

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

**OF THE**

*Ninety-Sixth Legislature*

**OF THE**

**STATE OF MAINE**

**1953**

**DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE**

## HOUSE

Tuesday, April 21, 1953

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

Prayer by the Rev. Mr. Chauncey Wentworth of Augusta.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

### Papers from the Senate

From the Senate: The following Orders:

**ORDERED**, the House concurring, that whereas L. D. 1455, "An Act to Increase the Salary of the Recorder of the South Portland Municipal Court" has this day received unanimous consent for introduction and has been referred to the Committee on Towns and Counties, and whereas, it appears that there may be equal justice in considering salary adjustments related to the Portland Municipal Court, the Committee above referred to is authorized to report L. D. 1455 under new title and in a new draft; such new draft to be limited in its reference to the South Portland Municipal Court and the Portland Municipal Court (S. P. 546)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

**ORDERED**, the House concurring, that free additional telephone service be provided for each member and officer of the Senate and House to the number of fifteen (15) calls, of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified to by the Secretary of the Senate and Clerk of the House, respectively, charge for this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates (S. P. 547)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

## Senate Reports of Committees Leave to Withdraw

Report of the Committee on Business Legislation on Bill "An Act relating to the Advertising of Sale of Real Property by Brokers and Salesmen" (S. P. 371) (L. D. 1032) reporting leave to withdraw.

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

### Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve in favor of Lewiston-Auburn Catholic Bureau of Social Service, Inc., of Lewiston (S. P. 158) (L. D. 408)

Report of the Committee on Claims reporting same on Resolve in favor of Clarence G. Ricker of Clinton (S. P. 515) (L. D. 1402)

Report of the Committee on Taxation reporting same on Bill "An Act relating to Sales Under Twenty-five Cents Under Sales Tax Law" (S. P. 331) (L. D. 835)

Came from the Senate read and accepted.

In the House, were read and accepted in concurrence.

### Ought to Pass in New Draft

Report of the Committee on Natural Resources on Bill "An Act Amending the Water Improvement Commission and Creating Standards of Classification" (S. P. 430) (L. D. 1157) reporting same in a new draft (S. P. 538) (L. D. 1451) under same title and that it "Ought to pass"

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

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

### Ought to Pass

Report of the Committee on Natural Resources reporting "Ought to pass" on Bill "An Act Providing for Classification of Certain Surface Waters" (S. P. 429) (L. D. 1156)

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

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

#### Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Resolve Providing for Construction of Dolphins at Maine Maritime Academy (S. P. 162) (L. D. 405) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, Report was read and accepted in concurrence, and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to S. P. 162, L. D. 405, "Resolve Providing for Construction of Dolphins at Maine Maritime Academy."

Amend said Bill by striking out in the first line the figures "\$38,000" and inserting in place thereof the figures '\$15,000.'

Committee Amendment "A" was adopted in concurrence and tomorrow assigned for second reading of the Resolve.

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Bulldozing of Streams" (S. P. 169) (L. D. 413) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 169, L. D. 413, Bill, "An Act Relating to Bulldozing of Streams."

Amend said bill by striking out in the third line of that paragraph designated Sec. 16-A the underlined numeral "1,000" and inserting the underlined numeral '500' in said

third line after the underlined words "excess of"

Thereupon, Committee Amendment "A" was adopted in concurrence and tomorrow assigned for third reading of the Bill.

Report of the Committee on Public Health on Bill "An Act relating to Admission Age for Maine School for Deaf" (S. P. 418) (L. D. 1126) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 418, L. D. 1126, Bill "An Act Relating to Admission Age for Maine School for Deaf."

Amend said Bill by striking out the last paragraph thereof and inserting in its place the following paragraph:

"Sec. 171. Admittance of children to school. With the consent of its parent or guardian, the department may admit to said school for a term not exceeding 12 16 years, any deaf and dumb child residing in this state and not less than 5 2 years of age, who shall not be withdrawn or discharged from said school, except with the consent of the department or the governor and council, and the sums necessary for the support and instruction of such children while attending said school shall be paid by the state."

Thereupon, Committee Amendment "A" was adopted in concurrence and tomorrow assigned for third reading of the Bill.

#### Ought to Pass Senate Amendment Adopted

Report of the Committee on Public Health reporting "Ought to pass" on Bill "An Act relating to the Regulation of Cosmetics" (S. P. 183) (L. D. 424)

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

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

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

**SENATE AMENDMENT "A"** to S. P. 183, L. D. 424, Bill, "An Act Relating to the Regulation of Cosmetics."

Amend said Bill by adding at the end thereof the following section:

'**Sec. 3. R. S., c. 22, §208, amended.** Section 208 of chapter 22 of the revised statutes, as amended, is hereby further amended by repealing the 1st, 2nd and 4th paragraphs.'

Thereupon, Senate Amendment "A" was adopted in concurrence and tomorrow assigned for third reading of the Bill.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Election of Delegates to National Convention and Presidential Preference Primary" (S. P. 400) (L. D. 1119)

Report was signed by the following members:

Messrs. REID of Kennebec  
HARDING of Knox  
— of the Senate  
Messrs. McGLAUF LIN of Portland  
TRAF TON of Auburn  
LOW of South Portland  
MARTIN of Augusta  
FITTANIDES of Saco  
CIANCHETTE of Pittsfield  
— of the House

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. WARD of Penobscot  
— of the Senate  
Mr. FULLER of Bangor  
— of the House

Came from the Senate with the Majority Report read and accepted.

In the House: Reports were read.

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

Mr. McGLAUF LIN: Mr. Speaker, I move we accept the majority report in concurrence with the Senate.

The SPEAKER: The gentleman from Portland, Mr. McGlaufflin, moves that the majority "Ought not to pass" report of the committee be accepted in concurrence.

The Chair recognizes the gentleman from Bangor, Mr. Fuller.

Mr. FULLER: Mr. Speaker and Members of the House: This is a case where the minority members of the Judiciary Committee felt that they should file a minority report so as to assure a discussion of this bill in both branches of the Legislature.

As you will see, Legislative Document 1119 is made up in two sections, designated Chapter 4-A and Chapter 4-B.

Chapter 4-A relates to the election of delegates to the National Convention of the respective parties.

Chapter 4-B provides for a Presidential Preference Primary. Section 4-B specifically provides that the primary shall be advisory only, and not absolutely binding on the delegates.

Now this is wholly a matter of policy, to be determined by the Legislature. Those members of the House who feel that delegates should be elected in a different manner when chosen for our Presidential Party conventions can support this bill. Those who feel that a Presidential Preference Primary would be helpful to the delegates, when chosen, can also support this bill. As it is drawn, by the process of amendment either part of the bill could be readily adopted without the other part. It doesn't have to be taken as a package unless the members of the House should so desire.

This would, of course, bring about a considerable change in our methods. Some people feel that a change is overdue in both of these fields, and therefore, with the divided reports of the Judiciary Committee, the matter is before the Legislature for you people to decide.

The SPEAKER: The gentleman from Portland, Mr. McGlaufflin, moves that the majority report of the committee "Ought not to pass" be accepted in concurrence. As many as are in favor of that motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the majority "Ought not to pass" report was accepted in concurrence.

#### Non-Concurrent Matter

An Act relating to Salaries of Certain County Officers of Washington County (H. P. 359) (L. D. 375) which was passed to be enacted in the House on March 18, and passed to be engrossed as amended by Committee Amendment "A" on March 5.

Came from the Senate passed to be engrossed without amendment in non-concurrence.

In the House: On motion of Mr. Cates of East Machias, the House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

An Act relating to Requirements of Group Accident and Sickness Insurance Policies (S. P. 288) (L. D. 826) which was passed to be enacted in the House on March 25, and passed to be engrossed on March 17.

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

In the House:

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

SENATE AMENDMENT "A" to S. P. 288, L. D. 826, Bill "An Act Relating to Requirements of Group Accident and Sickness Insurance Policies."

Amend said Bill by striking out the 3rd, 4th and 5th lines from the end and inserting in place thereof the following underlined lines:

**'whose employees are not already covered for the same or similar benefits under a plan maintained by their employer 'or'**

Thereupon, the House voted to recede from its former action whereby the Bill was passed to be enacted; and further voted to recede from its former action whereby the Bill was passed to be engrossed.

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

#### Non-Concurrent Matter

Bill "An Act Amending the Charter of the Municipal Court of the City of Lewiston re Payment of Expenses" (H. P. 547) (L. D. 527) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 7.

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

In the House:

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

SENATE AMENDMENT "A" to H. P. 547, L. D. 527, Bill "An Act Amending the Charter of the Municipal Court of the City of Lewiston re Payment of Expenses."

Amend said bill by adding to the title the words "and Salary of the Judge"

Further amend said bill by indicating the striking out of the figures "\$2,700" in the 12th line of Sec. 1 by drawing a line through said figures "\$2,700" and by inserting immediately following said stricken out figures the underlined figures '\$3,000'

Further amend said bill by adding at the end thereof the following:

**'Sec. 4. Limitation.** Notwithstanding the provisions of this act, the judge of the municipal court of the city of Lewiston now holding said office shall continue to be a contributing member of the local participating district of the city of Lewiston under the provisions of the Maine state retirement system. The city of Lewiston shall pay its liability involved and the county of Androscoggin shall reimburse the said city of Lewiston for such liability.'

Thereupon, the House voted to recede from its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

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

#### Non-Concurrent Matter

Bill "An Act Amending the Charter of the City of Westbrook" (H.

P. 1053) (L. D. 1194) which was passed to be engrossed as amended by House Amendment "A" in the House on April 15.

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

In the House:

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

SENATE AMENDMENT "A" to H. P. 1053, L. D. 1194, Bill "An Act Amending the Charter of the City of Westbrook."

Amend said Bill by inserting the underlined words 'commissioner of' before the underlined word "public" in the 8th line from the end thereof.

Thereupon, the House voted to recede from its former action whereby it passed the Bill to be engrossed as amended by House Amendment "A".

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

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

#### Non-Concurrent Matter

Bill "An Act to Withdraw the Town of Steuben from the West Washington Community School District" (H. P. 1243) (L. D. 1445) which was referred to the Committee on Legal Affairs in the House on April 14.

Came from the Senate, given its several readings under suspension of the rules and passed to be engrossed without reference to a Committee in non-concurrence.

In the House:

The House voted to recede from its former action whereby the Bill was referred to the Committee on Legal Affairs.

Thereupon, the Bill was given its three several readings under suspension of the rules and was passed to be engrossed without reference to a Committee in concurrence.

#### Non-Concurrent Matter

Report of the Committee on Claims reporting "Ought not to pass" on Resolve to Reimburse the Town of Pittston for Support and Medical Aid Extended to Certain Families (H. P. 903) (L. D. 982) which was accepted in the House on April 16.

Came from the Senate with the Report and Resolve recommitted to the Committee on Claims in non-concurrence.

In the House: On motion of Mr. Hussey of Windsor, the House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Resolve Regulating Ice Fishing in Portage Lake, Aroostook County (H. P. 649) (L. D. 663) and Minority Report reporting "Ought to pass" on which the House accepted the Minority Report and the Resolve was passed to be engrossed on April 16.

Came from the Senate with the Majority Report read and accepted in non-concurrence.

In the House:

The SPEAKER: Is it the pleasure of the House to recede and concur? The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, I thought Mr. Morris wasn't here and I was going to table this matter in his absence.

Thereupon, the House voted to recede and concur with the Senate.

The SPEAKER: At this time the Chair will request the Sergeant-at-Arms to escort the gentleman from Westbrook, Mr. Travis, to the rostrum, for the purpose of presiding as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Travis to the rostrum, amid the applause of the House, the members rising, where that gentleman assumed the Chair, and Speaker Bates retired.

#### House Reports of Committees Leave to Withdraw

Mr. Clements from the Committee on Welfare on Resolve Providing

for an Increase in State Pension for Clarence Thomas of Rumford Point (H. P. 776) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

#### Ought to be Adopted

Mr. McGlaufflin from the Committee on Judiciary on Joint Resolution Rescinding the Vote Taken by the 90th Legislature in 1941 Proposing an Amendment to the Constitution of the United States Relative to Taxes on Incomes, Inheritances and Gifts (H. P. 1240) (L. D. 1443) reported that it "Ought to be adopted"

Report was read.

The Speaker pro tem: The Chair recognizes the gentleman from Portland, Mr. McGlaufflin.

Mr. McGLAUFFLIN: Mr. Speaker, I want to take a moment to explain to you what this is all about.

In 1941 I was requested to introduce the measure that is referred to in this Resolution. I had no interest in the matter whatsoever at the time. It was referred to the Committee on Military Affairs and they reported the measure favorably.

It came back to the House, the House defeated it by a few votes, then it went to the Senate and the Senate adopted it.

I felt a little chagrined to think that my own measure wouldn't pass in the House but would pass in the Senate, so I contacted about twenty of my friends in the card room—I had more time to play cards then than I do now—and then, when it came back from the Senate, I moved to recede and concur and those boys went along with me, for no other purpose at all but personal friendship to myself, and the measure passed.

Since that time conditions in the country and in the world have changed tremendously. I now think that bill was a very fair one and I am very glad that Representative Jacobs, of Auburn, introduced this measure so that we can pass this Resolution and undo what was done at that time.

I move the passage of this Resolution.

Thereupon, the Report of the committee was accepted and the

Resolution was adopted and sent up for concurrence.

#### Ought to Pass with Committee Amendment

Miss Lawry from the Committee on Welfare on Resolve to Repeal Certain Special Resolve Pensions (H. P. 612) (L. D. 732) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

In the House: Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, I move that Item 3 be tabled, pending acceptance of the committee report.

The SPEAKER pro tem: The gentleman from Brooks, Mr. Dickey, moves that Item 3 lie on the table unassigned pending acceptance of the committee report. Is this the pleasure of the House?

(Calls of "No")

All those in favor of the motion will say aye; those opposed will say no.

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

Thereupon, the House voted to accept the report of the committee and the Resolve was given its first reading.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker I move that L. D. 732 be indefinitely postponed.

The SPEAKER pro tem: The gentleman from Brooks, Mr. Dickey, moves that L. D. 732 be indefinitely postponed.

All those in favor of this motion will say aye; those opposed will say no.

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

The SPEAKER pro tem: The Clerk will read Committee Amendment "A".

COMMITTEE AMENDMENT "A" to H. P. 612, L. D. 732, Resolve to Repeal Certain Special Resolve Pensions.

Amend said Resolve by adding at the end thereof, the following:

'Euphemie O. Michaud, Hamlin Plantation



Kenneth Martin Hunt, Burnham'  
Mr. DICKEY: Mr. Speaker, I move that Committee Amendment "A" be indefinitely postponed, and I would like to speak on my motion.

The SPEAKER pro tem: Will the gentleman please defer his motion until House Amendment "A" to Committee Amendment "A" is before the House?

Mr. DICKEY: Mr. Speaker, I do not understand.

The SPEAKER pro tem: The Chair will state that the House has to act on the House Amendment to the Committee Amendment before the gentleman's motion is in order.

Mr. DICKEY: Well, at the present time, Mr. Speaker, I will ask for a point of information. As it is listed, we do not have House Amendment "A" before us. If we have House Amendment "A" before us, I would be very happy to—

The SPEAKER pro tem: The Chair will state that it understands that House Amendment "A" to Committee Amendment "A" is before us, and has been introduced. The Clerk will read the amendment.

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 612, L. D. 732, Resolve to Repeal Certain Special Resolve Pensions.

Amend said Amendment by striking out from the end thereof the following:

"Kenneth Martin Hunt, Burnham"

The SPEAKER pro tem: The Chair now recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, I move the adoption of House Amendment "A" to Committee Amendment "A".

The SPEAKER pro tem: The gentleman from Brooks, Mr. Dickey, moves the adoption of House Amendment "A" to Committee Amendment "A". Is this the pleasure of the House?

(Calls of "No")

The SPEAKER pro tem: The Chair will recognize the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker and Members of the House: Some time ago this resolve was before us. It had a Committee Amendment "A" which entered two names to the original bill or to the original re-

solve. At that time I presented House Amendment "A", which took from the Committee Amendment "A" one name, and it resulted in a Committee of Conference. The Committee of Conference decided to refer it back to the committee. There was a gentleman's agreement in that Committee of Conference. Evidently the way it has been presented here that gentleman's agreement was dispensed with.

The reason that I put in House Amendment "A" is that there is a young man in the town of Burnham who is now receiving twenty dollars a month as a pension. This boy is mentally deficient. His mother is seventy-four years old, I believe, and his father is seventy-four years old. The reason that the committee entered this name on Committee Amendment "A" was because they had a communication from the Department of Health and Welfare which stated that the parents have a farm that is worth in the neighborhood of \$2,000 and therefore they presented it to the committee to use their judgment whether this resolve pension should be withdrawn.

Also in that communication was some reference to the boy's brothers who had some property. That has no relation to the boy.

Now it costs the State twenty dollars a month. If the boy were committed to Pownal, the cost would probably be in the neighborhood of forty dollars a month. Therefore I feel that from an economic standpoint the State is better off to pay this young man the twenty dollars a month.

I don't know much about the mother instinct, being a father, but I am sure this mother would like to keep this boy with her as long as she is living; she has had him with her all of these years. I think it would be a very bad move to try to take this boy away from her and put him in Pownal. That is the reason for my asking to have these different amendments and the bill itself indefinitely postponed. The aim was to keep this boy at home, and therefore I think this House, as long as you have passed it once before, should go along with me now and receive House Amendment "A".

I would like, perhaps, to arouse a little interest and get some of the committee up here, so that we may understand their viewpoint on it.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that the House adopt House Amendment "A" to Committee Amendment "A". Is this the pleasure of the House?

The motion prevailed and House Amendment "A" to Committee Amendment "A" was adopted.

The SPEAKER pro tem: The question now pending before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that the House indefinitely postpone Committee Amendment "A"?

Mr. DICKEY: Mr. Speaker, I will withdraw my motion.

The SPEAKER pro tem: The gentleman from Brooks, Mr. Dickey, withdraws his motion.

The question now before the House is on the adoption of Committee Amendment "A" as amended by House Amendment "A" to (H. P. 61) (L. D. 732) Resolve to Repeal Certain Special Resolve Pensions. Is this the pleasure of the House?

The motion prevailed, and Committee Amendment "A" as amended by House Amendment "A" was adopted and tomorrow was assigned for the second reading of the Resolve.

#### Referred to Judiciary

Mr. Clements from the Committee on Welfare on Resolve Providing for an Increase in State Pension for Mary McMahon of Eastport (H. P. 889) reported that it be referred to the Committee on Judiciary.

Report was read and accepted, the Resolve referred to the Committee on Judiciary and sent up for concurrence.

#### Divided Report

Report "A" of the Committee on Appropriations and Financial Affairs on Resolve in favor of the Town of New Gloucester (H. P. 960) (L. D. 1050) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. JACOBS of Auburn  
CAMPBELL of Guilford  
COLE of Liberty  
CATES of Machias  
DAVIS of Harrison  
— of the House

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

Report was signed by the following members:

Messrs. COLLINS of Aroostook  
SINCLAIR of Somerset  
HASKELL of Penobscot  
— of the Senate

Messrs. BURGESS of Limestone  
JALBERT of Lewiston  
— of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker and Members of the House: Opportunity Farm, a charitable institution, is located at New Gloucester, Maine, and is exempt by law from taxation. There are about thirty-five children of Opportunity Farm who are being taught in the public schools of New Gloucester, which create a heavy financial burden on the town.

The total cost per pupil is \$122.16. The total cost of the thirty-five children at Opportunity Farm will be \$4,275.60. The town is in Class Three, getting a 45 per cent State Aid subsidy, which amounts to \$1,924. This leaves a total of \$2,351.60 to be absorbed by the New Gloucester taxpayers, if this bill is not passed.

I feel that this is not right nor just, to expect the citizens of New Gloucester, a town with a valuation of around \$800,000, to pay for the education of these boys as they come from the different sections of the State.

I therefore move, Mr. Speaker, that Report "A", "Ought to pass" as amended by Committee Amendment "A", be accepted.

The SPEAKER pro tem: The gentleman from Raymond, Mr. Edwards, moves that Report "A" of the committee, "Ought to pass" as amended by Committee Amend-

ment "A", be accepted. Is this the pleasure of the House?

The motion prevailed, and Report "A" was accepted.

Thereupon, the resolve was given its first reading.

Committee Amendment "A" was then read by the Clerk as follows:  
**COMMITTEE AMENDMENT "A"**  
 to H. P. 960, L. D. 1050, Resolve in Favor of the Town of New Gloucester

Amend said Bill by striking out of the second line the figures "\$3,000" and inserting in place thereof the figures "\$2,351.60."

Committee Amendment "A" was then adopted, and the Resolve was assigned for second reading tomorrow morning.

#### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve in favor of Northern Maine General Hospital, of Eagle Lake (H. P. 1077) (L. D. 1216)

Report was signed by the following members:

Messrs. COLLINS of Aroostook  
 SINCLAIR of Somerset  
 HASKELL of Penobscot  
 —of the Senate

Messrs. JACOBS of Auburn  
 CAMPBELL of Guilford  
 COLE of Liberty  
 CATES of Machias  
 DAVIS of Harrison  
 —of the House

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following members:

Messrs. BURGESS of Limestone  
 JALBERT of Lewiston  
 —of the House

Reports were read.

On motion of Mr. Martin of Eagle Lake, the majority "Ought not to pass" report of the committee was accepted and sent up for concurrence.

#### Divided Report

Report "A" of the Committee on Welfare on Bill "An Act Creating a Division of Indian Affairs" (H. P. 245) (L. D. 226) reporting "Ought to pass" as amended by Committee

Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. BOUCHER  
 —of Androscoggin  
 PARKER of Piscataquis  
 DUNHAM of Hancock  
 —of the Senate  
 Mrs. LORD of Portland  
 Miss LAWRY of Rockland  
 —of the House

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. CLEMENTS of Belfast  
 LATNO of Old Town  
 BROCKWAY of Milo  
 RICH of Charleston  
 BIBBER  
 —of Kennebunkport  
 —of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Fuller.

Mr. FULLER: Mr. Speaker and Members of the House: I move to substitute the original bill, Legislative Document 226, for the reports of the committee.

The SPEAKER pro tem: Will the gentleman from Bangor (Mr. Fuller) please approach the rostrum?

The SPEAKER pro tem: The Chair understands that the gentleman from Bangor, Mr. Fuller, withdraws his motion.

The gentleman from Bangor, Mr. Fuller, now moves that Report "A" of the committee be accepted. Is this the pleasure of the House?

The motion prevailed and Report "A", "Ought to pass" as amended by Committee Amendment "A", was accepted.

Thereupon, the bill was given its two several readings.

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

**COMMITTEE AMENDMENT "A"**  
 to H. P. 245, L. D. 226, Bill "An Act Creating a Division of Indian Affairs."

Amend said Bill by striking out all of section 1 and inserting in place thereof the following:

**"Sec. 1. R. S., c. 22, §308, amended.** Section 308 of chapter 22 of the revised statutes is hereby amended by adding at the end thereof the following:

**"The commissioner is authorized to create within the department a division of Indian affairs, and to appoint, subject to the personnel laws, a director thereof. Said director shall be a person qualified to hold said position by reason of experience, training and demonstrated interest in the Indians of the state. In addition there shall be a woman appointed by the director qualified to work as a social worker in the homes. She shall be a qualified person with training in social work and also practical nursing experience. All duties and powers hereinafter given to the commissioner relating to Indians shall be delegated to the director. No person appointed under the provisions of this section shall be a member of any Indian tribe."**

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Fuller.

Mr. FULLER: Mr. Speaker and Members of the House: In the beginning, what I had in mind was to bring before the House the bill in its original form without this amendment, and I would like to explain my position on that. This bill arose out of a study by the Legislative Research Committee, as was directed by the Ninety-fifth Legislature. The Committee was directed to make a complete study of all problems concerning Indians of the State and report to this Legislature. Among other things, we of course learned that Chapter 22 of the Revised Statutes, that covering the Health and Welfare Department, Sections 307 to 365, contained the provisions relative to the two Indian Tribes, the Passamaquoddys and the Penobscots.

Section 308 gives the Health and Welfare Department general supervision. However, Sections 309 and 310 provide for an Indian Agent of Agents to be appointed by the Governor and approved by the Council. Historically, of course, the Agent was to distribute gunpowder, cloth and chocolate and other things required by the treaties and other duties have since been added.

The original bill, Legislative Document, 226, repeals the section on the Indian Agents so that the powers hitherto held by the agent would be given to the Commissioner. Thus we eliminated division of responsibility because now the Governor and Council select the Indian Agents and then they perform their duties in the Department of Health and Welfare and therefore under the Commissioner.

The original bill authorized but does not require a Director of Indian Affairs within the Department of Health and Welfare.

As I see it, most of the controversy over this bill and the division in the committee result, not from the bill itself, but from the amendments. The amendment contains provisions which are desirable at the right time, but my question would be whether this is the right time, because it makes it mandatory that a woman shall be appointed by the Director and that she shall have these qualifications that are enumerated and that she shall perform these duties. It seems to me that that might well be added after the Department has had the chance to digest the first changes which are proposed by the bill, so I therefore move that Committee Amendment "A" be indefinitely postponed.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Bangor, Mr. Fuller, that the House indefinitely postpone Committee Amendment "A" to House Paper 245, Legislative Document 226, Bill "An Act Creating a Division of Indian Affairs." Is this the pleasure of the House?

The motion prevailed and Committee Amendment "A" was indefinitely postponed.

Thereupon, the Bill was assigned for third reading tomorrow morning.

#### Passed to Be Engrossed

Bill "An Act Providing for Construction of Dormitory at the University of Maine and Appropriating Moneys Therefor" (S. P. 47) (L. D. 124)

Bill "An Act relating to Fees of Sheriffs and Deputies" (S. P. 534) (L. D. 1439)

Bill "An Act relating to the State Personnel Board" (H. P. 654) (L. D. 697)

Bill "An Act relating to Appointment of Recorder of Eastport Municipal Court" (H. P. 972) (L. D. 1060)

Bill "An Act relating to Examination of Domestic Insurance Companies" (H. P. 1250) (L. D. 1458)

Bill "An Act relating to Fluoride in Public Water Supplies" (H. P. 1251) (L. D. 1459)

Bill "An Act relating to Deception as to Prices of Motor Vehicle Fuel" (H. P. 1252) (L. D. 1460)

Resolve in favor of the Town of Castle Hill (H. P. 208) (L. D. 1456)

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

#### Amended Bills

Bill "An Act relating to Members of Executive Council and Manner of Selection" (S. P. 68) (L. D. 154)

Bill "An Act relating to Application for Writ of Habeas Corpus" (S. P. 248) (L. D. 671)

Bill "An Act relating to Penalty for Selling Narcotic Drugs to Minors" (H. P. 334) (L. D. 401)

Bill "An Act relating to the Salary of the Reporter of Decisions" (H. P. 630) (L. D. 653)

Resolve in favor of the Town of Aurora (S. P. 95) (L. D. 231)

Resolve in favor of George L. McLellan of Lamoine (S. P. 165) (L. D. 410)

Resolve in favor of Northern Maine Sanatorium (S. P. 240) (L. D. 665)

Resolve to Reimburse the Town of Millinocket for Supplies Furnished the Warren Dorr Family (H. P. 62) (L. D. 59)

Resolve for Repairs of Church and Convent at Peter Dana Point and Old Schoolhouse Used for Religious Purposes at Princeton (H. P. 483) (L. D. 502)

Resolve in favor of the City of Auburn (H. P. 491) (L. D. 510)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed to be engrossed as amended by Com-

mittee Amendment "A" and sent to the Senate.

Bill "An Act relating to Delisting and Discontinuance of Purchasing Liquor by the Commission" (S. P. 224) (L. D. 592)

Bill "An Act relating to Expanding Aroostook County Funds for Ricker College" (S. P. 458) (L. D. 1273)

Bill "An Act to Provide Public Services for Certain Deorganized Townships" (S. P. 529) (L. D. 1432)

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

Bill "An Act to Dissolve the First Parish of Freeport" (S. P. 320) (L. D. 806)

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

Resolve to Loan Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal (H. P. 1249) (L. D. 1457)

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

At this point Speaker Bates returned to the rostrum.

**SPEAKER BATES:** To the gentleman from Westbrook, Mr. Travis, I am sure the House has been most happy to have you preside as Speaker pro tem. The House thanks you and the Chair thanks you, very sincerely.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Westbrook, Mr. Travis, to his seat on the Floor, amid the applause of the House, the members rising, and Speaker Bates resumed the Chair.

#### Orders of the Day

The **SPEAKER:** The Chair lays before the House, under Orders of

the Day, the first tabled and today assigned matter, House Divided Reports, Majority Report "Ought not to pass" and Minority Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Appropriations and Financial Affairs on Resolve in favor of the Town of Monson to Aid in Completion of Gymnasium, House Paper 785, Legislative Document 902, tabled on April 15 by the gentleman from Guilford, Mr. Campbell, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. CAMPBELL: Mr. Speaker, I ask permission to be allowed to retable this matter, for the purpose of preparing a House Amendment.

The SPEAKER: The gentleman from Guilford, Mr. Campbell, moves that the first tabled and today assigned matter, Legislative Document 902, and accompanying papers, be retabled and unassigned, pending acceptance of either report. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, House Divided Reports, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Appropriations and Financial Affairs on Resolve in favor of Maine Central Institute, House Paper 631, Legislative Document 654, tabled on April 15 by the gentleman from Guilford, Mr. Campbell, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. CAMPBELL: Mr. Speaker, I ask permission of the members of the House to be allowed to retable this matter for the same purpose, the purpose of preparing an amendment.

The SPEAKER: The gentleman from Guilford, Mr. Campbell, moves that the second tabled and today assigned matter, Legislative Document 654, and accompanying papers, be retabled, unassigned, pending acceptance of either report. Is this the pleasure of the House?

The motion prevailed and the matter was so tabled.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, House Divided Reports, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Judiciary on Bill "An Act relating to Undesirable Political Activities" House Paper 1192, Legislative Document 1359, tabled on April 16 by the gentlewoman from Rumford, Miss Cormier, pending acceptance of either report.

The Chair recognizes the gentleman from Saco, Mr. Fitanides.

Mr. FITANIDES: Mr. Speaker and Members of the House: I signed the minority report, and the report, as you know, came out nine to one again. Briefly, I will attempt to explain the bill to the House. It attempts to prevent intimidation and coercion of voters in elections. It includes administrative employees of the State, and these administrative employees are prevented from using official authority for the purpose of interfering with elections in any national, state, county or municipal office.

It attempts to prevent promise of employment, compensation or other benefits after a successful campaign, or even if it is unsuccessful. It prevents assessments, contributions, or solicitations for any political purpose from any person receiving compensation, employment or other benefit provided for or made possible by the funds appropriated by any act of the Legislature.

It makes unlawful to list, or give a list, of the persons that a political candidate or his manager may chase down in order to solicit money from during a campaign.

There are penalties up to a thousand dollars or six months in jail and there is a limit of five thousand dollars on contributions from individuals, partnerships, committees, associations, corporations or any other organizations or groups of persons.

It also creates a Political Activities Review Board to handle complaints and to carry out the intent of the act.

There are enough teeth in the act to feel the bite. They have subpoena powers and so forth. I think that had this law been in effect at the time of our last

Primary Election, we would not have to keep passing the buck that the Attorney General has at this time sitting on his desk.

It was recognized early in American history, the importance of this type of legislation. The restriction against state employees or government employees from participating in politics on a partisan basis, and this legislation, or legislation very similar to this, has been in existence for many years. It started off by order of the man who I feel was the greatest President the United States has ever had, and that was in 1801. Thomas Jefferson issued an order which provided in part the following:

"The right of any officer to give his vote at elections as a qualified citizen is not meant to be restrained, nor, however given, shall it have any effect to his prejudice; but it is expected that he will not attempt to influence the votes of others."

This was followed up in 1841, when Daniel Webster, then Secretary of State, issued, at the direction of President William Henry Harrison, an order prohibiting political activity by government employees and prohibiting political assessments.

Now I believe William Henry Harrison was a Whig, or a false Republican, I don't know which, but again in 1877 President Rutherford Hayes issued an order against political activity and prohibiting political assessments, and I believe he was a Republican.

And then in 1886 President Grover Cleveland issued an executive order, and he was a Democrat. He warned officeholders in the government and civil service against political activity.

And again in 1907, a Republican President, Teddy Roosevelt, issued an executive order which stated just about the same as the previous Presidents had; and in 1912, during Taft's administration, an executive order came out again, and I would like to read this one. It was based upon the fact that "a considerable number of residents and taxpayers of the towns mentioned are employed in government service; that service as municipal officers in such

towns should in no way involve general partisan political activity, and that the principle of home rule and local self-government justifies such participation."

Now the Federal commission, from which this piece of legislation was taken, has tried approximately fifty-one cases up to 1949, and I think they have nailed many more Democrats than Republicans for violating the so-called "Hatch Act."

Now in 1941, in this very House, similar legislation was introduced by a fellow named Mills. I think he was from Farmington. I think most of you people know him; I do not know the gentleman. At that time the report came out of the Judiciary Committee six to three in favor of this type of legislation, and I believe my dear friend, the gentleman from Portland, Mr. McGlauffin, was one of the minority members, and I would like to quote what Mr. McGlauffin said in the last debate they had. He got up and said that "from all reports it turned out to be a failure." Well, that was in '41, and I think the act has a great deal of merit and has proven so, and he moved for indefinite postponement.

Now this Mr. Mills signed the majority report. At the time he claimed that there were political rings in the State and methods of soliciting funds were highly unethical. He cited the case where sixteen-dollar a week clerks were asked by their bosses to kick in or be fired, and he also said that at times of political campaigns it is a regular procedure. He also said that these people owe allegiance to all the people of the State, not just the Republican Party.

Now the vote taken to indefinitely postpone the measure was forty-eight to forty-five; it was a pretty close vote.

At present the Unemployment Compensation Commission, the Department of Health and Welfare and the State Highway Commission are all under this "Hatch Act" for they receive Federal funds and therefore naturally have to come under it.

After some talking in the corridors and down at the Augusta House — I imagine quite a bit of

talking was done — they reconsidered the motion that prevailed in favor of Judge McGlauffin's indefinite postponement. The second time, on reconsideration, it came out seventy-eight to forty-two.

Now as a Freshman member of this Legislature, I have been quite surprised to watch the Republican style of debate. I have never seen more beautiful debate; it is absolutely silent and produces some of the finest mind-reading I have ever seen. I listened to Representative Fuller just a few minutes ago, try to encourage debate, and it was all to no avail.

Now I believe this measure takes and places allegiance to your State and it puts it ahead of allegiance to your party, and I realize it is a bitter pill but we really need it in this State, in my humble opinion, and I believe, if we do pass this legislation, it will prevent in the future any more of that disgraceful display that the majority party put on during their last Primary election.

I watched with interest—I have only been an enrolled Democrat two years—I stayed free for six or eight years—and I watched the different debates that took place in Washington. In 1937 the Democrats accepted a piece of legislation, and I heard a lot of terrible abuse that your Republican leaders in Washington threw at the Democrats, but I was quite proud of the Democratic Party, for they had the foresight and the decency to pass this exact piece of legislation and place a bit on the donkey's mouth, and they pulled rein on themselves and I would like to ask the fine Republicans of this State to do the very same; I think the State needs it badly. Twice this session I watched Party Bosses get up and try to control the House and twice they were turned down, and I have a great deal of faith in the members of this House; I also welcome debate from the majority party, and I move that the minority report be accepted.

The SPEAKER: The gentleman from Saco, Mr. Fitanides, moves that the minority report "Ought to pass" be accepted.

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

Mr. McGLAUFFIN: Mr. Speaker and Members of the House: This is a very bad bill. As stated by the gentleman who has spoken, it was killed, as I remember, twice in the House before, but I want to point out to you just a few of the bad features of this bill.

I will say now I do not imagine that half of the people in this House have even read this bill. It is a long, complicated bill, you have got to study it even to understand it, but I have studied it and I think I understand it.

Section 14 says: "It shall be unlawful for persons to solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political purpose whatever from any person known by him to be entitled to or receiving compensation, employment or other benefit made possible by any funds appropriated by any act of the legislature."

Now this bill was intended to prevent you from recovering any money from anybody that worked for the State of Maine, but you notice that it includes "anybody who is entitled to employment." Any person in the State is entitled to employment if he can get a position. That is absurd.

In the 15th section it provides that it is unlawful for any candidate for political purposes to get a list of names from any source of the people that are employed by the State of Maine. In other words, if you are running for office and want to get a list of the state employees that is now a public record if you send up here to Augusta and get it you are liable to a thousand dollar fine and the person who sends it to you is liable to six months in jail.

Section 17 limits contributions that anybody can make to \$5000. Paragraph 2 of that same section says that a loan shall be considered as a contribution. Now notice: if you are running for office and you go to your bank and try to get a loan of \$6000 you are subject to a fine of \$1000 and the bank is sub-



ject to the same penalty. Can anything be more absurd?

The next thing, it sets up a board to carry out and enforce this law, consisting of five members, each of whom get twenty dollars a day. They can employ all the help they want to, they can employ an attorney for assistance, and they want to appropriate \$35,000 to carry out this foolish legislation.

But here is what clinches the matter against it. It is unconstitutional, both contrary to the Constitution of the United States and contrary to the Constitution of Maine, as I shall prove to you right now.

On Page 7 it says: "No person shall be excused from attending and testifying or from producing documentary evidence or in obedience to a subpoena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him." In other words, he is compelled to answer whether it incriminates him or not.

Now let me read to you the Constitution of the United States and the Constitution of the State of Maine. Article 5 of the amendments to the United States Constitution says, "Nor shall he be compelled in any criminal case to witness against himself." Let me read what the Constitution of Maine says, Revised Statutes, Page 19, at the top says: "He shall not be compelled to furnish or give evidence against himself."

Now when a man is compelled to testify on a criminal matter he is compelled under this bill to testify against himself. That is unconstitutional. If you pass this law it won't amount to anything because the court will set it aside the first time it is presented. I therefore move for the indefinite postponement of the bill.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Fitanides.

Mr. FITANIDES: Mr. Speaker and Members of the House: As I stated before, this legislation is an exact or pretty nearly an exact copy of the Federal legislation, and it has been held constitutional. The section that the Judge, the gentleman from Portland, Mr. Mc-

Glauffin, refers to states that the board shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matters pending under this section before the board. It gives them the power of subpoena to get them in there and ask them to bring their documents. It does not compel them to do anything. They can refuse on their constitutional grounds once they get there.

I think that \$35,000 appropriation is pretty much peanuts compared to what they spend in campaigns that is not listed on the books.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that House Paper 1192, Legislative Document 1359, Bill "An Act relating to Undesirable Political Activities" and accompanying reports be indefinitely postponed.

As many as are in favor of the motion for indefinite postponement will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the reports and bill were indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the fourth tabled and today assigned matter, Bill "An Act to Clarify and Amend the Sales and Use Tax Law as Respects Manufacturers" (H. P. 1231) (L. D. 1425) tabled on April 17 by the gentleman from Woolwich, Mr. Bailey, pending first reading; and the Chair recognizes that gentleman.

Mr. BAILEY: Mr. Speaker and ladies and gentlemen of the House: In looking over this bill, I suppose there is no bill that has come before the House that has been so drastically misunderstood among most of the members of this House and among the industries of the State as this bill.

When this came up my attention was called to it as being a very drastic bill. Glancing over it quickly, it looked to me the same way. After studying it to some extent—and I was also communicated with by the President of one of the largest industries in the State, and he stated it had been represented to him as being a drastic bill which

would actually injure the industry. It has been going on for some time. I think we have all had communications from the third house in regard to this bill.

I, myself, have taken time to go down to the Taxation Department and study into the immensity of what is connected with this bill. After making those investigations, it appears to me very definite that there is no such amount of damage going to be done to the industries in the State as they have tried to lead us to believe.

For one thing, a few days ago I made an effort and met with the President and Vice-President of this large industry. After going over the matter with him, showing him the account of the taxation which had been reported to the Taxation Department and they considering the same, they gave me to distinctly understand they would have no objection to this bill passing, because, as they said, "We can see it is going to cost us a little something but there is nothing attached to this that will be injurious to our plant."

I feel that this bill is not anything new. As you will see, there are simply items spelled out in this bill which we passed at the last session. They simply were not spelled out in the part which was contained under "manufacturers" as they were contained in other branches.

For instance, here is lubricant for machinery, small tools, light bulbs brooms, fire extinguishers, sewing machine needles, fuel and electricity and other things. Those things are bought and paid for by garages, small machine shops, electrical appliance equipment and repairs, farming operations and many others; they are being paid for and the taxes being paid.

That is the purpose, as I understand, of this bill: It is simply to clarify the law which we felt was passed last year. Therefore, Mr. Speaker, I move the first reading of this bill.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Travis.

Mr. TRAVIS: Mr. Speaker, I am sorry to differ slightly with my good friend, the gentleman from Woolwich, Mr. Bailey. I move the

indefinite postponement of L. D. 1425.

I feel that this is particularly aimed at one of the largest industries of our State, the paper industry in particular. I wonder how many of you realize that the State of Maine is probably the greatest paper state in the country? We have several paper mills here. There are more carloads of paper shipped out of Maine than are shipped from any other State in the Union. In the State of Maine we also have the largest newsprint mill in the country; we also have the largest book paper mill in the country. Another mill in the State produces more quality coated paper than any other paper mill in the country.

Now you should consider that way up here in the northeastern section of the United States these mills are under a terrific geographical handicap as compared with mills in the middle west. Mills in the middle west reach out in all directions for their raw material and can ship their finished product in all directions. We in Maine have to go way down the coast and way out in the west for our raw materials, and similarly, we have to ship our finished product great distances. Therefore, if we wish to encourage this great industry and keep it we should do all we can to aid this great industry.

I feel that this bill is not necessary. The defeat of this bill would not take any revenue which is now forthcoming under the sales tax. There is a paper which was distributed to all members of the House last week in which there are a few statements I wish to challenge. One says, "The sales tax on such items ruled to be taxable was paid for some time without being seriously questioned." This is very much in error. I know for a fact that several companies never paid one cent on the sale of wet felts, dry felts and wires used in the manufacture of paper or on lubricants for machinery. These companies, when they made their reports to Ernest Johnson said in each report, from the very beginning, "This figure does not include any amount for these items because we believe that these items come under the definition of being

an ingredient or compounded part of an item which is consumed or destroyed or loses its identity in the manufacture of tangible personal property.”

This pamphlet goes on to say that later on two companies, not parties to these conferences, went to court to protest paying the sales tax, I might set the record straight and say that these two companies did not do that on their own but they were the guinea pigs for several companies which were in the proceedings together.

I question too the statement that the Court found the language of the law evidence of an intent which was contrary to the intent that the Taxation Committee had intended to express. In other words, this bill attempts to upset the rulings of the Court.

A great deal was made about the representatives before the Taxation Committee at the last Legislature. Now I will say that there were very few industries represented at those conferences, and for the most part I believe they were lawyers who were representing their own company only, not any particular industry, and they did not understand the practical manufacturing details that were involved.

They raised also a great many things on this bill which were necessary. I cannot conceive of any industry trying to claim exemption for brooms or some of those things. It is ridiculous to waste the money of the State by having some of these exemptions in there. I do not think anyone would attempt to claim some of those exemptions.

However, there is one definition that very badly needs clarification. It exempts logs, sulphur and sulphite used in paper manufacture. The Supreme Court of one of our sister states in recent months ruled that pulpwood was not logs. So if this bill went into effect it is very possible that your paper industry and your lumbering industry would find that those who use pulpwood, which in this State is in four-foot lengths, they would find themselves having to pay the sales tax on pulpwood which was not intended to years ago and I do not believe is now intended.

There probably should be perhaps a further clarification of the term “consumed or destroyed in manufacture.” Possibly there might be a definition that the item “consumed or destroyed” be consumed or worn out by actual contact with material being processed or manufactured in such a manner that the physical or chemical structure of such material is altered by such contact. There should be a definite time limit, perhaps a year, during which such exempt contact materials should on the average be consumed or worn out.

In view of the fact that this bill does not seem necessary and in view of the fact that it would be a terrific slap, at least in principle, at one of our largest industries in the State which needs encouragement, I reiterate that I hope that the House will vote for my motion to indefinitely postpone.

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

Mr. McGLAUFLIN: Mr. Speaker, you don't want to take too seriously the motion to indefinitely postpone made by my friend, the gentleman from Westbrook, Mr. Travis, on this matter. He represents one of the biggest industries in this State and you naturally expect him to be opposed to the bill.

I want to state that a few days ago I had the pleasure of riding home with Senator Ed Chase, who was on the Taxation Committee two years ago. He told me that in order not to have any controversy with industry, they took up this matter with their lobbyists representing many of the industries of this State, and this matter was talked over, they fully understood what the measure called for, and they agreed that the bill should have a passage. He said that his committee understood, and the lobbyists understood, that that tax bill as passed was intended to include most of the items mentioned in this measure today. Not only did they accept that measure but they paid the taxes on it to the amount — some of the companies did anyway — to the amount of some \$200,000 in tax but finally there was one company which may well have been the guinea pig for the others — I

don't know about that — that brought an action to the Supreme Court, and the Supreme Court ruled that as the bill was worded, it did not cover the items mentioned in this bill before us today.

This bill was introduced to correct that measure, to make it just as the committee intended it to be the first time. It is a good bill, it should receive a passage, and I hope that none of you vote to accept Mr. Travis's motion for indefinite postponement.

The **SPEAKER**: The Chair recognizes the gentleman from Livermore Falls, Mr. Riley.

Mr. **RILEY**: Mr. Speaker and Members of the House: The proposed change of L. D. 1425 will not clarify the Sales and Use Tax Law as respects manufacturers. It will only increase confusion due to the recent Androscoggin Foundry and Hudson Pulp Company decision of the Supreme Court.

This bill appears to be an attempt to defeat the decision of the Supreme Court. If not, why is the proposed change only applying to materials for the foundry and paper industry?

The statement that the above items are only examples is extremely confusing. For instance, scrap iron is listed. Why scrap iron and not scrap bronze? Pig iron, steel bars and many more? Could this be an attempt to get exemption for car sales and affect many voters and tack it onto the manufacturers and touch relatively few voters?

There has been a memorandum circulated by the Taxation Committee's chairman, suggesting it's language reflected, and I quote: "The understanding of most of the representatives of industry who participated in the conferences." It is my understanding that no more than half a dozen or so have participated in this conference. This certainly would not be a representative group of all industry in Maine.

I hope this bill is indefinitely postponed.

The **SPEAKER**: The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss **CORMIER**: Mr. Speaker and Members of the House: I am not representing any big industry, but

I definitely am representing ten thousand people in Rumford, Maine, the majority of them earning their livelihood from the Oxford Paper Company.

I would agree with some of the things that have been said here this morning, that particularly the two test cases were brought up after technical disagreement between Industry and the State Tax Assessor, and when the decision was handed down by the Supreme Judicial Court, it absolutely added nothing or took nothing away from the manufacturers; it merely gave us a definite explanation or an interpretation, a judicial interpretation, of what was meant by the law. It took nothing away from industry. They continued to pay as they would have if the judicial interpretation had not been made.

Now as a result of these two decisions we now have an interpretation, and my first objection to this bill is that if we put another law onto the books, it will mean the same thing, more litigation, more judicial interpretation, and we will be right back where we started from.

My second objection, however, and more important than the first, is that it would be an added burden to the industries of Maine.

The proponents claim that they are merely trying to put this bill back to where it was intended in the last Legislature.

You and I know, as members of this Legislature that every single law that we enact is subject to judicial interpretation, and we enact them knowing that very thing.

I believe that this is merely a camouflage, that it is really hiding the real issue. The real issue is added taxation for these industries, and I would like to go into the economics of this bill with you.

We have in the State of Maine very good industries, and we want to keep these good industries here and we want to bring in more industry into Maine. I don't think that we should tax the raw materials or the so-called expendables of these manufacturers. I believe that there is no logic, on one hand, in spending the taxpayers' money to bring new industries into Maine, and, at the same time, to pass

legislation that will deal a crippling blow to those industries that are already here. These industries are now paying their share.

The industry that I am particularly interested in and which I know something about, is the industry of pulp and paper, in my town. I was born and brought up in that town and I am now a business woman in the town of Rumford. As a retail merchant I collect taxes every day; I am a tax collector for the State of Maine. I do know what that mill is doing for my town. I also remember, very painfully, that back in the 1930's the leading industry in my town was the International Paper Company, employing 1800 people.

At the town meeting of that year the industry asked for an abatement of taxes. Things were rough in those days and unwittingly and meaning well, the citizens of my town said: "Why should we take the taxes away from this company, which can pay, and add it to the tax burden of the individual citizens of this town who are struggling to meet their obligations? The result was that the town of Rumford voted against abatement of taxes, and within that very week the International Paper Company was moving out of Rumford. We have never recovered, my friends, from that catastrophe that struck us, leaving 1500 breadwinners out of work.

The people of my town are very much stirred up about this bill. They are afraid that another thing like this may happen. As Mr. Travis has pointed out to you, the chemicals come from the Gulf of Mexico. They get their heavy machinery from the middle west. Other things that they need come from other sections of the country. There is a long haul into Rumford. They must meet that cost when they take their paper another long haul out to market. All of that must be brought into the cost of paper, and it is very difficult for those people to compete favorably on the national market when they have all of that excess cost. Consequently, I believe that industry is doing more than its share.

Also, you know as well as I do that Hollingsworth and Whitney,

for example, has bought a mill out in Alabama so that it could meet competition there. The Oxford Paper Company of my town has had to buy a mill in Ohio to meet western and mid-western competition. Mr. Travis told me that S. D. Warren has just bought a mill within the last month in Michigan because these people feel that they cannot meet the competition out there.

I hope that we will not be like the sadist who plays with the fly. They take one leg and then one wing and see how long they can play that game before the fly dies. Let us not pass legislature here that will cripple our industries to such an extent that they will have to leave Maine. Let us remember this also: That every single tax that we collect in the State of Maine eventually or indirectly comes from these industries. The taxes that I pay to the town at the state level, as a taxpayer in the retail business, I pay that tax by reason of the fact that the people from whom I collect it get their salaries from the Oxford Paper Company.

I was very much disturbed the other day when some people tried to make this a political party issue. I understand that you were pulled out of your chairs one at a time and were told that the Democrats were going to speak on this because it was a political issue, a party issue. The gentleman from Hanover, Ferguson, who earns his livelihood in the Oxford Paper Company, is not a Democrat, and his sentiments on this bill are identical to my own. The gentleman from Mexico, Mr. Small, who represents people, seventy-five per cent of whom gain their livelihood in the Oxford Paper Company, are not Democrats; they are Republicans also, and he feels the same way as I do. I feel that someone has stooped to a "new low" to try to pass this bill. I think that it is not only nonsensical and foolish, but that it is downright unfair, and I want no part of it.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker and Members of the House: First let me

say that I am not connected with any large paper company or any other concern in the State of Maine, and I am not speaking for them. I am concerned with some of the smaller concerns. In my town we have a small concern that is just on the brink, and I don't believe we ought to give them a boot in the pants and drive them into that brink.

Any of you people who have read this bill or who have attempted to read it—I don't believe you understand it. I don't, and I can understand why the Supreme Court had difficulty in interpreting it.

Now you are just simply asking to define it and clarify it. You sure are. You are making it just as clear as mud, and I hope that the motion of Mr. Travis will be sustained.

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

Mr. CHASE: Mr. Speaker and Members of the House: I stand before you, not as a representative of industry. I am a little farmer from the town of Whitefield. I feel we thoroughly should consider the statements of Miss Cormier and Representative Travis in regard to this bill.

I am very, very reluctant in voting for a bill that is apt to encourage our much-needed industry to leave this state. I thoroughly believe that industry is doing its part.

I wish to read a telegram received by one of our members from a prominent woolen mill: "We urge your voting against adoption of L. D. 1425, An Act to Clarify and Amend the Sales and Use Tax Law as respects Manufacturers, which, if adopted, would confuse the law by upsetting earlier Supreme Court decision instead of clarifying the law in mention."

Industry has not officially entered into any understanding or agreement with the 95th Legislative Tax Committee as has been intimated in the memorandum circulated last week by the Taxation Committee chairman.

Why, Ladies and Gentlemen, should we cut off the hand that is feeding us? Thank you.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Sanford.

Mr. SANFORD: Mr. Speaker and Members of the House: I would like to clear up one thing that a good friend of mine, the gentleman from Westbrook, Mr. Travis, remarked, that pulpwood might be taxed. Pulpwood is exempt, and it is going to be exempt. Two years ago, when they made up this law, the committee figured that the industries and manufacturers should pay one-sixth of the tax figured on \$12,000,000 which would be \$2,000,000. Today, with this law the way it is, they are paying one-sixth — wait a minute, am I right? That's right, they are paying one-eighth, and if this law goes through, L. D. 1425, they will be paying one-seventh.

Now my good friend, Mr. Bailey, stole my speech from me and he did it much better than I could and I appreciate it very much. It saves me a lot of work. But going on to the S. D. Warren Company I would like to read you a few figures from their annual report of 1952. In 1947 the Federal taxes in income was \$1,270,000; 1948, \$957,000; 1949, \$905,000; in 1950, \$2,791,000; in 1951, \$5,035,000; in 1952, \$2,479,000 which, in 1952, the excess profit tax was \$328,000.

Now I don't have any concern on S. D. Warren moving out to Michigan or anywhere else. It was not the reason they bought the mill out in Michigan — to move out their whole machinery and factory out to Michigan. I happen to know, as I have had this report and I have had reports from them for some time. I am a small owner in the S. D. Warren Company, and I am in favor of this L. D. 1425, and I think that most all of the industries themselves are in favor of it.

I am not worrying about the paper mills. I would like to read you a report on the Oxford Paper Company, which has been referred to here, if I may.

Earnings after Taxes on Income:

In 1943, \$897,000; 1944, \$940,000; 1945, \$952,000; 1946, \$1,820,000; 1947, \$2,991,000; 1948, \$1,855,000; 1949, \$1,888,000; 1950, \$3,234,000; 1951, \$3,047,000; 1952, \$2,667,000, of which over \$500,000 was in excess profit tax, and I will go on further and say that it may cost this company

something like \$10,000, if this L. D. 1425 goes through.

I forgot to mention the fact that it will probably cost the S. D. Warren Company about \$9,000 if this bill goes through.

Another company that was referred to was the Hollingsworth and Whitney Company. I have a report on them; have had it for some time. I don't think they are worrying about this, not for one minute. They earned last year \$4.50 a share, which made plenty of income tax. I haven't got it right here handy, to figure it out.

I happen to be a small owner in the Hollingsworth and Whitney Company. I again am in favor of this L. D. 1425, and I think there are plenty more who are like me that are in favor of it.

Now there was no one on the tax committee last year, I think, and I know there is nobody on the tax committee this year — it is not our tax committee, it is your tax committee; we are working for you; and we spent a lot of time studying this L. D. 1425 and we came out with a unanimous report "Ought to pass." Now we didn't do it just for ourselves; we did it for the whole of you. We think it is a mighty good bill; it is a dangerous bill if it doesn't go through. The way the court decided that with anything destroyed the manufacturer would not be taxed. In other words I think they can go a long way with that if they want to. It is very dangerous not to pass. We should pass it, and I know — I won't say it is the largest paper mill in the State of Maine, but if it is not, it is going to be, and they are not against this 1425; they want to pay their proportionate part of the tax, and I honestly believe that the heads of these manufacturing concerns all want to pay their proportional part of the taxes.

I know the lobby has lobbied very hard and they have had plenty of time to do it, and they have done a mighty good job. I don't agree with them, and I think there are a lot of people here that don't.

I honestly hope that this 1425 will go through.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Low.

Mr. LOW: Mr. Speaker and Members of the House: As a member of this year's Taxation Committee, as the only remaining member in the House of the Taxation Committee of two years ago, I certainly have had my full share of the heavy lobbying that has been going on about this bill.

A great deal of this seems to revolve around the question of who said what to whom, and except to the extent that the good faith of many members of the Legislature has been challenged, including myself, I don't think this is very important. What I do think is important and what we ought to vote on today is whether the corporations are being taxed fairly or not fairly.

When the tax was being worked on two years ago, we thought that everyone in the State should pay their share of the tax, and that industry should pay their share as well as individuals and small businesses. At that time we took the figure of \$2,000,000 out of \$11,000,000 as the amount that we thought was fair to place on industry. During the debate on the bill the share of \$2,000,000 was lowered by \$300,000, when the Legislature did not accept the tax on containers. Since that time, through court decisions, the amount that industry is paying is approximately a million and a half out of the yield of \$13,500,000, and I do not think that that is their fair share of the burden which everybody else in this State is carrying. The highest rebate paid by the Tax Assessor amounted to \$11,000, so it is very easy to see that no one industry, no one company, no one community, is going to be heavily penalized so that any mill or any business will think of moving out of the State.

I do not believe that the first team of lobbyists, as they are called, would have put as much time and as much effort into this bill for the \$200,000, which is being exempted now. It is obvious under the wording of the bill that many items have not yet come to court attention and I believe that they will in the next two years, if the bill is

allowed to stand as it is, and if there are further considerable exemptions made, then industry would just plain not be paying their share of the freight. I know that many of the heads of many companies always are willing to pay their share providing it is a fair share, and I think that \$1,700,000, out of \$13,500,000, is a fair share and that we are being very careful of our industries in keeping at that level.

I hope, Ladies and Gentlemen, that the motion of the gentleman from Westbrook, Mr. Travis, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Hanover, Mr. Ferguson.

Mr. FERGUSON: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from Westbrook, Mr. Travis. I think this bill, if it receives passage, is going to hurt us a great deal more than it is going to help us. I cannot add very much to the statement of Miss Cormier, who is located very close to where I live. I work for the Oxford Paper Company. I am not an official; I am just a worker there. And I am much concerned about what might happen regarding the orders and other thing that we might lose over the two-cent sales tax.

It not only affects Rumford, our plant there, but the several counties. Two years ago we had a strike over a four cents issue in wages, which closed the plant down for thirty days, where the company felt they just couldn't carry the freight.

Companies, generally as has been claimed to you, have always looked out for themselves, but we workers, we have got to look out for ourselves too, in order that we may receive wages to pay this heavy load of taxation that we are willing to do.

It might be a deciding issue on some new industries coming in here. We are spending a large amount of money for Maine development, asking new industries to locate within our State, and we are doing a pretty good job, but if this sales tax, or this bill receives passage, it might be a deciding factor whether a \$1,000,000 company would settle in our State or wouldn't settle here.

I can see that we do not have many members connected with the paper industry, but the lawyers, doctors, farmers, businessmen, they all depend on the money that the wage earner gets, to be distributed, and I hope that the motion of Mr. Travis prevails, and we will have indefinite postponement of this bill.

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

Mr. WOODCOCK: Mr. Speaker, I would like to make it clear also that I am representing only myself in this regard, for you see I have only been practicing law about five years and believe me, I am used to representing myself alone.

This morning we have heard claims and counter-claims concerning what the 95th Legislature meant when it spoke on this matter. It seems to me that we may be sure of only two facts in regard to this bill: One, we do know what the 95th Legislature said, and two, we do know what our Supreme Judicial Court said that the words of the 95th Legislature meant. These are the two things we do know about this.

Now I submit that instead of speculating upon what the Tax Committee, back in 1951, thought that their words meant, that we should go forward as the 96th Legislature, a separate entity, and consider this bill on its merits as to whether or not it is a good tax law and as to whether or not it is consistent with the sales tax.

In this connection, may we for a moment consider how the sales tax treats analogous items. Now, bait to commercial fishermen is exempted under the sales tax. Seed is exempted under the sales tax, as is feed and fertilizer. I submit that because each one of these items is consumed or destroyed in the production of the product, that the same prevails in regard to the items included in this bill.

Those of us who are opposed to this measure are not seeking favor for industry, but simply trying to see that the industrial cornerstone of our economy is not set in quicksand.



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

Mr. MCGLAUFLIN: Mr. Speaker, you may remember that early in this session I told you that there were certain things that we had to be on our guard against. I knew what I was talking about because I have had experience. One of the things that I told you we had to be on our guard against was lobbyists. A few days ago one of the lobbyists for industry came to me and wanted me to oppose this bill. I told him definitely that I should support it, and he said: "I will take no more time with you. I will go to somebody who is easier to convince." The lobbyists have not a feather's weight with me outside of presenting a legitimate argument for their contention.

Now this talk about interests like the Oxford Paper Company and the S. D. Warren Company leaving the State because they have to pay a few dollars on taxes is pure bunk, and it won't keep any industry out of the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Senter.

Mr. SENTER: Mr. Speaker and Members of the House: Much has been said this morning during this debate about the effect of this bill on the paper and pulp industry of our State. One might get the impression that this bill affects only that industry. That is not true. This bill affects all manufacturers in this State.

I am going to vote for the motion of the gentleman from Westbrook, Mr. Travis, to indefinitely postpone this bill because I do not think that it is fair. I think that we should do whatever we can to help our industries who are having, many of them, a difficult time to meet competition.

Now in Brunswick we have the Verney Corporation that manufactures rayon cloth. I have been told by the Verney Corporation that they are opposed to this bill because they thought that it would place another burden on their industry. I say that when our industries in our State, and we shouldn't forget the fact that we are dependent upon our industries; we may be

called a Vacationland; we may encourage vacation business; but it is the manufacturers of this State who support this State.

I am going to vote for the indefinite postponement.

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

Mr. FOGG: Mr. Speaker and Members of the House: I suppose I might as well get my two cents worth in on this. I am definitely in favor of Mr. Travis's motion to indefinitely postpone this bill. I suppose, if I start speaking for industry, I will be classified as peddling bunk, but we have talked this morning about the paper industry. We seem to have overlooked one particular branch of industry in this State which is contributing an awful lot to our economy, and I think it is going to contribute a lot to our economy in the future, and there have been definite overtures by the Maine Development Commission to get more industries of this nature into the State of Maine, and that is your metal-working industry.

Now the reason why I happen to speak about the metal-working industry this morning is because I am quite closely connected with it myself. However, they have not made any overtures to me to carry the ball for them. I am looking at this because it could possibly mean my own job. That is the reason why I am so interested in it.

Now this bill,—I would like to quote to you. It reads ". . . molding sand, refractories, fire clay, steel shot and grit, crucibles and snagging wheels used in foundries; lubricants for machinery; small tools . . ." then further on ". . . lathes and their component parts including cutting edges . . ." then further on ". . . including oxygen used to aid combustion . . ."

Now to get down to this small tool item, I would like to list some of the small tools that some of these metal-working industries use. They use a lot of these tools, too. They are very expensive; they cost a tremendous amount of money over a period of years, and they don't last too long in many cases. Now there are your carboly and high speed cutting tools; those are

very expensive; they don't last long; sometimes they last and sometimes your high speed cutting tool bits are often broken and damaged so that they have to be replaced.

Then there are your circular form cutting tools. Those are very expensive, and by the same token they have to be often replaced because they are easily damaged; they are very brittle and they don't last too long in many cases, but they contribute an awful lot to the expense of the metal working industry.

There are your micrometers, indicators, drills and many other very precise tools and tools which cost a lot of money.

Now that, in our opinion, would run into quite a figure, and if you put a sales tax on those things, it would mount up.

Now getting down to this sentence: ". . . lathes and their component parts including cutting edges . . ." Now after reading that particular clause I would like to refer to the next page. ". . . The above examples are partial and intended to facilitate understanding of the general principle above set forth. . ." Now lathes are not the only machines which you have in a machine shop or a metal working industry. Here are some of the machines which they do have in the metal working industry: Boring mills, planers, milling machines, shapers, O. D. grinders, I. D. grinders, automatic lathes, thread grinders, broaching machines, flange grinders and there are many other machines. Now these machines can cost anywhere from \$5,000 apiece to \$50,000, depending upon the capacity of the machine, and when you start buying component parts of these machines, which often get worn and would have to be replaced, you don't buy them with peanuts.

Now this bill takes the place of L. D. 801. L. D. 801 had a public hearing. If you take L. D. 801 and compare it, the only similarity that I can find is the pieces of paper on which they are printed.

Now I know it is perfectly proper and just, as far as legal standpoint is concerned, for a committee to listen to one bill and then go into session and come out with an entirely different bill and call it a

redraft, but actually I don't consider that a fair thing to do. I do believe that this L. D. 1425 should be published and have a private hearing of itself, so that these manufacturers can come in here, and if they have any objections to this L. D. the way it is written, they can voice it. We don't have to take the Taxation Committee report on it. Now if they will publish this bill, and these manufacturers will come in, metal working textile manufacturers, will come in and say "We have no opposition to this bill," let me tell you now that I will be only too glad to support it.

I was somewhat interested in Mr. Turner's (Mr. Sanford's) quotation of figures here. He gave us the earnings of some of the different companies and of course when you take into consideration the earnings of a company, you have to take into consideration the earnings in proportion to their capital investment. In other words, what is their investment on what they have got invested? Now he gave us a figure on H. & W. and gave us a very healthy figure of profit, but he didn't tell us how much or how little the factory in Waterville was making. I have had it from very good authority that the factory in Waterville has not been a paying proposition in recent years.

Now I think that before we go ahead and pass this tax that we should seriously consider, if this mill has not made money in recent years, are we going to do something which is going to stimulate the officials of the company to go ahead and close the mill and move it out?

And it is the same way with the metal working industry. Are they going to come in here and establish new shops if we are going to tax them with a sales tax upon all the tools and the machinery which they buy?

I certainly am very much in favor of Mr. Travis's motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dodge.

Mr. DODGE: Mr. Speaker and Members of the House: One industry has not been mentioned fully yet and that is the hardwood industry. While in dollars and cents it is well up toward the pulp indus-

try, it is comprised mainly of smaller operators. I can think of many little wood-turners throughout the State of one and two-man operations.

The way this bill is written, it is certainly going to tax—it can—tax those boys for their raw material if for nothing else because the logs, sulphur and sulphite used in paper manufacture; it says nothing about white birch bolts and logs, hardwood for clothespins, spools and other items manufactured from those pieces of wood, and when you come to place a tax on those boys, you are really crippling your industry and you are automatically going to stop a lot of new industries coming into the State, and I certainly want to go on record as favoring Mr. Travis's motion.

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

Mr. ALBEE: Mr. Speaker, there are certain things in this bill I would like to bring out. Industry has made quite a few claims here, and first I want to say before that committee that I questioned one of the lobbyists myself, and I have been told, through the speaker here by the gentleman from Westbrook (Mr. Travis) that these attorneys here are speaking for themselves and not for the companies. Well, if that is the case, they stated before the committee they were representing certain companies, so I am going to take it at face value. I questioned one of them on his interpretation of certain things in the bill and I asked him where he got those interpretations and he said from Webster's Abridged Dictionary of 1929. I asked the gentleman if he had known of a gentleman who had become President of the United States by the name of Franklin Delano Roosevelt who changed dates and changed language and what have you, and when the next speaker came before the committee he admitted that his dictionary was changed because it was an Abridged Dictionary of 1944 and a component part was different in that particular dictionary.

I do want to say one thing here: Industry is complaining about things. Do we want to include household items in this bill? We go and buy brooms, light bulbs, fire

extinguishers and small tools. We have to pay for them, and I don't know why industry doesn't have to pay for them.

I would like to ask, through the Chair, of the opponents of this bill, what it is going to cost any one of the industries. You have heard some figures, and I have understood that the greatest amount that was recorded, or the greatest amount that was paid by any industry, was \$11,300, and I believe this last year shows the greatest profit that these companies have ever made, and I believe you will find labor as such going after increases, and I would like to have that question answered.

I would like to ask another question of the opponents: Is it just as well to pay the State of Maine that ten or eleven thousand dollars, and these are the large companies, mind you, as to pay the Federal government that money, which they have been paying three to five hundred thousand dollars in excess profits tax, and I am led to believe by the figures given me by the Tax Department, that this will amount to approximately \$225,000 per year, and that includes all industry.

Now, so far as the small industries are concerned, they would exempt them from all of these things that we have to pay for our own use, in our homes, and I don't think that is quite fair and I think this is spelling out the language, and I think it is only fair that they should be taxed according to our own personal uses at home.

The SPEAKER: The gentleman from Portland, Mr. Albee, requests information through the Chair.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, I would be very happy to give the figures as I know them, and I believe they come from downstairs for the industry that I am familiar with.

First of all, when the sales tax was made law, before that we were collecting the 7½ mills tax which yielded to the State about \$5,000,000, and the sales tax is now yielding approximately \$13,000,000, therefore we can say that the State has gained by this tax \$8,000,000. Now if we divide \$8,000,000 into \$5,000,000, to find the overall picture, we find that

the increase is 160 per cent; that is the overall increase for the State, 160 per cent. The industry that I am talking about was paying \$35,000 under the 7¼ mill tax and is now paying \$92,000 under the sales tax, which means an overall picture of 163 per cent.

Now there is no one who believes more strongly than I that the industry should pay its fair share. If the overall picture is 160 per cent, and industry that I am talking about is paying 163 per cent overall, then definitely it is carrying its share, and the industry would pay about \$108,000, which would raise their percentage to 210 per cent. The overall picture 160 per cent, this industry now paying 163 per cent and the increase would mean 210 per cent. So I think that you will have to agree that industry is paying its share.

Industry Number 2 that I got figures for, under the 7¼ mill tax was paying \$17,400; under the sales tax it is paying \$50,000, which would mean an overall picture of 187 per cent as compared to the overall of 160 per cent, and the additional tax would be \$8,000 or increase them to 233 per cent, therefore I think that these figures will bear out that industry is paying its share, as it rightfully should.

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

**Mr. TRAFTON:** Mr. Speaker and Members of the House: I do not personally quarrel with the purpose of the Taxation Committee. I think that industry should pay its fair share. I suppose, as a lawyer, I should be in favor of this bill because to my mind it is going to make a great deal of work for lawyers. Now let me explain why. The Sales Tax wording, which was originally passed and will continue, is as follows:

“Retail sale” and “sale to retail” do not include the sale of tangible personal property which . . . is consumed or destroyed or loses its identity in the manufacture of tangible personal property for later sale . . .”

The amendment to this law would provide that moulding sand, refractories, fire clay, steel shot and grit, crucibles and snagging wheels are

not meant to be included in the phrase “consumed or destroyed” and yet the fact is quite the opposite.

The Law Court in the Androscoggin Foundry case said no useful purpose would be served by discussion of the specific use and length of life of molding sand, refractories, fire clay, steel shot and grit and so forth. All of these articles are expendable and have a relatively short use life in the foundry business, as all of these items of property will be consumed or destroyed in the manufacture of personal property for later sale.

Now here we have a law that says that things that are consumed and destroyed will not be taxed but these things are going to be taxed and they are going to be an example of what is not consumed and destroyed, yet we know they are consumed and destroyed.

I think that each item that is not listed in this list of exceptions or taxable items will have to be tested in the courts, and the method will be to say: Is it more like one of the items that is taxable or is it more like one of the items that is not taxable? The language of “used or destroyed” won’t really play any part.

Now, take two examples: One of them in the foundry business, for the case arose there, molding sand. That would be taxable under this amendment.

Another one in the foundry business is core sand. That would not be taxable.

The President of the Androscoggin Foundry Company told me that the molding sand, about five per cent of it, was destroyed each time a molding was used in casting. On the core sand, he said about eight per cent of it was destroyed, and the rest was thrown into the molding sand, where it could be used over and over again.

Now if the difference is five and eight per cent, how are you going to compare some other dissimilar product to see which one it is most like?

**The SPEAKER:** The Chair recognizes the gentleman from Brunswick, Mr. Tondreau.

**Mr. TONDREAU:** Mr. Speaker and Members of the House: I wish

to go on record as being opposed to this bill because it is my sincere belief that it is unwise legislation that would tax the materials that produce our wealth in this State, and in turn produce our livelihood.

I believe that we ought to confine ourselves as much as possible to a tax on the finished product, where we do not discriminate against our own industries here in the State of Maine, but where we treat all manufacturers, whether they be in the State of Maine or not equally.

In answer to a point raised by the gentleman from Portland, Mr. Albee, the point that Industry should pay for the materials they use just like we do for goods used in our home consumption, I would like to point out that whereas the materials that we buy for our own use do not, in turn, produce wealth, but these materials used by the manufacturers in turn create the wealth that helps us for our livelihood.

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

Mr. ALBEE: Mr. Speaker, I would still like to have my question answered. In regard to Bill 1425, what's the price tag on it? I would still like to know the price tag on this particular bill and not overall taxes on property tax that was refunded to city and towns for what they had been paying. I would like to know what is the price tag on this particular bill, to industry.

The SPEAKER: The gentleman from Portland, Mr. Albee, requests information.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Sanford.

Mr. SANFORD: Mr. Speaker and Members of the House: The price tag on this is about \$262,000. May I say something?

The SPEAKER: The gentleman may continue.

Mr. SANFORD: Mr. Speaker, I have been called most everything since I have been down here (Laughter) but until today I was never referred to as "Mr. Turner," and I object to that very strongly. (Laughter)

I would like to read a few words of an address made by Mr. Hugh J. Chisholm of the Oxford Paper Com-

pany. This was before the New York Society of Security Analysts November 6, 1952. I won't attempt to read the whole of it—am getting a little hungry myself—but it goes on and tells about competition and one thing and another, "I know in our case it has been one of the factors that has kept"—I had better read the next one above—"There is nothing like competition to keep the company conscious of costs and quality. I know in our case it has been one of the factors that has kept Oxford a progressive company, yet, despite this competition, I am glad to be able to say to you that since Oxford has become a factor in the paper industry, it has never failed to earn a profit in any year for the past forty-one years."

Then he goes on and says a lot of things that are very interesting but would take a lot of time to read: "But since 1946 we have spent nearly \$20,000,000 for plant improvements and expansion. \$10,500,000 of this money came from earnings and the balance from borrowing."

I would like to add to that, about the Oxford Paper Company, that I think their plants and properties are valued at \$49,312,000. The assessed valuation on that property is about \$4,000,000. When you come right down to taxes, I do not think that any of these concerns are hurt.

I am for industry. I don't want anybody to misunderstand me. I am 100 per cent for industry. We had a bill come up before our Taxation Committee and I signed a minority report on it because I thought it was going to hurt industry. I thought it was going to drive the industry from our town right out of town. I still think so. It was killed in the other branch. We have the American Woolen Company in our town in which I am very much interested. We have the Stowell-MacGregor property, who manufacture spools and hardwood products, and I would like to answer the gentleman who referred to "hardwood" that in this bill hardwood is exempt; all logs are exempt; anything — pulpwood — is considered logs; it is all exempt. We have a sawmill in our town, and do you think for one minute I would be up here trying to get this 1425 through if I had the least idea

that it was going to hurt our town? No, Siree, you bet I would not.

I am for the 1425, and I do hope that the motion of my good friend, the gentleman from Westbrook, Mr. Travis, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Sweden, Mr. Moulton.

Mr. MOULTON: Mr. Speaker and Members of the House: I think this all boils down to just one thing: "Don't tax me but tax the other guy."

I move the previous question.

Mr. SENTER of Brunswick: Mr. Speaker I ask for a division.

The SPEAKER: The gentleman from Sweden, Mr. Moulton, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present.

All those in favor of the Chair entertaining the motion for the previous question will kindly rise and remain standing in their places until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third of the members present having arisen the motion for the previous question is entertained.

The question before the House now is: Shall the main question be put now? As many as are in favor will signify by saying aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House, with the request by the gentleman from Brunswick, Mr. Senter, that we have a division, is on the motion of the gentleman from Westbrook, Mr. Travis, that Legislative Document 1425 be indefinitely postponed.

As many as are in favor of the motion of the gentleman from Westbrook, Mr. Travis, that House Paper 1231, Legislative Document 1425, Bill, "An Act to Clarify and Amend the Sales and Use Tax Law as Respects Manufacturers", be indefinitely postponed will kindly rise and remain standing in their places until the monitors have made and returned the count.

Seventy-four having voted in the affirmative and forty-eight having voted in the negative, the motion prevailed, and the Bill, with accompanying papers, was indefinitely postponed and was sent up for concurrence.

On motion of Mr. Center of Standish, the House voted to take from the table the sixteenth tabled and unassigned matter, An Act to Control Vesicular Diseases (S. P. 465) (L. D. 1296) tabled on March 25 by that gentleman, pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker, I move that this matter be passed to be enacted.

The SPEAKER: The question before the House is on the motion of the gentleman from Standish, Mr. Center, that Legislative Document 1296, An Act to Control Vesicular Diseases, be passed to be enacted.

This being an emergency measure, the present membership of the House being one hundred and fifty-one, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House.

As many as are in favor of this bill being passed to be enacted as an emergency measure will kindly rise and remain standing in their places until the monitors have made and returned the count.

One hundred and twenty members arose.

The SPEAKER: As many as are opposed will kindly rise and remain standing in their places until the monitors have made and returned the count.

No member of the House arose.

The SPEAKER: One hundred and twenty having voted in the affirmative and not any having voted in the negative one hundred and twenty being more than two-thirds of the entire elected membership of the House, the Bill is passed to be enacted as an emergency. It will be signed by the Speaker and sent to the Senate.

On motion of Mrs. Downing of North Kennebunkport, the House voted to take from the table the forty-first tabled and unassigned

matter, Bill "An Act Creating the Old Orchard Beach Sewerage District" (H. P. 1225) (L. D. 1413) tabled on April 8 by that gentlewoman, pending third reading.

Mrs. Downing then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1225, L. D. 1413, Bill, "An Act Creating the Old Orchard Beach Sewerage District."

Amend said Bill by striking out the word "president" in the 2nd line of the 2nd paragraph of "Sec. 12" and inserting in place thereof the words 'chairman of the board of trustees'

House Amendment "A" was thereupon adopted and the Bill was given its third reading and was passed to be engrossed as amended and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker, I would like to inquire of the Clerk if S. P. 245, L. D. 1438, Resolve in favor of Wesley Ramsey of South Portland, is in possession of the House.

The SPEAKER: The matter is referred to on page 18 of the printed Advance Journal and the answer is that the resolve is in possession of the House.

Thereupon, on motion of Mr. Potter, under suspension of the rules, the House voted to reconsider its action of April 4 whereby it passed this resolve to be engrossed.

Mr. Potter then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 245, L. D. 1438, Resolve in favor of Wesley Ramsey, of South Portland.

Amend said Resolve by striking out the figures "\$206.50" in the 2nd line thereof and inserting in place thereof the figures '\$146.55'.

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

On the motion of Mr. Macomber of Jay, the House voted to take from the table the fifty-fifth tabled and unassigned matter, Bill "An Act relating to Duties of Parole Board" (H. P. 824) (L. D. 855) tabled on April 15 by that gentleman, pending third reading; and on further motion of the same gentleman the Bill was given its third reading and was passed to be engrossed as amended and sent to the Senate.

On motion of Mr. Brockway of Milo, the House voted to take from the table the thirty-ninth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Transportation on Bill "An Act relating to Registration Fees for Farm Trucks" (H. P. 768) (L. D. 803) tabled on April 8 by that gentleman, pending acceptance of report.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to ask to have the bill substituted for the report. Mr. Speaker, is it proper to talk before the bill is substituted, if possible?

The SPEAKER: The gentleman may talk to his motion.

Mr. FINEMORE: Mr. Speaker and Members of the House: I, as a member of this committee, signed the "Ought not to pass" report on the original bill as it was written, but since that time I have been called by United States Representative McIntyre; he has called it to my attention that this bill ought to pass if amended, so I have taken much time in going over this bill, and I find that the amendment which I would like to have you look at, at this time, if you would, Amendment "A", Filing 368, where the total first part of this Section 1 is struck out and it is further amended by changing the second part of this section to read: "Provided that the annual registration fee of farm trucks not for hire of a total gross weight not exceeding 16,000 pounds, when such truck is used only for the transportation of agricultural commodities or farm supplies to be used in connection with the operation of a farm or

farms owned, operated or occupied by the registrant, shall be \$40."

This bill is for all farmers, not only in the part of my county, but for all dairy, vegetable, poultry or any other farmers where a farm truck is used.

A lot of the farmers now are holding their registrations until September the 1st, so that they may get them at half price on some trucks. That is the case in our county where one or more trucks are owned that are not needed until the fall of the year. Trucks are being registered in March at the rate of \$15 to \$35, and this is very true, having made a checkup with our Secretary of State.

And then in the spring, one month in the spring, they use the special permit to step it up for one month in the spring and then go along to the fall, and some are stepping them up one to two months in the fall, under the permit law.

I would like to say here that a survey has been made that shows that the average farm truck travels only 5,606 miles per year over the roads. The range is 420 miles to 28,000 miles annually. We found that 68 per cent of the farm trucks are driven less than 6,000 miles per year, and only eight per cent of these trucks are driven 10,000 miles annually. With the remaining 24 per cent of these trucks being driven six to ten thousand miles annually, we also found that the trucks licensed for higher weights of 6,000 pounds' load and 9,000 pounds' gross load are generally in the higher mileage group, these including pickups which are used as passenger cars.

As this bill was originally presented, they claimed that there would be a price tag on it of \$108,000 cost to the State.

Now with this amendment, to \$40 on the 16,000 gross weight limit alone, with the first part of this section of the bill struck out—I might add here that this may be a substitute bill; I am not positive of that—that the loss to the State would be very little and maybe would be more in regard to the gasoline tax in some of these trucks used. Also some of the trucks now that are being registered 11,000 pounds gross

weight, or \$35, or even 16,000 pounds gross weight, or \$60, later in the fall, at half price, would be a gain of anywhere from \$15 to \$20.

I would like to read to you some of the other states in regard to this same bill. In Vermont the annual fee for the registration of a farm truck, of total weight, similar to this, not to exceed 16,000 pounds, used only for transportation of agricultural products produced on and material to be used in connection with the operation of farm or farms owned, occupied by the registrant, is only \$32, and our amendment calls for \$40.

New Hampshire has a similar program for \$25.

In Massachusetts, farms license their trucks in some of the heavier weights for half of our present fee in the same weight.

In Delaware farmers register their trucks for half of the commercial rate.

Now at this time I would like to ask, as a favor, that the bill be substituted for the report, for the purpose of presenting an amendment and giving this bill a chance in the House. Thank you.

**THE SPEAKER:** The Chair recognizes the gentleman from Westbrook, Mr. Travis.

**MR. TRAVIS:** Mr. Speaker and Members of the House: I think it is in order that you get a brief explanation of this bill. This bill received a unanimous "Ought not to pass" report of the Committee on Transportation. At the original hearing the Secretary of State Department estimated the bill would cost probably at least \$160,000, maybe a lot more. The representative of the Maine Farm Bureau who was present stated, if I recall correctly, that it would save them \$360,000, so that might be the cost to the State, \$360,000.

The amendment was considered and the bill was recommitted to the Committee on Transportation, who considered the bill in the light of the amendment, and again came out with a unanimous "Ought not to pass" report. The Committee felt that while the farmers have a point on this licensing, that they are taken care of on these occasional heavy loads by the special permit that can be gotten; they can



license this truck for a heavier license weight for one month at a small additional fee.

Therefore, Mr. Speaker, I move that this bill be indefinitely postponed.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Westbrook, Mr. Travis, that the report and the bill be indefinitely postponed. As many as are in favor of this motion will please say aye; those opposed will say no.

A viva voce vote being doubted, a division of the House was had.

Thirty having voted in the affirmative and fifty having voted in the negative, the motion to indefinitely postpone did not prevail.

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

Mr. OSBORNE: Mr. Speaker, I would like to ask a question through the Chair. The way this amendment is worded it puts me in doubt as to what happens to the small farm trucks, the one ton or one and a half ton gross weight.

The SPEAKER: The gentleman from Fairfield, Mr. Osborne, directs a question through the Chair.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore, for the purpose of answering the question.

Mr. FINEMORE: Mr. Speaker and Members of the House: Unless a farmer sees fit to license his smaller registered vehicle up into this \$40 bracket, as this amendment would make it, otherwise it would remain the same. Of course if he saw fit to still license it for \$10 or for \$15 or for \$20 or \$35, that is his privilege, but we believe beyond a doubt, we have proven beyond a doubt, that there will be quite a few of this group from the twenty dollar to thirty-five dollar class that will come into the thirty-five dollar bracket.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Chairman, if I am now in order, I would like to present House Amendment "A" and move its adoption.

The SPEAKER: If the gentleman will defer his motion, the motion

will be in order after the first and second readings.

The question before the House is on the motion to substitute the bill, Legislative Document 803, for the "Ought not to pass" report of the Committee on Transportation.

As many as are in favor of the motion to substitute the bill for the "Ought not to pass" report will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed, and the bill was substituted for the "Ought not to pass" report of the committee.

Thereupon, the bill was given its two several readings.

Mr. Brockway then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 768, L. D. 803, Bill, "An Act relating to Registration Fees for Farm Trucks."

Amend said Bill by inserting at the beginning of the 1st line the underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill by striking out everything after the amending clause and inserting in place thereof the following:

**"Provided that the annual registration fee of farm trucks not for hire of a total gross weight not exceeding 16,000 pounds, when such truck is used only for the transportation of agricultural commodities or farm supplies to be used in connection with the operation of a farm or farms owned, operated or occupied by the registrant, shall be \$40."**

Further amend said Bill by adding at the end thereof the following:

**'Sec. 2. Effective date. The provisions of this act shall become effective on January 1, 1954.'**

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

Mr. OSBORNE: Mr. Speaker and Members of the House: Perhaps I am a little extra stupid this morning but it still looks to me like we would be paying \$40 no matter what the size of the truck is. It says "strike out everything."

The original bill says from zero pounds gross weight to 11,000

pounds gross weight, \$15. Then from 11,001 pounds gross weight to 16,000 pounds gross weight, \$30.

This strikes out both of those unless I misread the amendment.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore, for the purpose of answering the question only.

Mr. FINEMORE: Mr. Speaker and Members of the House. In answer to the question, this would not have any effect on the zero to 6,000 pounds, or the 6,001 pounds to 9,000 pounds or the 9,001 pounds to 11,000 pounds unless the owner saw fit to raise it. It would be up to the owner of the vehicle whether he wanted to register it for \$40 or not; he would still have the right to license for \$15 or \$40. In fact, they are not even farm trucks; they wouldn't even be classed as farm trucks. The pickup, which my good friend, the gentleman from Fairfield, Mr. Osborne, mentions, is not a farm truck. This is for farm vehicles only, and has no bearing on the class unless they see fit to come up into a higher bracket.

Mr. OSBORNE of Fairfield: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. OSBORNE: To bring up another point and question, Mr. Speaker.

The SPEAKER: The gentleman from Fairfield, Mr. Osborne, asks leave of the House to address the House? Does the Chair hear objection? The Chair hears none and the gentleman may proceed.

Mr. OSBORNE: Mr. Speaker, I would like to call the gentleman's attention to the fact that insurance calls for specific mention as to whether it is a farm truck or not a farm truck, and if you register it as not a farm truck then you have got to pay insurance accordingly which increases your rate, in substance, over a farm truck rate.

The SPEAKER: Does the gentleman from Pownal, Mr. Tuttle, wish to be recognized?

Mr. TUTTLE: No, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: I am very much in favor of this bill and amendment, but I think I can see

what the gentleman from Fairfield, Mr. Osborne, sees in this. I think there is a very definite possibility that we might, in this amendment, be passing something that we don't want at all. I think it possibly needs some clarification, and for that purpose I would move that this matter be laid on the table and be specially assigned for tomorrow.

The SPEAKER: The gentleman from Standish, Mr. Center, moves that House Paper 768, Legislative Document 803, and Bill "An Act relating to Registration Fees for Farm Trucks, and accompanying papers, lie on the table and be specially assigned for tomorrow, pending the motion of the gentleman from Milo, Mr. Brockway, for adoption of House Amendment "A". Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled and so assigned.

The SPEAKER: The Chair, at this time, will appoint, on the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolve Regulating Ice Fishing in Hopkins Pond, Penobscot County, House Paper 99, Legislative Document 101, the following members on the part of the House: The gentleman from Brewer, Mr. Archer, the gentleman from East Machias, Mr. Cates and the gentleman from Bridgton, Mr. Whitney.

On the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolve Relating to Ice Fishing in Peabody Pond, Cumberland County, House Paper 66, Legislative Document 62, the Chair will appoint the following members on the part of the House: The gentleman from Harrison, Mr. Davis, the gentleman from Bridgton, Mr. Whitney, and the gentleman from Sweden, Mr. Moulton.

The SPEAKER: The Chair recognizes the gentleman from Waterford, Mr. Ford.

Mr. FORD: Mr. Speaker, I move that the thirty-first tabled and unassigned matter, S. P. 493, L. D. 1347, be removed from the table.

The SPEAKER: The gentleman from Waterford, Mr. Ford, moves to take from the table the thirty-

first tabled and unassigned matter, Senate Reports, Majority Report reporting "Ought to pass" and Minority Report "Ought not to pass" of the Committee on Reapportionment on Resolve to Apportion 151 Representatives among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (S. P. 493) (L. D. 1347) tabled on April 7 by that gentleman pending acceptance of either report. Is this the pleasure of the House?

(Calls of "No" and "Yes")

As many as are in favor of the motion of the gentleman from Waterford, Mr. Ford, that the House take the thirty-first tabled and unassigned matter from the table will please say aye; those opposed will please say no.

A viva voce vote being doubted, a division of the House was had.

The SPEAKER: Forty-one having voted in the affirmative and twenty-three having voted in the negative, the motion prevails.

The Chair will recognize the same gentleman.

Mr. FORD: Mr. Speaker, I now move that S. P. 493, L. D. 1347, be retabled and specially assigned for tomorrow, April 22, at two o'clock in the afternoon.

The SPEAKER: The Chair understands that the gentleman from Waterford, Mr. Ford, moves to make Legislative Document 1347 a special order for two o'clock tomorrow afternoon. Does the Chair hear objection? The Chair hears none and the special order for two o'clock tomorrow is assigned.

On motion of Mr. Fuller of South Portland,

Recessed until 3 P.M. this afternoon.

#### After Recess—3:00 P.M.

The House was called to order by the Speaker.

The SPEAKER: The hour of three o'clock having arrived, the Chair lays before the House the special order assigned for 3:00 P.M. today, S. P. 509, L. D. 1388, An Act relating to the Sales Tax on Motor Vehicles tabled by the gentleman from Whitefield, Mr. Chase, pending his motion, and the Chair recognizes that gentleman.

Mr. CHASE: Mr. Speaker and Members of the House: There seems to be an error on our calendar in relation to my motion. My motion was for the adoption of House Amendment "E" to L. D. 1388. At this time I ask to withdraw my motion for adoption of House Amendment "E" to L. D. 1388 in order that Representative Cole may introduce an amendment to Amendment "E" for the purpose of clarification. If the amendment offered is accepted I shall again move for the adoption of House Amendment "E" as amended by the new amendment.

The SPEAKER: Is it the pleasure of the House that the gentleman from Whitefield, Mr. Chase, be allowed to withdraw his motion?

Permission was granted.

The SPEAKER: The Chair recognizes the gentleman from Liberty, Mr. Cole.

Mr. Cole then presented House Amendment "A" to House Amendment "E" and moved its adoption.

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

HOUSE AMENDMENT "A" to House Amendment "E" to S. P. 509, L. D. 1388, Bill, "An Act Relating to the Sales Tax on Motor Vehicles."

Amend said Amendment by striking out all of the last 2 paragraphs of section 1 and inserting in place thereof the following underlined paragraphs:

**"Farm tractor" means any self-propelled vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.'**

**"Motor vehicle" means any self-propelled vehicle designed for the conveyance of passengers or property on the public highways.'**

The SPEAKER: If it be necessary at this time, the Chair will announce that House Amendment "E" is a substitute bill and if there are any other House amendments to House Amendment "E" they should be presented at this time.

The Chair recognizes the gentleman from Liberty, Mr. Cole.

Mr. COLE: Mr. Speaker and Members of the House: It has been demonstrated that a majority of both houses want to amend the present sales tax law so that it

would apply to the trade-in differences only on motor vehicles. However, there is much confusion as to the definition of the words "motor vehicle." This amendment is an honest attempt by me to clarify the definition. It is my amendment. I wrote it myself, and I have checked it over with many members of both branches who favor it, and also with the State Tax Assessor who states that its clarity will lend itself to easy administration and that the loss incurred will not exceed \$900,000. This amendment has the approval of the automobile industry, the automobile dealers. I have checked over the week end with many of my motor vehicle constituents and have been called by many persons outside my district who accorded themselves in favor of this amendment. This is not a dealer's bill or amendment. It is mine and I am proud of it. It does reflect, I am sure, the overwhelming sentiment of the motor vehicle purchasing public of the State of Maine.

This amendment provides for the sales tax to apply on trade-in differences on all farm tractors and all self-propelled motor vehicles designed to convey passengers or property on public highways. This is clear and concise and, I submit, fair. It is not confined to registered farm tractors only or motor vehicles only.

I feel that I voice the sentiment of all proponents of this principle in saying that there is other important business before this Legislature. I sincerely hope that Amendment "E" will pass now so that it may move on to the other branch. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Naples, Mr. Fickett.

Mr. FICKETT: Mr. Speaker and "fellow travelers": I call you "travelers" because we were all in the same boat last week, floundering around, not knowing where we were going, in fact we had a lovely life-boat drill. I have seen the light and I am going to buy Brother Cole's amendment with all the accessories, and I hope the automobile dealers will throw in a set of seat-covers. (Laughter)

The SPEAKER: The Chair recognizes the gentleman from Warren, Mr. McCluskey.

Mr. McCLUSKEY: Mr. Speaker and Members of the House: I have before me the suggested cuts in the Appropriations Bill as submitted by the Appropriations Committee if this sales tax on automobiles is repealed. Let me repeat. It is a plan of suggested cuts, not an amendment.

It deals for the most part with cuts to services to the unfortunates of this State, services which are as dear to my heart as to anyone else's here in this House. On the surface it presents a frightening picture, to say the least.

Last week various members spoke on its effect upon our young and old, our sick and poor, and they intimated that if we accepted these cuts as recommended, we would be taking food out of the mouths of babies, the aged would be cold and hungry, the sick would suffer more and our children would lack adequate education.

These statements troubled my conscience as it must have troubled yours, and I thought if we allow such a thing as this to happen we would not be worthy to call ourselves human beings and should be thoroughly ashamed of ourselves to let these unfortunates down in any way whatsoever. So I deemed a situation such as this called for careful analysis and calm, realistic and sensible thinking.

After carefully weighing the pros and cons of this problem to the best of my ability, I have made the following deductions.

The Tax Committee brought in a unanimous report to this House that the bill ought to pass. We have voted twice to repeal this part of the sales tax because the majority believed it was an unfair and unjust tax which by mistake or otherwise should not have been included in the general sales tax bill by the preceding legislature. And I might add here, and it is well to keep it in mind, that this tax is paid by the hundreds of our citizens who buy cars, not by the automobile dealers.

After voting to repeal this tax, the Appropriations Committee was instructed by this body to bring in some suggested cuts that would make up for this loss of revenue.

This the Appropriations Committee did, and, as I have said before, most of the cuts suggested deal with services to our unfortunate. Now let's analyze this.

Do you think for one minute that this Appropriations Committee, made up of able, intelligent and sympathetic gentlemen, would suggest cutting the services to any of our unfortunates that would deprive them of anything that they absolutely needed when they had hundreds of thousands of dollars in other departments they could have cut from if necessary? Of course you do not think they would. They suggested these cuts knowing that the services could and would be continued.

But even if we were to accept these cuts, how much would we be hurting these services? The answer is not at all.

On April 15 of this year a very influential member of the Appropriations Committee stated in substance: "We find in these cuts that the teachers will teach and the children will be taught." He did not believe that hospital services would be denied anyone. The inmates of our institutions would be fed, buildings would stand up.

And I would like to make a few remarks regarding two more of the other suggested services cuts. First, this sheet indicates a cut in the cost of board and care of neglected children which, after careful analysis, amounts to less than twenty-five cents per week. But, mind you, the people receiving this money will be getting more at the remaining figure than they have during the past two years, and the government cost-of-living index has dropped considerably. I do not think this will hurt anyone.

Next, the burial service for the old age recipients is \$100 at present. It was suggested that this be increased to \$150. And this, by the way, was asked for by the undertakers. The cut on this sheet drops it back to \$125, which is \$25 more than the undertakers are getting now. I do not think that this will change the dignity of a single funeral service.

Further, some members of the House have presented masses of figures to us, many of them confusing to me, and arguments have

been put forth that we must either accept these cuts as suggested or find new tax money, if we repeal this part of the sales tax that deals with automobiles.

Others have told us, and they are experienced and intelligent legislators, that at the present rate of increase in the general over-all sales tax, and also taking into consideration the loss in revenue, if this is repealed, there will still be ample funds to meet our obligations. This I believe is true, and to justify my position I would like to present four of the many general reasons for my thinking so.

On April 16, Mr. Burgess, (of Limestone) a member of this Appropriations Committee and a member of this House made the following remarks. He said, "There is not a single item in the Appropriations Bill that you are cutting. If you want to adopt the net tax bill you are still giving them much more than they ever had before in their lives."

Another reason: our general sales tax revenue is running well ahead of estimated receipts. No one can deny this. The third reason is that Secretary of Commerce Weeks, in a statement last week, made some significant findings on how a number of key industries expect sales to be in 1953. Here is what Weeks reported: Petroleum companies expect to be up 4 per cent; power companies up 9 per cent; airlines up 11 per cent; auto makers up 18 per cent. And he also noted that the steel industry production for March set a new all-time record. These figures, plus the general consensus of opinion by financial experts, indicate that business will keep up, Korean peace or not.

Now last, and this is all-important to us, the Maine Publicity Bureau has estimated a record summer business in Maine this year that may reach \$200,000,000 as compared with \$175,000,000 last year. This is over 14 per cent increase. Mail inquires are running well ahead of last year. Many hotel and tourist cabin owners say their advance registrations are the highest ever. All of this means more revenue by way of the sales tax.

So, ladies and gentlemen, I respectfully suggest to you that you give this whole problem very serious consideration. I think our sympathies are being needlessly preyed upon. But I have come to the definite conclusion that by repealing this portion of the sales tax no one is going to be hurt, that we are not the breed of Hitler or Stalin by depriving our unfortunates of anything, that we will be better able to live with our consciences. I say all this in spite of the terrifying propaganda, of hungry babies, neglected sick and aged and uneducated children. Thank you. (Applause)

The SPEAKER: The Chair inquires at this time as to the possibility of other House Amendments to House Amendment "E". Once House Amendment "E" is adopted it cannot be amended.

The motion before the House is on the motion of the gentleman from Liberty, Mr. Cole, that House Amendment "A" to House Amendment "E" be adopted.

As many as are in favor of the adoption of House Amendment "A" to House Amendment "E" will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had. 121 having voted in the affirmative and none in the negative, House Amendment "A" to House Amendment "E" was adopted.

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

Mr. CHASE: Mr. Speaker, I now move for the adoption of House Amendment "E" as amended by House Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Archer.

Mr. ARCHER: Mr. Speaker, am I in order to make an amendment now?

The SPEAKER: The Chair inquires as to whether the gentleman is making an amendment to House Amendment "E" or to L. D. 1388.

Mr. ARCHER: House Amendment "E".

The SPEAKER: The gentleman may offer the amendment.

Mr. ARCHER: Mr. Speaker and Members of the House: I have been told in the corridors that my amendment the other day—

The SPEAKER: The Chair will interrupt the gentleman to suggest that he offer the amendment, have it read, and then speak to the amendment, if he so desires.

Mr. ARCHER: I offer House Amendment "B" to House Amendment "E".

The SPEAKER: The gentleman from Brewer, Mr. Archer, offers House Amendment "B" to House Amendment "E" and moves its adoption. The Clerk will read House Amendment "B".

House Amendment "B" to House Amendment "E" was read by the Clerk as follows:

HOUSE AMENDMENT "B" to House Amendment "E" to S. P. 509, L. D. 1388, Bill, "An Act Relating to the Sales Tax on Motor Vehicles."

Amend said Amendment by striking out all after the first paragraph thereof and inserting in place the following:

**R. S., c. 14-A, § 10-A, additional.** Chapter 14-A of the revised statutes, as enacted by section 1 of chapter 250 of the section to be numbered 10-A, to read as follows:

**"Sec. 10-A. Tax only upon difference between sale price of any item of tangible personal property and sale price of any such item traded in. When one or more items of tangible personal property are traded in toward the sale price of another such item, the tax imposed by the provisions of this chapter shall be levied only upon the difference between the sale price of the purchased item and the sale price paid to the purchaser for the item or items traded in."**

Amend said Bill by striking out in the title the words "on Motor Vehicles."

The SPEAKER: The House may be at ease.

(House at ease)

Called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman's point of order refers to the amend-

ment before the House at this time?

Mr. DICKEY: It does, Mr. Speaker.

The SPEAKER: The Chair will rule the amendment out of order on the basis of Reed's Parliamentary Rules, Section 143 Page 102, which in effect states:

"If a motion to strike out and insert prevails then the words inserted or any of them cannot be stricken out. This however does not preclude the insertion of the same with other words or a part of the same words with others nor to strike out the same words with others or part of the same words with others."

To state this in another form: "The province of the motion to strike out and insert does not prevent further use of the motion to strike out and the motion to insert, but the decision of the assembly already made must not be overthrown though it may be modified."

Mr. ARCHER: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman from Brewer, Mr. Archer, wish to be recognized?

Mr. ARCHER: Mr. Speaker, I would like to have it explained to me in a little simpler language just why you overruled the amendment.

The SPEAKER: It would be the Chair's opinion that if parliamentary procedure could be expressed more simply Reed's would have expressed it more simply. (Applause)

Mr. ARCHER: Mr. Speaker—

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Archer.

Mr. ARCHER: Mr. Speaker, is there any appeal from the ruling by the Chair?

The SPEAKER: The gentleman may appeal.

Mr. ARCHER: Mr. Speaker, will you instruct me as to the procedure?

The SPEAKER: The gentleman may appeal the ruling of the Chair to the House. Does the Chair understand that the gentleman so does?

Mr. ARCHER: Mr. Speaker, I feel that this amendment—

The SPEAKER: The Chair has proposed a question. Does the gen-

tleman wish to appeal the ruling of the Chair to the House?

Mr. ARCHER: Yes, I would, Mr. Speaker.

The SPEAKER: The question before the House is: Shall the decision of the Chair stand as the judgment of the House?

All those in favor of sustaining the decision of the Chair will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Ninety-three having voted in the affirmative and three in the negative, the House has sustained the decision of the Chair and that decision is the judgment of the House.

The pending motion before the House at this time is the adoption of House Amendment "E" as amended by House Amendment "A".

As many as are in favor of the adoption of House Amendment "E" as amended by House Amendment "A" will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

One hundred and nine having voted in the affirmative and none in the negative, House Amendment "E" as amended by House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Crabtree.

Mr. CRABTREE: Mr. Speaker, the gentleman from Pittsfield, Mr. Cianchette, had planned to make this motion, but I am very much pleased to make it inasmuch as he has been called out.

I move the indefinite postponement of L. D. 1388 and all the accompanying papers. My object in making this motion is to give one final test of this very important matter to see whether or not for sure, after due deliberation, we want to give up as tax revenue this disputed amount of money ranging somewhere from seven or eight hundred thousand to a million, two hundred thousand and very possibly along with it \$200,000 for our hospitals, \$400,000 for our general subsidy to education, \$154,000 in each year for institutions, reduce the amount to the Augusta State Hospital, the Bangor State

Hospital, the Boys' School, School for the Deaf, School for Girls, Men's Reformatory, Northern Maine Sanatorium, Pownal, the prison, Western Maine Sanatorium, Women's Reformatory, Aid to Dependent Children, Old Age Assistance, Board and Care of Neglected Children.

That is why I make the motion.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, moves the indefinite postponement of L. D. 1388 and accompanying papers.

The Chair recognizes the gentleman from Hope, Mr. Ludwig.

Mr. LUDWIG: Mr. Speaker and ladies and gentleman of the House: As you all know, I live in Hope, and I hope that we are going to settle this thing pretty soon. It seems to be something like a cat: it has nine lives.

I am following the bill for net sale price on automobiles for two reasons: I do not think we need the money. They have got more now than we had two years ago and I think they have got enough to get along with. Second, I think the automobile industry, the automobile users, are the most taxed group in the State of Maine and I think they should have a little relief.

It has always been said that if you once get a tax on you can't take it away. I think we have got a chance here this afternoon to prove that you can. I do not want to go home and say that we have spent every cent over here that we could get hold of and that we would have spent more if we could have got hold of it, so I think if we can go home and tell the people that we have reduced their taxes \$900,000 we will have done a good job.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Senter.

Mr. SENTER: Mr. Speaker and Members of the House: These last two sessions of the Legislature I have found Mr. Crabtree, the gentleman from the Garden Spot of Maine, very sound, and I think that oftentimes he has helped us a great deal. I am sorry that I have to disagree with him this time. You notice that he did not leave out the Atlantic Salmon that cost us \$14 a pound but he picked on those items that

tear at the heartstrings. But I am not going along with him; I am not going to vote for the indefinite postponement because I do not think that this Legislature will cut from the mentally sick or the physically sick or the Aid to Dependent Children. I do not think it is necessary. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Ludwig.

Mr. LUDWIG: Mr. Speaker, I ask that when the vote is taken it be taken by the ayes and nays.

The SPEAKER: The gentleman from Hope, Mr. Ludwig, has requested the roll call.

All those who desire the vote to be taken by the ayes and nays will rise and stand in their places until counted and the monitors have made and returned the count. This division is necessary at this time because in order to entertain a roll call vote one-fifth of the members present must vote affirmatively.

A division of the House was had.

The SPEAKER: Obviously more than one-fifth of the members present having expressed their desire, the yeas and nays are ordered.

The House will please be in order.

The Chair does not wish to throttle debate in any sense of the word whatsoever. If there are any more matters to come before the House in regard to this matter for discussion purposes or if there are inquiries now is the time to present those matters and to make those inquiries.

The pending motion is the motion of the gentleman from Island Falls, Mr. Crabtree, that An Act relating to the Sales Tax on Motor Vehicles, S. P. 509, L. D. 1388, and accompanying papers, be indefinitely postponed.

As many as are in favor of indefinite postponement of L. D. 1388 and accompanying papers will answer the roll when their name is called by saying yes; those opposed to indefinite postponement of L. D. 1388 and accompanying papers will respond to their name by saying no.

The Clerk will call the roll.

Mr. ARCHER: Mr. Speaker ---

The SPEAKER: For what purpose does the gentleman rise?

Mr. ARCHER: I would like to speak to this motion momentarily,



the one that I made. It was said in the corridor the other day that I made my amendment for the purpose of spite or the purpose of confusion. It is not so. I believe in my amendment.

Mr. OSBORNE: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. OSBORNE: I would ask, Mr. Speaker, that you repeat what we are voting on. There was quite a bit of noise in back here at the time you were giving it and I am afraid some of the members did not hear it.

The SPEAKER: The Chair will state the question. When the roll is called those members who wish to vote in favor of the motion of the gentleman from Island Falls, Mr. Crabtree, for indefinite postponement of L. D. 1388 and all accompanying papers will respond to the roll call by saying yes; those members who are opposed to the indefinite postponement of L. D. 1388 and all accompanying papers will say no when your name is called.

The Clerk will call the roll.

#### ROLL CALL

YEA—Anderson, Archer, Bearce, Berry, Bibber, Billings, Brockway; Brown, Bangor; Brown, Robbinston; Butler, Christie, Crabtree, Currier, Denbow, Emerson, Fitandides, Fogg; Fuller, Bangor; Fuller, South Portland; Gates, Hand, Hanson, Harnden, Henry, Hussey, Lovely; Low, Rockland; Low, South Portland; Morris, Peterson, Rogerson, Smith; Stewart, Portland; Trafton, Watson, Whitney, Willey.

NAY—Abbott, Albee, Albert, Alden, Beal, Boston, Buckley, Burgess, Call, Campbell, Carter, Caswell, Cates, Caverly; Center, Standish; Chase, Childs, Clements, Cole, Cormier, Cote, Couture, Curtis, Cyr, Davis, DeBeck, Dennis, Dicker, Dickey, Dodge, Dorsey, Dostie, Downing, Dumais, Edwards, Evans, Ferguson, Fickett, Finemore, Ford, Frechette, Gardner, Gosline, Gowell, Hilton, Jacobs, Jalbert, Jewett, Keay, Kelly, Kimball, Lane, Larrabee, Latno, Lawry, Legend, Letourneau, Lord, Ludwig, Macomber; Martin, Augusta; Martin, Eagle Lake; McCluskey, McGlauffin, Murray, Nadeau, O'Dell, Osborne, Potter, Pullen, Rich, Riley, Roberts, Robinson, Sanford; Scott, Alfred; Scott, Wales; Seaward; Senter, Brunswick; Small, Stanley, Stanwood, Steeves; Stewart, Paris; Story, Taylor, Tondreau, Totman, Travis, Tupper, Turner, Tuttle, Vaughan, Wad-

leigh, West, Whiting, Williams, Winchenpaw, Woodcock.

ABSENT—Bailey, Baldic, Cianchette, Duquette, Gilman, Higgins, Madore, Moulton, Ready, Reynolds, Roundy, Tardif, Walker, Wylie.

Yes 37, No 99, Absent 14.

The SPEAKER: Thirty-seven having voted in the affirmative and ninety-nine having voted in the negative, fourteen being absent, the motion to indefinitely postpone does not prevail.

Is it now the pleasure of the House that L. D. 1388 as amended by House Amendment "E" as amended by House Amendment "A" thereto be passed to be engrossed in non-concurrence.

The motion prevailed, and the bill as amended by House Amendment "E" as amended by House Amendment "A" thereto was passed to be engrossed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, assuming that we would like to do a little more work this afternoon, I would ask that the sixty-first unassigned matter be taken from the table.

On motion by the gentleman from Brooks, Mr. Dickey, the House voted to take from the table the sixty-first tabled and unassigned matter, Senate Report "Ought to pass" in New Draft on Resolve to Create a Special Committee to Study Safeguards in Construction Projects (S. P. 536) (L. D. 1441) of the Committee on Labor on Bill "An Act relating to Inspection of Construction Projects" (S. P. 50) (L. D. 78) tabled on April 17 by that gentleman pending acceptance in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker and Members of the House: My motion will be to indefinitely postpone L. D. 1441. The reason I am asking you to go along with me on this is because, if you can refer back to the original legislative document which is L. D. 78, to my mind it is one of the silliest bills ever introduced in this House or in this Legis-

lature. I was very happy to see that the committee could not go along with such a silly affair as that but they did come up with a redraft. It may have some relation to the original legislative document, but it is one of these set-ups whereby we have another commission. It says that they want a thousand dollars and that there will be two members from the construction industry and two members from the employees and a member from the Senate and a member from the House, and the Commissioner of Labor to be Chairman. It would seem that if they wanted a study of such a matter they could have referred it to the Research Committee; therefore I move that L. D. 1441 be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that the report and bill be indefinitely postponed.

The Chair recognizes the gentleman from Mexico, Mr. Small.

Mr. SMALL: Mr. Speaker and Members of the House: As a member of the Labor Committee I sat and listened to the pros and cons of the original bill for an hour or an hour and a half as did the other members.

It is true that the bill presented for our consideration in the committee was very burdensome and heavy, and we of the committee as well as the Commissioner of Labor thought it was impractical to pass that bill because it was too restrictive and perhaps too broad and no doubt a bill that was not needed in this State. However, it was the opinion of the committee, after giving it consideration, that there was merit in the idea.

Construction in the State of Maine is no small item in our business, and the health and safety of those who work on construction projects is a matter of importance to the laborer. That was proven by the large number of construction men who were present at the hearing and who spoke upon the bill. Any of you who were present at that hearing know that there was a great deal of interest from members of the building trades from all sections of this State. I certainly think

that this effort to provide them with safeguards in the future, if such will come from having a commission of this type investigate, I think that the money will be well spent and so will their time.

I hope that the motion of the gentleman from Brooks (Mr. Dickey) does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that the report and bill be indefinitely postponed. Is this the pleasure of the House?

All those in favor of indefinite postponement will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-six having voted in the affirmative and seventeen in the negative, the report and bill were indefinitely postponed in non-concurrence and sent up for concurrence.

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

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

Mr. STEWART: Mr. Speaker, I move to take from the table the forty-sixth unassigned matter. As soon as the bill has been given its readings I have an amendment to offer.

Thereupon, on motion of the gentleman from Portland, Mr. Stewart, the House voted to take from the table the forty-sixth tabled and unassigned matter, Senate Report "Ought to pass" of the Committee on Liquor Control on Bill "An Act relating to Entertainment in Licensed Liquor Premises" (S. P. 132) (L. D. 320) tabled on April 10 by that gentleman pending acceptance of report.

Thereupon the House voted to accept the "Ought to pass" report of the committee and the bill was given its two several readings.

Mr. Stewart then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 132, L. D. 320, Bill "An Act relating to Entertainment in Licensed Liquor Premises."

Amend said Bill by adding at the end thereof a new paragraph to read as follows:

**'No dancing, amusement or entertainment in licensed premises shall be of an improper nature. Entertainment consisting of persons of one sex portraying the opposite sex is prohibited.'**

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

Mr. STEWART: Mr. Speaker, a member of the Liquor Control Committee was discussing the trials and hardships of that particular committee and he said, "You have on the one hand the wets and on the other hand you have the dries. The wets would like to have the State as liquid as the Atlantic Ocean and the dries would like to have it as dry as the Sahara, and between these groups there is no compromise."

This was one measure, the wording found in this amendment, upon which there seemed to be compromise, there seemed to be agreement, there seemed to be consensus. The legislative agents who speak for what we call the wet side seemed to be in accord with the idea that the wording which is found in this amendment should be part of the law. I was surprised to find the legislative agents for their side standing up and speaking for these particular words.

Now I spoke with the enforcement chief of the Liquor Commission and he felt that these words which are to be found in the regulations of the Liquor Commission are very important to make a part of the law. He felt that if this bill passes, the one which has just been given its first and second readings without such an amendment as this, you would find that the enforcement of the law as to prohibiting obscene shows would be seriously handicapped, and it was his feeling that these words would be dropped from the regulations of the Liquor Commission if the bill which has now been given its two readings should receive passage without amendment.

The provisions of this act are that no rule or regulation of the Commission shall prohibit entertainment permitted by municipal by-law

or ordinance. It is my feeling that these words make the law practically meaningless without some further provision such as is found in this amendment. It is my hope that when you find an area of agreement such as we have found here between the wets so-called and the dries so-called feeling that the premises on which liquor may be sold should be carefully regulated, that obscene shows should be prohibited and prevented, that you will give accord to that by your vote by accepting House Amendment "A" to S. P. 132, L. D. 320, and therefore I move the adoption of House Amendment "A".

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

Mr. FULLER: Mr. Speaker and Members of the House: I would like to say a few words to bring before you exactly what the point is that is involved in this amendment.

The Legislative Research Committee was called upon to make a study of the methods of the Liquor Commission. We found that the Revised Statutes prohibit obscene, indecent, immoral or impure shows or entertainment and also any show or entertainment manifestly tending to corrupt the morals of youth. That has been a part of our statutory provisions for a considerable period of time. We find that Regulation No. 19 of the Liquor Commission provides that no dancing or amusement or entertainment in licensed premises shall be of an improper or objectionable nature, and it prohibited entertainment consisting of persons of one sex portraying the opposite sex.

It was my feeling as a member of the Research Committee that the Liquor Commission had gone beyond its legitimate powers in laying down a regulation that went beyond the provisions of the Revised Statutes, so therefore various bills were introduced into this Legislature to clarify that situation, and L. D. 320 was one of them, which added that "no rule or regulation shall prevent any entertainment which is valid and legal under the by-laws and ordinances of the municipality where the licensed premises are located.

Now the gentleman from Portland (Mr. Stewart) has offered this amendment which, if adopted, will by legislative act establish a new standard of conduct for licensed premises, namely that "no dancing, amusement or entertainment in licensed premises shall be of an improper nature."

It is a question in my mind as to who is to determine what is improper, but I presume of course the courts will have to cope with that as they have with the other wording in the past. Now if the Legislature wishes to establish a different standard of conduct for licensees from what is established for theaters and others, then that is our province and that is what will happen if this amendment is adopted.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Stewart, that House Amendment "A" be adopted. Is this the pleasure of the House?

As many as are in favor of the motion of the gentleman from Portland, Mr. Stewart, that House Amendment "A" be adopted will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-one having voted in the affirmative and sixty in the negative, the motion to adopt House Amendment "A" did not prevail.

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

Mr. STEWART: Mr. Speaker, I move to indefinitely postpone S. P. 132, L. D. 320. In explanation of that motion, I would like to say that without some such amendment as this the statute offered to us for consideration is practically meaningless. It would be just tautologous wording added to the statutes, a lot of sound and fury signifying nothing. Perhaps on that basis you can either pass it or reject it, but it seems to me to go through the motions of adopting that statute would be unwise in view of the fact that it would have very little meaning. Therefore I hope that you will indefinitely postpone S. P. 132, L. D. 320.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland,

Mr. Stewart, that Bill "An Act relating to Entertainment in Licensed Liquor Premises" S. P. 132, L. D. 320, be indefinitely postponed. Is the House ready for the question?

All those in favor say aye; those opposed say no.

A viva voce vote being doubted, a division of the House was had.

The SPEAKER: Thirty having voted in the affirmative and forty-six in the negative, the motion to indefinitely postpone does not prevail.

Thereupon the Bill was tomorrow assigned for third reading.

On motion of the gentleman from Charleston, Mr. Rich, the House voted to take from the table the thirty-eighth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act relating to Taxation of Domestic Fowl" (H. P. 945) (L. D. 987) tabled by that gentleman on April 8 pending acceptance of report.

The SPEAKER: The Chair recognizes the gentleman from Charleston, Mr. Rich.

Mr. RICH: Mr. Speaker, I would like to move that the bill with the amendment be substituted for the committee's report, if that is in order.

The SPEAKER: The gentleman from Charleston, Mr. Rich, moves that the bill be substituted for the report of the committee.

The Chair recognizes the same gentleman.

Mr. RICH: Mr. Speaker, I would like unanimous consent to speak on this matter.

The SPEAKER: The matter is debatable. The gentleman may proceed.

Mr. RICH: Mr. Speaker and members of the House: I brought this bill in at the request of some of the assessors in my area. This bill came up before the Taxation Committee on one of the days that I was down to Orono attending the Farmers' Week and therefore I was not able to present my thoughts or arguments before the committee at that time. Possibly it would have made no difference if I had been there, but they came out with a unanimous "Ought not to pass" report. However, I would like to say a few words about what the asses-

sors in my town told me this last week end.

Take the case of Mr. "L", one of my neighbors. He raises about 18,000 broilers at a time, has capacity for that number and raises three crops a year. On April 1st of this year he had 8900 chicks four weeks old and 4200 two weeks old. The value of these on April 1st was far below the average value per year. In 1952 he had 8700 four weeks old and 5050 two weeks old. Again the value was far below the average that he had for the year.

Mr. "A", also in my town, has a capacity of 22,000 birds and raises three crops per year. The company which controls and owns those chicks planned to take them all out before the first of April. Unfortunately for them, they had a flood a few weeks ago and a bridge went out in that neighborhood and they had 6000 chicks, broilers, left on hand on April 1st, and so presumably we may get a little tax there this year, but they didn't plan it that way.

Mr. "M", also in my town, has a capacity of 13,000 birds and raises three crops of broilers per year. He did not have a chick on hand on April 1st of this year, neither did he in 1952, and in 1951 he had 10,000 four-weeks-old chicks, and the company which this man told the assessors to bill the tax to re-organized their business and was improperly taxed and the lawyers told them it would cost more to collect the tax than it was worth, and so we have not collected any tax there for three years.

Mr. "X", also in my town, has a capacity of 10,000 birds, but there were no chicks there April 1st. He is filling up his house now.

A little different case, Mr. "D", he raises pullets and roasters for sale, not broilers. He raises them up to be five or six months old. On April 1st of this year he had 1600 three-weeks-old chicks and 165 laying hens. Fifty of that 165 were exempt and so he was taxed for 115 hens and 1600 chicks. They valued these chicks at six cents each and the hens at sixty-five cents, and so his total valuation was \$175, but if they had taken the valuation in August or September or October it would have been several times that.

It seems to me that in my town at least some of these poultrymen are getting away without paying the just proportion of their tax.

No, Mr. Speaker, would I be in order to present Amendment "A" and have the Clerk read it at this time?

The SPEAKER: The Chair will inform the gentleman that an amendment will be in order only after the bill has been substituted for the report.

The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker and Members of the House: Coming from a section that has a very large poultry population, I have discussed this matter with Mr. Rich and we both have been very amiable about it. I am going to use one example in my town. There is approximately between a quarter of a million and four hundred thousand chicks and hens raised throughout the year. Now that does not necessarily mean that there is that population of hens at all times, and some months it may drop down to say 100,000, but we have large egg producing there for hatcheries. I have talked to Mr. Smith and he knows the gentleman I am referring to, Mr. "S".

Now this young fellow is approximately thirty years old. Two years ago he had hard luck. He had a grain bill that ran from five thousand to ten thousand dollars and he had to take out a note with his father for five thousand. Also he carries about 3700 hens all the time just for hatcheries. This young fellow pays a tax of around \$400 a year, \$137 he paid last year on 1700 hens.

Now I think it is just a problem for the assessors of the different towns to find out themselves and try to adjust the tax fairly to these fellows. They all have their heavy expenses. As you know, grain costs five or six dollars a bag; you never know what the egg market is going to be; it can drop in one week from eighty cents a dozen down to sixty-five cents. They are striving to make a living. Not only that, but you take these large houses that carry a population of a quarter of a million chicks where they raise them up to three months to broiler age, it

is going to be a terrible hardship to them.

Now whatever amendment Mr. Rich adds to it, I would not go along with it unless it was an amendment to give the authority to the assessors which they already have in any particular town to rectify the tax on these chickens.

I think it an unjust bill and also a hardship for these young fellows and also for the older men. I move that on H. P. 945, L. D. 987 the "Ought not to pass" report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Low.

Mr. LOW: The Taxation Committee heard all the evidence on both sides of this question both this year and two years ago and, incidentally, unanimously reported it "Ought not to pass." We believed from what we heard that it was substantially impossible for a great number of people to so arrange their growing season that they could have nothing on hand on April 1. Occasionally, without doubt, some would be able to do so. One company told of having 875,000 birds on hand all the time, and they said it was impossible from any point of view to arrange matters so they would have even a few less on April 1.

We also had evidence that the raisers of chickens in town after town were paying at least ten per cent of the levy, and in one community the tax on chickens alone amounts to \$11,000 out of \$29,000 of the total levy.

The industry has put large sections of Maine back on its feet; many buildings have been renovated; new taxation value has been created. But at the same time it is a tough business and there have been many failures in it. It has been our feeling for two years, two sessions, that the best thing to do is let this industry alone until it gets more on its feet and give it every advantage it could have in order to keep going.

The SPEAKER: The Chair recognizes the gentleman from Liberty, Mr. Cole.

Mr. COLE: Mr. Speaker and Members of the House: I have a lot of respect and admiration for the

gentleman from Charleston, Mr. Rich. However, I do not like his bill.

First, it is very discriminatory, especially against the poultry industry. In proposing a special rule for domestic fowl the sponsors of the bill were frank to concede that it is designed to force heavier taxes on the industry. A man raising beef cattle would not be taxed on the same level as the poultry industry according to Mr. Rich's theory.

In considering the taxation of fowl it must be remembered that this industry by way of taxation has brought into our towns large inventories of poultry houses, as stated by the gentleman from Rockland, Mr. Low, new poultry houses, modernized farm houses, barns reconditioned, which in turn builds up the valuation of our towns. I cannot for the life of me see why we should pick out poultry and burden that industry with more tax.

In Waldo County, which is one of the leading counties of the State in the poultry industry, fourteen per cent of all the tax revenue is derived through the poultry industry in one form or another. That means quite a lot to an industry that, as has been stated here, is working on a very small margin. The conversion rate from a pound of grain to a pound of meat is very, very small, the profit is very small, and most of the industry depends upon the processing plants to make their money to bridge them over on the raising of the fowl.

It is true, of course, that some flocks are taken off of the farm during the last weeks of March. The processing plants have a definite schedule that must be met each week. What the complainants in regard to taxation fail to realize is that the same processing plants must be started with new chickens and must have other flocks maturing during the same period in order to make their operation a continuing one. They in turn have plenty of help in the processing plants and they must continue to keep them busy, therefore it is impossible to clean out all the broilers and layers on the first day of April and escape taxation.

Now in my thinking the poultry industry is laying its golden eggs in the treasury of our rural towns. Let's not kill it, and let's not jeopardize the competitive position by passing a bill aimed at placing a heavier tax burden on the Maine poultrymen.

I think the judgment of the Taxation Committee in reporting this bill unanimously "Ought not to pass" is a wise one. I hope the motion of the gentleman from Charleston, Mr. Rich, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Hanover, Mr. Ferguson.

Mr. FERGUSON: Mr. Speaker and Members of the House: It seems to me that Mr. Rich's bill has quite a lot of merit. We have quite a few poultry in our town and the same thing happens that happens in Mr. Rich's community. I cannot see why poultry should not be taxable on the community level the same as some of your other stock in trade. It has been a known fact that they do try to lower their inventory for the first of April.

In my section we do not get into such a large business as they do in some of the other counties, but we have that feeling that poultrymen should pay on the same basis as coal dealers, ice dealers, on the average inventory throughout the year, whatever their stock might be. As it is now, it is very hard to collect any taxes on the poultry business where they have very few the first of April, because you can assess them only on what they have on that date.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, I realize very well that this is the 96th Legislature. However, we had this bill in the 95th Legislature. It seems to me that if anyone has a civil suit they will bring it in court rather than bring it into this Legislature. That is what this amounts to. It comes in from the same district that it came in here from two years ago. It asks that the average be taxed on fowl the first of April. It does not ask for the average of cows horses, donkeys, mules or anything else like that. It is just pointed at the chicken industry and

one concern in particular. Therefore, members of the House, I move that the bill and both reports be indefinitely postponed.

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

Mr. CHASE: Mr. Speaker and Members of the House: I think Mr. Rich has a very good bill. I live out in the country where there are a few of these broiler houses. My selectmen approached me a few days ago and wanted to know what they could do about it. It seems that the Hebrew holidays come along before April and there is a big demand for these broilers. They empty their houses. By April 1st all you have got is two or three weeks old chicks in there to tax. But they fill those houses three or four times a year. They grow the birds to three to fifteen weeks of age and ship them out. They have three or four crops. The only tax that the town gets on those birds is at the age of three or four weeks or maybe two weeks, maybe day-old chicks. It comes that way each year in the majority of cases. These houses are emptied previous to April 1st.

Now a general store if the owner runs his stock down, which he can do previous to April 1st, they take the average of business that he has done for the year. Why should not this business be taxed the same as the general store?

Someone spoke about cattle. You cannot move cattle just before April 1st, they don't do it, they cannot move them as easy as they can fowl.

I am telling you members of the House that it is being done. If you check into the matter you will find that the majority of these houses are emptied just previous to April 1st. I can see definitely why they want to keep this law the way it is but I contend that it is a very, very unfair way to tax the industry. I think they can stand a fair tax. We will say that anyone has a hen house that holds ten thousand birds. They fill that four times a year and they grow them thirteen weeks of age each time. They have had four crops there. What is wrong if they take the birds about seven weeks of age one crop, and tax them on the average of that one crop? What is

wrong with that? I do not see that that is picking on the poultry industry any more than it would hurt to pick on any other farm produce.

I think it is a very fair bill. I cannot understand now and I could not understand two years ago why such a good bill received a report "Ought not to pass." I definitely feel that it is a good, fair bill, and I hope that it will live.

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

Mr. **CURTIS**: Mr. Speaker and Members of the House: The poultry industry has been of great value to our community. It helps many of the farmers. We have a large processing plan there that employs from sixty to seventy-five people. They are not making any money because not long ago they were in very serious difficulty and had to have a lot of money to keep going. I was very happy that somebody had confidence enough in them to furnish this money, because it would have turned seventy-five people loose in our little town without a job and it would have been a very serious thing.

Now I have been an assessor for a number of years in my town and I have never found any case but one where birds were purposely moved to escape the taxes, and that was done by necessity. He knew the law and he knew he could get away with it. He was the only one I ever knew who did, and he is out of business now and I am glad he is.

This idea of moving chickens is just plain bunk. Someone who is advocating this has never stopped to think. If you are in the business you are in business to at least pay your bills or else you are not going to be in the business, and you do not stop for a few taxes. You just simply fill your house up and sell them when you can sell them to the best advantage and then fill it up again. All this talk about people moving them out, it is not so in my town and I do not think my town is any more honest than any of the other towns.

The **SPEAKER**: The Chair recognizes the gentleman from Washburn, Mr. Story.

Mr. **STORY**: Mr. Speaker and Members of the House: There is

no doubt that there are some places where the chickens have been moved out, but what is the story behind it? The evidence that was brought out before the committee two years ago indicated that these men who own these chickens paid their tax all right, but if any town is out to beat them they will plan it so as to take the chickens from that place and they will pay a tax in the towns that use them white, and it is only fair and just. When the selectmen in the different towns will use these men white they will get their share of the taxes.

I will go along with the motion for indefinite postponement of this bill.

The **SPEAKER**: The Chair recognizes the gentleman from Wales, Mr. Scott.

Mr. **SCOTT**: Mr. Speaker, I would like to go along with the gentleman from Whitefield, Mr. Chase. I have been a tax collector for quite a few years and we have some of these poultry raisers where I have yet to slap a tax on them because they are all cleaned out by the first of April.

The **SPEAKER**: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. **CALL**: Mr. Speaker and Members of the House: The gentleman from Whitefield, Mr. Chase — of course I am not quite as adept at giving figures as my good friend, Mr. Sanford this morning, but he did not avail anything this morning. He gave plenty of them. But I will rise to the question of Mr. Chase of Whitefield. He said dumping the house four times at 10,000 approximately would give you forty thousand birds for the year. Now as one gentleman mentioned here previously, it is impossible to judge just how your birds are going to be April 1st. He will go along with me there, I am sure the gentleman will. I just want to give him this point of information. Per pound, five cents, on a broiler — a broiler is three pounds, approximately, that is a good broiler, that is fifteen cents profit. Now you figure it up from there on a 40,000 bird basis.

And also I will say to the gentleman from Wales, Mr. Scott, I will



be available next April as an assessor if you wish to hire me. (Laughter)

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

Mr. CHASE: In answer to the gentleman from Bowdoinham, I would suggest that Mr. Curtis get outside of Bowdoinham and look around a little bit. Perhaps over in his little area most of the fowl that are housed are laying hens and they keep them the year round. That is all right. But I am talking about broilers. He wants to go up into Thorndike and some of these other places where these syndicates have big hen houses, 25,000 birds to a hen house. I am telling you that there they are moving them. They move them three or four times a year, and, as I said before, they do move them before April 1st, and if he doesn't believe that I suggest that he check a bit.

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

Mr. LANE: Mr. Speaker and Members of the House: I do not agree with Mr. Chase. They cannot sell all the broilers April 1st because on April 1st the market goes down and they cannot sell all the broilers April 1st, and they cannot clean all the poultry houses by then.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker and Members of the House: The gentleman from Whitefield, Mr. Chase, brought up the question of Thorndike. I happen to represent Thorndike, I think I represent them well. Thorndike does not want this silly bill, neither do I.

The SPEAKER: The question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that the report and Bill "An Act relating to Taxation of Domestic Fowl", H. P. 945, L. D. 987, be indefinitely postponed. Is this the pleasure of the House?

All those in favor say aye; those opposed say no.

A viva voce vote being doubted, a division of the House was had.

Sixty-six having voted in the affirmative and twenty-six in the negative, the motion prevailed and report and bill were indefinitely postponed and sent up for concurrence.

On motion by Mr. Fuller of Bangor, the House voted to take from the table the forty-fifth tabled and unassigned matter, Senate Divided Report, Majority Report "Ought to pass" in New Draft (S. P. 526) (L. D. 1418) and Minority Report "Ought not to pass" of the Committee on Taxation on Resolve Proposing an Amendment to the Constitution to Authorize the Legislature to Establish Classifications of Property for Uniform Assessment for Taxation (S. P. 37) (L. D. 40) tabled by that gentleman on April 10 pending motion of Mr. Sanford to accept Minority Report.

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

Mr. FULLER: Mr. Speaker and Members of the House: This motion is merely to allow the House to act on the pending motion, and I presume the House will elect to concur with the other branch. I think this might be worthy of a few words because it is a proposed amendment to the Constitution and I am sure you will hear more about something along this line later.

L. D. 1418 is a new draft of L. D. 40, and it provides first that the Legislature would be empowered to establish certain classifications within which the Legislature would have the power to levy taxes upon real and personal property. Then it goes on and says that the Legislature shall have power to levy taxes upon real and personal property in the unorganized territory and then upon intangible property as was previously added to the Constitution.

I feel that there is too much dispute over the question of classification for this Legislature to do anything on that.

As to the question of allowing the Legislature to tax the property in the unorganized territory without taxing the other, that also seems to be a hotly disputed point which I think we do not want to spend our time on at this juncture, because by postponing any action on

this matter it may be that we shall be able to determine whether or not we should submit to the people—I should say that some later Legislature will be able to pass upon the question of submitting to the people another matter which is whether or not a severance tax or yield tax could be established for the unorganized part of the State. I do feel that what is involved in this is something that should be kept in mind especially by those who will return to future legislatures.

A motion is before the House, is there not, Mr. Speaker?

The SPEAKER: The Chair will state that a motion is before the House.

The question before the House is on the motion of the gentleman from Dover-Foxcroft, Mr. Sanford, that the House accept the minority "Ought not to pass" report of the Committee on Taxation on Resolve Proposing an Amendment to the Constitution to Authorize the Legislature to Establish Classification of Property for Uniform Assessment for Taxation (S. P. 37) (L. D. 40)

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

Mr. TRAFTON: Mr. Speaker, I rise to inquire from a member of the committee that if we reject the pending motion and return to the original bill does that mean that it

will be possible to avoid this transaction of assessing the towns and then giving it back?

The SPEAKER: The House has heard the question. If any member of the Committee on Taxation wishes to answer they may do so.

The question before the House is on the motion of the gentleman from Dover-Foxcroft, Mr. Sanford, that the House accept the minority "Ought not to pass" report of the Committee. Is this the pleasure of the House?

All those in favor say aye; those opposed, no.

A viva voce vote being doubted, A division of the House was had.

Forty-seven having voted in the affirmative and thirty-three in the negative, the motion prevailed and the Minority "Ought not to pass" report was accepted in concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. The Chair will inform the House that there are at the present time over fifty unassigned matters on the table.

If there is no further business to come before the House, the Clerk will read the notices.

On motion of Mr. Fuller of South Portland,

Adjourned until 9:30 A. M. tomorrow.