

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Fifth Legislature*

OF THE

STATE OF MAINE

VOLUME II

1951

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Tuesday, April 24, 1951.

The Senate was called to order by the President.

Prayer by the Reverend Herman Delaney of Augusta.

Journal of yesterday read and approved.

### From the House

Petitions of Mrs. H. S. Searle of Warren and others in Favor of Adequate Support by Taxation of the Departments of Education, Institutional Service and Health and Welfare. (House Papers 1764 to 1773 incl.)

Remonstrance of Carl A. Richards of Van Buren and 127 Others Against the Sales Tax. (H. P. 1774)

Which were severally read and ordered placed on file in concurrence.

The Committee on Education on Bill "An Act Relating to Superintending School Committees," (H. P. 1524) (L. D. 1106) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Judiciary on Bill "An Act to Amend the Charter of the Western Somerset Municipal Court," (H. P. 1177) (L. D. 733) reported that the same ought to pass.

The same Committee on Bill "An Act to Remove Employees' Trusts from the Operation of the Rule Against Perpetuities and Against Accumulations," (H. P. 1544) (L. D. 1137) reported that the same ought to pass.

The same Committee on Bill "An Act Relative to the Dismissal of Conservators," (H. P. 1545) (L. D. 1138) reported that the same ought to pass.

The same Committee on "Resolve, in Favor of Florence Goodwin, of Clinton," (H. P. 1625) (L. D. 1184) 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 Business Legislation on Bill "An Act Relating to

Change of Purposes of Domestic Mutual Insurance Companies," (H. P. 1513) (L. D. 1119) reported the same in a new draft (H. P. 1754) (L. D. 1298) under the same title, and that it ought to pass.

The committee on Inland Fisheries and Game on Bill "An Act Relating to Non-Resident Dealers in Furs," (H. P. 1477) (L. D. 1099) reported the same in a new draft, (H. P. 1756) (L. D. 1300) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Definition of, and Setting Traps Near Beaver Dams," (H. P. 431) (L. D. 252) reported the same in a new draft, (H. P. 1757) (L. D. 1301) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Dealers in Bait," (H. P. 1007) (L. D. 573) reported the same in a new draft (H. P. 1760) (L. D. 1304) under the same title, and that it ought to pass.

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

The Committee on Judiciary on Bill "An Act Relating to the County Law Library at Rumford, Oxford County," (H. P. 1639) (L. D. 1203) reported that the same ought to pass as amended by Committee Amendment "A." (Amendment Filing No. 265)

The same Committee on Bill "An Act Relating to Dumping of Rubbish in Highways," (H. P. 1175) (L. D. 731) reported that the same ought to pass as amended by Committee Amendment "A." (Amendment Filing No. 266)

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.

"Resolve Proposing an Amendment to the Constitution to Amend the Referendum Provision." (S. P. 492) (L. D. 1194)

(In Senate, on April 19th, Minority Report "Ought to Pass" accepted, and on April 20th the bill was passed to be engrossed.)

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

In the Senate:

Mr. BARNES of Aroostook: Mr. President, fully realizing the futility of proceeding further on this measure in view of the action taken in the other Body, I move with reluctance that we recede from our former position whereby we adopted the minority ought to pass report, and concur with the House in the acceptance of the Majority ought not to pass report.

The motion prevailed and the Majority Report "Ought Not to Pass" was accepted in concurrence.

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Complimentary Hunting Licenses for Members of Canadian Immigration and Customs Forces," (H. P. 733) (L. D. 422) reported the same in a new draft (H. P. 1776) (L. D. 1308) under a new title, Bill "An Act Relative to Complimentary Fishing and Hunting Licenses for Members of Canadian Immigration and Customs Forces," and that it ought to pass.

Comes from the House, report and Bill indefinitely postponed.

In the Senate, on motion by Mr. Christensen of Washington, the bill was laid upon the table pending acceptance of the report.

The Majority of the Committee on Inland Fisheries and Game on Bill "An Act Relating to Driving of Deer," (H. P. 1414) (L. D. 1022) reported that the same ought not to pass.

(signed)

Senators:

ELA of Somerset  
WIGHT of Penobscot  
SMART of Hancock

Representatives:

CARVILLE of Eustis  
DENNISON of East Machias  
CHASE of Belgrade

The Minority of the same Committee on the same subject matter reported the same in a new draft, (H. P. 1753) (L. D. 1297) under the

same title, and that it ought to pass.

(signed)

Representatives:

PLUMMER of Lisbon  
BEARCE of Caribou  
WATSON  
of Moose River Pt.  
FRECHETTE of Sanford

Comes from the House, the Minority Report read and accepted, and the bill in new draft passed to be engrossed.

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

Sent down for concurrence.

The Majority of the Committee on Inland Fisheries and Game on Bill "An Act to Place a Bounty on Porcupines," (H. P. 1415) (L. D. 1023) reported that the same ought not to pass.

(signed)

Senators:

ELA of Somerset  
WIGHT of Penobscot  
SMART of Hancock

Representatives:

CARVILLE of Eustis  
PLUMMER of Lisbon  
BEARCE of Caribou  
FRECHETTE of Sanford

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(signed)

Representatives:

CHASE of Belgrade  
DENNISON of East Machias  
WATSON  
of Moose River Pt.

Comes from the House, the Minority Report read and accepted and the bill passed to be engrossed.

In the Senate:

Mr. WIGHT of Penobscot: Mr. President and members of the Senate, I move that the Majority Report ought not to pass be accepted. In support of that motion I might say that bounties as a whole have been unsuccessful in reducing the number of animals, any animals permanently. It has been tried in various parts of the country without success and bounties on all animals seem to result much the same way.

In 1929 the State of Maine put a bounty on porcupines and during the next few years, paid out in 1929 five thousand dollars; in 1930 five thousand dollars; in 1931 five thousand dollars; in 1932 five thousand, in 1933 ten thousand. Just about this time the boys found that instead of presenting the noses of the porcupines, they could cut off pieces of the feet and make noses of those feet so they presented these pieces of feet in addition to the noses and then the amount paid out jumped to \$15,447 in 1935. In 1937, 1938, 1930, we paid out \$7,000; \$7,000 and \$11,460 and then there was a clean up in 1941 on back bills owed on bounties \$5,213 and that ended the bounty question for that period. It seems as though this bounty business is an unsuccessful way to cope with the problem that we have on porcupines. I therefore move the acceptance of the Majority Report Ought Not to Pass.

Thereupon, on motion by Mr. McKusick of Piscataquis, the bill was laid upon the table pending motion by Senator Wight to accept the Majority Report.

#### Communication

Communication from the Supreme Judicial Court transmitting Opinion of the Justices of said Court Relating to Questions Propounded by the Senate, Concerning the Constitutionality of (H. P. 1034) (L. D. 562), Bill "An Act to Create the Maine School District."

#### Answer of the Justices

To the Honorable Senate of the State of Maine.

The undersigned Justices of the Supreme Judicial Court, in giving you their opinion upon the important questions of law propounded to them by the Senate Order passed April 12, 1951, as Section 3 of Article VI of the Constitution requires them to do, feel compelled to recognize, as their predecessors did on July 1, 1903, that the particular inquiries involve an issue of such inclusive scope that something more than a categorical answer is required. See **Opinion of the Justices**, 97 Maine, 595, at 597. On that occasion the two questions asked

were whether a proposed enactment, if it became a law, would violate the provisions of (1) Section 8 of Article IX of the Constitution, of (2) any of the provisions thereof. The Justices restated the more inclusive issue thus raised, as follows:

"In levying a State tax, is the Legislature prohibited by the Constitution from fixing a higher rate of taxation upon lands outside of incorporated cities, towns and plantations than the rate \*\* within such municipalities."

They answered it affirmatively, relying on said Section 8, and advised that the proposed legislation was "contrary to the Constitution."

Reference to the "statement" carried in the Preamble of the Senate Order, discloses that the Legislature contemplates the abandonment of the system of property taxation which has been the principal source of the State's revenues, or one, of them, and substituting one which cannot be expected to produce any substantial yield in the unorganized territory of the State. We cannot doubt that Question No. 1 involves a more fundamental and underlying one, which might be stated as follows:

"Has the Legislature any option, if it desires that the property in the unorganized territory of the State shall continue to contribute to the cost of government, or to the maintenance of schools, except to continue to tax all the property within the State, not exempt from taxation, at a uniform rate, according to its just value?"

Statements of Justices of this Court, not only in Opinions such as this but in **decided cases**, require a negative answer to that question. Two such statements were made in giving consideration to taxes imposed on the property in inorganized territory to provide a proportionate part of funds for the operation of schools elsewhere. In the first of them **Opinion of the Justices**, 68 Maine, 582, the constitutional validity of P. L. 1872, Chap. 43, imposing a mill tax for the support of schools, was

declared. It was said of that legislation, that:

"All the property in the state is assessed \* according to its valuation. All contribute there-to in proportion to their means."

In the second, *Sawyer v. Gilmore*, 109 Maine, 169, a new school fund was established, through a similar tax, and a different system for the distribution of its yield was provided. In declaring the validity of that law Mr. Justice Cornish said that:

"The Legislature has the right \*\* to impose an equal rate of taxation upon all the property in the State \*\*\* for the purpose of distributing the proceeds \*\*\* for common school purposes."

Each of the Statements quoted above was grounded in the requirement of Section 8 of Article IX of the Constitution that all taxes upon real and personal property, until and unless the Legislature should provide especially for the taxation of intangible personal property as therein authorized: "Shall be apportioned and assessed equally, according to the just value thereof."

Subject to the right to levy taxes for municipal and county purposes and to exemptions of the nature of those considered in *Hamilton v. Portland Pier Site District*, 120 Maine 15, and *Inhabitants of Sandy River Plantation v. Lewis and Maxcy*, 109 Maine 472 (Maine Forestry District Tax) permitting the assessment of special local taxes for special local purposes based upon local benefits, any and all taxes assessed upon real and personal property by the State must be assessed on all of the property in the State on an equal basis while that provision of the Constitution remains unchanged.

We answer Question No. 1 by saying that the proposed legislation would not be constitutional if enacted. This being true, on the fundamental ground states, no good purpose would be served by considering the additional questions.

Dated at Portland, Maine, this twentieth day of April, 1951.

Respectfully submitted:

HAROLD H. MURCHIE  
SIDNEY ST. F. THAXTER  
RAYMOND FELLOWS  
EDWARD F. MERRILL  
WILLIAM B. NULTY  
ROBERT B. WILLIAMSON

Which was read and ordered placed on file.

#### Reception of Bills

Mr. Brewer of Aroostook presented Bill "An Act to Appropriate Moneys for the Expenditures of the State Government for the Fiscal Year Ending June 30, 1951." (S. P. 557)

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I would like to give a brief explanation of what this bill involves. It calls for an appropriation of \$125,000 which is a supplemental appropriation to carry on the legislature this year. In that is \$30,000 for the special session and you might be interested to know the figures broken down. The average cost of a regular session runs around \$2400 a day and the special session around \$3800. About ten percent of the cost is in increased costs of printing and this runs to about \$20,000 more than the legislature of two years ago in cost.

With this brief explanation I move the reception of the bill and its passage.

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

Sent down for concurrence.

Bill "An Act Creating a Zoning Board for the City of Lewiston." (S. P. 554) (L. D. 1313)

Bill "An Act Relating to Aid to Dependent Children." (S. P. 555) (L. D. 1311)

Which were severally read once and tomorrow assigned for second reading.

#### First Reading of Printed Bills

Bill "An Act Relating to Prospecting for Minerals and Metals" (S. P. 548) (L. D. 1312)

Which bill was given its first reading.

Mr. BOYKER of Oxford: Mr. President, I would like to present an amendment and move its adoption.

The Secretary read the amendment:

Senate Amendment A to L. D. 1312, bill, An Act Relating to Prospecting for Minerals and Metals.

"Amend said bill by inserting after the enacting clause the following new sections: 'Sec. 1. R. S., c. 36, Section 1, amended. The 1st sentence of section 1 of chapter 36 of the revised statutes is hereby amended to read as follows: "The Maine mining bureau, as heretofore established, shall consist of 5 members, one each from the state department of agriculture and the forestry department, each of whom shall be appointed by the head of his respective department, the deputy secretary of state, the executive director of the Maine development commission and the state geologist."

Sec. 2 R.S., c. 36 Sec. 6 amended. Section 6 of chapter 36 of the revised statutes is hereby amended to read as follows:

'Sec. 6. Location of claim. The location or record of any claim shall be construed to include all surface ground within the surface lines thereof and all ledges throughout their entire depth, but shall not include any portion of such ledges beyond the end and side lines of the claim or timber and grass. The claim shall in no way interfere with harvesting timber until actual mining operations are being carried on.'

Further amend said bill by inserting at the beginning of the 1st line thereof the following: 'Sec. 3.'

Further amend said bill by adding at the end thereof, before the single quotation mark, the following underlined sentence: "This claim shall expire in 20 years from date of filing of claim unless a new agreement is made."

Thereupon, on motion by Mr. Ward of Penobscot, the bill and accompanying papers were laid upon the table pending motion by Senator Boyker that Senate Amendment A be adopted.

#### Passed to be Engrossed

Bill "An Act Concerning the Qualifications of Fire and Casualty

Insurance Agents and Brokers." (S. P. 551) (L. D. 1310)

Which was read a second time and passed to be engrossed.

Sent down for concurrence.

#### Orders of the Day

On motion by Mr. Crosby of Franklin, the Senate voted to take from the table bill, An Act Imposing a Sales and Use Tax (H. P. 1695) (L. D. 1273) tabled by that Senator on April 23. pending consideration.

Mr. CROSBY of Franklin: Mr. President, I now move that we recede and concur with the House.

The PRESIDENT: The Senator from Franklin, Senator Crosby moves that the Senate recede from its former action whereby it passed this bill to be engrossed as amended, and concur with the House in the adoption of House Amendment P in addition to the previous amendments.

The motion prevailed and the Senate voted to recede and concur with the House in the passage of the bill to be engrossed as amended by House Amendment A, House Amendment D as amended by Senate Amendment A thereto, House Amendment P, and Senate Amendments B, H, I, and K, in concurrence.

On motion by Mr. Fuller of Oxford, the Senate voted to take from the table Senate Report Ought Not to Pass from the Committee on Welfare on Resolve Providing for State Pension for Louis Sirois of Caribou (S. P. 125) tabled by that Senator on April 3 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table bill, An Act to Provide Partial Cutting Adjacent to Roadsides (H. P. 1642) (L. D. 1206) tabled by that Senator on April 23 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from

the table House Report from the Committee on Inland Fisheries and Game on bill, An Act Relating to Transportation of Fish by Airplane (H. P. 1310) (L. D. 863), reported Ought to Pass in New Draft under New Title (H. P. 1728) (L. D. 1283) bill, An Act Relating to Transportation of Fish, Game or Fur-bearing Animals by Aircraft tabled by that Senator on April 19 pending acceptance of the report; and on further motion by the same Senator, the "Ought to Pass in New Draft" report of the committee was accepted, the bill given its first reading and tomorrow assigned for second reading.

On motion by Mrs. Kavanagh of Androscoggin, the Senate voted to take from the table bill, An Act Amending the Auburn Sewerage District (H. P. 1515) (L. D. 1058), tabled by the Senator on March 8 pending passage to be engrossed and that Senator presented Senate Amendment A and moved its adoption; on further motion by the same Senator, the bill was laid upon the table pending motion by Senator Kavanagh to adopt Senate Amendment A.

Subsequently, on motion by Mrs. Kavanagh of Androscoggin, the bill was taken from the table, Senate Amendment A was adopted without reading, and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. BROGGI of York: Mr. President, I rise to a point of information.

The PRESIDENT: The Senator may state his point.

Mr. BROGGI of York: Mr. President, earlier in the day the Senate voted to recede and concur with the House in its action on the sales tax bill. In my opinion, the action of the Senate was based on our receding from our former position of having engrossed the bill with its various amendments, and concurring with the House in the adoption of House Amendment P. The question is whether or not our action also caused engrossing of the bill or did we merely recede and concur with the House action?

The PRESIDENT: The Chair will state in reply to the gentleman's question, that the motion to recede and concur is an all-inclusive motion and is used to bring the two branches in conformity on their action. Therefore a motion to recede and concur when put and carried brings the Senate in conformity with the action of the other branch which was to pass the bill to be engrossed as amended.

So no further action is necessary on the part of the Senate in relation to this bill. The bill now stands as having passed to be engrossed as amended.

Mr. BROGGI of York: Mr. President, if it is in order, I move that we reconsider our former action whereby we passed this bill to be engrossed earlier in today's session.

The PRESIDENT: The Senator from York, Senator Broggi moves that the Senate reconsider its former action taken earlier in the day whereby the Senate voted to recede and concur with the House in the adoption of House Amendment P and various other amendments.

Mr. DENNETT of York: Mr. President, when the vote is taken on this reconsideration, I move that it be taken by the Yeas and Nays.

Mr. BARNES of Arostook: Mr. President and members of the Senate during our progress down the long eight year road of taxation thus far, we have heard frequent allusions to the patchwork quilt nature of our present sources of revenue in the State of Maine. I would like to state just a few figures, not because I feel that every member of this Senate does not or has not known them fully as well as I do, but I think it might be a good time for us to examine this patchwork quilt system of taxation that we have.

Taking every dollar of taxation that comes into the State of Maine at the present time to carry the services that we are bound by statute to carry, we find that twenty and five tenths cents out of every dollar comes from liquor and beer. Sixteen cents comes from cigarettes and tobacco. That total of nearly thirty-seven cents on the dollar comes from those two sources. We get seventeen cents on each dollar from our real property tax so-called, that the tax bill which the Senator



from York has just asked to reconsider, would do away with. We get eight cents from public utilities, four cents from insurance companies, four and five tenths cents from cities, towns and counties, and four and five-tenths cents from all other forms of revenue.

That in brief is the patchwork quilt system of taxation that now exists in the State of Maine. Various opponents to the sales tax are decrying the thought of putting a 2% general sales tax on personal property sold in the State of Maine. They would lead us to believe that that would be a horrible thing and would be particularly hard and rough on the poor working man. Well, with the exemptions we have passed, the various amendments that we have attached to the sales tax bill, we have exempted food; we have exempted rents; we have exempted fuel and I therefore take it that even if you had a laboring man and I doubt if there are any who get so low in income, if you had a laboring man who was getting two thousand dollars a year, I suspect that in these exempt articles he would buy, he would spend at least a thousand dollars so that on the remaining thousand dollars the poor man would be paying twenty dollars a year, somewhat less than fifty cents a week and he pays it as he goes and he does not feel it. I do not believe in my own mind that these men who decry the injustice of this tax on the little fellow are sound in their thinking. I do agree with those who say—I don't think we can disagree with it—that those in the lower income tax bracket, the widows, orphans, and so forth get more out of the state tax dollar than any other class of people and it seems only just and fair that they should pay this very small part of the tax burden and give this state a tax system with a broad base that would be the answer to the problems of the state.

Nobody can concede for one moment but what we need additional revenue. I believe even the "hatchet men" against the sales tax admit that. They are sales tax haters and it is difficult to understand why in the light of pure reason. They would take this method of killing this particular tax that they

hate and they probably have in back of their minds that there is some other and more equitable and just tax that would answer the problems facing us.

This motion to reconsider at this time is a motion which would mean sudden death to this measure which seems to a great many of us to be fair and just and a tax which we need. When they talk about economy in state government, and I am not going to bother you this morning with figures on where this money could be gained under our patchwork system—but when they talk about economy in government, I would remind you that general administration of the state which takes in the cost of running the state accounts for four and four tenths cents on the dollar and if we made a ten percent cut it would save us four tenths of one cent on the dollar and if we made a fifty percent cut and that would of course mean the state going out of business altogether, we would save two and two tenths percent on the tax dollar.

I sometimes become discouraged with the tax situation. We have faced it for the last six to eight years. We have been endeavoring as I said the other day to come together on something that would answer the problems that face the state, and do a job we have been eight long years failing to do.

I hope that this motion fails because so far as I have been able to determine from discussion with people in my own county and from reading what I can in the papers on various groups and their opinions on this tax and that tax and from what I have heard since I came here to the legislature, there is no such support for any other tax measure as there is for this innocuous, in my humble opinion, sales tax. I therefore hope that the motion of the Senator from York, Senator Broggi is defeated and I remind the Republicans in this legislature that because of a prohibition in their platform, the Democrats, even if they felt the justice of this tax, could not go along with it.

I remind the Senators that so far as the county of York is concerned it feels it may suffer because of its proximity to New Hampshire and

they are therefore against it, and I assume they are sincere. I also remind them that we in Aroostook County are in much the same position as York County in that we have not another state, but another country lying along our borders and it is reasonable to assume that Aroostook County folks who live in towns near the border would cross into Canada to make purchases. The use tax feature of the sales tax is designed to prevent that but I realize that there would be some of it. I would very much like to see this Senate come into unity and harmony on this measure which has been discussed and debated freely back and forth and has amendments on it that seem to be just and fair for the protection of the little fellow and I do hope that the motion of the Senator from York, Senator Broggi will not prevail.

Mr. DENNETT of York: Mr. President and members of the Senate, I think that we have just taken a journey to a wonderland of misinformation pertaining to the sales tax and the amount of money it will produce. According to the latest figures released by the Bureau in Washington, the amount of sales in the state of Maine were approximately \$755,000,000. I speak of sales as retail sales alone which this tax supposedly imposes itself upon.

Two percent of that amount is roughly \$15,100,000. With the various amendments as have now been adopted by both branches of this legislature, approximately 58% of the retail sales are exempt from taxation. This would leave approximately \$6,342,000 and yet this bill proposes to do away with the tax on real property. I don't think we would have much left. I believe that those who have opposed this bill have been termed "hatchet men." I accept the title and assure you I will use the axe on this on every opportunity that I have.

In previous debate many of the opponents arose to state that they believe this bill was discriminatory and I believe it is. We have exempted fuel here in the Senate, coal, wood, oil and so forth as the necessities of life, yet not one word was spoken at any time of clothing. Apparently the Senate and the other Branch also deem clothing a

luxury and therefore not a necessity of life and the proponents of this bill hold that this bill exempts the necessities of life and yet it leaves out shoes and clothing. How anyone can feel that shoes and clothing are not necessities of life just as much as fuel and food, is absolutely beyond my comprehension. I can go downtown in the morning and I would not necessarily have to buy my breakfast but I would hate to go down without my clothing. I am afraid I would get into quite a lot of trouble. I consider clothing quite a necessity.

Another thing I would bring up. This is really an unfair tax. It imposes the burden upon the class who can least afford to bear it. I have two children. I have two pairs of shoes to buy and two taxes to pay. What about the man who has four or five or six children. He has to pay three times as much as I do and possibly he isn't earning as much. It is an unfair burden. It is a burden on the working man of the state. If you take at the present moment the average earning power, the wages of the man who works for a living and apply taxes he is now paying against those earnings, you will find that in proportion to those earnings, he is paying a greater tax, a far greater tax, and I speak for the state and the state alone, than the man whose earnings are up in the higher brackets. I certainly hope that the motion of the Senator from York, my colleague, Senator Broggi prevails.

Mr. BOYKER of Oxford: Mr. President, I would like to state at this time one thing which causes me to object to this sales tax. It is the exemption on fuel consumption in the home and that exemption is denied to industry which we are trying to protect in the State of Maine.

Mr. BROGGI of York: Mr. President, it is not pleasant to be called a "hatchet man" or a "non-conformist" and be termed as unwilling to go along with one's party. However, I do not believe this is a party platform. It is true it was written into our platform that we should have a broad base tax. There are many with a broad base. This is not the only one. The head-

lines in the papers said that our Governor was not even consulted in this platform. It is a matter of record, everybody knows it.

Two years ago we appeared before this legislature saying the sales tax was unfair, and a bad tax for many reasons. It is neither fair nor equitable to require unemployed persons to contribute from their earnings, to take away from the aged, take away from the blind, take away from dependent children or from mothers who depend on state and local committees for their subsistence, to take away from self-supporting families who barely get by. Collection is expensive for the state. But if you want more bureaucracy go ahead and vote for it. Collection is expensive for the merchants. Our neighbor states have avoided the tax for very substantial reasons. The sales tax does not make the taxpayer more responsive to the costs of government. I assume the change and the tenure of the people who said that the sales tax was bad for these reasons was because we had a tax research committee. It is not my purpose to minimize the work of that committee. The head of that committee is the president of the college from which I graduated and I have the greatest respect for him and for the other members of the committee but at the sales tax hearing it was brought out clearly that not one minute was given in discussing the relative merits of any means of producing revenue for the state. The entire time was spent in determining the need for dollars. I say, without trying to minimize the work of the committee that this we all know anyway. There is no member of this Senate who did not know that more money is necessary to carry on state government. To me, the most important function in a tax study should be to determine the ways and means. The report of the committee was jotted down as the favorite method of various members, but it certainly was not based on any discussion. Additional debate was brought on by taking us out of the property tax field. Who are we taking out of the property tax field? 54% of

the property in the State of Maine is owned by business, big business, retailers and wholesalers and only 46% of the property is owned by property owners and so we want to take 54% of the real estate deal and put that additional burden of five and a half million on the consuming public. If that is democracy, I am pleased to be a hatchet man and a non-conformist.

The rank and file of the people are opposed to the sales tax. The people I represent share in things and services that Maine offers them and I am very sure they are willing to assume their rightful share of the burden. Personally I have been keenly interested in education. I have argued loudly for it. I shall vote yes on a tax measure but I certainly will not vote for the sales tax and I know the people whom I represent and the general tenor of all the people of Maine is against it. I hope that my motion will prevail.

**Mr. NOYES of Hancock:** Mr. President, I hardly know where to begin. There seems to be a smoke screen here this morning and there seems to be an intent to becloud the issue. I think maybe it may be a sincere intent.

However, I would like to clear up a few that have been submitted here by the Senator from York, Senator Dennett. He gave us a figure of \$755,000,000 as being the latest figure available from the Federal Bureau of the Census which is true. However, that latest figure applies to the year of 1948.

Now, since 1948, there has been an increase in retail sales at the federal level of over ten per cent. Your Taxation Committee, however, did not use that for the State of Maine. We took the more conservative figure of five per cent added to those retail sales and I believe that we are safe in taking that figure.

It has been said it would only yield \$6,000,000. I don't understand what the fuss is about. By repealing the five and a half million dollar tax and putting \$6,000,000 in its place, we are only talking about \$500,000. So, I think there is something wrong there somewhere in this tax bill. The item of \$700,000 has been omitted this morning,

which is the tax that would be derived from sales both in the home and to industry. Also, the use tax feature has not been estimated this morning.

That figure, of course, is a difficult one to estimate but other states that have adopted the use tax—and all of the states that have adopted a sales tax have adopted the use tax—have got substantial revenue from the use tax. And in this particular tax bill that we have before us, I would call it to your attention that I know of no other State that has such a sales tax applying to industry and leave part of the products bought by industry. The most of the machinery bought by industry in Maine particularly is bought outside of the state and a use tax will apply. The largest part of our fuel is likewise bought outside of the State and this tax will apply. It is safe to say that a million dollars will be derived from the use tax feature.

So, the figure that has been given to you, I don't think, is sound and when it is said fifty-eight per cent of the retail sales is exempt, that is not so, because if you want to go into retail sales and add up the amount of food that was sold in 1948, which is the year that is being used, we would exempt under that item \$41,000,000 and liquor \$21,000,000, farm seed, feed and fertilizer \$30,000,000. You don't come up to the figure of fifty-eight per cent of even the \$755,000 which was mentioned in regard to the property tax and the per cent that is owned by business or industry.

I don't know where the senator got those figures. But even that isn't sound. Bear this in mind, that your tax bill before you does not exempt industry and business from taxation. It applies the sales tax to the products used by industry so that they are paying an amount equivalent to and in all cases that the Committee could ascertain, were paying amounts greater than seven and a quarter mill reduction they would receive if the state withdraws from the property tax.

In the State of Maine we have 140,000 homes that are owned by Maine people and this same bill gives a seven and a quarter mill

reduction to those homes. Thank you very much.

Mr. BROGGI of York: Mr. President, democracy is a wonderful thing. The President of Bates College who was chairman of the tax study committee personally recommends a sales tax. He probably believes in his stand. His own professor on economics at Bates College, Professor John Murray Carroll in his appearance before the discussion of the sales tax said it was a regressive tax and absolutely the poorest means of raising this money and he was opposed to it.

Democracy is a wonderful thing if a college president can feel one way and the professor of economics can feel in the opposite direction. I would like to quote from a statement by Professor Robert Murray Haig, Professor of Political Economy at Columbia University, which is one of the largest universities in the world. He holds an esteemed position and I want to quote him.

"Any politician who has the interest of the small home owner and rent payer at heart cannot sincerely and consistently urge the substitution of a general sales tax for real estate taxes. So far as I am aware, serious students of public finance are unanimous in the opinion that sales taxes are regressive rather than progressive. To propose the substitution of general sales taxes for taxes on real estate is an insult to intelligence and an affront to common sense." That is signed by Robert Murray Haig, Professor of Political Economy, Columbia University.

It is amazing to me that the professor of economics and the students of economics are all opposed to a sales tax because it is regressive. Mr. President and Members of the Senate, I sincerely hope that the members will see fit to sustain my motion to rescind our action this morning whereby we voted to engross the sales and use tax bill.

Mr. BOUCHER of Androscoggin: Mr. President and Members of the Senate: I want, first of all, to point out that I can not agree with you, sir, on your ruling that we have engrossed this bill. I realize it is your privilege to so rule but I can not agree with it. I don't believe we have. I think we voted to go along with the amendment.

The PRESIDENT: The Senator has the privilege of putting the ruling to a vote if he sees fit.

Mr. BOUCHER of Androscoggin: Mr. President, I know what the result will be but I still want to state my position on it. I think I am entitled to state my position. I can't agree with the ruling.

Now, to come back to this Amendment "P" which apparently is the basis of all our troubles this morning. I certainly want to oppose that amendment of all of the amendments even stronger than I would have opposed the bill.

This amendment is for one purpose only. It is to deprive the citizens of Maine of their right to decide whether they want a sales tax, or not.

Now, those that are opposed to the sales tax have been accused of about everything under the sun this morning, hatchet men and everything that you want besides that. I do not want to accuse the proponents of anything but I will tell them this, that I can't approve and I will not approve of gagging the citizens of Maine. You and I know what the reason is. We have had a sales tax before the citizens of Maine three times in the last ten years and it has been turned down.

The only reason you are adding this to the bill this morning is because you know that if you don't put this through as an emergency, the citizens of Maine will send it back. I have been threatened this morning with starvation by one of my fellow members in this Senate if this sales tax didn't go through. Well, I will starve but I won't vote for it.

I don't believe in a sales tax because it is the most unfair tax there is. I have heard one of our members this morning say that everybody should bear part of the burden, even the widows and the orphans and the paupers and the old-age people of Maine who receive Old Age Assistance. If that is a proper way of taxation, then I am against it. I don't want to be that kind of a giver who gives with one hand and takes away with the other.

You are going to ask people who you are giving to, to give back to

the State part of the gift you have made to them to live on.

I also heard some of our members refer to my party, and I am the only Democrat here present this morning, as the party that was raising the objection. Well, I don't believe that is a true statement because if that is true, we wouldn't have to go very far before this tax question would be settled.

There is some sound thinking in the Republican members of this Senate who are opposed to a sales tax. And I want to further state that my party or myself have never made the statement that we would not go along with the tax but I have said and I do repeat that I will not go along with this unfair sales tax bill that we now have before the Senate.

The PRESIDENT: At this time, the Chair would like to bring to the attention of the Senate, having been so advised by Senator Collins, that in the balcony there is a group of twenty-six students from the University of Maine, members of the "International Group," so-called, which is formed particularly for the promotion of cooperation and understanding with our foreign neighbors. It is the Chair's understanding that sixteen of the twenty-six members are from foreign countries. I think it is particularly fitting that they should be here at the State House where they may listen to democracy in action.

In behalf of the Senate, the Chair welcomes you here.

The Chair recognizes the Senator from Cumberland, Senator Leavitt.

Mr. LEAVITT of Cumberland. Mr. President, I do agree with Senator Noyes that a great deal of beclouding of the issue is going on here today. As far as I know, nobody has called the opposition anything. They have told us, themselves, what they are. We are here to consider passing a tax for money which is needed to run the state government. Each and every one of our opponents, as they stand here today, stand and say, "We realize that we need the money but you have got to vote for my type of tax. We do not believe in the majority rule. We don't believe in the party rule. We believe in my rule. If you will go along with me

in doing something that we know that the State of Maine doesn't want, then we'll get the tax."

We have demonstrated by at least five votes in this Senate and by several votes in the house that the majority of the people that are members of this Legislature want a sales tax not because they think it is a perfect tax but because of the fact that they realize that it is a tax that will raise the money necessary and the majority have decided it is the tax which they will go along with. Each and every person that says he will go along with a tax which he knows will not pass this Senate or pass the House, know that—

The PRESIDENT: The Chair must rule that the Senator in debate may not allude to action which may come in another branch in an attempt to influence the members of the Senate. He may allude to any past actions which are generally known. The Senator may proceed.

Mr. LEAVITT of Cumberland: I had understood in my long experience here that the House couldn't allude to what the Senate said but I had never realized that the Senate couldn't allude to the house. I apologize if I have overstepped my bounds.

The sales tax with all of its imperfections is probably the best tax there is. We can find all kinds of objections to it but as I said in here earlier in the session, that that should we present before this body an income tax, most of the opponents of the sales tax would spring into action against the income tax and where they now are showing, five, six, seven, eight reasons against the sales tax, they would have fourteen reasons against the income tax.

Think what York County would say if we tried to put an income tax on. Think what all of the people that come to York County and live in York County from other states and have large real estate holdings there because of the fact that Maine does not have an income tax. Why, the screams from York County if you tried to do that, would be so violent that what we have heard so far would be just firecrackers.

We can go along and we will say we are going to put a corporate tax into effect but they would tell us that we would have Pepperell, Saco Lowell and Sanford Mills moving out of the State of Maine. You can hear York County screaming about that.

No. York County has a tax here which they know the majority has accepted, which the Republican Party is behind one hundred per cent as a party but they are screaming against it.

Gentlemen, I hope that the motion of the gentleman from York does not prevail.

Mr. ELA of Somerset: Mr. President, I would like to call attention of the Senate at this time to Section 34 of this document which is 1273. That section says, "There shall be no state property tax levied for the year 1952 and thereafter." The companion bill of this was the establishment of the Maine School Authority which proposed to have to the State the state property tax which would be lost in the unorganized part of the State of Maine. In this morning's calendar, you note in answer to an order which I introduced some time ago, the Supreme Court has ruled that such an authority would be unconstitutional.

I think you probably know in the Senate that I am not friendly toward the sales tax. But if I were friendly and if I were going to vote for the sales tax, I would want at this time to reconsider our action and eliminate Section 34 because you will surely have to do it before this bill is passed into law if you want to save a substantial portion of the money which you would lose in the unorganized territory of the State by the abolition of the state property tax.

I say again, if I were friendly to the sales tax, and I am not, I would surely want to eliminate Section 34 before I passed the bill to be engrossed.

Mr. DENNETT of York: Mr. President and members of the Senate, I rise solely to allay the fears of my friend the Senator from Cumberland, Senator Leavitt. I believe if and when an income tax measure is introduced into this Senate that it will have the unani-

mous support of the Senators from York.

Mr. NOYES of Hancock: Mr. President, I would like to call the attention of the Senate to the remarks of my good friend, Senator Ela, when he reports the question to the Supreme Court relative to the legality and constitutionality of the creation of a Maine School District, so-called.

He stated in the event that it was unconstitutional to tax unorganized lands in the proposed measure that other ways were available and I agree with him. There are other ways to get that tax money from the unorganized lands of the State which, by the way, would amount in the next fiscal year to \$360,000.

In the first instance, there is no withdrawal of the State from the property tax in the year 1951 proposed under the bill. So, we would get our \$360,000 from unorganized lands in 1951. I would propose to get the \$360,000 by amending the constitution as was suggested or intimated in the report that we had this morning from your Supreme Court. In the event that that is done—that the constitution is amended, permitting the state to tax unorganized lands—that would be voted on, if passed by the Legislature in referendum to the people, or approved by the people in 1952. We would lose \$360,000 in the year 1952, but I can see no reason why in 1953 the rate of taxation on that kind of property couldn't be doubled, thereby giving reimbursement for the loss we would incur in 1952 of this bill becomes law.

Mr. ELA of Somerset: Mr. President, I feel sure that the Senator from Hancock has not read the decision or he wouldn't have proposed what he did. It has been attempted before to do just what he proposes to do now and failed.

I agree with the Senator that I think there are other ways to save the loss of taxation on unorganized territory but I don't think he could do it and leave Section 34 in the Legislative Document.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I have heard the two Senators

from York claim that they were hatchet men. They may be as far as the tax bill not going through is concerned but I would say to those gentlemen that if we do not get new revenue that I will probably be one of the group of men that in the final analysis really wield the hatchet and that is as a member of the Appropriations Committee.

So, if we do not get new revenue, I expect to have that opportunity and also climb under the umbrella of the hatchet men. I would like to say this again, that in event this tax bill is to be sabotaged and we are not to get new revenue, it will, I think, fall upon the Appropriations Committee to make amendments to bring our spending down to the level of our income.

I think if we have to resort to those tactics, it would be wise to adjourn and go home.

When the aged do not receive their checks and the teachers do not receive their checks from the State subsidies and we start economizing on the sick and insane, I think that even the conscientious objectors to this tax, with the hazing they received at home, would be very happy to vote for it.

Those are my convictions and the only thing I have to say is that if we can't agree on new revenue, I don't know what we are going to use for money and if you will adjourn and give me a month or so at home to do my work so I can possibly make a living, I will be glad to come back and fight the thing out for another month or so.

Mr. BROGGI of York: Mr. President, the adherents of the sales tax would have all of us believe that this is the only measure we are going to have before us this session, that it is the only way the money can be raised, that this is all. I take great exception to the remarks of the Senator from Cumberland, Senator Leavitt, when he says this is a one-hundred-per-cent-sponsored, Republican bill. I refute that statement. There are twelve Republican Senators who have voted consistently against the bill in this Senate. I

think they are members of the Republican Party.

The original reference to hatchet men was not made by the proponents of the sales tax, I can assure you and I would like to read, briefly, from a letter I received from the Chairman of the York County Republican Committee who is, incidentally, a member of the Resolutions Committee at our state convention, in an attempt to refute the remarks of the Senator from Cumberland that this is a one - hundred - per - cent sponsored Republican issue, and I quote.

"It seems to be the favorite argument of Sales and Income advocates in and around Augusta to point to the Republican Platform and insist that the Republican Party is committed to a new tax. As a fighting member of the Resolutions Committee at the last State Convention, I find it my duty to refute this almost legendary myth. The lengthy and rambling Republican platform of 1950 did not and does not represent the will of the majority of the Resolutions Committee or of the Delegates to the State Convention. It is the product of a very small group of wilful men."

Those men had the platform written prior to the convention. And I repeat to this Senate that there were headlines in our papers in the State that our Chief Executive was not even invited in, in the writing of this platform.

I continue to quote.

"These men came into the State Convention well organized and prepared to put over a sales tax scheme on the unsuspecting Delegates to the Convention. The platform was all written weeks in advance of the Convention and was deliberately railroaded through the Resolutions Committee and later presented to the Convention as the product of that Committee. Nothing could be further from the truth. Now these same people are telling the Legislature that the Republican Party is committed to a new tax. This talk is simply a continuance of that absurdity.

"The Republican Party and the Republican controlled 95th Legislature has but one commitment to the citizens of the State of Maine

and that is to give them the good, honest, economical and efficient kind of Government and Legislation they have a right to expect.

And I repeat, this is not to be the only measure before us to raise money. I think the York County delegation will not be found wanting when it becomes necessary to vote for a tax measure to raise the money. But we are unalterably opposed to this sales tax bill and I hope my motion prevails.

Mr. LEAVITT of Cumberland: Mr. President, I made very unfortunate use of the words, "one hundred per cent," at the time I was talking about the majority rule. The Chair will remember that he made a correction of my reference to the other body and it threw me off my stride a little bit and I got onto the one hundred per cent. What I meant to say is that the majority of this body here has been for the sales tax. The majority of the Resolutions Committee, whether it was 100 per cent or not, I don't know, but it was a majority that voted for that resolution.

The majority of the people at the convention voted for this sales tax, or voted for a tax which would raise the money necessary to carry out the needs of the State. In other words, I believe that the majority is the ruling factor in democracy — the majority of its representatives. And when a small group of people for some selfish reasons, either personal or because of their own district, try to block the majority, they are trying to block the orderly process of democracy.

I have had my lesson in it. Four years ago I was in a caucus. Twenty-one members voted on one side and I was one of the few that was blocking a two-thirds vote and I shifted my vote because of that fact. I believed that the majority ruled. I know I said one hundred per cent. I did not mean one hundred per cent but I mean the majority of this party, the majority of this house and the majority of the other house, so far has voted for this bill.

Mr. DENNETT of York: Mr. President and members of the Sen-



ate, in answer to the Senator from Cumberland, Senator Leavitt, I would like at this time to read, for the edification of the members of the Senate just what the Republican platform is regarding taxation. Under "Finance and Taxation" it reads as follows: "We favor and propose to effect a revision of the tax system. An essential feature of such revision must be the abolition of the state property tax on municipalities. Funds required by the state to replace the loss from property tax revenue, together with such additional funds as may be required to meet other proven needs, should be raised by new taxes to be levied upon the broadest base consistent with fairness and ability. We urge the legislature to enact forthwith and upon its own responsibility such tax measures as may be deemed fair, equitable, and adequate for proven needs, consistent with our party policy here expressed." It doesn't contain the word "sales tax" but it does clearly state "fairness and ability to pay."

Now again the question has been raised of minority vs majority. Here again, I think, has been expressed an unwillingness to concede the majority rule in putting an emergency preamble on this bill so that the people might have an opportunity to vote on this measure. An overwhelming majority of people, not only in my own county but I believe all over the state, would vote against this sales tax bill and this small majority of those people here in the legislature went to deny the will of the majority.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, I have been hearing for several days that it is impossible to economize in state government, that we do not have as heads of our departments, business men and that those departments are not conducted as anyone would conduct his own business, and I am going to cite one instance which will perhaps show what I mean.

I had the privilege last Saturday of visiting one of our state institutions. The gentleman who is at the head of that institution is a business man, he has economized for the past five years, and he has turned back to the Treasurer of State

nearly sixty thousand dollars which he didn't use. And for that reason, in his budget this year which was right down to rock bottom as requested, he has been punished by a thirty thousand dollar reduction from his budget request, because he had been economical and conducted the state's business as he would conduct his own. It is impossible to economize in state government.

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, I wish to thank the Senator from York, Senator Dennett, for reading to us from the party platform and I hope he will be as fully answered now by this statement as he was by the last one. The Republican party platform says that we are in favor of abolishing the real estate tax amounting to five million, six hundred thousand dollars, to abolish the state property tax and another five million dollars, approximately, each year of the biennium for services.

I would like to have the Senator from York tell me, if we follow that platform as he has read it to us where is he going to raise the ten million dollars each year which has been proposed.

Mr. DENNETT: Mr. President, I do not propose to answer the Senator in exactly the manner in which he has posed the question, but I will say that as far as getting out of the state property tax field is concerned, that portion which is written in the Republican party platform, that the three incumbents as present, the three senators from York County, got off that plank in the platform and expressly and publicly stated they would not go along with that part of the platform that would take the state out of the property tax field, so I do not feel that I am going in opposition to any pledge or even to a platform a portion of which we refused to accept.

Mr. TABB of Kennebec: Mr. President and members of the Senate, I have sat here and listened to quite an argument this morning. I am sorry I haven't someone to go out and get me a book to read. But I am big enough to stand up here and fight my own battles. It seems to me we are wasting a lot of time. I am opposed to the sales tax. I

admit it. And I don't see what we are worrying about. The bill has got to come back so us and then we can do what we want with it after that. I would have gone along, if we had not voted for the emergency clause, for one reason; I agree that the majority should rule. I was licked here on the two percent tax, I was even willing to take a half a loaf of one percent and I was licked on that, so I say to you that politics is again entering this thing for 1952, and I don't care who knows it. When they go out and get a book for these senators to read I think it is the most ridiculous thing I ever heard of in my life in this Senate.

The PRESIDENT: The Chair must remind the Senator that he may not indulge in personal comment.

Mr. TABB: I apologize, Mr. President, but I am a fiery senator — I have been so characterized in the newspapers — and it is about time I woke up. So I voted for the emergency because if the majority of this Senate want a sales tax it must have an emergency provision, and I am opposed to it going to a referendum to the people. If the people haven't got faith in me to use my own judgment they need not vote for me in 1952 to come up here and use my judgment. I will not play politics to get a vote and I can't see for the life of me why we should be debating this now. Here we have been arguing for over an hour about nothing. The bill will have to come back here and then we can do what we want done, and at that time I shall vote against the sales tax but if we keep on I wish to say that possibly I shall have to vote the other way. I am getting sick of the attitude in this Senate of trying to force the issue. Mr. President, I hope the motion of the good Senator from York County, Senator Broggi, does not prevail.

Mr. HASKELL of Penobscot: Mr. President, I had no intention of speaking on this issue, and that is a statement I made to the Chairman of the Committee on Taxation and to the majority floor leader, but I was guilty of going out to the Secretary's office and bringing in the Republican party platform and I did that at the specific request of two Senators who thought I might

know where to find it. I thought their request was reasonable because no less than seven Senators had mentioned that platform and not one of them, in my opinion, has the vaguest idea of what it says, so it seemed reasonable to me that someone should read the party platform. If that is politics I am guilty.

Mr. BARNES of Aroostook: Mr. President, before the vote is taken on this issue I think I am going to make an apology. If I in this Senate had come out with a statement, or if I had made a public statement, saying I was opposed to a certain measure, or if I had made promises to any large segment of voters in this state that I would oppose a certain measure, or if I thoroughly and sincerely and reasonably believed it was a bad measure, and were called a hatchet man, I would glory in the title. But apparently there are those who do not feel that way about it and I therefore publicly apologize to my good friends the senators who have taken exception to that remark.

There is one other thing I would like to say before I sit down, and I have reference to our present patchwork taxation system, a crazy quilt system, I call it. We raise better than fifty percent of the money we spend, or almost that, from three sources. One of those sources is the property tax which this bill is designed to eliminate so far as the state is concerned. My recollection is very vivid that back in the "poor thirties" in Aroostook County at one term of Court there were between three and four thousand tax actions and I assume that if times slip again there will be that many, or more, tax liens filed. People pay their taxes when they are able to pay and they take their discount, but property in this state is over-burdened. That is one patch in our crazy quilt tax system. I have heard the opponents of a sales tax say you shouldn't levy a two percent general tax. Well, take this package of cigarettes, the poor man's smoke. This package, which is free from tax in army and navy post exchanges, sells there for six cents. I just sent down stairs and had this one bought and it was twenty-two cents. That isn't a two percent tax;

that is nearly four hundred percent. And that little item makes up sixteen percent of the money the state gets on its taxes.

I was in one of Dr. Greene's stores, the Green Front Store, the other day and priced a brand of whiskey which is regarded as very good, Seagram's V. O. It was five dollars and a quarter a fifth. Tax free, and that is federal and state tax free, that item costs a dollar and a quarter, and that is nearly a five hundred percent tax and is where we get twenty percent of our state income.

The measure concerning which the Senator from Cumberland spoke when he said he didn't like it but finally came around to vote for it was that little stinker we passed four or five years ago putting another two cents on cigarettes and twenty percent on tobacco, the poor man's smokes. No organization today feels you can tax these things that sinners use, out of existence. And the temperance organizations and others in this state have come to a realization that we need a new general tax. Now, there is your crazy quilt pattern. We don't seem able to discover, at least I haven't been able to, any substantial support for any other tax measure than the one we are now considering and I therefore strongly hope that this measure will be allowed to pass along its orderly course, at this stage at least, and that the vote will be against the motion of the Senator from York, Senator Broggi.

I do say to the Senator from Somerset, Senator Ela, that if I thought the others were as sincere about the matter as he is and the question were only on reconsidering the engrossing for the purpose of offering an amendment, I would go along with it. But the opponents of this sale tax are not guided by principles like that and I therefore urge the Senate to vote against this motion to reconsider at this time.

Mr. CROSBY of Franklin: Mr. President, I would say to the senators that if the motion of the Senator from York, Senator Broggi does not prevail it will take from one to two days at least to engross this bill and then it has to be brought back for enactment and I would hope that during that time

we might have some of these other tax measures before us for discussion. I think they should be, before the final enactment of this bill.

The PRESIDENT: Is the Senate ready for the question? The Senator from York, Senator Dennett, has requested the Yeas and Nays on this question. In order to entertain the Yeas and Nays the Chair must do so at the request of at least one-fifth of the members present.

A division of the Senate was had.

More than one-fifth having voted in the affirmative the Yeas and Nays were ordered.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Broggi, that the Senate reconsider its action whereby this bill was passed to be engrossed. A vote of Yes on this question will be a vote for reconsideration. A vote of No will be against the motion. The Secretary will call the roll:

YEA: Senators Boucher, Bokyer, Broggi, Dennett, Ela, Greeley, Haskell of Penobscot, Larrabee, Marshall, Reid, Sleeper, Smart, Ward—13

NAY: Senators Allen, Barnes, Brewer, Brown, Christensen, Collins, Crosby, Fuller, Haskell of Cumberland, Kavanagh, Leavitt, McKusick, Noyes, Palmer, Savage, Tabb Weeks, Wight—18.

ABSENT: Turgeon.

Thirteen having voted in the affirmative and eighteen opposed, the motion to reconsider did not prevail.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table bill, An Act Relating to Penalties for Violation of Truck Weight Laws (S. P. 460) (L. D. 1074) tabled by that Senator on April 16 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Mr. MARSHALL of York: Mr. President, I wish to inquire if the Senator has in its possession L. D. 708, An Act Relating to the Ogunquit Village Corporation.

The PRESIDENT: The Chair will state that the document is in the possession of the Senate, having been recalled by Joint Order.

Thereupon, on motion by the same Senator, the bill was recommitted to the Committee on Legal Affairs for further consideration.

Sent down for concurrence.

On motion by Mr. Broggi of York

Adjourned until tomorrow morning at ten o'clock.