

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

Friday, May 3, 1963

Senate called to order by the President.

The PRESIDENT: Today, May 3rd, is Senator Cyr's birthday. We know that this must be your 39th birthday, Senator Cyr. Not only do we wish you a happy birthday but we wish you many more 39th birthdays. To give us this morning's prayer — we hoped it would be a surprise but it no longer is — your brother is here, Monsignor Armand Cyr, Superintendent of Schools of the Diocese of Portland. Happy birthday to you, Senator Cyr.

MONSIGNOR ARMAND CYR: First of all, I would like to wish a happy birthday to my brother and thank President Marden for making him 39 years of age because that makes me 40, which is a little less, actually, than what I am. I hope the fact that I am here is a birthday gift to my brother, presented by his friends, and I know you are all his friends, so I thank you for the invitation.

Prayer by Monsignor Armand Cyr of Portland, Maine.

Journal of yesterday read and approved.

Mr. CYR of Aroostook: President Marden, thank you very much for the recognition to myself and my family. I would like to thank all my colleagues for their good wishes, and I would also like to thank my brother for being here today as a birthday gift, and I would also like to say that this is my first interview with him since he has been elevated to Monsignor, and certainly would like to publicly wish him good luck and best wishes. Thank you very much. (Applause)

Order out of Order

Mr. Edmunds of Aroostook presented the following order and moved its passage:

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet on Tuesday, May 7th, 1963.

Read and passed and sent forthwith to the House for concurrence.

Mr. Edmunds of Aroostook was granted unanimous consent to address the Senate.

Mr. EDMUNDS: Mr. President, I thought perhaps I should explain why I adjourned the Senate so abruptly yesterday. I received a message from the House indicating that one of Harvey's girls was having a birthday party and the room had been reserved for twelve o'clock and that several of Harvey's girls were on service here in the Senate, and for Pete's sake would we adjourn and get out of here so he could keep his commitment, and frankly I have always found it good politics to go along with that highly respected gentleman from the other body.

House Papers

Recalled from the files

Resolve, Granting to the State Park and Recreation Commission the Power to Acquire by Eminent Domain Land at West Quoddy Head. (H. P. 979) (L. D. 1418)

In Senate, March 20 — Leave to Withdraw Report of the Committee accepted in concurrence.

Recalled to House and Bill Substituted for the Report.

Comes from the House, passed to be engrossed.

In the Senate, on motion by Mr. Farris of Kennebec, the bill was substituted for the report in concurrence, read once and tomorrow assigned for second reading.

Joint Order

Whereas, serious doubt has been cast on the validity of certain statutes governing the procedure on search and seizure in Maine by the case of Mapp v. U.S. (367 U.S. 643); now, therefore be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary is directed to report out a bill which will assure the compliance of the State's statutory provisions on search and seizure with the Mapp decision. (H. P. 1081)

On motion by Mr. Farris of Kennebec, tabled pending passage.

Non-concurrent matter

Bill, "An Act Relating to Definition of "Hotel" under Liquor Law." (H. P. 299) (L. D. 393)

In House, March 22, passed to be engrossed as amended by House Amendment A (H-146)

In Senate, April 5, Indefinitely postponed in non-concurrence.

Comes from the House, that body having insisted.

In the Senate:

Mr. JACQUES of Androscoggin: Mr. President, I move that the Senate insist and ask for a Committee of Conference.

Mr. KIMBALL of Hancock: Mr. President I request a division.

Mr. PORTEOUS of Cumberland: Mr. President, may we have an explanation or a moment or two to look at the bill and the amendment?

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: This is a bill that if passed the House would put an amendment onto it and if this bill was adopted it would go into effect in 1964-65 — I don't remember now exactly. But this bill would put 465 people out of work here in the State of Maine, and it would close up 65 places in the State. I talked to the other member who presented this bill but we did not get together on what we could do about this bill. It came out of committee, I believe 8 to 2 — I am not sure exactly how it came out but I know it was a majority. I do not believe this bill should go through. Senator Kimball told me that the grandfather clause was injected in this. I still insist that we should not go along with it and ask that a committee of conference be named.

Mr. KIMBALL of Hancock: Mr. President, in order to check the fact whether or not the grandfather clause was in House Amendment 146 I went to look it up and found that it is missing from my group. I checked with Senator Brown and found that his is also missing. I wonder if it is in general possession of the Senate.

The PRESIDENT: For the purpose of complying with that request and the request made by the Senator from Cumberland, Senator Porteous, the Senate will be at ease for five minutes.

Called to order by the President.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Jacques, that we insist and ask for a committee of conference.

Mr. KIMBALL of Hancock: Mr. President and members of the Senate: As H-146 was missing I had not had the chance to check it, but I find it does not have, as was suggested, a grandfather clause, in which case I withdraw my request for a division.

Mr. JACQUES of Androscoggin: Mr. President, in looking through my notes here I find this came out of committee unanimously "Ought not to pass."

The PRESIDENT: The question before the Senate is now on the motion of the Senator from Androscoggin, Senator Jacques, that we insist.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate: There are some facts concerning this bill which have not been explained here this morning. While it is true that the grandfather clause is not in effect the amendment does give until 1965, or until 1965 licenses are issued, an opportunity to those hotels who do not qualify to meet the qualifications of the original bill.

Now the intent of the bill was to redefine a hotel under the liquor laws and the redefinition provides that one-third of the gross income of such hotel shall be derived from rental of rooms and sale of food; one-third as against the present provision of "a reasonable proportion."

It seems to me that a hotel ought to be able to meet this minimum requirement of one-third of its gross income from the rental of rooms and sale of food. This bill is devised to require those hotels which specialize in the sale of liquor and do not specialize in the rental of rooms and sale of food to come up to this minimum standard of one-third. Therefore, Mr. President, I move that the Senate recede and concur.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: Perhaps I should explain why I signed the "Ought not to pass" report. The reason for my signing

that "Ought not to pass" report was because I felt that at least half the business of any reputable hotel should be done from rental of rooms and from food. When I found this bill saying "one-third" I thought that was ridiculously low, and that was why I signed the "Ought not to pass" report, but now, feeling that one-third is better than nothing, I have changed my position and if I were to sign the report again I should sign it "Ought to pass."

The PRESIDENT: The Chair would inform the Senator from Penobscot, Senator Whittaker, regretfully, that a motion to recede and concur is not in order at this time for the reason that the Senate has not given this bill its second reading while the House has passed it to be engrossed.

Mr. REED of Sagadahoc: Mr. President: I would like to inquire through the Chair: What is now considered "a reasonable proportion"? There must be some standard that we now have.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, poses a question through the Chair to any Senator who may answer if he chooses.

Mrs. CHRISTIE of Aroostook: Mr. President, I will say this: that the present law says "a reasonable amount."

Mr. KIMBALL of Hancock: Mr. President, at the time this was before our committee for public hearing we asked members of the Liquor Committee themselves on "a reasonable amount." They stated quite frankly that they did not have any real criterion to go by and they simply made a guess as near as they could and that it was so indefinite it was very hard to work. It was for this reason, as I understand, that the bill was put in to give them something to work with.

Mr. WHITTAKER of Penobscot: Mr. President, may I ask for an explanation of your ruling once again? According to my understanding the motion to recede and concur has precedence over the motion to insist.

The PRESIDENT: The Chair would reply that the Senator is correct. However, to recede and concur must put the Senate in the

same position in regard to the bill as the other body. We have not given it its second reading or passed it to be engrossed and the House has. Therefore the law requires that the bill must be given at least its second reading before we can recede and concur with the House. I would want to point out to the Senator that the Chair's ruling can be overruled by a majority vote.

The question before the Senate is on the motion of the Senator from Androscoggin, Senator Jacques, that the Senate insist and ask for a Committee of Conference. Is the Senate ready for the question

A viva voce vote being doubted by the Chair

A division of the Senate was had.

Twenty-one having voted in the affirmative and nine opposed, the motion prevailed.

Communication

STATE OF MAINE HOUSE OF REPRESENTATIVES Augusta

May 2, 1963

Hon. Chester T. Winslow
Secretary of the Senate
101st Legislature
Sir:

The Speaker has appointed the following Committees of Conference on the Disagreeing actions of the two branches of the Legislature on:

Bill, "An Act Prohibiting the Use of Live Birds and Animals for Certain Purposes" (H. P. 1038) (L. D. 1505)

Messrs: WELLMAN of Bangor
COPE of Portland
RANKIN of Southport

Bill, "An Act relating to Salaries Fixed by Governor and Council." (S. P. 462) (L. D. 1289)

Messrs: DENNETT of Kittery
SMITH of Strong
BERMAN of Houlton

Bill, "An Act relating to Penalty for Furnishing Liquor to Certain Persons." (S. P. 328) (L. D. 993)

Messrs: CHAPMAN of Norway
MEISNER

of Dover-Foxcroft
ANDERSON of Ellsworth

Bill, "An Act relating to Operation of Retail Store and Restaurant

Prior to Application to Sell Malt Liquor." (H. P. 826) (L. D. 1213)

Messrs: CHAPMAN of Norway
MacGREGOR of Eastport
CHILDS of Portland

Bill, "An Act relating to Requirements, Appointment and Term of Adjutant General." (H. P. 250) (L. D. 319)

Messrs: GILBERT of Eddington
DENNETT of Kittery
BENSON
of Southwest Harbor
Very truly yours,
HARVEY R. PEASE
Clerk of the House

HRP-sr

Which was read and ordered placed on file.

Leave to Withdraw

The Committee on Judiciary on Bill, "An Act Relating to Mortgages." (H. P. 56) (L. D. 79) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Constitutional Amendments and Legislative Reapportionment on Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-Year Terms. (H. P. 364) (L. D. 537) reported that the same Ought not to pass.

The Committee on Judiciary on Bill, "An Act to Facilitate Proof of No Motor Vehicle Operator's License." (H. P. 772) (L. D. 1126) reported that the same Ought not to pass.

The Committee on Taxation on Bill, "An Act Exempting Certain Elderly Persons from Real Estate Taxes." (H. P. 950) (L. D. 1384) reported that the same Ought not to pass.

(On motion by Mr. Whittaker of Penobscot, tabled pending acceptance of the report, and especially assigned for Friday, May 10.)

The same Committee on Bill, "An Act Relating to Distribution of State Tax in Unorganized Territory." (H. P. 952) (L. D. 1386) reported that the same Ought not to pass.

The same Committee on Recommended Bill, "An Act Relating to Taxation of Business of Raising Domestic Fowl Exclusively for Meat Purposes." (H. P. 842) (L. D.

1229) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

The Committee on Taxation on Bill, "An Act Exempting Non-profit Organizations from the Sales Tax" (H. P. 946) (L. D. 1380) reported that the same Ought not to pass.

Mr. LOVELL of York: Mr. President, I would like to have this bill clarified by the Taxation Committee. I have received a number of letters from York County from various types of non-profit organizations, such as in Biddeford the Catholic Hospital. They said they felt they should be exempted in the serving of meals from the sales tax, particularly for the people living there. Also other organizations, such as nursing homes, felt that they should be exempted from the sales tax on meals. I wonder if this is the bill. Could the Chairman of the Committee clarify this.

The PRESIDENT: The Senator from York, Senator Lovell, poses a question through the Chair to any member of the Taxation Committee, who may answer if they choose.

Thereupon, on motion by Mr. Wyman of Washington, the bill was tabled pending acceptance of the report and especially assigned for later in today's session.

Ought to Pass in New Draft — Same title

The Committee on Towns and Counties on Bill, "An Act Relating to Travel Allowance for Jurors." (H. P. 754) (L. D. 1083) reported that the same Ought to pass in New Draft, under same title, (H. P. 1073) (L. D. 1538)

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

Majority — Ought Not to Pass Minority — Ought to Pass in New Draft

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Directing Review of the Fire Prevention Laws." (H.

P. 472) (L. D. 732) reported that the same Ought not to pass.

(Signed)

Senators:

EDMUNDS of Aroostook
 CAMPBELL of Kennebec
 PORTEOUS of Cumberland

Representatives:

SMITH of Falmouth
 BRAGDON of Perham
 MINSKY of Bangor
 JALBERT of Lewiston
 EDWARDS of Raymond

The Minority of the same Committee on the same subject matter reported that the same Ought to pass in New Draft Same title (H. P. 1074) (L. D. 1539)

(Signed)

Representatives:

PIERCE of Bucksport
 HUMPHREY of Augusta

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

In the Senate, on motion by Mr. Edmunds of Aroostook, 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 Constitutional Amendments and Legislative Reapportionment on Resolve, Proposing an Amendment to the Constitution Changing the Date of the General Election, (H. P. 2) (L. D. 8) reported that the same Ought not to pass.

(Signed)

Senators:

FARRIS of Kennebec
 PORTEOUS of Cumberland
 EDMUNDS of Aroostook
 NOYES of Franklin

Representatives:

SMITH of Strong
 PLANTE

of Old Orchard Beach
 COTTRELL of Portland
 SMITH of Bar Harbor
 WATKINS of Windham
 VILES of Anson
 PEASE of Wiscasset

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

(Signed)

Senator:

JACQUES of Androscoggin

Representatives:

DENNETT of Kittery
 BERMAN of Houlton
 CARTIER of Biddeford

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

In the Senate, on motion by Mr. Porteous of Cumberland, 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 Labor on Bill, "An Act Revising the Workmen's Compensation Act." (H. P. 928) (L. D. 1362) reported that the same Ought not to pass.

(Signed)

Senators:

HINDS of Cumberland
 JOHNSON of Somerset

Representatives:

PRINCE of Oakfield
 GIFFORD of Manchester
 MENDES of Topsham
 DUNN of Denmark
 BROWN of South Portland

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

(Signed)

Senator:

COUTURE of Androscoggin

Representative:

EWER of Bangor

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

In the Senate, on motion by Mr. Johnson of Somerset, the bill and reports were tabled pending acceptance of either report, and the bill was especially assigned for Friday next.

Second Readers

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

House

Bill, "An Act Providing for Review of Laws of Forestry Department." (H. P. 53) (L. D. 76)

Bill, "An Act Relating to Liberation of Convicts Unable to Pay Fine or Costs." (H. P. 915) (L. D. 1349)

Bill, "An Act Permitting S p e n d -thrift Provisions Applicable to Life Insurance Proceeds." (H. P. 653) (L. D. 909)

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

House — As Amended

Bill, "An Act Appropriating Funds for Teaching and Maintenance Positions at Maine Vocational Technical Institute." (H. P. 562) (L. D. 802)

Resolve, Authorizing Clarkeson Engineering Company to Bring Civil Action Against State of Maine. (H. P. 293) (L. D. 387)

Bill, "An Act Relating to Licensing of Children's Homes and Defining Day Care Facilities." (H. P. 860) (L. D. 1247)

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

Bill, "An Act Relating to Eating Places." (H. P. 638) (L. D. 894)

Bill, "An Act Providing for a Study of Income Taxes by Legislative Research Committee." (H. P. 514) (L. D. 716)

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

Senate

Bill, "An Act Relating to Taxpayers Furnishing List of Property to Assessors." (S. P. 434) (L. D. 1177)

Bill, "An Act Relating to Inspection of Motor Vehicles." (S. P. 586) (L. D. 1541)

Bill, "An Act Relating to Use of Credit Cards." (S. P. 587) (L. D. 1540)

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

Sent down for concurrence.

Senate — As Amended

Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes. (S. P. 100) (L. D. 237)

Resolve, Proposing an Amendment to the Constitution Designating Procedure for Determining the Election of Governor. (S. P. 530) (L. D. 1451)

Resolve, Proposing an Amendment to the Constitution Relating to Au-

thority of Governor as Commander in Chief. (S. P. 528) (L. D. 1449)

Bill, "An Act Revising the Laws Relating to Apothecaries and the Sale of Poisons." (S. P. 419) (L. D. 1162)

(Read a second time, and on motion by Mr. Farris of Kennebec, tabled pending passage to be engrossed.)

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 Providing for Area Directional Sign for Bethel on Maine Turnpike." (H. P. 101) (L. D. 145)

Bill, "An Act Relating to Closed Time on Deer in Certain Counties." (H. P. 1033) (L. D. 1497)

Resolve, Providing State Pension for Guy C. Brown of Portland. (H. P. 1042) (L. D. 1513)

(On motion by Mr. Edmunds of Aroostook, placed on the Special Appropriations Table pending enactment.)

Bill, "An Act Relating to Elections in the City of Biddeford." (H. P. 1060) (L. D. 1526)

Bill, "An Act Providing for Disposal of Unnecessary Buildings and Appurtenances Belonging to State of Maine." (H. P. 1063) (L. D. 1529)

Resolve, Appropriating Moneys for Stocking Baxter State Park with Caribou. (S. P. 137) (L. D. 414)

Bill, "An Act to Clarify Granting of Water Pipe Location Permits." (S. P. 432) (L. D. 1175)

Bill, "An Act Providing for a Cumulative Reserve Fund for City of Portland." (S. P. 540) (L. D. 1465)

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

Emergency

Resolve, Relating to Research and Experimental Work in Relation to the Culture of Sugar Beets in Maine. (S. P. 559) (L. D. 1499)

Mr. EDMUNDS of Aroostook: When another of my colleagues had

a birthday recently we presented him with a number of very useful gifts. We purposely refrained today from presenting Senator Cyr a gift because he is the sponsor of this legislation. And in the interest of presenting him with his bill, which calls for an expenditure of \$20,000, I would hope that it would pass as an emergency measure.

Thereupon, this being an emergency measure and having received the affirmative vote of 29 members of the Senate, was finally passed.

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item, Senate Order Relative to Constitutionalality of Cousins Island Causeway Bond Issue; tabled on April 26 by Senator Stilphen of Knox pending passage; and on motion by that Senator the bill was retabled and especially assigned for May 9.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 380) (L. D. 555) House Reports from the Committee on Legal Affairs on Bill, "An Act to Revise the Electrician Licensing Law": Majority Report, Ought Not to Pass; Minority Report, Ought to Pass with Committee Amendment A; tabled on May 2, by Senator Edmunds of Aroostook pending acceptance of either report; and on further motion by the same Senator, the bill was retabled unassigned.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 2) (L. D. 2) Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-Year Terms; tabled on May 2 by Senator Lovell of York pending motion by Senator Stilphen of Knox.

Mr. LOVELL of York: Mr. President, just to be a little different, I will not ask to have this retabled. I would say we debated this at some length two days ago, and I was greatly amazed at the good Senator from York, Senator Stilphen, moving indefinite postponement, since this is certainly good legislation. I realize the Senator carries a good deal of weight in the Senate and many will probably go

along with is motion. But it seems in the states where the Governor has served for four years, I will remind you again it is good business for one branch of the legislature to serve the same length of time as the Governor. It is nothing in the way of reflection on the Governor, but, on the other hand, if he has senators held over I am sure he would get much more legislation passed by the group which had been with him previously two years before.

I am asking for a division, and I am hoping that when this comes to a vote — I noted that the vote last time was only 15 to 16 for it. I would hope that the good Senators would not switch on this but will stick to their convictions of two days ago and go along on this bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Stilphen, that this resolve be indefinitely postponed. A division has been requested. All those in favor of the motion of the Senator from Knox, Senator Stilphen, that the resolve be indefinitely postponed will rise and remain in their places until counted.

A division was had.

Eight having voted in the affirmative and twenty-one in the negative, the motion to indefinitely postpone did not prevail.

Mr. STILPHEN of Knox: Mr. President, now we have passed this good piece of legislation I would like to inquire of the Senator from York if he would explain this particular section in heavy print to the Senate, just how it works.

The PRESIDENT: The Senator from Knox, Senator Stilphen, poses a question through the Chair to the Senator from York, Senator Lovell, who may answer if he chooses.

Mr. LOVELL: Mr. President, I would simply say that this is a vehicle whereby the people of Maine will be able to vote on referendum whether or not they wish the members of the Senate to serve for four years. The mechanics of how they should serve for four years and whether they should be in staggered groups of so many every two years, that would be left to the 102nd Legislature to decide.

Mr. STILPHEN of Knox: I would direct the attention of the good Senator from York to L. D. 2, and the part that I am questioning is the part where it says "the terms shall be disposed in such manner by the legislature that the terms of at least one-third of such members shall precede or follow the terms of the remaining members." I would like to have it explained how that works.

The PRESIDENT: The Senator from Knox, Senator Stilphen, poses a question through the Chair to the Senator from York, Senator Lovell, who may answer if he chooses.

Mr. LOVELL of York: Mr. President, I might say, not being an attorney or a learned legislator, that this was more or less left to our good Director of Legislative Research to draw up this resolve. In the last part, "the foregoing resolve, accompanied by the blank thereof" — it is my understanding, and I would call for assistance from my good friend Senator Farris from Kennebec County, this resolve would probably need an amendment if it should come back from the lower body in good circumstances and it was ready to be enacted—I would say that the good Senator from Knox is right as usual, that it should be clarified, and we will so clarify it with his assistance sometime in the future.

Thereupon the resolve was assigned for second reading on the next legislative day.

Mr. Couture of Androscoggin was granted unanimous consent to address the Senate.

Mr. COUTURE: I would suggest that Senator Lovell take these remarks back to the one that has really got the weight in the Senate, and he will find who has really got the weight between Senator Stilphen and Senator Lovell.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 183) (L. D. 482) Bill, "An Act Revising the Minimum Wage Law; tabled on May 2 by Senator Hinds of Cumberland pending that Senator's motion to recede and concur. The same Senator moved the pending question and requested a division.

A division of the Senate was had. Six having voted in the affirmative and twenty-three opposed, the motion did not prevail.

Thereupon, on motion by Mr. Campbell of Kennebec, the Senate voted to adhere.

The President laid before the Senate, Item 6-7 Committee Report from the Committee on Taxation, Ought Not to Pass, on Bill, "An Act Exempting Non-profit Organizations from the Sales Tax" (H. P. 946) (L. D. 1380); tabled by Senator Wyman of Washington earlier in today's session pending acceptance of the report.

Mr. WYMAN of Washington: Mr. President, the Committee on Taxation reported this bill Ought Not to Pass for two reasons. One was because they were not sure just what the bill would do as it was written, and the second was on account of the price tag, and in this connection I would like to read the memorandum we had from the State Tax Assessor regarding this bill.

"It is not entirely clear how far the sales tax exemption proposed by the above bill would extend. It apparently would include, among others, sales by posts of various veterans organizations and sales made by various fraternal organizations. In many of these cases such sales are substantial, particularly liquor sales. Assuming that such transactions would be exempted under the bill, it is estimated that the enactment of the bill would result in a loss of general fund revenue from the sales tax not in excess of \$50,000 for the first year of the biennium and \$75,000 for the second year."

We felt that once enacted this would cost at least \$150,000 in a biennium and that was just more than we could afford to lose from the general revenue.

There are a lot of bills that come before taxation for which we have a great deal of sympathy, exemptions that seem very worthy, but we find if we go along with all of them it would completely disrupt our revenue picture, so I think the tendency is to report them "Ought not to pass", because the committee does not have the time

to revise the whole tax structure of the State of Maine.

The PRESIDENT: The pending question before the Senate is the acceptance of the "Ought not to pass" report of the committee. The motion prevailed and the report was accepted.

On motion by Mr. Brooks of Cumberland, the Senate voted to take from the table the 50th tabled and unassigned item (H. P. 294) (L. D. 388) House Report, Ought to Pass as Amended with Committee Amendment A, from the Committee on Labor on Bill, "An Act Relating to Time Limitations for Filing Petitions Under Workmen's Compensation Act"; tabled on April 25 by Senator Brooks of Cumberland pending acceptance of the report.

Mr. BROOKS of Cumberland: Mr. President, I move that this bill and all accompanying papers be indefinitely postponed in concurrence.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate, I move that the bill be tabled until Wednesday next.

Mr. BROOKS: Mr. President I ask for a division.

A division of the Senate was had.

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

Thereupon, the report, bill and all accompanying papers were indefinitely postponed in concurrence.

On motion by Mr. Hichborn of Piscataquis, the Senate voted to take from the table the 20th tabled and unassigned item (S. P. 241) (L. D. 615) Resolve, in Favor of Allie P. Lewis of Palmyra for Property Damage; tabled on March 29 by Senator Hichborn of Piscataquis pending passage to be engrossed; and that Senator moved the indefinite postponement of the bill.

Mr. JOHNSON of Somerset: Mr. President, my seatmate is absent today. I believe he has an interest in this bill and I respectfully ask that it be retabled until the next legislative day.

The motion prevailed and the bill was tabled pending Mr. Hichborn's motion to indefinitely postpone.

On motion by Mr. Cram of Cumberland, the Senate voted to take

from the table the 65th tabled and unassigned item (H. P. 904) (L. D. 1312) Bill, "An Act Relating to Optometric Services Under Aid to the Blind and Nonprofit Hospital Organizations Laws"; tabled on May 1 by Senator Cram of Cumberland pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Cram of Cumberland, the Senate voted to take from the table the 66th tabled and unassigned item (S. P. 420) (L. D. 1163) Bill, "An Act Relating to Fixing the Boundaries of Highways and Town Ways"; tabled on May 2 by that Senator pending motion by Senator Cole of Waldo to recede and concur.

Mr. CRAM of Cumberland: Mr. President, in getting favorable action in the Senate I neglected my duties in the House and I think I shall have to charge this up to experience. I now move the pending question.

The motion to recede and concur prevailed.

On motion by Mr. Porteous of Cumberland, the Senate voted to reconsider its action taken this morning, whereby Item 7-8, Bill, "An Act Providing for a Study of Income Taxes by Legislative Research Committee" (H. P. 514) (L. D. 716) was passed to be engrossed.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, I am sorry that at the time this was given its second reading I was not aware of the price tag. This bill calls for \$25,000 to be used by the Legislative Research Committee. As a member of the Appropriations Committee I have seen come before us quite a number of "study" bills and I think you all realize there is just so much, or so little, money available for all the various and sundry projects. I think even trying to keep this alive and finally having it die in the last few days of the session is sort of ridiculous. We had a study two years ago by Dr. Sly of all taxes in the State. He gave some very definite recommendations on the income tax. We have data prepared for us by the League of Women Voters on the income tax.

I think anyone in this Senate can derive all the information they want by going to the Bureau of Taxation to either support their view in favor or against an income tax. I think that the duties of the Research Committee will be arduous enough. They will be burdened enough with other things referred to them, without being burdened with this, and with the state spending more money on research on such taxation. I move that the bill and

accompanying papers be indefinitely postponed.

Thereupon, on motion by Mr. Whittaker of Penobscot, the bill was tabled pending Mr. Porteous' motion to indefinitely postpone, and the bill was especially assigned for Wednesday, May 8.

On motion by Mr. Edmunds of Aroostook

Adjourned until Tuesday next at 10:00 A.M.