloads to my five tires. Now, you are helping them to push me out and every independent merchant and if you do this I will probably have to go on relief myself.

The PRESIDENT: The pending question is on the motion of the Senator from Waldo, Senator Fernald, that An Act Relating to Licenses for Retail Stores, Senate Paper 369, Legislative Document 814, be indefinitely postponed; and the same Senator has asked for a division.

A division of the Senate was had. Three having voted in the affirmative and twenty-three opposed, the motion to indefinitely postpone did not prevail.

Thereupon, under suspension of the rules, the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

Order

(Out of Order)

On motion by Mr. Willey of Cumberland, it was

Ordered, that the cushion which has bolstered up, and to a great degree eased the extremity suffering of our efficient and pleasant reporter, Mrs. Margaret Payne, be presented to her in memory of this eventful session.

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

The Committee on Taxation, on bill, "An Act to Repeal 'An Act to Tax Games of Skill'" (H. P. 498) (L. D. 147) reported that the same ought to pass.

Which report was read and accepted in concurrence and, under suspension of the rules the bill was given its two several readings and passed to be engrossed in concurrence.

Mr. ASHBY of Aroostook: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator may state his point of personal privilege.

Mr. ASHBY: Mr. President and members of the Senate, I have grown old in the service of my state and, still, I have never indulged in gestures. I wish to say a few words in commendation of my colleagues at this time. I shall begin with the President. He knows that I have been the stormy petrel here but he has had patience with me. I appreciate his rulings and his patience. I also wish to compliment the lady from Cumberland, Senator Laughlin, for her sportsmanship and her keenness of mind. We have differed but we have differed honestly and one of the most pleasant memories I am going to take from here is my association with her. I bow to her as, I believe, the brightest mind in the state house today, and I also appreciate her fairness and her sense of humor.

Now, I know, members of the Sen-

ate, that if ever our paths cross that I am going to receive the hand of friendship from every man and woman here. I also know that if I pause at the threshold of your door that the door will be thrown open and I will be welcomed within your homes.

Of course I wish to pay a tribute to Senator Martin. She is more or less of a spoiled child but still she is quite a good sport, too. I haven't agreed with her very often but I have to take off my hat and say that she has played the game square.

And the gentleman from York; he is a crank in a way but he isn't a bad fellow and I feel better for knowing him. And for every member of this Senate I have a warm spot in my heart because I have found them a bunch of sports from the word go. I have been in the minority most of the time and I hope that some day God will open their eyes so that they will see why. At the same time, I appreciate their fair treatment of me. I have received nothing but kindness and courtesy at their hands. I do not expect to be back here. That is why I am making this little speech and if any of us do not meet again in this world I shall hope to meet you on the golden streets or in the flaming ovens, and I don't care much which.

Order

(Out of Order)

On motion by Mr. Fernald of Waldo, it was

Ordered, that the office of the Senate Reporter and the equipment therein remain under his control for a period of three weeks for his use in completing the stenographic record of the proceedings of the Eighty-eighth Legislature.

Finally Passed

(Out of Order)

"Resolve Relating to Smelt Fishing in Hancock County." (H. P. 1774) (L. D. 898)

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

The Committee on Taxation on bill "An Act Relating to Old Age Assistance," (H. P. 312) (L. D. 100) reported the same in a new draft (H. P. 1895) (L. D. 1072) under a new title, bill "An Act Imposing a Tax on Wine and Spirits Sold by or

Through the State Liquor Commission," and that it ought to pass.

Which report was read and accepted in concurrence, the bill read once, and under suspension of the rules, read a second time and passed to be engrossed in concurrence.

Passed to be Enacted

(Out of Order)

"An Act Relating to Exemptions of Motor Trucks from Registration." (S. P. 332) (L. D. 596)

"An Act to Correct Technical Errors in Various Laws." (S. P. 533) (L. D. 1071)

"An Act Relating to the Canning of Clams." (H. P. 1893) (L. D. 1069)

"An Act Relating to Licenses and Certificates for Selling Clams." (H. P. 1894) (L. D. 1070)

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

After Recess

The Senate was called to order by the President.

Order

(Out of Order)

On motion by Mr. Willey of Cumberland, it was

Ordered, that the chair used by the Senator from Cumberland, Senator Laughlin, be presented to that Senator in recognition of her services, and, it is further

Ordered, that the Secretary of the Senate cause said chair to be delivered to her home on Revere Street, Portland, Maine.

Passed to be Enacted

(Out of Order)

"An Act Relating to Exemption of Estates from Taxation." (H. P. 1873) (L. D. 1044)

"An Act to Provide for Old Age Assistance, to Guarantee a Minimum Educational Program and to Provide Revenues Therefor." (H. P. 1884) (L. D. 1058)

Mr. FERNALD of Waldo: Mr. President, at this time I wish to go on record as opposing a one percent general sales tax or a sales tax of any kind, which is carrying out my attitude that I held in 1933 and 1935, and those of us who still feel the same way about it will carry the fight to the people with the hope that in August we will be

more successful than we have been in April.

Mr. ASHBY of Aroostook: Mr. President, I also want to go on record as opposing the sales tax. I know it is unalterably opposed in every town in my county and God help the man that voted for it.

Mr. SPEAR of Cumberland: Mr. President, I want to go on record as being opposed to the one percent sales tax and to state that I intend to vote against it at the polls and to do what I can to work against it.

Mr. WILLEY of Cumberland: Mr. President, I wish to go on record as favoring old age pensions and educational equalization for the state of Maine.

Mr. WENTWORTH of York: Mr. President, I want to go on record as favoring the old age pensions and educational program in the state of Maine.

Mr. FERNALD: Mr. President, I want to go on record as favoring the continuance of state aid to the state police.

Mr. ASHBY: Mr. President, I also want to go on record as favoring old age pensions but I can't see for the life of me why a dollar from income tax wouldn't pay them just as well as a dollar from sales.

Communication

State of Maine,

Senate Chamber, Augusta,

April 24th, 1937.

To the Senate of the Eighty-eighth Legislature, Augusta, Maine:

I hereby tender my resignation as Senator from Cumberland County with deep regret.

Very truly yours,

(Signed) CLINTON T. GOUDY,
Cumberland County.

The PRESIDENT: The Senate hears the message from the distinguished Senator from Cumberland County, Senator Goudy, with profound regret.

Thereupon, the resignation was accepted and the communication placed on file.

Thereupon, on motion by Mr. Burkett of Knox, Clinton T. Goudy of South Portland, Cumberland County, Maine, was duly sworn as Judge of the South Portland Municipal Court by the Honorable Royden V. Brown, Secretary of the Senate and Dedimus Justice.

Communication

State of Maine,
House of Representatives,
Office of Clerk,

Augusta, April 24, 1937.

To Honorable Royden V. Brown,
Secretary of the Senate of the
88th Legislature.

Sir:

The Governor of the State having returned to the House

"An Act Relating to Mileage Compensation" (L. D. 871) with his objections to the same; the House proceeded to vote on the question

'Shall the bill be passed to be enacted notwithstanding the objections of the Governor,'

A yea and nay vote was taken; 9 members voted in the affirmative and 123 in the negative, and accordingly the bill failed of a passage.

Most respectfully yours,

HARVEY R. PEASE,
Clerk of the House.

Which communication was read and accepted and ordered placed on file.

Mr. HUSSEY of Kennebec: Mr. President, I rise to a point of special privilege.

The PRESIDENT: The Senator may state his point of special privilege.

Mr. HUSSEY: Mr. President, it is my privilege, in behalf of the members of this Senate, to present to you in token of the great respect which this Body has for you and which it will hold for you for the many years to come, a gift which has a power to govern us both with strength and with courage. You have used this in the past in such a manner, coupled with leniency for our many faults, and we trust that in the future that at least some of us may have the privilege of being in a position where you may wield this token with the same fortitude and courage which you have in the past.

The members of the Senate are very pleased to tender you this token and trust that you will receive it in the spirit with which they present it to you.

The PRESIDENT: Senator Hussey and members of the Senate who have presented to me this very fine gift, I wish to thank you from the depths of my heart. I can not

think of anything that would be more indicative of the proceedings here at the Eighty-eighth Legislature than a gavel. I think you will agree with me when I say that I have used this gavel—not the one presented but the one in my hand—with discretion. As I recall a certain chapter from a work on psychology I remember that a gavel or a whip, or some other instrument, was more or less a token of barbarism and I recall that a dog, when struck with a stick, when at any time thereafter he would see a stick aimed in his direction, would immediately set up a howl even before he was struck. So I visualize a gavel as a symbol of barbarism, as I said. Now, I can not consider that an ancient relic, such as this, should be used on this intelligent group so I have refrained steadfastly many times from using it and I have used it only on very rare occasions because I felt that if it was used strenuously it would be of no avail.

I thank you, Senator, for your kind words and I will bear this gavel with me on my journey homeward and will encase it in a glass case.

Mr. ASHBY: Mr. President, I would like to say, if I may have the indulgence of the Senate, that at one time I was called upon to apologize to the Senator from Waldo, and I want to say at this time that if I said anything that I ought to be sorry for at that time, I am glad of it.

On motion by Mr. Blanchard of Franklin, the Senate voted to take from the table House Report from the Committee on Taxation "Ought Not to Pass" on bill, "An Act Imposing an Excise Tax on the Privilege of Owning Land in this State (H. P. 1126) (L. D. 328) tabled by that Senator on April 2nd pending acceptance of the report in concurrence and on further motion by the same Senator the report was accepted in concurrence.

Report of Committees (Out of Order)

Mr. Blanchard from the Committee on Taxation on bill "An Act Regulating Games of Skill," (S. P. 402) (L. D. 812) reported that the same ought not to pass.

Mr. Hussey from the Committee on Appropriations and Financial Affairs submitted its Final Report.

Which reports were read and accepted.

Sent down for concurrence.

Out of order and under suspension of the rules, Mr. Hussey of Kennebec presented "Resolve on the Pay Roll of the Senate of the Eighty-eighth Legislature." (S. P. 538)

Which was received by unanimous consent, read twice under suspension of the rules, and passed to be engrossed without reference to a Committee.

Sent down for concurrence.

Additional Papers from the House, out of order and under suspension of the rules:

"Resolve in Favor of the Chaplains of the House of the Eighty-eighth Legislature." (H. P. 1899)

"Resolve in Favor of Clerks, Stenographers, and Messengers of the Several Committees of the 88th Legislature." (H. P. 1897)

Bill "A Supplemental Appropriation Act to Further Provide for the Necessary Expenditures of State Government for the Fiscal Years Ending June 30th, 1938 and June 30, 1939." (H. P. 1896)

Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Thirty-seven." (H. P. 1890)

Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Thirty-eight." (H. P. 1891)

Which bills and resolves were severally received by unanimous consent in concurrence, under suspension of the rules, read twice and passed to be engrossed without reference to a committee in concurrence.

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 Committee on Ways and Bridges reporting on certain road resolves, reported the same in a consolidated "Resolve for the Construction, Maintenance and Repair of Roads and Bridges," and that the same ought to pass.

In the House, the report accepted and under suspension of the rules was given its two several readings and passed to be engrossed.

In the Senate, the report read and accepted in concurrence, and under suspension of the rules the resolve read twice and passed to be resolve 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, "Resolve on the Pay Roll of the House of Representatives of the Eighty-eighth Legislature (H. P. 1896).

In the House, received by unanimous consent and under suspension of the rules the resolve read twice and passed to be engrossed without reference to a committee.

In the Senate, received by unanimous consent in concurrence and under suspension of the rules, the resolve read twice and passed to be engrossed without reference to a committee, in concurrence.

Passed to be Enacted

(Out of Order)

"An Act Relating to Licenses for Retail Stores." (S. P. 369) (L. D. 814)

"An Act to Repeal 'An Act to Tax Games of Skill.'" (H. P. 498) (L. D. 147)

"An Act for the Assessment of a State Tax for the Year Nineteen Hundred Thirty-eight." (H. P. 1891)

"An Act Supplemental Appropriation Act to Further Provide for the Necessary Expenditures of State Government for the Fiscal Years Ending June 30th 1938 and June 30, 1939." (H. P. 1896)

Finally Passed

(Out of Order)

"Resolve on the Pay Roll of the Senate of the 88th Legislature." (S. P. 538)

"Resolve in Favor of the Chaplains of the House of the Eighty-eighth Legislature." (H. P. 1899)

(Emergency Measure)

(Out of Order)

"An Act for the Assessment of a State Tax for the Year Nineteen Hundred Thirty-seven." (H. P. 1890)

Which bill being an emergency measure and having received the affirmative vote of 23 members of the Senate and none opposed, was passed to be enacted.

(Emergency Measure)

(Out of Order)

"An Act Imposing a Tax on Wine and Spirits Sold by or Through the

State Liquor Commission." (H. P. 1895) (L. D. 1072)

Which bill being an emergency measure and having received the affirmative vote of 24 members of the Senate and none opposed, was passed to be enacted.

Finally Passed

(Out of Order)

"Resolve in Favor of the Chaplains of the Senate of the 88th Legislature." (S. P. 536)

"Resolve for the Construction, Maintenance, and Repair of Roads and Bridges." (H. P. 1888)

"Resolve in Favor of Clerks, Stenographers, and Messengers of the Several Committees of the 88th Legislature." (H. P. 1897)

"Resolve on the Pay Roll of the House of Representatives of the 88th Legislature." (H. P. 1898)

Reports of Committees

(Out of Order)

Mr. Friend of Somerset for the Committee on Ways and Bridges, submitted its final report.

Mr. Blanchard of Franklin for the Committee on Taxation, submitted its final report.

Which reports were read and accepted.

Sent down for concurrence.

On motion by Mr. Owen of Kennebec, it was

Ordered, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it, and is ready to adjourn without day.

The Senator from Somerset, Senator Owen, was appointed to convey the message and subsequently reported that he had discharged the duty assigned to him.

A message was received from the House of Representatives by Mr. Ellis of Rangeley that that body had transacted all the business before it and was ready to adjourn without day.

On motion by Mr. Spear of Cumberland, it was

Ordered, the House concurring, that a committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication that he

may be pleased to make. (S. P. 537)

The President appointed as members of such a committee on the part of the Senate: Senators Spear of Cumberland, Potter of Penobscot, and Kennedy of Hancock.

Subsequently the foregoing order was returned from the House, read and passed in concurrence.

Mr. Spear from the committee subsequently reported that the committee had attended to the duties assigned them and that the Governor was pleased to say that he would communicate to the two branches of the Legislature forthwith through the Secretary of State.

Thereupon the Secretary of State, the Honorable Frederick Robie, came in and laid before the Senate the following communication:

State of Maine,
Executive Department,

Augusta, April 24, 1937.

To the President of the Senate and the Speaker of the House:

I herewith transmit a list of the acts and resolves passed by the present legislature. I have approved a total of 350 acts and 155 resolves. I presented one veto.

I desire to add that you have considered an unusually large number of measures, and the problems that have confronted you at times have been bewildering and seemed insurmountable. Your deliberations have been judicious and creditable. The cooperation between the Legislature and the Executive has been most cordial and largely appreciated by me.

I have no further communication to make. I wish you a safe return to your homes.

Respectfully submitted,
(Signed) LOUIS O. BARROWS,
Governor of Maine.

Which was read and ordered placed on file.

Sent down for concurrence.

Subsequently the foregoing communication was returned from the House, read and placed on file in concurrence.

On motion by Mr. Chase of Piscataquis, at 11:55 P. M. on Saturday, April 24, 1937, J. Frederic Burns, President, declared the Senate of the 88th Legislature adjourned without day.