

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

1951

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Tuesday, April 17, 1951.

The Senate was called to order by the President.

Prayer by the Reverend Alfred J. N. Henriksen of Augusta.

Journal of yesterday, read and approved.

From the House

“Resolve Proposing an Amendment to the Constitution changing the Tenure of Office of the Governor to Four-Year Terms.” (S. P. 34) (L. D. 17)

(In the Senate, on February 28th, the bill was substituted for the “Ought Not to Pass” Report of the Committee, and passed to be engrossed.)

Comes from the House, the Ought Not to Pass Report read and accepted in non-concurrence.

In the Senate, on motion by Mr. Allen of Cumberland, the Senate voted to recede from its former action whereby the bill was substituted for the report and the Ought Not to Pass Report of the Committee was accepted in concurrence.

The Committee on Legal Affairs on Bill “An Act Relating to the Enforcement of the Liquor Laws,” (H. P. 1321) (L. D. 882) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report and referred to the Committee on Liquor Control.

In the Senate, on motion by Mr. Weeks of Cumberland, the Ought Not to Pass report was accepted in non-concurrence.

Sent down for concurrence.

Bill “An Act to Clarify Certain Provisions of Motor Vehicle Law.” (S. P. 72) (L. D. 78)

In the Senate, on March 30th, passed to be engrossed as amended by Committee Amendment “A.”

Comes from the House, passed to be engrossed as amended by Committee Amendment “A” and by House Amendments “A” and “B” in non-concurrence. (Amendment Filings No. 144, 172 and 213)

In the Senate, on motion by Mr. Allen of Cumberland, the rules were suspended and the Senate voted to reconsider its former action

whereby the bill was passed to be engrossed; House Amendments “A” and “B” were adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

The Committee on Appropriations and Financial Affairs on Bill “An Act Relating to Cost of Living Adjustment Plan for State Employees,” (H. P. 1071) (L. D. 679) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on Appropriations and Financial Affairs.

In the Senate:

Mr. LEAVITT of Cumberland: Mr. President, the Appropriations Committee will have an executive session this afternoon to discuss this matter and I move that this be placed upon the table until after that discussion.

The motion prevailed and the bill was laid upon the table pending acceptance of the report.

The Committee on Claims on “Resolve in Favor of Cecil Packard of Unity,” (H. P. 258) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on Claims.

In the Senate:

Mr. WEEKS of Cumberland: Mr. President, I move that the Senate accept the Ought Not to Pass report.

Thereupon, on motion by Mr. Greeley, the resolve was laid upon the table pending motion by Senator Weeks that the Senate accept the Ought Not to Pass report.

The Committee on Claims on “Resolve in Favor of the Town of Woolwich,” (H. P. 223) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on Claims.

In the Senate, on motion by Mr. Weeks of Cumberland, the Ought Not to Pass report was accepted in non-concurrence.

Sent down for concurrence.

The Committee on Inland Fisheries and Game on Bill “An Act Relating to Fishing Licenses for Boys’ and Girls’ Camps,” (H. P. 1410) (L. D. 1018) reported that the same ought not to pass.

Comes from the House, recommitted to the Committee on Inland Fisheries and Game.

In the Senate, on motion by Mr. Ela of Somerset, the Ought Not to Pass report was accepted in non-concurrence.

Sent down for concurrence.

The Committee on Education to which was recommitted Bill "An Act Relation to Tuition High School Pupils in Mechanic Falls," (H. P. 458) (L. D. 280) reported that the same ought to pass.

The Committee on Highways on Bill "An Act Amending the Act Creating the Maine Turnpike Authority," (H. P. 685) (L. D. 415) reported that the same ought to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Town Ordinances for Junk Yards," (H. P. 1431) (L. D. 1037) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Automobile Junk Yards," (H. P. 1620) (L. D. 1185) reported that the same ought to pass.

The Committee on Sea and Shore Fisheries on "Resolve Relating to Taking of Crabs in Cumberland County," (H. P. 850) (L. D. 489) reported that the same ought to pass.

The Committee on Towns and Counties on Bill "An Act Relating to the Salary of the Sheriff of Knox County," (H. P. 1237) (L. D. 789) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the bills and resolve read once and tomorrow assigned for second reading.

The Committee on Highways on "Resolve in Favor of Westmanland Plantation," (H. P. 275) reported the same in a new draft (H. P. 1697) (L. D. 1277) under the same title, and that it ought to pass.

The Committee on Legal Affairs on Bill "An Act Regulating Closing-Out Sales, So-Called, and Similar Types of Sales," (H. P. 1650) (L. D. 1220) reported the same in a new draft (H. P. 1698) (L. D. 1278) under the same title, and that it ought to pass.

The Committee on Public Utilities on Bill "An Act to Incorporate the

Wells Beach Sewer District," (H. P. 1127) (L. D. 712) reported the same in a new draft (H. P. 1699) (L. D. 1279) under the same title and that it ought to pass.

Which reports were severally read and accepted in concurrence, and the bills and resolve in new draft read once and tomorrow assigned for second reading.

The Committee on Highways on Bill "An Act Designating a Certain Road as 'Moosehead Trail'," (H. P. 1222) (L. D. 776) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act Amending the Charter of the Town of Fort Fairfield Relating to the Number of Councillors," (H. P. 1588) (L. D. 1160) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Public Utilities on Bill "An Act Relating to Gardiner Water District," (H. P. 1062) (L. D. 642) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Towns and Counties on Bill "An Act Relating to Funds of Volunteer Fire Departments," (H. P. 1489) (L. D. 1095) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended were tomorrow assigned for second reading.

The Majority of the Committee on Inland Fisheries and Game on Bill "An Act Relating to Casualty Insurance for Hunters," (H. P. 429) (L. D. 250) reported that the same ought not to pass.

(signed)

Senators: ELA of Somerset
WIGHT of Penobscot
SMART of Hancock

Representatives:
CARVILLE of Eustis
BEARCE of Caribou
CHASE of Belgrade
PLUMMER of Lisbon

The Minority of the same Committee on the same subject matter reported that the same ought to pass as amended by Committee Amendment "A".

(signed)

Representatives:

DENNISON of East Machias

WATSON of Moose River Plt.

FRECHETTE of Sanford

Comes from the House, the Majority Report read and accepted.

In the Senate, on motion by Mr. Wight of Penobscot, the Majority "Ought Not to Pass" report was accepted in concurrence.

So far as I have any knowledge, the resolve if received, should not delay the progress of the legislature and with this explanation I hope the resolve will be received by unanimous consent.

Thereupon, unanimous consent was granted for the introduction of Resolve Authorizing the Maine General Hospital to Convey Certain Lands to Maine Medical Center (S. P. 547) and on motion by that Senator the resolve was referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

Senate Paper

Mr. Sleeper of Knox presented "Remonstrance of George D. Varney of Kittery and 34,831 Others in Opposition to a Sales Tax." (S. P. 546)

On motion by Mr. Barnes of Aroostook, the Remonstrance was laid upon the table pending consideration.

First Reading of a Printed Bill

Bill "An Act Relating to Location of Public Utility Structures." (S. P. 542) (L. D. 1285)

Which was read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Collins from the Committee on Towns and Counties on Bill "An Act to Increase the Salary of the Judge of the Norway Municipal Court," (S. P. 281) (L. D. 620) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Increasing Salaries of Oxford County Officers and Clerk Hire," (S. P. 445) (L. D. 1008) reported that the same ought to pass.

Which reports were severally read and accepted, the bills read once, and tomorrow assigned for second reading.

Mr. Collins from the Committee on Towns and Counties on Bill "An Act to Increase the Salary of the County Commissioners of Kennebec County," (S. P. 396) (L. D. 943) reported that the same ought to pass as amended by Committee Amendment "A".

Mr. Haskell of Cumberland was granted unanimous consent to address the Senate.

Mr. HASKELL of Cumberland: Mr. President and members of the Senate, at the present time there is pending in the city of Portland, a project whereby the Maine General Hospital, the Maine Eye and Ear Infirmary and the Children's Hospital may form into one unit to be known as the Maine Medical Center so as to integrate these hospital services.

The site of the Maine General Hospital was conveyed to it by the State of Maine by a resolve dated March 19, 1870 which contained the following clause: "to have and to hold, the said corporation, for purposes of erecting and maintaining thereon its hospital buildings and when such land ceases to be so used it shall revert to the state".

In order that this project may proceed, the Maine General Hospital must be authorized to convey its property to the Maine Medical Center. It is proposed under a resolve which I hope may be received by unanimous consent, to permit this to be accomplished.

However, in the resolve as it is drawn, the same restrictive clause still applies, mainly that the property previously used for the hospital purposes will still revert to the state of Maine. This is in the public interest. No private interests are involved. It seems to me that it is a matter which the legislature should expedite by passing remedial legislation at this session.

Which report was read and accepted and the bill read once; Committee Amendment "A" was read.

Committee Amendment A to L. D. 943 "Amend said bill by striking out in the last line thereof the underlined figures '\$1500' and inserting in place thereof the underlined figures '\$1250'."

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

Passed to be Engrossed

Bill "An Act Relating to Salary of Clerk of Courts of York County." (H. P. 762) (L. D. 449)

Bill "An Act to Increase the Salary of the Judge of the Calais Municipal Court." (H. P. 1068) (L. D. 648)

Bill "An Act to Authorize the Treasurer and County Commissioners of Knox County to Procure a Loan to Remodel the Court House." (H. P. 1215) (L. D. 772)

Bill "An Act Permitting Closing of Banks on Saturday." (H. P. 1255) (L. D. 829)

Bill "An Act Relating to the County Law Library of Franklin County." (H. P. 1366) (L. D. 957)

Bill "An Act Relating to Closed Season on Pheasants." (H. P. 1479) (L. D. 1086)

Bill "An Act Relating to Junior Guides." (H. P. 1533) (L. D. 1126)

"Resolve Regulating Fishing in Certain Waters in Franklin County." (H. P. 1535) (L. D. 1128)

Bill "An Act Relating to Fees for Boiler Inspection and Certificates." (H. P. 1679) (L. D. 1347)

Which were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Relating to Cooperative Agricultural Extension Work." (H. P. 442) (L. D. 295)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be engrossed.)

Bill "An Act Providing for Funds for Civil Defense and Public Safety." (H. P. 792) (L. D. 472)

Bill "An Act Establishing a Tri-State Authority to Enable the Collective Construction and Operation of Institutions in Maine, New Hampshire and Vermont." (H. P. 928) (L. D. 541)

Bill "An Act Relating to Adulterated Meat or Meat Products." (H. P. 954) (L. D. 566)

Bill "An Act to Amend the Charter of the City of Augusta by Providing for the Appropriation of School Funds by the City Council." (H. P. 1178) (L. D. 745)

Bill "An Act Relating to the Recorder of the Brewer Municipal Court." (H. P. 1348) (L. D. 923)

Bill "An Act Relating to Stamping of Meat for Human Consumption." (H. P. 1400) (L. D. 1061)

"Resolve in Favor of the Town of Stockholm." (H. P. 1593) (L. D. 1165)

Which were severally read a second time and passed to be engrossed, as amended in concurrence.

Bill "An Act Relating to the Salaries of the Judge and the Recorder of the Millinocket Municipal Court." (S. P. 283) (L. D. 622)

Bill "An Act Relating to Schooling in Unorganized Territory." (S. P. 353) (L. D. 881)

Which were severally read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

Orders of the Day

On motion by Mr. Crosby of Franklin, the Senate voted to take from the table House Reports from the Committee on Taxation on bill, An Act Imposing a Sales and Use tax and Repealing Certain Taxes (H. P. 92) (L. D. 44)—Majority Report "Ought to Pass in New Draft under New Title, An Act Imposing a Sales and Use Tax (H. P. 1695) (L. D. 1273)—Minority Report "Ought Not to Pass" tabled by that Senator on April 16 pending the motion by the Senator from Franklin, Senator Crosby, that the Senate accept the Majority Report.

Mr. CROSBY of Franklin: Mr. President and members of the Senate, I think that the Taxation Committee did an excellent job in drafting this sales tax bill. I believe they considered it to be a fair and equitable bill. Under this bill, industry would apparently pay its fair share of the tax and so far as I can find out, industry is willing to pay its fair share.

I hope this morning that the committee ought to pass report will be accepted and the bill given

its first reading, and then tomorrow when it comes up for second reading we may have a frank, honest debate, and those who are not wholeheartedly in favor of the bill and would like to change it some, at that time will have their amendments prepared and bring them in for debate. I hope that my motion to accept the ought to pass report of the committee will prevail. When the vote is taken, I ask that it be taken by division.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I am sorry that I cannot concur with my good friend, the floor leader of the Republican party that this is a fair and equitable bill. I cannot agree with him that a sales tax is a fair tax. I don't want to discuss it this morning and I shall wait until tomorrow morning to discuss it as the Senator has suggested. I did want to oppose it immediately so as not to leave any thought in the mind of anyone that the Democratic party is in favor of a sales tax such as this tax is. Therefore, I will ask for a Yea and Nay vote on this question of accepting the ought to pass report of the committee.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I do hope you will go along with the motion of the Senator from Franklin, Senator Crosby. I would cite to the Senate that we in Appropriations Committee gave you a chance to cut, but obviously you felt that it was not necessary so you upped our recommendations considerably by Senate Amendments.

When I came to the legislature the first of the year, I was convinced that we could live within our income, but after several weeks of pondering over the financial problem in the appropriations committee, we lopped off about three million dollars from what was suggested in the Governor's budget.

The Senator from Androscoggin, Senator Boucher, says he is opposed to this particular tax bill and thinks it unfair. But, at one of our committee hearings, when the Senator was appearing for a bill that involved considerable money, he made the statement that if he was convinced we needed new revenue, he would vote for a tax meas-

ure although he did as an afterthought say, if it was necessary. I don't know how anybody, any group, or individual, could go about showing that we are living beyond our means. Possibly this tax bill is not all that is desired. Various members have their ideas of whether it should be across the board, with exemptions, and possibly should relieve the real estate tax. Nevertheless I contend that we do need new revenue and to those that are so bitterly opposed to this particular bill I would suggest that they tell us what we can use for money. Wampum? Or what?

Personally, I am not so sure but that it is the intent to sabotage this particular bill. I have almost come to the conclusion that possibly it would be wise to adjourn without raising any new money, and then when the towns don't receive their checks and the teachers don't receive their pay and institutions are suffering from lack of funds, I think that many of those who are convinced that their people back home don't want a sales tax, might be convinced that we do need new revenue and possibly a sales tax would be a good answer.

I want to point out again that I do not like this particular tax but at the same time I can't conceive of any tax that could be instituted at this time that wouldn't crack me one way or another. I also labor under the philosophy that if the state doesn't get it, the federal government will and I am convinced as we go along with our socialistic leanings that eventually we will have two classes of people left, one poor and the other poorer.

I believe that everybody whether they earn five dollars a week or five thousand, should contribute their proportionate share toward maintaining their state and federal government. The federal government has seen to it that they have. They have also, the federal government, proceeded, which was an easy matter to do, to go out and soak the rich, but I think most of you will agree that there are very few rich people in the world and if we cleaned out what they have, it still wouldn't be enough to carry out fundamental opera-

tions. There is only one other course to take and that is to go to the middle and lower brackets and ask them to carry their share. Whether or not this group who have the vote will eventually recognize what is being done to them and be willing to vote this line of thought out, time alone will tell. The only thing we can go on is past performance, records of the past, and if we are to go by those, I point out to you that in ten years time the state business has practically doubled in income and expenses.

With increased costs such as you and I have experienced in our own businesses we can readily see why we need new money. I am not telling anybody anything they don't already know but I do hope that you will accept the committee report. If we can amend it so it is palatable to enough people that is one thing. If we cannot that is within your jurisdiction to show by your vote—whether you will or won't. I do not think there is anyone here in both branches, who is not convinced that new revenue is needed. I doubt if any individual has the courage or let us say, the guts, to cut to the extent that we can live within our income, and then go home and face the people.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, when Senator Brewer of Aroostook sees fit to disregard the wishes of the Majority Floor Leader, I feel that I am entitled to the same privilege to answer him in his remarks that he addressed to me.

I did appear before the Budget Committee last fall. I did request increased grants for certain institutions and I did make the remark that I believed that possibly our revenues wouldn't be enough and that we might have to vote for some tax.

But I think I made it clear—or if I didn't, I am sorry, but I will make it clear this morning—that I am against a sales tax. I am not bound by the fact that we need new revenue if we go along with the Governor's thinking. We can cut back if we have to and live within our means like "John Q. Public", the citizens of Maine have

to. They can't depend on somebody else to pay their bills. They must live within their means.

I say to you members of the Senate that we could possibly do that, although I would hate to. I would hate to deprive the old people and the children that are on state relief from being taken care of. For that reason, I had rather go along with having an increase in taxes—an increase of the present taxes.

I am against all new taxes and especially a sales tax because a sales tax has no conscience or no heart. It strikes everybody whether they are able to pay or unable to pay. It will strike the widow. It will strike the orphan. It will strike the pauper. They are going to buy in the stores. They will have to pay that tax regardless of whether they are on state relief or not.

I say to you that it is an unfair tax. I say to you that I probably shall vote for some tax but not a sales tax. Of all of the taxes that I have ever heard of, this is the most unfair tax, a sales tax. The State of Maine has attempted to saddle it on the people of the State three times previously and the people have said, "No." This Legislature is so scared today that they won't give the people of Maine a chance to vote on a sales tax. They want to put it through as an emergency so that the people will have no choice. They will have to swallow it.

I am still of the school that believes that this is a democracy; that the people and the citizens of the State have the right to say how they are going to be taxed and what they want to pay for and I repeat to you that I will go along with Senator Haskell from Penobscot if he places his measure to put in a referendum on any tax explaining to the people of Maine what they can expect if they do not vote for a tax.

Some of you gentlemen seem to mistrust the citizens of Maine. I do not. I have been elected and re-elected by the citizens of Androscoggin County for the last eighteen years. I am not afraid of their vote. I am willing to abide by their decision. They are paying the bill. They should have something to say

about what kind of tax they are going to pay and I am assured by the citizens of Androscoggin County that they are opposed to a sales tax. And as I represent them and feel it is my duty to go along with their wishes, I will be against the sales tax, regardless of my own thinking.

I have been in the Legislature a long time. I have seen taxes imposed, many of them, and after they have once been imposed, they have been increased. But I have yet to live to see them recalled unless they are replaced by some other tax.

There is a question now of recalling the property tax. Yes, just trying to sweeten the pill to fool the people of Maine into voting themselves into more tax paying through a sale tax.

Let's be fair and square. Let's tell the people of Maine what we are facing and what we want, or at least ask them what they want. I will admit we have certain responsibilities that we can not change or alter but I think a small increase in some of the existing taxes would well take care of our needs.

Reading the newspapers, I see that some advocates are hell-bent to raise the taxes some thirty per cent, asking for twenty-two million more dollars. I think it is the most unfair thing I have ever heard of. I say to you, let's remember there is such a word as "economy." Let's practice it. I say to you, let's ask the citizens of Maine for what we actually need to cover the dire needs of the destitute citizens of Maine to take care of them and let's leave the splurge for later on.

I have heard your majority party accuse the federal government of spending the deficit. That might be a good idea for the State of Maine at this time to spend a deficit. We wouldn't have to have a sales tax, across the board or sideways or any old way to the board.

Exemptions! I know what exemptions mean and you do. Exemption for this year, yes. Two years hence, no. Those will be taken off one by one. Then the ante will be upped from one to two, three, four and five per cent. You have seen it on cigarettes, and I have seen it. You

have seen it on gasoline; I have seen it. You have seen that pill sugared, that sweet, gasoline tax sugared by telling what was going to be done for the towns. It was just a question of time, a temporary affair, then it became a permanent affair.

I say to you that if you do pass a sales tax, I think you will hear from the Citizens of Maine because they know what the result is going to be. If we pass a sales tax this year, it will be the sales tax forever and a day and increased and the exemptions taken off one by one.

I believe and honestly believe in answer to the Senator from Aroostook, Senator Brewer, that we can get along without a sales tax; that we can get along with our present taxes with a small increase in the percentage. I am against any new tax, especially a sales tax, because once we have entered that tax field, I know that I will never live long enough to see the State of Maine get out of it again.

Mr. NOYES of Hancock: Mr. President, I had hoped that I might not need to stand here today and talk because I don't feel too well. However, since the die has been cast, we may as well discuss this issue of taxation and settle it here and now in this Senate.

The Senator from Androscoggin, in the first instance, would lead this Senate and the people of the State of Maine to believe that a sales tax is a Republican tax. If the Senator will but study the tax setups of the other states of the Union, it is of interest to know that the first state to adopt the Sales tax in this country was the State of West Virginia in the year 1921, followed by Mississippi, of which their democracy is undoubtedly familiar to you all. Since 1930, all of the Gulf Coast States with the exception of Texas have entered the same tax field. And if any of you people doubt their political affiliations in those states, you might look at the record.

This isn't a Republican measure. It is a measure that is demanded by the people of the State of Maine to carry on the services of the people of the State of Maine to be paid by those same people.

Your taxation committee has heard several tax measures. The taxation committee has given careful consideration to the tax which the majority of that committee supports. In coming to its conclusion of the type of taxation which was best suited to the people of the State of Maine, it has considered the tax burden upon our people at the three levels of government—local, state and federal.

That is one thing that the Phillips Committee thought it would answer. It focused the attention of the taxpayers of Maine upon the tax burden as it is now being borne by Maine people at those same three levels of government. In your tax bill which you have before you, five and one-half millions of dollars of its revenue replaces existing tax. So, we aren't levying a tax of eleven millions of dollars upon the people of Maine. We are levying a tax of five and a half millions of dollars upon the people of Maine.

It is interesting to note in regard to a referendum on that tax that the Senator from Androscoggin advises that sort of procedure. I would point out to you that back eighteen years ago the federal government was in the tax field to the tune of less than two billions of dollars and in eighteen years that has increased to forty billions of dollars and is contemplating an increase of ten billions of dollars, of which the people of Maine are expected to pay forty million and I can see in no instance where any of these taxes have ever been referred to the people of Maine or to the people of this country.

Your taxation committee has tried to be fair. They have tried to figure the impact of this tax upon the people of Maine. They have tried to figure the tax upon the poor people and the rich and Maine industry and as has been pointed out to you, everybody will pay a part of the tax burden.

Everybody should pay a part of the tax burden. The theory of taxation based on ability to pay, about which we hear so much, is the communistic theory of taxation. And I say and I repeat that if the theory of ability to pay is sound and if that is followed to its final conclusion, as the cost of government increases and your burden of

taxation is placed upon those with higher incomes and given to those with lower incomes, you will reduce the people of this country all to the same level, which is communism.

I say that, and I point out to you that we have a good illustration of what that form of taxation will do to any nation. Look across the water to Mother England and see what has happened over there. They have used the progressive income tax and destroyed the economy of that nation. Perhaps some of you people think that they are not communistic, but certainly if what we read in the newspapers about the principles or English attitude or policy in the Far East indicate anything, they, at least, have some fellow travelers in that country.

Under this tax bill before you, food is exempt from taxation. Rents are exempt from taxation. And I would point out to you that the poorer people in Maine spend a large part of their dollars for those purposes on which they pay no tax. However, those same poor people derive benefit from the government. Increased benefits from the government as increased services are demanded are given to the people by the government, and I believe if they understood the issue fairly, those same poor people would be willing to pay a small part of the cost of government, realizing the substantial benefits they receive in return.

This tax measure will yield some eleven millions of dollars according to the best estimates of your taxation committee. That figure was arrived at roughly by taking the 1948 census of retail trade in the State of Maine which amounted to seven hundred fifty-five millions of dollars. With a two per cent retail, sales tax across the board, would approximately have given us fifteen millions of dollars.

However, some twenty-two millions of dollars was spent for food which is exempt, taking a little more than four hundred thousand from the bill. We exempt seed, feed and fertilizer which in the same year, the indications were that thirty or thirty-five millions of dollars of that type of money was sold

in Maine, deducting from the tax another seven hundred thousand.

We are not taxing the gasoline that is sold in Maine. In Maine, the 1948 figures show that the gasoline stations did a forty-one million dollar business which represents another eight hundred thousand dollars.

We did take some recognition of the fact that some business done by those stations would be taxable, so we didn't deduct the full eight hundred thousand dollars.

In the place of those exemptions, we have placed a tax upon electricity which according to the best estimates available would yield some seven hundred thousand.

We haven't been able to arrive at a figure of what the use tax will amount to but we know from the experience of other states having the type of tax we have here, that the use tax will be substantial.

We haven't placed a tax upon tobacco and tobacco products because we have seen they are already paying their fair share. The revenue from that is deducted from the fifteen millions dollars above which I first quoted. Those figures add up to eleven million dollars of revenue which this tax bill would provide.

In my experience, no major tax measure with a referendum provision attached has ever been approved by the people and I feel that if this Senate allows political expediency or intra-political rivalry or petty jealousies to kill a measure which I feel should be adopted and has merit and when the people of Maine are demanding that we do something to this antiquated tax structure, we would be making a mistake and I hope the motion of our floor leader prevails.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, with conditions and circumstances as they are today in all the countries of the world, there has been a trend toward the Bible and the Scriptures and there we find a biblical ruler admonishing his generals with these words, "How long sought ye between two opinions?"

We of this legislature are hesitating today between three different opinions among ourselves. One group believes that we do need any extra revenue to carry on the func-

tions of our state government. Another group believes that we should accept our State Budget Committee's report as to the amount of money needed to carry on the duties of state government for the next two years and another group believes that that committee's recommendation wasn't enough by a few million dollars.

Now, we have been told and we are being told today by men and women in many of the nations of the world that the quickest way to destroy democracy is to tax and tax and tax. Our federal government is well on the road. What are we going to do here in the State of Maine.

We sympathize with and we help to support those men and women, old and young, and children who really need support. And to those who do not deserve or need support and who have applied for assistance, I believe we should legislate a memorial to them requesting them to accept that proverb of old, "God will help those who help themselves."

These suggestions, Mr. President and members of the Senate, are made in the hope that our debates of the future will not be swayed by those who would have us believe that poverty abounds in the State of Maine.

Mr. TABB of Kennebec: Mr. President and members of the Senate, I have listened here with great interest to the argument and I want to say first, I am bitterly opposed to this tax because to me it is not a sales tax. It is an appeasement tax to satisfy certain groups and individuals politically and it will be used in 1952 by those who will seek office. They haven't got the courage to go out and run on their record outside of this sales tax.

My good friend, Senator Brewer from Aroostook, wants to know where we are going to get money if we don't have this sales tax. Let's have a sales tax across the board and bar nobody. Take all of the exemptions away from it. Then we will get someplace. But if you are going to use this tax with thirteen or fourteen exemptions on it, it is political and that is all it is for.

When my good friend, Senator Boucher from Androscoggin, says

he will go along with Senator Haskell for a bill to go before the people to vote on, that is dynamite—political again. Just politics. Why do you want to put out a bill to the people? Haven't we got—excuse me, Mr. President—guts enough to vote here for what we think is right and let the people who send us here know that we have the courage to vote as we should vote. Are you afraid to go back and say you voted for some tax here. Boys, I am not. I was defeated two years ago. I know what defeat is. I also know what it is to make a comeback and believe me it is a much better feeling than the defeat is and I am willing to go out in 1952 and campaign that I voted for a sales tax straight across the board because I believe it is a just tax and that everybody should pay, no matter who they are.

This bill exempts me. It would amount to about three hundred dollars. But still I will never vote for it because it is not fair.

So I hope, Mr. President and members of the Senate that we will at least go along with our Floor Leader to go along with the Majority Report of the Committee so that we can debate it tomorrow. If we throw this out like my good friend the Senator from Androscoggin, Senator Boucher, asks and kill it today, I don't know how we are going to debate it tomorrow and perhaps we may get a few more ideas. If we kill this measure today, we have got to send it back and wait two or three more weeks before we get anything back into this Senate and I hope that you will go along with this measure the way that our Floor Leader wishes us to.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, I certainly want to indicate my desire to go along with our floor leader in this matter in the acceptance of the report. It is true that if we do that we will have an opportunity to consider any amendments at a later date but I believe with the Senator from Kennebec that it would be folly at this time not to accept the report.

Now there are two theories of thought regarding democracy and representative government. Probably in the case of the town meeting we have the fairest exemplifi-

cation of democracy at work, but in the larger units our government is representative and we depend upon those men and women whom we send to represent us and it seems to me that those representatives, with the study they give to a situation, with the reports that they read and have knowledge of, that they are in a much better position to make a decision than referring it back to the people. I believe that is the duty of every elected representative and I hope that as we consider this measure we will try to do it fairly. If the exemptions that are in the bill should be stricken out let's try to correct. If those exemptions should remain in for the benefit of the low income group let's keep them in. But I say sincerely that certainly we ought to accept the report of the committee.

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, I think everybody here recognizes the fact that everything we are doing about this sales tax is political strategy. Everyone here knows we need more money to run the state government this next two years. Nevertheless there are certain people in this Senate, certain people in this legislature, who, regardless of the fact that we need more money to run the state government, hope against hope that there will be no new tax this year. They know that we couldn't pass a corporate tax in this legislature. They know the implications and what it would mean if we tried to pass a corporate tax in this legislature. They know we couldn't get a handful of votes for it. They know that the din and cry of the citizens of this state, should we try to pass a property tax or increase the property tax, would be so great it would be impossible for us to pass the tax. And they also know that we couldn't pass an income tax. The only tax they think we can pass here is the sales tax and therefore they are firing every gun and trying every trick they know, either above the belt or below the belt, to see if they cannot defeat this sales tax.

No tax is pleasant and it would be nice if we could live in this state without any tax but, gentlemen, we have got to have a tax and this sales tax is the only tax that can

pass this Body and all the opponents of taxation in this state know that and that is why they are voting against this tax today. And every person in this Senate or in this Legislature who has already voted for the \$8,988,432 of money which is not available from the revenues we have, every person who votes for those measures does so with his tongue in his cheek.

Mr. DENNETT of York: Mr. President and members of the Senate, I do not intend to embark on any extensive remarks at this time but it has been indicated by several previous speakers that we are elected by the people as representatives here, as members of a representative body and that we represent the people of our various counties. I will go along with that line of thought. I feel that I was one of three who was elected to represent the people of York County. I have been the length and breadth of that county and I can truly stand here and say that the great majority of the people in my county are opposed to any sales tax and that in rightfully representing them here in this Senate I shall stand opposed to the imposition of any sales tax and shall vote No.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I would like to point out that my good friend Senator Noyes said that this is not a Republican tax. That is possible but from an examination of the signatures on the Ought to Pass report this morning, the majority of eight who signed that Report are Republican; that is, I imagine that since they are enrolled as Republicans they are Republicans and they are in favor of a sales tax. I know that of the two who signed against it one was a Democrat and the other one of those conscientious Republicans who will not swallow a sales tax.

There is a great argument about the repeal of the real estate tax. Who is trying to kid whom? I don't believe any such thing will be done. It is true that the State will go out of the real estate field but does any one of you honestly believe that your real estate tax is going to be less next year or the year after? Let's be honest about this thing and if it is true that the cities and towns would remit that

seven and a quarter mills. In other words they are going to repeal seven and a half mills and tax fourteen mills. We are going to send back to the cities and towns five and a half million dollars but we are going to say to the people of the State of Maine, "For the privilege of getting back five and a half million dollars you are going to give us eleven million dollars."

Let's not try to kid ourselves or try to kid anybody else on the remission of a real estate tax on the people of the State of Maine because the answer to our problem is not the repeal of the real estate tax but simply additional to the amount that the State charges to our cities and towns. I may have a chance to go into that further at a later date but I must resent the remarks of the Senator from Hancock, Senator Noyes, and I was very much surprised and dumbfounded because I always thought that Senator Noyes is a very broad-minded person, when he said that the ability to pay a tax is communistic. That, to me, takes the prize. If ability to pay a tax is communistic then I would almost be tempted to say that a communistic government is a good government if it can abolish taxes or if it can give to the people the ability to pay a tax without hurting them.

I will point out only one more thing. The proponents of the sales tax say it is a fair tax because it hits everybody alike. The last part of that statement is true, it does hit everybody alike but the fact is that everybody has not got the ability to pay it. Members of the Senate here who make possibly five to ten thousand dollars a year can well afford to tax themselves through a sales tax but I am thinking of the small fellow, say for instance in the cities of Lewiston and Auburn, who is making less than two thousand dollars a year, trying to support a wife and two or four or five or six children, and I wonder how fair a sales tax will be to him.

I have discussed this tax situation for ten years now with the good business men of the City of Lewiston but, as was stated here this morning by the Senator from Cumberland, there are many who

are against an income tax, and I know why they are against it; because the man in the higher bracket is against an income tax—and I don't blame him for that if he looks at it from a selfish angle—he is the one who is going to be hit by it and hit where it hurts the most—in his pocketbook.

If my good friend the Senator from Hancock, Senator Noyes, wants to call me a Communist that is his privilege but I don't believe he is going to change my mind about a sales tax and the ability to pay it. I will go further and ask how we are going to produce this money. I have pointed out to you existing taxes. I am also sold on the idea that possibly we could put on "sin" taxes. I don't call them that, I call them luxury taxes but some of my good Christian friends call them "sin" taxes. Let's have a little more tax on our liquor, on our alcohol, on our tobacco and amusements, and so on, things that are not the necessities of life, and for God's sake let's not put a greater burden on the widows and the orphans and the paupers of the State of Maine.

Mr. NOYES of Hancock: Mr. President, I will apologize to the Senate if I indicated that any man here was a Communist. Of course I did not say that. What I intended to convey was that if the ability to pay is carried to its logical conclusion it would lead to Communism. I meant what I said, I said what I meant, and I think I am right.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Crosby, that the Senate accept the majority "Ought to Pass" report of the Committee. The Senator from Androscoggin, Senator Boucher, has requested that when the vote is taken it be taken by the Yeas and Nays. In order to entertain a motion for the Yeas and Nays it must be at the request of at least one-fifth of the members of the Senate present.

A division of the Senate was had.

Obviously more than one-fifth having arisen, the Yeas and Nays were ordered.

The Secretary called the roll.

YEA — Allen, Barnes, Brewer, Christensen, Collins, Crosby, Fuller,

Haskell of Cumberland, Kavanagh, Leavitt, McKusick, Noyes, Palmer, Savage, Sleeper, Smart, Tabb, Weeks, Wight—19.

NAY — Boucher, Boyker, Broggi, Brown, Dennett, Ela, Greeley, Haskell of Penobscot, Larrabee, Marshall, Reid, Turgeon, Ward—13.

Nineteen having voted in the affirmative and thirteen opposed

The "Ought to Pass" report of the Committee was accepted.

Thereupon the bill was given its first reading and tomorrow assigned for second reading.

Mr. Brewer of Aroostook was granted unanimous consent to address the Senate.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I would like to call to your attention that on your desks this morning was laid a blue mimeographed sheet with respect to what happened to the Governor's budget after consideration by the Appropriations Committee, the adoption of Senate Amendments and House Amendments and the compromise by the Ways and Means Committee. If you will look those over I do not think there will be any doubt in your minds, if you accept any of those figures, that we still need new revenue. So, as I say, I just want to call your attention to this mimeographed sheet. That is the status quo of L. D. 1147 this morning.

On motion by Mr. Tabb of Kennebec, the Senate voted to take from the table Senate Report "Ought to Pass as amended by Committee Amendment A" from the Committee on Judiciary on bill, An Act Relating to Fees of Registers of Probate (S. P. 438) (L. D. 1001) tabled by that Senator on April 12 pending acceptance of the report; and on further motion by the same Senator, the report was accepted and the bill was given its first reading. The Secretary read Committee Amendment A:

Committee Amendment A to L. D. 1001. "Amend said bill by striking out all of said bill and inserting the following: 'R. S., C. 140, Section 40A repealed. Section 40A of Chapter 140 of the revised statutes as enacted by Chapter 359 of the Public Laws of 1945 is hereby repealed.'"

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table bill, An Act Relating to the Military Law (H. P. 661) (L. D. 376) tabled by that Senator on April 13 pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table bill, An Act Relating to Time of Registration of Voters in Towns (H. P. 1554) (L. D. 1115) tabled by that Senator on April 13 pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Broggi of York, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Taxation on bill, An Act to Impose an Excise Tax Upon Charges for Meals (H. P. 1210) (L. D. 768) tabled by that Senator on April 12 pending acceptance of the report; and on further motion by the same Senator, the Ought Not to Pass Report was accepted in concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table Remonstrance of George D. Varney of Kittery and 34,831 others in Opposition to a Sales Tax (S. P. 546) tabled by that Senator earlier in today's session pending consideration.

Mr. BARNES of Aroostook: Mr. President, you and the other members of the Senate are well aware of the ease with which petitions, circulated by small, selfish, minority groups can be obtained. You and the other members of the Senate are also well aware of the fact that this like the expedited referendum which my good friend Senator Haskell wishes to attach to the tax bill, shows just one side of the question.

The importance of the remonstrance is in my mind very questionable. There may be some po-

litical flavor to the signer, the sole signer whose name appears on the remonstrance. Mr. President, I would like to move that the remonstrance be accepted and filed in the Senate circular files, commonly known as the Senate wastebasket.

Mr. SLEEPER of Knox: Mr. President and members of the Senate, I am very glad to take this opportunity to explain why I was willing to introduce the remonstrance, why I believe these thirty-four thousand people are entitled to sign this petition, this remonstrance against this sales tax and I think they are justified and should be listened to.

I voted—and I would like to explain this—Yes on the motion to accept the committee report. I did not vote to accept the sales tax in its present form. Through the Chair, later, I will ask if there are other pending tax measures before the Taxation Committee, which they have not sent out yet. I am well aware that we must pass a tax measure of some sort and I am equally well aware that by adding a few cents on beer and a few cents on cigarettes cannot anywhere near approximate the money that we need and if a sales tax is the only solution I will vote for it but I hope that it is not the only way out.

That is why I think that these thirty-four thousand citizens are well entitled to some remonstrance. I can't truthfully say I witnessed each of the thirty-four thousand signatures but undoubtedly they are all authentic and worthy of consideration. I am very much opposed to any such expression as filing it in the circular file — the wastebasket. I think the remonstrances should be filed and carefully studied. I don't say it should be read to the Senate, but I think we should realize that there are thirty-four thousand citizens who do not want a sales and use tax imposed upon them.

I think the committee has worked hard and that is the reason I voted to accept the report. I am very anxious to see the report they will send out on the other tax measures which I think are more fair and equitable and I am also anxious to see if they will use the same tolerance in judging these taxes as they have used in judging this sales and use tax. A certain

man has said, "The general sales tax to me is neither fair nor equitable. I cannot subscribe to a tax which would require unemployed workers to contribute from their benefit checks, a tax which would take away from the aged, the blind, general relief recipients, and mothers who depend on state and local committees for their subsistence. Is it fair to give with one hand and take away with the other?" I think it is a fair statement of the sales tax. If, on the other hand, it is the only thing we can do, we will have to give them more in another way. We'll take from one pocket and put it in the other.

I am very much opposed to the motion of the Senator to file this in the wastebasket.

Mr. BARNES of Aroostook: Mr. President, out of deference to my very good friend, the Senator from Knox, I will withdraw my motion so far as it relates to the files and I will then move that it be filed in the archives of the Senate.

The PRESIDENT: The Chair will state that the original motion was not a proper motion.

Mr. NOYES of Hancock: Mr. President, I would like to ask a question of the Chair regardless of where these petitions may be filed, I wonder if they would be avail-

able for the Taxation Committee to examine if the Taxation Committee sees fit to do so. We are having an executive session this afternoon on the other tax measures and I am wondering if it would be in order for the Taxation Committee, if they so vote, to have those petitions made available.

The PRESIDENT: The Chair will state the remonstrances will be available at any time any Senator who or any member of the Committee who wishes them.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, if it is in order, I would move that the petitions be filed with the Taxation Committee with the hope that it might help to change their minds.

The PRESIDENT: The Chair will state that that motion is not in order. The question before the Senate is on the motion of the Senator from Aroostook, Senator Barnes that the Remonstrance be received and placed on file.

The motion prevailed and the Remonstrance was received and placed on file.

On motion by Mr. Sleeper of Knox

Adjourned until tomorrow morning at ten o'clock.