

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

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AUGUSTA, MAINE

**Order
Out of Order**

On motion by Mr. Harvey of York, out of order and under suspension of the rules, it was

ORDERED, the House concurring, that the Legal Affairs Committee room, being Room numbered 83, be reserved for the Committee on Revision of the Statutes and the Revisor of Statutes during the preparation of the Revision of the Statutes.

Sent down for concurrence.

Mr. BROWN of Aroostook: Mr. President, I would like to inquire through the Chair if Legislative Document 615, bill An Act Imposing an Additional Gasoline Tax is now in the possession of the Senate?

The **PRESIDENT**: The Chair will inform the Senate that the bill is in the possession of the Senate.

Mr. BROWN: Mr. President, I move that the Senate reconsider its action whereby we voted to adhere to our former action whereby we accepted the "Ought Not to Pass" report of the Committee on Taxation.

This is for the purpose of passing the gasoline tax for the purpose of taking care of the various activities under the Holman bill, so-called. We thought best at this time to do this. And I am therefore asking that you people who are in favor of the Holman bill and of the activities which we will take over by the Holman bill, which we have explained here before, will vote to reconsider our previous action.

Mr. LIBBY of Cumberland: Mr. President, may I inquire of the Chair whether there is any limit on the number of times we can reconsider? I think we have already voted once on the reconsideration of this.

The **PRESIDENT**: The Chair will inform the Senator from Cumberland. Senator Libby, that the motion before the Senate is to reconsider our previous vote to adhere.

Mr. FINDLEN: Mr. President, when the vote is taken I move that it be taken by the Yeas and Nays.

Mr. HINMAN: Mr. President, we have had the gas tax with us and we have disposed of it once, 27 to 4, I believe. We have had it back with us once more and we have had a conference committee and when that conference committee didn't bring

in the report that was pleasing to at least a part of this group we had a second conference committee and yesterday we disposed of their action. I don't know whether there is any limit of fairness in how far we should carry matters of this kind.

The Senator from Aroostook, Senator Brown said that as we were in favor of the Holman bill, we should bring this gas tax back. I have said here before, and I say it again now that I am in favor of the Holman bill, but I think it is most unfair to attempt to bring it back in this way or in any other way as long as you are going to link up a gas tax with it. And although I would like to be courteous in the matter of reconsideration, under all the conditions, I must say that I hope the motion will not prevail.

The **PRESIDENT**: The question before the Senate is on the motion of the Senator from Aroostook, Senator Brown, that the Senate reconsider its former action of yesterday whereby it was voted to adhere. The Senator from Aroostook, Senator Findlen, has asked for the Yeas and Nays. To order the Yeas and Nays the affirmative vote of one-fifth of the Senate membership is necessary. Is the Senate ready for the question?

A division of the Senate was had.

Obviously more than one-fifth of the membership having risen, the Yeas and Nays were ordered.

Mr. SANBORN of Cumberland: Mr. President, before the vote is taken, I would like to say a few words on the matter before this Body. In arriving at my own conclusions I have undertaken to balance certainties against uncertainties. On the side of certainties, I feel convinced that if we take action which results in the enactment of a statute increasing the gas tax we shall be confronted with a wave of protest from thousands of motorists and those who operate trucks, who feel decidedly adverse to any increase in the gas tax, which is not absolutely necessary. That, I regard as a certainty and it has much weight with me.

On the side of the uncertainties, in the first place I will say at the outset that I have no quarrel with the so-called Holman bill. I sympathize with its purpose. I would welcome relief to the real estate taxpayer but I am by no means certain that such relief may not well be

afforded within an increase in the gas tax. I am by no means certain that the friends of the real estate taxpayer have not had it in their power during this session, that it might not be possible even now so to arrange matters that this reduction could be financed by the Highway Department without crippling or seriously handicapping their program. I believe that such might be done and I think it ought to be done. Again, if we go ahead and do pass this measure, increasing the gas tax, I am still uncertain whether it will afford relief to the real estate taxpayer that is so much talked about and held up to us as such an inducement. In the first place, any relief that the real estate taxpayer may receive in reduced taxes must be offset by the additional sums he will be required to pay in the increase in his gas tax. When you offset one against the other, I fancy the relief may not in fact, be so great.

Another uncertainty appeals even more strongly to me, that is an uncertainty growing out of a certainty, a certainty as to human nature. We all know how human nature operates, and I am going to suggest this, and I am going to predict that if this campaign is carried through, that in many towns where they realize, if they do realize, that they are having a great relief and they are having a great reduction in their tax burden growing out of this Holman act, I am going to predict that they will immediately turn their minds to some things they thought they would like to have in the way of luxuries. They will find other ways and if they have been accustomed to a 48 cent rate and this reduces it to a 42 cent rate, they will say, "We can have so and so and can spend this money in other ways," so they won't be one cent better off.

When I balance this certainty against all these uncertainties I am frank to say I do not feel like lending my vote to any increase in the gas tax, sympathetic as I am toward the real estate taxpayer, and I am one of them, myself.

Mr. FINDLEN of Aroostook: Mr. President, this is the last chance, it seems to me, for small towns and property owners in small towns to hope to get any relief. I can very well remember when we plowed our roads with horses. I have taken the

contract to plow four miles of roads for \$125. Before that I have seen it plowed for \$80, and that was the day, folks, of prosperity.

The gas people came along and they said, "Let us plow the winter roads and let the gas tax pay for it. Increase the tax by one mill and it will take care of the problem." So now it costs us to plow roads, \$100 a mile—that is the town's part. The towns cannot afford it, folks, they cannot afford to put that amount of money into winter breaking. Of course it takes care of winter breaking on the state highway, but the town will still have a tremendous amount of roads to break after they have had that relief. We come to the legislature each session and we get little pieces of road through the country under state highway specifications and then they are left without any protection whatever. We believe this maintenance will help out the small towns to a tremendous degree. It will help out my little town to the extent of about \$4200. It will help numerous other towns, all the towns in the state, in fact.

It seems to me we small town people who have been attempting to haul our produce to market through the mud, have contributed considerably to you folks who live in the cities who travel on concrete roads all the year round. Here is your chance to give us a break. It is a chance to pay us, who have helped you build your fine roads. You cannot build a wall around your city—but if you do—the country folks are going to do something to protect themselves, it seems to me. You owe something to us. We have gone along with you these years and I think it is your turn to help us, and here is your chance to do it and I hope you folks come with us this time.

Mr. LIBBY of Cumberland: Mr. President, may I inquire of the Chair concerning the vote where we voted 27 to 4? Wasn't that the vote on the original bill to increase the gasoline tax? The thing bothering me is this, we voted one day 27 to 4, as I remember it against increasing the gas tax one-half cent. We then had a vote to reconsider, which, as I recall we voted down 16 to 14. Now, I think that was on this same bill.

The PRESIDENT: According to the records of the Secretary, we did

not vote to reconsider our action whereby we accepted the Ought Not to Pass report. We voted yesterday on the acceptance of the conference committee report. The conference committee report was rejected, and then a motion was made and carried that the Senate adhere. The motion now before the Senate is reconsideration of that vote whereby we voted to adhere. Is that plain to the Senator? Is the Senate ready for the question?

The Secretary will call the roll.

The Secretary called the roll:

YEA: Senators: Batchelder, Bishop, Boothby, Bridges, Brown, Chamberlain, Chase, Dorr, Dow of Oxford, Emery, Finden, Friend, Harvey, Haskell, Hildreth, Laughlin, Morse, Stilphen, Snow, Tompkins, Townsend—20.

NAY: Senators Bate, Boucher, Elliot, Fellows, Harvey, Harkins, Hinman, Libby, Melvin, Sanborn—10.

ABSENT: Senators Dow of Franklin, Farris, Hodgkins—3.

Twenty having voted in the affirmative and ten opposed the motion to reconsider the former vote to adhere prevailed.

Miss LAUGHLIN of Cumberland: Mr. President, I move that the Senate reconsider its action of yesterday whereby it failed to accept the report of the conference committee.

Mr. FRIEND of Somerset: Mr. President, I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Laughlin, that the Senate reconsider its former action whereby it failed to accept the conference committee report. The report of the committee of conference was that the Senate recede from its former action whereby it accepted the "Ought Not to Pass" report of the Committee on Taxation and that the Senate substitute the bill for the report, adopt Committee Amendment A and pass the bill to be engrossed as amended by Committee Amendment A. A division has been asked for.

A division of the Senate was had.

Nineteen having voted in the affirmative and ten opposed, the motion to reconsider the vote whereby the Senate failed to accept the conference committee report, prevailed.

Thereupon, on motion by Miss Laughlin of Cumberland, a viva

voce being had, the report of the committee of conference was accepted, and on further motion by the same Senator, by viva voce vote, the Senate voted to recede from its former action whereby the report of the committee on Taxation "Ought Not to Pass" was accepted.

Miss LAUGHLIN: Mr. President, I now move that the bill be substituted for the report.

The PRESIDENT: The Senator from Cumberland, Senator Laughlin moves that the bill be substituted for the report. Is the Senate ready for the question?

Mr. HILDRETH of Cumberland: No, Mr. President, I am not ready for the question. I have been chasing along here on parliamentary question after parliamentary question and I am sick of talking about the gasoline tax. I would like to hear the Holman bill talked about for a few minutes and get that settled before I finally vote on the gasoline tax. If this means we are voting for a gasoline tax at this moment, I do not want to vote for it. I want to be sure of that question. I am perfectly willing to keep this gasoline tax question alive until the Holman bill is settled but I do not understand these tactics and the gasoline bill coming before us now. I am wholly in favor of the Holman bill and then I am willing to debate the question of whether the gasoline tax is necessary in order to support the Holman bill.

And so, Mr. President, I would like to make a parliamentary inquiry. Does this substitution of the bill for the report constitute a new set-up and mean that we would be voting in favor of the passage of a gasoline tax apart from the bill that came to us from the House, which was the Holman bill, for an amendment for a gasoline tax?

The PRESIDENT: The Chair will inform the Senator that this bill is no part of the Holman bill. This bill that we are talking about now originally provided for an increase of one cent on the gasoline tax. The bill as it now stands provides for an increase of one cent on the gasoline tax. The Committee Amendment provides for an increase of one-half cent on the gasoline tax.

Mr. HILDRETH: Mr. President, if this motion is going to be voted on now, I would certainly vote

against it. I do not want to kill the Holman bill. I would suggest that the proponents who are so vitally interested in this Holman bill, if they want to get some votes that they might not otherwise get, table this motion until that Holman bill is settled. I will not vote for this present motion.

Mr. CHAMBERLAIN of Penobscot: Mr. President, the bill which is before us to be substituted for the report is the bill sent by the Taxation Committee to the Legislature "Ought Not to Pass" carrying this increase of one cent tax on gasoline. As I remember it, the money was to be turned into the general highway fund. The amendment that was offered was to reduce that to a half cent and as I understand it, that amendment carried something about the Holman bill.

I haven't the bill before me and if that is so I would like to have that amendment read at this time.

The Secretary read Committee Amendment A to House Paper 1475, Legislative Document 615, bill, An Act Imposing an Additional Gasoline Tax.

The SECRETARY: In the House, on April 24th, the amendment was read and adopted.

Mr. BRIDGES of Washington: Mr. President, it has been said that God moves in a mysterious way, his wonders to perform. And likewise the legislature. Now, I am in somewhat the same mental state as the Senator from Cumberland, Senator Hildreth, and I would like to know this: I voted against the one-half cent tax before, because I hadn't then heard about the Holman bill. I am going to vote against this one-half cent tax unless I do hear something about the Holman bill. It is about time, it seems to me, Mr. President, that we put our cards upon the table so that we will know what we are voting for. If this one-half cent increase is for the purpose of the Holman bill and if that bill is going to be introduced anew I would like to know it. I want to know where I am going before I drift any further on the waves of this debate.

Mr. FRIEND of Somerset: Mr. President, I would like to say that the only reason for this one-half cent gas tax is to finance the Holman bill. And that those interest-

ed in the passage of the Holman bill had much rather that the gas be hooked up with it but we ran into some parliamentary trouble earlier in the day which delayed it.

Another thing is that it wouldn't seem to me to be very good business to pass the Holman bill first, calling for an expense of \$932,000 before you know that you have the money to finance it with and that is why we are trying to get the gas tax along up to the engrossing stage so that it will be reasonable to expect that we would have some money and then we can either amend this bill with the Holman bill, or to that effect, or pass the Holman bill separately. But I do think we should know that we have the money to finance the bill before we pass the Holman bill. I think it is good business.

Mr. HILDRETH: Mr. President, I shall have to disagree with the Senator from Somerset, Senator Friend. I do not believe in appropriating money until I know what I am appropriating it for, and if the bill is satisfactory, which I have every reason to believe it is, we can pass the bill and then if we cannot find the money to support that bill we can kill the bill. But I certainly do not believe in appropriating money until I know what I am appropriating it for. And therefore I agree with Senator Bridges and let's hear from the Holman bill and hold up this debate on the gasoline tax.

Mr. BRIDGES: Mr. President, I don't wholly agree with the remarks of Senator Hildreth. I am willing to go along with this increase if I can receive assurance from the majority leader that the Holman bill is to be introduced tonight or before this legislature adjourns; and in case the Holman bill is not passed, we can then restore this one half cent increase in gas tax.

Mr. BROWN of Aroostook: Mr. President, I might say that the Holman bill is already introduced and is laying on the table but because of the objection that the gas tax wasn't germane to the Holman bill and that they couldn't go along together and we could not prepare a satisfactory amendment so that it could, we took the other course of bringing the gas tax in and if this gas tax is passed it will be passed for the purpose of taking care of the Holman bill.

I don't agree entirely with Senator Hildreth that he doesn't want to raise any money until we know what we are going to do with it. It is just as foolish to pass the Holman bill having no money to take care of it because it is impossible to take care of the Holman bill without the passage of this gas tax. So if you don't want any of this, kill the gas tax, but if you do, pass this gasoline tax and the minute it passes we will take up the Holman bill. I assure you of that.

Miss LAUGHLIN: Mr. President, the motion is not that this bill be enacted but of course before we can put the committee amendment on it or bring it forward at all, we must substitute the bill for the report. Then we can subject it to amendment. We are not sitting here to-night enacting it. We can indefinitely postpone it at any time, if we are not satisfied that it is to finance the Holman bill but we can't do anything with it unless we substitute the bill for the report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Laughlin, that the bill be substituted for the report. Is the Senate ready for the question?

A viva voce vote being had, the bill was substituted for the report.

Miss LAUGHLIN: Now, Mr. President, I move that the bill be given its first reading, the purpose being that we will then be free to amend it and then we can stop there or go to second reading if we please.

A viva voce vote being had, the bill was given its first reading.

On further motion by the same Senator, a viva voce vote being had, Committee Amendment A was adopted in concurrence, and under suspension of the rules, the bill as so amended was given its second reading.

Thereupon, on further motion by the same Senator, the bill as amended by Committee Amendment A was laid upon the table pending passage to be engrossed.

Mr. BROWN: Mr. President, as the Holman bill is now on the table and as it is necessary to make some amendments to it, I would ask for a short recess until we can prepare them.

After Recess

The Senate was called to order by the President.

Passed to Be Enacted (Out of Order)

Bill "An Act Relating to Automobile Junk Yards." (S. P. 539) (L. D. 1117)

Bill "An Act Relating to Taxes Upon Wines and Spirits." (H. P. 1474) (L. D. 607)

Bill "An Act to Provide a Pension for Members of the Fire Department of the City of Auburn." (H. P. 1930) (L. D. 1171)

Bill "An Act to Provide for Members of the Police Department of the City of Auburn." (H. P. 1931) (L. D. 1170)

Bill "An Act Relating to the Practice of Chiropractic." (H. P. 1933) (L. D. 1174)

Bill "An Act Relating to Applications for Old Age Assistance." (H. P. 1109) (L. D. 367)

From the House, out of order and under suspension of the rules:

Emergency Measures

Bill "An Act Making Supplemental Appropriation for Overdrafts Already Incurred Due to Insufficient Appropriations and Anticipated Overdrafts and Other Obligations for Which no Legislative Appropriations have Been Made." (S. P. 568) (L. D. 1172)

Which bill being an emergency measure, and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Forty-one and for the Year Nineteen Hundred and Forty-two." (H. P. 1704) (L. D. 1027)

Which bill being an emergency measure, and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act Creating a Tax on Cigarettes." (H. P. 1925) (L. D. 1164)

Which bill being an emergency measure, and having received the affirmative vote of 25 members of the Senate and none opposed, was passed to be enacted.