

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

IN SPECIAL SESSION

October 26, 1937

**KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE**

SENATE

Thursday, October 28, 1937.

Senate called to order by the President.

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

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

From the House:

Bill, "An Act Relating to the Purity of Drinking Water Supplied to North Windham." (H. P. 1924)

In the House, referred to the Committee on Public Health.

In the Senate, on motion by Mr. Owen of Kennebec, referred to the Committee on Public Health in concurrence, and 500 copies ordered printed.

Order

On motion by Mr. Willey of Cumberland, it was

ORDERED, the House concurring, that under the direction of the Governor and Council, an analysis of the cash position of the state of Maine be published in the daily and weekly newspapers of the state and that a full and complete explanation of the same be made to the inhabitants of the state, the costs thereof to be paid out of the general funds of the state.

Sent down for concurrence.

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

After Recess

Senate called to order by the President.

(Emergency Measure)

"An Act Providing for the Reduction in Fees for Registration of Motor Vehicles." (H. P. 1902) (L. D. 1077)

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

(Emergency Measure)

"An Act to Provide for Old Age Assistance; to Guarantee a Minimum Educational Program and to Provide Revenue Therefor." (H. P. 1903) (L. D. 1078)

Mr. WALSH of Androscoggin: Mr. President, since yesterday, a situation has developed which leads me to ask for more information not only in behalf of myself, but it may be there are some members of the Republican majority who may not be familiar with it. In the normal course of legislative procedure, I would direct these questions to the Republican floor leader, but in view of the extraordinary way in which matters have been handled, I doubt if he could answer the question. Therefore, I would request permission to direct my inquiries to the Chair.

The PRESIDENT: The Senator may direct a parliamentary inquiry to the Chair and the Chair may answer that inquiry or not, as he sees fit.

Mr. WALSH: Mr. President, I understand this enabling act will be followed by a plan drawn up by the Health and Welfare Department. Is that correct?

The PRESIDENT: The Senator's question should be more properly put to some member of the Senate and not to the presiding officer. It is not a parliamentary question.

Mr. WALSH: Will the Chair recommend someone of whom I may ask the question?

The PRESIDENT: The Chair has no recommendation to make in regard to that at all.

Mr. WALSH: May I make an inquiry of a member of the Judiciary Committee, Mr. President.

The PRESIDENT: The Senator may put the question to any member of the Judiciary Committee and the member may answer if he sees fit.

Mr. WALSH: May I ask the question of Senator Fernald?

Mr. FERNALD of Waldo: I would be glad to answer through the Chair that I do not know, Mr. President.

Mr. WALSH: Mr. President, may I make another inquiry of Senator Fernald?

The PRESIDENT: The Senator may make an inquiry of the Senator from Waldo, Senator Fernald, who may answer if he sees fit.

Mr. WALSH: Senator Fernald, do you know if the Federal Social Security Board were consulted in any way in drawing up this act?

Mr. FERNALD: Mr. President, I do not know.

Mr. WALSH: Senator Fernald, do you know if this legislature or the Executive department has received any assurance that this act will be acceptable to the Federal government?

Mr. FERNALD: Mr. President, I do not know.

Mr. WALSH: Mr. President, I think that typifies exactly the way the bill is being passed. You are here spending \$1700 a day passing a bill which I will confidently say I have every reason to doubt will be acceptable to the Federal government. With an expense of \$1700 a day it seems to me we should have been called into session to pass a bill that would be acceptable to the government that will furnish fifty percent of the required money.

The PRESIDENT: This is an emergency measure and requires the two-thirds affirmative vote of the members of the Senate. Is the Senate ready for the question?

A division of the Senate was had. Twenty-seven having voted in the affirmative and none opposed, the bill was passed to be enacted.

(Emergency Measure)

"An Act Amending the Law Relating to Unemployment Compensation." (H. P. 1904) (L. D. 1079)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate, and none opposed, was passed to be enacted.

(Emergency Measure)

"An Act Relating to Enforcement of the Liquor Laws." (H. P. 1906) (L. D. 1080)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate and none opposed was passed to be enacted.

Order

(Out of Order)

On motion by Mr. Willey of Cumberland, it was

ORDERED, the House concurring, that all Joint Standing Committees that now have any bill or resolve previously referred to them at this special session of the legislature return same forthwith to the respective branch of the legislature from which it was received.

Sent down for concurrence.

On motion by Mr. Fernald of Waldo

Recessed until this afternoon at two o'clock.

After Recess

Senate called to order by the President.

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

Bill "An Act Imposing an Income Tax." (H. P. 1927) (L. D. 1108)

In the House, having been referred to the Committee on Taxation, and subsequently leave having been granted to withdraw.

In Senate, leave granted to withdraw in concurrence.

Order

(Out of order)

On motion by Miss Laughlin of Cumberland, it was

ORDERED, the House concurring, that there be and hereby is created a committee to consist of two members of the Senate and three members of the House, the members of which committee shall be appointed by the Governor. Said committee shall examine into the relations between the United States of America and the State of Maine in respect to loans or grants by the Federal government or any agency thereof which have been made or are now being made or which may become available to the state or any agency or subdivision thereof; the amounts thereof, the use and usefulness thereof, and the manner of acceptance and administration thereof, together with such other facts as may be necessary or convenient in obtaining complete information regarding such matters. Said committee may employ counsel, compel the attendance of witnesses and the production of books, papers, documents, records and other evidence and may administer oaths to witnesses or punish for contempt. Said committee shall report its findings to the Eighty-eighth Legislature. All expense incurred by said committee in the discharge of its duties shall be paid from the general funds of the state upon approval by the Governor and Council.

Sent down for concurrence.

Reports of Committees

(Out of Order)

Mr. Spear from the Committee on Salaries and Fees on "Resolve

Authorizing Compensation for George E. Googins of Bar Harbor," (S. P. 550) (L. D. 1083) reported that the same be referred to the Eighty-ninth Legislature.

Which report was read and accepted.

Sent down for concurrence.

Mr. Friend from the Committee on Ways and Bridges on bill "An Act Relating to the General Highway Fund," (S. P. 551) (L. D. 1085) reported that the same ought to pass.

Mr. WILLEY of Cumberland: Mr. President, I think at this point, the Legislature having passed and enacted all laws which we were sent here particularly to enact, we should now determine whether or not we are going to consider many of the other measures which were to have been introduced. Of course the State can well get along without these, without inconvenience or any loss to the inhabitants of our state until the next legislature. I therefore move that this measure be referred to the next legislature.

Miss LAUGHLIN of Cumberland: Mr. President, I really was not paying attention to what the measure is, but just on the general principle—the matters introduced have been referred to committees and they have met and reported on them, or on most of them. Undoubtedly most of them will be reported to the next legislature or reported 'ought not to pass'. Maybe there are one or two which are emergency matters which should be passed, and I think we should trust the committees to have weeded out those things which are emergencies and which should be passed as against those which are not emergencies, having had hearings and having voted as we did to refer the matters to committees. I do not think we should begin by over-riding them as there may be some that may be emergencies. When we had a special session for the revision of the statutes and were called for no other purpose except to consider the revision of the statutes and we agreed that nothing else should be introduced but we agreed that there were matters which were emergencies and we really passed three measures of an emergency nature when we were called solely to revise the statutes. If there are

matters of that sort, I think we should consider them because I feel confident the committees would not recommend any measure in which there were not an emergency and one of vital importance to the people. I am therefore opposed to the motion.

Mr. WILLEY: Mr. President, I cannot follow the logic of my distinguished political colleague, Senator Laughlin, because when a measure is referred to a committee the question of the exigency of emergency is not before them, but only the question of the merit of the measure. That is what they report. The question is whether the legislature is going to determine the matter on its merits and drag out this session at tremendous expense to the state, when we have already accomplished the purpose for which we came here. I know there is said to be an emergency but I also know there is ample law on our books to cover the emergency, and of course the committee may be advised that some department says they have not the authority to pass on it. Some of us are bound to confine ourselves to the written word in the law books and confine ourselves to those we know are wrong, and so I think we should refer all these matters to the next legislature and go home, and when we have done that we have done a mighty good job and the people will thank every one of us.

Mr. TOMPKINS of Aroostook: Mr. President, I feel there is merit in every one of the bills that has been presented to us but if we act upon these we will be here until Christmas. There is no one who believes in an income tax any more than I do. My record shows I fought for it and did all I could for it last winter, and we had that bill withdrawn because we did not want to gum up the works and stay here forever. If we go to opening it up and let in a few pet measures I, for one, shall insist we carry along the income tax and other bills with it.

Miss LAUGHLIN: Mr. President, just a word I would like to say. As I said, I didn't get what measure it was so I am not speaking on it especially. I do know the one the Senator referred to. A measure is coming along here which is vitally

important to all the inhabitants of the town of Windham, the question of whether they can have a water supply that is fit to drink. The bill is here before us and it is a bill to finish the job we didn't do when we were in such a scramble to get away—at the end of the session, I mean. We voted to give the Portland Water District permission to establish means to get water from the town of Windham but we didn't protect that source of water supply from infection, and as the situation is now, it is not fit to drink. It is an emergency. I think this measure was sent to committee and considered by the committee and signed by the committee because it was felt it was something that was an emergency. I signed for the Judiciary Committee certain measures that should go to the Eighty-ninth Legislature because there was no emergency involved. There may be others in which there is an emergency. The one I speak of was unanimous because it is a vital matter and the Health Department said it had no power without this legislation. I do not believe in general matters being passed in this session, but I do have a little faith in the committees, and knowing how we feel, they would not recommend any bills that were not of vital necessity. So I do not believe in going wild and referring everything to the Eighty-ninth Legislature.

Mr. WILLEY: Mr. President, I guess the Senate can readily see that if we open up any of these bills we will be here a little while longer than the people want us to. In answer to Senator Laughlin's statement about the great emergency of this water district and the pollution of the water, I want to point out to the Senate ten lines we have now where I believe they are in error and I think every member of the Senate, notwithstanding what the Department of Health and Welfare may say because some of us do not depend on them for our authority. Chapter 22 of the Revised Statutes of Maine, Page 459, Section 52, Sub-division IV reads as follows, giving the powers and duties of local Boards of Health: "IV. Receive and examine into the nature of complaints made by any of the inhabitants, concerning nuisances dangerous to life and health within the limits of its jurisdiction;" Now that provides solely for

nuisances, but "enter upon or within any place or premises where nuisances or conditions"—now, gentlemen, it says "or conditions dangerous to life and health are known or believed to exist, and personally, or by appointed agents, inspect and examine the same; and all owners, agents, and occupants shall permit such sanitary examinations; and every such board of health shall order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the limits of its jurisdiction." If this legislature can pass a more complete authority to the board of health to remove conditions dangerous to life, or nuisances, than that, we would never leave here if we tried it, because it is amply complete and right to the point. It is an example of what we will get into if we consider this bill. I had a lot of bills I wanted to put in but I announced I would not put in any and I have not put in one. I think we should close this up and go home now.

Mr. BURKETT of Knox: Mr. President, it is an old saying that when one sheep goes out of the pasture, they all follow. When we open the doors and let something in there will be others following, claiming an emergency. In relation to this Windham water company, I may be mistaken but I understand the water company is under construction now and I believe it will not be completed until the next legislature. The impression has gone out all over the state, and there has been commendation to this legislature for getting through so quick and for doing the things the Governor wanted us to do. My idea and my impression is that if we stay on here it will react against us. I believe the sooner we get out of here the better the people will like it, and I object to opening the door for more legislation.

Mr. BECKETT of Washington: Mr. President, I appreciate the sincerity of the other members in attempting to close this session without undue length or expense. I do feel that we came here for a special purpose and I think we have very faithfully carried out the recommendations of our good governor but, on the other hand, I feel that there are some sectional bills of vital importance which should be considered and I think, after all, it is the duty of the Legislature not

only to deal with such large problems affecting the state as a whole but also with problems affecting the small communities and which are of great importance to those communities and have a great bearing on their general welfare for the next year or two. I think we can introduce these measures without opening the doors too wide. I have perfect confidence in our committees and I feel that those matters which are of sufficient importance will be reported out favorably and that those which are not will be reported out unfavorably. Personally, I feel that as long as we are here to do a job we should finish it even if it does take a day or two longer. I feel that these bills should be given consideration.

Mr. ASHBY of Aroostook: Mr. President, I thoroughly agree with Senator Burkett. We should close this up and get home as soon as we can. We should run true to form. This Legislature didn't do anything in the regular session and I don't know why we should break our record and do it now. I move that we accept no bills and go home as soon as possible.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Willey, that Legislative Document 1085, An Act Relating to the General Highway Fund, be referred to the Eighty-ninth Legislature.

Mr. FRIEND of Somerset: Mr. President, I would like to explain what this general highway bill is. This year there has been a great surplus of income from gas and registration amounting to about \$800,000 over what it was last year and that leaves a surplus of highway money that has not been allocated, so this surplus was allocated to state aid increasing from \$530,000 to \$850,000 a year, making it possible for all towns in the state of Maine to participate to a maximum of one and one half units of state aid money instead of one unit as it is now. I believe that practically every selectman and municipal officer in the state of Maine would be, and is, widely interested in the passage of this bill. This is a bill that will mean anywhere from \$500 to \$2000 a year extra for each town in the state of Maine which participates in it. It is a very important bill and I certainly hope that the

unanimous report of the committee "Ought to Pass" will be accepted.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Willey, that Legislative Document 1085, An Act Relating to General Highway Funds, be referred to the Eighty-ninth Legislature.

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

A division of the Senate was had. Twelve having voted in the affirmative and seventeen opposed the motion to refer did not prevail.

Thereupon, on motion by Mr. Friend of Somerset, the report of the committee "Ought to Pass," was accepted and the bill was given its first reading.

On further motion by the same senator, the rules were suspended and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

Miss Martin from the committee on Legal Affairs on bill, "An Act Relating to Insurance Agents" (S. P. 548) (L. D. 1018) reported that legislation as this time is inexpedient.

The same senator from the same Committee on "Resolve Changing the name of Jordan's Island" (S. P. 546) reported that legislation at this time is inexpedient.

Which reports were severally read and accepted.

Sent down for concurrence.

Miss Martin from the Committee on Legal Affairs on bill, "An Act to Provide for the Surrender by the Town of Edmunds of his Organization" (S. P. 544) (L. D. 1014) reported the same ought to pass.

The report of the committee was accepted and bill was given its first reading.

Thereupon, Mr. Beckett of Washington presented the following amendment and moved its adoption:

"Senate Amendment A to Legislative Document 1084. Amend said bill be changing the capital T in the first line of Section 3 to a small t. Further amend said bill by inserting before the word 'this' in the first line of Section 3 of said bill the following words, 'In view of the emergency recited in the preamble hereof.'"

Thereupon, Senate Amendment "A" was adopted and under sus-

pension of the rules the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A".

Sent down for concurrence.

Miss Martin from the Committee on Legal Affairs on bill, An Act Creating the Court of Northeast Harbor Authority (S. P. 547) (L. D. 1086) reported the same ought to pass.

Thereupon the report of the committee was accepted and the bill was given its first reading.

Mr. Graves of Hancock presented the following amendment and moved its adoption:

"Senate Amendment A to Legislative Document 1086.

Amend said act by striking out in the first and second lines of Section 13 thereof the words "In view of the emergency recited in the preamble hereof" and changing "this act" with a small (t) to "This Act" with a capital (T) and (A) and by striking out in the second paragraph of Section 13, all of the second paragraph after the word "effect" in the second line thereof an inserting in place thereof the words "when approved."

Senate Amendment "A" was adopted and on further motion by the same Senator the rules were suspended and the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A".

Sent down for concurrence.

Mr. Marden from the Committee on Legal Affairs on bill "An Act Relating to the Sale of Alcohol" (S. P. 549) (L. D. 1082) reported that the same ought to pass.

Thereupon the report of the committee was accepted and the bill was given its first reading.

Mr. Marden of Kennebec presented the following amendment and moved its adoption:—

"Senate Amendment A. to Legislative Document 1082. Amend said bill by adding at the end thereof the words 'Emergency Clause. In view of the emergency recited in the preamble hereof this act shall take effect when approved.'"

Senate Amendment "A" was adopted and on further motion by the same Senator the rules were suspended, the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A".

Sent down for concurrence.

From the House out of order:

The Committee on Public Health on bill "An Act Relating to the Purity of the Drinking Water Supplied to North Windham," (H. P. 1924) (L. D. 1109) reported that same ought to pass.

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

In the Senate:

Mr. WILLEY of Cumberland: Mr. President, this is an emergency act to prevent bathing, boating and fishing in Chaffin pond in the County of Cumberland. I will not take any more time of the Senate. I have read the law that is on the statute books. There is plenty of law to take care of it now. Under Chapter 22, Section 52, the local board of health can remove any conditions dangerous to life. If you do not think they can do it, and if they want to go down there, if the legislature wants to re-enact this law, I will not fight it.

Miss LAUGHLIN: Mr. President, this little pond referred to is a little pond of 15 acres. Analysis of the water supply shows it contains colus bacillus, which is a human infection and it is desired to keep human beings out. The water supply of Windham depends upon it. The legislature in regular session authorized the Portland Water District to take water from the pond. The contract for the plant expires in 120 days. It is therefore vital that we take action for the town of Windham which affects all the inhabitants thereof. Really, we are simply completing the work we should have done at the regular session. This is, to my mind, decidedly an emergency matter and something of vital concern to the town of Windham. We have consulted with the Health Department and they say they have no power to take the measures necessary in this case to protect the water supply of Windham. Therefore, legislation is necessary or they will be deprived of their water supply and the contract time will run out and they will be deprived of water unless we pass this now.

Mr. WILLEY: Mr. President, I want to clarify one statement my distinguished colleague, Senator Laughlin, has made. She says that the State Board of Health says they

have not the authority, but I say that the statute gives the town the right to correct it and they do not have to wait 120 days. To my mind it is foolish legislation as it is completely covered. I shall not oppose it, however.

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

From the House:

The Committee on Ways and Bridges on "Resolve Relating to the Road from Brownville to Millinocket" (H. P. 1916) (L. D. 1089) reported that the same ought to pass.

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

In the Senate, on motion by Mr. Chase of Piscataquis the report of the Committee was accepted in concurrence and under suspension of the rules, the resolve was given its two several readings and passed to be engrossed in concurrence.

Papers from the House, out of order, disposed of in concurrence.

From the House:

The Committee on Legal Affairs on bill "An Act to Provide for the Surrender by Town of Albany of its Organization" (H. P. 1910) (L. D. 1102) reported that Committee Amendment "A" be adopted, and the bill be passed as amended.

In the House, the report was accepted, and under suspension of the rules, the bill was given its three several readings and passed to be engrossed as amended by Committee Amendment "A".

In the Senate, the report of the committee was accepted in concurrence and the bill was given its first reading. Committee Amendment "A" was read: "Amend said bill by adding at the end thereof the following: 'Emergency Clause. In view of the emergency recited in the preamble hereof this act shall take effect when approved.'"

Committee Amendment "A" was adopted in concurrence and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by

Committee Amendment "A" in concurrence.

From the House, out of order:

Resolve Creating A Recess Committee for the Study of Chain Store Tax Legislation (H. P. 1933).

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

In the Senate:

Mr. HUSSEY of Kennebec: Mr. President, I move the indefinite postponement of this resolve, and in order to make myself clear and to explain to the members of the Senate what I have got out of the resolve in the brief analysis which I have just made, I notice that it is asking for a committee of two on the part of the Senate and three on the part of the House to study into a chain store tax and it is setting up an appropriation of either two or three hundred dollars, I regret that I cannot state just which it is.

It seems to me that this sum of \$200 is not enough to do a good job and with what little money it does have it couldn't go into any comprehensive study of a chain store tax. I have been in favor and have always voted for a store tax and I was very much disappointed when it was taken off at the last legislative session but I do not feel that even this small expenditure of \$200 is good business to throw away at this time. I think at our next regular session the store tax question will be taken up again and at that time it can be thrashed out before a committee and the \$200 can be used to help pay for some pension or other good work in the state.

The PRESIDENT: Does the Senator object to the reception of this bill under the unanimous consent rule?

Mr. HUSSEY: I would like to ask the Chair, Mr. President, whether any other measures have been objected to on that basis.

The PRESIDENT: As yet there have been no other measures refused admission by unanimous consent.

Mr. HUSSEY: Then, Mr. President, I would rather let it go in and vote on it on its merits.

Thereupon, the resolve was received by unanimous consent.

Mr. HUSSEY: Mr. President, I

now move that this resolve be indefinitely postponed.

Mr. BECKETT of Washington: Mr. President, I would like to speak briefly in opposition to Senator Hussey's motion to indefinitely postpone. Personally, I perhaps come in contact to a larger extent with the retail merchants than a good many others in this body. My reaction to a demand for some study of the retail store tax is this: They feel a retail store tax is a fair, equitable tax which perhaps would produce some income for the state which will be needed another year. There are one or two objections along the line of money received in the general funds for old age assistance and educational aid. There are a few people who feel although the money does go to the general fund, the revenue for old age assistance and educational aids comes to a large extent from the liquor tax. There is quite a large body of people in the state who feel something in the nature of a retail store tax, bearing equitably upon large and small stores would be more in line of old age assistance and more acceptable to the public. I think the attitude of the retail merchants is shown to some extent. I think the majority feel they should stand a larger expense so far as the individual store is concerned. During the sales tax contest I heard quite a number of retailers say, "I am perfectly willing to pay up to \$10.00 for the first store" and I think with conditions as they are, with more regulation by the federal government upon merchandising in general, I do not feel we should bear so heavily upon the larger store. In other words, those stores with 50 or 100 should pay a tax in proportion, but do not feel they should be taxed out of existence. We feel we should have an equitable retail store tax and the revision should be made on a more equitable basis. I think on this basis it would be a good expenditure of money for the state to make this recess appointment and give the chain store and retail store tax advocates an opportunity to make a study of the proposition and work out something equitable which can be presented with some degree of acceptance by both larger store owners and the small individual stores. I really feel politically we

should pay some attention to this demand by organized merchants in the state and I, for one, feel an expenditure of \$200 or \$300 could do an immeasurable amount of good in working out some program that will be acceptable and fair and satisfactory to a large majority of the merchants in the state of Maine.

Mr. ASHBY: Mr. President, do I understand that this legislation can only be introduced here by unanimous consent?

The PRESIDENT: The Chair will state that unanimous consent has been granted in this case and the bill has been received. The question before the Senate is on the motion of Senator Hussey that the bill be indefinitely postponed.

Mr. WILLEY: Mr. President, I am in hearty accord with the Senator from Kennebec, Senator Hussey, as giving a good and sufficient reason for any member of the Senate to vote to indefinitely postpone the measure. There is, however, another good reason why we should vote to indefinitely postpone the measure. The people have said they didn't want a sales tax. We know, perhaps, that some people have to get knocked down three times before they know what some of us want. This tax is not a tax on the stores. It is a tax on the food that the poorest people in the state pay for and that is what it would be and this matter should be indefinitely postponed. If they went to come here and propose another sales tax on the food the people eat, a sales tax which is written up on the chain stores and is charged to the people who buy food, —if they want to come here and argue it, let them come before a committee when the Legislature is here. Why delegate it to a committee? We will have a legislative committee that will deal with these matters over and over again and everyone knows about it. I heartily endorse the motion of Senator Hussey that the bill be indefinitely postponed.

The PRESIDENT: The question is on the motion of Senator Hussey that the resolve be indefinitely postponed.

Mr. BECKETT of Washington: Mr. President, I ask for a division.

A division of the Senate was had.

Fourteen having voted in the affirmative and eleven opposed, the

motion to indefinitely postpone in non-concurrence prevailed.
Sent down for concurrence.

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

After Recess

Senate called to order by the President.

Papers from the House disposed of in concurrence.

Communication

(Out of order)

STATE OF MAINE

EXECUTIVE DEPARTMENT

AUGUSTA

Oct. 28, 1937

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

In compliance with the provisions of the Joint Order (S. P. 557) dated October 28th, I hereby appoint the following members as the order directs:

On the part of the Senate:
Senator Laughlin of Cumberland,
Senator Willey of Cumberland.

On the part of the House:
Representative Hill of South Portland,
Representative Varney of Berwick,
Representative Philbrick of Cape Elizabeth.

LEWIS O. BARROWS,
Governor.

Which was read and sent to the House.

From the House, out of order:

The Committee on Taxation on "Resolve Creating a Recess Committee on Income Tax Legislation," (H. P. 1930) (L. D. 1087) reported that the same ought to pass.

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

In the Senate:

Mr. POTTER of Penobscot: Mr. President, the Grange is favorable to an income tax but we are not favorable to a committee to study that condition. We believe it would be a needless expense and I move this bill be indefinitely postponed.

Thereupon, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Fernald of Waldo,

Adjourned until tomorrow morning at ten o'clock.