

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, June 14, 1963

Senate called to order by the President.

Prayer by the Rev. Royal Brown of Gardiner.

On motion by Mr. Cyr of Aroostook, the Journal of yesterday was read and approved.

Mr. Edmunds of Aroostook presented the following order out of order and under suspension of the rules:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet at ten o'clock in the morning on Monday, June 17, 1963.

Which order was read and passed. Sent forthwith to the House for concurrence.

House Papers

Non-Concurrent Matters

Joint Order Recalling S. P. 275, L. D. 789 from the Legislative Files to the Senate. (S. P. 623)

In Senate, June 12, Read and Passed.

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

In the Senate:

Mr. JOHNSON of Somerset: Mr. President, I move that the Senate recede and concur with the House. I would like to say that this is probably the only bill that was left in this body that could perhaps help prevention of highway deaths. I commend this body for its consideration of this bill and if there is any blame to be attached to its non-passage, I believe it lies in the other body.

Thereupon, the Senate voted to recede and concur.

Resolve, Proposing an Amendment to the Constitution Forbidding Discrimination Against Any Person because of Race, Religion, Sex or Ancestry. (S. P. 527) (L. D. 1448)

In Senate June 6, Indefinitely Postponed.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-275) in Non-Concurrence.

In the Senate:

Mr. WHITTAKER of Penobscot: Mr. President, I move that the Senate recede from its previous action whereby it indefinitely postponed this bill.

Thereupon, on motion by Mr. Farris of Kennebec, the bill was tabled pending the motion by Mr. Whittaker to recede, and was especially assigned for the next legislative day.

Bill, An Act Creating an Allagash River Authority for State of Maine. (S. P. 581) (L. D. 1534)

In Senate, May 23, Report "B" Ought Not to Pass Accepted.

Comes from the House, Passed to be Engrossed as Amended by House Amendments "A" (H-399) and "C" (H-426) in Non-Concurrence.

In the Senate:

Mr. CYR of Aroostook: Mr. President, I move that the Senate adhere.

Thereupon, on motion by Mr. Campbell of Kennebec, the bill was tabled pending motion by Mr. Cyr to adhere, and was especially assigned for Tuesday next.

Communication

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
AUGUSTA

June 13, 1963

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

Sir:

The Speaker has appointed the following Committee of Conference on the Disagreeing Action of the two branches of the Legislature on:

Bill, An Act Relating to Minimum Number of School Days in Public Schools (S. P. 598) (L. D. 1565)

Messrs: TREWORGY of Gorham
EASTON of Winterport
SNOW of Jonesboro

Respectfully,

HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

Reports of Committee — House Referred to the 102nd Legislature

The Committee on Judiciary on Bill, An Act Relating to Civil Liability of Legal Entities and Certain State Agencies. (H. P. 909) (L. D. 1316) reported that the same should be Referred to the 102nd Legislature.

Comes from the House, Bill Substituted for the Report, and Passed to be Engrossed.

In the Senate, the report was accepted in non-concurrence.

Majority — OTP New Draft Minority — ONTP

The Majority of the Committee on Taxation on Bill, An Act Establishing an Excise Tax on Livestock (H. P. 838) (L. D. 1225) reported that the same Ought to Pass in New Draft under the same title (H. P. 1106) (L. D. 1587) (signed)

Senators:

WYMAN of Washington
LETOURNEAU of York
BROWN of Hancock

Representatives:

COTTRELL of Portland
BROWN of Fairfield
AYOOB of Fort Fairfield
ALBAIR of Caribou
WOOD of Brooks
WATERMAN of Auburn

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass (signed)

Representative:

JONES of Farmington

Comes from the House, Indefinitely Postponed.

In the Senate:

Mr. WYMAN of Washington: Mr. President and members of the Senate: I don't know as this bill will ever pass, but I do feel I should express the thinking of the committee.

The Committee on Taxation felt that the life of a Maine farmer is pretty rough anyway and they have a lot of competition from other states where farming conditions are more ideal, the land not so rugged and rough and with the long hours that farmers have and the hard

life they have, the committee felt that this might be of some help to them and nine members of the committee signed the Ought to Pass report.

I therefore move that we accept the Ought to Pass report in non-concurrence.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, I must say that I must oppose the motion of the Senator from Washington, Senator Wyman. From the very start I considered this a very poor bill. It is a departure from the normal way of assessing livestock and as you know there are many — well, we will take milk cows. Some of them are valued at a hundred dollars, some up to \$500 and some up to \$1000 and that is not getting into the high show cattle. It is so different from excise on automobiles, tractors where you have numbers, years and models to go by. This doesn't give your assessors in the municipalities any flexibility and I certainly hope that the motion of the Senator from Washington, Senator Wyman does not prevail.

Mrs. HARRINGTON of Penobscot: Mr. President and members of the Senate, I understand that if this bill passes a lot of the small towns will lose a lot of revenue. It will take away our form of taxation now and I am opposed to this bill.

Mr. CRAM of Cumberland: Mr. President, I will certainly rise in support of this bill. Although I stand here as a lawyer and a politician, I have some background in agriculture. I made the choice of attending the University of Maine and obtained a Bachelor of Science in Agriculture at the University of Maine in 1934 although subsequently I changed my mind and decided that the life of a lawyer was an easier profession and probably many farmers in the legislature will agree with that.

I have also been a local assessor and I have many friends and clients who are farmers. I was instrumental in the original drafting of this bill. It was Fred Drake's idea but I did help him in drafting the bill and it seems to me a very good bill for the State of Maine.

There might be some slight, immediate loss in taxable property to the towns but I don't think the actual revenue would be much. The livestock industry in Maine seems to be decreasing every year and in spite of the Milk Control Act, dairy farming is going out and it was said in the other body that dairy farming was a protected industry. Well it is only protected to the extent that dairy farmers are making a living and not starving to death, and even then many of them seem to find that it is too arduous an occupation. I know we all know that dairy farmers work long hours and are confined to their farms. It is very hard to find labor and one farmer in the other body who is not a dairy farmer, a truck crop farmer said, "Why shouldn't the dairy farmers pay a tax on their livestock I have to pay a tax on my tractors". Well the livestock farmer must have machinery, too. He has to have just as expensive machines as the truck crop farmer. The truck crop farmer pays no tax on his crops, the potato farmer pays no tax on his potatoes in storage and it seems to me that livestock is merely another product of the farm. To be sure, breeding stock is maybe partly a means to an end but there comes a time when breeding stock becomes beef and it is actually just another product of the farm.

This suggested tax is not unique. I could not tell you how many other states have it but I know before I looked into the bill back in January, I did find that a number of other states did have such a tax. What this might do is this. Now when a dairy farmer goes out of business, if he is near a city he may try to sell his frontage for house lots, or he may try to sell his land for development. If he sells the frontage for house lots, the real land then becomes abandoned and it begins to grow up to brush. In the towns away from the cities, that is the only alternative. If the land is not farmed then it begins to grow up to brush. Now, tillable land is universally assessed at a higher rate than brush land, at a much higher rate. In towns

that have been revalued and gone through a modern reassessment, the tillable land may be assessed at \$20 to \$40 an acre, while the brushland may be assessed at \$2 to \$4 an acre so when a farmer ceases to farm his land, the value of the property very soon drops by several hundred per cent.

Of course good forested land with a crop of timber on it may be assessed at a higher value, maybe \$10 to \$20 an acre but it takes many years for abandoned field to become taxable and if it is planted to trees, it can be exempt from taxation for twenty years.

The average value of taxable cattle as compiled by the Bureau of Taxation in the various counties varies from \$44 in Lincoln County to \$75 per head in Aroostook County, and the rate at which cattle are assessed by the assessors in various towns differs considerably. Not only do you have the rate of assessment varying but you also have the tax rate varying considerably. So that the tax that a farmer pays per head might be considerable, vary anywhere from \$4 to \$5 a milking cow to \$10. Under the present law cows and horses under eighteen months of age are exempt; under the proposed law they would be exempt up to three months so that as the stock averages out, the tax might not be much less to a town than it now is. For instance, the value of exempt livestock in the various counties as compiled by the Bureau of Taxation is in Aroostook County \$301,000 that is exempt, varying down to \$19,000 in Washington County.

It seems to me that in the long run this change in the taxation of livestock would be very beneficial to the state and might induce more people to stay on the farms and might even induce people interested in raising livestock to come into the state.

We have as much feed in Maine as they have in any of the western grazing states and as long a growing season. Here ours is shortened by the winter, out there the grazing season is shortened by drouth. I certainly support the motion of Senator Wyman of Washington.

Mr. PIKE OF Oxford: Mr. President and fellow Senators, well here I go again. I have been getting along pretty well with Senator Ferguson for the past few days but I am afraid I am going to be on the other side this time. I was not on the Taxation Committee of course, but I was Chairman of the Agriculture Committee and I have watched this bill carefully and I think Senator Wyman did a nice job on this one. We all know that farmers are having a pretty hard time and anything that can help the farmers is really worthwhile.

Now if a cow is valued at \$60 and the rate is 50, perhaps that is a little low for most towns, that would be \$3 tax as it is now and with this new method, it is \$1. Now my good Senator here from Oxford, Senator Ferguson, talks about pure bred breeders being taxed more. I was an assessor for quite a good many years and I was taught that blood didn't count, it was the animal, not the blood. I have had cows from England, I have had cows from the Island of Guernsey, I have bred pure bred Guernseys since 1920 and they never taxed mine for the blood, just for the animal, whether I was selectman or somebody else was.

As it is now, anything under 18, as Brother Cram said, isn't taxable, but under this new setup, the excise tax, anything that was born before January 1st is taxable, cows, calves, anything, \$1 apiece. So I don't believe the towns are going to lose too much, maybe a little, but it is just a little start towards helping the farmer. We know the dairy farmers are going out of business anyway, pretty quick what with all the federal regulations coming along, cows having to stand on cement and all the other things. Anyway, I am going to oppose Brother Ferguson on this one.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Wyman, that we accept the Majority Ought to Pass report of the committee.

On motion by Mr. Wyman of Washington

A division of the Senate was had.

Twenty-seven having voted in the affirmative and four in the negative, the motion prevailed.

On motion by Mr. Cram of Cumberland, the bill was tabled pending assignment for second reading and was especially assigned for later in today's session.

On motion by Mr. Farris of Kennebec, the Senate voted to reconsider its action taken earlier in today's session whereby it accepted the committee report (refer to 102nd legislature) on Item 6-1, bill, "An Act Relating to Civil Liability of Legal Entities and Certain State Agencies" (H. P. 909) (L. D. 1316)

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, you will recall a few days ago this body passed an order whereby the matter of so-called charitable immunities and governmental immunities should be studied by an interim committee. The other body has also accepted that order.

Originally the order was intended to implement the report of referring this particular bill which had been before the legislature and that is why the committee report was that this should be referred to the 102nd legislature. Since that time a great many matters have been pointed out to members of the Judiciary Committee, particularly here in the Senate, and the particular bill as drafted would certainly never be acceptable even at a future date. There are so many other areas that should be considered and included and possibly some which should be considered and included and possibly some which should be excluded. For that reason I would move that this bill and the report be indefinitely postponed.

The motion prevailed and the bill was indefinitely postponed.

Ordered sent forthwith to the House.

Mr. FERGUSON of Oxford: Mr. President, I am a little confused as to what happened to Item 6-1. Did we pass this to be engrossed?

The PRESIDENT: The Chair will inform the Senator that the Senate previously accepted the committee report which was to refer to the 102nd legislature. The Senate then

reconsidered and indefinitely postponed the bill, the other body having passed it to be engrossed. We are in non-concurrence.

**Committee Reports — Senate
Ought Not to Pass —
Covered by other Legislation**

Mr. Campbell from the Committee on Appropriations and Financial Affairs on Bill, An Act to Authorize the Construction of Buildings and Plant Facilities for the University of Maine and the Issuance of not Exceeding Twenty Million Dollars Bonds of the State of Maine for the Financing Thereof. (S. P. 287) (L. D. 860) reported that the same Ought Not to Pass, covered by other legislation.

On motion by Mr. Campbell of Kennebec, tabled pending acceptance of the committee report and especially assigned for Tuesday next.

Ought to Pass in New Draft

Mr. Wyman from the Committee on Towns and Counties on Recommended Bill, An Act Relating to Salaries of County Officials and Municipal Court Judges and Recorders. (S. P. 609) (L. D. 1575) reported that the same Ought to Pass in New Draft (S. P. 628)

Which report was Read and Accepted, and the Bill, in New Draft, 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 Education on Recommended Bill, "An Act to Pay School Subsidies on the Basis of Uniform Local Effort." (S. P. 416) (L. D. 1159) reported that the same Ought to pass in New Draft (S. P. 629)

(Signed)

Representatives:

CURTIS of Bowdoinham
EASTON of Winterport
SNOW of Jonesboro
BRADEEN of Waterboro
TREWORGY of Gorham
McGEE of Auburn

The Minority of the same Committee on the same subject matter

reported that the same Ought not to pass.

(Signed)

Senators:

BROOKS of Cumberland
WHITTAKER of Penobscot
HICHBORN of Piscataquis
LEVESQUE of Madawaska

Mr. BROOKS of Cumberland: Mr. President, I move acceptance of the Minority Ought Not to Pass report.

Mr. HINDS of Cumberland: Mr. President, I would like to ask a question, through the Chair of any member of the Committee on Education. I am wondering what this new draft is and what it does

Mr. BROOKS of Cumberland: Mr. President, ladies and gentlemen of the Senate, L. D. 1159, the uniform tax effort bill, was my bill. I sponsored it and supported it and believe completely in the principle of uniform local effort. The original bill called for the towns to make a 17 mill effort of their state valuation and if they accomplished this the state would then make up the difference between that and the so-called minimum foundation program. We amended it in committee and increased the mill minimum from 17 to 18 mills because of the cost factor and further amended it in committee to allow school unions with 300 or more students in their high schools to receive building construction aid. The law now reads that a school union must have 700 or better students in their high school before they receive this construction aid.

That is how the bill in my opinion should have come out of the committee and that is the bill that I supported, and the basic principle is good. We should just as soon as we can, base our state subsidy on this principle. It is a fair principle and no township or city pays more than it is capable of paying and the state makes up the difference. It is fair and just. However, certain members of this legislature had other bills which they were interested in, and as you recall, they recalled to committee and we agreed to recall to committee, four or five educational bills, some having to do with subsidy, all affecting subsidy. The majority

of the committee, all from the other body decided that they wanted to put this in a package and send it out as such, stating that the legislature was confused and this could clarify the problem. In my opinion, it certainly has.

In answer to the question of Senator Hinds of Cumberland, let me see if I can explain this new draft which I oppose reluctantly. One, they have increased the mill rate from 18 to 25. In other words, now the towns must pay up to 25 mills of their state valuation before the state kicks in with their subsidy. The bill also states in this biennium no town shall receive less subsidy than it received in the past years. However, in 1965 until such time as the legislature sees fit the State of Maine will be contributing to the towns and cities in the state \$5 million less in subsidy than we are at this present time. What is the effect? You all know what the effect is. The burden of supporting the schools which now on the local level is terrible, will be that much worse. You and I in our cities and towns, if this bill is passed as written with the 25 mill minimum, in two years time, \$5 million which the state now contributes to the towns and cities will be thrown back to them to pay directly to their educational costs. That is not good.

Secondly, this bill has adopted the principle that we should eliminate the ten per cent bonus which is now being paid, some call it a bribe, most of us call it an incentive. I submit to you, ladies and gentlemen, this is not good. It is not even fair or just. I have stated earlier and I will again that the ten per cent bonus is just what it is intended to be, an incentive to encourage towns to create and form districts. We have presently 98 towns in 31 districts in 14 out of the 16 counties. The largest county is Aroostook County with 8 districts and 21 towns, receiving this ten per cent bonus. It seems to me it would certainly be a breach of faith if we in this legislature were to take from these districts this small incentive which means so much to them. And believe me it does. Those of you who come from small towns know how much a few

thousand dollars means to developing the educational system or even supporting the township in all areas.

So this new draft contends that we should eliminate the ten per cent bonus. I say absolutely not. This bill would eliminate the footnotes to table 2 which is called "Penalties" and they are, I suppose, this would eliminate both the elementary school and the high school. I can't buy that. That further weakens the program that we now are supporting quite strongly and that is to district the smaller schools, consolidate the high schools, give us better education at a more reasonable cost and it has been proven, and I am sure you will agree, that through this effort we have been able to increase tremendously the quality of education in the smaller areas at a price much lower than before the district was formed. Those are facts, not opinions.

So I can't buy that proposal. It also eliminates the reward the state pays to those towns and cities who spend more than is required by the state in its foundation program. Presently, those cities and towns which pay more than is required by the state, receive a reward in the amount of 4 per cent of their subsidy. I don't think it is fair to eliminate that portion of state aid.

If this bill were passed, some communities of considerable size in 1965 — and these are the larger communities admittedly — that are now receiving \$300,000 aid per year would receive \$150,000 or less and I don't think that is fair. And I am sure you don't. Under this bill presently the construction aid given to schools is based on the subsidy. If they are getting a 25 per cent subsidy from the state, they will receive 25 per cent from the state to defer the expense of construction. Under this bill, this construction aid is affected by the foundation program. If a community met only 90 per cent of its foundation program, it would only get 90 per cent of its construction aid. That is a fixed expense. We don't think it should be tied in with the operating cost of the town. We have made an agreement there

and once we have made it we should stick to it because we all know that these towns build their schools and bond them over a long period of time and this does assist them in paying and planning.

So, although I am a firm believer, in fact my heart is broken, of this uniform tax effort principle, and I am sure most of you are too, there is just so much that I can buy and just so much that I can compromise. I have been with this problem now for two or three years. I have studied it. I have listened to the problems of all the towns and cities by this time. I know how much they depend on this program. I know that the Sinclair Act is not perfect. We have amended it and we will continue, but ladies and gentlemen, let's not amend it out of existence at the expense of the local communities.

By passing this bill as written, believe me, we would be doing the citizens of Maine a tremendous injustice. I hope you will support my motion.

Thereupon, on motion by Mr. Edmunds of Aroostook

Recessed for ten minutes.

After Recess

Senate called to order by the President.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Brooks, that we accept the Ought Not to Pass report of the committee.

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

Mr. JOHNSON of Somerset: Mr. President, members of the Senate, several sessions ago, this legislature recognizing that the educational program of this state was a hodgepodge of laws and rules and regulations, and that subsidy money was being paid out rather indiscriminately without any regard to the quality of education being provided, with the resulting needless waste of valuable tax dollars in many instances, they authorized a study costing approximately \$50,000 and that was accepted by the Maine Legislature and enacted into a law known as the Sinclair Law. That

legislative action was a sincere effort on the part of our legislature to improve our educational standards to provide for a more equitable and profitable distribution of our tax dollars, and I don't think that anybody expected at that time that that law would be a perfect law and it has been proven that it is not a perfect law. Some changes have been made and more will be made. But this L. D. under the misnomer, "An Act to Pay School Subsidies on the Basis of Uniform Effort", would do much more than to make constructive changes. This L.D. would seriously interfere with a program of improvement which is now making much progress. Since this body convened last January, seven districts have been formed, and at the rate we are going, probably seven more can form before we adjourn and they have made this progress on the basis of the law as it is now written. If we pass L.D. 1593 we will be doing a lot more than to break the faith with the people of the State of Maine. We are indicating to them that the word of the State is worth nothing. I personally do not want to go on record to make that possible.

I understand there is to be a Joint Order which will call for a complete reappraisal of our educational set up with the idea of finding out whether or not the present law is working satisfactorily, whether we are accomplishing anything or not and whether it has bad features and if so, to get recommendations for improving that law or eliminating altogether the undesirable features. I personally feel that we have a good law, but nevertheless I would welcome such a study and I think it ought to be made for the purpose of reassuring not only this legislature but the people of the state that we are on sound footing. I think that would be good judgment; I think it would be good legislation; and I think we would make much more progress, but I am very definitely opposed to this harsh and indiscriminate mutilation of the law which is going to affect every person in the State of Maine. For that reason I would

like to support the motion of the Senator from Cumberland.

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate, I realize that the education committee is certainly a dedicated committee. I for one have objected to the penalties. I don't know as I object so strenuously to paying the bonus and I feel as though here, the education committee, has just, shall I say given up or just presented us with something that as far as I can see there isn't much sense to. A while ago one of the members on this committee approached me with the thought, "How would you feel if this applied to the high schools and not the elementary schools?" I would like to see the thing explained. There are those of us in the past who have considered the education problem at length as far as high schools go. Maybe we haven't been too satisfied with the answers we have had. I don't feel that this is explained. I don't feel that it is worked out and I don't feel ready to vote on it.

Mr. BROOKS of Cumberland: Mr. President and ladies and gentlemen of the Senate, I apologize to the Senator from Lincoln, Senator Sproul. I hoped that in my explanation I was clear. Evidently it was not too clear. The point is that the Education Committee as a whole did not sign this bill out Ought to Pass. As you will note, the three Senate members signed the bill out Ought Not to Pass, and we did that because, as I tried to state, there are too many points placed in the bill that just are not, in our opinion, fair and just. The Committee studied long and hard this problem and we attempted to compromise in what we considered a fair and just manner and obviously as you can see from the report, in our opinion, it was not resolved in a proper fashion.

Now as I said earlier, this one bill is the outgrowth of three with additional amendments. The three bills at one time went back to committee in an attempt to come out with a compromise that was workable, and believe me, an attempt was made on both sides to compromise. In my opinion, this

compromise presented to me by the Majority signers was completely unacceptable.

At this time to attempt to amend and attempt to view what already has been attempted, would in my opinion be superfluous. It seems to me now we have reached the day of truth when this bill must be laid away to rest, as it is. Senator Sproul mentioned the footnote problem. That was discussed by the committee and a compromise was not acceptable because there are other requirements by the opposition which were just too much for us to take. As Senator Hichborn from Piscataquis has already said, we don't want to eliminate the Sinclair Act at this time, or at any time. We want to improve upon it. This would simply weaken it to a point where it would have no particular effectiveness at all. For that reason, my motion I think is proper, that we should at this time eliminate this bill from our consideration.

Mr. HARRINGTON of Penobscot: Mr. President, I would like to ask a question. If we indefinitely postpone this bill, can we have our other three back?

The PRESIDENT: The Senator from Penobscot, Senator Harrington, poses a question to any Senator who may answer if he wishes.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate, that is a good question. The L. D. 49 which is the bill to eliminate a ten per cent bonus has been reported out of committee with a unanimous Ought Not to Pass report and the footnote portion was never a bill; it was an amendment. L. D. 1532 I believe it is, was passed out unanimously Ought Not to Pass. To answer the question, L. D. 49 is available and there is another bill coming out, L. D. 1249 a split report of six to four, that would be the so-called Brewer bill which upgrades Table 1 to maintain our state subsidy to the towns one hundred per cent. Of course that bill, if passed, can be amended to include the footnotes as some of us have discussed, or it can be amended in any way, shape or manner.

But this bill is too much for us to accept at this time.

Mr. PIKE of Oxford: Mr. President and ladies and gentlemen, I am sorry that I am so very dumb but I thought ever since this bill came out that it was a very good bill and I have had lots of letters from people up in my part of the country, asking me to support it. In fact this morning I had one from the school superintendent of school administrative district 17 to support this very bill. I just can't understand how Brother Brooks and Hichborn in that committee can sit by and see this thing turned right around so the intent is exactly different from what Senator Brooks intended in the first place. I can't see how they would allow this new draft to be so changed. I am really undecided what to do.

Mr. HICHBORN of Piscataquis: Mr. President, I would like to say this, that I wasn't happy at all with this change and I didn't sign the report in favor of the change. My signature was over the Ought Not to Pass report, but of course the majority of the committee has the right to bring out any report that they would desire and this is exactly what happened.

Mr. CRAM of Cumberland: Mr. President, I mentioned in passing here, some time back, a subsidy bill that I had quite a lot to do with but in all this time that bill has never come before this body. It has stayed in the House. They like it better over there I guess. But this redraft of 1159 which is 1593, has one or two good features. However, the two particular paragraphs that I like and hope we can get through somehow, are Section 1 and Section 7. The reason I like section 1 is because it would allow a district to be formed as a community school district, and divide the cost of the district among the towns according to the number of secondary school pupils from each town in the high school. Now, my home town of Cumberland has tried twice in the last year to form a school administrative district with North Yarmouth and Pownal. Both times we have met vigorous opposition in our own town by the people who want to preserve their

own sovereignty and feel that we could do it better by ourselves. Nevertheless, if we lose the other two towns, the size of our high school next fall will be about 165, which comes nowhere near the Sinclair Act standards.

There is a possibility that we could form a high school if we could divide the cost among the participating towns according to the number of pupils in the secondary schools and not have the elementary pupils in the school. Therefore I like that first section and it is not a new idea. The Flanders Bay school district which includes Gouldsboro, Sullivan, Sorrento and three or four other towns has been operating on this basis for ten years. One other school district has been approved at this session of the legislature which would use the same method. That is the Georges Valley district. And from what I hear from the Department of Education, they have no particular objection to it.

The last section that I like is the section that would pay school building subsidies to high schools that are not in school administrative districts, with 300 or more pupils. Now the law says that if a town is not in a school administrative district, they will get school building subsidies if they have 700 or more pupils but the Sinclair Act says that 300 or more people is ideal. So there are many towns, perhaps 25, in this gray area in between that have between 300 and 700 pupils and get no school building subsidy. This will be quite important to those towns.

But apparently there is not going to be enough money to meet the requirements of 1159 as it was originally presented by Senator Brooks and there is not going to be enough money to meet the requirements of my pet 1532 which I think is a good idea and if it is possible to come to some compromise or find the money for 1249 which uses about a million dollars, I would go along with a compromise which would mean that we would use 1249 as a vehicle and draft these other provisions that I like onto it.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, I shall attempt to be helpful but I may further confuse the issue. I do want to point out however to the members of the Senate, that the Education Committee has met many long hours with regard to this and other bills. We have been handicapped, if that is the proper word, throughout our deliberations, by the fact that there are many differences of opinion among members of the committee. I think it is fair to say that there are some who want to maintain the provisions of the Sinclair Act intact. There are some on the committee who could like to do away with most of the provisions of the act. And there are some on the committee who occupy a middle ground who sought to put up a compromise which would be acceptable to what might be called the two extremes. We have been unable to do this, to reach a compromise. Therefore we have these divided reports once again.

This bill which is now under consideration contains some provisions which the middle party, if I may call it that - would accept but they were not acceptable to either of the extremes in the committee. I believe we have a procedure whereby we can save some of the benefits to be derived from the long deliberations of the committee, but this is not possible through the bill before us now it seems to me, neither possible nor desirable. This bill would eliminate for example the ten per cent subsidy to new districts and those of us who signed the Ought Not to Pass report are unwilling to sacrifice this incentive to new districts. I have, for example, a letter from a leading citizen in a town which is considering the formation of a district. I read it to you briefly, "Will the Senate defeat the bill to remove the ten per cent bonus to the school administrative districts? It would seem a mighty breach of ethics if they renege on statements made to those towns already in and those of us contemplating it." This is the feeling of the group that signed the Ought Not to Pass report.

We shall still have before us other legislation, the so-called Brewer bill with regard to the foundation program. When that comes before us we can decide what to do about the footnotes with regard to schools who do not have the minimum number of pupils or are located so close to other schools that they do not qualify for the incentive. Again, in this area, there was an attempt made to compromise by removing the footnotes for the elementary schools and leaving them in for the secondary schools. But believe me when I say that we tried and tried desperately to reach a compromise whereby we could report out this bill or something like it unanimously.

Senator Brooks has indicated that he feels very badly that the uniform effort principle apparently cannot be adopted by any majority vote of the committee, and those of us who signed the Ought not to pass report feel badly about this too, but we are not prepared to sacrifice our strong feelings with regard to other aspects of the educational law even in favor of a good principle, the uniform effort bill.

I therefore hope that the pending motion may be passed and that once this matter is taken care of, we may consider further with relation to the remaining bills, what are the best procedures with regard to education in our state.

Mrs. CHRISTIE of Aroosook: Mr. President, I would like to ask, if someone could answer, what effect this bill would have on the districts already formed.

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

Mr. BROOKS of Cumberland: Mr. President, ladies and gentlemen of the Senate, if this bill is passed, the present districts would no longer receive the ten per cent bonus which they now get. With the mill rate set at 25 mills, as I stated before, in 1965 the state would drop its subsidy contribution to towns by \$5 million so the districts as well as all other participating towns in the state would receive less sub-

sidy. If this bill were passed, the four per cent reward to those towns and cities that made more than the minimum effort would be abolished. So the three areas that I can think of offhand, the districts would suffer financially.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, I don't believe I should let this bill go by without saying a word, because I did have a lot of communications on this uniform effort, the bill that we had earlier in the session. As you know, the original bill of Senator Brooks, was going from 17 to 18. I certainly go along with this bill going to 25 of the state valuation. I think it would be a step in the right direction. What worries me somewhat is the fact that we have already passed a bill on the ten per cent, that I understand passed in both branches of the legislature and also a bill which was passed taking the footnotes out. I don't believe that 1593 is a bad bill. The various districts will receive not less than they are now receiving for the next two years. I would like to know when we talk about percentages, I think if a town is getting 18 per cent for their school subsidy that means 1.8 per cent. We are talking here in terms of 18 per cent or it looks as though we were talking of 18 per cent of the subsidy but I always understood that this incentive was 10 per cent on the percentage. On the building aid, it would be based on the percentage of what you met on the foundation program. If you met 90 per cent of your foundation program, you'd get back that per cent of your capital costs.

I certainly would like to have the question answered through the Chair by Senator Brooks of Cumberland, if it is the percentage on the percentage we are talking about when we discuss the ten per cent. Also in Section 237B of the bill, whether or not this 25 mills of state valuation would apply to single units, municipalities that are not now in administrative districts?

The PRESIDENT: The Senator from Oxford, Senator Ferguson, poses two questions through the Chair to the Senator from Cumberland,

Senator Brooks who may answer if he chooses.

Mr. BROOKS of Cumberland: Mr. President, ladies and gentlemen of the Senate, the Senator from Oxford, Senator Ferguson, is correct. The ten per cent bonus applies against the amount of subsidy the town is getting. In the case of an 18 per cent town it is 1.8 of the subsidy and in the case of a 60 per cent town it is 10 per cent of the 60. I might add that now the state is contributing to the extent of a million dollars in subsidy through this vehicle, through this bonus program. If you take away this subsidy of a million dollars to the districts, in my opinion it would not be fair and would be a hardship on the town.

To answer his second question, all the cities and town in the state, whether in districts or not, would have to make an effort up to 25 mills of their state valuation before the state would subsidize one hundred per cent. I might add also to correct the record, no bills have passed through the legislature as yet. The ten per cent bonus, the footnotes, all the bills are now a part of 1593 in redraft and are in this redraft.

I would like to state as I have stated before, for the sake of clarity, that at 25 mills, after this biennium, the state then drops its subsidy to the towns and cities by \$5 million. And the \$5 million I remind you must be picked up by the cities and towns through local taxation and you all I am sure are in agreement with me that the towns and cities can little afford to increase percentagewise their contribution to education. The state must maintain its support at least at the present level.

The Senator from Oxford, Senator Pike, stated earlier that he was a little confused because he had received many letters from superintendents and so forth favoring the uniform tax effort bill and he is correct. The uniform tax effort bill which was sponsored by me was a very favorable bill but I can assure you, ladies and gentlemen, that no school board, PTA, superintendent or what have you would support this bill as written.

Mr. JOHNSON of Somerset: Mr. President, I hate to do this but I would like to pose a question through the Chair of the Senator from Cumberland, Senator Brooks. Of the \$5 million that the towns will not receive in subsidies, what percentage of this is on the ten per cent bonus?

The PRESIDENT: The Senator from Somerset, Senator Johnson, poses a question through the Chair to the Senator from Cumberland, Senator Brooks, who may answer if he chooses.

Mr. BROOKS of Cumberland: Mr. President, this \$5 million would be reflected in the general subsidy program and would not to the best of my knowledge affect the ten per cent subsidy.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Brooks, that we accept the Ought Not to Pass Minority Report.

A division of the Senate was had.

Eighteen having voted in the affirmative and twelve in the negative, the motion prevailed.

Final Reports.

The following Chairmen of Joint Standing Committees submitted their final reports:

Chairman:

RALPH BROOKS Jr.
on Education
RALPH W. FARRIS Jr.
on Judiciary
WILLIAM F. BOARDMAN
on Veterans and
Military Affairs

Which reports were read and accepted.

Enactors

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

Bill, "An Act Providing for Holding District Court for Western Aroostook at Fort Kent." (H. P. 52) (L. D. 75)

Bill, "An Act Relating to Weight of Commercial Vehicles." (H. P. 1103) (L. D. 1583)

Bill, "An Act Relating to Appeals from Registrars of Voters." (S. P. 472) (L. D. 1324)

Bill, "An Act Relating to Effec-

tive Date for Salary Increase for County Officers." (S. P. 543) (L. D. 1467)

Bill, "An Act to Revise the Boating Law and Extend Boat Registration; and Safety Law to Cover Coastal Waters." (S. P. 585) (L. D. 1542)

Bill, "An Act to Expand Powers of Soil Conservation Districts." (S. P. 603) (L. D. 1570)

Which Bills were passed to be enacted.

Emergency

Bill, "An Act to Reactivate Maine Committee on Problems of the Mentally Retarded." (S. P. 203) (L. D. 513)

Which Bill, being an emergency measure, and having received the affirmative vote of two-thirds of the members of the Senate, was passed to be enacted.

Bill, "An Act Relating to Exempting from Property Tax, Pleasure Boats in the State for Storage." (H. P. 1092) (L. D. 1567)

Comes from the House, Indefinitely postponed on passage to be enacted.

In the Senate:

The PRESIDENT: The Chair would like to recognize in the Senate Chamber a group of students. They are from Brooksville Elementary School, and are accompanied by their teachers, Mrs. Hazel Blodgett and Mrs. Dorothy Bakeman and several parents. We are happy indeed to pause in our deliberations to welcome you here today. We hope you will be proud of your State government and we hope you will be proud of your State and that you will, after your education, decide to live in this State and help us grow and prosper.

So many people fail to be proud of their particular area it is helpful now and then to recall some of the things we should not forget when we listen to the bragging of other areas. For example, you all know the story about Columbus and the first cities in this country. Did anybody ever tell you that the Vikings had been to these shores in the year 999, and that we know that a famous traveler by the name of Sebastian Cabot came here in the

year 1496, and that the French people settled on St. Croix Island in 1604, which was the scene of the first Christmas tree in the United States? More than that, the colonists settled Popham, which is a community on the Kennebec River not far south of here, thirteen years before the Pilgrims landed at Plymouth Rock, and the first ship ever built in the United States was named Virginia and was built on the Kennebec River in 1607. York, Maine was chartered in 1642, and this is the first chartered city in the United States.

We think that some of these things are significant and that you should be proud of them, as they are something of a record. This State government which you are viewing today is setting some kind of a record too in longevity, longer than any other session in Maine's government. We hope that justice will be done when we are through. We hope that you will enjoy your vacation and that you will think of us while you are enjoying it. May I introduce to you students the senators who represent your county, Senator Brown and Senator Kimball? (Applause)

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter (H. P. 872) (L. D. 1259) Bill, "An Act Relating to Partial Unemployment Benefits and Experience Rating Record Under Employment Security Law," which was tabled on June 12th by Senator Edmunds of Aroostook pending passage to be engrossed; and on motion by Senator Edmunds the bill was retabled and specially assigned for Tuesday next pending passage to be engrossed.

The President laid before the Senate the second tabled and specially assigned matter, (H. P. 871) (L. D. 1258) Bill, "An Act Relating to Disqualification and Claims for Benefit and Employer's Contribution Rate Under Employment Security Law," which was tabled on June 8th by Senator Edmunds of Aroostook; and on motion by Senator Edmunds the bill was retabled and specially assigned for Tuesday next pending passage to be engrossed.

The President laid before the Senate the third tabled and specially assigned matter, (S. P. 596) (L. D. 1563) Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure," which was tabled on June 13th by Senator Farris of Kennebec pending consideration.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: At this time I would like to move the indefinite postponement of House Amendment which is filing No. 446, and I might explain that the purpose of this amendment is to have any surplus after foreclosure of a mortgage and sale of the property be returned to the borrower. This is certainly a principle with which no one can quarrel, and particularly the banks that are involved have no quarrel with this particular proposition. It does, however, create a number of legal problems. You are dealing with real estate and if you put on too many restrictive conditions pertaining to a foreclosure and you are unable to find the borrower, for example, you might create a cloud upon the title to the real estate. So if you do agree with me and indefinitely postpone House Amendment — I do not have the letter but it is filing H-446, I will then offer another amendment which I think spells out the proposition of how surplus would be applied better than does the existing amendment, that is assuming that we have a two-thirds vote for reconsideration of our action whereby this bill was passed to be engrossed. So at this time, Mr. President, I would move indefinite postponement of Filing H-446.

THE PRESIDENT: The Senator from Kennebec, Senator Farris, moves that we suspend the rules and reconsider our action whereby this bill was passed to be engrossed.

The motion prevailed.

On motion by Senator Farris House Amendment "H" was indefinitely postponed. Senator Farris then presented Senate Amendment C and moved its adoption.

Senate Amendment C was read and adopted.

Mr. Edmunds of Aroostook then presented Senate Amendment "D" and moved its adoption.

Senate Amendment "D" was read by the Secretary.

Mr. EDMUNDS of Aroostook: Mr. President, I rise briefly to explain the intent of this amendment and why I feel this amendment is necessary. I think it is rather obvious that it would exempt farms as far as changing the redemption period from twelve months to six months is concerned. The reason for that is the problem which is peculiar, at least to the area which I represent, where it takes a full year to plant, harvest and market a crop of potatoes, so that theoretically if there was only six months in which to redeem it would be very possible that a farmer could plant a crop of potatoes and have his mortgage foreclosed and his property taken before he had a chance, if it should be a profitable year, to protect himself and perhaps get his mortgage up to date.

The situation in Aroostook is a serious one at the moment. There are hundreds of farms up there under foreclosure. Of course they would not be affected by this legislation, but there are hundreds of additional farms upon which foreclosure is imminent at this particular time. This is a very serious problem in Aroostook and for that reason, I have presented this amendment which would exempt farm property. I have no strong objection as far as other features of the bill are concerned, and I would say that I am not particularly disturbed by the six months feature of the bill on farms in the case of what I call the legitimate credit institutions, the commercial banks, the Farmers Home Administration, various production credit associations and so forth, but in Aroostook, and I assume it is probably true in other areas of the state, quite often mortgages may be held by people who are somewhat unscrupulous and who would take advantage of this six-months feature in order to get control of the property and thereby be very harmful to many farmers, so I would hope that the Senate would accept Senate Amendment "D".

Mr. FARRIS of Kennebec: Mr. President and ladies and gentlemen of the Senate: I personally certain-

ly have no great objection to this Senate Amendment, but I think I should point out that this same amendment or a similar amendment was presented in the other body and was not accepted for the reason that it might do more harm as far as obtaining mortgage loans was concerned than would be accomplished. For instance, I know that the Northern National Bank in Presque Isle, which probably handles more real estate transactions than any other bank, feels that this type of amendment would not be in the best interests of the farmers in Aroostook County. I might also point out that this legislation, that is the reduction of the redemption period from one year to six months, only applies to mortgages that are to be written in the future, and has no application to any existing mortgages, the twelve months redemption period will continue in effect upon all existing mortgages, and, as a matter of fact upon all mortgages that are written until the end of this current year.

I might further point out, and I have been interested in this matter for a number of years, that an informal survey by the savings banks primarily, indicated that after six months it is a very rare occasion that an individual comes in and is interested in the property and is able to redeem the property. In other words, after the six months have expired the chances are that the property is worth much less than the amount of the balance due upon the note, because normally there has been a couple of years' taxes that have not been paid and interest has accumulated and insurance premiums have had to be paid by the bank because the borrower was in financial distress. And again, as a practical matter, when you talk about six months redemption period it runs at the present time, with the year, to about seventeen to nineteen months as a minimum before the foreclosure is perfected. Actually if it is reduced to a six-months redemption period it will still be nearer a year before any foreclosure is effected, because the lending institutions do everything within their power to work out a proposition and accommodate the

borrower. I can assure you that the banks in the State of Maine do not care to be in the real estate business. It is not a profitable business, and it certainly would not be a profitable business for them to be owning any great amount of farm property. I merely point this out: in my opinion and in the opinion of many others who have explored this situation, including a great number of farmers, that if you do adopt the amendment presented by the Senator from Aroostook, Senator Edmunds, you might be doing more harm to your farmers in the State of Maine than good.

Mr. CYR of Aroostook: Mr. President and members of the Senate: I arise in support of the amendment presented by my colleague from Aroostook and also in support of the main bill, and I would like to read from a letter which I just received this morning from the Executive Vice-President of the Maine Potato Council:

"I have talked with the members of our executive committee and they feel that the bill to cut the grace period for foreclosures would be extremely detrimental to Aroostook County.

"They point out that in many instances a grower would not be able to sell his crop before the foreclosure period expired.

"We feel that the legislature should oppose this measure, particularly in view of the number of foreclosures that are taking place in Aroostook County at the present time. Anything that you can do to present our Growers' viewpoint would be appreciated."

Now they also expressed to me their sentiment that they were not opposed to the main part of this bill but they would like to see an amendment to take care of farmers. I would also like to point out to you that the Maine Potato Council represent approximately 3500 farmers. I hope that the amendment is adopted.

Mrs. CHRISTIE of Aroostook: Mr. President, I will make it unanimous this time. There is much concern in Aroostook County about this bill, and I feel that the amendment presented by the Senator from

Aroostook, Senator Edmunds, would help to ease their concern and they would be a great deal more happy about it.

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate: This amendment certainly brings to light the problem of the farmer, and for once I am happy to agree with the Aroostook delegation, but I would go one step further: I just don't like the bill, because I feel there are some people who, if they had six months longer to redeem, might just find the money somewhere. I want to go on record as opposing the whole bill.

Mr. CRAM of Cumberland: Mr. President and members of the Senate: I would like to point out that in Section 7A of the bill, the second paragraph, it is provided that "The mortgagor and mortgagee may agree upon any period of time not less than six months in which the mortgage shall be forever foreclosed, which agreement shall be inserted in the mortgage and be binding on the parties, their legal representatives and assigns and shall apply to all the modes of foreclosure on real estate". This means that at the time of borrowing the money, if a farmer, the farmer can insist, if he wishes — of course it may depend on the money market at the time, but at least it can be provided in the mortgage that a longer period than six months shall be required before foreclosure.

I also would like to point out that when you draft a provision such as is proposed in this amendment that if a farmer is in the business of farming it makes it a little difficult to determine in searching the title whether the mortgage foreclosure was good or not. That would mean that say ten years from now someone is searching a title in Aroostook County, or in any county as far as that is concerned, and it is a country piece of property and he finds the foreclosure and it is foreclosed in six months. Then it would be necessary for him to make inquiries to find out whether this particular individual who gave this mortgage and lost the property by foreclosure was in the business of farming and getting

his livelihood from farming at the time the foreclosure took place. This is a very hard thing to prove and it seems to me would cast doubts on titles of property that were acquired by foreclosure. It seems to me that the two provisions in the bill, one that it shall not affect mortgages now in force, and two, that any new mortgage may have written into it a longer period of foreclosure than six months would give adequate protection.

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment D.

A viva voce vote being doubted by the Chair,

A division of the Senate was had.

Sixteen having voted in the affirmative and fourteen in the negative Senate Amendment D was adopted.

Mr. KIMBALL of Hancock: Mr. President, ladies and gentlemen of the Senate, our good State of Maine is basically a seasonal state. There are any number of mortgages not only on the farmer but on the hotel man, the motel man and any number of seasonal businesses. If given a year to clear themselves I believe many of them can clear themselves and keep their heads above water, and not have to go through the process of having the mortgage foreclosed. I think it is a fairer break to the businessman who is struggling and trying to keep going than it would be were this bill to be shortened down from 12 months to six months. Therefore at this time I would move the indefinite postponement of the bill and all its papers, and ask for a division.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, I believe many of you will recall that when the issue was initially debated the Senator from Franklin, Senator Noyes explained in great detail the value of such legislation to all of the people of the State of Maine. I want you to understand that the reduction of the period is of no great consequence to the banks as far as existing mortgages are concerned, and the only advantage of such legislation is that it will make available, and estimates have been made, of as much as \$20 million new dollars that can

be utilized here in the State of Maine from financial institutions that are now outside the State of Maine but with the very stringent limitation of a 12 month foreclosure redemption period at the present time it is impossible to obtain any substantial amount of outside financing and I merely point that out that this is important in every aspect of our economy and I certainly trust that the motion of the Senator from Hancock, Senator Kimball does not prevail.

Mr. EDMUNDS of Arcostook: Mr. President, I merely rise to say that now that this has been amended to solve this particular problem in my local area, I feel that probably the legislation is good legislation and I certainly hope that the motion of the Senator from Hancock, Senator Kimball, would not prevail.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate the adoption of the last amendment has confused me. We have people owning farms and being taxed out of work in the shoe business and they are under farming because they own lands and they own farms and possibly they have a few chickens and cows. Now we are getting confusing and I don't follow it. I'm supporting the indefinite postponement of the bill and all the accompanying papers. What is good for one is good for the other.

Mr. FARRIS of Kennebec: Mr. President, I might point out in response to the question raised by the Senator from Androscoggin, Senator Couture, that the bill now as amended in the Senate in relation to farm property would only apply where the person living on that farm derived his principle source of income from the farm operation. It would not be applicable to persons who lived on what was once a farm but who worked at another occupation.

The PRESIDENT: The question before the Senate is the motion of the Senator from Hancock, Senator Kimball, that the bill and its accompanying papers be indefinitely postponed.

A division of the Senate was had.

Eight having voted in the affirmative and twenty-two in the negative, the motion did not prevail.

Thereupon, the bill as amended was passed to be engrossed.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 95) (L. D. 232) Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry" tabled on June 13 by Senator Brooks of Cumberland pending consideration.

Mr. Brooks of Cumberland presented Senate Amendment A to Committee Amendment A and moved its adoption.

Thereupon, 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.

Under suspension of the rules, the bill was ordered sent forthwith to the House.

Out of Order and under suspension of the rules, Mr. Cyr of Aroostook presented an Order and moved its passage.

Mr. CYR of Aroostook: Mr. President, I might say that this has been cleared with the leadership.

Mr. EDMUNDS of Aroostook: Mr. President, let me say that the leadership is aware of the Senator's Order but I am not inclined to say that I entirely agree with the Senator's statement.

ORDERED, the House concurring, that a public conveyance be chartered by the state, the cost of which shall be underwritten by the Governor's contingency fund for the purpose of conveying each and every registered lobbyist representing all power and timber interests, to the far northern region of the State of Maine where they may be severally subjected in formal manner to the same treatment that the spruce budworms received. (Laughter)

Which order was read and passed and sent forthwith to the House.

Mr. WYMAN of Washington: Mr. President, may I ask if L.D. 488 Bill, "An Act Repealing the Regulation of Herring for Canning Purposes from December 1 to April 15" is in the possession of the Senate?

The PRESIDENT: The Chair will reply in the affirmative, the bill having been recalled by Joint Order.

Mr. WYMAN of Washington: Mr. President and members of the Senate, this is the bill on which I introduced the order yesterday to have it recalled from the files, and it has to do with sardines. As I explained yesterday, the sardine business is in rather desperate straits with something like 600,000 cases on hand at the start of the new season as compared with the sales in 1962 of 1,400,000 cases in round figures. In other words, they have nearly half of their last year's pack on hand now. Now this amendment would propose to provide for the sardine industry the same legislation that the legislature has already enacted to provide for a merchandising plan for the potato farmers. And this amendment has been taken practically word for word from the potato law, except where it was necessary to change it for sardines. I therefore move to substitute the bill for the Ought Not to Pass report for the purpose of offering Senate Amendment A.

Thereupon, the rules were suspended and the Senate voted to reconsider its action whereby it accepted the Ought Not to Pass report of the committee, the bill was substituted for the report and read once.

Mr. Wyman of Washington presented Senate Amendment A and moved its adoption.

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

The President laid before the Senate Item 6-2 on today's calendar, bill, "An Act Establishing an Excise Tax on Livestock (H. P. 838) (L. D. 1225) tabled earlier today by Senator Cram of Cumberland.

Mr. Cram of Cumberland presented Senate Amendment A and moved its passage.

The Secretary read the amendment.

Mr. CRAM: Mr. President and members of the Senate, with this amendment the bill provides for an excise tax of one dollar per head on meat cattle, which is bovines, one dollar per head between the ages of three months and eighteen months of age. Under the present law they are exempt under eighteen months of age. So I would think this would ameliorate the feared loss of revenue to the towns immediately.

Then, Section three, Effective Date. Ninety-one days after adjournment of the legislature is necessary because we have passed at this session a bill which makes swine under four months of age exempt and in the previous law, swine were not mentioned at all so swine were taxable down to birth. Under this bill we are talking about, swine would be exempt under three months of age and then would be subject to an excise tax of 25 cents per head over three months of age on April 1st of each year. However, I think very few farmers would have very many head of pigs that were between three months of age and saleable age on April 1st so I think the tax would affect primarily breeders.

The PRESIDENT: Is the pleasure of the Senate to adopt Senate Amendment "A"?

Mr. REED of Sagadahoc: Mr. President, I am not a farmer but I just asked a farmer at my left who is going to keep track of all these birthdays and she said she didn't know, and I was wondering if anyone else could tell me how we are going to keep them straight.

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

Mr. CRAM of Cumberland: Mr. President, the bill provides that the assessors shall make a tabulation of livestock of different ages. This is already in the law and the assessors are supposed to tabulate under the present law all taxable livestock and all non-taxable livestock, and the age 18 months is in

the present law. Livestock under 18 months is not taxable and livestock over eighteen months is, and they are supposed under the present law to be assessed at their fair value, which is a controversial item.

Mrs. HARRINGTON of Penobscot: Mr. President, my heart is with the farmer. I wish he could read this bill. Therefore I move that it be tabled until next Monday.

The motion prevailed and the bill was tabled and specially assigned for Monday next pending adoption of Senate Amendment "A".

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

Mr. EDMUNDS: Mr. President, there has been a certain reaction to the order which was just passed by this body concerning the lobbyists who represent the timber and power industries, and I do think it would be apropos at this time to read into the record the reaction which has just come upon my desk: "In the wilds of the great Allagash, All covered with budworms and slash, Were Putnam and Ward, H. Schnurle and Dubord, Counting huge piles of ill-gotten cash." (Laughter and applause)

Mr. FERGUSON of Oxford: Mr. President, I would ask if L. D. 1519, "An Act relating to permit for processing imported lobster meat" is in the possession of the Senate?

The PRESIDENT: The Chair will reply in the affirmative, it having been so requested by the Senator from Cumberland, Senator Porteous.

Mr. FERGUSON: Mr. President, I move that we now reconsider our action whereby we indefinitely postponed this bill.

Mr. BROWN of Hancock: Mr. President, I request a division on the motion.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: I requested this bill be held because of the somewhat turnabout way in which this vote was taken yesterday. Due to the immense popularity of the Senator from Washington, Senator Wyman in this Sen-

ate people voted with him on his motion but didn't bother to look and see how he voted himself. The reasons he gave yesterday — and I wonder if I might be permitted, Mr. President, to read some of those off the record, since they are already in yesterday's record, and save our hard-working recorder from taking the notes down.

The PRESIDENT: The Senator may proceed.

(Mr. Porteous then read off the record extracts from yesterday's speech by Senator Wyman)

Mr. PORTEOUS (Continuing): Now I am not going to read all of the rest of his statement, but I am sure that all of you are as entranced and as impressed and lifted to a high level of economic reality by his very fine words, proving very conclusively that to reject this bill would be to make it impossible — I was going to say the few, but I think it is one or the only industry of its kind here, and, as he said yesterday, if the bill were passed it could result in other processors coming into the State.

One of the broadsides which was distributed by those who opposed the bill said something about short lobster meat, that there is some of it in these tins coming in from Canada because their grading is not as particular as ours. The only reason for a law limiting the size of a lobster to one longer than that of a short is for conservation on our coast. Now two or three or a half dozen of short tails — and they are not going to be all short by any means — in a can of lobster meat coming from Canada has absolutely nothing in this world to do with conservation, it has no bearing on this and should never have been introduced as a reason for not passing this legislation. We talk about employment of Maine people. We are talking about putting them out of employment if we reject this bill.

The lobstermen do a terrific business here with our summer visitors, and their lobsters are sold all through the summer, which does not happen to be the kind of meat these processors would use anyway.

(Mr. Porteous read further extracts from Senator Wyman's speech of yesterday off record)

So, I hope that when the vote is taken, and I understand a division has been requested, that the Senate will reverse its position of yesterday and vote for reconsideration and then pass the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Porteous, that we reconsider our action whereby the bill was indefinitely postponed.

Mr. LOVELL of York: Mr. President, I am rather confused by this bill. It has been reported that this particular company only works a few weeks out of the year, and I certainly do not want to see any Maine people out of work, but I have heard from a reliable source that this bill had been settled in a compromise sort of way and that if this bill was passed by this body that it would not become a law — and I speak specifically of a possible veto of this bill. I would like to have a little more time to study this and get a little more information. I am not going to ask to have it tabled but I would like to have a little more information. Coming from a coastal county, I do not want to hurt the lobster industry and I do not want to hurt an industry that employs sixty people and uses a million pounds of Maine lobsters which might go out of business if this bill was not passed. I am still confused and I cannot make up my mind on this particular bill, so I would hope that the leadership might explain the bill further.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I have been drawn into this bill. I think I can answer one of the questions of the good Senator from York, Senator Lovell. The proponents of the bill made every effort in the world to compromise; they offered to have it for two years, they offered to leave the word "Maine" off the package entirely, and they could not get one single proposal or inclination or view from the opponents of the bill; they just claimed they don't want the bill, and for a long time

they even refused to sit down and try to talk compromise. We did sit down the other day and talked for I guess an hour and a half, and, as I say, we offered compromises and suggested that they offer some, but there were none forthcoming.

Now as for a veto of the bill, I suspect that only the Governor knows what he would do, and this is his prerogative. I did move indefinite postponement of this bill because I think it has a good many obstacles to face, probably insurmountable ones. On the other hand, I believe thoroughly in it and I dislike to see this Senate give forth the thought that we are unfavorable to either old industry or new industry and to have that image go outside of the state when I know there are businessmen who are watching the outcome of this particular bill. Therefore I think I will go along with the Senator from Cumberland, Senator Porteous.

Mr. LOVELL of York: Mr. President, might I still inquire from the

good Senator from Washington, Senator Wyman, why he moved for indefinite postponement. Does he have some facts that we do not know in regard to the future of this bill?

The PRESIDENT: The Chair will reply to the Senator that it is not competent and relevant comment to speculate upon either the action of the other chamber or the action of the executive office.

A division has been requested. All those in favor of the reconsideration of this bill will rise and remain in their places until counted.

A division was had.

19 having voted in the affirmative and 11 in the negative, the motion prevailed, and the bill was assigned for second reading on the next legislative day.

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The adjournment order having been received from the House, read and passed in concurrence, the Senate adjourned until 10:00 A.M. Monday next.