

# 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 22, 1949

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

Prayer by the Rev. Chester B. Oliver of Oakland.

The journal of the previous session was read and approved.

### **Papers from the Senate Senate Reports of Committees Leave to Withdraw**

Report of the Committee on Federal Relations on Bill "An Act Relating to Definition of 'Employer' Under Unemployment Compensation Law" (S. P. 573) (L. D. 1236) reporting leave to withdraw as it is covered by other Legislation.

Report of the Committee on Temperance on Bill "An Act Relating to Advertising Signs for Liquor" (S. P. 324) (L. D. 516) reporting leave to withdraw.

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 State Lands and Forest Preservation on Resolve Authorizing the State Tax Assessor to Convey Certain Land to Eunice Winslow of Rockland (S. P. 622) (L. D. 1338) which was recommitted, reporting same in a new draft (S. P. 667) (L. D. 1503) under title of Resolve Authorizing the Deer Isle-Sedgwick Bridge District to Release Certain Rights to Eunice Winslow of Rockland and that it "Ought to pass"

Report of the Committee on Ways and Bridges on Resolve Proposing an Amendment to the Constitution to Authorize the Issuing of Bonds to be Used for the Purpose of Building Highway or Combination Bridges Authorized by the Legislature (S. P. 268) (L. D. 398) reporting same in a new draft (S. P. 670) (L. D. 1522) under same title and that it "Ought to pass"

Came from the Senate with the

Reports read and accepted and the Resolves passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Resolves read once and assigned for second reading the next legislative day.

### **Ought to Pass**

Report of the Committee on Claims reporting "Ought to pass" on Resolve in Favor of the Town of Princeton (S. P. 456)

Report of the Committee on Salaries and Fees reporting same on Bill "An Act Increasing the Amount Available for Expenses of the Justices of the Supreme Judicial Court" (S. P. 318) (L. D. 511)

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

In the House, Reports were read and accepted in concurrence and the Bill read twice, the Resolve read once and assigned for third reading the next legislative day.

### **Ought to Pass with Committee Amendment**

Report of the Committee on Counties on Bill "An Act Relating to Number of Medical Examiners in Aroostook County" (S. P. 421) (L. D. 778) reporting "Ought to pass" as amended by Committee Amendment "A"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report was read and accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 421, L. D. 778, Bill "An Act Relating to Number of Medical Examiners in Aroostook County."

Amend said Bill by adding after the figure "5" in the 9th line thereof, the underlined word 'each'.

Committee Amendment "A" was adopted in concurrence, and the

Bill was assigned for third reading the next legislative day.

Report of the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Norway School District" (S. P. 311) (L. D. 504) reporting "Ought to pass" as amended by Committee Amendment "A".

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment A.

In the House, Report was read and accepted in concurrence and the Bill read twice.

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

**COMMITTEE AMENDMENT "A"**  
to S. P. 311, L. D. 504, Bill "An Act to Incorporate the Town of Norway School District."

Amend said Bill by inserting after the word "meeting" in the 4th from the last line of Sec. 9 thereof the following:

': provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election'

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

#### **Non-Concurrent Matter**

Bill "An Act Relating to the Salary of the Clerk of Courts of Waldo County" (H. P. 1732) (L. D. 1086)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence.

In the House: The House voted to reconsider its action of April 12th whereby it passed the Bill to be engrossed as amended by Committee Amendment "A".

The House then voted to reconsider its action whereby it adopted Committee Amendment "A".

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

**SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A"**  
to H. P. 1732, L. D. 1086, Bill "An Act Relating to the Salary of the Clerk of Courts of Waldo County."

Amend said Amendment by striking out the underlined figure "\$2,100" in the 3rd line thereof and inserting in place thereof the underlined figure '\$2,250'

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

Committee Amendment "A", as amended by Senate Amendment "A" was then adopted, and the Bill was passed to be engrossed as amended in concurrence.

#### **Non-Concurrent Matter**

Bill "An Act Relating to the Salary of the Sheriff of Waldo County" (H. P. 1074) (L. D. 480) which were passed to be engrossed as amended by Committee Amendment "A" in the House on April 12th.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence.

In the House: The House voted to reconsider its action of April 12th whereby it passed the Bill to be engrossed as amended by Committee Amendment "A".

The House then voted to reconsider its action whereby it adopted Committee Amendment "A".

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

**SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A"**  
to H. P. 1074, L. D. 480, Bill "An Act Relating to the Salary of the Sheriff of Waldo County."

Amend said Amendment by striking out the underlined figure "\$2,100" in the 3rd line thereof and inserting in place thereof the underlined figure '\$2,250'

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

Committee Amendment "A" as amended by Senate Amendment "A" was then adopted, and the Bill was passed to be engrossed as amended in concurrence.

#### Non-Concurrent Matter

Resolve in Favor of Caswell Plantation (S. P. 334) (L. D. 1510) which was passed to be engrossed in the House on April 19th.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: The House voted to reconsider its action taken on April 19th whereby it passed the Resolve to be engrossed.

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

SENATE AMENDMENT "A" to H. P. 334, L. D. 1510, Resolve in Favor of Caswell Plantation.

Amend said Resolve by striking out the figures "\$5,000" in the 2nd line thereof and inserting in place thereof the figures '\$6,700'

Thereupon, Senate Amendment "A" was adopted and the Resolve was passed to be engrossed as amended in concurrence.

#### Non-Concurrent Matter

Bill "An Act Relating to Slash, Brush and Debris Disposal" (H. P. 1991) (L. D. 1376) which was passed to be engrossed in the House on March 22nd.

Came from the Senate passed to be engrossed as amended by Senate Amendment "C" in non-concurrence.

In the House: The House voted to reconsider its action whereby it passed the Bill to be engrossed on March 22nd.

Senate Amendment "C" was read by the Clerk as follows:

Senate Amendment "C" to H. P. 1991, L. D. 1376, Bill "An Act Relating to Slash, Brush and Debris Disposal."

Amend said Bill by striking out all of the Title thereof after the words "Relating to Slash" and inserting in place thereof, the following: 'and Brush Disposal'.

Further amend said Bill by striking out all of the headnote of that part designated "Sec. 68" and inserting in place thereof the following: **'Disposal of slash and brush; penalty'**.

Further amend said Bill by adding after the underlined word "**cut**" in the 2nd line of subsection I of that part designated "Sec. 68" the underlined word **'hereafter'**

Further amend said Bill by striking out the underlined word "debris" in the 4th line of subsection I of that part designated "Sec. 68" and inserting in place thereof the underlined word **'brush'**; and in the same line thereof, strike out the underlined words **'inflammable material'** and insert in place thereof the underlined words **'slash and brush'**.

Further amend said Bill by striking out the underlined figure "100" in the 5th line of subsection I of that part designated "Sec. 68" and inserting in place thereof the underlined figure '50'

Further amend said Bill by adding after the underlined word "**cut**" in the 2nd line of subsection II of that part designated "Sec. 68" the underlined word **'hereafter'**

Further amend said Bill by striking out the underlined word "**debris**" in the 5th line of subsection II of that part designated "Sec. 68" and inserting in place thereof the underlined word **'brush'**; and in the 5th and 6th lines thereof, strike out the underlined words **'inflammable material'** and insert in place thereof the underlined words **'slash and brush'**

Further amend said Bill by striking out all of subsection III of that part designated "Sec. 68" and inserting in place thereof the following underlined subsection:

**III. Land bordering on another. Whoever, as stumpage owner, operator, landowner or agent, cuts, causes or permits to cut any forest growth on land which borders forest growth of another within the state outside the limits of the Maine forestry district or within the Maine forestry district which borders property outside shall dispose of the slash and brush in the manner here-**

inafter described: All slash and brush resulting from such cutting of forest growth shall not remain on the ground within 25 feet of the property line, provided that the commissioner on his own initiative or upon written complaint of another declares that the situation constitutes a fire hazard.'

Further amend said Bill by inserting after the underlined word "cutting" in the 2nd line of subsection IV of that part designated "Sec. 68" the underlined word 'hereafter'; and in the same line strike out the underlined word "debris" and insert in place thereof the underlined word 'brush'

Further amend said Bill by adding after the underlined word "cutting" in the 2nd line of subsection V of that part designated "Sec. 68" the underlined word 'hereafter'; and by striking out the the underlined word "debris" in the 4th line and inserting in place thereof, the underlined word 'brush'; and in the 4th and 5th lines thereof, strike out the underlined words "inflammable material" and insert in place thereof the underlined words 'slash and brush'

Further amend said Bill by striking out all of subsection VI of that part designated "Sec. 68" and inserting in place thereof the following underlined section:

**'VI. Manner of removal or disposal.** All slash and brush resulting from cutting hereafter of forest growth shall be removed the required distances under the provisions of this section and scattered and not piled in windrows, within 30 days after cutting or 30 days of notification to remove by the forest commissioner or his representatives. Whoever violates any of the provisions of this section shall on conviction be punished by a fine of not exceeding \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment. The failure of any person to comply with the provisions of the foregoing sections shall constitute a continuing offense and he shall be subject to the penalties herein provided until he complies therewith.'

Further amend said Bill by striking out all of the headline of that part designated "Sec. 68-A" and inserting in place thereof, the following: 'Slash and brush burning permits; penalty.'

Further amend said Bill by striking out the underlined word "debris" in the 3rd line of that part designated "Sec. 68-A."

Further amend said Bill by striking out all of that part designated "Sec. 69" and inserting in place thereof, the following:

**'Sec. 69. Disposal of slash and brush on construction and maintenance of railroads, highways, electric power, telegraph, telephone or pipe lines; penalty.** Slash and brush accumulating by the construction and maintenance of railroads, highways, electric power, telegraph, telephone or pipe lines shall not be left on the ground. Disposal of slash and brush, resulting from the construction and maintenance of railroads, highways, electric power, telegraph, telephone or pipe lines may be done by either hauling away or burning. However, any burning must comply with the provisions of section 68-A governing permits and conditions suitable to burn.

Any violation of the provisions of this section by the person responsible therefor, or his employer, whether individual, firm or corporation shall be punished by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.'

Thereupon, Senate Amendment "C" was adopted and the Bill was passed to be engrossed as amended in concurrence.

#### Non-Concurrent Matter

Bill "An Act to Repeal the State Personnel Law" (H. P. 1720) (L. D. 1077) on which the House accepted the Minority Report of the Committee on Judiciary reporting "Ought to pass" and passed the Bill to be engrossed on April 20th.

Came from the Senate with the Majority Report of the Committee reporting "Ought not to pass" accepted in non-concurrence.

In the House: The House voted to recede from its former action and concur with the Senate.

### Orders

On motion by Mr. Brown of Durham, it was

ORDERED, that Rev. E. H. Tupper of Durham, be invited to officiate as Chaplain of the House on Wednesday, April 27, 1949.

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

Mr. BURGESS: Mr. Speaker and members of the House: I have on my desk an order which I will present very soon, but before presenting it, may I call your attention to the change in time from standard to daylight, therefore the necessity for this order.

Mr. Speaker, I present an order and move its passage.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, presents an order and moves its passage.

The Clerk will read the order.

ORDERED, that beginning Monday, April 25th, all adjournments of the House shall be to 9 A.M. Eastern Standard Time the following morning unless the House otherwise orders.

The order received passage.

### House Reports of Committee Ought to Pass in New Draft

Mr. Campbell from the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of Judge of Probate and Clerk Hire in Office of Register of Probate of Lincoln County" (H. P. 1973) (L. D. 1355) reported same in a new draft (H. P. 2087) (L. D. 1555) under title of "An Act Relating to the Salary of Register of Deeds and Clerk Hire in Offices of Register of Deeds and Register of Probate in Lincoln County" 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 third reading the next legislative day.

Mr. Chase from the Committee on Taxation on Bill "An Act to Enable Certain Cities to Impose a General Business and Occupation Tax" (H. P. 1805) (L. D. 1131) reported same in a new draft (H. P. 2088) (L. D. 1559) under same title and that it "Ought to pass"

The SPEAKER: Is it the pleasure of the House to accept the "Ought to pass in New Draft" report of the committee?

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

Mr. ALBEE: Mr. Speaker and Members of the House: I wish to take exception to the "Ought to pass" report on this bill. If you will note, it states certain cities with a population of 60,000 people. There is only one city, in Maine, in my recollection, which has 60,000 persons.

First of all, Members of this House, this bill is a tax without representation. This bill is not to tax the people in the confines of Portland, but is merely to get the people who live outside of our city, people that live in Falmouth, Cape Elizabeth or any person that works in the city of Portland; they are going to get them if they are working on a commission basis such as an insurance agent who is working for a debit company and makes in excess of \$2,500, he is to be taxed. In other words, it is a modified sales-income tax and gross receipts tax combined into one.

Any person living outside of the city of Portland must register and pay a tax on anything in excess of \$2,500.

In Section 162 it specifically states in regard to secrecy, that is any employee of the city must keep it secret and not divulge what anybody's income is, but it does not say that they cannot tell it to a clerk or a young lady working in his office and they can take it home and broadcast it to the world.

You will note the exemptions in this bill are very interesting. Receipts from sales of real estate,

rents derived from real estate, receipts from farming, wages and salaries, receipts from national banking associations, banks, trust companies, savings banks, institutions and loan and building associations.

I put up such a complaint to the gentleman who drafted this bill that he did take out the receipts of insurance companies which would have meant thousands and thousands of dollars to the insurance companies—who are already paying taxes to the State of Maine.

“Receipts from transportation of persons or merchandise originating at points without such city and destined to points without such city.”

Now, let us assume, for example, that a man wants to sell a barrel of potatoes in the city of Portland. He must register and pay a tax on it. I wonder if they assume if he is a retailer or if he is a farmer. It says it exempts farmers. It also exempts wages here, although the vote to go to the people says “occupation”. It does exempt wages.

There are many men in our city who are making \$15,000 and upwards that would not be affected by this particular bill, but the little fellow making \$3,500 or \$4,000 would have to tramp the streets while the man who sells potatoes in the city in excess of \$2500 would have to pay the tax. This is “occupation”.

I know that a man who lives in Falmouth or Westbrook, or South Portland or Cape Elizabeth, uses the facilities of Portland, the streets and what have you, just as well as someone living in Portland, but if he is a salaried man, he is exempt from paying this particular tax.

I say this tax should hit everyone and I don't see why any individual city should impose a tax upon people who are coming in to do business. This tax was tried in New Hampshire and the Justice of the Supreme Court over there on January 27, 1949, found it unconstitutional in that particular state.

The law not only conflicts with the Constitution of the State, but it conflicts with the Constitution of the United States, and therefore, Members, I believe that if this bill is enacted into law in this State, you would find that the Attorney General of our State would find it unconstitutional. I trust, therefore, that this bill is defeated.

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

Mr. CHAPMAN: Mr. Speaker, in view of the fact that the sponsor of this bill is unavoidably absent from the House on business today, and in view of the fact that the reporting of the bill from committee was not in the nature of a special assignment, I move that the bill, and accompanying papers, lie upon the table pending the acceptance of the committee report.

The SPEAKER: The gentleman from Portland, Mr. Chapman, moves that Item 2, Bill “An Act to Enable Certain Cities to Impose a General Business and Occupation Tax”, the new draft being H. P. 2688, L. D. 1559, with the accompanying papers, lie upon the table pending acceptance of the report of the committee. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled.

#### **Ought to Pass with Committee Amendment**

Mr. Payson from the Committee on Federal Relations on Bill “An Act to Control the Payment of Benefits During Vacation Periods Under the Unemployment Compensation Law” (H. P. 1575) (L. D. 898) 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. 1575, L. D. 898, Bill “An Act to Control the Payment of Ben-



efits During Vacation Periods Under the Unemployment Compensation Law."

Amend said Bill by inserting before the period at the end thereof the following underlined words: **'; provided, however, that an individual shall be eligible for benefits if he shall report to the commission on the 1st day of said vacation that he is available for work'**

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

Mr. Atherton from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Hermon School District" (H. P. 1058) (L. D. 472) 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. 1058, L. D. 472, Bill "An Act to Incorporate the Town of Hermon School District."

Amend said Bill by striking out in the 5th line of Sec. 4 thereof the figure "\$100,000" and inserting in place thereof the figure **\$50,000'**

Further amend said Bill by striking out in the 5th and 6th lines of Sec. 4 thereof the words "at any one time outstanding".

Further amend said Bill by inserting after the word "meeting" in the next to the last sentence of Sec. 9 thereof the following:

**'; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election'**

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

Mr. Atherton from the Committee on Legal Affairs on Bill "An Act to Incorporate the North Kennebunkport School District" (H. P. 1838) (L. D. 1162) 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. 1838, L. D. 1162, Bill "An Act to Incorporate the North Kennebunkport School District."

Amend said Bill by striking out in the 5th line of Sec. 4 thereof the figure "\$75,000" and inserting in place thereof the figure **\$30,000'**

Further amend said Bill by inserting after the last word in Sec. 9 thereof the following:

**'; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election'.**

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

Mr. Marble from the Committee on Legal Affairs on Bill "An Act to Create the Town of Palmyra School District" (H. P. 1844) (L. D. 1202) 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.

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

COMMITTEE AMENDMENT "A" to H. P. 1844, L. D. 1202, Bill "An Act to Create the Town of Palmyra School District."

Amend said Bill by striking out in the 5th line of Sec. 1 thereof the words **"buying land"** and in-

serting in place thereof the words **'acquiring property'**

Further amend said Bill by inserting after the "," in the 6th line of Sec. 1 thereof the following:

**'for the purpose of receiving, accepting and holding gifts, grants or devises of property real, personal or mixed to be used for school and related athletic and recreational purposes.'**

Further amend said Bill by inserting before the word "shall" in the 2nd line of Sec. 2 thereof the following:

**'(except election of teachers who shall serve in the said schools and the fixing of their salaries, determination of the courses of study, the terms of school and all other matters pertaining to the education of pupils, which matters shall be controlled, as provided by law, by the school board of the town of Palmyra)'**

Further amend said Bill by adding at the end of the first paragraph of Sec. 2 thereof a new sentence to read as follows:

**'The board of trustees, acting for said district, shall have and exercise all the powers and authorities necessary to carry out the purposes of this act and the powers and authorities granted herein.'**

Further amend said Bill by striking out in the 4th line of Sec. 3 thereof the figure "40,000" and inserting in place thereof the figure "\$30,000"

Further amend said Bill by striking out in the 7th line of Sec. 3 thereof the word "annually" and inserting in place thereof the word **'semiannually'**

Further amend said Bill by inserting after the word "issue" in the 5th line of Sec. 6 thereof the words **'or otherwise'**

Further amend said Bill by inserting after the last word in Sec. 8 thereof the following:

**'; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for**

**governor in said town at the next previous gubernatorial election'**

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

Mr. Marble from the Committee on Legal Affairs on Bill "An Act Creating the Town of Wiscasset School District" (H. P. 1056) (L. D. 531) 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. 1056, L. D. 531, Bill "An Act Creating the Town of Wiscasset School District."

Amend said Bill by striking out in the 6th line of Sec. 4 thereof the figure "\$300,000" and inserting in place thereof the figure "\$150,000".

Further amend said Bill by striking out in the 15th line of Sec. 9 thereof the words **"to incorporate"** and inserting in place thereof the word **'creating'**.

Further amend said Bill by inserting after the last word in Sec. 9 thereof the following:

**'; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election'.**

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

#### **Divided Report Tabled**

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution to Apportion the Number of Members of the House of Representatives to the Several Towns (H. P. 1567) (L. D. 882)

Report was signed by the following members:

Messrs. BARNES of Aroostook  
WARD of Penobscot  
ELA of Somerset  
—of the Senate

WILLIAMS of Auburn  
McGLAUFN of Portland  
SILSBY of Aurora  
MUSKIE of Waterville  
—of the House

Minority Report "A" of same Committee on the same Resolve reporting same in a new draft (H. P. 2086) (L. D. 1556) under title of Resolve Proposing an Amendment to the Constitution to Apportion the Number of Members of the House of Representatives and Fixing the Number of Senators and that it "Ought to pass"

Report was signed by the following members:

Messrs. PAYSON of Union  
BURGESS of Rockland  
—of the House

Minority Report "B" of same Committee reporting "Ought not to pass" on the same Resolve

Report was signed by the following member:

Mr. WOODWORTH of Fairfield  
—of the House

(On motion by Mr. Burgess of Rockland, the three Reports were tabled pending acceptance of any Report)

Additional paper from the Senate, out of order and under suspension of the rules.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 25th, 1949, at two o'clock in the afternoon, daylight saving time (S. P. 680)

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

In the House, read and passed in concurrence.

### Passed to be Engrossed Tabled

Bill "An Act Relating to Abandoned Wells as Nuisances" (H. P. 2044) (L. D. 1470)

Was reported by the Committee on Bills in the third reading.

Mr. Dostie of Winslow offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 2044, L. D. 1470, Bill "An Act Relating to Abandoned Wells as Nuisances."

Amend said Bill by inserting in the Title thereof, after the word "wells" the words 'or Mining Shafts'

Further amend said Bill by inserting after the underlined word "wells" in the 6th line of that part designated "Sec. 7", the underlined words 'or mining shafts'

The SPEAKER: Is it the pleasure of the House to adopt House Amendment "A"?

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

Mr. EASTMAN: Mr. Speaker, I move that Item 1, Bill "An Act Relating to Abandoned Wells as Nuisances" lie on the table.

The SPEAKER: The gentleman from Paris, Mr. Eastman, moves that the Amendment lie upon the table pending adoption. Is this the pleasure of the House?

The motion prevailed, and the Amendment, with accompanying papers, was so tabled.

Resolve in Favor of the City of Bath for Loss of Taxes (H. P. 2082) (L. D. 1541)

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

Resolve Relating to Unexpended Balances for Lobster Rearing Station (S. P. 88) (L. D. 74)

Resolve in Favor of Albert L. Winship of South Windham (H. P. 1117) (L. D. 1539)

Bill "An Act Relative to Crop and Orchard Damage" (H. P. 1134) (L. D. 542)

Resolve Providing for a Fish Screen in Molunkus Lake (H. P. 1824) (L. D. 1150)

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

#### Tabled

Bill "An Act Creating the State Board of Education" (S. P. 294) (L. D. 488)

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

(On motion by Mr. Maxwell of Wilton, tabled pending third reading)

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

#### Orders of the Day

Under Orders of the Day the Chair now lays before the House the first tabled and today assigned matter, being Bill "An Act Relating to Pollution of Tidal Waters" (H. P. 2054) (L. D. 1483) tabled on April 21st by the gentleman from Harpswell, Mr. Prince, pending further consideration.

The Chair recognizes the gentleman from Monmouth, Mr. Marsans.

Mr. MARSANS: Mr. Speaker, I move that we reconsider our action of April 15th whereby we passed L. D. 1483 to be engrossed.

The SPEAKER: The gentleman from Monmouth, Mr. Marsans, moves, under suspension of the rules, that the House reconsider its action of April 15th whereby the Bill was passed to be engrossed. Is it the pleasure of the House to reconsider its action?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Marsans.

Mr. MARSANS: Mr. Speaker, I now move that we concur in the adoption of Senate Amendment "A".

The SPEAKER: The Clerk will read Senate Amendment "A".

SENATE AMENDMENT "A" to H. P. 2054, L. D. 1483, Bill "An Act Relating to Pollution of Tidal Waters."

Amend said Bill by striking out after the enacting clause and before the headnote thereof, the following: "Sec. 1."

Further amend said Bill by striking out all of section 2 thereof.

Thereupon, Senate Amendment "A" was adopted, and the Bill was passed to be engrossed as amended in concurrence.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, being House Divided Reports of the Committee on Taxation on Bill "An Act Imposing a Personal Income Tax and a Sales and Use Tax to Raise Additional Revenue and Equalize the Tax Burden" (H. P. 1540) (L. D. 892), Report "A" "Ought to pass in New Draft" (H. P. 2083) (L. D. 1542) under title of "An Act Imposing a Sales and Use Tax to Raise Additional Revenue and Equalize the Tax Burden," Report "B" being "Ought not to pass", tabled on April 21st by the gentleman from Cape Elizabeth, Mr. Chase, pending acceptance of either report.

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

Mr. CHASE: Mr. Speaker, since yesterday and during this morning, a large number of members of the House have come to me saying that in view of the absentees this morning and of the new uncertainty in regard to appropriations, that in their opinion consideration of this matter should be postponed. I have agreed to submit that question to the judgment of the House, and in order that a majority may determine whether the matter should be considered at this time, I move

to postpone the consideration of the matter until next Tuesday, and when the vote is taken, I ask for a division.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the bill and accompanying reports lie upon the table and be specially assigned for Tuesday, April 26th, for further consideration. The same gentleman has requested that the vote be by a division. As many as are in favor of the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the matter lie upon the table and be specially for Tuesday, April 26th, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Forty-three having voted in the affirmative and eighty-six having voted in the negative, the motion to postpone consideration does not prevail.

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

Mr. CHASE: Mr. Speaker, in considering the need for a major tax measure, the need for funds is certainly a factor even when it cannot be accurately determined. We have read in the papers that there are to be divided reports from the Committee on Appropriations, and we have seen a brief summary of a new budget which might be called the "Road to the Poorhouse" budget, so that in considering the regular appropriations bills, we have to deal with two figures, one group which will apparently say that it will balance and the other group which will apparently say that it won't balance by a figure of approximately \$2,000,000 a year.

But whatever may be the final decision with respect to the appropriations budget, we know that quite outside that budget there are a number of bills which, if passed, require a substantial increase in the operating expenses of the State, for which money will have to come from somewhere and those bills, many of them, have received favorable consideration and

been approved by a substantial majority.

It would certainly appear that a majority of the Legislature would be in favor of educational bills of one sort or another which would run up into the vicinity of \$1,500,000 or \$1,200,000 a year, and perhaps more. We know that the University of Maine needs \$300,000. We know that in order to continue the salary schedule already established for State employees, several hundred thousand dollars is necessary, and it would appear, as a minimum estimate of the aggregate of the majority of approved bills outside the budget, that \$3,000,000 a year would certainly be necessary. Therefore, it would appear that the need for new money from tax sources has been demonstrated even though we are not able to determine what sum that is.

Now, up to date, in this House, a sales tax has won far more support than other tax measures. This sales tax coming out of committee is practically identical with the one in L. D. 892 and most of the sections are carried over bodily except for the exemption of food and the rate of tax. Now of course, since the bill was presented, other exemptions have been demanded by all. It appears that justice requires, in every particular case, that no one should have to pay a tax.

I am reminded of a famous saying of one of our famous Maine people, when she was discussing the pollution of the Androscoggin River, a situation which had been built up for fifty years and involved numerous interests, and would obviously cost millions to correct, she said: "It seems as though there ought to be a way to solve this problem without hurting anyone." Now it does seem as though there ought to be, but so far as I am aware, no one around here yet has discovered it so far as taxes are concerned.

It appears to be the attitude of the manufacturers that if there is going to be a sales tax, everything that goes in the mill door, whether it be raw materials or a typewriter

or towels for the wash room, ought to be exempt. Now maybe it had. It may be the policy of this State that industry shouldn't have to pay any taxes or should be taxed very lightly; I don't know, but the only way in which we can determine what exemptions, if any, should apply to manufacturers, is to put a sales tax into the parliamentary status where it can be amended so that we can consider such an amendment. In the original bill there was no such exemption except as it may be implied and is implied in the definitions in the bill which I will come to later under the questions which have been submitted to me by the members and which I promised you yesterday would be answered today in so far as they were submitted.

So that there is no way to offer exemption amendments or to strike out exemption amendments or to do anything to put this bill into the shape where it can be discussed on the basis of its specific terms unless you are willing to accept the report of the committee.

Now a sales tax is a complicated tax. Twenty-five or thirty other states have it. It requires administration; it requires regulation, and it has been done in other places. In considering the matter, we have the basis of experience, we know that it will work, that it has worked successfully, but it is not possible in every minor detail in the beginning, to determine what every single regulation should be.

Now yesterday, I asked the members of the House to submit questions which they would like to have answered. I was around the State House all day yesterday to receive those questions. I didn't get as many questions as I had hoped to get. I conferred with Mr. Johnson. He studied the regulations of other states, some of which have provisions identical with this, and we discussed these questions in an attempt to give you the best answer we could, and the answers which I give you have been cleared with the State Tax Assessor whose duty it would be, under this act, to ad-

ministrated it, if it should be passed.

Question. What constitutes a wholesale purchase or sale of fertilizer, grain or seed and would such a sale be taxable?

Answer. The usual distinction between "wholesale" and "retail" does not apply to this bill as it now stands. Anyone who purchased fertilizer, grain or seed for his own use, or for any purpose other than resale in the regular course of his business, would have to pay the tax. The reference is to Section 258, sub-section B, on page 2.

Question. Will animal feed, seed and fertilizer be exempt if bought in car lots or bought at the car door through a Farmers' Co-operative?

Answer. No, not to the ultimate user. The Farmers' Co-operative would collect the tax from the buyer and pay it to the State.

Question. Would a purchaser of farm machinery and equipment have to pay the tax?

Answer. He would, if he bought for any purpose except for resale, in the regular course of his business.

Question. Is the purchase of tangible personal property which is bought by a manufacturer for the purpose of fabrication into other tangible personal property subject to the tax?

Answer. From rulings and court decisions in states embodying similar language to sub-section B of section 258, page 2, of the printed bill, tangible personal property which becomes a significant component part of other manufactured tangible personal property would not be subject to the tax. The determination as to whether a sale was for the purpose of resale, in the regular course of business, in the form of tangible personal property, would appear to depend upon whether the tangible personal property purchased becomes a significant and identifiable part of the tangible personal property to be resold in the regular course of business.

Now that is a complicated answer and I will give you two ap-

proved examples: Cotton and wool in the bale or yarn ready for spinning, or cloth bought for the purpose of resale in suits or dresses, would not be subject to tax. To a paper mill, such commodities as pulpwood and china clay would not be subject to the tax, but coal and sulphur, if used, would be, so would the office equipment in the manufacturer's plant office, — this also would be subject to the tax.

The question is raised about a cow: If a man sells a cow as a casual transaction and not in the regular course of his business, there would be no tax.

Now those were all the questions that were submitted, and in view of the proposition I made yesterday to answer such questions as should be given to me, I think I should point out to the House, as I did yesterday, that these are technical matters that require consultation with tax experts and with lawyers, and if there are other questions, an opportunity should be afforded to properly consider the answer.

Now Mr. Speaker, to come back to the question before the House: This is a sales tax. It may not be yet in the form acceptable to the majority; it is doubtless capable of improvement by amendment, but in order to attempt to improve it by amendment, it must be given a parliamentary status by accepting the report of the committee. The first parliamentary proceeding is this piece of paper, the acceptance of the report, you nail down just one corner. On your first and second reading, if you clear it, you nail down another corner. The third reading, with amendment stage, is another corner, but finally you never enact a tax or any other measure, until you nail down that fourth corner, when you see the document in its completed and final form.

In moving to accept the "Ought to pass in New Draft" report of the committee, I am suggesting only that the House nail down just one corner of this matter, in order that it may have intelligent considera-

tion and an opportunity to commend itself eventually to the support of a majority.

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

Mr. DORSEY: Mr. Speaker and Members of the House: I move that we accept Report "B", "Ought not to pass" of the new draft of Legislative Document 1542.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do accept Report "A", "Ought to pass in New Draft".

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

Mr. JACOBS: Mr. Speaker, I would like to nail down the four corners of that bill and ask for indefinite postponement of it, and I so move, and in connection with that I will say that it is the privilege of every person in this House, legislative member, to rise and speak what is in his or her mind regarding any measure which comes before us, and this morning this, to my mind, is one of the most serious problems which we have to contend with in this session.

In the closing hours and the closing days of this session these important bills have come before us. I am not going to speak to you this morning with large words. I am not, perhaps, speaking to you intelligently upon this bill because I don't believe that any member in this House knows much about it. There are twenty-four pages in this bill, calling for a sales tax, and I do not believe that the people of Aroostook County who buy merchandise in large quantities are going to support this bill. I don't believe anybody in business or who buys merchandise is going to support this bill.

I believe, members of the House, that we have money enough to run this State adequately for the next two years. There is a bill coming from the Appropriations Committee, of which I am a member, in a new draft, showing you that we

have \$3,580,000 more than we had two years ago. Every department will function properly for the next two years with that amount. These cuts have been made and the larger commissioners, larger department commissioners, have told the Appropriations Committee that they will go along with this new bill. Today, economic conditions of this State and Nation are such that we cannot afford to pay any more new taxes.

The people of Maine, I believe, when they have a chance to vote upon this, will overwhelmingly vote against it, and why place it before them? I do not know of anyone in this State that really wants this sales tax. You have heard about the Grange and its 60,000 members wanting an income and sales tax, both of which have been defeated, and now they come into this House with a divided report from the Taxation Committee and the Chairman of that committee ran out on them the other day because he wasn't satisfied with something there — I don't know what it was — but I would think that a man who is able to be chairman of any committee of this House should stay with it until it is finished. That is not our problem.

However, there is a disagreement here in this Legislature on these bills, and I feel, today, that the State of Maine does not want a new tax when we have \$3,850,000 more to run our business with the next two years than we have had in the past.

And not only that: If you pass the racing bill, and the night racing bill, there is another half a million dollars coming into the State to help pay these bills, and why, I ask you, in all fairness, why do we want another sales tax of two and a half percent?

Drug stores are exempted. Food stores are exempted, and there is one on each side of me, in my hardware business, and yet, my customers have to pay the two and a half percent tax. Is it fair? Is it right? I say, no. Other states

have taken the position to cut expenses. In our neighboring state of Massachusetts, a few days ago, the Governor of the State slashed \$35,000,000 from the budget, and the Ways and Means Committee, which is the same as the Appropriations Committee in that state, cut \$5,000,000 more. Now they see need of economy. President Truman is somewhat astonished and disturbed because we have almost four million men and women out of employment in this country. We have unemployment in Maine. It has been said that 37,000 men and women are out of employment in this State, and now do we want to tax everything that they use except food and drugs? I say "no". Let us go along with what we have. We have enough to do business in this State and not go bankrupt. No child nor invalid nor old-age people will suffer in consequence, and why not go along with the \$3,580,000 that we have and defeat this bill, put it out of this House, and let's finish the docket and go home. I move, Mr. Speaker, that this bill be indefinitely postponed.

The SPEAKER: The Chair will state that the bill is not before the House at the moment, therefore a motion to indefinitely postpone appears not to be in order. The pending motion is the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do accept the "Ought to pass in New Draft" report of the Committee.

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

Mr. McGLAUF LIN: Mr. Speaker and Members of the House: We have been in session now for some sixteen weeks. We have formed strong friendships for each other that I trust will continue throughout our lives. That applies even to the Democrats. (Laughter)

Naturally, we consider them pretty near like outlaws, but when you come to get acquainted with them, we find that they, too, are human beings and we get so we like them and, occasionally, when they vote



with us, we say that they are almost persuaded to become "Christians". (Laughter)

I assume that every person in this House came here with the full intention of doing his duty as God gave him wisdom to decide what that duty might be. I assume, also, that the members who have given the matter any thought at all have come to the conclusion, as I have, that our first obligation is to the State of Maine. We were elected to enact laws that affect the welfare of every person in the State, and we are paid for our services by the State. Therefore I say, Members of this House, the welfare of the State of Maine should be our first consideration.

From my point of view, our second obligation is to our towns and our cities, and our third is to the party. Now some of you feel that your party is the first consideration, and I think you are wrong. Some of you feel that your city is the first consideration, and I think you, too, are wrong. If we could but agree that the State's welfare is our first objective, then we have a foundation upon which we can build an argument.

Now we have come to the question of new taxes, and when that question arises, the first thing that any of us thinks about is: Is there any necessity for new taxes? And as you look about, you find in this State waste and extravagance, and some of you say: "While there is waste and extravagance here, I won't vote for any new taxes", but Members of the House, I want to call your attention to a few points that I think you should carefully consider:

Point No. 1: Every state in the Union is extravagant and wasteful, and the United States government is probably ten times as extravagant and wasteful as any state. You have a condition that you cannot overcome quickly or easily.

Point No. 2: I want you to mark this: This condition of extravagance and waste that we find all about us is due, to a very large ex-

tent, to the folly, the lack of wisdom of legislatures that have preceded us, so that a system has been built up here that we are not responsible for, but neither can we eliminate it.

Point No. 3: I want to point out to you that in spite of the fact that we have waste and extravagance, and I admit that that is so, and I could point out many cases where I think it is so, we haven't done anything about it, and I am telling you, at this late period in the session, we are not going to do anything about it this session, but in spite of these facts we need new money to take care of the affairs of this State.

It has been proposed—I saw by the paper yesterday—in the Appropriations Committee, to slash two million dollars from the Public Welfare Department. Do you men and women realize what that means? At the present time it is generally admitted that the poor of this State are not getting what they ought to have to live in a decent manner with the high prices that have arisen. They cannot live on less. Some of them are nearly starving now, but what are you going to do? You are going to force that \$2,000,000 right back on the towns. The towns have to take care of those that cannot be taken care of by the State, and let me call your attention to this fact: That you don't get one single dollar of help when the towns have to take care of your poor. Why, on \$2,000,000 we get some \$1,200,000 from the government, as it stands now. Are any of you going to be asinine enough to strike out \$2,000,000 of that old age assistance and have to throw that back to the towns and lose that \$1,200,000 that we can get from the Federal government? I hope that you are not so short-sighted.

Point No. 3: The schools. It has been pointed out to us that the school teachers of this State are paid pitifully low compared with the teachers in other states, and efforts have been made to increase

their pay, but even if you don't increase their pay a dollar, let me point out these facts: I have looked up the statistics and I find that there are being born in this State of Maine some 24,000 children every year. We have to take care of the education of those children. The statistics show that crime is on the increase. The greatest preventative that we have from crime is education, and members of this House, if you don't provide education for the children of this State, they will tend to seek lower levels just as truly as water runs down hill, and it would be something of a tragedy, I think, if some of you who today refuse to vote money to educate those children find, at a later date, that you, yourself, meet with some loss or misfortune because of the criminal act of some person that could have been prevented from crime if you had had sense enough today to vote for the necessary taxes for their education.

**Hospitals:** Our hospitals need assistance. The Maine General Hospital, the biggest hospital in this State, has reported to us that they are running in the red. They cannot afford to take the poor people who cannot pay for their keep. What does that mean? It means, if a person is so unfortunate as to be poor, he can suffer and he can die for all the members of this Legislature care, rather than to see that those hospitals are helped and that every last one of our citizens who need medical attention get it, whether they have any money or whether they have not.

**Point No. 4:** Our towns. Our towns need more money. They are limited to taxation of real estate. I have been advocating and many others have been advocating here that we do away with the real estate tax of seven and a quarter mills, amounting to more than \$5,000,000 and allow that to go to benefit of the towns and cities, but if we do that, we have to have taxes to take its place. That is why I am for a sales tax that would put that thing over.

I could give many other reasons, but will mention just one more here. You remember that a year ago or more we had a terrible fire that did immense damage in York and Oxford Counties. I am one of the men who advocated calling a special session of the Legislature to help those people. The Governor didn't see fit to do that, but as I understand, there was no appropriation. The Appropriations Committee has allowed about \$156,000 to help those towns tide over their difficulties, so that they can get on their feet. I heartily approve that move. These are sections of the State that have met with misfortune. Tomorrow, it might be your town or my city. Every town is a part of the whole unit. The whole State is affected when one part is injured, and we should come to their rescue.

You remember the story in the Bible told by the Master. He said that He gave to one man ten talents, and when He returned, that man had ten other talents to show for what he had done. He gave to another man five talents, and upon the Master's return, he had five other talents. But there was one man who had one talent, and what did he do? He went and buried his talent in the earth, and when the Master returned he said: "Here, Master, is your talent that you gave me." and the Master condemned that man.

In this House today there are many of you, most of us only have one talent, but many of you are going back home and you are going to say to your people: "I have spent the winter in Augusta; I didn't do anything, but we held our own. We made no progress, but here's your talent." Not a thing done! Oh, men and women, I feel ashamed of you, when you can see the need, and stand back on your selfish attitude, political or otherwise, I know not why. You think you are going to get some commendation when you get home because you do nothing. Oh, God pity you. The people of this State are alive to the fact that this Legislature

ought to do something, and I am with those people who think just that.

Now I have heard it said by some of the members that they have had so many letters from the people at home that told them that they shouldn't have a sales tax. I represent a tenth of the people of the State of Maine, and I have had just two letters from Portland, saying that they are opposed to the sales tax, just two! And week, after week, when I have gone home, I have been asked repeatedly? "What kind of a tax are you going to give us? We think the sales tax is the best tax that you can have."

Ladies and Gentlemen, thank you for listening, but I pray to God to give you the wisdom to act wisely today.

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

Mr. BROWN: Mr. Speaker and Members of the House: It was not my intent this morning to debate in any way the so-called Appropriation Bill. Since the gentleman from Auburn, Mr. Jacobs, called that matter to my attention, I would just like to spend a few moments on it.

On January 4th, when I came to this Legislature, I took this oath as every member in this Legislature, took:

"I, Harry M. Brown, do swear that I will support the Constitution of the United States and of this State so long as I shall continue as a citizen thereof, so help me God.

"I, Harry M. Brown, do swear that I will faithfully discharge to the best of my abilities the duties incumbent upon me as a Representative in the Ninety-fourth Legislature of the State of Maine according to the Constitution and laws of the State of Maine."

I would just like to call your attention to one particular law, Chapter 22, Section 269: "Funeral expenses of persons assisted. On the death of the recipient" (this refers to Old Age Assistance) "On the death of the recipient reasonable funeral expenses not exceeding \$100 shall be paid by the State if

the estate of the deceased is insufficient to pay the same."

The report of the Appropriations Committee which was signed by the majority of the members to which the gentleman from Auburn (Mr. Jacobs) refers, doesn't set up one single dollar in that bill for burial of old age assistance recipients. That means that the towns where they die will have to bury them themselves and everyone of those individuals pauperized. To my mind, I am not living up to the duties of the laws of the State of Maine when I don't try to provide the money to do that thing. There are many other laws on our statute books that provide the same thing.

Another one is in the Department of Education. You have laws on your statute books that say you subsidize cities and towns for equalization, tuition, teaching position, school enrollment, the conveyance of scholars to those schools and several other minor ones to which I will not call your attention.

Now, there are fifty-five cities and towns under the Appropriation Act, the gentleman from Auburn, Mr. Jacobs, suggests that the majority signed, will lose \$80,948, that is fifty-five cities and towns of our four hundred odd municipalities in the State, the remainder of them would lose proportionately.

I state that we are not living up to the laws of the State of Maine if we do not try to provide the money for those things. The gentleman from Auburn also said that the heads of departments had said they could get along with the money provided. Of course, they will get along. What else could they do? If there is no money for them, they have to get along. But, here's how they will do it in one instance.

Department of Health and Welfare, aid to dependent children: The present program is \$50 for one child. Under that proposed Appropriation Act, they would get \$39 for the year 1949-1950, and for 1950-1951, it would be \$27.

Two children would be reduced from \$75 to \$58 the first year and \$45 the second year. Three children

would be reduced from \$95 to \$75 the first year and \$63 the second year. Four children would be reduced from \$115 down to \$88 the first year and \$31 the second year. Five children would be reduced from \$135 (under the present program) to \$103 the first year and \$99 the second year.

And taking care of the State paupers, we will have money enough to pay the bills for only nine months for the first year the balance of three months of the years, the towns, themselves, will have to take care of it.

Now, as to this particular tax bill, it is not the kind of tax bill that I would like to vote for. The one I want to vote for isn't in existence, any more.

However, I feel under the oath that I took, it is my duty to help provide the funds to do things that the laws of our State say we should do and I shall vote for this particular bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I had a prepared address but after listening to the gentleman stating that even we lowly Democrats could have friends, I decided I wouldn't read it, as I wish to retain what friends I might have.

Speaking as a member of the Appropriations Committee, I might state I was one of those who signed the report bringing the budget back to where it was after the Budget Committee had done their work. For one reason, and one very simple reason: There is no money. And even though the bill would be put back where it was, L. D. 1360, when it hits the Governor's office, he can't sign it because there isn't any money. Now, let me give you some figures as far as taxation is concerned when these bills have gone before the people.

In 1920, the people voted on an income tax. For: 53,975. Against: 64,787. The income tax was defeated by only 10,000 votes, 10,812 to be exact.

In 1937, they voted on a sales tax for the same reason. For: 41,482. Against: 80,449. They defeated it by 38,967 votes.

In 1947, on the bonus bill—that bill that was Jalbert's bill and wound up in Williams' lap. For: 60,544. Against: 109,450. A difference of 48,906 votes.

Remember that special session cost the State of Maine \$30,000 to change my name from Jalbert to Williams. I didn't know who I was for a while. I am speaking of the Williams on the other side of the aisle.

Now, it may be true that a sales tax might be stronger here in this House, but it certainly is a fact that it is going to be weak when it goes before the people.

I heard the gentleman, and I have heard them often, and he can give the Democrats all he wants; I can take it and I love to be a Democrat. He states with practically tears in his eyes, that we need this money. Well, if we need it so badly he should vote for all taxation bills, no matter what they are. And I want to stand here before sitting down and publicly commend our House Chairman of the Appropriations Committee. He votes for any and all taxes. I don't always agree with him; he doesn't always agree with me but when he stands up and says we need more money, he is willing at any and all times to be counted on any and all taxation measures to prove that we do need more money.

The SPEAKER: The Chair recognizes the gentleman from Union, Mr. Payson.

Mr. PAYSON: Mr. Speaker and Members of the House: I rise to oppose the motion of the gentleman from Cape Elizabeth, Mr. Chase. It has been said that the right tax has never been devised and when it is nobody will vote for it.

I feel definitely, in view of what has happened in this House since we last voted on the sales tax, that it would be useless for us to attempt to pass this measure.

The Governor, in no uncertain terms, has stated his opposition to it. He says, and I quote:

"The sales tax is a bad tax," and further, "I would hesitate to give my approval to a sales tax as a solution to our problem."

The Governor has not, as yet, publicly expressed himself on this matter. I think every one of us here is also convinced if this bill goes to the people, it will be defeated. I am sure also that we could be justly criticized for passing a tax bill that we knew would fail in referendum. I hope the motion does not prevail.

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

Mr. McCLURE: Mr. Speaker and Members of the House: We have watched the strategy used by the tax and spend bloc. All of us here are in sympathy with not only the poor of our State but the poor of our nation and the poor of the world. Our donations to the poor of all peoples prove that. It is not necessary for strategy's sake to put across any measure, to use sympathy, sympathy, sympathy. The people of Maine send us here for facts and I know the people of Maine will certainly take care of those less fortunate than themselves. The children of Maine also need no defense. We need not sell them short. They are the salvation of not only our State but our nation, and, members, they are not bad, I know that.

This measure has been before us in various forms—just one other tax measure; just another burden on the people of Maine.

Not only the State, as the gentleman from Cape Elizabeth (Mr. Chase) has stated, needs new money but the people of the State of Maine are entitled to some of the money they have saved to take care of their interests.

And, members, I trust that we will have manhood enough to vote against this measure and not send it to the people when we certainly know that it will be defeated and

only at an added expense to the taxpayers of Maine.

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

Mr. BUBAR: Mr. Speaker, the old constitutional war horse, my friend from Portland, has informed us that he represents one-tenth of the people of this State. I want to inform him that I represent them all.

Now, then, I am against this bill because it is a pig in a bag. There isn't a lawyer in this House who understands it, even the gentleman, Mr. Chase, seems not to understand it, and I defy the man who does. And there are no proverbial Philadelphia lawyers here. And, if you can't bring in a bill here that the people can understand, let us import some fellows. Go up on the Allagash and bring down some lumberjacks and they will bring in something. (Laughter)

I know I said I would vote for any tax measure that exempted air, water and vital foods but here you come in with a bill that is nothing more than a prize package out of a rummage sale. I do not know what's in it; there isn't anybody else who knows what is in it.

Let them bring in a bill here that we can understand. Don't tell me that we are all dunces. We will vote for it but don't make the old people the goat for everything. When they want anything, they say if you don't tax them why the old people will suffer, and you just riding around like a goat. Let them bring back the money that they took away from the old people that was voted — the cigarette tax and also the liquor tax they took away from them and, with the matching money, we have plenty of money.

I am not going to vote for this. I am not only answerable to the people up in my district, I am answerable to the entire State of Maine. If the Grange wants to cancel my membership, let them go ahead. I am sure the Ladies' Sewing Circle will take me in as a member. (Laughter) I know that.

Now, then, do you want to raise some taxes? That's what you are all after. Here is a tax that won't hurt anybody. Let's tax the commodities, that's what it says here, that they are exempted from further taxation; let's tax a commodity that is going to enable us to raise more taxes.

Now, then, let's put ten cents on a quart of liquor and five cents on a bottle of beer and we will have an Atlantic Ocean of money and it isn't going to hurt anybody except it might cause a little more flowage down the sewers of Maine. I am against this bill. I thank you.

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

Mr. WOODWORTH: Mr. Speaker, I rise in opposition to the motion of the gentleman from Cape Elizabeth (Mr. Chase). It seems rather unfortunate that the trend of the debate today is on the subject of appropriations and the proponents of the bill seem to think that we who opposed a new major tax are miserly and inclined to neglect our legal responsibilities. We have heard quite a few figures. I would like to mention a few more.

In the year 1939-1940, the appropriations of this State, and I believe my figures are accurately compiled, totaled \$10,274,190. For the year 1947-1948, they totaled \$21,336,089. In a ten year period, there was an increase of more than one hundred per cent. If we keep step, we are doing our share, because the Budget Committee recommended \$23,165,000. Your Appropriation Committee recommends another \$25,000,000 for the first year and over \$26,000,000 for the second year of the coming biennium, an increase of approximately twenty percent which is even an improvement on the record of the last ten years.

The latest estimate of the Budget Committee is approximately \$23,850,000. In ten years we averaged an increase of ten percent each biennium—each year in the biennium. Under the present recommendation, the latest recommendation, of the Budget Committee, \$23,-

850,000; that is approximately ten percent.

Are we miserly? Are we doing our share? I think we are.

Suppose we look at this bill. I am not going to analyze the bill. It is to a certain extent contradictory. It was thrown in, as the gentleman from Cape Elizabeth (Mr. Chase) said, we can cut it down any time and we will change it and nobody knows what it will look like when we get through nailing the corners down. But that's what they are going to do.

I was just going to make two points in my remarks. The first one is that when we discussed the sales tax before, we understood that a budget of some \$51,000,000 for the biennium was the best that your Committee on Appropriations could do. The latest figures show approximately \$2,000,000 less. So, we may proceed upon the theory that even our Appropriations Committee is not infallible. I think the theory that we have to accept the slate of appropriations as first recommended by the Appropriations Committee has been well exploded.

The second point I would like to make is on the subject of assistance to towns. Some very able and conscientious members of this House have said that they would not support any bill unless it did give relief to towns. They talk about equalization of this tax burden. They propose to equalize by taking some of the burden off the towns. Does this bill do it? Is it primarily the purpose of this bill to equalize the tax burden? Nothing like that. The primary purpose of this bill is to get new money. You could read section 30 of the bill which provides that of the money raised by this proposed tax, five and one-half million dollars shall go to the State to meet any appropriations that this Legislature may make and the balance goes to the towns. If you are trying to equalize the tax burden, you know the thing should be just the other way around. You pay the towns first and then give the State what is left.

The point has been generally that some of these people have voted for appropriation bills, knowing that there was no money available. Some years ago, Senator Brewster said, in connection with the federal grants: "We want to stay on this train so long as it is running."

The fact that the members have voted for more tax bills, for more appropriations, than current revenues will pay for does not mean that they are ready to pay the tax. No!!! They want to stay on the gravy train if there is to be one. But, we don't want that and some of the gravy will have to be thrown overboard. That's where we stand.

There may be hardship; I expect there will be hardship. Since we are in a period of deflation, it is reasonable to suppose that there will be more demands for the poor. We expect it. It is a very difficult problem. To my mind, it is the only difficult problem in the formation of the budget. But the gentleman from Auburn, Mr. Jacobs, has already pointed out that we have more revenue. We know that we have a surplus and I think as I have previously said that in my opinion the policy of this Legislature should be retrenchment not expansion. I believe we should retrench every place that we can. I believe we should stop raiding the surplus. I believe we should kill these bills which do not represent absolute necessity and I believe that to insure the fact that no unnecessary appropriation shall be made, we should now take the first step and kill this tax bill. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Webber.

Mr. WEBBER: Mr. Speaker and Members of the House: I am a member of the Appropriations Committee which favored the original Appropriations Bill and I am one of the four who had the courage of my own convictions to sign for a continuation of that on the theory that we need additional funds to satisfy the basic needs of the State.

For some time we have heard

that we would get along on the Governor's budget. I believe that is a myth; I believe that is one that has been exploded in the face of the economy bloc, or should we call them the short-sighted bloc? If it had not been so, the Governor would not have appeared before us here a week ago. When he appeared, it was a confession of need for additional funds for the State otherwise he certainly would not have put in an appearance.

The battle cry since we have been over here is that we must do something for the cities and towns. Now, let us look at the record and see what we have done. We all take great pride in the step that we took in turning back State aid funds to the cities and towns. That comes in the neighborhood of somewhere around a million dollars. With one hand, we give a million dollars and, if no major tax is enacted at this session, my belief is that it will cost the cities and towns several million dollars for the following reasons:

In the first place, aid to dependent children. I have a statement here from the Department of Health and Welfare in which it says that if they have to cut back to a revised lower budget, there will be a decrease of twenty-five percent in the years 1949-1950 and a decrease of forty percent in the years 1950-1951. What does that mean? It means the cities and towns will have to take up the slack.

Secondly, if no major tax is enacted at this session, there will have to be a cut-back in educational subsidies. Where does the cut-back come? These cities and towns have to appropriate additional funds to make up the difference.

At this session, we have had about seventy bills for the creation of school districts. Why is that so? Because of the debt situation most of them have up to five percent or possibly over that, if school buildings are to be erected. Right there is your No. 1 evidence. Cities and

towns need assistance in educational matters.

This very week, a committee came to Augusta from Bangor and tried to point out the great need for private hospitals. I believe that what will happen is that if no additional money is appropriated for assistance to private hospitals, then the hospitals will operate as long as they can and then they will shut the doors on State aid cases if there are no more funds available. What will happen then? The cities and towns will have to come in and fill the gap.

One other item which I think is very serious and that is the item for board of neglected children. At the present time we pay \$24 a month. Just think of it, ladies and gentlemen, \$24 a month; that is not even a dollar a day. How many of you would like to take care of a child for \$24 a month? That is an impossibility, it is an absolute farce.

It seems to me that it is time that we recognized and assumed our responsibilities. If no major taxes are enacted at this session, my contention is that the financial condition of the cities and towns will be considerably worse than before we started this session. There has been a certain amount of criticism that what we need is a combination sales and income tax in the State. That may be true but let us analyze the tax structure as it exists at the present time. At the federal level, we have the federal income tax. That is high enough. If we had a sales tax at the State level and a property tax at the local level, of which most comes from real estate, my belief is that we would then have a balanced tax structure, and I, for one, am in favor of the enactment of the sales tax.

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

Mr. BROWN: Mr. Speaker and Members of the House: Reduction of public expenditures where necessary should be sought through

careful study and constructive economy rather than through budget slashing. Today, in Maine, we, as humble servants of the people who elected us to this Legislature, must carefully, cautiously, openly, and fairly approach the question of the imposition of more and new taxes upon our constituents. We must realize our power and not forget our responsibilities. The power to tax, which is our power, is a power to destroy and the abuse of such power must be contrary to the spirit of our representative form of government. Tax authorities and economists are agreed that all consumer taxes on articles broadly used fall more heavily upon the poor than upon the rich and this is especially true of the sales tax. Therefore, I will vote against any sales tax at this time.

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

Mr. BROWN: Mr. Speaker and Members of the House: I have felt for a good many years that our tax structure in the State of Maine is out-dated and that it needs a thorough overhauling. Each Legislature that has met here in the past has taken a nip at this and a nip at that to tax. As a result, we have a mosaic table of taxes checkered with good and evil and I had hoped at this session of the Legislature, we might do something to rectify that situation. To my mind, there is a serious need for the Legislature in the opening days of the session to have a joint caucus of both Republicans and Democrats because the welfare of the Republicans affects the people of the State and also the welfare of the Democrats affects the people of the State of Maine. And, if we could get together for a week or ten days and thoroughly discuss the situation that we would be facing in the coming session and try to lay down a definite policy, we could vote intelligently on the measures that would be before us.



The way it is now, we are forced into a position whereby we have to jockey the particular issues that we are interested in through the Legislature and in that jockeying our vision is narrowed down to those particular issues that are of most interest to us. And I think we all lose sight of the overall picture of the whole thing. And in the dying days of the Legislature, when we should be doing constructive work, we are all in the position of jockeying our own individual issues and losing sight of the complete overall picture. And a good many issues that have a good deal of merit are lost under the hammer and some that don't have too much merit go through unopposed.

I think the time has come when we should broaden the tax structure of the State of Maine and I think we should end this patchwork system of taxation which we now have.

We have heard frequently during this session that we are heading for a depression and we should retrench. That perhaps might be true; I hope it is not true that we are heading for a depression but suppose it does come? I think all of you who have had experience in local government, both cities and towns, will agree with me on this point that when money gets tight it becomes very difficult to pay your property taxes and in the towns, when the time comes to pay them, some are unable to pay them and the town takes a tax lien on their property and that keeps building up. If you have several years in succession of hard times, then you have a tremendous load of tax liens in the town which does not bring in any money and the whole burden is thrown on the people who do pay or who can pay. Some towns are in the unfortunate position that they can no longer exist as towns but have to be deorganized and taken over by the State.

To me, if we broaden this tax structure, it would help eliminate that foreseeable condition and perhaps make it possible for these

towns and cities to ride out the storm.

Now, I am not entirely satisfied with this tax but show me anyone who can write a tax that will satisfy everybody. It just can't be done, ladies and gentlemen, but I do say that we have a structure here before us, imperfect as it may be, but it is something that we can build on. We can improve it and we can take out the objectionable features. But, if you kill this today you have nothing to work with and you are going back to the old system. Now, I am not saying here that we should expand all our State services. I think that the time has come when we have to have an over-all policy; we have to know when to say that we have reached the end of our rope in this certain direction. We cannot go any further. We have to retrench; we have to economize; we have to find different ways to do the job more economically. We can not always go on and expand State services. We know the time will come when the people will not be able to support them but I do say that we should overhaul the tax structure of the State of Maine and this is one issue that we have before us this minute that we might be able to build on and do that job.

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

Mr. JACOBS: Mr. Speaker, we do not have before us the Appropriations Bill which has been mentioned. When that comes before the House, it is subject to amendments if anyone wants to place amendments upon the bill to correct any things that are wrong in the bill. I took my oath of office, pledge of allegiance, as all you others did here. I am conscientious in the stand that I have taken that I am opposed to the sales tax. Those items which Mr. Brown of Unity mentioned—it is not my purpose to place the old age assistance members who come from towns back on the towns. I will see, myself, that an amendment goes on this proposed bill when it comes into the House to

correct that and we can correct anything that might happen to that bill.

We have \$3,500,000 of that appropriated surplus in the State of Maine's treasury. Bear in mind that \$2,000,000 has been taken out of that amount in the treasury. It is in our hands now, that \$2,000,000, set aside to take care of the bills which accrue from day to day and week to week. It hasn't been expended; we can't touch it but it is here; it is an asset to the State.

Now any of these bills, any amendments, can be brought on to the proposed Appropriations Bill when it comes before you. I want to say to Mr. McGlauffin that his discourse to reach our hearts and touch our sympathies that I believe that with \$7,000,000 to work on in the Health and Welfare Department no child, no sick person, will suffer. He spoke about 24,000 children being born in the State every year who will enter our schools. What about the 30,000 that are graduating, going out of the schools to take their places in life? That doesn't mean anything, they come and go.

I am for economy and I don't like this bill and I don't believe it should pass. When the vote is taken, I will request that it be taken by a yea and nay.

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

Mr. MUSKIE: Mr. Speaker and Members of the House: I just want to interpret the gentleman, Mr. McGlauffin's proffer of friendship as an invitation to join in this discussion. I am amazed, from time to time, at the cordiality of the invitations that are tendered to the Democrats in this House. Sometimes we let ourselves be carried away by that cordiality, and, in an attempt to rely upon it, we find ourselves promptly slapped down; but I will join with that gentleman in his wish that we reconsider this very vital problem from our individual sense of the duty which should lead us to a conclusion.

The oratory of that gentleman

and of the gentleman from Cape Elizabeth, Mr. Chase, was very persuasive. I was impressed with the sincerity of Mr. Chase's desire to provide certain additional services, which he itemized, until I remembered that a week ago he voted against a tax bill which would provide those services. I was impressed with his tolerance toward the technical defects of this bill until I remembered his lack of tolerance toward similar defects in the income tax bill. I was impressed with his argument that the sales tax had greater strength in this House than the income tax, until I remembered that only one tax that has been before us has received the support of either branch, the income tax. So, when I remembered all those facts, it seemed to me we were debating something here this morning that was the last straw of people who would like to tax someone other than themselves.

If I were to be limited in my remarks this morning to one sentence, I would repeat a sentence that I used in previous debate on this tax: "It is a futile gesture."

I would be interested to know the outcome of a poll of people who would vote for this tax this morning where only one question to be asked: "What is your estimate of the survival of this tax referendum that is provided? And if they will answer that question from the same sense of duty which the gentleman from Portland, Mr. McGlauffin asks us to assume in voting this morning, I think that most of them would agree that this tax does not have the slightest chance of surviving in referendum.

The gentleman from Portland, Mr. McGlauffin, with whom I joined yesterday and with whom I disagree today, used the technique of trying to fill us with alarm as a result of newspaper stories this morning on this action of the Appropriations Committee. I have taken two or three of the figures which he used, and I am going to try to present them to you in their light.

He mentioned, for example, that there would be a cut of two million dollars in aid to the aged. I have here before me the budget document. I find from examination of that document—at least I think I can find it if I can remember the page where this was—that in the current biennium the appropriation for old age assistance was \$2,700,000 for the first year, \$2,600,000 estimated for the second year. The Department requested, before we enacted legislation increasing Old Age Assistance, the Department requested a decrease when this budgeted document was prepared, it requested a decrease to \$2,256,000 the first year of the coming biennium, and \$2,300,000 the second year. The budget committee was able to recommend within estimated revenues an increase above the department request to \$2,430,000 the first year and \$2,430,000 the second year.

I have before me what I presume to be the appropriations document that will come before us sometime next week, and I find that their recommendation is \$2,610,000 the first year and \$2,610,000 the second year of the biennium, which is an increase over the budget recommendation, and I presume within anticipated revenues, as has been there stated, perhaps. I cannot see from those figures that there is any reduction to the extent of \$2,000,000 recommended in old age assistance grants.

We were given the figures on the Department of Education. We were told that this would be cut drastically. I have those figures before me. The appropriation for the Department of Education for the current biennium was \$5,310,000 the first year and \$5,846,000 the second year. The budget recommendation was an increase over this appropriation to \$5,918,000 for the first year and \$5,917,000 for the second year. The appropriations document, which will come before us, provides for a slight increase above the budget recommendation, \$5,939,000 for the first year and \$5,930,000 the second year. There again there is

no cut over present appropriations in the budget recommendations.

We have been told that there is no provision for old age assistance burials. The current appropriation for those purposes has been \$65,000 for each year of the biennium. The budget document was able to recommend for this purpose within anticipated revenue \$60,000 for each of the coming years of the biennium. This appropriations bill, I admit, provides nothing, but the budget committee was able to recommend virtually the same appropriation within anticipated revenues.

I have not had time here in the minutes that I have been listening to this spirited oratory to trace down all the figures that have been motioned, but I think those that I have discussed with you are illustrative of the fact that present revenues will permit the continuation of the present services and some expansion up to ten per cent over appropriations for the past two years.

Now we have heard a lot from time to time about the necessity for broadening the tax base and eliminating our patchwork system of taxation, and every time I hear that description "patch-work taxation" I think of the story of a balding friend of mine who went to his barber to get some hair restorer. He took it home, and a few days later he came back. The barber says, "How are you making out with that hair restorer?" "Fine," he said, "I had two bald patches before and I have just one now." (Laughter)

I think that is quite descriptive of this argument that we substitute for some of that patchwork taxation this bigger patch, the sales tax. My friend, Mr. Bubar, accurately described my confusion with regard to this tax when he said, "Not a lawyer in the House understands it." In all humility I bow before his accusation. I do not. I might be able to if I spent more time on it, but I think it would be wasted time; I think we have indicated

our opposition to the principle for which it stands. If we want to pass a tax and submit it to the people, we have one which has been approved by one branch of this Legislature. Both branches have defeated this present tax resoundingly. The people have indicated in past referendums they do not want it. Let's kill it today. Let's forget about nailing down one corner. Let's kill it and bury it and bring that other one over from the Senate, decide whether we want that one, and then let's get down to the business of making our appropriations within whatever revenue we provide, get our work done and go home, and I think the people of Maine will be very, very pleased.

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

Mr. DOW: Mr. Speaker and Members of the House: It is not my purpose, at this time, to defend the bill; that has already been done. I do want to refer briefly to two of the arguments that have been made.

The gentleman from Auburn, Mr. Jacobs, stated that one of his principal objections was that it taxed the products he sold but didn't tax the products sold by the grocers, something to that effect.

I can't speak for the whole committee, but as a member of the committee, I believe they will look favorably on an amendment by him possibly to the effect that the State Tax Assessor when it could be shown that the sale of any product was to a person who was not a consumer of food, the tax might be exempted.

Then, the other reference was to the gentleman from Blaine, Mr. Bubar. He is a pretty good old fellow in some respects and that is no disrespect when I say "old fellow," because he is younger than I am. But, I am amazed at the argument that he made this morning, when yesterday afternoon, in the corridor, he told me that he had promised recently to support any bill

which exempted the food of the poor man or something to that effect and that he is going to keep his promise and that he would support this bill because it exempted food products. I have hard work to reconcile that statement with the one he made this morning. Thank you.

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: I will only take one minute. I could not sit here and listen to all this argument if I did not get up and say something. I think my friend, Mr. Jacobs of Auburn, gave a very good argument for accepting the "Ought to pass" report of this committee, backed up by Mr. Chase when he said that there were twenty-four pages in this bill and that nobody had had time to read it.

This bill was only placed on my desk yesterday morning, and yesterday was a rather busy day. Everyone knows that a bill can be killed anywhere along the way. Now we have all kinds of blocs, the economy bloc, the tax and spend bloc, no tax bloc, radical bloc, even a porcine bill bloc. I know it is late in the session, but I want to start a new bloc; I want to start on educational bloc. Now it is unfortunate that no one on that Educational Committee is aspiring to obtain a seat in Congress. If there had been, we would have had an educational bloc a long time ago. (Laughter)

Now I believe that we must do all we can for education. This may not be the right tax, but I believe we ought to keep it alive until next week so that we will have time to take a good look at it; and, as humble servants of the people of the State of Maine, I think we ought to do something for them. Thank you.

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

Mr. MCGLAUFLIN: Mr. Speaker, just a word.

If the argument of my Brother Muskie prevails, I would like to ask: What is the use of the Appropriations Committee at all? If the Budget Committee establishes what is to be done in the State, why have any appropriations bill?

I want to call your attention to this fact: The gentleman from Waterville is a Democrat, a good one, I admit, but he is trying to direct the Republicans what to do, and most of you are falling for it. I want to call your attention to the fact that the Republicans are responsible for what is done in this House, and I can imagine the glee with which these Democrats will go home and say: "We put those damn Republicans in their hole."

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

Mr. BUBAR: Mr. Speaker, I would just like to explain one statement that I made, and I did make it: That I would support any tax measure that exempted air, water and vital foods. But they bring this thing all tied up in a big; they don't know whether it is a pig or what it is; they don't know whether it is a tame pig or a wild jackass. That is the reason I can't support it. If you do not kill this now before next election day, the citizens of Maine are going to arise and kill us all.

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

Mr. CHASE: Mr. Speaker, a few moments ago my friend got a little personal in a nice kind of way. He made a point in regard to the difference in my attitude between the sales tax and the income tax. He seemed to criticize me because I criticized the income tax.

I have made no objection to anyone criticizing the technical points of this sales tax bill. I invited this House yesterday, in view of the fact that it would be unreasonable to expect any member of this Legislature who was not a tax expert to handle technical questions on the floor, I invited everyone here who had questions they wanted to ask

regarding the meaning of that bill to bring those questions to me so that when those questions were raised they could be answered with an authoritative and expert opinion behind the answer. Not one single person who has spoken here in opposition this morning gave me such a question.

Now in regard to my attitude on the income tax: I believe that members of the last Legislature will recall that I submitted in this House, from a seat two removed from where I now stand, a proposition to revise the tax structure of this State which involved a sales tax at a low rate to raise the urgently needed revenue, and that as a part of the same proposition, I proposed an income tax to be submitted to the people as a substitute for the State property tax. The record will show that, and the record will show that when a vote was taken—and it is my impression that it was taken by a division; and it is further my recollection, and the gentleman from Waterville, Mr. Muskie, can correct me if I am wrong—that my proposition failed in this House because practically all of the Democrats voted against it. So much for my attitude.

Now the members of my party have heard me express my attitude, and they know that I did not come here with any tax measure or committed to any tax measure, and that I so said to them, and that as a member of the Taxation Committee I was going to try to work out the kind of a measure which my party seemed to prefer, and I did so.

My personal inclination earlier in this Legislature—and there are members here who know that this is so—was to work for a consolidated bill with a sales tax in it, with a personal income tax in it, but to put the corporations in too—and that is the same objection I made to the income tax in the last Legislature, that the burden of it was thrown onto the already heavily-taxed middle class and none was being put on the corporation.

I think I am justified in saying this to the House in answer to what has been said regarding my attitude. The gentleman from Fairfield, Mr. Woodworth, told you that this tax bill would not relieve the towns by removing the direct property tax in full. May I call to your attention the fact that such a bill presented here a few weeks ago which would have lifted the property tax in full, and that the gentleman from Fairfield voted against it.

The **SPEAKER**: The Chair recognizes the gentleman from Lovell, Mr. McKeen.

Mr. **McKEEN**: Mr. Speaker, speaking of blocs, I would like to quote from this morning's Press Herald. The best thing I have heard was the statement made by our most gracious gentlewoman from Rumford, Miss Cormier, that she thought it was about time that we stopped using our "blocs" and started using our heads.

I thought that perhaps some of the members would like to know just what the people back home are thinking about the present Legislature. I am quoting from this morning's Press Herald:

"With the session of the present State Legislature nearly completed, it is time to appraise their accomplishments. The writer, after looking at their attempts, would like to offer a suggestion that they immediately leave for home, and save the state some more embarrassment.

President Truman labeled the 80th Congress, the 'Do Nothing Congress.' They accomplished miracles in comparison to the present State Legislature. With old age pensions, veterans bonuses, better roads, and boosting of the states industries on the agenda, the present so-called legislators took two days deciding to vote on whether or not to smoke in session. Outside of that the aged are still waiting, the vets got double-crossed again (this seems to be a habit in Maine) and the teachers still are low paid.

Look at these lawmakers, people of the State of Maine. Remember their names. History will reveal that we lived in the era that the

worst State Legislature in the history of Maine was in session."

As I remember, I voted for most of the tax measures. I feel there is need for more money if we are to carry on the things that we should. It seems remarkable to me that some of the legal minds in the State of Maine cannot see why there is any great increase needed from year to year.

Take this suit of clothes that I have on. Twelve or fourteen years ago I could have bought this suit for fifteen dollars. I think I paid sixty or sixty-five dollars for it. The necktie I am now wearing I could buy for a quarter, and I paid a dollar for this one, and it is not so good a one either. So I cannot see how we can expect that we are going to operate under the same budget that we did twelve or fourteen years ago.

I am not speaking in favor of this measure. I do not think I would vote for it. I do not like it. But we have had several tax measures up before this House that were desirable and I call them very good measures, and I have no doubt but what we will have others; and I hope when the right time comes we can put something across and go back home and say we did do something in the 94th Legislature.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do accept Report "A", "Ought to pass in New Draft" report.

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

Mr. **McCLURE**: Mr. Speaker and Members of the House: I have learned from experience that any man seeking to further serve his people first has to establish a record for all the people. Strange as it seems, after hearing my colleague Mr. Winchenpaw, speak, I find that he comes from a town of all places named "Friendship."

The **SPEAKER**: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House accept

Report "A", "Ought to pass in New Draft" report of the committee.

The gentleman from Auburn, Mr. Jacobs, has requested that the vote be taken by the yeas and nays.

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

Mr. MILLETT: Mr. Speaker and Members of the House: We are about to vote on whether we will accept the report of the taxation committee or the motion of the gentleman from Cape Elizabeth (Mr. Chase) on this tax measure.

Now, if I understand it, if we vote to go along with his motion, we can then amend this tax measure perhaps to our liking, and I think it is worth while to consider the gentleman's motion. I am not in favor of this measure as it is now, and I realize that probably the majority here are not in favor of it as it now stands; but it can be altered by amendments.

I would like also to remind the gentlemen here who believe that we need some new revenue to operate for the next two years that have listened to a few of these gentlemen's arguments who have consistently voted for measures that call for money and they vote against every tax measure.

Now I will vote for the motion of the gentleman from Cape Elizabeth, and then I hope if it succeeds that we can amend this bill and perhaps have something that the majority would go along with. If this fails, I will vote for the income tax that is over in the Senate. I did not vote for it at the time because it had the referendum clause in it. But I believe that these gentlemen who have made a study of the conditions and the needs, that the majority of them were in accord that we needed more money, and I believe it is our duty to provide the necessary funds to carry out the laws as they exist.

I have been a member of the Board of Selectmen in my town for quite a number of years in the past, and I realize, when you go to slash in here, where the difference

will come from. The differences in these slashes will go right back to the towns, be put right onto the towns and make an added burden to the direct property tax.

Now I hope that we won't be misled by a few gentlemen here that say they belong to the economy bloc. I do not think there is any such a thing as an economy bloc in this House nor a tax and spend bloc, but I believe that the majority of us want to do what is best for the State, and I hope, before we cast off every chance of revenue here in this House, that we will stop and remember that we have to go back in these communities and face the people.

When the slashes in education and welfare work take place, and when a needy family or the family without funds has a member who has to go to the hospital, I know what will happen if there are not funds there to take care of it so they can receive part of the reimbursement from the State. The superintendent of that hospital will call the overseers of the poor in that community and notify them that they cannot take those parties unless they pay the bill, and you have added another family to your pauper list.

I cannot go back to my people and say that I voted in a manner that would cause such methods to exist in the future.

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

Mr. BURGESS: Mr. Speaker and Members of the House: I want to assure you that my remarks will be very brief.

Several weeks ago, I, like most of you people, had hoped that a complete revision of the tax structure in Maine could be accomplished. Although we have been in session for many weeks and it seems, perhaps, at times that we have accomplished nothing, it is my honest opinion that the discussions that we have had not only today but on previous occasions, have all the more convinced the

people throughout the State as well as most of us that that revision is necessary.

I am honestly proud of the position the House has taken, the individual initiative they have taken for and against not only tax measures but appropriation bills. I do not speak exclusively on the one that the Appropriations Committee have previously submitted. I mention the educational bills and various other bills which would require money.

It would seem to me that the House has set a course in trying to accomplish and do a good job. This morning I believe the issue is this; whether or not you choose the vehicle which is now presented to us as the best method of accomplishing the end which I believe we are mostly agreed upon.

A great deal has been said here relative to the Appropriations Bill. I think we are pretty much in accord that the State needs new money and we are pretty much in accord that the towns without a tax collected on a State level would be left in a most difficult position, and more so in event of a depression.

Now I say nothing for or against the measure which is now under discussion; I simply point out that the issue is whether or not this is the proper vehicle. I thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do accept Report "A", "Ought to pass in New Draft" report. The gentleman from Auburn, Mr. Jacobs, 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. Those desiring the vote to 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 in order.

The Chair recognizes the gentleman from Houlton, Mr. Robbins.

Mr. ROBBINS: I ask the consent of the House to be excused from voting when my name is called

because of the fact that I have paired my vote with that of the Representative from Presque Isle, Mr. Jamieson, who has been called away this morning on account of death in his family. If present, Mr. Jamieson would vote "No" and if I voted, my vote would be "Yes".

The SPEAKER: Is it the pleasure of the House that the gentleman be excused from voting for the reason stated? It is a vote.

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 accept Report "A", "Ought to pass in New Draft."

Those in favor of the acceptance of Report "A", "Ought to pass in New Draft" will say yes when their names are called; those opposed will say no.

The Clerk will call the roll.

#### Roll Call

YEA—Albee, Arthur, Bates, Benn, Bennett, Berry, Bird, Boothby, Brown, Unity; Brown, Wayne; Bucknam, Burgess, Rockland; Carter, Carville, Chapman, Chase, Chute, Clements, Cobb, Cook, Dow, Dunham, Eastman, Fuller, Hayes, Hill, Hobbs, Acton; Johnston, Knapp, Lackee, Longstaff, Marble, Marsans, Martin, Frenchville; McGlauffin, Merritt, Millett, O'Connell, Parker, Patterson, Plummer, Pullen, Ricker, Roundy, Sanborn, Sargent, Sharpe, Silsby, Spear, Stanley, Taylor, Tyler, Webber, White, Auburn; Winchenpaw.

NAY — Ames, Atherton, Boulier, Brown, Baileyville; Brown, Bangor; Brown, Durham; Brown, Robbinston; Bubar, Burgess, Limestone; Campbell, Augusta; Campbell, Garland; Campbell, Guilford; Carle, Castonguay, Chaples, Clapp, Cole, Cormier, Cyr, Dennett, DeSanctis, Dorsey, Dostie, Lewiston; Dostie, Winslow; Dudley, Dufresne, Duquette, Faas, Farley, Fay, Fitch, Foley, Gates, Gauthier, Gauvin, Gerrish, Grant, Gray, Hall, Hanson, Hayward, House, Jacobs, JAlbert, Jewett, Johnson, Jones, Kelly, Kent, Labbe, Lacharite, Larrabee, Bath; Larrabee, Westbrook; Latno, Laughton, Lessard, Letourneau, Littlefield, Ludwig, Malenfant, Martin, Augusta; Martin, Eagle Lake; Maxwell, McClure, McEnery, McGown, McKeen, Merrill, Muskie, Nadeau, Payson, Philbrick, Phillips, Prince, Spring, Stevens, St. Pierre, Thomas, Thompson, Brewer; Wight, Bangor;



Williams, Auburn; Williams, Topsham; Woodworth, Wormwood.

ABSENT—Bearce, Hobbs, So. Berwick; Jamieson, Jennings, Leavitt, Maxell, O'Dell, Paine, Palmer, Robbins (Excused, paired with Jamieson of Presque Isle), Sanderson.

Yes 55, No 84, Absent 11.

The SPEAKER: Fifty-five having voted in the affirmative and eighty-four having voted in the negative, and eleven being absent, the motion to accept Report "A", "Ought to pass in New Draft" does not prevail.

Is it now the pleasure of the House to accept Report "B", "Ought not to pass"?

Thereupon, Report "B", "Ought not to pass" was accepted.

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 in accepting the "Ought not to pass" report of the committee. A vote against my motion will be a vote against this

sales tax bill, and I hope you will vote "no" on my motion.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that the House do now reconsider its action just taken whereby it accepted Report "B", "Ought not to pass" of the committee. Is the House ready for the question?

Those who favor reconsideration will say aye; those opposed no.

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

The SPEAKER: The House is proceeding under Orders of the Day.

The Clerk will read the notices.

The question before the House at the present is that the House adjourn until 1:00 P. M. Eastern Standard Time on Monday, April 25th, 1949. Is this the pleasure of the House?

Thereupon, the House so adjourned.