

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, April 15, 1949

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

Prayer by the Rev. Edward L. Manning of Warren.

The journal of the previous session was read and approved.

**Papers From the Senate
Senate Reports of Committees
Ought Not to Pass**

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in Favor of New England Automatic Sales Co., Inc., of Marshfield, Massachusetts (S. P. 290)

Report of same Committee reporting same on Resolve in Favor of Stephen J. Chamberlain, of Nahant, Massachusetts (S. P. 289)

Report of the Committee on Judiciary reporting same on Bill "An Act Creating a Public Safety Council, Emergency" (S. P. 538) (L. D. 1101) as it is covered by other Legislation.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Legal Affairs on Bill "An Act Relating to the Approved Listing of Certain Appliances, Compounds, Powders and Liquids" (S. P. 581) (L. D. 1252) reporting same in a New Draft (S. P. 657) (L. D. 1469) under same title and that it "Ought to pass"

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

In the House, Report was read and accepted in concurrence and the Bill read twice and assigned for third reading the next legislative day.

Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass

on Bill "An Act Relating to the Use of the Prefix "Dr." by Dentists" (S. P. 85) (L. D. 73)

Report of the Committee on Public Utilities reporting same on Bill "An Act Relating to Advice by Public Utilities Commission to Towns Concerning Water and Sewage Systems" (S. P. 553) (L. D. 1172)

Report of same Committee reporting same on Bill "An Act Relating to Contract Carriers" (S. P. 552) (L. D. 1175)

Report of the Committee on Taxation reporting same on Bill "An Act Relating to Taxation of Various Corporations" (S. P. 446) (L. D. 828)

Report of the Committee on Welfare reporting same on Bill "An Act Relating to Aid to Dependent Children" (S. P. 156) (L. D. 206)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence and the Bills read twice and tomorrow assigned.

From the Senate: The following Communication:

STATE OF MAINE
Senate Chamber

April 14, 1949

Honorable Harvey R. Pease, Clerk
House of Representatives
Sir:

Bill "An Act Relating to Hours of Sunday Sports" (H. P. 2047) (L. D. 1473) (having failed to receive unanimous consent for its reception in the Senate, according to joint Order (S. P. 51) is hereby referred to the 95th Legislature.

Respectfully,

(Signed) Chester T. Winslow.

The Communication was read and ordered placed on file.

The following additional paper from the Senate; not on today's calendar.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 18th, 1949, at 4:30 o'clock in the afternoon. (S. P. 666)

Came from the Senate, in that body read and passed.

In the House, read and passed in concurrence.

House Reports of Committees Ought to Pass in New Draft

Mr. Sanborn from the Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Group Life Insurance" (H. P. 1512) (L. D. 875) reported same in a New Draft (H. P. 2064) (L. D. 1497) under same title and that it "Ought to pass"

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules, and assigned for next legislative day.

Ought to Pass Printed Bills

Mr. Campbell from the Committee on Agriculture reported "Ought to pass" on Bill "An Act Relating to Grading of Apples" (H. P. 1108) (L. D. 534)

Mr. Dorsey from same Committee reported same on Bill "An Act Relating to Exhibits of Agricultural Fair Associations" (H. P. 1267) (L. D. 668)

Mr. Ludwig from same Committee reported same on Bill "An Act Relating to the Tax on Commercial Fertilizer" (H. P. 1903) (L. D. 1268)

Mr. Brown from the Committee on Appropriations and Financial Affairs reported same on Resolve Relating to Construction of Airports (H. P. 1444) (L. D. 802)

Mr. Brown from the Committee on Library reported same on Resolve for the Purchase of Two Hundred Copies of "The Length and Breadth of Maine" (H. P. 927) (L. D. 1375)

Mr. Sanborn from the Committee on Mercantile Affairs and Insurance reported same on Bill "An Act Relating to the Duties of the Insurance Commissioner and State

Fire Inspectors" (H. P. 1788) (L. D. 1127)

Mr. Sargent from same Committee reported same on Bill "An Act to Increase Death Benefits Payable to Children by Fraternal Beneficiary Societies" (H. P. 1985) (L. D. 1367)

Mr. Faas from the Committee on Public Utilities reported same on Bill "An Act Creating the South Berwick Sewer District" (H. P. 1659) (L. D. 967)

Mr. Brown from the Committee on Salaries and Fees reported same on Bill "An Act to Increase the Salary of the County Attorney of Knox County" (H. P. 1797) (L. D. 1139)

Mr. Clapp from same Committee reported same on Bill "An Act Relating to Salary and Bond of Recorder of the Rockland Municipal Court" (H. P. 1704) (L. D. 1024)

Reports were read and accepted, and the Bills and Resolves, having already been printed, the Bills were read twice under suspension of the Rules, the Resolves read once, and assigned for the next legislative day.

(At this point a message was received from the Senate, through its Secretary, proposing a Convention of both branches of the Legislature, to be held forthwith in the Hall of the House of Representatives, for the purpose of extending an invitation to His Excellency, Governor Frederick G. Payne, to attend the Convention and make such communication as he may be pleased to make.)

Mr. Kent from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act Relating to Increase of Salaries of Certain County Officials of Knox County" (H. P. 759) (L. D. 361)

Mr. Littlefield from same Committee reported same on Bill "An Act Relating to Salary of the Judge of the Rockland Municipal Court" (H. P. 856) (L. D. 337)

Mr. Phillips from the Committee on Sea and Shore Fisheries reported same on Resolve Relating to the Use of Seines in Medomak River,

Lincoln County (H. P. 1803) (L. D. 1145)

Mr. Sanderson from the Committee on Temperance reported same on Bill "An Act Relating to Sale of Malt Liquor and Vinous Liquor in Restaurants" (H. P. 1547) (L. D. 824)

Same gentleman from same Committee reported same on Bill "An Act Relating to Rules and Regulations of the State Liquor Commission" (H. P. 1857) (L. D. 1194)

Reports were read and accepted, and the Bills and Resolve, having already been printed, the Bills were read twice under suspension of the Rules, the Resolve read once, and assigned the next legislative day.

On motion by Mr. Burgess of Limestone, the House voted to concur with the Senate in the proposal for a Joint Convention, and the Clerk was charged with and conveyed a message to the Senate, informing that body that the House concurred in the proposition for a Joint Convention of both branches of the Legislature.

The Clerk subsequently reported that he had delivered the message with which he was charged.

The Senate then entered the Hall of the House, and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Burton M. Cross, in the Chair.

On motion by Mr. Haskell of Penobscot, it was

ORDERED, that a Committee be appointed to wait upon his Excellency, Governor Frederick G. Payne, and inform him that the two branches of the Legislature are in Convention assembled, ready to receive such communication as he may be pleased to make.

Which was read and passed.

The Chairman appointed:
Senators:

HASKELL of Penobscot
NOYES of Hancock
ALLEN of Cumberland

Representatives:

DORSEY of Fort Fairfield
CHASE of Cape Elizabeth
WIGHT of Bangor
LONGSTAFF of Crystal
DOW of Falmouth
CARTER of Bethel
DUQUETTE of Biddeford

The CHAIRMAN: The Chair notes in the Hall of the House the First Lady of the State, and requests that the Convention rise in honor.

Thereupon, the Convention rose and applauded, in honor of the First Lady.

Mr. Haskell for the Committee subsequently reported that the Committee had discharged the duties assigned it, and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon Governor Frederick G. Payne, attended by the Executive Council, entered the Convention Hall.

The Governor addressed the Convention as follows:

Mr. President, and
Members of the 94th Legislature:

At the request of your legislative leaders and the Chairman of your Appropriations Committee I appear before you this morning.

It has not been in the past and it is not now my desire to thrust myself or my personal convictions upon this legislature.

My purpose this morning is to state briefly and firmly certain positive facts concerning current legislative problems. We face a condition which must be met.

So, unpleasant as is the reality, it will require a new major tax to support the items which your actions have so far indicated are necessary. Obviously, some of the bills are alive today will not reach my desk, but enough of them have stood up under debate, many of them under rollcall, to make it entirely obvious that you must support a major tax to support these added and expanded services of State government.

A majority has voted for increased aid to education, in one form or another, and the same is

true of other equally meritorious legislation. You are apparently in general agreement with the Appropriations Act.

This all adds up to considerably more money than is in sight under present revenue measures, and these revenues have been estimated on a realistic basis.

Let me quote from the Republican Platform of 1948:

"WELFARE. We pledge our support to legislation that will increase payments to recipients of State Welfare benefits. We also favor liberalization of our welfare provisions so that actual needs of those eligible will be met by fair and just payments by our welfare department."

The Democratic platform likewise sets forth the same approximate objectives.

In Education, both parties have subscribed to the basic principles of supporting more adequate teachers' salaries and furtherance of equal educational opportunities. This again costs money, as you know, and as the public knows.

We all know of the other needs which have been considered. It is not necessary to elaborate upon them, nor to deal in boring figures.

Both parties want efficient government and the people are receiving it in my opinion. True, certain economies could be effected, but these would not even approach a small part of the additional funds which this Legislature has indicated should be made available to cover legislation favorably acted upon by a majority.

There remains to be found a solution.

That solution to the problem before you requires additional money. Money for operation of government comes from taxes.

In my inaugural, in referring to operations of state government, I said "the voice of the people must govern our actions."

And in my budget message I said "an accurate determination must be made for the need of each request for appropriations. We must be satisfied beyond reasonable doubt

that our people both desire and will support by taxation such needs."

In view of these premises and your subsequent decisions, I assume that you have measured well the appropriations already voted, and those which may be approved, to cover apparent needs of government as expressive of the will of your constituents.

It is, therefore, apparent that in order to support such a program as has been indicated by the Legislature, a fair, just and equitable tax measure must be forthcoming.

The general sales tax, to me, is neither fair nor equitable. I cannot subscribe to a tax which would require unemployed workers to contribute from their benefit checks, a tax which would take away from the aged, the blind, the dependent children, general relief recipients, or mothers who depend on State or local communities for their subsistence.

Is it fair to give with one hand, and take away with the other?

What about the family which is self-supporting and just barely getting by on a small salary?

The burden of compliance on a sales tax is severe and collection is expensive to the State and to the Merchants. Our neighboring states have avoided this tax for understandable reasons.

I hold no brief, for the theory that a sales tax makes a taxpayer responsive to the cost of government. Such a theory represents fallacious reasoning. The average low-income citizen pays his gas tax, his excise tax, his tobacco or beverage tax,—and if he has a roof over his head, he pays his property tax.

I won't bother you with statistics, but this so-called poll-tax payer is more likely to pay \$100 or \$125 a year than he is to pay only the three dollars with which he is commonly credited.

The sales tax to me is a bad tax. I have little doubt that the people of Maine, as they have done in the past, would support that conclusion at the polls, if given the opportunity.

I would hesitate to give my approval to a sales tax as the solution to our problem.

Thus we come to the only tax left,—the income tax. Naturally, nobody cares for this tax, either. But to me, it is a more fair, a more equitable tax. If I earn \$8,000 per year, and if my State needs more money to better provide for Education, Welfare, Institutions and general government, then I should be willing to contribute to the costs of those needs, based on my ability to pay. If my earnings decrease, then my contribution would be less, and rightfully so.

I am not in favor of any steep progression in income tax rates. A straight line rate seems to me to offer fairness and justice to both middle and high income groups. Such a tax would seem to eliminate the obvious unfairness of the steeply graduated federal income tax.

The final observation is that if you oppose all proposed taxes, then you must just as consistently oppose all proposed spending over and above known revenues.

This brings you back to an appropriation act that will live within our known or estimated revenue, in order to conduct our state government on a sound fiscal policy during the next two-year period.

If that you do, you will leave a shoe that will do a lot of pinching on a lot of toes in the next two years. We will do the very best job that can be done to ease that pinching, but the last upon which that shoe will be formed will be of legislative design.

You are the ones to render the final decision.

You now have my thinking, for what it is worth, and this apparently was what your legislative leaders had in mind when they asked me to address you this morning. Thank you. (Prolonged applause.)

At the close of the Governor's address, the Governor and suite withdrew, amid the applause of the House, the members rising.

The purpose for which the Convention was assembled having been

accomplished, the Chairman declared the same dissolved.

The Senate then retired to the Senate Chamber.

In the House

The House was called to order by the Speaker.

On motion by Miss Cormier of Rumford, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

House Reports of Committees Divided Report Tabled

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Amending the Charter of the City of Portland re Election of Members to City Council" (H. P. 1642) (L. D. 995)

Report was signed by the following members:

Messrs. BATCHELDER of York
EDWARDS of Oxford
BAKER of Kennebec

—of the Senate

HAYES of Dover-Foxcroft
MARBLE of Dixfield
PAINE of Portland
CAMPBELL of Augusta
MARTIN of Augusta

—of the House

Minority Report of same Committee reporting "Ought to pass" on same Bill

Report was signed by the following members:

Messrs. ATHERTON of Bangor
CHAPMAN of Portland

—of the House

(On motion by Mr. Chapman of Portland, the two Reports, with accompanying papers, were tabled pending acceptance of either Report)

Tabled

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Confer the Power to Issue Subpoenas to the City Council, the Municipal Officers and the Civil Service Commission of the City of Portland" (H. P. 1650) (L. D. 957)

Report was signed by the following members:

Messrs. **BATCHELDER** of York
EDWARDS of Oxford
BAKER of Kennebec
 —of the Senate
HAYES of Dover-Foxcroft
MARBLE of Dixfield
CAMPBELL of Augusta
MARTIN of Augusta
ATHERTON of Bangor
 —of the House

Minority Report of same Committee reporting "Ought to pass" on same Bill

Report was signed by the following members:

Messrs. **PAINE** of Portland
CHAPMAN of Portland
 —of the House

(On motion by Mr. Paine of Portland, the two Reports, with accompanying papers, were tabled pending acceptance of either Report)

Tabled and Assigned

Majority Report of the Committee on Temperance reporting "Ought not to pass" on Bill "An Act Re-Establishing Prohibition" (H. P. 1975) (L. D. 1351)

Report was signed by the following members:

Messrs. **BAKER** of Kennebec
SMART of Hancock
BOUCHER of Androscoggin
 —of the Senate

DeSANCTIS of Madison
ATHERTON of Bangor
JALBERT of Lewiston
BIRD of Rockland
 —of the House

Minority Report of same Committee reporting "Ought to pass" on same Bill

Report was signed by the following members:

Messrs. **SANDERSON** of Greene
MAXELL of Orient
BROWN of Robbinston
 —of the House

(On motion by Mr. Bubar of Blaine, the two Reports, with accompanying papers, were tabled pending acceptance of either Report,

and specially assigned for Wednesday, April 20th)

Tabled

Majority Report of the Committee on Temperance reporting "Ought not to pass" on Bill "An Act Relating to Eligibility of Certain Fraternal Organizations for Liquor Licenses" (H. P. 1920) (L. D. 1282)

Report was signed by the following members:

Messrs. **BAKER** of Kennebec
SMART of Hancock
 —of the Senate
DeSANCTIS of Madison
ATHERTON of Bangor
SANDERSON of Greene
BROWN of Robbinston
MAXELL of Orient
 —of the House

Minority Report of same Committee reporting "Ought to pass" on same Bill

Report was signed by the following members:

Messrs. **BOUCHER** of Androscoggin
 —of the Senate
JALBERT of Lewiston
BIRD of Rockland
 —of the House

(On motion by Mr. Lacharite of Brunswick, the two Reports, with accompanying papers, were tabled pending acceptance of either Report)

Ought to Pass with Committee Amendment

Mr. Boothby from the Committee on Agriculture on Bill "An Act Relating to the Inspection and Regulation of Dog Kennels" (H. P. 1441) (L. D. 832) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

COMMITTEE AMENDMENT "A"
 to H. P 1441, L. D. 832, Bill "An Act Relating to the Inspection and Regulation of Dog Kennels."

Amend said Bill by inserting in the 6th line thereof, after the word "jurisdiction," the underlined words **'upon complaint'**

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

Mr. Dorsey from the Committee on Agriculture on Bill "An Act to Regulate Livestock Community or Commission Auctions" (H. P. 1443) (L. D. 877) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 1443, L. D. 877, Bill "An Act to Regulate Livestock Community or Commission Auctions."

Amend said Bill by inserting in the 2nd line of that part designated Sec. 31-C, after the underlined word "sale", the underlined punctuation and words **': provided however, the aggregate liability of the surety to all such consignors shall in no event exceed the sum of said bond'**

Further amend said Bill by striking out the underlined word "it", in the 3rd line of that part designated Sec. 31-F, and inserting in place thereof the underlined words **'the livestock'**

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

Mr. White from the Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Unfair Methods of Competition and Practices in the Business of Insurance" (H. P. 1937) (L. D. 1317) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been

printed, was read twice under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 1937, L. D. 1317, Bill "An Act Relating to Unfair Methods of Competition and Practices in the Business of Insurance"

Amend said Bill by striking out the underlined word "of" which appears before the underlined word "**Kennebec**" in the 5th line of that part designated "Sec. 136-A" and inserting in place thereof the underlined word **'in'**; and in the same line, insert before the underlined word "**justice**", the underlined words **'with any'**

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

Mr. Hayes from the Committee on Military Affairs on Bill "An Act Relating to the Military Law" (H. P. 1513) (L. D. 891) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 1513, L. D. 891, Bill "An Act Relating to the Military Law."

Amend said Bill by striking out the whole of section 2 and inserting in place thereof the following:

"Sec. 2. R. S., c. 12, § 9, amended. The 1st paragraph of section 9 of chapter 12 of the revised statutes, as amended by section 1 of chapter 253 of the public laws of 1947, is hereby further amended to read as follows:

"The staff of the commander-in-chief shall consist of the adjutant general, who shall be ex officio chief of staff, quartermaster-general and paymaster-general with rank of brigadier-general; the senior officer on duty with each of the

staff departments; and such aides-de-camp not to exceed 59 in number, one of whom may be a naval aide with rank of captain and one of whom may be an air force aide, as may be appointed by the governor. Except as hereinafter provided all All staff officers, except in the medical department and chaplains, must be at the time of their appointment commissioned officers of the Maine national guard, or of the Maine state guard, or other authorized state military or naval forces, or of the officers' reserve corps of the army or air force of the United States, or on the retired list of the army or air force of the United States and residents of the state of Maine, on the active or retired list of or above the grade of captain but no staff officer shall be appointed from the retired list who shall have had less than 5 years of service in the Maine national guard, or in the officers' reserve corps of the army of the United States, or in the regular army of the United States the last year of which shall be within 5 years immediately preceding the appointment."

Further amend said Bill by adding at the end of section 4 thereof the following underlined words:

'of the national military establishment'

Further amend said Bill by striking out the whole of section 6 and inserting in place thereof the following:

'Sec. 6 R. S., c. 12 § 12, amended. Section 12 of chapter 12 of the revised statute, as amended by chapter 388 of the public laws of 1947, is hereby further amended by striking out the words "regular army" in the 2nd paragraph thereof and "war department" wherever they appear therein and inserting in place thereof the words "national military establishment."

Further amend said Bill by striking out the whole of section 12 and inserting in place thereof the following:

"Sec. 12. R. S., c. 12, §32, amended. Section 32 of chapter 12 of the re-

vised statutes is hereby amended to read as follows:

"Sec. 32. Flag to be carried by national guard. The flag of the state to be carried by the regiments of the Maine national guard of Maine shall be the same as the flag described in section 25 of chapter 1, with the addition of 2 scrolls a scroll in red one above and one below the coat of arms of the state; in the upper scroll the official designation of the regiment, and in the lower scroll bearing the inscription, **Maine National Guard State of Maine.'**"

Further amend said Bill by adding thereto a new section numbered 13-A, to read as follows:

"Sec. 13-A. R. S., c. 12 § 35, amended. The next to the last sentence in section 35 of chapter 12 of the revised statutes as amended by chapter 132 of the public laws of 1945, is hereby further amended to read as follows:

'Provided, however, that all men having an honorable record of prior service in the United States army, air force, navy, marine corps, or in the national guard of the United States may be exempt from compulsory service under provisions of this section.'

Further amend said Bill by striking from section 24 thereof in the 1st sentence of that part designated as "Sec. 62-B" and after the underlined word "**appoint**" the underlined word '**a.**'

Further amend said Bill by adding thereto a new section numbered 33-A, to read as follows:

"Sec. 33-A R. S., c. 12, § 91, amended. Section 91 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Whenever any portion of the militia not being in the service of the United States shall be on duty or ordered to assemble for duty by the governor in time of actual war, insurrection, invasion, or rebellion, or emergency due to fire, flood, or other disaster, the articles of war governing the army and air force of the United States, the articles for the government of the United States navy, and the regulations pre-

scribed for the army, air force and navy of the United States, so far as consistent with this chapter and the regulations issued thereunder, shall be in force and regarded as a part of this chapter until said forces shall duly be relieved from such duty during such state of actual war, insurrection, invasion, or rebellion; but no punishment under such rules and articles which shall extend to the taking of life, shall in any case be inflicted until the approval by the governor of the sentence inflicting such punishment.'

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

Mr. Chase from the Committee on Welfare on Bill "An Act Relating to Aid to Dependent Children" (H. P. 1551) (L. D. 869) reported "Ought to pass" as amended by Committee Amendment A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 1551, L. D. 869, Bill "An Act Relating to Aid to Dependent Children."

Amend said Bill by adding at the end thereof the following underlined paragraph:

'During the period of time that a relative with whom the child is living receives general relief under the provisions of this section, such relative shall not acquire or lose a settlement or be in the process of acquiring or losing a settlement.'

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

Mr. Gates from the Committee on Welfare on Bill "An Act Relating to Aid to Dependent Children" (H. P. 1326) (L. D. 691) reported "Ought to pass" as amended by

Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 1326, L. D. 691, Bill "An Act Relating to Aid to Dependent Children."

Amend said Bill by drawing a line through the word "The" in the 3rd line thereof, and inserting immediately after said stricken out word, the underlined words and figures: **'Effective as of October 1, 1949, the'**

Further amend said Bill by striking out the underlined figures "25%" in the 5th line thereof and inserting in place thereof the underlined figures '22%'

Thereupon, Committee Amendment "A" was adopted.

(On motion by Mr. Gates of Mil-
linocket, the Bill, with accompany-
ing papers, was tabled pending
third reading.)

Passed to be Engrossed

Bill "An Act Relating to Aid to Dependent Children" (H. P. 1009) (L. D. 440)

Bill "An Act to Amend the Charter of the City of Waterville to Provide for the Appointment of One Full-Time Assessor" (H. P. 2053) (L. D. 1482)

Bill "An Act Relating to Pollution of Tidal Waters" (H. P. 2054) (L. D. 1483)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Tabled

Bill "An Act Relating to taking of Clams, Quahogs, Mussels, Clam-worms and Blood-worms in the Towns of Cushing and Friendship" (H. P. 2055) (L. D. 1484)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, I move that Item 4, Bill "An Act Relating to Taking of Clams, Quahogs, Mussels, Clamworms and Blood-worms in the Towns of Cushing and Friendship" (H. P. 2055) (L. D. 1484) lie upon the table pending passage to be engrossed, and the reason for this is to give my constituents time to read the bill over. It was printed as a bill only yesterday morning.

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, moves that Item 4, Bill "An Act Relating to Taking of Clams, Quahogs, Mussels, Clamworms and Blood-worms in the Towns of Cushing and Friendship" lie upon the table pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed, and the Bill was so tabled.

Passed to be Engrossed (cont'd)

Bill "An Act Relating to the Sale or Packing of Herring" (H. P. 2057) (L. D. 1486)

Bill "An Act Relating to the Salary of the Judge of Probate in Knox County" (H. P. 2059) (L. D. 1488)

Bill "An Act Relating to Salaries of Deputy Register of Deeds and Clerks in the Office of Register of Deeds, in the County of Cumberland" (H. P. 2060) (L. D. 1489)

Bill "An Act Relating to Jurisdiction of Divorce Actions by Justice of Superior Court in Vacation" (H. P. 2062) (L. D. 1491)

Resolve in Favor of Mrs. Charles Boyce of Cumberland Mills (H. P. 165) (L. D. 53)

Resolve Relative to Sale of Hatcheries and Feeding Station Property Authorized (H. P. 2056) (L. D. 1485)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed to be engrossed and sent to the Senate.

Bill "An Act Relating to Smelt Fishing in the Tidewaters of the Penobscot River and Its Tributaries" (H. P. 1320) (L. D. 689)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Thompson of Brewer offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1320, L. D. 689, Bill, "An Act Relating to Smelt Fishing in the Tidewaters of the Penobscot River and Its Tributaries."

Amend said Bill by striking out the underlined words "and its tributaries" in the 5th line thereof.

Further amend said Bill by inserting after the 1st sentence of the 2nd paragraph the following underlined sentence:

'It shall be lawful to fish for and and take smelts from the tributaries of the Penobscot river between the 1st day of October and the 1st day of May.'

Thereupon, House Amendment "A" was adopted and the Bill as amended was passed to be engrossed and sent up for concurrence.

Resolve Regulating Smelt Fishing in Union River, Hancock County (H. P. 603) (L. D. 241)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed and sent to the Senate.

Amended Bills and Resolves

Bill "An Act Relating to Wild Bees" (H. P. 1025) (L. D. 457)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion by Mr. Lacharite of Brunswick, tabled pending passage to be engrossed)

Bill "An Act to Provide for a Police Commissioner for the City of Waterville" (H. P. 1638) (L. D. 991)

Bill "An Act Relating to the Support of Dependent Wives, Children

and Poor Relatives" (H. P. 1718) (L. D. 1075)

Bill "An Act Relating to the Taking of Clams, Quahogs, Mussels and Worms in the Town of Islesboro" (H. P. 1799) (L. D. 1141)

Bill "An Act Relating to the Salaries of the Judge and the Clerk of the Auburn Municipal Court" (H. P. 1849) (L. D. 1187)

Bill "An Act to Create the Mount Desert Island Secondary Community School District" (H. P. 1911) (L. D. 1274)

Bill "An Act Relating to the Salary of the Judge of the South Portland Municipal Court" (H. P. 1941) (L. D. 1314)

Were reported by the Committee on Bills in the Third Reading, read the third time, and passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

(On motion by Mr. Dow of Fal-mouth, the House voted to reconsider its action whereby it passed to be engrossed, Bill "An Act Relating to the Salary of the Judge of the South Portland Municipal Court" (H. P. 1941) (L. D. 1314) and on further motion by Mr. Dow the Bill was tabled pending passage to be engrossed.)

Mr. DOW: Mr. Speaker and Members of the House: I appreciate your courtesy in allowing me to table this bill.

Bill "An Act Relating to the Digging of Clams in the Towns of Bristol and South Bristol" (H. P. 1943) (L. D. 1315)

Was reported by the Committee on Bills in the Third Reading, read the third time and passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act Relating to the Establishment of a Civil Defense Agency and a Public Safety Council" (H. P. 2013) (L. D. 1398)

Was reported by the Committee on Bills in the Third Reading.

On motion by Mr. Muskie of Waterville, under suspension of the

rules, the House voted to reconsider its action whereby it adopted Committee Amendment "A".

Mr. Muskie then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerks as follows:

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 2013, L. D. 1398, Bill "An Act Relating to the Establishment of a Civil Defense Agency and a Public Safety Council."

Amend said amendment by striking out in the amendment the underlined word "and" the second time it appears in the 9th line of said amendment, and inserting in place thereof the underlined word 'or'

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended was then adopted, and the Bill had its third reading and was passed to be engrossed as amended and sent up for concurrence.

Resolve Relative to Catching Lobsters Near Monhegan (H. P. 674) (L. D. 220)

Resolve to Provide for a Refund of Contributions to Certain Teachers (H. P. 1500) (L. D. 855)

Were reported by the Committee on Bills in the Third Reading, Resolves read the second time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act Relating to Applications for Liquor Licenses" (S. P. 449) (L. D. 799)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

Bill "An Act to Provide for Equal Pay for Equal Work" (S. P. 656) (L. D. 1466)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Senate Amendment "A" and sent to the Senate.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first tabled and today assigned matter, House Report "Ought to pass in New Draft" (H. P. 2045) (L. D. 1471) of the Committee on Education on Bill "An Act Relating to Elderly Teachers' Pensions", the new draft being (H. P. 1625) (L. D. 936) which was tabled on April 12th by the gentleman from Crystal, Miss Longstaff, pending acceptance of the committee report; and the Chair recognizes the gentleman from Crystal, Miss Longstaff.

Miss LONGSTAFF: Mr. Speaker and Members of the House: Before any action is taken upon this bill I would like to make a brief explanation. I know that there are other matters to follow, so I will try to be as brief as possible.

Back in 1913, the first Retirement Program for teachers was put into effect, and the annual pension for teachers was, at that time, \$150 for twenty-five years' service, \$200 for thirty years' service and \$250 for thirty-five years' service.

In 1927, after numerous amendments were made to the law during the intervening years, it was revised to provide \$250, \$325 and \$400 allowances.

It was re-written again in 1929, providing \$275, \$375 and \$500.

In 1945, the amounts were increased to \$400 for twenty-five years, \$500 for thirty years and \$600 for thirty-five years.

In 1947, the sections dealing with the pension program for teachers who were employed prior to 1924 were incorporated in the State Employees' Retirement System to in-

sure the minimum level of retirement for this class of employees.

At the present time we have 643 retired teachers who would receive the benefits of this bill. The purpose of the bill is to increase the present amounts to \$700, \$800 and \$900 respectively. If this were accomplished, the total amount would be \$192,500 for the first year.

As you all know, these teachers have reached a very old age. The larger percentage of them would be from seventy-five to eighty five years of age, so you can plainly see that instead of increasing, this amount would be decreasing rapidly as of course these ladies' span of life would be very short.

The new State Employees' Retirement Law provides for retirement at approximately one-half the salary after thirty-five years of service, and the average teacher's salary in Maine, for the school year 1947 and 1948, was \$1,988. These teachers whom I have had, I could say, hundreds of letters from, have advised me that the greater part of them taught for a dollar a day, and it would seem that it would be just an act of kindness to repay these noble servants of ours in some small way, and I do not feel that an increase of \$300 to help defray the living expenses which have more than doubled, is unjust. They need doctor's care, and some of them have no relatives whatsoever, and they really are in dire need. The amount, in my estimation, is not large, and I am sure that a great many of you feel the same way.

You also have many of these same kind of people in your locality who I am sure have contacted you in regard to this bill. I will not go into any great length, but I would like to read just a few of the letters. I did not pick out any particular ones, but I just picked from these just as they came, and this will give you just a slight idea of some of their actual situations:

"I am so glad that you are going to try to help us to get a raise. Personally, I find it very hard to get along on what I have. It isn't

enough to board on and it isn't enough to keep house on, with food and fuel so high. The last two years I have been sick and couldn't have managed if it had not been for a friend of mine who helped me pay the nurse and doctors. I presume there are others who, like myself, find it very difficult to manage. I am now past seventy and it is getting to be a real problem to meet the heavy expenses. Shall be so grateful to you and to the State of Maine if you find it possible to help myself and those in dire need to the small extent which we are asking."

I won't go into any more of these. They are all practically the same. I do want to say just this much: If a man and woman in the prime of life need to have their salaries increased to adjust for the increased cost of living, it certainly is necessary for ladies of seventy, eighty and ninety years of age to have increases to adjust for the increase in the cost of living.

Mr. Speaker, I move the acceptance of the "Ought to pass" report of the committee.

The SPEAKER: The gentlewoman from Crystal, Miss Longstaff, moves that the House do now accept the "Ought to pass in New Draft" report of the committee. Is this the pleasure of the House?

The Chair recognizes the gentleman from Portland, Mr. Roundy.

Mr. ROUNDY: Mr. Speaker, this matter has been brought to my attention in such a way as to make me feel that it is very important that we follow the motion of the gentlewoman from Crystal, Miss Longstaff. I am sure that it is not only a matter of kindness, but it is a matter of justice, and I am very anxious that we should do, at least what seems to me, a minimum in the way of fair treatment for these needy persons.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Crystal, Miss Longstaff, that the House do now accept the "Ought to pass in New Draft" report of the committee. Is this the pleasure of the House?

The motion prevailed and the House accepted the "Ought to pass in New Draft" report of the committee, and the New Draft, having already been printed, the rules were suspended and the Bill had its two several readings and was assigned for third reading the next legislative day.

The SPEAKER: The Chair at this time would wish to state that for the convenience of the members, if there be any members who propose reconsiderations of matters taken up yesterday, the Chair will entertain such motions at this time.

The Chair recognizes the gentleman from Portland, Mr. Chapman.

Mr. CHAPMAN: Mr. Speaker and Members of the House: I move that the House reconsider its action of yesterday whereby it passed to be engrossed, Resolve, for Development of State Park Facilities, Legislative Document Number 1450. My reason for so doing is that the resolve calls for an appropriation of some \$181,000. The matter, I believe, has not been brought to the attention of the members of the Legislature. I propose to table the resolve at the present time to allow an opportunity for further consideration.

The SPEAKER: The gentleman from Portland, Mr. Chapman, moves that the House reconsider its action of yesterday whereby it passed to be engrossed "Resolve for Development of State Park Facilities" (S. P. 653) (L. D. 1450). Is it now the pleasure of the House to reconsider its action whereby it passed the resolve to be engrossed?

The motion prevailed, and on further motion by the same gentleman, the Resolve was tabled pending passage to be engrossed.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I now move that the House reconsider its action of yesterday whereby it accepted the "Ought not to pass" report of the Temperance Committee on "An Act Relating to Definitions

and Location of Licensed Premises under the Liquor Law" (S. P. 1196)

It was my intention at first to discuss this matter at this time. However, in view of the next item of business that is on the calendar, if you will vote to reconsider I shall table the matter for reconsideration at a later date.

The **SPEAKER**: The gentleman from Auburn, Mr. Williams, moves that the House reconsider its action of yesterday whereby Bill "An Act Relating to Definitions and Location of Licensed Premises under Liquor Law" being the "Ought not to pass" report of the Committee on Temperance, that the House reconsider its action whereby it accepted the "Ought not to pass" report. Is it the pleasure of the House to reconsider its action of yesterday in accepting the "Ought not to pass" report of the Committee?

The Chair hears objection. The motion has been made by the gentleman from Auburn, Mr. Williams, that the House do now reconsider its action. As many as are in favor of the motion will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed.

(On further motion by Mr. Williams, the Bill and Report were retabled pending acceptance of the report of the committee.)

The **SPEAKER**: Before placing the next matter before the House, the Chair will state that it is the intention to keep as good a record of the proceedings of the House as is possible. The reporters are doing an excellent job. The transcribing equipment is also available and working. However, to cooperate with them and to facilitate in the making of as complete a record as possible, in the course of debate it is absolutely necessary that the members make use of the microphone unless they are simply making a routine motion, in which event of course the record would be complete.

The Chair stated some weeks ago that the use of the microphones also would aid those members of the House who are somewhat handicapped by being partially hard of hearing. If the members would be kind enough to use the microphone and would remember if they stood about eight or nine inches from it, the Chair is certain that it would facilitate both the work here in the House and the work of keeping a record. And in order that the House may understand the position, the Chair will state that unless it is indicated otherwise by the person on the floor, it will be assumed that he intends to debate some matter, and the Chair does not propose to recognize any member unless he has a microphone in front of him. This is done solely, as the Chair has stated, to facilitate the work of keeping a record of the proceedings of the House.

The Chair now lays before the House the second tabled and today assigned matter, House Divided Report of the Committee on Taxation on Bill "An Act Imposing a Personal Income Tax and Additional Corporate Franchise Tax" (H. P. 1821) (L. D. 1130) Majority Report "Ought not to pass" and Minority Report "Ought to pass in New Draft" (H. P. 2046) (L. D. 1481) under title of "An Act Imposing a Personal Income Tax", tabled on April 14th by the gentleman from Limestone, Mr. Burgess, pending acceptance of either report; and the Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. **BURGESS**: Mr. Speaker and Members of the House: I would like very briefly at this time to explain my position with respect to this and other tax measures. If any member wishes to check the records of two years ago they will find me as an individual supporting the income tax in preference to any other type of taxation. At this session, being majority floor leader, I have been obligated and am glad to have been obligated to have supported a sales tax because of events

which I have no need to remind you of or repeat at this time. Therefore I would, at this time, like to state my views as an individual, and they are simply and briefly these.

I am firmly convinced that this income tax proposal is the best measure which the State of Maine could pass if it is going to pass any type of revenue measure. My reasons, briefly, are these: It places the burden of taxation only upon those citizens who have made a profit. Secondly, in my opinion, it is the only type of taxation which the people willingly will accept.

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

Mr. CHASE: Mr. Speaker and Members of the House: I believe it is well known to the House that all of the members of the Taxation Committee from the House signed the "Ought not to pass" report on this bill, indicating their disapproval not only of the original bill but of the new draft which is the subject of a minority report. I had hoped, this morning, to yield to some proponents of the new draft who would speak on it at greater length than Representative Burgess has done, because I think that the proponents of any measure ought to have an opportunity to put its best foot forward in presenting the proposition for your consideration. Even now, if there is any member here in favor of this new draft who would like to explain its advantages in detail to the House, I would be glad to reserve my objections and comments until he has had such an opportunity. If any member within the rules would indicate that he would like to speak as a proponent, I would be glad to yield now.

Seeing no such gesture, Mr. Speaker, I will continue.

On March 16th, before the Joint Convention, Governor Payne said this: "If, after painstaking consideration, it is the considered judgment of this Legislature that financial requests are approved and justified and that they fully represent the demands of our citizens,

and if my subsequent personal analysis substantiates your conclusion"—I interpolate, that means the need for such measure—Governor Payne said, "any reasonable or equitable revenue measure designed to produce the then required money will be favorably regarded." And he said further that it was his intent to point out to us "that a meeting of minds should be had as quickly as possible on a major general fund measure."

It seems apparent that some minds have met, but I think, so far as my knowledge extends, they could have met in a very small room. (Laughter)

Now I think I have said here before to some of you at least, that I did not come here or go on the Taxation Committee as the advocate of any particular measure. It became my duty, on behalf of the committee, and, I think, on behalf of my party, to present to you a sales tax for your consideration. I was not particularly identified with the sales tax. If the sentiment had been indicated for another measure, I would have worked as hard as I could on that in order to get it into shape for your consideration.

Now we have before us a new draft, L. D. 1481, and its advantages have been indicated in very general terms, and I should like to point out some of the disadvantages as briefly as I may.

In the first place, to cover the bill as a technical tax document, it has very many defects, some of which are capable of being corrected if it should be accepted as the tax measure of this House; but they are serious and they would have to be corrected. The definitions in the act do not mesh with the terms of the act. The act proposes to tax the income of partnerships apparently, but I have been unable to find in the section imposing the levy that it does reach partnerships at all.

On Page 2, Roman numeral 8, the definition of "resident" is anyone who has a permanent place of

abode in this State. I do not know whether the language could be improved to say "a place of permanent abode", but it appears to tax everyone who has a house here and who lives here any substantial part of the time. I believe that may not be the intent. Any individual who is not a resident of the State would have to make a return in Maine if he derived any income whatsoever from any property in the State.

In the tabulation which appears beginning on the bottom of Page 3, at the top of the tabulation: "and the number of persons are as shown"—it is not clear from the tabulation which that means exemptions for dependents or whether it goes back to the definition of persons which appears earlier in the act."

Under section 338, fiduciaries are not given the same optional exemptions which apply to individuals, and the act therefore, in that respect, appears to be discriminatory.

In Section 342, the term "Gross Income" is repeatedly used. The term "Gross Income" is nowhere defined in the bill.

The bill taxes 1949 income from intangible property which has already been legally or at least theoretically taxed in part on April 1st as personal property, and is therefore, to that extent, double taxation.

On Page 16, in a number of sections of that act, reference is made to taxes on corporations which do not exist. I take it that those sections have been taken out of the original act, but they are not applicable now.

Again, in Section 5 on Page 16, certain provisions relating to banks, it is proposed to repeal laws, not now, not 90 days from the time of adjournment, but to repeal these laws as of December 31, 1948.

On Page 18, the section of the statutes which exempts Maine municipalities from taxation in this State is stricken out. Maine municipalities are exempt at present from federal income taxation, and this would appear to complicate greatly

the section of the act to which I will refer.

Now as to the more important objections: in the first place—and this I should say is a matter close to me and perhaps a matter of interest—but it should certainly be said this income tax scraps the policy of this State for many, many years, which has been to encourage the investment of Maine money in Maine corporations, its financial institutions. They have always had a tax preference for the most part in most classifications in this State. This completely scraps every long-term policy; it puts the income from those corporations which constitute the economic background of our State and which we ought to own and ought to control to the extent of our resources, it puts that income in the same classification as the stock of the Southern California Edison Company.

Now I am a little embarrassed in discussing matters which have taken place in the Committee on Taxation. Of course we know about the ethics of the secrecy of a party caucus, and of course we know we cannot talk too much about that, but what has gone on in the Committee on Taxation has been reported so many times, and sometimes in advance of its happening, that I do not feel the same seal of secrecy bears upon me in explaining why this new draft is so much different from the original bill.

The original bill included corporations, and, for two reasons which I will give you, I contend that if an income tax is to be passed by this Legislature it must, in order to be fair and equitable, to use the Governor's own words, include corporations. Now corporations went out of this bill without the matter even being discussed in the Committee on Taxation. We had the hearing on the bill which had corporations in it; the corporations made a formidable appearance and told us they would be practically put out of business if they were subjected to a tax on any money which they might make. They made a very strong appearance. The pub-

lic, however, of the category which this bill intends to get most of the revenue from, was not so strongly represented at the hearing, and it is of course that group of which we should be careful and mindful, since they are not organized and do not have here their professional representatives.

In a fair and equitable income tax, corporations must be included for two reasons. In the first place, if corporations are not included, all you have to do to avoid the State income tax is to incorporate, and anyone can incorporate by the simple process—and I do not think he would even have to do that—of taking out a broker's license for dealing in securities, whereupon he immediately removes himself from the impact of this act. So you must have the corporations included in order to prevent this obvious method of avoidance.

Furthermore, I contend if you are going to have an income tax at all it is more fair to put the corporations in it than it is the individual. If an individual has an income of \$4000 he may spend \$4500, his expenses may exceed his income. Nevertheless, he has to pay the tax. The income tax makes no account of his expenditures. He runs in the red and he still has to pay the tax. And in that level, in most instances, he cannot save a nickel on his federal income tax on account of his State tax, because if he takes the standard deduction and does not go outside that bracket he does not save anything.

Now a corporation does not pay an income tax unless it makes money. If it is in the red, if its expenses exceed its receipts, it pays no tax. Therefore I contend that fairness requires that anyone who has a dollar left over before he pays shall certainly be taxed before someone who may not have a dollar left over.

Now I do not want to detain you unduly with the defects in this measure. I have a great number of them listed. Finally, I want to come back to the constitutional point involved.

Now this bill attempts to tie as closely as it can the proposed State income tax to the federal income tax. It is intended, apparently, to get as much work done by the Federal government as possible. Therefore on Page 2 it defines net income as now defined under the Internal Revenue Code of the United States. Well, the question came up in connection with the other bill which proposed to trail along with the Federal government and let them keep redefining net income, but we said we ought to know what it was and make it stay put, and we asked of the sponsors: "Why don't you write into the act the Federal definition of net income whereby it will become the law of Maine and be our definition of net income: why don't you write it in now? And their answer was that you could not because you cannot tell what the federal definition of net income is now until some Federal court two or three years from now may rule upon what the definition is today. But it goes on in order to tie as closely as possible to the Federal law, and it gives the taxpayer an option to take the definition of net income as it may be in the future. In other words, you make a blind date with destiny on a definition which Congress or the Internal Revenue office can change at any time in the future, and the taxpayer can take it if he likes it.

I know that the House has heard me on the subject of the Constitution. This is a fairly simple point. The Constitution says, in Section 9, Article 8: "The Legislature shall never in any manner suspend or surrender the power to tax." The Supreme Court of Maine has said that the power to exempt from taxation is part of the power to tax. In this bill, by this exemption, the Legislature would give to the government of the United States a power which under our Constitution the Legislature shall never in any manner suspend or surrender, the power to tax.

Mr. Speaker, I move the acceptance of the majority "Ought not to pass" report of the Committee on Taxation.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, that the House accept the majority report of the committee, "Ought not to pass."

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

Mr. McCLURE: Mr. Speaker and Representatives of the People: In opposing this income tax measure I will try to be brief as was the gentleman from Limestone, Mr. Burgess, in supporting it. The Governor of our State stated this morning that we should be governed by the voice of the people. Members, I will read only one paragraph to show the voice of the people whom I represent. I have received, in all, pretty close to six hundred letters, most of them relative to taxes. I have received only one that favored this income tax. That was from a citizen outside of the city which I represent. This here is really an example of practically every letter and every telegram I received:

"Representative J. Horace McClure, House of Representatives, State House, Augusta, Maine.

I am definitely against any form of additional taxes in the State of Maine. It is high time the State of Maine started to economize instead of spending every last cent the taxpayers earn."

(Signed) Steve O'Donnell,
Bath, Maine."

Mr. O'Donnell is manager of a large chain organization in our city.

We are again faced with another tax measure, so that some of our Santa Clauses, at the expense of another class of our taxpayers, will be able to spend some more money that we are really here to safeguard.

We should vote for all measures on merit and not vote because it will or not affect our class. A state, like a nation, cannot long live if it is

divided, and the surest way to divide a nation is to put class against class. If we allow this or any tax measure to pass during this session, we will be only aiding to create another all-powerful state that will place our citizens in a position so disadvantageous that we will never be able to recover.

We spend money to seek new industries and new citizens to settle in Maine, and in the same breath we would void the benefit we should receive from the monies spent by trying to invoke an income tax.

We are one of six states that have no income tax on our statutes and we have many industries and citizens who have settled here to avoid the tax in other states. We need new citizens and new industries, so we can more uniformly decrease the tax load on each citizen, to pay for the necessary cost of the proper function of our government. Please note that to avoid spending money unnecessarily is thrifty but to evade a tax is against the law and therefore un-American.

Big business in Maine today will not be here tomorrow if we tax, tax, spend, spend.

What U. S. Senator Benjamin Harvey Hill, in the year 1878, in our United States Senate, stated then, could well be applied in our own State Legislature today if we vote as the Tax and Spend Bloc would have us do. I quote Senator Hill when I state: "The danger to this country is not Big Business but Big Government." How true his state was then; has been throughout the years, and is today.

Let us protect our citizens of not only today, but our children who will be the citizens of tomorrow, by refusing to go along with the Tax and Spend Bloc in saddling any new measure upon our already over-taxed citizens. I also will go along with the "Ought not to pass" report.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do accept the "Ought not to pass" report of the committee.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do accept the "Ought not to pass" report of the Committee.

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

Mr. BUBAR: Mr. Speaker and Members of the House: I am against any bill which taxes the bread that a man eats, the vital foods which he must have in order to sustain life.

This bill, the original bill, included a corporation tax, but the corporation tax was eliminated, and this bill as it is today was passed out eight to two "Ought not to pass."

This bill exempts up to \$600, as I understand it, and there is not a man in this House or in the State who can live the American way on any \$600 a year. Therefore this bill is taking off the tax burden from the back of the rich and banging it into the belly of the poor. I am, therefore, against it.

Now if we can send this back to the committee and write into it the corporation graduated tax—if the corporation does not make any profit it does not have to pay anything, and, if they do, let them pay on it—and if we can make an exemption of enough so that a man can live without paying taxes for his vital food—in that way I would go along with this bill, otherwise I want to go along with the majority report, "Ought not to pass."

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do accept the majority "Ought not to pass" report of the committee.

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

Mr. McCLURE: Mr. Speaker, I move that we have a yea and nay vote.

The SPEAKER: The gentleman from Bath, Mr. McClure has requested that when the vote is taken it be taken by the yeas and nays.

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

Mr. MUSKIE: Mr. Speaker and Members of the House: In this Legislature it seems that we sometimes find ourselves with strang bedfellows. I have observed with interest the technique that was used this morning. It seems that is expedient if we support something to overlook the technical defects and keep it alive, but, if we oppose something, it is expedient to bring up all possible technical defects in order to kill it immediately by the weight of such defects.

We of the Democratic Party were honored this morning by quotations or references to our State platform. I think I have got it here. Since it was mentioned with approval, I must conclude that perhaps other parts of it would also be mentioned with approval, and I would like to read it.

The second plank in our platform states that "The State's financial structure should be overhauled with the following objectives in view: 1. Obtain new revenue by eliminating the waste and inefficiency which admittedly exists in state departments. 2. Avoid a general sales tax or any other tax which is not based on ability to pay. 3. Full and complete public hearings on any proposals relating to our tax structure. 4. Avoid the use of emergency powers to deny the people their constitutional right to pass on new taxes."

The Republican Party platform was referred to this morning, and I would like to quote with approval some of the statements in that platform:

"Fiscal Policy. We commend the policy of the Republican administrations of operating within income and at the same time paying off State debt rapidly. We urge a continuation of this sound policy.

"We commend the economic program provided and carried out by the Republican administration in all State departments, thus further improving the excellent financial condition of our State.

Just to review briefly my views on our present fiscal conditions, I would like to remind the House that estimated revenues for the next biennium exceed expenditures or appropriations for the current biennium by four million dollars. Now that would permit an expansion of our present State spending over the current biennium by ten per cent.

As the Democratic platform which I have just quoted to you suggests, I also feel that a lot of money can be saved by wise economy in the administration of our State departments. I would like to cite to you one incident which occurred last fall at the time the Budget Committee was sitting. If you will remember, there was a request made to increase the pay of State employees on a cost of living basis over and above the increase that was granted two years ago. The estimated cost of that increase for the balance of this fiscal year, as I understand it, was in the neighborhood of \$4,500,000. The Governor and Council were asked to contribute out of the contingent fund something over \$100,000 toward that increase. I was curious as to where the balance of that money was to come from. I was told we were able to squeeze it out of our appropriations.

Now, if you will remember, two years ago when we ended the session without granting the stupendous increases and new tax revenues that were asked, we were told that we had cut department appropriations to the bone and that undoubtedly in the ensuing two years we would be asked to return in special session to raise new revenues.

Now it seems to me that for departments that were cut to the bone two years ago, three to four hundred thousand dollars is an awful lot of squeezing. Now I cannot say that more such squeezings can be realized, but I do say that is sufficient evidence for us to conclude that such a possibility exists.

Another point I would like to bring to your attention is the apparently traditional policy of under-

estimating the State's revenues. If you will remember another chart which was presented in this House at the time of the tax conference, you will remember that it showed over a period of at least fifteen years a recurring surplus year after year without exception for a period of fifteen years. You remember that two years ago we were told that we had appropriated not only all anticipated revenues but all of the then-existing unappropriated surplus. And yet, on the first day of January last, we found ourselves with a six million dollar surplus.

Now, to me, that indicates a policy of perhaps deliberately, and perhaps soundly, underestimating revenues. If that is true, and if we can really rely upon the experience of the last fifteen years, we may validly conclude that there will be additional funds available because of a present underestimate in anticipated revenues.

Now, because of those considerations, we of the Democratic Party in this House feel that present services can be financed on a slightly expanded basis and that some new services can be provided without any new taxes. We are further convinced that if additional services which are meritorious cannot be provided for within such revenues the people of Maine are not willing to pay new taxes to provide for them. And, for those reasons, if the decision as to additional taxes is made finally in this Legislature, we will oppose them.

However, we are willing to defer somewhat to those people who tell us that the people of Maine are asking new services for which they are willing to pay new taxes. We have a measure before us, which is the minority report of the committee on taxation, which contains a provision for testing that question. On Page 20, the last page of the act, there is a provision for a referendum which would put to the people this question: "Shall an act to provide appropriations for more adequate educational aids to the cities and towns; more adequate

provisions for old age assistance, aid to dependent children, board of neglected children; more adequate appropriations for institutional care; continuation of existing state wages; payment by the State of towns' share of the cost of the aid to dependent children program, establishment of a State fire control system, and certain other services of State government become law with a 2% individual income tax law to provide revenue necessary to finance these services, as passed by the 94th Legislature, be accepted?"

Now that is the question to which the advocates of new taxes tell us the people would answer yes. We are not so determined in our position that we are unwilling to have the people have an opportunity to answer that question, and it is on the basis of Page 20 of L. D. 1481 that we will support the minority report of the committee and oppose the motion to accept the majority report.

The gentleman from Cape Elizabeth, Mr. Chase, has stated this act in much more detail than I have. He has made some observations with regard to it with which I would have to agree. He has made other observations with which I would not agree, but, adopting the principle which I have heard him adopt on the floor of this House previously in regard to other measures, I will vote for this to keep it alive so that we may have an opportunity to correct the technical difficulties which he mentions.

The proponents of the sales tax would impose in effect a gross income tax on the incomes of those people who must devote all of their income to the necessities of life. This would propose the same rate of tax, two per cent, on the net income, after deductions, of all persons. To me, that distinction makes this tax a fairer tax. To illustrate my point: Under the sales tax, a family man, no matter how many children he has with an income of \$2000, would pay a sales tax of roughly forty dollars. Under this

act, a single man without family earning \$5000 would pay \$78. It seems to me the equities of the two taxes are clear.

There is not anything more, I think, I can say or add to what I have already said. There has been an attempt in the last week or two to force us into a pattern of consistency on appropriations. We are told that we cannot consistently vote for certain things unless we vote for new taxes. We are here indicating our willingness to approve those things contingent upon the acceptance by the people of this revenue measure. So I oppose the motion to accept the majority "Ought not to pass" report.

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

Mr. BURGESS: Mr. Speaker and Members of the House: Very briefly, I would like to point out a few items which have occupied my mind during the debate on this measure which we have just been privileged to listen to.

In my honest opinion, it is good government to be conservative in our estimates of revenue; it is much better government to be conservative than otherwise. We have, for as many years as I have been privileged to serve in the executive office for lack of leadership at the proper time. This morning we have been privileged to hear the views of our Governor, advising us, according to his best judgment, on not only the needs but the best method of enacting a policy which I believe is the soundest policy ever to have been presented and reached its present stage in any Legislature to my memory.

The policy which we have apparently accepted to this date is one designed especially for the collecting of a tax at a State level and assuming services which are paid for practically at the local level from one source of income, and that is the property tax. If we are to give due consideration to the leadership which has been offered to us this morning from the executive

office, I hope that we will not be hasty in making up our minds one way or the other with respect to this tax issue.

The House, on a previous date, rejected a sales tax. I will admit to you that the vote was close, but, nevertheless, it was defeated. You are now presented with the next tax measure to have come from our good and efficient tax committee.

It is true that this measure has defects, but none that cannot be corrected with the help of an expert; and should this House feel that this is the type of taxation best fitted to the occasion, I believe they need not be seriously concerned with those defects at this time. I hope, I sincerely hope, that you will give it due consideration, and if we feel that we need time to give it the consideration that the opponents of it would require, having defeated on a previous occasion the sales tax, that you will not hesitate to ask for that time. I thank you.

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

Mr. BUBAR: Mr. Speaker, I move you that this bill be recommitted to the committee and that an exemption of \$3000 be made and a corporation tax included.

The SPEAKER: The Chair would ask of the gentleman if he would be content to confine his motion simply to having the bill recommitted to the committee.

Mr. BUBAR: Recommitted to the committee and an exemption of \$3000 made and the corporation tax included. That is a fair tax and the only fair tax that we can go along with.

The SPEAKER: The question before the House is on the motion of the gentleman from Blaine, Mr. Bubar, that the bill be recommitted to the Committee on Taxation with the recommendation that the exemption by \$3,000 and that the corporation tax be added to the bill.

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

Mr. WOODWORTH: Mr. Speaker and Members of the House: My position on taxation has been expressed very frequently here. I address myself solely to the matter of keeping this bill alive. I would remind the House that we still have for consideration a combination bill which brings before us all the merits and demerits of both the sales and the income tax bill. If we are going to have a good time in introducing amendments of every variety to a tax bill, I think we might just as well get down to one bill, and I hope we may kill this income tax bill now and let the committee bring in this combination bill so that we may finally get down to grips with the tax issue.

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

Mr. DOW: Mr. Speaker and Members of the House: I do not believe that reconsideration would serve any good purpose. It seems to me that we have discussed pretty nearly every angle already in committee.

The SPEAKER: The question before the House is on the motion of the gentleman from Blaine, Mr. Bubar, that the bill be recommitted to the Committee on Taxation with instructions to make the exemption \$3000 and to include a corporate tax in the measure.

As many as are in favor of the motion of the gentleman from Blaine, Mr. Bubar, that the bill be recommitted to the Committee on Taxation will say aye; those opposed no.

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

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do accept the majority "Ought not to pass" report of the Committee. The gentleman from Bath, Mr. McClure, has requested that when the vote is taken it be taken by the yeas and nays. Is the House ready for the question.

The Chair recognizes the gentleman from Palmyra, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: Before this vote is taken I feel I would like to make myself clear when I vote.

I stated here before, as most of you know, that I would go along with a tax bill which the majority preferred, to provide the funds for these additional services that I am sure the majority of the House feel are necessary. But I cannot at this time vote for this bill. I must vote to accept the "Ought not to pass" report. We still have another bill that will be presented, and I am not ready yet to vote for this measure. If, in the final analysis, what the majority here would like is an income tax, I will vote for it, but I object to the referendum clause in this bill. I believe the people sent us here to use our best judgment, and when we tack a referendum on an issue like this it proves to people that we are not confident in what we are doing, we are not sure, and we are referring it back to them and passing the buck to the public.

Now they have a constitutional right to have a referendum on any of these acts that we enact here, and I believe if we are going to pass a tax bill here we should pass it and leave it to them. If they feel it is unjust they have a constitutional right to overthrow it through votes by petitioning a referendum initiated by them. I, therefore, when the vote is taken, shall vote to accept the "Ought not to pass" report. I feel that this is a hasty measure, thrown together, leaving the corporations out, and, as far as the tax is concerned, I am not sure that a great many of us would pay much tax here, I am not sure myself that this would provide us with revenue enough to do what I feel is necessary.

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

Mr. McGLAUFLIN: Mr. Speaker and Members of the House: I rise simply to oppose taking a yea and

nay vote on this matter. Many are opposed to this bill who might, under some circumstances, vote for an income tax. You take a yea and nay vote and it gives the public a totally wrong impression of how any of us stand. I hope you will vote that proposition down.

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

Mr. JALBERT: Mr. Speaker, I definitely would not have arisen had I not heard the remarks of the previous speaker. If my memory serves me correctly, I fail to recollect where he requested the same privilege of not having the yea and nay vote when we voted on the sales tax.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do accept the "Ought not to pass" report of the committee.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I think we can all agree, certainly I can, that none of us like taxation. We do not like income taxes of any kind, we do not like sales taxes, excise taxes or any other kind of a tax. However, all of us do like to see our schools improved and operated, and we feel that we must aid the aged and dependent children and the blind and maintain our institutions.

If my memory serves me correctly, we have voted that numerous bills ought to pass, one equalizing aid to education that would cost about \$700,000, one to increase the aid for teachers positions that would cost perhaps two million. I believe the other branch has accepted the report and is in the process of passing one to aid in school buildings that might cost about a million dollars.

This morning we approved, at least by accepting the report and giving it the first two readings, a bill that would increase the pensions to our aged teachers in the sum of \$300 each per year. We have

voted to increase the benefits to neglected children, to the aged. In addition to that, there are large numbers of children being added to that list year by year, I might say day by day. You have only to follow the reports in our newspapers as our judges keep permitting neglected children to be taken care of by the State. That accounts in large measure for these increases.

Some reference has been made to our recurring surplusses, but these surplusses have been used to good advantage, they have been used for permanent construction, permanent matters, instead of going into debt. Two years ago, we voted to build buildings at the Pownal State School from the unappropriated surplus. This year we have had to appropriate money to equip those buildings, appropriate money to pay personnel to operate them, to feed that personnel and feed the additional inmates. This year, from our unappropriated surplus, if you will refer to the paper on your desks of this morning, you will find what we have been doing with it this year so far.

The Governor gave us a rather clear statement of what would be necessary if we were to pass these bills. It seems to me we have a basic problem involved. Do you mean what you have been saying all winter; that you want to furnish services to the people? If you do, you will have to vote that the people back home pay for those services. The services that we have we must all pay for. We have rejected by a narrow margin a sales tax. Our Chief Executive said this morning, and I quote: "I would hesitate to give my approval to a sales tax as the solution to our problem." I do not know whether that means that he would not approve one. You heard him make the statement as I did. If that is what he meant, we are left with the problem of passing an income tax bill or undoing the work we have been doing all winter.

It has been suggested that this income tax would bear heavily upon the man with small income. If you

will look at Page 4 of the table, you will note that a single person earning \$1000 to \$1050 would pay a six dollar tax. I do not consider that to be too heavy a burden. Certainly you could not devise a taxation method that would rest less heavily upon the small wage-earner.

There are doubtless technical difficulties in this bill as there are in most bills that are accepted in this House. Many of them we correct as the bill progresses. Some reference has been made to the elimination of a tax on intangibles in this bill in the way of criticism. However, if we adopt an income tax bill, the person who owns intangibles would be paying a tax on the income derived from those intangibles and he should not be asked to pay a tax based upon the property itself. For example, if you have a bank account, you should not be assessed in your local town on that bank account and pay a tax on it and then pay a tax on the small amount of interest which you receive.

Some reference has been made to the admitted tie-in with our federal income tax law. On this point, I would merely state that it has been done in other states and has been held constitutional. If a constitutional question is involved which anyone considers is serious, I assume they would ask our court to rule upon it before we finally pass the bill.

You members know the problem as well as I. I voted for the sales tax bill. I shall vote for this bill, not because I like to pay the tax, not because I want to force a tax upon anyone, but the people that I talked with feel that we must give these services to the aged, they feel that the services are now inadequate, they recognize the fact that the dependent and neglected children must be taken care of, they feel that these services should be increased if anything; they are unanimous in saying there should be more aid to education, and I submit to you that the only way the State can aid education is by taxing the people of the State of Maine to do it.

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

Mr. **JACOBS**: Mr. Speaker and Members of the House: I would not have arisen at this time had it not been for the last speaker who has just spoken. In my opinion, he does not represent the citizens of Auburn in regard to an income tax.

Hundreds of the citizens of Auburn have come to me and commended me for the stand I have taken on this tax question and bitterly opposed the bill of Mr. Williams of Auburn on this measure—this same thing is his—it may be dressed up a little differently, but it is the same.

Now I want to go on record against this income tax. The people of the State of Maine do not want it. Those he has talked with I do not know, but I know hundreds of our citizens of Auburn whom we represent in this Legislature are against it, and for that reason I will go along with the gentleman from Cape Elizabeth, Mr. Chase, in the acceptance of the majority report on this bill.

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

Mr. **WHITE**: Mr. Speaker and Members of the House: I also come from Auburn, and I can vouch for everything Mr. Jacobs has said. I have not heard a single soul of my constituents in Auburn that was not against the income tax, and I have had no one ask me to vote for an income tax. I therefore will go along with Mr. Chase.

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

Mr. **BROWN**: Mr. Speaker and Members of the House: I arise this morning to state my views on the question before us. To my mind, it would be a serious mistake to pass this income tax bill into law. The State of Maine is privileged to have many people establish residence in this State from out-of-state and from other states. One of the considerations for establishing resi-

dence in this State of Maine is because the State has no income tax law. Many of these same people have a place of abode in other states and it would be very easy for them to change their residence. These people leave a lot of money in the State and they are an asset to any community in which they reside. And do not forget that the State of Maine collected from inheritance taxes last year \$1,352,925.-96.

Another thing, the State of Maine is trying to encourage new industries in the State and a tax on corporations would have a deterring effect on new development. Therefore, I hope that the motion of the gentleman from Cape Elizabeth, Mr. Chase, prevails.

The **SPEAKER**: The Chair recognizes the gentleman from Madison, Mr. DeSanctis.

Mr. **DeSANCTIS**: Mr. Speaker and Members of the House: You all must realize now how I stand on taxes and how my people back home want me to vote on taxes. I believe they should be represented as they want to be and not by what people think. In that respect I would like to read just a little short story entitled "All the Livelong Day:"

"John Doe reaches out at 7:00 a.m. of a bright May morning to turn off the alarm clock (price: \$6; tax, \$1.20). Accompanied by the trebling of birds, he climbs wearily out of bed (price: \$195; annual personal property tax, 75c); walks across the floor of this \$8,000 house (annual general property tax, \$240) and switches on the electricity (33c tax on his \$10 monthly bill) which lights the bulb (price 20c; tax 4c). To music from a bedroom radio (price: \$30; tax, \$3) Henry shaves with his electric razor. As a radio newscaster reports that Henry's state is preparing to increase his income taxes and impose a general sales tax on everything anyone buys, Henry slaps across his jowls a handful of bay rum (price: \$1.30; tax 26c).

"He dresses quickly, hurriedly fastening cuff links (price \$3.50; tax 70c) and tie clasp (price: \$1.50; tax 30c) puts on his Swiss wrist watch (price: \$70; tax \$14) and rushes downstairs. Tucked under one arm is a leather briefcase (price: \$18; tax, \$3.60) which carries papers from his real estate office, including one deed (property valued at \$3000; stamp tax, \$3.30).

"In the kitchen, he's just in time to snatch two slices of bread from the electric toaster (price \$16, tax, \$1.60) lift his coffee from the gas stove (price: \$190; tax, \$19), and grab a glass of fruit juice from the refrigerator (price \$300; tax, \$30).

"A glance out of the window shows it is raining, so he calls to his wife (marriage license, \$2) to telephone (monthly bill: \$12; tax, \$2.05) for a taxi. Too many other people want taxis on a wet morning so Henry gets out his own car (price \$1800; tax, \$126) and drives (operator's license, \$1.00) to the railroad station.

"Henry relaxes at the station with a cigarette (price per pack 8c; Federal tax, 7c) lit by a match (tax, 5½c per 1000). Aboard the train, Henry gives the conductor his ticket (price: 85c; tax, 13c) and settles down to a hand of bridge with three cronies, using of course, a deck of cards (price 40c; tax, 13c).

"In the city on his way to the office, Henry stops to buy a roll of camera film (price: 20c; tax, 3c) that he promised his son (birth registration: \$1) and the lipstick (price \$1; tax, 20c) he promised his wife. Because there are friends coming to his house in the evening, he buys a bottle of whiskey (price: \$2.30; tax, \$2.60).

"Arriving eventually at the office, Henry sighs (no tax!) and settles to a day's work (annual income: \$5,000; Federal and State income tax, \$510). If he works hard for the rest of his life, he will be able to provide the government with a handsome slice of inheritance tax. And if he dies in a state that is fiscally tolerant, he can take comfort in the thought that his

casket, provided it costs less than \$100, will be exempt from any sales tax." (Laughter)

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Dufresne.

Mr. DUFRESNE: Mr. Speaker, I hesitate to rise after hearing so much about this income tax. Before I start in, I would like to definitely state that I am against an income tax. My reason for this is, coming from a coastal town, Bar Harbor, on Mount Desert Island, Bar Harbor, like all the other coastal towns, depends a great deal upon the summer visitors. We are very fortunate in having had several hundred visit our island each year. They put up beautiful homes. They lost those homes in the fire and not a single family has rebuilt. We are trying to get them back there because they offer practically the only employment in town. We depend on the summer visitors. They are a very high type of people and they spend about six months out of the year there. Our main argument for getting them back and getting them to build is to let them know that we are not going to further burden them with an income tax.

Now Maine is a beautiful State. They come to New England to enjoy the summer, and we do not want to lose them and let Massachusetts, Rhode Island and Long Island get them. Let us keep them in Maine.

I want to go on record as being not in favor of the income tax.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do accept the majority "Ought not to pass" report of the committee.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I would not have arisen the second time except for the fact that my two good friends and colleagues from my home city have been on their feet and talked since I did.

I think, if they will examine the legislative record of today after it is printed, they will find that I did not say that the citizens of Auburn wanted the sales tax. I commented that they wanted those particular services, at least those who have talked with me wanted them. However, in view of the position that they have taken, I think it is fairly consistent with that of many of the House. If we examine the record of the millions that we have appropriated, including the appropriation resolve, the bill to aid equalization of education, and other bills, we will find that these gentlemen have voted the money that will require new taxes. I am merely recognizing the fact that there is a price tag on these services. We will have to pay it, either through a sales tax or an income tax or through elimination of these services.

I think I have as consistently opposed appropriations and new services as any member of the House, but I have not yet been able to buy an insurance policy anywhere without paying for it nor a hammer or a saw anywhere without paying for it, nor a suit of clothes.

This bill, if passed, would be tied to the services, and the people of the State of Maine would have the privilege of saying yes or no. I would not vote to force a tax upon the people of Maine. I would vote for either a sales or an income tax, as I have done, with the services tied to it so that the people can say yes or no.

The **SPEAKER**: Is the House ready for the question?

The gentleman from Bath, Mr. McClure, has requested that when the vote is taken it be taken by the yeas and nays. The yeas and nays are in order at the desire of one-fifth of the members present. All those desiring that the vote be taken by the yeas and nays will kindly rise.

Obviously more than one-fifth of the members present having arisen, the yeas and nays are ordered. The House will be in order.

The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do accept the majority "Ought not to pass" report of the committee.

Those in favor of the motion will say yes when their names are called; those opposed will say no as their names are called. The Clerk will call the roll.

ROLL CALL

YEA—Albee, Ames, Arthur, Bates, Bearce, Benn, Bennett, Berry, Bird, Boothby, Boulter, Brown, Durham; Brown, Robbinston; Brown, Wayne; Bubar, Bucknam, Campbell, Augusta; Carle, Carter, Carville, Chaples, Chase, Chute, Clements, Cole, Cook, DeSanctis, Dorsey, Dow, Dudley, Dufresne, Dunham, Duquette, Eastman, Faas, Fitch, Foley, Fuller, Gates, Gerrish, Grant, Gray, Hall, Hayes, Hayward, Hill, Hobbs, Acton; House, Jacobs, Jamieson, Jennings, Jewett, Johnston, Jones, Kent, Knapp, Lackee, Larrabee, Westbrk; Laughton, Littlefield, Longstaff, Ludwig, Malenfant, Marble, Marsans, Martin, Augusta; McClure, McGlaulin, McKeen, Merritt, Millett, Nadeau, O'Dell, Parker, Patterson, Payson, Philbrick, Phillips, Plummer, Prince, Pullen, Ricker, Sanborn, Sanderson, Sargent, Sharpe, Silsby, Spear, Stevens, St. Pierre, Taylor, Thomas, Thompson, Brewer; Tyler, White, Auburn; Wight, Bangor; Williams, Topsham; Woodworth.

NAY—Brown, Baileyville; Brown, Unity; Burgess, Limestone; Burgess, Rockland; Campbell, Garland; Campbell, Guilford; Chapman, Clapp, Cormier, Cyr, Dostie, Lewiston; Dastie, Winslow; Farley, Gauthier, Gauvin, Hanson, Jalbert, Kelley, Labbe, Lacharite, Larrabee, Bath; Latno, Lesard, Letoureau, Martin, Frenchville; Maxwell, McEnery, McGown, Muskie, O'Connell, Paine, Robbins, Roundy, Williams, Auburn; Winchenpaw.

ABSENT—Atherton, Brown, Bangor; Castonguay, Cobb, Dennett, Fay, Hobbs, So. Berwick; Johnson, Leavitt, Martin, Eagle Lake; Maxwell, Merrill, Palmer, Spring, Stanley, Webber, Wormwood.

Yes 98, No 35, Absent 17.

The **SPEAKER**: Ninety-eight having voted in the affirmative and thirty-five in the negative, and seventeen being absent, the motion to accept the "Ought not to pass" report prevails.

Mr. **WOODWORTH** of Fairfield: Mr. Speaker, —

The SPEAKER: For what purpose does the gentleman rise?

Mr. WOODWORTH: To move to reconsider, Mr. Speaker.

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

Mr. WOODWORTH: Mr. Speaker, I move that the House do now reconsider its action whereby it accepted the "Ought not to pass" report of the committee. My purpose is to get rid of the bill, and I hope that all who voted with the majority will now vote against my motion.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that the House do reconsider its action just taken whereby it accepted the majority "Ought not to pass" report of the committee.

Mr. MUSKIE of Waterville: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. MUSKIE: Mr. Speaker, is this motion debatable?

The SPEAKER: The motion is debatable.

Mr. MUSKIE: Mr. Speaker and Members of the House: I rise to oppose the motion of the gentleman from Fairfield, Mr. Woodworth.

I stated my reasons originally for supporting the new draft, the minority report. This House has indicated its overwhelming disapproval of that new draft. Since I essentially opposed new taxes, and I know that my colleagues do with me, we will oppose reconsideration of the action taken earlier.

The SPEAKER: As many as are in favor of the motion of the gentleman from Fairfield, Mr. Woodworth, that the House reconsider its action whereby it accepted the majority "Ought not to pass" report of the committee will say aye; those opposed will say no.

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

The SPEAKER: The Chair now lays before the House the third tabled and today assigned matter, being House Divided Report of the Committee on Inland Fisheries and

Game on Bill "An Act Relative to Fishing Contests" (H. P. 984) (L. D. 415) Majority Report "Ought to pass in New Draft" (H. P. 2058) (L. D. 1487) under title of "An Act Relating to Fishing Contests on Inland Waters" and Minority Report "Ought not to pass," tabled April 14th by the gentleman from Lisbon, Mr. Plummer, pending the motion of the gentleman from Guilford, Mr. Campbell, that the House accept the Majority Report.

The Chair recognizes the gentleman from Lisbon, Mr. Plummer.

Mr. PLUMMER: Mr. Speaker and Members of the House: I feel like apologizing for not having been able to get our amendments together on this bill, but such is the fact. I consider this bill one conservation measure before the House, and I would therefore ask your indulgence and ask that it be retabled.

The SPEAKER: The gentleman from Lisbon, Mr. Plummer, moves that the item lie upon table pending the motion of the gentleman from Guilford, Mr. Campbell, that the House accept the majority report. Is this the pleasure of the House?

The motion prevailed, and the two reports, with accompanying papers, were so tabled.

On motion by Mr. Jewett of Manchester, the House voted to take from the table the fifty-fourth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Claims, on Resolve in Favor of Harold Young, of Manchester (H. P. 548), tabled on April 7th by that gentleman pending acceptance of report; and on further motion by the same gentleman, the report, with accompanying papers, was recommitted to the Committee on Claims and sent up for concurrence.

On motion by Mr. Eastman of Paris, the House voted to take from the table the thirty-third tabled and unassigned matter, Bill "An Act Relating to the Financial Responsibility Law" (H. P. 2027) (L. D. 1416) tabled on April 4th by that gentleman pending third reading.

The SPEAKER: The Chair recognizes the gentleman from Paris, Mr. Eastman.

Mr. EASTMAN: Mr. Speaker, I now move that this be recommitted to the Committee on Mercantile Affairs and Insurance.

The SPEAKER: The gentleman from Paris, Mr. Eastman, moves that Bill "An Act Relating to the Financial Responsibility Law" be referred to the Committee on Mercantile Affairs and Insurance.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: This particular bill was referred to the Committee on Judiciary in the regular course of affairs. It has been advertised and hearing has been held upon it. It has been duly reported to this House. It is upon a subject that has always been considered by the Judiciary Committee, and it seems to me that there is no particular need at this time for recommitting it to any committee, and therefore I oppose the motion of the gentleman from Paris, Mr. Eastman.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Sargent.

Mr. SARGENT: Mr. Speaker, this bill has to do with matters which the insurance men are particularly interested in. It is true that the subject matter is something that has been handled by the Judiciary Committee, but it has several defects from the standpoint of insurance and industry. Particularly, the bill as now drawn frees the driver of any motor vehicle who is involved in an accident. Financial responsibility has followed the car in all cases, and also has placed certain restrictions upon the operators. If this bill is passed, a boy can loan his car to another boy and the boy who borrows it goes out and gets into trouble, and he is entirely freed of financial responsibility. The financial responsibility comes back entirely on the owner of the car. For this and several other reasons we are very anxious that it be given further consideration and we believe

that a more satisfactory bill would result from consideration by the Mercantile Affairs and Insurance Committee.

The SPEAKER: The question before the House is on the motion of the gentleman from Paris, Mr. Eastman, that the bill be referred to the Committee on Mercantile Affairs and Insurance.

The Chair recognizes the gentleman from Jefferson, Mr. Johnston.

Mr. JOHNSTON: Mr. Speaker, just a few words in support of the gentleman from Auburn, Mr. Williams. As you know, I am just a farmer member of this Legislature. I don't take the floor very often. The bill was committed, as Mr. Williams told you, to the Committee on Judiciary. It is a legal bill; it has to deal with financial responsibility, the licensing of those operators, and from talking with the Deputy Secretary of State, I find that that department is in full accord with the bill as the Judiciary Committee reported it out in new draft. I believe we have ten able lawyers on that committee who are dealing in civilian life with cases of this type, and I am perfectly willing to go along with the report of the Committee on Judiciary.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Sargent.

Mr. SARGENT: Mr. Speaker, as I said before, this is a bill which the insurance industry are vitally interested in, and regardless of the fact that it is what is known as a financial responsibility law, it is something that the legal fraternity are greatly interested in. I believe that a more workable provision and something that would work out with the greatest justice to all concerned can be brought out by the Insurance Committee. I support the motion of the gentleman from Paris, Mr. Eastman.

The SPEAKER: The question before the House is on the motion of the gentleman from Paris, Mr. Eastman, that Bill "An Act Relating to the Financial Responsibility Law" (H. P. 2027) (L. D. 1416) be referred

to the Committee on Mercantile Affairs and Insurance. As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Thirty-five having voted in the affirmative and fifteen having voted in the negative, the motion prevailed and the Bill was referred to the Committee on Mercantile Affairs and Insurance and sent up for concurrence.

On motion by Mr. Jones of Bowdoinham, the House voted to take from the table the seventy-third tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Ways and Bridges on Bill "An Act Freeing the Richmond-Dresden Bridge of Tolls" (H. P. 1014) (L. D. 441) tabled an April 13th by that gentleman pending acceptance of report.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Jones.

Mr. JONES: Mr. Speaker, with the permission of the Ways and

Bridges Committee I now move that we recommit this matter to that committee.

The SPEAKER: The gentleman from Bowdoinham, Mr. Jones, moves that Bill "An Act Freeing the Richmond-Dresden Bridge of Tolls" be recommitted to the Committee on Ways and Bridges. Is this the pleasure of the House?

Thereupon, the motion prevailed, and the Bill was recommitted to the Committee on Ways and Bridges and sent up for concurrence.

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

Mr. BURGESS: Mr. Speaker, in view of the many empty seats at this time, I move that the House do now adjourn until 4:30 p. m. Monday, April 18th.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the House do adjourn until April 18th, at 4:30 P. M. Is this the pleasure of the House?

The motion prevailed, and the House so adjourned.