

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

*One Hundred and First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, May 8, 1963

Senate called to order by the President.

Prayer by the Rev. Edward F. Allen of Augusta.

On motion by Mr. Noyes of Franklin, the Journal of yesterday was read and approved.

House Papers**Non-concurrent matters**

Bill, "An Act to Permit Towns to Choose Single Assessors and to Permit Certain Cities and Towns to Create Boards of Assessment Review." (S. P. 561) (L. D. 1501)

In Senate, April 16, passed to be engrossed, as amended by Committee Amendment A.

Comes from the House, passed to be engrossed, as amended by Committee Amendment A and by House Amendment A, in non-concurrence. (S-145) (H-334)

In the Senate, House Amendment A was read, and the Senate voted to recede and concur.

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

In Senate, May 3, passed to be engrossed as amended by Committee Amendment A (S-198)

Comes from the House, Minority—Ought not to pass report read and accepted in Non-concurrence.

In the Senate:

Mr. EDMUNDS of Aroostook: Mr. President, I note the absence of the sponsor of this legislation this morning and I move that the bill be tabled unassigned.

The motion prevailed and the bill was tabled pending acceptance of the report.

Bill, "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements." (S. P. 283) (L. D. 797)

In Senate, March 26, passed to be engrossed as amended by Committee Amendment A (S-93)

Comes from the House, Indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Cram of Cumberland, tabled pending consideration and especially assigned for Friday next.

Bill, "An Act Revising the Minimum Wage Law." (S. P. 183) (L. D. 482)

In Senate, April 16, passed to be engrossed as amended by Senate Amendment A (S-149)

In House, April 25, passed to be engrossed as amended by Committee Amendment A (S-100) and by Senate Amendment A (S-149) in non-concurrence.

In Senate, May 3, voted to adhere.

Comes from the House, that body having insisted and asked for a committee of conference.

In the Senate, on motion by Mr. Johnson of Somerset, the Senate voted to adhere.

Committee Reports — House**Leave to Withdraw**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Directing a Study of Liquor Laws by Legislative Research Committee." (H. P. 175) (L. D. 244) reported that the same should be granted Leave to Withdraw.

The same Committee on Resolve, in Favor of a State Park on Rangeley Lake. (H. P. 322) (L. D. 449) reported that the same should be granted Leave to Withdraw — Covered by other Legislation.

The same Committee on Bill, "An Act Providing for Development of State Parks and the Issuance of not Exceeding One Million Five Hundred Thousand Dollars of State of Maine Bonds for the Financing thereof." (H. P. 563) (L. D. 803) reported that the same should be granted Leave to Withdraw — Covered by other Legislation.

The Committee on Judiciary on Bill, "An Act Relating to Operation of a Motor Vehicle While Under the Influence of Intoxicating Liquor or Drug." (H. P. 924) (L. D. 1358) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An

Act Appropriating Funds for Dam Across Little River, Washington County." (H. P. 87) (L. D. 131) reported that the same Ought not to pass.

The Committee on Judiciary on Bill, "An Act Relating to Penalty for Operation of Motor Vehicles by Unlicensed Persons." (H. P. 50) (L. D. 73) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Forgery of Motor Vehicle Registration Certificates, Inspection Stickers and Operator's Licenses." (H. P. 222) (L. D. 291) reported that the same Ought not to pass.

The Committee on Legal Affairs on Bill, "An Act Providing Local Option to Prohibit Operation of Business on Sunday and Certain Holidays." (H. P. 599) (L. D. 858) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Exempting Roadside Stands Selling Farm Fertilizer and Seed from Sunday Closing Law." (H. P. 662) (L. D. 918) reported that the same Ought not to pass.

(On motion by Mr. Atherton of Penobscot, tabled pending acceptance of the report.)

The same Committee on Bill, "An Act Exempting Hardware Stores from Sunday Closing Law." (H. P. 663) (L. D. 919) reported that the same Ought not to pass.

(On motion by Mr. Atherton of Penobscot, tabled pending acceptance of the report.)

Which reports were read and accepted in concurrence.

The Committee on State Government on Bill, "An Act Relating to Publications Printed or Published by the State." (H. P. 252) (L. D. 321) reported that the same Ought not to pass.

Comes from the House committed to the Committee on Appropriations and Financial Affairs.

In the Senate, the bill was recommended in concurrence.

Ought to Pass — As Amended

The Committee on Constitutional Amendments and Legislative Reapportionment on Resolve, Proposing an Amendment to the Constitution Eliminating Requirements Relating

to Warrants for Public Money and Publication of Receipts and Expenditures. (H. P. 991) (L. D. 1434) reported that the same Ought to pass as amended by Committee Amendment A (H-316)

Comes from the House passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A.

In the Senate, on motion by Mr. Farris of Kennebec, tabled pending acceptance of the report, and especially assigned for later in today's session.

Ought to Pass — New Draft — Same Title

The Committee on Taxation on Bill, "An Act Relating to Disposition of Part of Tax on Pari Mutuel Pools on Running Horse Racing." (H. P. 753) (L. D. 1082) reported that the same Ought to pass in New Draft, under Same Title (H. P. 1084) (L. D. 1551)

(On motion by Mr. Couture of Androscoggin, tabled pending acceptance of the report.)

The same Committee on Bill, "An Act Relating to the Taxation of House Trailers." (H. P. 884) (L. D. 1269) reported that the same Ought to pass in New Draft under Same Title (H. P. 1083) (L. D. 1550)

The same Committee on Bill, "An Act Relating to Taxation of Junk Motor Vehicles." (H. P. 947) (L. D. 1381) reported that the same Ought to pass in New Draft under title of An Act relating to Junk Motor Vehicles as Public Nuisances. (H. P. 1078) (L. D. 1545)

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 Legal Affairs on Bill, "An Act Prohibiting Operation of Business on Sunday and Certain Holidays." (H. P. 598) (L. D. 857) reported that the same Ought not to pass.

(Signed)

Senators:

STITHAM of Somerset

SPROUL of Lincoln
ATHERTON of Penobscot

Representatives:

COPE of Portland
COTE of Lewiston
WHITE of Guilford
BOISSONNEAU

of Westbrook
FOSTER of Mechanic Falls
WELLMAN of Bangor

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

(Signed)

Representative:

GILBERT of Eddington

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

In the Senate, on motion by Mr. Atherton of Penobscot, the Majority Ought Not to Pass Report was read and accepted in concurrence.

Majority — Ought to Pass, As Amended

Minority — Ought Not to Pass

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to Enforcement of Certain Codes in Municipalities." (S. P. 117) (L. D. 345) reported that the same Ought to pass as amended by Committee Amendment A (S-212)

(Signed)

Senators:

STITHAM of Somerset
SPROUL of Lincoln
ATHERTON of Penobscot

Representatives:

WHITE of Guilford
FOSTER of Mechanic Falls
COPE of Portland

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

(Signed)

Representatives:

COTE of Lewiston
WELLMAN of Bangor
GILBERT of Eddington
BOISSONNEAU
of Westbrook

Mr. ATHERTON of Penobscot: Mr. President, I move acceptance of the Majority Ought to Pass as Amended Report of the Committee.

Thereupon, on motion by Mr. Ferguson of Oxford, the bill and reports were tabled pending motion by Mr. Atherton of Penobscot to accept the Ought to Pass Report.

Second Readers

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

House

Bill, "An Act Clarifying the Labeling of Packaged Food." (H. P. 1076) (L. D. 1543)

Bill, "An Act Relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies." (H. P. 1077) (L. D. 1544)

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

House — As Amended

Bill, "An Act Transferring South Portland Sewerage District to City of South Portland." (H. P. 610) (L. D. 845)

Resolve, Proposing an Amendment to the Constitution Eliminating the Requirement that the Governor Communicate Pardons to the Legislature. (H. P. 987) (L. D. 1430)

Resolve, Proposing an Amendment to the Constitution to Provide for Taking Oaths of Senators and Representatives in Absence of Governor and Council. (H. P. 988) (L. D. 1431)

Resolve, Proposing an Amendment to the Constitution Relative to Examination of Returns for Senators and to Provide for Election of Senators to Fill Vacancies. (H. P. 990) (L. D. 1433)

Resolve, Proposing an Amendment to the Constitution Clarifying Provisions Governing Assumption of Office of Governor by the President of the Senate or the Speaker of the House. (H. P. 992) (L. D. 1435)

Bill, "An Act Relating to Release of Spouse's Right by Descent." (H. P. 775) (L. D. 1129)

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

Bill, "An Act Authorizing Forest Commissioner to Permit and Regulate Dredging in Great Ponds." (H. P. 1015) (L. D. 1469)

Which was read a second time and passed to be engrossed, as amended by House Amendments A and B, and Senate Amendments A and B, in non-concurrence. (S-202)

Senate

Bill, "An Act Relating to Disposition of Persons Pleading Insanity." (S. P. 588) (L. D. 1553)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Penalties for Possession of Narcotic Drugs." (S. P. 149) (L. D. 426)

Bill, "An Act Relating to Habeas Corpus and Post Conviction Procedure in Criminal Cases." (S. P. 316) (L. D. 982)

Which were read a second time, and passed to be engrossed as amended by Committee Amendments A.

Sent down for concurrence.

Enactors

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

Bill, "An Act to Reconstitute School Administrative District No. 17." (H. P. 272) (L. D. 366)

Bill, "An Act Authorizing Insurance Commissioner to Regulate Exits in Certain Buildings." (H. P. 1054) (L. D. 1521)

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

Bill, "An Act Relating to Joint Committee Between George Stevens Academy and Nearby Towns." (H. P. 1062) (L. D. 1524)

Bill, "An Act Increasing the Salary of the Commissioner of Labor and Industry." (S. P. 302) (L. D. 875)

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

Resolve, to Reimburse Beatrice Pitcher of Steuben for Well Damage by Highway Construction. (S. P. 243) (L. D. 617)

(On motion by Mr. Cole of Waldo, placed on the Special Highway

Appropriations Table pending enactment.)

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

Emergency

Bill, "An Act Revising the Laws Relating to Litter." (H. P. 1055) (L. D. 1522)

Which received the affirmative vote of 28 members.

Bill, "An Act Relating to Disposal of Certain Real Property by Directors of School Administrative Districts." (H. P. 724) (L. D. 1053)

Which received the affirmative vote of 28 members.

These Bills, being emergency measures, and having received the affirmative votes as indicated, were passed to be enacted.

The PRESIDENT: The Chair is happy to recognize in the balcony of the Senate 55 students from Litchfield Academy here in Kennebec County with their teachers, Mr. Joseph Hanley, Mr. Nathan Huston, Mr. Stanley Piegrass, Mrs. Sally Bufalny. We are happy to have you here, we hope you enjoy the proceedings and find them educational. I will introduce to you the Senators who represent your county: Senator Farris, Senator Campbell and myself. (Applause)

On motion by Mr. Wyman of Washington, the Senate voted to reconsider its action taken earlier in today's session whereby it passed to be engrossed Item 7-2, Bill, "An Act Relating to Apportionment to Municipalities of Tax on Telephone (H. P. 1077) (L. D. 1544); and on further motion by the same Senator, the bill was tabled pending passage to be engrossed.

The President laid before the Senate the 1st tabled and today assigned item (H. P. 401) (L. D. 600) Resolve Authorizing the Disposal of Western Maine Sanatorium"; tabled on May 1 by Senator Ferguson of Oxford pending adoption of Senate Amendment A.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: As you know the property of the former Hebron Sanatorium lies

in Hebron, one of Oxford County's townships. The delegation from Oxford County has held several meetings regarding this piece of property, even as late as yesterday. We were all present with the exception of one member of the delegation. In consulting with the citizens of Hebron we find that they are very much opposed to the passage of this bill at this time. The reason for that is that for some fifty odd years Hebron has had this quite valuable piece of property within the township without realizing any taxes on the property. It is the thinking now of the citizens in that area, not only Hebron but other towns in Oxford County, that we should hold onto this property for another two years and should not do anything at this time. The citizens of Hebron have appointed a five-man committee to see what they could come up with in the way of some use of this property. They do not want it to go under the hammer.

I understand the remark was made at the hearing that it would be better for the State to give it away. We do not fully agree with the remark that particular person made before the committee.

I am personally very much opposed to this legislation at this time. There is some income and perhaps with a little bit more watching on the part of state officials we could realize a good deal more income from that property in the next two years, such as the apple orchard, something like \$6000 a year from first class apples which were sold at 35 cents a bushel.

For these several reasons, I would move that the bill and accompanying papers be indefinitely postponed at this time.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate: I am rising to oppose strongly the motion of the Senator from Oxford, Senator Ferguson, however I think it would be in order for me to review briefly the history of this legislation through the State Government Committee.

When it was considered by the committee there seemed to be a lively possibility that the facilities at Hebron might be considered for the relocation of the Boys Training

Center at South Portland. Partly as a result of this consideration, the committee reported the bill out 8 to 2 "Ought not to pass". I signed the minority report "Ought to pass" primarily because we were assured by the Bureau of Public Improvements and other agency heads that there was no foreseeable use for this property in the near future, or in the distant future, for that matter, by the State of Maine. It was pointed out to the committee that there is a cost of \$30,000 per year involved just for maintenance of these facilities, and it seemed to us who signed the minority report that here was an opportunity for the state to save \$30,000 a year in maintenance costs since there seemed to be no likelihood that the property would be used again by the State.

Now I sympathize with the feelings of the people of Hebron and of Oxford County, but nevertheless I would remind myself if not the other members of the Senate that this is a state matter and not a county or local matter. This is state property, and the question before us is whether we want to continue paying \$30,000 per year of state funds for the maintenance of this property when there seems to be no likelihood that it will be used again. I therefore rise to oppose his motion and would request a division.

I believe the status of the bill at this time is this: the House of Representatives passed the bill with an amendment which we indefinitely postponed last week, which would have extended the effective date of this bill until June of 1965. We removed that amendment and the pending amendment removes the emergency clause from the legislation, so if the bill is passed with Senate Amendment "A" it would allow the State to dispose of this property 90 days after this legislature adjourns.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: I rise in support of the indefinite postponement of this bill. My reason for doing this is that I think it was expressed to us that the Hebron property might be of some possible future use to the town of Hebron in some way or another.

It is a very valuable piece of property for that town and I do believe that this Senate should go along and give them a couple of years to see if they could find any use for that piece of land and property for the town of Hebron instead of letting it go to we don't know who. I think we should give them a couple of years to let them make up their mind.

Mr. HINDS of Cumberland: Mr. President and members of the Senate: The Health and Institutional Services Committee looked over this property and came to the conclusion that the State would be better off if we disposed of this. They are paying \$30,000 a year to maintain it and only one building in the whole facility is useful for anything. The heating plant was put in in 1900 and it is pretty well gone and it has been condemned by the State already. They are using it but it has been condemned. I hope that the motion to indefinitely postpone will not prevail.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, you may wonder why I did not uphold the amendment that came through from the House. That amendment was for the State to hold onto the property at Hebron for two years. I felt at that time that by killing the bill we would accomplish the same purpose and not get it in the statute.

There is really some income. Last year there was an income of \$6,000 for apples, \$12,000 for the two years. I hope that the Senate will support my motion.

Mr. JACQUES of Androscoggin: Mr. President, I hate to get up to oppose this bill but it affects more towns in Androscoggin County than it does in Oxford County. I would say that we had spent \$120,000 in the last four years at that sanitorium and that sanitorium has been closed and if we keep it another two years it will be \$60,000 and we might be able to get maybe \$60,000 for it before it is all over, so I rise to go along with Senator Whittaker, that we should sell this sanitorium.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Sena-

tor Ferguson, that the bill and accompanying papers be indefinitely postponed. A division has been requested.

A division of the Senate was had.

Ten having voted in the affirmative and nineteen opposed, the motion did not prevail.

Thereupon, Senate Amendment A was adopted and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 613) (L. D. 848) House Reports from the Committee on State Government on Bill, "An Act Relating to Mileage and Expenses for Members of Legislature": Majority Report, Ought to Pass as Amended by Committee Amendment A; tabled on May 2 by Senator Stilphen of Knox pending motion by Senator Whittaker of Penobscot to accept the Ought to Pass in New Draft Report; and Mr. Stilphen of Knox moved the pending question.

Thereupon, the Majority Ought to Pass Report was accepted and the bill read once and tomorrow assigned for second reading.

The PRESIDENT: The Chair on behalf of the Senate is happy to recognize in the Senate Chambers at this time, fifteen Teen Age members of the Young Republican Club of Old Town. This is the only Teen Age Club in Penobscot County. They are accompanied by their Advisors, Mrs. Francis Grindle, Mr. and Mrs. Carl Pelletier and Mrs. Ruth Young.

We are happy to have you here. The Senate of the State of Maine at this time is composed of 29 Republicans and 5 Democrats. It was not always in that proportion nor will it always be. We are glad that you are interested and hope that whatever your party affiliation, you and your classmates will continue your interest not only in government, but in politics. I would like to have you meet and know, as already you must, the Senators from your County — Senator Harrington, Senator Philbrick, Senator Whittaker and Senator Atherton. (Applause)

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 299) (L. D. 872) Senate Report, Ought to Pass with New Draft (S. P. 585) (L. D. 1542) from the Committee on Legal Affairs on Bill, "An Act to Revise the Boating Law and Extend Boat Registration and Safety Law to Cover Coastal Waters"; tabled on May 2 by Senator Reed of Sagadahoc pending acceptance of the report; and on further motion by the same Senator, the report was read and accepted and the bill read once.

Mr. STITHAM of Somerset: Mr. President, I now offer Senate Amendment A and move its adoption, and I would like to proceed briefly.

The PRESIDENT: The Senator may proceed.

Mr. STITHAM of Somerset: The purpose of the amendment is to take care of an objection that I heard concerning some of the larger boats that have distinctive insignia on their bow, and this particular amendment would allow the larger boats over 26 feet in length to maintain the distinctive insignia, for instance like the Katahdin on Moosehead Lake which has had an insignia on its bow for a great number of years. The purpose for not having other insignia on the bow pertains particularly to small boats so that the numbers won't be confused.

The bill in new draft was then assigned for second reading on the next legislative day

The President laid before the Senate the 4th tabled and today assigned item (S. P. 584) (L. D. 1536) Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1964 and June 30, 1965" tabled on May 2 by Senator Porteous of Cumberland pending assignment for second reading; and on further motion by the same Senator, the bill was tomorrow assigned for second reading.

The President laid before the Senate the 5th tabled and today assigned item (H. P. 514) (L. D. 716) Bill, "An Act providing for a Study of Income Taxes by Legislative Research Committee"; tabled on May

3 by Senator Whittaker of Penobscot pending motion by Senator Porteous of Cumberland to indefinitely postpone.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, when the vote is taken I request a division and I would like to speak in favor of the bill.

If it receives passage I propose to submit an amendment which would reduce the appropriation from \$25,000 to \$1,000. I concur with the suggestion made by the Senator from Cumberland, Senator Porteous, in earlier debate, that the state should not consider spending \$25,000 to study the feasibility or the advisability of an income tax. I believe we have considerable information now at our disposal through the report of Dr. Slye, through the study by the League of Women Voters, through a Master's thesis on the economic feasibility of a personal income tax for Maine by Preston Stanley of the University of Maine, and I also believe that we have competent people on the staff of the State to study this matter in conjunction with the Legislative Research Committee to the end that we may at the appropriate time as a legislature give serious consideration to this alternative means of raising revenue for our state.

I believe this bill should be passed. We are all aware of what is happening to the current services budget; we are aware that there is considerable opposition at this time to the passage of an increased sales tax, and with good reason, I believe. Although I shall probably vote for an increase in the sales tax I shall do so somewhat reluctantly and in the hope that in the near future we shall embark upon a new and different way in the State of Maine for the raising of our necessary revenues.

It is interesting to note that the State of Massachusetts, which has depended largely upon an income tax for revenue is now considering the advisability of adopting a sales tax. We are in the opposite position. It does seem to me, based upon limited study of this matter, that the ideal solution may very well be a combination of the two. This would be determined I presume by the study which is proposed here.

I should like to express my own opinion that the people of this state in the lower income bracket are the ones who are most desperately in need of relief from the sales tax. I believe this is the major reason for the opposition to the current services budget and for the opposition to the increase in the sales tax.

I also believe that there are people in the State of Maine who are capable of paying larger taxes to the state and who should be given an opportunity and the privilege to do so through an income tax. Many of them are in this hall. I include myself among them. The figures indicate that twenty percent of the families in the state have gross incomes of \$8500 and more; that nine percent of the families have gross incomes of \$15,000 and more. These are the people it seems to me who ought to begin to take a fairer share of state services. This cannot be done through the sales tax but it can be done through an income tax, personal income tax and corporate income tax. So I hope, Mr. President and members of the Senate that this study may be authorized, and that the time will come when we will see fit to seek support for our state services on a somewhat different basis than the one now proposed.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate, I certainly concur with the Senator's remarks on the ability to pay and the reasons for an income tax study. He spoke of these in the lower brackets and that is something that we ought to study — going into an income tax instead of raising the sales tax. We have a lot of people who have to live on pensions in this state, those on Old Age Assistance, Aid to the Blind, the totally disabled and those on ADC. Certainly it is hard for us to face these people with a sales tax increase and give them small pensions on which to survive. I am basing my opposition to the sales tax on that reason. I think that we are taking money away from people and depriving them of what they need — three meals a day. I certainly concur with the Senator's remarks and I hope that the amount of money will be increased

to over a thousand dollars so we can have some kind of study for the next session of the legislature if it cannot be done during this session. As I say I oppose the increase in the sales tax because I don't think it is a proper tax for those who cannot pay.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, just briefly to reiterate my reason for moving to indefinitely postpone this study. I think that reducing it from \$25,000 to \$1,000 would answer my objection to the fact that we haven't got a lot of money to use on things of this sort where the information is readily available for anyone who wants to dig it out. I don't think a thousand dollars, though, would prove much of anything in finding new material. I think to keep this thing alive, to have it under study, to talk about it and have more publicity about it, is detrimental to the state even as an income tax itself would be.

Those reasons have been clearly stated that people do live here because there is no income tax. Retired people spend thousands of dollars when they come in to buy or renovate a house and spend it in goods and services. In many cases these people are retired people who don't have children in school and they are quite an asset to the State of Maine. Reasons were given before the Committee on Taxation in opposition to the income tax, and they came out with a report unfavorable to either one of the income tax proposals. The reaction to those remarks has been more widespread than anything else I have said or done here in Augusta. The reaction has been 100 percent in favor of that position that I took and that many members of this body do take in relation to an income tax.

So I would ask again that you support my motion to indefinitely postpone.

Mr. WHITTAKER of Penobscot: Mr. President, it is not my intention to engage in full fledged debate at this time concerning the relative merits of income tax versus sales tax. I should like to make this comment. Studies have been made in the state of Wisconsin with

regard to the point made by the Senator from Cumberland, Senator Porteous as to whether or not the presence of an income tax discourages people from settling in the state or leads those who have wealth to move out of the state. This study is available and would be available to the research committee if this bill passes. It has been conclusively proven in the state of Wisconsin for example that it makes no difference whatsoever with regard to people moving in and out of the state, as to whether or not the state has an income tax, which Wisconsin does. These are matters which ought to be studied.

I want to make just one other point. In my opinion, this should not be a partisan matter. This is a matter which involves the whole state. As I said earlier at hearings and in this hall, the record will indicate that more often than not, bills suggesting an income tax have been submitted by the Republican Party. It so happens that in this legislature they have been submitted by the Democratic Party but the fact of the matter is that this is a non-partisan matter and has been such over the years.

Mr. WYMAN of Washington: Mr. President and members of the Senate I don't want to miss this opportunity to state once more my objections and dislike to an income tax. I think our sales tax is a good tax with the exemptions which it has. The good Senator from Penobscot, Senator Whittaker, spoke about a corporation tax. I think that our corporations in Maine are at a great disadvantage due to the geographical location and freight rates, and I think if they are going to have money to expand and bring in new jobs, we don't want to soak them with an income tax. Furthermore I think an income tax to raise any substantial amount of money would have to go far lower than most people realize. Generally when an income tax proposal is presented, low rates are included in the proposal but the rates so creep up that they are no longer low, as they did with the Federal Income Tax.

However, I have supported this bill because I think that people who want an income tax studied should have that privilege. So while I am

in concurrence with the good Senator from Penobscot, Senator Whittaker, in favoring this bill, I am not in concurrence in desiring to pay more taxes, because any additional taxes I pay, I pay very reluctantly.

Mr. PIKE of Oxford: Mr. President and fellow Senators, I hate to say anything against our good Senator from Penobscot, because I always thought he had pretty good judgment until he came to the 101st Legislature. (Laughter)

I feel quite strongly on this income tax business. I have a near neighbor who came here from Massachusetts to get rid of the state income tax. He built a house, which is on my own property. It cost around \$100,000 I guess which makes the assessors drool very much anyway. It has electric heat and all the works. I know that this would affect him and I suspect that every town in this state has just such people that came from Massachusetts or some other state that has an income tax, to get rid of it. And I have a feeling that we would be losing faith with these people just a little when they came here on purpose to get rid of that tax and knew that we didn't have it. I am going along with Porteous on that one.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate, believe it or not, this tax would not affect me unless the amount was reduced from what the federal government requires. The sales tax does affect me. But wherever I go and wherever I have spoken to groups, they say, "Oh don't put on an income tax. That is one thing we don't want." And since the people with whom I have come in contact are opposed to this, I shall be opposed to the study.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate, I rise only to state first that this is a request to the legislative research committee to study this problem. Secondly, to state that Maine, you must remember, is in a progressive move, moving ahead in all areas and of course it requires a great deal of funds to do so. We have the sales tax, we have other taxes. I am not suggesting this morning that the income tax is

the answer to future revenue problems of the state but I certainly would at this time caution you ladies and gentlemen that we must think of the future of the state, the future means of revenue. And I think it is most practical at this time for the state to take under consideration the study of a possible income tax. I am in favor of the motion of the Senator from Penobscot, Senator Whittaker.

The PRESIDENT: The question before the Senate is on the motion of Senator Porteous of Cumberland to indefinitely postpone the bill. A division has been requested.

A division of the Senate was had.

Fifteen having voted in the affirmative and fourteen opposed, the motion prevailed and the bill was indefinitely postponed.

The President laid before the Senate the 6th tabled and today assigned item (H. P. 475) (L. D. 678) Bill, "An Act to Create a Mount Desert Island Regional School District"; tabled on May 7 by Senator Stilphen of Knox pending motion by Senator Kimball of Hancock to indefinitely postpone House Amendment A.

The PRESIDENT: The Senate has read the bill once and has adopted Committee Amendment A. The question now before the Senate is on the motion of Senator Kimball of Hancock to indefinitely postpone House Amendment A.

Mr. STILPHEN of Knox: Mr. President, I yield to the Senator from Hancock, Senator Kimball.

Mr. KIMBALL of Hancock: Mr. President, as House Amendment "A" refers particularly to extending the length of time for consideration of this bill, the objections that I have heard to that amendment were based upon the fact that the people in Southwest Harbor did not want to have a longer time to consider it. However, as the bill at the moment reads with Committee Amendment "A" that would actually take out the objection to passing House Amendment "A", and therefore I would like to withdraw my motion to indefinitely postpone House Amendment "A".

There being no objection, the Senator from Hancock, Senator Kimball was granted permission to withdraw

his motion to indefinitely postpone House Amendment A.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate, I move that the Senate reconsider its action whereby we adopted Committee Amendment A.

Mr. KIMBALL of Hancock: Mr. President, I would request a division on that motion.

A division of the Senate was had. Thirteen having voted in the affirmative and sixteen opposed, the motion to reconsider did not prevail.

Thereupon, the bill was tomorrow assigned for second reading.

The President laid before the Senate Item 6-12 House Report from the Committee on Constitutional Amendments and Legislative Reapportionment: Ought to Pass as Amended by Committee Amendment A on Resolve, Proposing an Amendment to the Constitution Eliminating Requirements Relating to Warrants for Public Money and Publication of Receipts and Expenditures (H. P. 991) (L. D. 1434); tabled earlier in today's session by Senator Farris of Kennebec, pending acceptance of the report; and that Senator moved the pending question.

Thereupon, the report was accepted, the bill read once, Committee Amendment A and House Amendment A read and adopted in concurrence, and the bill as amended tomorrow assigned for second reading.

On motion by Mr. Edmunds of Aroostook, the Senate voted to take from the table the 27th tabled and unassigned item (S. P. 157) (L. D. 433) Senate Report, Ought Not to Pass from the Committee on State Government on Bill, "An Act Providing for a Fulltime Chairman of the Liquor Commission and Increasing the Compensation"; tabled on April 5 by Senator Edmunds of Aroostook pending acceptance of the report; and on further motion by the same Senator, the bill was re-committed to the Joint Standing Committee on State Government.

Sent down for concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 66th tabled and unassigned item (H. P. 796) (L.

D. 1149) House Report, Ought Not to Pass as Covered by Other Legislation from the Committee on Towns and Counties on Bill, "An Act Relating to Compensation of Special Deputy Sheriffs"; tabled on May 7 by Senator Wyman of Washington pending acceptance of the report; and that Senator moved that the bill be substituted for the Ought not to pass Report of the Committee.

The motion prevailed, the bill was substituted for the report and given its first reading.

Mr. WYMAN of Washington: Mr. President, I now offer Senate Amendment A and move its adoption and in explanation, I will say that all the counties in the state except Kennebec have their Deputy Sheriff's under Social Security. Kennebec is the only county which does not and the desire has been expressed to have Kennebec included with the other counties. This bill with the amendment would allow Kennebec County to have its Deputy Sheriffs under Social Security. I move that the amendment be adopted.

The Secretary read Senate Amendment A. (S-211)

Which amendment was adopted and the bill as amended was tomorrow assigned for second reading.

On motion by Mr. Couture of Androscoggin, the Senate voted to take from the table Item 6-13, House Report from the Committee on Taxation: Ought to Pass in New Draft, under Same Title (H. P. 1084) (L. D. 1551), on Bill, "An Act Relating to Disposition of Part of Tax on Pari Mutuel Pools on Running Horse Racing"; tabled by Senator earlier in today's session pending acceptance of the report; and that Senator moved the pending question.

Thereupon, the report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 61st tabled and unsigned item (H. P. 1081) Joint Order Relative to Search and Warrant Bill to be Reported by Judiciary Committee; tabled on May 3 by Senator Farris of Kennebec pending passage.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I imagine that all of you during the session have heard some discussion and also read articles during recent weeks pertaining to this question of search and seizures and the individual rights of citizens, particularly in view of recent decisions by the United States Supreme Court and State Supreme Courts. The landmark case at the moment is that of Mapp vs. Ohio, and it is causing a great deal of concern as to how far various states should go in revising their laws in relation to this subject.

Earlier in the session the Committee on Judiciary discussed this matter at length with the Department of Attorney General. The committee requested an opinion with relation to certain of our statutes and an opinion was forthcoming and the indication was that undoubtedly some of our laws should be given a very thorough study and they might be construed to be in violation of constitutional rights. However, there have been no cases taken before any Supreme Court to our knowledge whereby conservation problems have been considered, and in view of the fact that we do have a very serious problem with our Sea and Shore Fisheries law enforcement and Inland Fisheries and Game law enforcement it was felt that this matter should have further study, and a few days ago the Attorney General met with the Committee on Judiciary and stated that in his opinion we were perfectly safe in proceeding for a further period of time without drastically amending any of our existing statutes. And I might point out parenthetically that it is not too important as to how our statute reads, because if a law officer does make an illegal seizure or search that is a violation of the individual's constitutional rights and the court would protect that individual.

The Attorney General felt that it would be well if he could continue his study for the next couple of years and he then will have a bill prepared, if one is necessary, that could be submitted at the next session of the legislature. And whereas this study is being made

and a great deal of the work has already been performed and there would not be really ample time in the next few weeks for the Judiciary Committee as such to make a thorough study of this entire situation, I would move indefinite postponement of the order.

The motion prevailed and the order was indefinitely postponed.

On motion by Mr. Stitham of Somerset, the Senate voted to take from the table the 54th tabled and unassigned item (H. P. 1024) (L. D. 1485) Bill, "An Act Relating to Proceedings in Adoption of Children"; tabled by that Senator on April 30 pending passage to be engrossed.

Mr. STITHAM of Somerset: Mr. President and members of the Senate, at the time that I moved for the tabling of this bill I was not too sure of what the consequences of the bill might be. Since that time I have had some opportunity to delve into it. I find that in the original draft, or the bill as originally submitted, there was an exclusion of adoptions by blood relatives. That is not in the draft which we have before us, and I am informed, although I do not have the exact statistics, that of about 900 adoptions recently in the state 700 of those adoptions were by blood relatives. In other words, perhaps a widow or a divorcee marries again and the new husband adopts the child of the widow or divorced wife, and in those cases it would seem absolutely foolish to force the Judge of Probate to insist upon a report by a member of the Department of Health and Welfare.

My experience has been that the Judges of Probate are very good here in the State of Maine, they are very efficient, they know what it is about and they have been very careful in allowing adoptions. I think also it would be very foolish to say that we do not have confidence in our Judges of Probate and to make it mandatory that they have got to get the opinion of someone over them before they can allow an adoption.

Under the present law, if there is any question in the Judge's mind he can and very often does re-

quest a study to be made by the Health and Welfare Department or by another adoption agency, and it would seem that is sufficient and adequate for the purpose. For that reason, I now move indefinite postponement of this bill.

Mr. WHITTAKER of Penobscot: Mr. President, I request a division when the vote is taken.

Mr. President and members of the Senate: I am not fully prepared to debate this bill but I do know that there has been a unanimous appeal from social agencies interested in this problem that this bill have passage. I have no facts and figures to indicate whether or not there is a so-called "gray market" involved in adoption proceedings in this State, but those who are closer to the situation than I do so believe. I hope this legislation may have passage.

Mr. CAMPBELL of Kennebec: Mr. President and members of the Senate: You might like to hear from somebody on the Judiciary Committee about this. I might say I was opposed to this bill and I had the feeling that Senator Stitham did, that it was inappropriate to give the Judges of Probate discretion to order or not to order adoptions and then at the same time require that they have to have investigations, and I think that primarily because of my resistance to this bill it was redrafted in the committee and this sentence was added at the end: "The aforesaid notification and investigation may be waived by the court and the reasons therefor shall be stated in writing by the court and made a part of the record." So I would have to say that I am going to support the bill, because as far as I am concerned, that last sentence takes care of my objection and I think it should take care of the objection raised by Senator Stitham because any time the Judge of Probate feels there is no need for an investigation he simply dispenses with it and makes a record of the fact.

Mr. STITHAM of Somerset: Mr. President and members of the Senate: It would seem to me that it is putting the Judge of Probate on the spot by saying if you don't do this then you have got to put in writing and make part of the record

your reasons for not doing so. It seems unnecessary. If I am right on the figure, in the 700 out of 900 cases he has got to put in the record the reason why he does not ask for an investigation and report. It seems foolish, and I sincerely hope that this bill does not receive passage.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: The objection which the Senator from Somerset, Senator Stitham has just raised is one of the reasons why this last sentence was inserted in the redrafted bill. It seemed to us that if there is a reason where an investigation is not necessary it certainly would be a valid reason and there is no reason why it should not be made a part of the record so that anyone in checking the record would know that there had been a valid reason. There would also have to be a standard provision where blood relatives were the petitioners that the investigation be dispensed with and that the judge would merely write on the record "for the reason that one of the petitioners is a blood relative of the child to be adopted." I certainly feel that the bill as redrafted is a good bill. I have no serious objection to our previous law, I think this might be a bit of an improvement, but it certainly does remove any of the objections that many people on the Committee on Adoptions that appeared before our committee raised. I might also add that during that hearing, even though there were many people who appeared there was no single instance where there was evidence of any black market or gray market, as the phrase is used, in the adoption field in the State of Maine.

Mr. BOARDMAN of Washington: Mr. President and members of the Senate: I would like to say in this particular matter that I agree with the other members of the Judiciary Committee. I believe the new draft is a good one, and I believe if I

were a Judge of Probate I would not feel bad if I was required to make a note in the record, a very brief note, indicating why I had not requested an investigation. I do not believe this would bother me too much. I go along with the bill.

The President: The question before the Senate is on the motion of the Senator from Somerset, Senator Stitham, that the bill be indefinitely postponed. A division has been requested.

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

Thereupon, the bill was passed to be engrossed.

On motion by Mr. Couture of Androscoggin, the Senate voted to take from the table (H. P. 875) (L. D. 1379) House Report, Ought to Pass, from the Committee on Taxation on Bill, "An Act Relating to Refund of Excise Taxes on Malt Beverages Sold to Maine Army National Guard Training Site"; tabled on May 7 by Senator Couture of Androscoggin pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill read once and tomorrow assigned for second reading.

The PRESIDENT: The Chair is happy to recognize in the Senate Chambers, students from St. Edwards Parochial School in Bar Harbor, with a group of their parents. They are accompanied also by Representative Edwin Smith. Although we are about to adjourn today's session, we are happy to have you here and hope that you will come again either to visit or to sit in one of these seats. (Applause)

On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow morning at ten o'clock.