

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, March 19, 1963

Senate called to order by the President.

Prayer by Rev. Frederick Whitaker of Bangor.

On motion by Mr. Atherton of Penobscot, the Journal of March 14 was read and approved.

House Papers

Non-concurrent matter

Bill, "An Act to Reconstitute School Administrative District No. 2." (H. P. 93) (L. D. 138)

In Senate, February 12, passed to be engrossed as amended by Committee Amendment A (H-6)

Comes from the House passed to be engrossed as amended by Committee Amendment A and by House Amendment A (H-112) in non-concurrence.

In the Senate, the Secretary read House Amendment A; and on motion by Mr. Brooks of Cumberland, the Senate voted to recede and concur.

Bills for reference

Bill, "An Act to Authorize the Municipalities of Oakfield, Island Falls, Dyer Brook, Merrill, Smyrna and Crystal to Form a School Administrative District." (H. P. 1007) (L. D. 1458)

Which was referred to the Committee on Education in concurrence.

Bill, "An Act Increasing Debt Limit of Stonington School District." (H. P. 1008) (L. D. 1459)

Which was referred to the Committee on Municipal Affairs in concurrence.

Bill, "An Act Increasing the Indebtedness of the Veazie Sewer District." (H. P. 1009) (L. D. 1460)

Which was referred to the Committee on Public Utilities in concurrence.

Bill, "An Act Relating to Election of Certain Officers of the House of Representatives." (H. P. 1010) (L. D. 1461)

Which was referred to the Committee on State Government in concurrence.

Committee Reports — House

Leave to Withdraw

The Committee on State Government on Bill, "An Act to Prevent Employees of State from Receiving Salaries in Excess of Department or Agency Heads." (H. P. 749) (L. D. 1078) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Relating to Use of the Airport Construction Fund for Privately Owned Airports." (H. P. 792) (L. D. 1145) reported that the same should be granted Leave to Withdraw.

The Committee on Transportation on Bill, "An Act Providing for Tie Rod Locks for Certain Motor Vehicles." (H. P. 955) (L. D. 1389) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Providing for a Pine Tree in Lieu of a Hyphen on Motor Vehicle Registration Plates." (H. P. 956) (L. D. 1390) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Agriculture on Bill, "An Act Abolishing the Maine Milk Commission." (H. P. 82) (L. D. 126) reported that the same Ought not to pass.

The Committee on Claims on Resolve, to Reimburse the Town of Orient for Aid to State Paupers. (H. P. 430) (L. D. 635) reported that the same Ought not to pass.

The Committee on Towns and Counties on Bill, "An Act Requiring Line Budget for County Appropriations for all Counties." (H. P. 953) (L. D. 1387) reported that the same Ought not to pass.

(On motion by Mr. Wyman of Washington, tabled pending acceptance of the report.)

Which reports were read and accepted in concurrence.

Ought to Pass As Amended

The Committee on Claims on Resolve, to Reimburse Town of Atkinson for Pauper Support of George E. Ellis. (H. P. 196) (L. D. 265) reported that the same Ought to pass as amended by Committee Amendment A (H-71)

Comes from the House Indefinitely Postponed.

In the Senate, on motion by Mr. Edmunds of Aroostook, tabled pending acceptance of the report.

Ought to Pass — As Amended

The Committee on Inland Fisheries and Game on Resolve, Regulating Fishing in Upper and Lower Range Ponds, Androscoggin and Cumberland Counties. (H. P. 447) (L. D. 651) reported that the same Ought to pass as amended by Committee Amendment A (H-72)

Comes from the House passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A (H-114)

In the Senate, the report was read and accepted, the bill read once; on motion by Mr. Stitham of Somerset, the bill was tabled pending adoption of House Amendment A.

The Committee on Judiciary on Bill, "An Act Relating to Appointment and Duties of Deputy Registers of Probate." (H. P. 927) (L. D. 1361) reported that the same Ought to pass as amended by Committee Amendment A (H-104)

The Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Underwater Swimming and Diving." (H. P. 790) (L. D. 1143) reported that the same Ought to pass as amended by Committee Amendment A (H-105)

(On motion by Mr. Porteous of Cumberland, tabled pending acceptance of the report.)

The Committee on State Government on Bill, "An Act Increasing Mileage Allowance for State Employees on State Business." (H. P. 400) (L. D. 599) reported that the same Ought to pass as amended by Committee Amendment A (H-51)

Ought to Pass — New Draft —

The Committee on Municipal Affairs on Bill, "An Act Providing for Jurisdiction of Kittery Port Authority Over Town Wharves." (H. P. 479) (L. D. 682) reported that the same Ought to pass in New Draft under New Title: "An Act Providing for Jurisdiction of Kittery Port Authority Over Town Wharves and Relating to Organization and

Powers of the Authority." (H. P. 1006) (L. D. 1456)

Ought to Pass — New Draft — Same Title

The Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Suspension of Certain Licenses by Commissioner of Sea and Shore Fisheries." (H. P. 941) (L. D. 1375) reported that the same Ought to pass in New Draft under same title. (H. P. 1005) (L. D. 1455)

Which reports were read and accepted in concurrence, and the Bills in New Draft read once and tomorrow assigned for second reading.

Majority — Ought Not to Pass Minority — Ought to Pass

The Majority of the Committee on Agriculture on Bill, "An Act Relating to Stipend for Agricultural Societies Conducting Non Pari-Mutuel Racing." (H. P. 760) (L. D. 1114) reported that the same Ought not to pass.

(Signed)

Senators:

PIKE of Oxford
CYR of Aroostook

Representatives:

COULTHARD
of Scarborough
BOOTHBY of Livermore
MEISNER
of Dover-Foxcroft

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

(Signed)

Senator:

HARRINGTON of Penobscot

Representatives:

WARD of Limestone
MOWER of Bangor
DENBOW of Lubec

Comes from the House, Majority — Ought not to pass Report read and accepted.

In the Senate, on motion by Mr. Pike of Oxford, the Majority Ought Not to Pass report was read and accepted in concurrence.

Majority — Ought Not to Pass Minority — Ought to Pass

The Majority of the Committee on Claims on Resolve in Favor of Ker-

mit O. Stadig of Soldier Pond. (H. P. 326) (L. D. 353) reported that the same Ought not to pass.

(Signed)

Senators:

HICHBORN of Piscataquis
BOISVERT of Androscoggin
CRAM of Cumberland

Representatives:

BREWER of Bath
BOURGOIN of Fort Kent
HUTCHINS of Kingfield
SUSI of Pittsfield
LINCOLN of Bethel
LIBBY of Portland

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

(Signed)

Representatives:

GALLANT of Eagle Lake

Comes from the House, Majority — Ought not to pass Report read and accepted.

In the Senate, on motion by Mr. Hiehorn of Piscataquis, the Majority Ought Not to Pass Report was accepted, in concurrence.

Majority — Ought Not to Pass

Minority — Ought to Pass

The Majority of the Committee on Taxation on Bill, "An Act Relating to a Net Income Tax Law for the State of Maine." (H. P. 945) (L. D. 1295) reported that the same Ought not to pass.

(Signed)

Senators:

WYMAN of Washington
BROWN of Hancock

Representatives:

WATERMAN of Auburn
JONES of Farmington
BROWN of Fairfield
WOOD of Brooks
ALBAIR of Caribou

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

(Signed)

Representatives:

COTTRELL of Portland
AYOUB of Fort Fairfield

Comes from the House, Majority — Ought not to pass — Report read and accepted.

In the Senate:

Mr. WYMAN of Washington: Mr. President, I move the acceptance of the Majority Ought Not to Pass report of the committee.

Thereupon, on motion by Mr. Whittaker of Penobscot, the bill was laid upon the table until later in today's session, pending Mr. Wyman's motion.

Majority — Ought Not to Pass
Minority — Ought to Pass

The Majority of the Committee on Towns and Counties on Bill, "An Act Relating to Effective Date for Salary Increase for County Officers." (H. P. 616) (L. D. 851) reported that the same Ought not to pass.

(Signed)

Senators:

WYMAN of Washington
PIKE of Oxford
CRAM of Cumberland

Representatives:

SHAW of Chelsea
HAMMOND of Paris
MacPHAIL of Owl's Head
WIGHT of Presque Isle
POIRIER of Lewiston
PHILBRICK of Augusta

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

(Signed)

Representatives:

CROMMETT of Millinocket

Comes from the House, Majority Ought not to pass Report read and accepted.

In the Senate, on motion by Mr. Wyman of Washington, the Majority Ought Not to pass report was accepted in concurrence.

Majority — Ought Not to Pass
Minority — Ought to Pass

The Majority of the Committee on Education on Bill, "An Act to Incorporate the City of Belfast as a School Administrative District." (H. P. 273) (L. D. 367) reported that the same Ought not to pass.

(Signed)

Senators:

BROOKS of Cumberland
WHITTAKER of Penobscot
HICHBORN of Piscataquis

Representatives:

McGEE of Auburn

TREWORGY of Gorham
 LEVESQUE of Madawaska
 CURTIS of Bowdoinham
 BRADEEN of Waterboro
 SNOW of Jonesboro

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

(Signed)

Representative:

EASTON of Winterport

Comes from the House recommitted to the Committee on Education.

In the Senate, on motion by Mr. Brooks of Cumberland, tabled pending acceptance of either report.

Committee Reports — Senate

Ought Not to Pass

Mr. Brown from the Committee on Business Legislation on Bill, "An Act Relating to Definition of Group Life Insurance." (S. P. 349) (L. D. 1015) reported that the same Ought not to pass.

(On motion by Mr. Brown of Hancock, tabled pending acceptance of the report.)

Mr. Couture from the Committee on Labor on Bill, "An Act Relating to Compromise of Assessments and Claims for Contributions Under Employment Security Law." (S. P. 366) (L. D. 1032) reported that the same Ought not to pass.

Mr. Campbell from the Committee on Judiciary on Bill, "An Act Relating to Practice Before Probate Courts." (S. P. 391) (L. D. 1094) reported that the same Ought not to pass.

Which reports were read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Atherton from the Committee on Retirements and Pensions on Bill, "An Act Providing for Retirement and Pension for Stephen A. Regina of Saco." (S. P. 188) (L. D. 487) reported that the same Ought to pass.

Mr. Letourneau from the Committee on Taxation on Bill, "An Act Relating to Excise Tax on Motor Vehicles Owned by Domestic Corporations, Partnerships and Charitable institutions." (S. P. 464) (L. D. 1291) reported that the same Ought to pass.

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

Ought to Pass — As Amended

Mrs. Harrington from the Committee on Agriculture on Bill, "An Act Relating to Definition of Potatoes and Shipper Under the Potato Tax Law." (S. P. 306) (L. D. 972) reported that the same Ought to pass as amended by Committee Amendment A (S-61)

(On motion by Mr. Cyr of Aroostook, tabled pending acceptance of the report.)

Mr. Couture from the Committee on Health and Institutional Services on Bill, "An Act Relating to Reporting of Divorces to State Registrar of Vital Statistics." (S. P. 309) (L. D. 975) reported that the same Ought to pass as amended by Committee Amendment A (S-73)

Mrs. Christie from the Committee on Liquor Control on Bill, "An Act Relating to the Illegal Manufacture of Liquor." (S. P. 394) (L. D. 1097) reported that the same Ought to pass as amended by Committee Amendment A (S-74)

Which reports were read and accepted; Committee Amendments A were read and adopted, and the Bills, as amended, read once and tomorrow assigned for second reading.

Ought to Pass — New Draft — New Title

Mr. Boardman from the Committee on Judiciary on Bill, "An Act Relating to Power of Eminent Domain of Maine State Park Commission." (S. P. 77) (L. D. 185) reported that the same Ought to pass in New Draft under title: "An Act Relating to Power of Eminent Domain of Maine State Park and Recreation Commission." (S. P. 542) (L. D. 1468)

Which report was read and accepted and the Bill, in New Draft, was read once and tomorrow assigned for second reading.

Majority — Ought to Pass in New Draft

Minority — Ought Not to Pass

The Majority of the Committee on Towns and Counties on Bill, "An

Act Relating to Effective Date for Salary Increase for County Officers." (S. P. 343) (L. D. 1008) reported that the same Ought to pass in New Draft (S. P. 543) (L. D. 1467)

(Signed)

Senators:

WYMAN of Washington
 CRAM of Cumberland
 PIKE of Oxford

Representatives:

SHAW of Chelsea
 HAMMOND of South Paris
 MacPHAIL of Owl's Head
 WIGHT of Presque Isle
 POIRIER of Lewiston
 PHILBRICK of Augusta

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass.

(Signed)

Representative:

CROMMETT of Millinocket.

On motion by Mr. Wyman of Washington, the Majority Ought to Pass report was accepted, the bill read once and tomorrow assigned for second reading.

Majority — Ought to Pass, As Amended

Minority — Ought Not to Pass

The Majority of the Committee on Transportation on Bill, "An Act Relating to Inspection of Motor Vehicles." (S. P. 39) (L. D. 32) reported that the same Ought to pass as amended by Committee Amendment A (S-72)

(Signed)

Senators:

PHILBRICK of Penobscot
 JOHNSON of Somerset
 FERGUSON of Oxford

Representatives:

OSBORN of Presque Isle
 LINNEKIN of Limington
 WHITNEY of Winn
 FINLEY of Washington
 DAVIS of Calais
 LAUGHTON of Ripley

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass.

(Signed)

Representative:

BUSSIERE of Lewiston

On motion by Mr. Philbrick of Penobscot, the Majority Ought to Pass report was accepted, the bill read once, Committee Amendment A read and adopted, and the bill tomorrow assigned for second reading.

Second Readers

The Committee on Bills in the Second Reading reported the following Bills and Resolves:

House

Bill, "An Act Repealing Washington County Agricultural Society and Agricultural Aid Society." (H. P. 471) (L. D. 675)

Bill, "An Act Relating to Time of Meetings of Augusta City Council." (H. P. 485) (L. D. 687)

Bill, "An Act to Authorize the Municipalities of Lee, Prentiss Plt., Springfield, Webster Plt. and Winn to Form a School Administrative District." (H. P. 527) (L. D. 744)

Bill, "An Act Relating to Resident Requirements for Malt Liquor Wholesale License." (H. P. 669) (L. D. 925)

Bill, "An Act Relating to Amount of Liquor Transported for Personal Use." (H. P. 672) (L. D. 928)

Bill, "An Act Relating to Filing of Approved Subdivisions of Land." (H. P. 781) (L. D. 1134)

Bill, "An Act Relating to Public Meetings Held by Liquor Commission." (H. P. 787) (L. D. 1130)

Bill, "An Act Relating to Title of Inspectors Under Boilers and Unfired Steam Pressure Vessels." (H. P. 821) (L. D. 1208)

Resolve, Naming the Franklin D. Roosevelt Memorial Bridge Between Lubec and Campobello Island. (H. P. 968) (L. D. 1407)

Bill, "An Act Relating to Appointment of Director of Transportation and General Counsel Under Public Utilities Commission." (H. P. 985) (L. D. 1427)

Bill, "An Act Relating to Area Directional Signs for Belgrade Lakes Region." (H. P. 1004) (L. D. 1454)

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

House — As Amended

Bill, "An Act to Provide Aid to Blind Persons in Voting." (H. P. 206) (L. D. 275)

Bill, "An Act Relating to Sales Tax on Transportation Charges." (H. P. 350) (L. D. 504)

Bill, "An Act Increasing Funeral Allowance in Public Assistance Cases." (H. P. 560) (L. D. 775)

(On motion by Mrs. Harrington of Penobscot, the bill was read a second time and tabled pending passage to be engrossed.)

Bill, "An Act Revising the Savings Bank Law." (H. P. 568) (L. D. 878)

Bill, "An Act Permitting Certain Liquor Licensees Providing Entertainment to Charge Admission." (H. P. 671) (L. D. 927)

Bill, "An Act Relating to Definition of Practice of Barbering and Listing Exceptions." (H. P. 731) (L. D. 1060)

Bill, "An Act Relating to Sale of Liquor in Clubs to Members of Fraternal Organizations and Auxiliaries." (H. P. 744) (L. D. 1073)

Bill, "An Act Prohibiting Insurance Companies from Owning Funeral Establishments and from Contracting for Funeral Services." (H. P. 800) (L. D. 1187)

Bill, "An Act Relating to Number of Signatures on Nomination Papers for Town Officers." (H. P. 984) (L. D. 1426)

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

Senate

Bill, "An Act Relating to Transfer of Certain Land by the State to the City of Portland." (S. P. 217) (L. D. 526)

(On motion by Mr. Brooks of Cumberland, tabled pending passage to be engrossed.)

Bill, "An Act Relating to Allocation of Funds of Soil Conservation Districts." (S. P. 263) (L. D. 1013)

Bill, "An Act Entering the State of Maine Into the Interstate Library Compact." (S. P. 400) (L. D. 1103)

Bill, "An Act Relating to Unlicensed Dogs." (S. P. 411) (L. D. 1153)

Bill, "An Act Relating to Lists of Dogs in Tax Assessors Inventories." (S. P. 412) (L. D. 1154)

Bill, "An Act Relating to Lights on Snow Removal or Sanding Equipment." (S. P. 439) (L. D. 1182)

Bill, "An Act Extending Time of

Validity of Motor Vehicle Registrations." (S. P. 489) (L. D. 1341)

(On motion by Mr. Cole of Waldo, tabled pending passage to be engrossed.)

Bill, "An Act Clarifying Months Covered by Fee for Operation of Certain Trucks." (S. P. 539) (L. D. 1463)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Amending Charter of City of Calais." (S. P. 152) (L. D. 428)

Bill, "An Act Revising Laws for Registration and Licensing of Dogs on Reservation of Penobscot Tribe of Indians." (S. P. 220) (L. D. 605)

Bill, "An Act Relating to Records and Lists of Stockholders." (S. P. 307) (L. D. 973)

Bill, "An Act to Revise Certain Motor Vehicle Laws." (S. P. 346) (L. D. 1011)

Bill, "An Act Increasing Reimbursement for Expenses of Reporter of Decisions." (S. P. 398) (L. D. 1101)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following Bills and Resolves:

Bill, "An Act Relating to Licenses for Discharge into Classified Waters." (H. P. 241) (L. D. 309)

(On motion by Mr. Brown of Hancock, tabled pending passage to be enacted, and especially assigned for Friday next.)

Bill, "An Act Relating to Registrar of Voters of Town of Rumford Holding Other Town Offices." (H. P. 386) (L. D. 585)

Bill, "An Act Relating to Purchase of Equipment and Vehicles by City of South Portland." (H. P. 476) (L. D. 679)

Bill, "An Act Repealing Law Relating to Appointment of Members of Police Force of the City of Bangor." (H. P. 484) (L. D. 686)

Bill, "An Act Amending the Charter of the City of Portland Concern-

ing Election Districts." (H. P. 541) (L. D. 758)

(On motion by Mr. Cram of Cumberland, tabled pending passage to be enacted)

Bill, "An Act Regulating Taking of Smelts in Town of Surry." (H. P. 554) (L. D. 769)

Bill, "An Act Relating to Closed Season for Scallops." (H. P. 681) (L. D. 937)

Bill, "An Act Relating to License Plates for Disabled or Paraplegic Veterans." (H. P. 995) (L. D. 1436)

Resolve, to Repeal Certain Special Resolve Pensions. (H. P. 397) (L. D. 596)

Bill, "An Act Relating to Hours of Employment in Nursing Homes." (S. P. 177) (L. D. 476)

Bill, "An Act Relating to the Taxation of Railroad Land and Buildings." (S. P. 192) (L. D. 491)

Bill, "An Act Relating to Place of Residence of Superintendents of State Hospitals." (S. P. 291) (L. D. 864)

Bill, "An Act Relating to Permits for Contract Carriers." (S. P. 332) (L. D. 997)

Bill, "An Act to Allow Temporary Authority for Motor Carrier Operations on Assignment and Transfer." (S. P. 333) (L. D. 998)

Bill, "An Act Relating to Certain Advertising Signs Erected on the Interstate System." (S. P. 359) (L. D. 1025)

Bill, "An Act Relating to Identification of Authorized Carrier Vehicles." (S. P. 431) (L. D. 1174)

Bill, "An Act Prohibiting a General Contractor to Bid Unless Able to Perform Part of Work." (S. P. 523) (L. D. 1438)

(On motion by Mr. Porteous of Cumberland, tabled pending passage to be enacted, and especially assigned for Tuesday, March 26.)

Which Bills were passed to be enacted and the Resolve finally passed.

Emergency

Bill, "An Act to Authorize the Municipalities of Eagle Lake, Fort Kent, New Canada Plantation, St. Francis Plantation and Wallagrass Plantation to Suspend the Operation of Community School District No. 1 and Reorganize as a School Administrative District." (H. P. 327) (L. D. 454)

Which received the affirmative vote of 28 members, and was passed to be enacted.

Bill, "An Act Providing County Funds for Insurance for Firemen."

On motion by Mr. Edmunds of Aroostook, tabled pending passage to be enacted, and especially assigned for tomorrow.

Additional Paper from the House, out of order and under suspension of the rules:

The Committee on Public Utilities on Bill, "An Act to Create the Ogunquit Sewer District and Amend the Charter of the Ogunquit Village Corporation." (H. P. 539) (L. D. 776) reported that the same Ought to pass.

Comes from the House, report read and accepted, House Amendment "A" read and adopted, and under suspension of the rules, Bill passed to be engrossed, as amended by House Amendment "A" (H-119)

In the Senate, the report was read and accepted and House Amendment A was read and adopted in concurrence; on motion by Mr. Lovell of York, the rules were suspended and the bill as amended was given its two several readings and passed to be engrossed in concurrence.

Orders of the Day

On motion by Mr. Stiphen of Knox, the Senate voted to reconsider its action taken earlier in today's session on Item 7-19, whereby it passed to be engrossed in concurrence, Bill, "An Act Prohibiting Insurance Companies from Owning Funeral Establishments and from Contracting for Funeral Services" (H. P. 800) (L. D. 1187); and on further motion by the Same senator, the bill was laid upon the table pending passage to be engrossed and was especially assigned for Tuesday next.

On motion by Mr. Porteous of Cumberland, the Senate voted to take from the table Item 6-14, House Report from the Committee on Sea and Shore Fisheries; Ought to Pass as Amended by Committee Amendment A, on Bill, "An Act Relating to Underwater Swimming and Div-

ing" (H. P. 790) (L. D. 1143) tabled earlier in today's session by that Senator, pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill read once, Committee Amendment A read and adopted, and the bill as amended was tomorrow assigned for second reading.

On motion by Mr. Stitham of Somerset, the Senate voted to take from the table Item 6-12 House Report from the Committee on Inland Fisheries and Game: Ought to Pass as Amended by Committee Amendment A, on "Resolve Regulating Fishing in Upper and Lower Range Ponds, Androscoggin and Cumberland Counties" (H. P. 447) (L. D. 651) tabled by that Senator earlier in today's session pending adoption of House Amendment A; and on further motion by the same Senator, House Amendment A was read and adopted; Committee Amendment A was read and adopted, and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate the 1st tabled and today assigned item (H. P. 502) (L. D. 704) House Reports from the Committee on State Government on Bill, "An Act Relating to Location of Office of Board of Harbor Commissioners for the Harbor of Portland"; Report A, Ought to Pass; Report B, Ought Not to Pass; tabled on March 12 by Senator Brooks of Cumberland pending acceptance of either report; and on further motion by that Senator, Report A "Ought to Pass" was accepted and the bill read once, House Amendment A was read and adopted in concurrence and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 534) (L. D. 1453) Bill, "An Act Relating to Driving a Motor Vehicle While License Suspended or Revoked"; tabled on March 12 by Senator Whittaker of Penobscot pending passage to be engrossed; and on further motion

by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate Item 6-20, Divided Report from the Committee on Taxation on Bill, "An Act Relating to a Net Income Tax Law for the State of Maine" (H. P. 945) (L. D. 1295) Majority Report: Ought Not to Pass; Minority Report, Ought to Pass; tabled earlier in today's session by the Senator from Penobscot Senator Whittaker pending motion by Senator Wyman of Washington to accept the Majority Ought Not to Pass Report.

Mr. WHITTAKER of Penobscot: Mr. President, I move that Item 6-20, L. D. 1291, "An Act Relating to a Net Income Tax Law for the State of Maine, be recommended to the Committee on Taxation, and I request permission to support this motion.

THE PRESIDENT: The Senator may proceed.

Mr. WHITTAKER: Mr. President and members of the Senate: I feel quite strongly that this matter is of such urgent importance that it deserves some comment on the floor of the Senate.

Personally, I am not prepared to support either report: "Ought to pass" or "Ought not to pass", at this time, and therefore I have moved to recommit based upon my feeling that the procedure we are following with regard to fiscal matters, especially tax matters, is not in the best interests of the State of Maine. Speaking for myself if for no one else, I feel the need to know the total program of the State and the appropriations therefor before coming to a decision with regard to major tax matters.

May I point out that there are still many bills under consideration which involve expenditures, some of which have not yet been heard by committees? As an illustration: In the State Government Committee, for example, there are several bills on our table which involve salary increases and we shall be making decisions on these matters within a few days perhaps, but it seems to me that we should have opportunity to make these decisions knowing

that there is a possibility later on in the session that sufficient funds will be available to support our decisions if they should be favorable. That is just one illustration. I also call to your attention the illustration of ways in which we function at the local level. At the risk of sounding like a member of the Board of Directors of the Bangor Chamber of Commerce, which I happen to be, may I say that in Bangor we have a progressive city. The Councilmen — the nine elected City Councilmen consider carefully each year the needs of the city, the cost for meeting those needs, and then when we have made these basic decisions, we assess our taxes to meet the need. I should like to suggest that this is a proper procedure which might well be followed by the State of Maine.

In a current report to this Legislature, the Legislative Research Committee had this to say about taxation: "Maine has more than an average number of problems which are expensive to solve. No other state is in greater need of dealing with its taxation problems with wisdom. Maine's future accomplishments can only be what its tax system can provide for carrying out these accomplishments." May I beg your indulgence, ladies and gentlemen of the Senate, in the light of this judgment, to speak for a few moments about the income tax as a legitimate means of meeting our fiscal needs.

The Legislative Research Committee Report went on to say, "The question of personal and corporate income taxes should be periodically checked out." Since this probably will be the last opportunity in this session to follow this procedure, I should like to call your attention to a few facts and figures. In preparing these remarks I have made careful study of the state tax structure in Maine produced in 1961 by Dr. John Sly of Princeton. I have also read the Master's thesis of Preston Stanley of the University of Maine on the economic feasibility of a personal income tax for Maine. May I at this time call your attention to the fact that the Governor has presented to us a budget and has suggested ways and means of meeting

that budget. I am sure that in his wisdom he has presented to us a valid picture, but as an individual member of this legislature it is obvious to me that even if the Governor's budget is adopted and his plans for a fiscal income are adopted, there will still be unmet vast needs throughout this state. Actually the Governor's budget is some \$20 million less than requested by the various departments of the state and the result will be, so far as I can see ahead, that if it adopts the Governor's program, Maine will move ahead only slightly in every area of its community life as a state. Left unmet will be critical needs in support of elementary and secondary school education, expansion of teachers colleges and vocational institutes, improvement of mental health and correctional institutions, proper staffing of welfare programs such as Aid to Dependent Children, rehabilitation and the care of retarded children.

In view of what seems to be an obvious situation developing among us, I urge that we give careful consideration to the motion which is before us. I have a feeling from talking with many of my friends, that the income tax as a source of revenue is grossly misunderstood among our people. Let me then present a few facts and figures in this realm.

Dr. Sly in 1960 reported that Maine ranked 31st among all the states in per capita taxes. It ranked 21st in tax sacrifice; tax sacrifice meaning the rate of taxation as a percent of income. This was in 1960, although, as Dr. Sly pointed out, in 1953 Maine ranked 11th in tax sacrifice which indicates that at the present time the people of the State of Maine are not making the same tax sacrifice which they made in 1953. In fact the rate is declining. So, as Dr. Sly said, at the present time there is some leeway to increase taxes without increasing Maine's previous tax effort.

I am sure you are all aware if you have studied the matter at all, that some 20 states have a combination of personal and corporate income taxes, and sales taxes. This was in 1960; I believe the fig-

ure today is 24. Eleven states use the federal net income as the base for the state income tax as is suggested in the bill before us, L. D. 1295. Dr. Sly described several income tax programs in other states which would produce in Maine anywhere from \$2 million to \$30 million annually. Just one example, if I may call it to your attention. The California system would yield in Maine \$10 million annually. This is the point at which I think the income tax is often misunderstood. To produce this \$10 million in Maine through a personal income tax, it would require that on an adjusted gross income of \$5,000 the total tax would be \$3. On an adjusted gross income of \$10,000 the total tax would be \$48. Only when we get to \$20,000 of adjusted gross income does the tax jump to \$264. At \$30,000 it goes to \$640. It is my opinion that the income tax is more equitable in that it reflects the tax payer's ability to pay. Low income families in Maine would pay little or no tax under a state income tax. Middle and high income families would pay a fairer share for support of the state's needs. In this connection it is pertinent to point out that in the State of Maine, twenty percent of our families have gross incomes of \$8500 and more. Nine percent of our families have gross incomes of \$15,000 and more. These are the people, and I include myself among them, who ought to be paying a fair share of the tax burden in the State of Maine and this can come about only through a combination of the sales tax and the personal income tax.

In 1950 the Maine tax revision committee recommended a combination of sales tax and personal income tax. It said that ability to pay is the proper index for a tax base. Those who have the means should contribute to the government which makes the incomes possible. This measure now being considered is thought of in some quarters as a partisan measure. May I point out that fourteen times in the history of Maine an income tax has been proposed to the Maine Legislature. Nine of these proposals were sponsored by Republicans; five by Democrats. I am suggesting that this is not a partisan issue and

that the question of taxation should have bi-partisan support.

Before concluding may I also call to your attention the fact that such distinguished organizations in our state as the League of Women Voters is strongly in support of a personal income tax, and I am sure that many of you heard the inspiring address of President George Ellis of the Federal Reserve Bank of Boston at the pre-legislative council at which he strongly urged that we give consideration to this measure. In conclusion, Mr. President, may I say that before the 101st Legislature adjourns, it seems to me quite apparent that additional revenues will be needed to supplement the Governor's budget. Education and social welfare, the very heart of our civilization in Maine depend upon our willingness to provide such funds. Therefore I hope, through support of the motion which is before us, that we may have the wisdom and courage at least to hold in readiness an income tax program which will meet this human need.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate, it seems to me that the Committee on Taxation has heard this bill, both pros and cons. They have deliberated on the merits and the majority of the committee have reported the bill out, ought not to pass. The Republican leadership of this Body at this time does not feel that it is necessary at this time to have this type of tax imposed upon the citizens of Maine. I would request a division on the motion of the Senator from Penobscot, Senator Whittaker, for recom-mittal.

Mr. WYMAN of Washington: Mr. President and members of the Senate, this matter of an income tax could be debated for a long time but I think in view of the fact that the Committee Report came out eight to two "Ought Not to Pass", as the Senator from Cumberland has stated, and the three Senate members of the Committee were unanimous in favoring the ought not to pass report, the House has accepted the Ought not to pass report and I think we would only be belaboring the issue to keep this bill alive. I therefore oppose the

motion of the Senator from Penobscot, Senator Whittaker and hope that it does not prevail.

Mr. EDMUNDS of Aroostook: Mr. President, I believe there is ample evidence that the State of Maine is not ready for an income tax at this time. Furthermore I believe it is impractical to keep measures such as the proposed income tax alive and before the legislature either in committee or on the table when the attitude of the legislature is rather readily apparent. I would point out that should it become essential to adopt an income tax at this session to implement some of the worthy programs before us, that it can be recalled from the legislative files by a substantially lower vote than would be necessary to enact the tax into law. For that reason I would hope that the motion to recommit this bill to the Joint Standing Committee on Taxation would not prevail.

Mr. PIKE of Oxford: Mr. President and fellow Senators, I am not on the Committee on Taxation. I don't suppose I should say anything. I am just a layman. But I have always been very much opposed to a state income tax. I would not want to debate with the good Senator from Penobscot because he has all the figures and I have none but I have a neighbor, the nearest neighbor I have, who came from Massachusetts to get rid of this tax. I suspect practically every town in the State of Maine has such people who came here to get away from a state income tax. I think Uncle Sam has done a very good job with the income tax and the people in my county all think the same way. I haven't had a person who has urged me to support an income tax. In fact, nearly everyone who has mentioned it has talked against it. I hope that the motion of the good Senator from Penobscot does not prevail.

Mr. PHILBRICK of Penobscot: Mr. President and members of the Senate, I fully realize that it is quite doubtful that we would have a roll call on this type of measure and I shall not request it but for that reason I do wish for the benefit of my constituents to declare that at the present and I fully expect in the future I shall be un-

alterably opposed to a state income tax.

Mr. LOVELL of York: Mr. President and members of the Senate: I think that I can speak for my constituents in York County. I did not have one person come to me, as the good Senator from York, Senator Pike said he did, but I had a great number come to me who feel that raising the sales tax from 3 to 4 per cent would be a tremendous hardship on York County and cause a great deal of loss in business and cause loss of tourist business and also a loss in getting in new industry. Nevertheless, personally I have felt against a state income tax, but, being more strongly against raising the sales tax from three to four per cent and in talking with constituents, and my county being also a labor county, and feeling that the great majority of our people who are in factories and getting an average wage of some \$75 a week, I feel that perhaps an income tax would be more fair to poorer people than an increase in the sales tax, and that the sales tax would be a great hardship.

I will agree, as the Senator from Penobscot, Senator Whittaker, said: That Dr. Ellis felt that we should consider an income tax at this time and that it would not affect adversely industry coming into Maine. I feel that we need an accelerated program to bring industry into Maine. I will not belabor this because I will at a future date, but I will say that we have lost manufacturing jobs for the last ten consecutive years, and that if we do not halt this losing of manufacturing jobs in Maine we are not going to be able to pay taxes the way we would like to pay them because of the loss of even more population than we are losing at present. We are graduating students from schools, and what happens? They cannot find jobs in Maine, and we are losing approximately one per cent of our population each year. Some counties are even worse: in Washington County it is even worse than that.

I grant you that without the income tax we are bringing in a great many people of sixty-five or

over, so that now eleven per cent of our population is sixty-five years of age or over. I am not going into a long discourse here, but I would like to point out that I think the Governor has a very fine program, but the Governor's program—which I have no doubt the majority of the Committee on Taxation is for — and I think it would probably be useless to recommit this bill to them because I think the report would come out about the same — but nevertheless if the sales tax is increased from three to four per cent it is estimated that it would bring in about eight and a half million dollars a year, because at three per cent last year, as you well know, the sales tax amounted to \$29.5 million. But in states that raised the sales tax from three to four per cent they did not get the response that is estimated by our taxation group here in Maine, so this estimated increase could well not be eight and a half million if we lost tourists coming in or if we lost industries coming into the State of Maine; it could well be lower than the estimated amount.

Now with the estimated amount, this will take care of the program of the front office, but, as the session nears the end we will have some hundred separate legislative documents laying on the Appropriations Table — at the present time I guess we have only got twenty but it is rather early in the session, but the good Senator from Aroostook is tabling these bills, and we can well have some excellent bills on the table which will be lost because of the lack of funds, and these bills can well mean a program for the State of Maine that will bring in a great deal more industry and a great deal more tourists. I would like to point out to the leadership in the Senate, which I bow to — they seem very strong, and probably my motion will not be accepted — but I would like to point out to the leadership that in the other body it has come to my attention that these tax measures are being indefinitely postponed by them as well as the increase in the sales tax from three to four per cent which can well be

indefinitely postponed by them, because, as you know, in the other body, if, as I understand, there is a group there that will hold against this, this sales tax increase from three to four per cent can well be indefinitely postponed. Consequently, what will happen then? Well, that not only means that the legislative documents that we have on the appropriations table will have to be indefinitely postponed but it means that the program which the front office has will have to be indefinitely postponed too, unless we kept the session open all summer and very late at night until some of us were beaten down by the long hours, which some might be and some might not be. But I feel as Senator Whittaker does, that this income tax bill should have more consideration, more thought, at least until the leadership has confirmed the rumors that I have heard from the other body, so at this time I would like to move that this bill be tabled until two weeks from today. I see the good Senator from Aroostook is already on his feet. I haven't finished yet, but I would hope that this Senate would—I do not want them to go against leadership, because I bow to the good President and the good Senator from Aroostook, but I feel that we should —

The PRESIDENT: The Chair must inform the Senator from York, Senator Lovell, that he has just made the longest debate on a tabling motion ever heard in these halls and that the Senator is now out of order.

Mr. LOVELL: May I be excused.

Mr. EDMUNDS of Aroostook: Mr. President, I would request a division on the motion to table this until two weeks from today.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Lovell, that the bill be tabled for two weeks. A division has been requested.

A division of the Senate was had.

Six having voted in the affirmative and twenty-six opposed, the motion to table did not prevail.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Penob-

scot, Senator Whittaker that the bill be recommitted to the Committee. A division has been requested.

A division of the Senate was had.

Five having voted in the affirmative and twenty-seven opposed, the motion to recommit did not prevail.

Thereupon, the Majority O u g h t Not to Pass Report was accepted in concurrence.

The PRESIDENT: The Chair is most happy to recognize in the Senate Chambers twelve members of the Senior Student Government Class of Kingfield High School, accompanied by their Principal, Mr. Lang. They are guests of Representative Harold Hutchins. We welcome you here and hope that you will enjoy the proceedings. The Chair would like to present to you the Senator from your county, Senator Noyes of Franklin. (Applause) The Chair might state that you must indeed be true to your duties if you can leave the Sugarloaf Area on a day like this.

The Chair is extremely happy to recognize in the Senate Chambers the good and gracious ex-Senator from Cumberland, Hazel Lord. (Applause)

On motion by Mr. Edmunds of Aroostook, the Senate voted to take from the table the 22nd item (S. P. 214) (L. D. 524) Bill, "An Act Relating to Employment of Minors Under Sixteen Years of Age"; tabled by that Senator on February 27 pending passage to be engrossed.

Mr. EDMUNDS of Aroostook: Mr. President, first may I state that the amendment I am about to offer has received the approval of the Chairman of the Joint Standing Committee on Labor. I present Senate Amendment B and move its adoption.

The Secretary read the amendment. (S-71)

Which amendment was adopted, and the bill as amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Edmunds of Aroostook, the Senate voted to take from the Special Appropriations Ta-

ble Bill, "An Act Transferring Burial Allowance Program for Veterans from Department of Health and Welfare to Division of Veterans Affairs" (H. P. 311) (L. D. 404) tabled by that Senator pending enactment; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

The same Senator presented Senate Amendment A and moved its adoption.

The Secretary read the amendment (S-76)

Which amendment was adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mrs. Harrington of Penobscot, the Senate voted to take from the table Item 7-14 Bill, "An Act Increasing Funeral Allowance in Public Assistance Cases" (H. P. 560) (L. D. 775) tabled by that Senator earlier in today's session pending passage to be engrossed; and that Senator presented Senate Amendment A to Committee Amendment A to the bill.

The Secretary read Senate Amendment A. (S-77)

Mr. PORTEOUS of Cumberland: Mr. President, I think it might be helpful if the Senate were to know the filing number of C o m m i t t e e Amendment A before this question is brought before us.

The Secretary read the status of the bill.

In the House, read three times and passed to be engrossed as amended by Committee A m e n d - m e n t A.

In the Senate, on March 14, Committee Amendment A adopted, the bill read once and the next legislative day assigned for second reading.

Earlier in today's session, the bill read a second time and tabled pending passage to be engrossed.

Thereupon, on motion by Mrs. Harrington of Penobscot, the Senate voted to reconsider its former action whereby it adopted Committee Amendment A; Senate Amendment A to Committee Amendment A was adopted; Committee Amendment A as amended by Senate Amendment A was adopted, and the bill as

amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Lovell of York, the Senate voted to take from the table the 37th tabled item (H. P. 78) (L. D. 40) House Reports from the Committee on Transportation on "Plates for United States Postmasters"; Majority Report, Ought not to pass; Minority Report, Ought to Pass; tabled on March 13 by Senator Lovell of York pending acceptance of the report.

Mr. LOVELL of York: Mr. President and members of the Senate, this particular L. D. 40 was brought to my attention last Tuesday by a phone call from some seven postmasters in York County. On that particular day in the other body I understand that it lost by one vote but the feeling of the postmasters was that if initial plates were allowed, they would like to have special plates for the postmasters in the State of Maine. I don't know just what their objective was because regardless of what they had on their plates, I am sure they might be arrested for speeding, if they were speeding, but nevertheless I thought that this would not make too much difference to the motor vehicle registry and I thought we needed money and it might be a little help, so I felt that if special plates were wanted, we could make them pay for it. I had an amendment drawn up to put on an extra \$5 fee. That would mean that the first year the postmasters would pay \$15 and then the next five years or until new plates came out, they would pay \$10 per year. But it has come to my attention that this would be opening some sort of a new program other than initial plates so for more information on

this I would yield to the good chairman of the Committee on Transportation, Senator Stilphen to elaborate a little bit more on his feeling and the feelings of the committee.

Mr. STILPHEN of Knox: Mr. President, I appreciate the fact that the good Senator has put me back on the committee. I have resigned from it. I was a member during the hearing on this particular bill and it has been pointed out that this could cause many problems. It could cause problems for the Motor Vehicle Department in assigning numbers they might want. For instance they might want a group of numbers from 1 to 400. Then it would be up to him to decide who would get No. 1 and who would get No. 2 etc., and I am sure that could result in a headache all around. The design of the plate they have been requesting would be out of proportion with anything we now have in existence in the state. The Committee felt that if we did open the door for this group of people, it could very well be that members of the armed forces could come in here next time and want U. S. Army on their plates, or U. S. Navy or U. S. Coast Guard and I am sure that all these other groups would be just as deserving.

For those reasons I would ask that the Ought not to pass report of the committee be accepted.

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

On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow morning at ten o'clock.