

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

Mr. SHARPE: Mr. Speaker, I move that the next item, 11F, be passed over and taken up after this list has been completed.

The SPEAKER: The gentleman requests that it be laid aside at this time?

Mr. SHARPE: Yes, Mr. Speaker.

An Act to Provide for the Joining of Towns for the Purpose of Providing Better School Facilities (H. P. 1733) (L. D. 1471)

An Act Preventing Drinking in Public Places (S. P. 505) (L. D. 1391)

An Act to Increase the Purposes and Powers of Bates Manufacturing Company and to Authorize it to Acquire the Assets of Bates Company (S. P. 531) (L. D. 1446)

Finally Passed

Resolve in favor of the University of Maine for Buildings (H. P. 80) (L. D. 68)

Resolve in favor of the Maine Distributors, Inc. (S. P. 192) (L. D. 1444)

Resolve in favor of Leon Bemis of Farmingdale (S. P. 540) (L. D. 1458)

Resolve in favor of David Peirce, of Hudson (H. P. 638) (L. D. 429)

Resolve to Authorize a Forest Survey for the State of Maine (H. P. 1047) (L. D. 686)

Resolve to Provide for Repair of Fish Screen at Porter Lake (H. P. 1574) (L. D. 1217)

Resolve in favor of Roby Littlefield, of Ogunquit (H. P. 1716) (L. D. 1448)

Resolve Authorizing the towns of Boothbay and Boothbay Harbor to Close Certain Waterways (H. P. 1740)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

Resolve Permitting Fly Fishing in Certain Waters of Franklin County (H. P. 1171) (L. D. 847)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Byron.

Mr. BYRON: Mr. Speaker, I would ask that this Item 20 be laid aside for the time being.

Passed to Be Enacted

(Continued)

Tabled and Assigned

An Act to Effect Certain Changes in Administrative Procedure Under the Unemployment Compensation Law (S. P. 533) (L. D. 1443)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. HASKELL: Mr. Speaker, I would ask that this matter be temporarily laid aside and specially assigned for tomorrow pending passage to be enacted.

Thereupon, on motion by Mr. Haskell, the bill was tabled pending passage to be enacted and was specially assigned for tomorrow morning.

Enactor

An Act relating to Excise Tax on Motor Vehicles (H. P. 11) (L. D. 10)

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Fowler.

Mr. FOWLER: Mr. Speaker and Members of the House: I just want to say a few words in regard to this bill and enlighten the members of the House. I don't think you realize what is in this bill. I am then going to ask for an indefinite postponement of this bill. I made a check—a spot check, or, rather, I requested a spot check at the main office of the Automobile Registration Office here in Augusta. Two girls were put upon that check and they checked some 1600 registrations, trucks and cars. Of those 1600 registrations checked, I found that eighty-six percent of these cars or 1369 were five or more years old. Next year those cars will be six or more years old.

This bill provides not for one percent or two percent increase, but 150 percent increase in that registration, or, rather, excise tax.

Now last year, 1946, there were 167,514 cars registered. There were 56,499 trucks registered, a total of 224,013 cars and trucks. Eighty-six percent of this would give you a figure of 192,651 registrants next year,—when they go in to pay that excise tax they are going to pay an increase of 150 percent.

Now if you want to change a few enrollments, put this bill through.

And who does it hit? If I had the money I wouldn't be driving a car six years old. I would have a new car as soon as I could, and I think the majority, or a great many will. It is just leaving it to the farmer and the little fellow, and I believe this hits the little fellow.

I have been against all form of taxation, but I will say I will go along on a major tax bill. I am convinced that we need some money, but I don't think this is the way to get it.

I might say here at this time that I checked at Togus last Saturday afternoon, and I find the patients there at that hospital in 1941 cost the government five dollars a day, to keep them there. That same patient today costs seventeen dollars. No wonder we need money!

And the same thing runs right straight up through, so I will go along on some major tax bill. I think we need it, and I am convinced on that point. But I am not convinced that we need this tax for the little fellow, and when he goes to pay his excise tax next year and finds it has jumped 150 percent. I don't blame him if he does holler, and I move the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Castle Hill, Mr. Ellis.

Mr. ELLIS: Mr. Speaker and Members of the House: During the war years when we were not getting new cars, our revenue in the towns dropped off, and we discussed with the town officials and also car owners, many and many times, why it would not be a good idea to increase the excise tax in the lower brackets. The gentleman, who just spoke, told you, I think you understand when he said that when a car gets five or six years old, we are down to the low brackets most of them two dollars. For the last couple of years our tax has increased for those cars that are used on the roads the same as other cars. I have talked with the town officials in my town and other towns, have talked with the boys who own the cars, I have found some objection, of course, but most of the objection has come from the parents who pay the excise tax for the boys, but not from the boys, themselves.

This last fall in the November meeting of the Maine Municipal Association this proposition was discussed. The Legislative Commit-

tee voted to go along with it. Again, in the first of January, we had another meeting and they renewed the vote to go along with this proposition and I introduced the bill. Now, I can not speak for all of the member towns of the Maine Municipal Association but there are three hundred and eighty-seven member towns in this Association and they gave them the green light to go with this, to introduce this measure, through the executive committee, and that is why I introduced the bill. It is a revenue measure, to be sure, but the only objection, the most objection, I found as I canvassed in my town and the other towns that I represent. I found a few cases where the parents pay the excise tax for the boys. But the boys, themselves, said: "We are willing to go along with this because we know we need some help for the roads." I hope that the motion which Mr. Fowler presents will not prevail.

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

Mr. BURTON: Mr. Speaker and Members of the House: Of course, when you take a small amount of money to begin with, to begin with one dollar and increase it to two dollars, why that is, naturally, one hundred percent. But I should like to give you a little example of just what is working at this time. It is a personal matter with me and probably with some of the rest of you. I have a 1929 Pontiac which I have driven about 36,000 miles, I think. It looks quite new because I have tried to take good care of it and I pay on that as an excise tax, this year, two dollars. That automobile, today, if I wanted to sell it, I could get and have been offered for it several times, \$1100. Now, of course, those conditions will not continue to exist forever but they do exist, today. Therefore, I do not think I or anyone else would object in an instance like that or a similar instance to paying a little bit more excise tax and I do not think a five dollar minimum is too much and I hope the gentleman's motion for indefinite postponement will not prevail.

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

Mr. WOODWORTH: Mr. Speaker and Members of the House: There is one point that I think should be

mentioned in connection with this bill. This refers to excise taxes. There is already on your car one excise tax, which is the registration fee, your plates. That excise tax goes for roads; what does this one go for? This tax is known to be a substitute for the property tax. So far as I know the effects of these excise taxes have never been passed upon by the Maine law court but, in Massachusetts the Supreme Court has held that the only justification for such a tax is that it is a substitute for the property tax. In other words, you can not have two excise taxes on one item of property for the same purpose and the State registration plates takes care of the highway future. Since this is a substitute for the property tax, it should bear a direct relationship to the value of the car. It has been said that most cars are worth a great deal more at this time but the question is: How long will that state of affairs continue? If we say that every car, regardless of its age, is to be subjected to a five dollar tax and if we assume, for example, that the taxation in a given town is fifty mills, we are placing a value upon every car of one thousand dollars. But, there are so many new cars coming out, that I think the value of these old cars is going to slump very rapidly. While it may be true, at this time, and I doubt this, that every old car is worth a thousand dollars, I doubt very much if that will be true, for example, two years from now. It seems to me that there is a definite legal objection to increasing these fees from their present point and I hope that the motion of the gentleman from Augusta will prevail.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Harris.

Mr. HARRIS: Mr. Speaker and Members of the House: There are two points about this tax that I would like to call to your attention. Anybody fortunate enough to have a new car or a new truck which, before the war, had a valuation of \$1,000 and he will find that he pays a tax on \$1500, they have already raised it fifty per cent. From now on, as this car gets a year older, we are going to get the high valuations on the cars and trucks. If we increase the new from twenty-three to twenty-eight, where he paid twenty-three dollars he would pay forty-two dollars, approximately

twice as much for his excise tax. And another thing, this is just the opposite from the gas tax. A person pays an excise tax if he rides one thousand miles or one hundred thousand miles and, therefore, I think we should not bother that excise tax set-up, and I hope that the motion of the gentleman from Augusta prevails.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: As I understand this excise tax it is a substitute for the property tax. The rate in my city is fifty mills, which is, perhaps, about an average rate. The minimum, now, is two dollars. I happen to be operating a 1940 Ford which is in excellent condition and which has been driven about 75,000 miles. If the city placed a valuation of \$500 on that car, the tax would be twenty-five dollars. I now pay \$2.36. Now, I want to call your attention to what a hundred dollar valuation on a car would produce if you were back in the property tax field. On any car, where you placed a hundred dollar valuation, and the rate was fifty mills, the tax would be five dollars, not fifty dollars, and it does not seem to me that this is a very heavy burden. It seems to me that every person who owns an automobile, under this type of taxation, would be paying a very small tax on on any motor vehicle, and I am opposed to the motion of the gentleman from Augusta.

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

Mr. WOODWORTH: Mr. Speaker, I acknowledge that I have got too many ciphers in my previous statement, and I shall support the bill.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Augusta, Mr. Fowler, that this matter be indefinitely postponed.

The Chair recognizes the gentleman from Castle Hill, Mr. Ellis.

Mr. ELLIS: Mr. Speaker, I just want to say one word. The price of the new cars coming out is so much higher, to ever bring this together for a long, long time, to make it comparable, we would have to bring up the excise tax, because these excise taxes on these cars will be low and, on the new ones, the

list price from factories on which we base our excise tax is going to be very much higher and, as you have heard here, it does make it comparable for the property tax. Mr. Speaker, I hope that the vote will be taken by division.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Fowler.

Mr. FOWLER: Mr. Speaker, I would just like to say that, in addition to this excise tax, if you can afford to pay twelve dollars registration plus this five dollars is seventeen dollars, and we are passing the gas tax, here, I believe, putting that up six cents, then this little fellow is going to pay well. He will pay for every mile he uses his car and I will ask for a division when the vote is taken.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Augusta, Mr. Fowler, that An Act Relating to Excise Tax on Motor Vehicles House Paper 11, Legislative Document 10, be indefinitely postponed.

The gentleman from Castle Hill, Mr. Ellis, has requested a division. Those in favor of the indefinite postponement of this matter will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Fifty-four having voted in the affirmative and sixty-three in the negative, the motion fails.

Thereupon, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

An Act relating to Hunting, Fishing and Guides' Licenses (H. P. 1728) (L. D. 1464)

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Sharpe.

Mr. SHARPE: Mr. Speaker, I move that this item be tabled and specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Anson, Mr. Sharpe, moves that this matter be laid on the table pending passage to be enacted and be specially assigned for tomorrow

morning. Is this the pleasure of the House?

Calls of "No".

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

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

The SPEAKER: The question before the House is upon the passage of this bill to be enacted.

The Chair recognizes the gentleman from Anson, Mr. Sharpe.

Mr. SHARPE: Mr. Speaker and Members of the House: This State began issuing hunting and fishing licenses in, I am not quite sure, but I think it was 1919. The cost of the licenses at that time was 25 cents, and the people were given to understand, and did understand, that that was a license which permitted them to fish and hunt in the State of Maine as long as they remained a citizen of the State of Maine and that the license was irrevocable. I do not question the constitutionality of the revocation of those licenses but I do know, at the time, everybody thought those licenses were a life license. In 1929, they did revoke those licenses and they started issuing annual licenses at a cost of sixty-five cents each.

Now I am at a loss and that is one reason I wanted this thing tabled until I got a few of my notes together. Later, they raised the license to \$1.15 for single licenses and \$2.15 for combination licenses. Now, from some mysterious source around here, there comes the word that the Fish and Game Department must be self-supporting. I do not know what authority that word comes from. If it is the Appropriation and Financial Affairs Committee that assumes that authority, I do not know where they get it.

If the authority came from the Fish and Game Department, I do not know where they got it, or, if it came from the Inland Game Committee, I do not know where they got it. If the Governor says that we have to put the Fish and Game Department on a self-supporting basis, I do not know where he got his authority. So far as I know, that authority rests entirely with this Legislature. Now I think it should be recognized that these hunting and fishing advantages of the State are a natural resource of the State and I know that there are approximately forty thousand non-resident sportsmen