

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume III**

June 17, 1969 to July 2, 1969

Index

**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Thursday, June 19, 1969

Senate called to order by the President.

Prayer by The Honorable Wakine G. Tanous of E. Millinocket.

Reading of the Journal of yesterday.

### Papers from the House Non-concurrent Matter

Bill, "An Act Relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees." (H. P. 1235) (L. D. 1567)

In the House June 12, 1969, Indefinitely Postponed

In the Senate June 17, 1969, Passed to be Engrossed, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference with the following Conferees appointed on its part: DURGIN of Raymond, FINEMORE of Bridgewater and DUDLEY of Enfield.

On motion by Mr. Tanous of Penobscot, the Senate voted to Insist and Join in a Committee of Conference. The President appointed the following Conferees on the part of the Senate:

Senators: TANOUS of Penobscot  
PEABODY of Aroostook  
BELIVEAU of Oxford

### Non-concurrent Matter

Resolve, Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years. (S. P. 491) (L. D. 1585)

In the Senate June 9, 1969, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendments "A" (H-534) "B" (H-537) "C" (H-541) in non-concurrence.

Mr. Katz of Kennebec then moved that the Senate Recede.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Not having read House Amendment "C", am I to assume

that this is the provision which would amend this bill to provide that the Attorney General would be elected for a four-year term?

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, if my motion prevails, there is a conflict as I see it between House Amendments "A", "B", and "C". In one case we give them a four-year term and in the other a two-year term. It would be my intention to move the indefinite postponement of House Amendment "B" which in conflict sets up a two year term.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate Recede?

The motion prevailed.

On further motion by the same Senator, House Amendment "B" was Indefinitely Postponed in non-concurrence.

Thereupon, House Amendments "A" and "C" were Adopted in concurrence and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

### Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of the following Bills: "An Act Relating to Services of Private Clubs Under Liquor Laws." House Paper 1004, Legislative Document No. 1306 and "An Act Relating to Services of Premises Not Licensed Under the Liquor Laws." House Paper 1223, Legislative Document 1555, introduced at the regular session of the Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the State Liquor Commission be directed to provide such information and assistance as the Committee deems necessary to carry out the purpose of this Order; and be it further

ORDERED, that the Committee report its findings and recommendations to the 105th Legislature. (H. P. 1276)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Katz of Kennebec, placed on the Special Legislative Research Table.

**Communications**

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine

June 18, 1969

Hon. Jerrold B. Speers  
Secretary of the Senate  
104th Legislature

Sir:

The House today voted to Adhere to its action whereby it Indefinitely Postponed Bill "An Act Establishing a State-Municipal Government Revenue Sharing Program" (H. P. 1174) (L. D. 1498)

Respectfully,

/s/ BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered Placed on File.

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine

June 18, 1969

Hon. Jerrold B. Speers  
Secretary of the Senate  
104th Legislature

Sir:

The Speaker today appointed the following Committees of Conference on the disagreeing action of the two branches of the Legislature on:

Bill "An Act relating to Mediation Authority of State Employees Appeal Board" (H. P. 1035) (L. D. 1345)

Messrs. HUBER of Rockland  
DURGIN of Raymond  
BEDARD of Saco

Bill "An Act Revising the General Laws Governing the Town Manager Form of Government" (H. P. 900) (L. D. 1161)

Mrs. BAKER of Orrington  
Mr. CUSHING of Bucksport  
Mrs. WHEELER of Portland

Bill "An Act Increasing Resident Fish and Game License Fees" (H. P. 1204) (L. D. 1531)

Messrs. WOOD of Brooks  
LEWIN of Augusta  
HUNTER of Durham

Bill "An Act Providing for Annual Revision of State Valuation" (H. P. 100) (L. D. 108)

Mrs. BAKER of Orrington  
Messrs. SUSI of Pittsfield  
FORTIER of Rumford

Bill "An Act Creating the Department of Natural Resources" (S. P. 386) (L. D. 1381)

Messrs. DONAGHY of Lubec  
MARSTALLER

of Freeport  
Miss WATSON of Bath

Bill "An Act Providing Notice or Severance Pay to Employers" (S. P. 156) (L. D. 474)

Mrs. BROWN of York  
Messrs. RICHARDSON  
of Cumberland  
DURGIN of Raymond

Resolve Proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing (H. P. 673) (L. D. 859)

Messrs. RIDEOUT of Manchester  
DENNETT of Kittery  
MARSTALLER

of Freeport  
Respectfully,

/s/ BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports  
House**

**Divided Report**

The Majority of the Committee on State Government on Bill, "An Act to Grant Adult Rights to Persons Twenty Years of Age." (H. P. 1162) (L. D. 1484) Reported that the same Ought to Pass.

Signed:

Senators:  
LETOURNEAU of York  
BELIVEAU of Oxford

Representatives:  
DENNETT of Kittery  
WATSON of Bath  
RIDEOUT of Manchester  
STARBIRD of Kingman  
D'ALFONSO of Portland  
DONAGHY of Lubec

The Minority of the same Committee on the same subject matter

reported that the same Ought Not to Pass.

Signed:

Senator:

WYMAN of Washington

Representative:

MARSTALLER

of Freeport

Comes from the House, the Majority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-562)

Which reports were Read.

Mr. Wyman of Washington moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

On motion by Mr. Martin of Piscataquis, tabled until later in today's session pending the motion by Mr. Wyman of Washington to accept the Minority Ought Not to Pass Report of the Committee.

#### Divided Report

The Majority of the Committee on Natural Resources on Bill, "An Act Providing for the Conservation and Rehabilitation of Land Affected in Connection with Mining." (H. P. 344) (L. D. 472)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1270) (L. D. 1598)

Signed:

Sensors:

BERRY of Cumberland

SEWALL of Penobscot

REED of Sagadahoc

Representatives:

CURRAN of Bangor

BROWN of York

HARDY of Hope

JAMESON of Bangor

EUSTIS of Dixfield

COFFEY of Topsham

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representative:

SNOW of Caribou

Comes from the House, the Majority Ought to Pass in New Draft Report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendments "A" (H-538) "B" (H-539) "C" (H-552) and "D" (H-556).

Which reports were Read.

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once. House Amendments "A", "B", and "C" were Read and Adopted in concurrence, and House Amendment "D" was Read.

Mr. Berry of Cumberland then moved that House Amendment "D" be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The amendments which we have put on up to House Amendment "D" have the net results of completely grandfathering the Callahan Mining Operation in hard rock mining in Hancock County and completely removing from the bill any reference to sand and gravel conservation measures. It is my personal opinion, and that of the majority of the Natural Resources Committee, that the bill in its original form provided no hardship in either of these fields. However, the effective work of the opposition has resulted in these amendments and, from a realistic standpoint, I think it is necessary to accept this change in the basic bill in order to have it continue. It does result in a significant advancement in our conservation problems in the area of strip mining and hard rock mining. I would propose to introduce at a later date a Legislative Research Order to further study the problem of sand and gravel control.

The PRESIDENT: Is it now the pleasure of the Senate that House Amendment "D" be indefinitely postponed?

The Chair recognizes the Senator from Cumberland Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I was approached about this amendment last night and this morning, and the people that are interested in this feldspar mining in Oxford County are very concerned about what this bill would do with them if they were included under it and this amendment wasn't accepted. From the discus-

sion or the recommendations they made, I feel we would be making a mistake to remove this amendment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I apologize for not having explained the effect of the cancellation or indefinite postponement of House Amendment "D". As Senator Moore has said, it is aimed and covers primarily the pegmatite industry in the State, which is primary a feldspar operation stretching from Brunswick up through Auburn into Oxford County.

Now the feldspar operations themselves are our prime contributors to the despoliation of our landscape. The committee did include in the basic bill exemptions for rock hounds, and this in no way will prohibit or inhibit their very useful and interesting pursuit. However, your committee did feel, and I am sure still do, that feldspar mines themselves should not be excluded from this. Now, these present operations are not going to suffer as a result of this; they are going to be able to continue in business just like the hard rock mining industry does, which is essentially what the feldspar interests are. I would hope that the Senate would concur in the postponement of this amendment.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Cumberland, Senator Berry, that House Amendment "D" be indefinitely postponed. As many as are in favor of indefinite postponement of House Amendment "D" will say "Yes"; those opposed will say "No".

A viva voce vote being taken House Amendment "D" was Indefinitely Postponed in non-concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

**Divided Report**

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution to Abolish the Council

and Make Changes in the Matter of Governatorial Appointments and their Confirmation. (H. P. 1016) (L. D. 1324)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington  
LETOURNEAU of York

Representative:

DENNETT of Kittery  
D'ALFONSO of Portland  
DONAGHY of Lubec  
WATSON of Bath

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

Signed:

Senator

BELIVEAU of Oxford

Representatives:

RIDEOUT of Manchester  
MARSTALLER

of Freeport

STARBIRD of Kingman

Comes from the House, the Minority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mr. Katz of Kennebec then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator From Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would hope that the motion of Senator Katz would be defeated. The institution of the Governor's Council has been proven through the years to be an effective means for the implementation of the Legislative intent. It is a pliable working tool of State Government. The appointive powers of the Governor are buttressed by the reviewing and approving powers of the Council.

I am sure that at this session, as perhaps in no other session, we have seen the very effective work that the council can do. They have risen to several crises. Their screening of applicants has done a very good job, to my knowledge, this past six months. There has

been no reason given for the abolition of the Council other than change for change sake which isn't in this instance a step in the right direction. I have not see the council act from a stubborn or willfully obstructivist viewpoint. Uniformly, regardless of the political make - up of the Council, it has been composed of people who have been very conscientious in the performance of their duties.

It would be my hope that we would continue in existence the Governor's Council until some other proven method of implementing their duties is confirmed. I do not wish to take the time of the Senate to discuss the alternatives which have been proposed to replace the council nor perhaps to question on the background of some of these proposals. The fact that we do not have many other states with Governor's Councils does not seem to carry too much water.

I have always been interested in the strength of the legislative body as the elected representatives of the people to maintain their healthy independent status. I decry concentration of power in the Governor's office, be he of either party. It seems to me that we have here, a very, very important decision to make, that the burden of proof is on those who suggest a change. I question that the arguments that have been advanced in the past do warrant the abolition of the Governor's Council. I urge you to vote against this and I would request a division.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is a Constitutional Amendment which addresses itself to very limited powers of the Council in the judicial field. It was a surprise to me to find out that in the Constitution these were essentially the powers that are given to the Council, and the Council's greatest powers are those that have been given to the council, and the Council's greatest powers are those that have been given to it by statute by succeeding legisla-

tures. There will be, of course, a bill that would attempt to make some kind of an assignment of the other powers of the Council, and I don't believe that we have seen it yet. I presume it is still down in the other branch.

I am not going to editorialize on the value or lack of value of the Council or its acceptance or lack of acceptance today, but I feel that I would urge the Senate to give this bill its first run today so that the other measure will catch up with it. If the Senate subsequently, having seen the other measure, feels that there is merit to it, then we could move on to the next step, but keeping this one alive is essential to give you an overview of the whole program. I think that there is going to be very, very substantial opportunity to debate the specifics. I question whether today is the proper time.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I would support the good Senator Berry in his remarks and ask that when the vote is taken it be by the "Yeas" and "Nays."

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I would just like to rise in support of this particular bill. It has been talked about enough and I won't carry forward any lengthy debate, other than I feel very strongly that this is needed.

I think the one area which hasn't been explored enough by past legislatures has been the fact that the abolition of the Council, I believe, would be an excellent way to strengthen the legislature. My experience here has been that there is a lack of communication between the legislature, the leadership and the Chief Executive, and I feel as if partly the blame for this has been the Council. I think it acts as a buffer between the Chief Executive and the legislature

and it has caused a lot of problems in the past.

I think that the Council has basically been comprised of good men. I have called this a political graveyard in the past and I think it still is. I find my own self, I have served in the House, I have served in the Senate, I can't quite make the top spot so, you know, that is a good place to retire to. I think it has been used for this and I am opposed to it. I think it should be abolished. I know it is a tough thing because it has been going on for a long time. I don't think it is change for change sake; I think it is a change for the better and, therefore, I support it.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington, Mr. President and Members of the Senate: Is the motion to recede and concur?

The PRESIDENT: The Chair would inform the Senator that the motion was made by the Senator from Kennebec, Senator Katz, that the Senate accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Letourneau.

Mr. LETOURNEAU of York: Mr. President and Members of the Senate: I will go along with the good Senator Katz's motion so it can be debated further, but in the long run I will be opposed to this bill. I just want to make my position clear on it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate accept the Minority Ought to Pass Report of the Committee on Resolve, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and their Confirmation. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will state the question once more. The pending question is the motion of the Senator from Kennebec, Senator Katz, that the Senate Accept the Minority Ought to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Beliveau, Boisvert, Cianchette, Duquette, Gordon, Hoffses, Katz, Kellam, Letourneau, Reed, Sewall, Tanous, Violette and President MacLeod.

NAYS: Senators Anderson, Barnes, Bernard, Berry, Conley, Dunn, Greeley, Hanson, Logan, Martin, Mills, Minkowsky, Moore, Peabody, Quinn, Stuart and Wyman.

ABSENT: Senator Levine.

A roll call was had. Fourteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, with one Senator absent, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I move for reconsideration of the acceptance of the Ought Not to Pass Report and hope that my motion fails.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that the Senate reconsider its action whereby they accepted the Majority Ought Not to Pass Report of the Committee on Resolve, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and their Confirmation.

The Chair recognizes the Senator from Kennebec, Senator Katz.



Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am not sure that this is a necessary motion. It is a Constitutional Amendment which requires two-thirds for passage. Despite the evident displeasure of the Senate that has been expressed this morning, I think that there would be merit in keeping this around in front of us until the companion legislation shows up so you can see the intent of the proponents. On that basis, I hope that the motion does not prevail. There might be some merit to tabling this for a day, and presumably somewhere in these legislative halls the companion message is floating around.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Logan.

Thereupon, on motion by Mr. Logan of York, tabled, pending the motion by Mr. Mills of Franklin that the Senate reconsider its action whereby the Majority Ought Not to Pass Report of the Committee was Accepted.

#### **Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act relating to Neglect of Official Duty by Municipal Officers." (H. P. 528) (L. D. 699) ask leave to report: that they are unable to agree.

On the Part of the House:

FINEMORE

of Bridgewater  
DENNETT of Kittery  
BRENNAN of Portland

On the part of the Senate:

VIOLETTE of Aroostook  
MILLS of Franklin  
QUINN of Penobscot

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in Concurrence.

#### **Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act relating to Molesting Game Animals by Snowmobiles." (H. P. 890) (L. D. 1149)

ask leave to report: that they are unable to agree

On the part of the House:

DYAR of Strong  
DAM of Skowhegan

On the Part of the Senate:

BARNES of Aroostook  
MARTIN of Piscataquis

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### **Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Closing the Military and Naval Children's Home and Disposing of the Property." (H. P. 757) (L. D. 977) ask leave to report: that the House recede from substituting the Bill and engrossment of same for the Report of the Committee on Health and Institutional Services reporting same in a new draft (H. P. 1203) (L. D. 1530) under title of "An Act relating to the Military and Naval Children's Home"; that the House accept the Report of the Committee, Adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede from passage to be engrossed, adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

On the part of the House:

BRAGDON of Perham  
BENSON

of Southwest Harbor

MARTIN of Eagle Lake

On the part of the Senate:

REED of Sagadahoc  
CONLEY of Cumberland  
STUART of Cumberland

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-553), in non-concurrence.

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede from its action whereby the Bill was Passed to be En-

grossed. Conference Committee Amendment "A" was Adopted in concurrence and the Bill, as Amended, Passed to be Engrossed in concurrence.

**Senate**

**Ought to Pass in New Draft**

Mr. Cianchette for the Committee on Highways on Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Thirty-one Million Seven Hundred Forty Thousand Dollars on Behalf of the State of Maine to Build State Highways." (S. P. 127) (L. D. 389)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Authorize the Issuance of Bonds in the Amount of Twenty-one Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways." (S. P. 521)

Which report was Read and Accepted, the Bill, in New Draft, Read Once and tomorrow assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Taxation on Bill, "An Act Relating to Assistance to Municipal Assessors." (S. P. 306 (L. D. 999)

Reported that the same Ought to Pass in New Draft "A" Under Same Title. (S. P. 518) (L. D. 1605)  
Signed:

Senator:

MARTIN of Piscataquis  
Representatives:  
FORTIER of Rumford  
ROSS of Bath  
SUSI of Pittsfield  
WHITE of Guilford  
DRIGOTAS of Auburn  
HARRIMAN of Hollis

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft "B" Under Same Title. (S. P. 519) (L. D. 1606)

Signed:

Senators:

WYMAN of Washington  
HANSON of Kennebec  
Representative:  
COTTRELL of Portland

Which reports were Read.

Mr. Martin of Piscataquis moved that the Senate Accept the Ought to Pass in New Draft "A" Report of the Committee.

Thereupon, on motion by Mr. Logan of York, tabled until later in today's session, pending the motion by Mr. Martin of Piscataquis to Accept the Ought to Pass in New Draft "A" Report of the Committee.

**Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Relating to the Statute of Limitations for the Malpractice of Physicians." (S. P. 85) (L. D. 279) ask leave to report: Unable to agree

On the part of the Senate:

STUART of Cumberland  
MOORE of Cumberland  
DUNN of Oxford

On the part of the House:

BERMAN of Houlton  
MORESHEAD of Augusta

Which report was Read and Accepted.

Sent down for concurrence.

**Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Increasing Certain Fish and Game Fines." (H. P. 1204) (L. D. 1531) ask leave to report: that they are Unable to Agree.

On the part of the Senate:

TANOUS of Penobscot  
KELLAM of Cumberland  
MILLS of Franklin

On the part of the House:

WOOD of Brooks  
HUNTER of Durham  
LEWIN of Augusta

Which report was Read and Accepted.

Sent down for concurrence.

**Final Report**

The Committee on Natural Resources submitted its Final Report.

Which was Read and Accepted.

Sent down for concurrence.

**Second Readers**

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

**House**

Bill, "An Act Relating to the Purposes and Powers of the Maine Port Authority." (H. P. 1265) (L. D. 1595)

Which was Read a Second Time and Passed to be Engrossed in concurrence.

**House - As Amended**

Bill, "An Act to Provide for the Interception of Wire and Oral Communications." (H. P. 769) (L. D. 1002)

Which was Read a Second Time. On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Passage to be Engrossed.

**Enactors**

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

An Act Increasing the Number of Official Court Reporters. (S. P. 137) (L. D. 434)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act to Create the Mountain Resorts Airport Authority. (S. P. 368) (L. D. 1281)

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

An Act to Amend the Charter of the City of Portland. (S. P. 379) (L. D. 1289)

(On motion by Mr. Katz of Kennebec, tabled, pending Enactment.)

An Act Relating to Mandatory Discharge of Chattel Mortgages and Notes. (H. P. 929) (L. D. 1190)

An Act Prohibiting the Conducting of Contests and Games by Retail Sellers. (H. P. 1207) (L. D. 1534)

(On motion by Mr. Logan of York, temporarily set aside.)

An Act Creating Civil Liability to the State for Pollution of Waters. (H. P. 1255) (L. D. 1587)

An Act to Grant a New Charter to the Town of Brunswick. (H. P. 1260) (L. D. 1590)

Which, except for the tabled matters, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

The President laid before the Senate the matter previously set aside as requested by Mr. Anderson of Hancock, An Act to Create the Mountain Resorts Airport Authority.

Mr. Anderson of Hancock then moved that the Bill be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: I am very sorry to hear such a motion put on the floor on such a good bill, one that means so much to the State of Maine and I will ask for a division on the motion. I think this item has been debated enough in this chamber and the other and I think that everyone is aware of what it means for the State of Maine.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am in sort of a bind on this, Mr. President. I guess on this one I was for the bill on my first impression, and when the other one came along for creating the township out of the lake I expressed some doubt about the advisability of that. Then I met with quite a few from up there when I had to be up there for dinner the other night and there is a lot of local sentiment. I don't know whether they are misguided by Boston and New York financiers or not, but there is quite a lot of feeling locally that it is a good thing and they challenge you to point out why it isn't. I probably will vote for it but I am not thoroughly convinced that it is what they ought to have.

This one here is a little easier to understand than the one that is coming along, the one about incorporating a town. That one seemed to be the hardest one to swallow. There is quite a lot of impetus behind this and they put it up to you that it isn't going to do any harm. It may do a lot of good and help them sell some of those bonds, I think, tax-exempt bonds.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: Originally this bill came out of State Government Committee, if I remember correctly, with a Majority Ought Not to Pass. The bill is being changed and amended. As I recall originally, it had eminent domain covering the whole State. It has been changed a great deal. I don't have a copy incorporating the changes, and I would appreciate it if somebody who is familiar with this would explain very briefly what is incorporated in the bill at this time.

The PRESIDENT: The Senator has posed a question through the Chair, which any Senator may answer if he desires.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: I don't know that I could answer the question fully without reading the entire bill as to what is incorporated in the bill. It allows an authority for an airport to be constructed in the Mountain Resorts Area and that area has been limited and specified by amendment to a particular area. There were many objections to technicalities in the bill. These, to my knowledge, have been amended, and it has been amended in numerous areas but, basically, to answer the question, it allows an authority to be formed to build an airport in the Flagstaff area. The technicalities, I don't know how else to describe them at this time.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I don't want to pick at nits, as the saying goes, but would the good Senator describe what is incorporated in the Flagstaff area?

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: The area, under House

Amendment "A" and Senate Amendment "A" to House Amendment "A", it restricts it to a thirty mile radius within the mountain area of west central Maine. I don't have the filing number, but it limits it to a point at an intersection of roads and within a thirty mile radius of that point, so that they can't build anywhere in the State of Maine. It definitely will be in the Flagstaff-Bigelow Mountain Area.

The President: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I discussed this measure with Senator Cianchette before the session started and I had the impression his mind was open to putting this bill in proper form. I also had the impression that Senator Cianchette felt that I had said originally that I would prepare the amendments and I was quite in accord with the amendments as they stand on the bill now. I have a third impression, the way he has spoken now, that he considers the bill in good form and wishes to rise and fall on the bill in its present form. If this is the case, I would be opposed to the bill and would support Senator Anderson's motion.

Actually the bill has quite a few objectional features. The limitation of the right of eminent domain and the activities of the proposed airport authority are anywhere within the thirty miles radius of the junction of Route 16 and 27 in the Town of Eustis, and this figures out somewhere in the vicinity of 800 square miles of the State of Maine within which this authority can operate.

Needless to say, if this were an authority like the Maine Turnpike Authority or the Maine Port Authority, which are in truth instrumentalities of the State of Maine, and were created for the State of Maine and for the benefit of everybody in the State of Maine, I think our viewpoint would be slightly different. However, as the bill stands now, under any interpretation one can put upon it,

it is nothing but a private and special act and it must be regarded as that. The bill gives the blessing of the State to certain operations of the authority, but the basic purpose of the bill is to make money for the people who are going to sell the bill or to the people who are landowners, the corporations who are landowners, in the affected area.

One of the original objections which I voiced to the bill was the very, very broad powers that it gave to this authority. All one needs to do is look at the definition of the word "airport" in the original bill where it defines airport in terms that you and I understand an airport to be, and then goes on and talks about shopping facilities, residential construction and any other type of operation deemed advisable by the members of the authority. Now this is pretty broad. In considering that there are municipal police powers involved here, tax exemption from real estate taxes, sales tax, any form of taxation, and the powers of eminent domain are granted, the red flag has been waving. The redefinition of the word "airport" is even worse than the original one, because an airport is defined in the amendment as what once again you and I think of as a strict airport, and then it goes on to say "but not limited to," and of course these words are extremely broad.

These very basically are the objectionable features still in the bill. If Senator Cianchette wishes to keep them there, I would be forced to vote against the bill. If these are amended out, and I would be glad to help out if this is necessary, I would support an amendment to do this.

The PRESIDENT: The Chair recognizes the Senator from Aroostook Senator Barnes.

Thereupon, on motion by Mr. Barnes of Aroostook, tabled and tomorrow assigned, pending the motion by Mr. Anderson of Hancock to Indefinitely Postpone.

The President laid before the Senate the matter previously set aside as requested by Mr. Logan of York, An Act Prohibiting the

Conducting of Contests and Games by Retail Sellers. (H. P. 1207) (L. D. 1534)

The PRESIDENT: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: In regard to Item 8-5, I have no particular grief for this particular bill but I do feel it is my obligation to point out to you that in its present form it will certainly be tried in the courts immediately, and in its present form it is almost certainly unconstitutional. The Senate receded and concurred with the House and thereby put back on House Amendment "A" to the Minority Report which amends this to retail gasoline stations, and this is class legislation and is unequal treatment under the law. I would suspect if this is enacted we would be enacting an unconstitutional bill. This is my last act in regard to this measure. Mr. President.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### **Constitutional Amendment**

Resolve, Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises. (S. P. 391) (L. D. 1316)

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I am having an amendment prepared for this. I would appreciate it very much if somebody would table this until the next legislative day.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Thereupon, on motion by Mr. Bernard of Androscoggin, tabled and tomorrow assigned, pending Final Passage.

(Off Record Remarks)

On motion by Mr. Katz of Kennebec,  
 Recessed until the sound of the bell.

**After Recess**

Called to order by the President.

**Orders of the Day**

The President laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (S. P. 449) (L. D. 1483)

Tabled — June 18, 1969 by Senator Hoffses of Knox.

Pending — Consideration.

On motion by Mr Katz of Kennebec, retabled and specially assigned for 3:00 o'clock this afternoon, pending Consideration.

The President laid before the Senate the second tabled and specially assigned matter:

Resolve, "Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary." (H. P. 21) (L. D. 24)

Tabled — June 18, 1969 by Sention Hoffses of Knox.

Pending — Motion by Senator Katz of Kennebec to Reconsider Action whereby Resolve Failed of Final Passage.

On motion by Mr. Hoffses of Knox, retabled until later in today's session, pending the motion by Mr. Katz of Kennebec that the Senate Reconsider its Action whereby the Resolve Failed of Final Passage.

The President laid before the Senate the third tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officials of Kennebec County." (H. P. 971) (L. D. 1259) Majority Report, Ought to Pass in New Draft Under New Title; Bill, "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court

Messenger of Cumberland County." (H. P. 1230) (L. D. 1563) Minority Report, Ought to Pass in New Draft Under New Title on Bill, "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County." (H. P. 1231) (L. D. 1564)

Tabled — June 18, 1969 by Senator Katz of Kennebec.

Pending — Motion by Senator Mills of Franklin to Accept the Minority Ought to Pass Report in New Draft (H. P. 1231) (L. D. 1564)

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: In urging the motion of acceptance of the Minority Report, I would simply state that we have talked about this bill several times before, and I would just remind you of the fact that the Minority Report embraces endorsements for salaries in the various counties of the delegations. After quite a lot of pulling and hauling down in the other branch, it comes from there, as you can see from this record, as having been adopted. I think there has been some suggestion of an amendment here, and I am sure the committee feels that if the county delegations consolidate a position in regard to any amendment in their county, that should be given great consideration, of course. The bill is just on its way, just starting, and we will have plenty of time for proposed amendments if there are some, but we would suggest to the members that any amendment be submitted first to the delegation involved to receive its approval. Then, as far as the committee is concerned, I think, they won't have much objection to whatever the delegation approves, providing it is provided for amply in the budget that we have passed. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Franklin, Senator Mills, that the Senate accept the Minority Ought to Pass in New Draft Report of

the Committee. Is this the pleasure of the Senate:

Thereupon, the Minority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "E", Filing No. 522, was Read and Adopted in concurrence.

Thereupon, on motion by Mr. Wyman of Washington, retabled until later in today's session, pending assignment for Second Reading.

The President laid before the Senate the fourth tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Taxation on Bill, "An Act Relating to Property Tax Administration." (S. P. 392) (L. D. 1340) Report "A", Ought to Pass in New Draft "A" Under Same Title (S. P. 515) (L. D. 1604) Report "B", Ought to Pass in New Draft "B" Under Same Title (S. P. 516) (L. D. 1602) Report "C", Ought Not to Pass.

Tabled — June 18, 1969 by Senator Hoffses of Knox.

Pending — Motion by Senator Wyman of Washington to Accept Report "B" Ought to Pass in New Draft "B".

On motion by Mr. Wyman of Washington, retabled until later in today's session, pending the motion by Mr. Wyman of Washington that the Senate Accept Report "B" Ought to Pass in New Draft "B".

The President laid before the Senate the fifth tabled and specially assigned matter:

Bill, "An Act to Revise the Pharmacy Laws." (H. P. 1175) (L. D. 1496)

Tabled — June 18, 1969 by Senator Stuart of Cumberland.

Pending — Motion by Senator Mills of Franklin to Reconsider Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I have perhaps fifteen or twenty minutes of material here. If anyone thinks that is grounds for tabling, I would accede to a tabling motion until later in today's session.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Stuart.

Thereupon, on motion by Mr. Stuart of Cumberland, retabled until later in today's session, pending the motion by Mr. Mills of Franklin to Reconsider Passage to be Engrossed.

The President laid before the Senate the sixth tabled and specially assigned matter:

Bill, "An Act to Give Relief to Elderly Persons from the Increasing Property Tax." (S. P. 474) (L. D. 1550)

Tabled — June 18, 1969 by Senator Martin of Piscataquis.

Pending — Motion by Senator Wyman of Washington to Adopt Senate Amendment "C" — Filing S-287.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: It takes a great deal of courage to rise in opposition to L. D. 1550, which is designed for the purpose of granting relief from the property tax for low income elderly persons. While I wholeheartedly concur with the objective of relieving low income persons from the burdensome property tax, I feel that L. D. 1550 is entirely the wrong method of providing such relief.

My reasons for requesting the Senate to indefinitely postpone the Bill are several: One, this bill provides for property tax relief to only those persons who are elderly and own property. What about the other elderly low income people who rent and pay property taxes indirectly through rent.

Two, there is no limitation on the value of the single family dwelling that is exempt from increase in the property tax.

Three, the impact of the passage of this act on municipalities would be very detrimental. Think about it for a moment. Passage of this act will mean that municipalities have approximately \$150,000 to \$200,000 in property tax payments deferred to 1970. Consequently, the city or town will have to borrow

or raise property taxes higher to obtain sufficient cash revenue to operate. The net result will be higher property taxes for many persons who are also on low income.

Four, the total amount of property taxes which municipalities will waive over the next several years if this bill is passed could cost cities and towns considerable revenue problems. The bill could result in better than \$1,000,000 outstanding in uncollected taxes by 1973.

Five, the only proper method to provide for relief to the elderly on low income is for the State to reimburse the municipalities for revenue losses or for the State to establish a method of direct reimbursement of property taxes to the individuals involved.

In conclusion, Mr. President, I would suggest that until this legislature is willing to take the political responsibility for appropriating monies for property tax relief for low income persons, and not discriminate by providing exemptions for only certain classes of such people, we are only kidding ourselves. L. D. 1550 is not a property tax relief bill; it only defers the payment of such taxes. I now move indefinite postponement of L. D. 1550 and all its accompanying papers.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, now moves that Bill, "An Act to Give Relief to Elderly Persons from the Increasing Property Tax," be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I can agree with some of what the good Senator from Piscataquis says. I think it would be wonderful to have the State pick up the tab on this bill and reimburse the towns.

Now, two years ago we had a bill just about like this, and somewhere along the way it did have an amendment or a change to provide that the State pick up the tab on it. The bill failed due to lack of money. If this bill were to be amended to provide for the State

to pick up the tab, again, I think it would fail.

Now, this doesn't do very much. The town does not lose in the end. They have a claim on the property the same as they do on a veteran's property. We haven't done anything along this line, and I admit it is not very much, but I think it is better than nothing and I certainly oppose the motion of the good Senator from Piscataquis, and I hope the Senate will not go along with the indefinite postponement of this bill. We are talking about these older people who have saved, who are trying to live and maintain their homes, they don't have much ahead of them but a few years and death, and this tax is eating them up. This may not be the right answer, but I think it is the best we can come up with at this time to give these old people a little bit of encouragement to stay in their homes, or they may move out and become an expense to the towns. Once more, please oppose the motion to indefinitely postpone.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am very much opposed to the motion of Senator Martin. As the Senator from Washington, Senator Wyman, said, it isn't as much as we would like to do, but I want you gentlemen to remember that we are waiving the tax increase, not the complete tax, but any increase in the future.

Senator Martin brought out the figure of \$200,000 next year. If it is that much of an increase for the elderly people — now, you remember that this is for people with an income of less than \$4,000 — if his figures are right at \$200,000, and he says in 1973 it will be \$1,000,000, God knows that they do need this exemption. The only reason that this was recalled from the Governor's office is that I talked it over with his assistant and showed him where we were wrong in using the word "abatement" instead of "waiver". Now, it was good enough for us to pass it before and I hope that you will



correct this error and send it back to the Governor.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: This bill will sure not do much for the elderly. What this bill will do, it will freeze the tax at its present level. For instance, if a property has a \$2,000 assessed value, with a rate of 100 mills, for easy figuring, the tax will be \$200. This will freeze the tax to that \$200 figure. Next, the following year if the mill is increased by increased appropriations in the town to 102 mills, again on a \$2,000 value that will be a \$204 tax, so this will reflect a decrease in taxes to the elderly to the person involved by the four dollars. It will give the town the privilege of filing a lien for four dollars. The next year, due to a tax increase, it might be for six dollars or eight dollars.

I am all for helping the elderly, but I am not for giving them peanuts where they deserve consideration. Again, this is helping those with property; it is not helping those without property with the same income. That is the reason that I am against this. It would reflect a \$200,000 loss to the municipalities throughout the State, but just try to realize just how picayunish the elderly will benefit by this.

This is spread out throughout the whole State of Maine, and in many cases it is going to oblige the towns to process liens, probate liens, probate their claim, when the elderly should happen to leave us, or in the case where the elderly person sells his property the town has a small claim of a picayunish amount. Again I want to stress the point that I am all for helping the elderly, but this is not the vehicle we need to help them.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Hanson.

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: I would more or less agree with the remarks the good Senator from Piscataquis has made, but I also concur with the remarks the

good Senators Wyman and Moore have made as well. I feel that these elderly in their homes, that have lived there for many years and so forth, should not have the liens in the regular process of the law take effect because possibly in their later years in life they might be kicked out of their home.

The bill does not do as much as what I would like to see be done, and I know or I feel that I am speaking for all of us present, but I would hope that this would go through because I think that this can possibly help those that need the help the most of any of our senior citizens.

They mentioned the price of peanuts and so forth, and I think possibly that in some cases this could be true. With inflation, the interest on money going where it has already gone, and it appears as though it would go higher, I feel we should do what we could to protect the elderly rather than to impose upon them more. This would be scattered throughout the different municipalities, and I don't think that there are too many that would be affected in any particular municipality. I oppose the motion of the Senator to indefinitely postpone.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: The good Senator from Piscataquis has brought up a hypothetical case where this would amount to three dollars of four dollars. Well, I can bring up another one where some of these towns have been revalued and where the rate may be three per cent and in a short time it goes to four, five, or six per cent and on a \$2,000 valuation this would be \$60.00.

The Senate has gone on record once in favor of this bill. It was called back on account of technicalities, and I certainly hope that the Senate will support their previous action. I ask for a division.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the

Senate: I have been sitting here listening to the remarks of the good Senator from Piscataquis, and I guess perhaps I am a little bit confused as to just exactly what his motivation is in this matter. He has indicated by the debate the loss of revenue to the towns. Now, if my memory doesn't fail me completely, I think it was a few short months ago that we had quite an extensive debate in regard to personal property. The City of Augusta, I believe it was pointed out, would lose \$15,000 by this piece of legislation. Now, if the Senator from Piscataquis is concerned about the small towns and their loss of revenue, perhaps he would like to reverse his position in regard to the personal property tax which this legislature repealed earlier in the session.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and members of the Senate: To inform the good Senator about my motivation on this, it isn't on account of loss of revenue to the towns.

Again, coming back to my support of the bill that was enacted some time during the winter exempting T.V., television sets, from personal property tax, my reason for wanting to exempt television sets was that they were impossible to assess fairly without discrimination; not because there would be a loss of revenue to the town, but because of the impossibility of assessment, a fair and equitable assessment. My motivation along these lines is not regarding the towns; it is regarding the good to the elderly people.

I would go along with this bill if it could be changed somewhat so as to really help the elderly. It certainly isn't helping the elderly the way it is written. This is the reason I am for indefinite postponement of this bill. I would go along with tabling this and amending it so that the elderly will be helped. I don't think that it is right to pass on peanuts to the elderly where they deserve a great deal of assistance.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Piscataquis, Senator Martin, that Bill, "An Act to Give Relief to Elderly Persons from the Increasing Property Tax", be indefinitely postponed. A division has been requested. As many Senators as are in favor of indefinite postponement will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Eight Senators having voted in the affirmative, and twenty-two Senators having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "C" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the seventh tabled and specially assigned matter:

Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law." (H. P. 622) (L. D. 810)

Tabled—June 18, 1969 by Senator Levine of Kennebec.

Pending — Passage to be Engrossed.

On motion by Mr. Hanson of Kennebec, retabled until later in today's session, pending Passage to be Engrossed.

The President laid before the Senate the eighth tabled and specially assigned matter:

Bill, "An Act to Provide for the Construction and Improvement of Airports throughout the State; for a Tourist Information Building at Kittery; a State Office Building; the Repair and Improvement of certain State-owned Buildings; and provide for other essential improvements to facilities for the Departments of Adjutant General, Finance and Administration, Civil Defense and Public Safety, Health and Welfare, Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$11,140,000. (H. P. 307) (L. D. 394)

Tabled — June 18, 1969 by Senator Sewall of Penobscot.

Pending — Adoption of Committee Amendment "A"—Filing H-487.

Mr. Peabody of Aroostook then presented Senate Amendment "D" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "D", Filing No. S-288, was Read.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Peabody.

Mr. PEABODY of Aroostook: Mr. President and Members of the Senate: Since I have already talked on a like amendment, I would like to speak briefly and try not to repeat myself.

This is not a political issue or a local issue. I am speaking for what I think is for the best interests of the tourists traveling in the State of Maine. As mentioned before, there is no information center on Interstate 95 between the Canadian border at Houlton and Kittery, Maine, a distance of over 300 miles. At three or more points on Interstate 95 one can look across the valley of forest land to Mount Katahdin, the home of Baxter Park, a gift to the State of Maine by our late Governor Baxter, a beautiful, scenic picture. Gentlemen, there is not one sign, not even a road sign, before one turns off at Millinocket to tell the tourists from Canada that this is a scenic view of Mt. Katahdin, the home of Baxter Park. I feel that many Canadian tourists look at this beautiful mountain and wonder what it is, and they wonder if it is in Maine or in Canada. An information center at the Canadian border would give these tourists this information and would give them time to make plans to visit this park.

We talked here a few days ago regarding a ferry between Portland and Nova Scotia, and this would bring more tourists to Interstate 95 at the Canadian border. Tourists taking the ferry from Portland would go to Nova Scotia, Cape Breton, Prince Edward Island and back to New Brunswick to pick up the Trans-Canada Highway and back to Maine. As I have been informed, very few tourists will take this ferry both ways.

Now, I do not think that there is a Senator here in the room that thinks we shouldn't have tourist information at both ends of Interstate 95. The problem is money, but the cost to the State will never be any less than it is today. I thank you Mr. President, and members of the Senate.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "D" to Committee Amendment "A"?

The motion prevailed.

Thereupon, Committee Amendment "A", as Amended by Senate Amendments "B", "C", and "D" thereto, was Adopted in non-concurrence and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the ninth tabled and specially assigned matter:

Bill, "An Act Relating to Powers and Duties of the Attorney General." (S. P. 142) (L. D. 424)

Tabled — June 18, 1969 by Senator Katz of Kennebec.

Pending — Motion by Senator Mills of Franklin to Suspend the Rules and Reconsider Enactment.

Thereupon, the Senate voted to suspend the rules and reconsider its action whereby the Bill was Enacted.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I understand that after I left yesterday there was some colloquy between two learned Senators in regard to this, and the upshot of it was that one wanted to kill the bill and the other one thought we ought to hold it. I think I can resolve it. I think all parties at this point, all parties in interest, feel that there is no further purpose in the legislation and that it could appropriately be indefinitely postponed at this point, and I so move, Mr. President.

The PRESIDENT: The Senator from Franklin, Senator Mills, now moves that the bill be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed and the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the tenth tabled and specially assigned matter:

Bill, "An Act Revising Certain Probate Laws." (H. P. 522) (L. D. 693)

Tabled — June 18, 1969 by Senator Katz of Kennebec.

Pending — Enactment.

On motion by Mr. Sewall of Penobscot, retabled until later in today's session, pending Enactment.

The President laid before the Senate the eleventh tabled and specially assigned matter:

Joint Order — Relative to Legislative Research Committee study of (H. P. 95) (L. D. 104) on Bill, "An Act Relating to Chiropractic Services for Injured Employees Under Workmen's Compensation Law." (S. P. 506)

Tabled — June 18, 1969 by Senator Hoffses of Knox.

Pending — Passage.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: If you recall when L. D. 104 came before us I spoke on this matter and said if I was supported in my position that I would submit an order for study. I don't feel strongly one way or the other on it, but I thought that I should fulfill my commitment by submitting this order for a study of L. D. 104.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, placed on the Special Legislative Research Table.

There being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

On motion by Mr. Hoffses of Knox,

recessed until 2 o'clock this afternoon.

### After Recess

Called to order by the President. The President laid before the Senate the first matter tabled earlier in today's session, by Mr. Martin of Piscataquis :

### Divided Report

The Majority of the Committee on State Government on Bill, "An Act to Grant Adult Rights to Persons Twenty Years of Age." (H. P. 1162) (L. D. 1484)

Reported that the same Ought to Pass.

Signed:

Senators:

LETOURNEAU of York  
BELIVEAU of Oxford

Representatives:

DENNETT of Kittery  
WATSON of Bath  
RIDEOUT of Manchester  
STARBIRD of Kingman  
D'ALFONSO of Portland  
DONAGHY of Lubec

The Minority of the same committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

WYMAN of Washington

Representative:

MARSTALLER of Freeport

Comes from the House, the Majority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-562).

Pending — the motion by Mr. Wyman of Washington that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: It seems to me I looked at it at the time, but I was wondering if someone would explain what House Amendment "A", Filing No. H-562, does? Would someone explain that to me?

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, has posed a question through the Chair, which any Senator may answer if he so desires.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: As I recall, House Amendment "A" was an amendment to the bill which would apply to all statutory changes involving minors and adults. The original bill was not extensive enough in the sense that it did not amend our existing statutes to comply with reducing the adult age from 21 to 20. This amendment, which I understand is a very lengthy document, would accomplish this. In other words, to conform our existing law to — as a matter of fact, the amendment isn't in my binder here, but I have read the amendment and this amendment would only conform our existing statutes to reducing from 21 to 20 the age of an adult so that we could conform to the rest of our statutes. The original bill was not extensive enough because if it were passed in its original form there are many statutes to which it would apply which would not have been amended and this, after extensive review by the attorney general's office, has accomplished this. Now, I do not have one before me; I don't know whether it was distributed or not. The document is 41 pages long and I would be happy to read it to avoid any conflict here this afternoon. But, if you will notice in reviewing it, it refers to various sections of Title 22 to Title 28 and 29, some of which are criminal codes, as to the alcoholic laws, and other instances where the age 21 is a controlling factor. For instance, on page 7 you will find "Church Supporters May Participate — a local church may by its bylaws extend to all persons not members of the church who are 21 years of age and upward." This merely amends it to 20 years. So, as I said earlier, it conforms our existing statutory law to the intent of this particular bill.

As you all know, this is a compromise where many people who were opposed to the 18 or 19 year old vote agreed to this document as is before us. So, I would urge the members to oppose the motion to accept the Ought Not to Pass

Report so that we in turn can pass the bill and be in conformity with the action of the House as well. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I voted my convictions on this bill, however, I think there is a strong indication that the legislature desires it, so I'm not going to oppose it any further.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: Very briefly, I find myself in a quandary on this. I happen to be very much in favor of it and I am very much in favor of reducing the voting age to 20, however, the voting age has to go out for a referendum whereas this does not, as I understand it. I would simply like to express my concern that we might wind up with full adult rights for persons 20 years of age, with the voting age held to 21. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Minority Ought to Pass Report on Bill, "An Act to Grant Adult Rights to Persons Twenty Years of Age."

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: If I heard correctly, I thought the good Senator from Washington, Senator Wyman, wanted to withdraw his motion and is now supporting the bill. I think he does; that is what he is nodding.

The PRESIDENT: The Senator is not withdrawing his motion.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: First I would like to thank the Senator from Oxford, Senator Beliveau, for reminding me about the amendment. I just overlooked it; it is just 41 pages. Secondly,

I would request a division so that this bill could be moved along and we could find out more about it.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I had the privilege, as I mentioned yesterday, of going down to Orono and seeing Boys' State in action. Senator Logan's son and my son happened to be there on the same floor, and I understand they are voting together too on various things that come along.

I am sure that if he had seen those boys, as I did last night, welcome the Governor as he came in, and also give such a tremendous tribute to Jim Boyle, who started Boys' State, there wouldn't be any question in his mind about where the youth of this State is heading, because this was as inspiring a performance as I have ever seen.

I saw the Nazi youth some thirty-two years ago in their parades and their organizations in Hitler's Germany, the militarism and so forth, and I was reminded in an opposite way last night of the very splendid appearance of our boys in semi-military formation, but with the most tremendous enthusiasm that human beings are capable of and that can only come from the mouths and the hearts of sixteen-year-olds. Jim Boyle stood over there at the side of that hall and he was pointed out as the father of this thing, this Boys' State, having run it for twenty-two years. I think Jim Boyle is about 86 or 87 years old. He was the Adjutant of the American Legion in Maine, you know, for a great many years and he was at the Paris Conference when they organized the American Legion after the First World War and, if any man in this life wants a reward, he couldn't ask for any more than that tribute that they gave him. Second to that was the tribute that they gave the Governor.

There was only two long hair cuts in that whole bunch of 500 boys, I think, and they weren't

very long either as some of our Senators have it just about as long as they had it; some that are close to the same age.

Mr. President, I wish we could import some of that enthusiasm that Boys' State has got into our activities, and some of the daring and the spirit of youth, because I am sure that they are going to dispose of a lot of these questions all in one week up there. The President, when he was inaugurated, came out with his platform, and he led off, I think, by using the alphabet — he led off with "Abortions" first. Perhaps he wanted a controversial platform. But it was a most inspiring thing, and I am sure that we will send out the word that we are in favor of supporting the intellect of these twenty-year-olds by supporting this bill.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: Sometimes I can recognize when I am beaten, and this is one of them. In order to get on with the business of the Senate, I will withdraw my motion.

The PRESIDENT: The Senator from Washington withdraws his motion. Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee?

On motion by Mr. Anderson of Hancock, a division was had. Twenty-four Senators having voted in the affirmative, and six Senators having voted in the negative, the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once.

House Amendment "A", Filing No. H-562, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

The President laid before the Senate the second matter tabled earlier in today's session, by Mr. Logan of York:

#### **Divided Report**

The Majority of the Committee on Taxation on Bill, "An Act

Relating to Assistance to Municipal Assessors." (S. P. 306) (L. D. 999)

Reported that the same Ought to Pass in New Draft "A" Under Same Title. (S. P. 518) (L. D. 1605)

Signed:

Senator:

MARTIN of Piscataquis

Representatives:

FORTIER of Rumford

ROSS of Bath

SUSI of Pittsfield

WHITE of Guilford

DRIGOTAS of Auburn

HARRIMAN of Hollis

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft "B" Under Same Title. (S. P. 519) (L. D. 1606)

Signed:

Senators:

WYMAN of Washington

HANSON of Kennebec

Representative:

COTTRELL of Portland

Pending — the motion by Mr. Martin of Piscataquis that the Senate Accept the Ought to Pass in New Draft "A" Report of the Committee.

On motion by Mr. Wyman of Washington, retabled and tomorrow assigned, pending the motion by Mr. Martin of Piscataquis to accept the Ought to Pass in New Draft "A" Report of the Committee.

The President laid before the Senate the third matter tabled earlier in today's session, by Mr. Katz of Kennebec:

Bill, "An Act to Provide for the Interception of Wire and Oral Communications." (H. P. 769) (L. D. 1002)

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I have been unable to come up with a suitable amendment on this bill. It is my understanding that the Senator from Oxford, Senator Beliveau, is at work on an amendment that I think will prove satisfactory, and I might suggest this be tabled until the next legislative day.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Thereupon, on motion by Mr. Beliveau of Oxford, retabled and tomorrow assigned, pending Passage to be Engrossed.

The President laid before the Senate the fourth matter tabled earlier in today's session, by Mr. Hoffses of Knox:

Resolve, Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary. (H. P. 21) (L. D. 24)

Pending — the motion by Mr. Katz of Kennebec that the Senate reconsider its action whereby the Resolve Failed of Final Passage.

Thereupon, the Senate voted to reconsider its action whereby the Resolve Failed of Final Passage.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Resolve was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-299, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I direct the Senate's attention to this amendment. It very clearly says what we said the other day, that there are no partisan implications to this and no political implications. The amendment clearly states that on the call of the President of the Senate and the Speaker of the House, with the consent of a majority of each political party, all members of the legislature having been polled. This takes away any possibility of any capricious action and does what we said we wanted to do, protect the State against an emergency which perhaps may not have arisen so far but conceivably could arise in the future. I hope that those of you who had substantial misgivings previously will now see the true intent of the amendment.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I have discussed this amendment with several people here and I personally did not get awfully upset by it. I think it may have some merit, and yet I question, with all the problems that we have now, whether this one is going to be resolved in this session. I hope that this would be tabled and I would like to talk with others concerning it and get the reaction of some of the other Democrats in the Senate. Therefore, I hope that this would be tabled for a day at least.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Adoption of Senate Amendment "A".

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President is the Senate in possession of Bill, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles" (H. P. 1030) (L. D. 1339)?

The PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the request of the Senator.

Thereupon, on motion by Mr. Violette of Aroostook, the Senate voted to reconsider its action whereby the Bill failed of Enactment.

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I am pleased to announce that those of us who are interested in highway safety have finally arrived at an agreement with the members of the Highway Safety

Committee and with the sponsor on this bill.

Yesterday I discussed at some length my two proposals, the two amendments which I am going to offer this afternoon. Since our discussion yesterday afternoon I have been in conference with the sponsor and the Executive Director of the Highway Safety Committee, and we have agreed on the amendments that appear before you this afternoon. They are under Filing No. S-301 and S-300.

S-301 is Senate Amendment "B" to House Amendment "A", which would remove the breath test as one of the chemical tests available to a defendant upon an arrest for this violation. Senate Amendment "D" to L. D. 1339 again would remove solely the breath test and would require that a person submit either to a blood test or a urine test after he had been arrested for this crime. It further amends the bill to permit, as the present document does, the individual to have a physician of his own choosing to administer one of these two tests at the expense of the State.

The third change would be to reduce the period of suspension from six months to three months for failure to take the test in order to conform with the three months' sanction that would be imposed if a person is found guilty of the crime, to make them both consistent. In other words, you could lose your license for three months for failure to take the test, and if you were convicted of the crime you would lose it for three months as well for that. But if you fail to take the test, and were acquitted of the crime, you would still lose your license for three months.

Finally, in Section 5, the results of the test, we have changed that to read that "the results of such test shall be given to the person tested as soon as available." This is a minor change from the existing bill in that under the present bill the individual would have to request it. This would require that when the police are supplied with the result of the test that they in turn would give a photo copy or a copy of the document to the individual.



I therefore move, Mr. President, that the Senate adopt Senate Amendment "B" to House Amendment "A".

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that the Senate reconsider its action whereby it adopted House Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

Senate Amendment "B", Filing No. S-301, to House Amendment "A" was Read and Adopted and House Amendment "A", as Amended by Senate Amendment "B" thereto, was Adopted in non-concurrence.

The same Senator then presented Senate Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-300, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fifth matter tabled earlier in today's session, by Mr. Wyman of Washington:

House Reports — from the Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officials of Kennebec County." (H. P. 971) (L. D. 1259) Majority Report, Ought to Pass in New Draft Under New Title; Bill, "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County." (H. P. 1230) (L. D. 1563) Minority Report, Ought To Pass in New Draft Under New Title on Bill, "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County." (H. P. 1231) (L. D. 1564)

On motion by Mr. Wyman of Washington, retabled until later in today's session, pending assignment for Second Reading of (H. P. 1231) (L. D. 1564).

The President laid before the Senate the sixth matter tabled earlier in today's session, by Mr. Wyman of Washington.

SENATE REPORTS — from the Committee on Taxation on Bill, "An Act Relating to Property Tax Administration." (S. P. 392) (L. D. 1340) Report "A", Ought to Pass in New Draft "A" Under Same Title (S. P. 515) (L. D. 1604) Report "B", Ought to Pass in New Draft "B" Under Same Title (S. P. 516) (L. D. 1602) Report "C", Ought Not to Pass.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: In support of Report "B", it seems to me that I should voice my objections to Report "A" which was the Report supported by the good Senator from Piscataquis, Senator Martin. This Report "A" would provide for drastic changes in the practice of municipal assessing throughout the State. It would provide for not less than twelve assessing districts. Conceivably there could be fifty or one hundred tax assessing districts but, in any event, there would be districts for the assessment of taxes at the local level, districts organized somewhat the same as school districts. These districts would be staffed with the so-called professional assessors. Further, as I understand it, these districts would come largely under the control of the State Bureau of Taxation.

Now, in theory this is excellent and, like many other suggested changes in government, can carry the name of governmental reform. In practice, however, it is moving the assessment of taxes further away from the people, and please remember that the use of taxation is a tremendous power. Our cities, for the most part, have rather comprehensive and well-staffed tax assessment bureaus. So this bill would in general affect the smaller towns and municipalities, which would be joined together as in the case of school districts. Further, as I have said, the mention of "Professionals" or "Experts" to value these small towns sounds appealing.

However, the good Senator from Sagadahoc, Senator Reed, in com-

menting on the newer highway engineers a few days ago, expressed concern due to the fact that they follow the book so closely and use so little discretion or judgment. This concern I share with him, not only with respect to the Highway Department, but with many other bureaucracies which we have here in the State. You know, as well as I, that the use of judgment, whether it be in the business or in government, is most desirable. Yet, when a person in business or a bureaucrat in government is totally bound by the rule book, the best does not result.

Now, there is no one in this legislature who has a greater respect for our Bureau of Taxation than I. It has been my privilege to work with Ernest Johnson and the Bureau closely for the past six terms, and I find him to be a sincere, dedicated and hard-working man. However, understandably, he is obliged to turn the work over to others who go out in the field to make the valuation, and it has been my opportunity to watch some of the so-called "full-time professionals" working for the Bureau of Taxation. While they have a rule book or, if you like, certain rules to follow, in the instances I have examined, I can see where, to me, they have made some grievous misjudgments which are as bad as any local assessors could make.

For example, in the town of Orrington a chlorine plant was built within the last couple of years which, according to my best information, cost \$11,000,000. How much do you think the State increased the valuation of the Town of Orrington as a result of this new plant? Well, the State valuation of Orrington was increased by a mere \$700,000. Again, in the town of Corinna, which does not have too much industry, one of the principal industries, the Snowflake Canning Plant (actually, a freezing plant), which operated approximately twelve months of the year, and which had a value running into seven figures, was destroyed by fire, making a very substantial loss in the available valuation in the town of Corinna. So,

how much do you think the "professional assessors" from the State reduced the State valuation of the towns of Corinna? Well, they didn't reduce it at all—they increased the State valuation of the town of Corinna by \$800,000. To me, this doesn't make sense and, again, I think the local assessors could have done no worse.

Now, again, in Washington County (and this may be the case in other coastal sections of Maine), we are having some wild speculation in shore land. I know of one taxpayer in the unorganized township of Trescott, a man who is earning his living from the soil and from dairying, whose property happens to be on the shore, and the "professional" or "expert" assessors from the Bureau of Taxation increased his valuation by 500 per cent over a single biennium. Now, either the "expert" was wrong two years ago when he assessed the valuation that he did, or he was wrong this time when he increased it by 500 per cent, because the true value of this land did not change that much in one biennium.

A short time ago I saw a piece of land sold (I am sure it was recorded in the registry of deeds with the proper stamps) for \$250,000, but no cash changed hands and, actually, in the sale, or sales agreement, it was agreed that the seller would subrogate this quarter of a million dollars to the buyer so that the buyer could turn around and borrow \$40,000 on a first mortgage to start development of the property. This is about the same as deeding the land to the man without receiving any cash but then loaning the buyer \$40,000 to endeavor to start a development.

Again, records indicate that a township in Washington County has been sold recently for \$400,000. Again, that looks good on the books at the Registry of Deeds, but there is a mortgage of \$360,000 on it, so it indicates that the buyer has actually paid \$40,000 for this township.

Then, if these highly speculative ventures are successful, the sellers will obtain some more money. But, until they are proven, they

should not be used in considering valuations for tax purposes.

These are just a few of the examples of land speculation that are taking place in our country. Admittedly, when the Bureau of Taxation values these properties, they throw out the most extreme cases. But, as nearly as I can learn, they also follow the rule book, and there are so many of these wild, speculative deals taking place that they cannot throw them all out, with the result that the rule book causes them to come up with some unreasonable and weird valuations. If the local assessors were to handle this, I am sure that they could not do worse. Actually, I feel that the local people know the true property values better than anybody else. While they make mistakes, they make fewer mistakes than the "professionals." They use judgment, and the "professional", generally speaking, avoid judgment and, as the good Senator from Sagadahoc, Senator Reed, stated, follow the book too closely.

Finally, while percentage-wise it is admitted that the cost of the administration of this program would not be large, dollar-wise, it would run into a great deal of money.

The Central Maine Vocational Technical School in Auburn operated a school for local assessors last fall. It is my understanding that fifty odd local assessors attended, taking a rather comprehensive course, and that it was very successful. This, to me, is the answer to our problem, keep the assessing at the local level and give the local assessors all the information and all the tools possible with which to do their work.

Agreed, there is a big complaint about taxes and valuations, but doesn't that come about because we are spending so much money that everybody's taxes are high. Isn't this an effort on the part of the individual to grasp at most anything in an attempt to lessen his own tax?

It seems to me that this is the case, and I certainly don't blame the individuals, but I don't think that this bill, as originally drafted and then re-drafted, presented by Senator Martin, is getting at the

real cause of the problem. And I think that, if this bill should be enacted, we will have more complaints than ever.

Years ago somebody stated, in effect, that the least government is the best government and that, I believe. However, I believe we must have government and a considerable amount of it. In this case I feel that, as Abraham Lincoln said, "the people are generally right", I think we should keep our assessment work as close to the people as possible and in the hands of the local people. If they are unhappy, they can kick the assessors out and make a change, and this I have seen them do in several towns nearby to me this present year.

Therefore, I hope you will support Report "B", which does not make much change in the laws. However, it does provide an easier appeal for the taxpayer who feels that he is over-valued and, unless he fails to offer a list of his property to the local assessors when requested, then he does not lose his right to appeal as at present. Further, there is also a provision which takes into consideration the average ratio or the average basis of valuation upon which the municipal taxes are assessed. It also provides for voluntary assessment districts if the towns should so choose.

Members of the Senate, I hope that you will support my motion to adopt the Ought to Pass in New Draft Report "B", thus moving ahead gradually, while at the same time trusting in the people and keeping the power of municipal valuation and taxation in their hands. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Hanson.

Mr. HANSON of Kennebec: Mr. President, what is the status of the bill now? Is it the motion to accept Report "A"?

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Washington, Senator Wyman, to accept Report "B".

Mr. HANSON: Mr. President and Members of the Senate: I

rise to support Report "B" as well. I think that when the report came out that it did not have my name on it. In other word, it was somewhere else. I think it was through an error of printing possibly.

I tell you why I oppose Report "A". At the hearing that we had most of the members of the Taxation Committee were present and Report "A" was gone through section by section. At that time I invited in the City Manager from the City of Gardiner. I have talked with the City Manager, I have talked with the municipal officials, not only of Gardiner but of some of the other towns that are in our district. At the present time they are very much opposed to accepting the districting assessing. So, therefore, they would be opposed to Report "A". I respect the knowledge that my good friend Senator Martin has about taxation and so forth. I really feel that possibly in the very near future, possibly two or four years from now, that something along this line can be worked out.

I do know and remember very well four years ago I was very much in favor of the redistricting or setting the assessing up so that it would come under districts. At the present time I think it is a little bit too early to adopt such a pattern. Most of the towns or cities within my area have had a revaluation done very recently, and we have found that, by our local assessors being handy, that if we have problems, especially immediately after they have revalued the city, that we have a chance to sit down with them and talk with them and usually an agreement can be reached. I certainly hope that you accept Report "B".

The PRESIDENT: The Chair recognizes the Senator from Piscataquis. Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: As you know, Report "A" is a culmination of information gathered by the task force by an order of the 102nd Legislature. I think that everyone in these halls will agree with me that we are definitely in need of tax reform.

Report "A" is an accumulation of information and a study made by many, many people through meetings, gatherings, discussions, comparisons and what have you. There is no question in my mind that Report "A" is a need; whether it passes these halls or not, I don't know. But I would like to have Report "A" brought up for debate and discussion and see just what the general opinion of the Senators and the members of the other body are.

As my good friend Senator Wyman from Washington has discussed Report "A", and hasn't given us too much information on Report "B", and due to the fact that yesterday my arguments and debate were relative to Report "A", I don't think I should belabor this any longer. So, I will attempt to give you some explanation of Report "B". If you will look at Report "B", which is L. D. 1602, and follow with me I will explain just what it does.

Sections 1, 2, and 3 have to do with taxpayers' appeal. Sections 1 and 3 are identical to L. D. 572, which has already been signed into law, therefore, these two sections are not needed. Section 2 does away with the present procedure of the taxpayer filing a list of his property with the assessors by April 1. Presently the municipalities post a notice in conspicuous places throughout the town prior to April 1, actually seven days prior to April 1, mandatory by law, for the resident property owners and advertises for the non-resident property owners. Section 2 will relieve the taxpayers of the burden of filing their inventory, list of properties on April 1, and will place the responsibility on the municipality. Section 4 of L. D. 1602 will permit two or more municipalities by ordinance to provide for a single tax assessor.

I urge you to vote against Report "B", and accept Report "A" and debate it in these chambers to determine if this bill on property tax reform is good for the State. I request a division.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I don't want to belabor this much longer. This Report "A" has some forty pages in it, and to take it apart would take some time. On page 9, one section which is particularly objectionable to me is Section 301, which says the responsibility for the direction, supervision, and control of administration of all property taxes laws in the State is vested in the Director of the Bureau of Property Taxation. Now, that pretty much centralizes the tax authority over here in the office building, and that is one thing I object to, taking it away from the local people. It does go on and says, "except for such portion of these activities expressly delegated by this chapter to the primary assessing areas or those activities especially prohibited by this chapter to the Bureau of Taxation." Nevertheless, it does leave this very much in the hands of the Bureau of Taxation and very much centralized.

On page 13, Section 313, it says "Tenure: an assessor, certified as herein above provided, shall serve a probationary period of two years. Thereafter he shall have a tenure and may only be removed as herein provided." Well, this practically gives the man a life tenure. We can go into our town meeting and we can fire assessors or change if we don't like it but this is going to make it very difficult to change.

Now, with the permission of the Senate, I would like to read three different letters that I have here. I had one that came from Aroostook County, I will just read a small part of it: "Am unalterably opposed to creating any 'Tax Districts' to appease some of our college professors, who don't know which end is up and have nothing else to do but advocate CHANGE, CHANGE, CHANGE and they don't know if the change will work or not. Such a crack-pot notion would only be one more bite out of our local form of government."

That is rather a drastic letter, but it still makes a point that it would be only one more bite out of the local government. Here is another letter, and this man, I

think he is from Kennebunkport, and he wrote relative to several bills. He says: "No tax assessing districts. The group pushing this is grass roots in name only (Grass Roots Inc.), and these districts will not benefit the taxpayer; but will result in the aforementioned growth of department power and department expansion. It will take the peoples power to tax themselves from them and give it to officials appointed by the Governor, in other words twice removed from the voter. Their tax assessing districts (lumping towns together as in S.A.D.) staffed by state-approved men will bring few of the blessings Grass Roots Inc. claim. (To me their Inc. shifts the responsibility of their statements to the low asset corp. and hurts their credibility.) Because no matter if all the houses in the state were valued by one man, people with identical houses in different towns would pay different tax amounts on them. The amount of tax levied on a house depends on how much the town is going to spend that year. Valuation gives the proportion of the town's spending that will be billed to that owner. If these districts are forced, we will have taxation without representation, and the slow boil that people are now doing toward the men in state government will boil over."

Now I would like to read one more section from a letter I have. This man says: "It is a sad thing, indeed, when one stops to contemplate in this day and age, to see the loss of our freedom by those who do not recognize that this thing is gradually taking place in much the same way that a dreaded cancer engulfs its victim. One choice after another is gradually being taken away from the people at all levels of government, be it national, state, county, or municipal.

"It is indeed, quite true that we still have what one might call a measure of freedom, however, it is far from the complete freedom proclaimed by our forefathers, many of whom sacrificed their life blood for this cause, for this great country of ours."

I certainly hope that this Senate will support Report "B" and

keep the power of taxation where it is.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, Mr. Katz of Kennebec was granted unanimous consent to address the Senate:

Mr. KATZ: Mr. President, we are slightly delayed tracing down an amendment that we are waiting for on our tax package.

Now, Mr. President, may I have the floor to discuss this bill in front of us?

The PRESIDENT: The Senator has the floor.

Mr. KATZ of Kennebec: Mr. President, I thought it might be helpful if I shared with the Senate some of my personal experiences in regard to local tax assessing as they pertain to State operation. First, one of the most difficult things in any legislative session is to write any kind of school subsidy controlling the flow of perhaps \$80,000,000 to \$85,000,000 worth of State money to the local towns on a fair basis. The real rascal and the real culprit is, and always has been, local assessing practices.

Second, we have a veterans' exemption bill here that is based upon local assessing practices, and as a result it is absolutely unfair in sitting up differences between a veterans' exemption living in Brunswick or a veteran's exemption in Hallowell or in Augusta.

Third, there is before us presently a bill which would attempt to exempt from local taxation the first \$5,000 on farm machinery. Now, here again, a \$5,000 exemption in one town for a farmer owning farm machinery, there is absolutely no relationship to the same amount for another farmer living in the adjoining town. Snow removal also uses this figure. Gentlemen, I am in opposition, reluctantly, to the motion to accept the report of Senator Wyman.

One other interesting little facet which occurs to me in local assessing practices: The Education Committee each session is approached by various communities who want of the legislature to increase their borrowing capacity so they can do certain things locally, such as constructing schools.

When you get into the public hearing with them, and start asking questions, all too frequently the reason they have come to the legislature, and heavens alone knows how much one of these tiny little bills cost per each at a legislative session, the reason that they come to the legislature is because they haven't had the ability or the courage locally to raise a realistic local valuation against which they can apply their seven and a half per cent constitutional limitation for borrowing. So what do they do rather than to permit their local property to be assessed fairly? They come to the legislature and they ask the legislature to pull their beans out of the pot for them.

On every basis, I feel that every time I turn around this session I stumble against the fact that one of the real great crying needs of the State is some kind of equitable, uniform, assessing practice.

I do not share the reluctance of the Senator from Kennebec, Senator Hanson, to rush into this, because I notice that this bill requires the establishment of these districts by 1973, and the districts must be operational by 1978. Well, this is about as deliberate and slow a procedure as I can imagine, and I would criticize it on that basis. It certainly is not an intemperate rushing into a brand new program. I hope that the Senate seizes upon this as one of the most significant pieces of legislation to come before it, and opposes the motion to accept Report "B".

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I don't think that the professionals have demonstrated their ability to do a better job and, secondly, while I share the concern with the good Senator from Kennebec of the problems that we have, we are taking this power and moving it farther and farther away from the people and toward a more centralized government.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the

Senate accept Report "B", Ought to Pass in New Draft "B", on Bill, "An Act Relating to Property Tax Administration." As many Senators as are in favor of accepting Report "B", Ought to Pass in New Draft "B", will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Ten Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Martin of Piscataquis, the Report "A", Ought to Pass in New Draft Under Same Title Report "A", of the Committee was Accepted, the Bill in New Draft "A" Read Once and tomorrow assigned for Second Reading.

The President laid before the Senate the matter which was tabled and specially assigned for 3 o'clock in today's session, by Mr. Katz of Kennebec:

Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (S. P. 449) (L. D. 1483)

Pending—Consideration.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I would like to make a few remarks and then report to the Senate what our procedure will be. We have been in the process of waiting for an amendment, and I think we are still in that posture.

I thought perhaps I might lay down some ground rules as to what procedure I hope we will follow. In the first place, I hope this Senate and this Legislature will enact a program this session. Second, I am confident that, if we enact it, it is our intent to do so by a two-thirds vote with an emergency enactor.

We are kind of caught between the devil and the deep blue sea. The reports of the newspapers this morning indicate that the very turbulent, potentially difficult sit-

uation with the State employees has erupted into a holiday for them starting tomorrow. We know we have got to do something, and do it very promptly, for the State employees, but it has been our intention right along and this threatened strike or strike is not going to affect the situation, but it does point out the urgency of doing what we said we were going to do right along.

The University of Maine is in the process of rejecting some hundreds of students, and holding up applications of others, pending what we do here this week and perhaps next. But the most perplexing problem as we deliberate this budget is what to do about local property taxes, and perhaps it is well that this debate follows immediately the bill that we just had, because amongst the other things this legislature has done, or is attempting to do, is to increase the flow of some \$15.6 million to the towns and cities, \$12.5 million to new school subsidies, \$1.0 million in lowered cost to the local communities, because of the \$22.0 million bond issue, which will make it unnecessary for local communities to borrow in anticipation of the twice a year school subsidy. Also a savings to the local community of \$2.1 million for ADC.

We are faced with a widening gap between the haves and the have nots. As a matter of fact, as we pursue clean water and fresh air, and work for the disappearance of hunger and poverty, I think that the thing that has been most perplexing to us is the fact that, although the list of things that are desirable for the State is very long indeed, our ability to pay is limited, indeed as it is limited in all of the States. So, perhaps today and in the few days ahead, this whole agony is going to try to accommodate between the long list of things that are desirable for the State and the very restricted ability of the State to afford these things.

This is the procedure that I am going to suggest to us this afternoon: The bill before us is a non-concurrent item, and we will move to recede. This will open up the whole question to debate. It is my

understanding then that there will be two amendments offered, the first by Senator Dunn, and then the second by Senator Wyman, which will be an amendment to Senator Dunn's bill. I would urge the Senate to withhold debate upon the presentation of Senator Dunn's bill so that we can take a look to the amendment to the amendment as a single package. Upon presentation of Senator Wyman's amendment to the amendment, at that time I hope that the Senate will indeed debate the question.

Subsequent to that, it is my understanding that there will be another amendment offered which will propose a five per cent corporate and a five per cent personal income tax. After that, it is my understanding that we will turn our attention to certain actions of the other body and review the amendments that they have already adopted. It is my hope that we will take certain action on certain of those amendments. Along about then, after we all have had our day in court, in one form or another, I hope that this Senate passes this bill in whatever form it is in, pass it to be engrossed, and move it down to the other end of the corridor for further action.

Mr. President, I move that the Senate recede.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate recede from passage to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

Mr. Dunn of Oxford then presented Senate Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-282, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: First, I would remind you that this is a supplemental budget that we are talking about. All the figures that are mentioned in either budget are extra over what we are currently using, and that any difference in them is a difference in an increase, a small or larger increase, rather than a cut anywhere.

I think that each one of us has in his own mind some level at which we think we should stop when it comes to adding extra services. This amendment happens to be about the level that I think we should take. Now, to go directly to the amendment, as I mentioned a few days ago, going through 1483, the supplemental budget, there was about \$10,300,000 in more or less mandatory items. The budget that I presented a few days ago was for \$14,500,000. What has been done in this amendment now is that these two have been combined, and certain other items have been added, and it totals \$22,700,000. I don't think that it is necessary to go through it item by item, because I think that we have at this time talked about most of these matters.

I will mention one of the increases in this budget over the one introduced before is for \$5,000,000 for school subsidies to the towns for the second year of the biennium. This compares with \$7,000,000 in the L. D. 1483, the one that I am trying to attach this amendment to. There is \$274,000 in the first year for the closing of parochial schools. In the second year there is \$603,000. I am told that those figures will still have to be adjusted, but that applies to both bills, both the amendment and the other.

In the Health and Welfare Department, a good many of the items are the same in both bills. Under Administration, that is the same. The Bureau of Social Welfare is the same. Child Welfare Services are the same, to provide funds for increases for board and care payments. Eye and Special Services are the same. The Work Incentive Program is the same. Aid to Dependent Children for the Extra Case Loads is the same. Aid to the Aged, Blind and Disabled is the same. The Drug and Dental Program has been cut a little bit. In the amendment it is \$200,000 the first year and \$350,000 the second; in 1483 it is a little bit more, \$243,454. It is cut about \$43,000 the first year and \$54,000 the second. In Mental Health and Corrections, the pay spoken of as "combat pay" is added in. There



is a million seven hundred and some odd thousand dollars that takes care of everything but an across-the-board pay raise. This takes care of the forty-four to forty hour week, the time and a half in the case of forty-eight to forty-four, and it has the same total figure as in 1483, except for either the seven or nine dollar across-the-board increase.

There are two other areas. Maine Maritime is allowed \$100,000 a year instead of about \$150,000, but with this \$100,000 a year they are getting a 76 per cent raise over what they have had for the past two years. In the University of Maine it is \$1,500,000 each year in place of the \$6.7 million that has been reduced by \$300,000 in the other. This gives them an increase from \$34,000,000 to \$46,000,000 for the next biennium, and that figures up to about a 35 per cent increase.

One other area in which there is a major difference is the Water and Air Environmental Improvement Commission. In 1483 there were six positions the first year and eleven the second added. In this amendment there is three the first year and six the second. At the present time they have three vacancies and they have been unable to fill them. It is my belief that with three more positions authorized this year, and three more the next, they could well take care of their needs. Those are the major points of difference to the Water and Air Improvement Commission. Again in the current services budget they have got a 41 per cent increase over what they are working under at the present time. With this suggested amount in this amendment, it brings it up to 91 per cent over what they are presently working under.

I hope you will give this consideration. Again, it totals \$22.7 million. I believe that this is about the limit which we should go at this time, and I move adoption of the amendment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: If it is now in order, I would like to present Senate Amendment "A", Filing No. 303.

The PRESIDENT: The Senator from Washington, Senator Wyman, offers Senate Amendment "A" to Senate Amendment "D" and moves its adoption.

The Secretary will read the amendment.

Senate Amendment "A", Filing No. 303, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. WYMAN: Mr. President and Members of the Senate: Very briefly, this would increase the sales tax by one per cent which, if I understand it correctly, would bring in something like \$32,000,000. It would also restore the automobile trade-in allowance, which we have eliminated by our previous action, and drop the net to somewhere around \$23,000,000. I certainly hope that both of these amendments may prevail.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would like to support the motion of Senator Wyman in proposing this amendment. I would like to take occasion on this to briefly review the situation which is facing the State from a financial standpoint.

The Chief Executive, in his budgetary recommendations, recommended for our regular budget \$281,000,000 plus, and for a supplemental budget a total of \$83,000,000, almost \$84,000,000. This means that the total financial appropriation recommendations of the Chief Executive of the State for the coming biennium were \$365,500,000. To give you this in a little perspective, we are finding ourselves in a current dilemma over a total appropriation of some \$320,000,000, some \$45,000,000 less than was even recommended by the Governor. To further put this in perspective, the last session of the Legislature, the 103rd, appropriated a total amount of \$239,000,000. Now in terms of percentages, the budget that we are now

facing, our supplemental and our current services budget, represents an increase over last term of 33 per cent, and the budget as recommended by the Governor was an increase of 53 per cent over the total amount of money appropriated by the 103rd Legislature.

I think it is amazing that the Chief Executive presented to the Legislature a spending program totaling figures like this. I find it incredible that he could think that the State of Maine could finance and pay for such a program. We in Maine are not a rich State, and we are not an expanding economy, and our population is very, very stable. I wonder where he thought the money was coming from that was going to pay this bill. We find ourselves wrangling over what we consider major tax increases to try to finance a vastly reduced budget from what the Governor proposed to us. I ask myself, did he do this with tongue in cheek? I think probably the answer is "no," knowing the Governor. I think he must have done it in an attempt to keep everybody happy in the State of Maine. Now, this is a laudable base, I suppose, from which to operate, and maybe it is a laudable base for a politician to run on for reelection, but we here in the Legislature don't seem to be able to get off quite so easily. We have got to finance this. Now, if we had financed the program as proposed by the Governor with a tax which would have been 25 per cent of the federal income tax, we all realize that we would have had no place to turn two years from now.

You and I read and hear a great deal in the papers and the news media about inflation, and it is hitting us right in our own pocketbook. I ask you, what are the inflationary aspects of passing a budget which represents either a 53 per cent or a 33 per cent increase over our 103rd Legislature budget. The inflationary aspects are there. One of the first places that you and I can serve the people who send us up here is by doing everything humanly possible to cut down on governmental expenditures.

Now, it is the total amount of these expenditures that concerns me. I am a little bit more concerned with that than I am with the tax measures which have been proposed. Needless to say, these do bother me too. But I am concerned about these large figures that we are being asked to appropriate. I think percentage increases, over past governmental expenditures are guidelines to go by. If we are talking about a seven or eight per cent increase, this is what we seem to be facing today in normal inflationary problems. But when we are talking about thirty-three per cent, these are not restrictive measures we are taking to stay within some understandable confines in dealing with the inflationary spiral. As I say, this is where I think we have got to do something. Even if we cut off \$20,000,000 from the budget which is right before us now, we would still be some \$61,000,000 above what the 103rd Legislature did.

We see as we read, and is here facing our country, economic conditions the like of which I certainly never can recall, and I question if there is a person in this room today who can recall when you had to pay eight and a half, nine and even more per cent for your money for borrowing. To me, this indicates a flag waving, and this flag is going to flag down the legislative picture just as much as it is the private economy. Our contribution to this dangerous situation should not be in the form of a budget that has the overtones of financial peril that this one has. Even a \$20,000,000 increase, in my opinion, is not enough to cut back our budget.

I think the basic proposal as contained in Senator Wyman's amendment, which would cut our spending some \$10,000,000, is fine. I do appreciate very much the fact that we cannot cut our supplemental budget very much more than it has been cut, or it has been proposed to be cut, because we are taking care of specific situations here in this budget. I feel that the removal of the auto trade-in and putting it back where it was

is going to be doubly fair. In the first place, we have thrown onto the books for these people since June 1st the fact that they are going to be fully taxed at five per cent, and then we double in spades by increasing their problem one more per cent to six per cent. This amendment would cut out what really seems to be an injustice.

However, as I said, my concern is the spending part of the program, and by doing this we would be able to remove almost \$10,000,000 more from our budget. I would suggest that the way to do this is by an amendment to our supplemental budget and open up the general services budget, which we passed earlier in the session, amounting to \$277,000,000. I think all of us who are business people study the financial aspect of our government and, perhaps with that view, would say that what is tantamount to a three and a half per cent cut in a budget is not an impossible situation. The proposal would be to review the general service budget, even beyond the good work done by Senator Sewall and his committee, and work out an average reduction in the general services budget of three and a half per cent. Now this, coupled with the recommended reduction of Senator Dunn, would give us a \$20,000,000 reduction. It seems that such a reduction is not going to cause us any suffering in fields of the Pine and situation, our institutional employees' salaries, the University of Maine, or the employees' salary in general of the State of Maine.

I would strongly urge that the State institute a no hire-no fire policy with a good review procedure set up, be it the Appropriation Committee, the Personnel Board, the Executive Office, this certainly can be done. This does not mean a blind policy of not filling positions which are left empty by attrition, but certainly over the course of the next biennium there is going to be a large number of vacancies occur due to these normal causes, and the filling of these jobs on a carefully selective basis would result in a major portion of the expense to

which I refer that we can look for in the general services budget. For these reasons, I would feel that we are offering a good logical program. I would hope that we could further the progress of this by the adoption of this amendment and serious consideration to this proposal.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I just heard the good Senator from Cumberland, Senator Berry, mention injustices in the auto trade-in tax, and correcting these by repealing this tax. We knew there would be injustices when we enacted this law on the Part 1 Budget. Can you tell me why we do it? What is going to happen to those that have bought a car since June 1? Shall we give them a refund if we go to a six per cent sales tax?

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: It would take a very small amendment, if these two amendments are adopted. It would take a very small amendment to rebate the extra that has been paid on these trade-ins over the last nineteen days, and it would cost very little money. I can't see as that is any problem at all.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "A" to Senate Amendment "D". Is it the pleasure of the Senate that Senate Amendment "A" to Senate Amendment "D" be adopted?

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I rise to oppose the adoption of this amendment. I won't belabor the point; I think we have been over the supplemental budget several times in here.

As the Senate would recall, we did come out with an undivided report on this document and, while I don't feel it is sacred, I feel there are some areas, of course, that could stand some additional cutting. I nevertheless would oppose cuts of the substantial sizes which are proposed here. I don't find anything in this amendment which would provide any increase in pay for State employees and, of course, we are all aware of the pending strike which is scheduled for next Friday in our institutions. The University of Maine has been subjected to an additional cut of \$3,700,000. This is on top of a cut which the Appropriations Committee gave the University in the amount of \$12,800,000. I submit to the Senate that this is pretty rough treatment for an institution which had the backing, the concept of the consolidated University, which had the backing of this legislature only two years ago. The educational subsidies to the towns are reduced by some \$2,000,000.

I certainly would like to feel as prudent as the next man, but most, if not all, of the services which we have recommended in the supplemental budget, which incidentally is a cut of approximately \$50,000,000 from the Governor's recommendations, our recommendations, which resulted from five or six months of concentrated work, resulted from very thoughtful consideration of all these departments, all these state obligations, and I don't feel, and I believe that most of my committee does not feel, that the cuts as suggested are reasonable or warranted. I certainly oppose the adoption of this amendment.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I rise to oppose the amendments that have been presented. I feel, myself, that I am concerned and I am upset really and I think that everyone here is, of what this legislature is now facing, some \$80,000,000 of additional revenue. Many of the Senators and legislators, being here before, we have never even come close to this. It

just seems that things have caught up with us here.

Yet, I feel very strongly that we should call a spade a spade and I look upon these cuts as cuts to fit a tax. You can rationalize all you want to about cutting Water and Air Improvement down a little bit, and this one down a little bit, the University, but basically these are cuts to fit a particular tax package. Again, I am not critical of that, oftentimes you have to cut the pattern to fit the cloth. But it seems to me that so much has been said on legislative image, that for this legislature to come in here and in one month pass a five per cent sales tax, and remove the exemption on auto trade-ins and to come in here at this time and raise it to six per cent and strike out auto trade-ins, hinges on — I was going to say the ridiculous, but maybe I am the one that is being ridiculous. It seems to me that we must appear this way to the public.

Now, again, I said in the beginning that I feel that the auto trade-ins is one of the most progressive aspects of the sales tax. I think that maybe this assumption for which I have often been criticized is bearing itself out right here now, that the person who can't afford that new car every two or three years is the one that is not going to be hurt by the auto trade-ins, and it is the person who is able to do this. I just feel as if the package that Appropriation Committee has come out with, and it was increased slightly, it is true, but I think this was done more or less of necessity by things that were left out, bond retirement and so on and so forth, and the big problem here is trying to find a tax that will pay for it. I don't think that we are going to find it by rationalizing to the point where we are going to cut the pattern necessarily to fill the cloth, because I believe that there are revenue measures that can take care of it, if we are willing to face them.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the

Senate: As chairman of the Taxation Committee, I did sign this package with auto trade-ins, and at that time it seemed all right to me. It may look to the good Senator from Sagadahoc to be ridiculous to turn around now, but when I make mistakes, or think I have made one, I certainly want to rectify it. I think I am here to represent the voters in my district, and if they had made the protest against this auto trade-in package, which they made, about the time it came to a vote, and some afterwards, I certainly never would have voted that way because I don't think the people in the State want it. I am very glad to change my mind in this case where I think I made a mistake. If the good Senator calls it ridiculous, then let it be ridiculous.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I said that I might be the one that is being ridiculous and, therefore, I didn't mean to indicate that anyone here was being ridiculous. That was just a poor word. I would just remind the Senate that my first term here was, I think, in 1959, and at that time the good Senator from Washington, Senator Wyman, was in this body. At that time the Governor of the State recommended an auto trade-in tax and it was defeated at that time. It certainly was talked about and defeated last session, the auto trade-in tax has been something that has been talked in this legislature and in past legislatures a long, long time. It wasn't too many years ago when a Senator from my County enacted the auto trade-in, right after the sales tax was passed. This is something, and maybe we did make a mistake, but at the same time it is something that was talked about and known about for a long, long time. The pressure has been great this time, and it certainly was as great and, I think, much greater back in '59, '61, '63 and '65, so we finally overcame that pressure and we did it, I think, wisely. Now, to repeal it doesn't seem to me to be the prop-

er approach, and that is why I oppose this amendment.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I want to take off my hat to the Senator from Oxford, Senator Dunn, who has been one of the most conscientious and hard working Senators this session. He has done something very good here today. He has put in specific writing for us a choice that we can make. Many of the other Senators have been bemoaning the question of the level of spending, but nobody other than Senator Dunn has come forward with a specific amendment in this chamber to let us make a decision. I want to express my personal gratitude to Senator Dunn for doing so.

The amendment offered by Senator Wyman cuts \$20,000,000 off of our spending. It reduces our proposed supplemental from about \$43,000,000 to about \$23,000,000; this is an awfully big cut. I think every person here deep down inside would like to cut \$20,000,000 off just anything here if he could do it, but this legislature had some special responsibilities, and let me enumerate just a couple of them.

In the first place, the towns and cities are creatures of the State; they have no powers other than the powers that we give them. They have no taxing powers other than the powers that we give them. Here we are saying, in effect, that if we cut \$20,000,000, a good hunk of this money has to be taken from the flow that we are proposing to our towns and cities. This solves our problem beautifully. But it is a non-solution as far as the towns and cities are concerned. What we do very, very successfully is to transfer the headache that is here back to the towns and cities, except their alternatives are so much more limited than ours.

The second thing the proposals here attempt to do is to turn our backs on our responsibilities as an employer. Now the level of employment in the State has been determined by this and previous legislatures and perhaps it is too

high. But the fact is that we are an employer, the largest in the State, and it may sound good to say let us leave out a seven dollar raise, or a nine dollar raise, but here again it is a non-solution to a problem. It is deferring to somebody or some other time a problem that is just crying for solution here today. It would be great if we were in the good old days when we gave very, very little state money back to the towns and cities except for highways and snow removal. It would be great if we were back in the good old days when we gave very, very little money to higher education because, very happily, the State of Maine was last among all the States in the proportion of our young people going on to higher education. But the good old days are gone, and here is the dilemma facing us. I would like to support these two amendments but they do not do that which I think must be done, however painful, this session, the basic things that must be done.

I think all of you know that one of my greatest criticisms of the Governor's message to us earlier this year was his almost lack of interest, apparently — no that is too harsh; I will withdraw that before somebody jumps on me for partisan comments here today, and I don't mean to be partisan. But the Governor's preoccupation with new programs, and his lack of seeming attention to existing programs. The Senator from Cumberland, Senator Berry, has put his finger right smack in the pie, that our problem is in existing state services. I think that I can stand here today and assure the Senate that if there is one thing that I am confident of, when this legislature goes home having done the job that needs doing, that the Legislative Research Committee that comes into being will spend more attention in digging into government operations than any Legislative Research Committee before, and will concern itself less with particular study and particular areas of legislative interest. I think it is important to say that today. But for the purposes of the debate today. I hope that the Senate does indeed vote against these two well-

intentioned but unsatisfactory amendments.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: There were two or three statements made that I would like to answer a little bit. One, that there was no money for state employees. If you turn to Page 8 of the amendment, under Mental Health, you will find that there is a \$1,000,700, and the wording there, I believe, takes care of it, and what it does is allow \$132,000 for range changes for psychologists and physical therapists, \$970,000 for what we call "combat pay", and \$667,000 for time and a half payments at institutions and funds to implement a forty-four hour week from forty-eight at correctional institutions.

The University of Maine was mentioned as being cut drastically. Somehow when you go from \$34,000,000 to \$46,000,000, it is a 35 to 36 per cent increase, I can't feel they are being abused.

The flow of money to the towns was mentioned, and true, there was \$2,000,000 not included in this amendment, that is the 18 per cent for ADC. The towns are absorbing that at the present time; it means that we are not lifting it off or away from them, as we are leaving it with them.

There is about \$2,000,000 difference in the school subsidies for the second year in the biennium.

As far as the pay raises for the state employees, there is a pay bill in our committee at this time just waiting for final action, to write in the right wording, that is available to put any amount in the pay raise, seven or nine dollars, whatever any one wants, on that. This takes care of the more or less emergency part of the "combat pay", for the people in the State Hospitals. I think that the money, if anyone wants to add another across-the-board pay raise, fine, there is a vehicle available to do this.

The Senator from Kennebec, Senator Katz, made the remark that existing services were too great, and that the coming Research Committee should investigate

everything. I say why add to these? If they are too great now, why do we build them up any bigger? I hope you support the amendment.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to respond very briefly. Directing our attention to the amendment offered by Senator Wyman, which reduces by \$20,000,000 the proposed level of spending, I would presume that \$9,000,000 of that comes from the flow to the towns and the cities, because that is the only place you can get it. It would mean killing actually not \$2,000,000 in school subsidies, but \$6,900,000 in school subsidies, and it will mean killing \$2,100,000 in ADC flow, for a total of \$9,000,000. This, of course, is exactly the approach I feel we shouldn't take. It is not killing existing or proposed state services; it is just killing off our political subdivisions. I think that this is the wrong answer.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate adopt Senate Amendment "A" to Senate Amendment "D".

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President, maybe the request has been made for the "Yeas" and "Nays" but, if it has not, I would request it.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President, a parliamentary inquiry: Are we voting on the

amendment, plus the amendment to the amendment?

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "A" to Senate Amendment "D". A "Yes" vote will be in favor of adopting Senate Amendment "A".

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I think I am straight on this. Senate Amendment "A" is the six per cent sales tax, with auto trade-in out?

The PRESIDENT: The Senator is correct. The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate adopt Senate Amendment "A" to Senate Amendment "D", to Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." A "Yes" vote will be in favor of adopting Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Barnes, Berry, Dunn, Greeley, Hanson, Logan, Moore, Peabody, Quinn, Tanous and Wyman.

NAYS: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Hoffses, Katz, Kellam, Letourneau, Martin, Mills, Minkowsky, Reed, Sewall, Stuart, Violette and President MacLeod.

ABSENT: Senator Levine.

A roll call was had. Twelve Senators having voted in the affirmative, and nineteen Senators having voted in the negative, with one Senator absent, Senate Amendment "A" to Senate Amendment "D" was not Adopted.

The PRESIDENT: The pending question before the Senate now is the adoption of Senate Amendment "D". Is the Senate ready for the question? As many Senators as are in favor of the adoption of Senate Amendment "D" will say "Yes."

The Chair recongizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen a roll call is ordered.

The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that the Senate adopt Senate Amendment "D", Filing No. S-282, to Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971". A "Yes" vote will be in favor of the adoption of Senate Amendment "D"; a "No" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

YEAS: Senators Anderson, Barnes, Berry, Dunn, Greeley, Logan, Moore, Peabody, Quinn and Wyman.

NAYS: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Hanson, Hoffses, Katz, Kellam, Letourneau, Martin, Mills, Minkowsky, Reed, Sewall, Stuart, Tanous, Violette and President MacLeod.

ABSENT: Senator Levine.

A roll call was had. Ten Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, with one Senator absent, Senate Amendment "D" failed of adoption.

Thereupon, on motion by Mr. Katz of Kennebec,

Senate at ease, pending the sound of the bell.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The pending question before the Senate is Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal

Years Ending June 30, 1970 and June 30, 1971." The Senate has receded from its action whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. Violette of Aroostook then presented Senate Amendment "E" and moved its Adoption.

Senate Amendment "E", Filing No. S-305, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. VIOLETTE: Mr. President and Members of the Senate: First of all, I want to thank the indulgence of the Senate for your patience while this amendment was being prepared. I didn't realize that it would require such a lengthy document.

I think that it is important at this time to place in further consideration of the Senate all of the possibilities of financing our state expenditures, and also at the same time offering other alternatives to the financing of the supplemental budget. I want to state that financing and fiscal policy has never been one of my major areas of operation. I will say, however, this has not been due to lack of interest in these areas; it is just that I have taken on other duties in the legislature.

I think today we are faced with trying to determine how we are going to finance the supplemental Part II of our Budget. It would appear at this time, at least, for consideration today we have Senate Amendment "F", which was adopted by the other body a couple of days ago, which would have the effect of raising the sales tax to six per cent and introducing a corporate tax of two per cent. To me, personally, at least at this time, I feel that there are other methods of taxation which ought to be considered and which ought to be accepted as a future means of taxing our people for state expenditures. There have been several very, very good statements here today on the needs for the expenditures that we have before us, what they will accomplish and their necessities, so I will not go into these areas again.



Senator Sewall, Senator Reed and Senator Katz have quite graphically and in some detail indicated the progress of the budget to this point that has led our legislature to consider appropriations in a supplemental budget in the area of somewhere around \$40,000,000. The amendment that you have before you, I will not attempt to go into detail, but it does, in general, provide for raising roughly \$45,000,000 through a five per cent corporate income tax and a five per cent personal income tax. I wish I had the time for working out other figures that would have reflected in bringing the area of the amount of money to be raised somewhat more in line with what the legislative leadership of both of our parties have worked out as compromise figures in the area of State expenditures, which at this point appears to be roughly between \$40,000,000 and \$41,000,000. However, I think in due time, if this were to be accepted, we can work at reducing the differences and the amounts to what we would want to raise finally, reducing the percentages in proportion to areas between the corporate and the personal income tax to fix the final amount of expenditures.

What I do want to present to this Senate is the approach of the combined corporate and personal income tax to the future financing of our State expenditures. When we considered and passed the current services budget, certainly there were many of us in my own party who felt that the time had come when we should not go further in the area of increasing a sales tax. We felt at that time, and at least I feel today, that the time had come when the State ought to go into other areas of broad tax bases to provide for the future financial expenditures of our State, that it ought to go into other areas of a broad tax base and start giving relief to those areas of those people of our population who have felt the burden of the sales tax to date.

I expressed my feelings at the time that we enacted the current services budget that I did not like the one half cent increase in the sales tax, nor did I particularly like the idea of removing the auto

trade-in, because here again we were still dealing with increases in raising revenue from the sales tax. I went along at that time through a sense of duty, I suppose or urgency, that we did have to enact a current services budget in order to maintain the going operation of our State Government. I did also express at that time a feeling that I would not like to support at a later date the financing of our State expenditures on the same basis of taxation. Apparently this is what we have to face here today, whether or not if we are going to provide for additional expenditures in the neighborhood of \$40,000,000, and having rejected or at least tentatively rejected the compromise tax revenue measures that have been worked out by the combined leadership of both branches and which, while it did not fully satisfy me, at least I was willing to accept as partly a step in the right direction of financing the future needs of our State. I felt that the amount of revenue proposed for expenditures was a fairly good compromise between what our Chief Executive requested and what a lot of people felt perhaps was in excess, and the amount of \$40,000,000, I felt, was a pretty good working compromise, both in the amount of expenditures and how we would proceed to finance them. At least at this time this measure the financing aspect of the package has been rejected, so we have got to look for new areas of financing.

I do not feel that raising the sales tax to six per cent is a fair and equitable distribution of the tax burden on the people of our State. Now, if we are to expend an additional \$40,000,000 in Supplemental Part II, this means that in total we will be spending approximately \$70,000,000 of new revenue for the next biennium. And that out of this the vast majority, or the largest percentage, of the money to be raised will be raised out of the sales tax.

I think that it is high time that we as legislators face the responsibility of relieving the burden on those parts of our population on which the sales tax falls the heaviest, and going into the corporate

income tax and the personal income tax area where we can reach on a very, very broad basis another segment of our taxpaying citizenry. I think that this is the fair way of continuing to tax ourselves, of continuing to be responsible in the area of financing the financial needs of our State.

I think, frankly, that raising the six per cent sales tax, while normally we say that it hits hardest the lower income bracket, it may also become quite burdensome on our industries. Far more, I believe, than a five per cent corporate income tax. Now, I heard the statements of many of our industry people who came before the Taxation Committee objecting to lifting restrictions here and there on the sales tax basis and stating to the Tax Committee that they did not greatly object to paying taxes on profits because they had made the money, but they did object to introducing additional sales tax on items of cost. If we are going to hopefully encourage incoming industries in our State, and the vast outlay of financial and capital expenditures for the construction of plants, for the providing the complex equipment that goes into our industries today, that we are going to place a very, very heavy burden with the six per cent sales tax on the cost of the construction of these industrial plants to a far greater extent, in my opinion, than introducing a five per cent corporate tax.

I would say certainly that if I were thinking only of my own pocketbook, and nothing else, that I ought to be voting for the six per cent sales tax, because I know that it will hit me far less than the introduction of a state income tax into our financing system. But I submit to you that I feel we have at this time reached the limit of five per cent that we ought to go on the sales tax, and that we ought to at this time face really the inevitable that people have been saying for so long we were facing, and introduce the corporate and personal income tax.

I don't have any great illusions, Mr. President and Members of the Senate, as to what may happen to this amendment, but I feel that it

deserves consideration. I feel that hopefully we would be able to enact it, and start from there into what I consider to be really responsible financing of State expenditures. I move for the adoption of this amendment, and I ask for a roll call vote.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I would like to ask a question, if anybody can answer it, on this breakdown, of how much money this will raise? As I understand it, it is somewhere around \$40,000,000. How much of it would be corporate and how much of it would be personal?

The PRESIDENT: The Senator from Washington, Senator Wyman, poses a question through the Chair, which the Senator from Aroostook may answer if he so desires.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: To the best of my knowledge, in round figures it does yield—and I could be mistaken—I think they are pretty close to each other, about fifty-fifty. On the figures that have been given me, on the basis of \$45,000,000, the corporate tax will raise \$25,000,000, and the personal income tax for \$20,000,000. This could be off one way or another a million or so. Perhaps others have better figures than that.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: Since the sales tax seems to be the question here versus the income tax, I never had explained to me yet how we can justify taking money out of the pockets of Maine citizens when we can collect so much from the sales tax. Now, if this proposed income tax would take \$20,000,000 out of the pockets of our Maine citizens, and maybe another \$10,000,000, or some figure, out of the pockets of our Maine corporations, that is \$30,-

000,000. It has been estimated from the Taxation Department that anywhere from ten to twenty per cent of the sales tax is paid by out-of-state people. Now, that means what we are doing is asking Maine people to come up with from three to six million dollars which we can collect from our transients. In addition, we will have to set up a department which will cost us five hundred to a million dollars to establish, and I don't know how much to operate. I just can't justify taking this money out of the pockets of Maine people, this three to six million dollars, plus the cost of the department, compared with collecting it from transients, which is done in so many other states.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: This twenty-five page document has just been given to us within half an hour. I move this matter lay on the table until the next legislative day.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, moves that L.D. 1483, be tabled and specially assigned for tomorrow, pending the adoption of Senate Amendment "E".

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, a division was had. Five Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, the tabling motion did not prevail.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: I am sure I have made my views known on this item before us here. I think the matter was very well covered by the Senator from Aroostook, Senator Violette, in his explanation. There are a few features that perhaps could

be mentioned in relation to the statements of the Senator from Washington, Senator Wyman, when he relates to the sales tax collections from sources outside of the State. As has been pointed out here, this document has only come to us in the last few moments, but I am sure that within the document this money will be provided under this source from outside of the State as well, incomes derived from the State of Maine, even to outside residents, and I think we have this in great numbers. I certainly don't have the percentage, or any facts as to how much it will produce from outside of the State, but I am certain that in all the income tax bills that I have seen and studied before, that we certainly in this State will derive benefits from non-residents. I submit that it will be near or more than that percentage that we collect in sales tax.

We certainly need a broader base tax in this State. We can support the measures that have been offered here as compromises. I think the great majority of this body and the other body have nearly agreed as to the amount of money that shall be settled here and spent in the Part II and certainly the base must be brought up, a tax of this nature must be adopted here if we are to do this and to do it fairly. The money is in this State or is earned in this State.

I submit that the income tax, as far as industries are concerned, as was mentioned earlier here, that in the hearings industry itself agreed that they would rather pay on their profits. If the sales tax is raised, the new industries that are trying to come in, or planning to come in, wanting to come in, have to figure on new equipment, new machinery, new buildings, the taxes, if paid and paid then, we know that any industry, the first thing they cry for is tax relief in their first years. Under an income tax set-up they are not hurt, they don't pay until their industry or their business is moving to a point where it is producing profits, and at that time then they submit to the tax features and help our State.

I think certainly that this is the fairest measure that can be adopted. If this measure is adopted, I am sure that this session can be shortened and we can go home with a sense of accomplishment.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I feel compelled to answer some of the statements the good Senator made, the good Senator from Somerset. In the first place, when I took a figure and said if we were to collect from a sales tax this amount of money, I reduced the \$45,000,000 to \$30,000,000, and I said it would be from \$3,000,000 to \$6,000,000 coming from within the State. I am sure I left enough room for the other \$15,000,000 to come from corporations outside of the State.

In the second place, the statement has been made quite a few times that industry testified that they would prefer an income tax to thus and so. I think one man before the Taxation Committee did say that, but I see no indication that industry in general prefers an income tax.

Finally, I do want to relate the testimony given by the manager of the General Electric Plant in South Portland. The way this income tax is set up, unless it has been changed, his plant would pay an income tax, even though it is losing. The way the bill is, as I understand it, General Electric would pay an income tax on that proportion of the business, profits, on their overall profits as compared with the proportion of business done in the State of Maine. He told us, and I have no reason to doubt him, that General Electric in South Portland has a losing operation. Yet he said "we would be obliged, under this law, to pay an income tax on a losing operation". He says, "That is no incentive for us to have other plants in Maine, it is no incentive for us to expand". You talk about asking plants to come to Maine, and then you talk about taxing them when they are making losses, and I don't think it makes sense.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: To answer the good Senator Wyman's concern about corporations paying a tax when they are in fact operating in the red, I would like to say that in reading very briefly this document, it appears that it is based on the federal income tax liability. So if they are paying a federal income tax, certainly they are not operating in the red. The State tax would be five per cent of the federal income tax liability. Now, if there is federal income tax liability, that corporation is operating with a profit and, of course, should be subject to a State corporate tax.

In that regard, Mr. President and Members of the Senate, I inquired of the State Tax Office here as to just exactly how much money a State of Maine corporation paid in federal income taxes last year, and the 1968 Internal Revenue Report for Maine indicates that the federal government received \$51,390,000 in corporate income taxes from the State of Maine. We can't draw any conclusions from this because this money was received from Maine based corporations. In addition to this, there are many foreign corporations who do business in Maine and who would be taxed on that percentage of the profit they realize from their activities in the State of Maine. It is estimated that a five per cent Maine corporate tax would yield about \$12,500,000.

In other words, one per cent of the State corporate tax would yield about \$2,500,000. So we are not penalizing the Maine corporations, because once they do pay a Maine tax, that tax is credited against the federal return for the following year. To make a profit here in Maine they should be required to pay. I certainly see nothing sacred about the Maine corporations.

In that respect, Mr. President and Members of the Senate, I view with some alarm comments of a member of the other body several days ago who attempted to

identify the Republican Party as the party that supports and is labeled the party of the corporations. I do not believe that this is so. I do not believe that the members of this body or the members of the other body would concur with the statement of the Republican National Committee woman. I want to read this at this time and make certain it is in the record, because there are certain statements in here that should be clarified. I read from the House record of June 16, 1969. The Representative goes on to say, and I quote. "I am also going to say something that may seem unwise but—

The PRESIDENT: For what purpose does the Senator rise?

Mr. BERRY: a parliamentary inquiry, Mr. President, I am wondering if the Senator from Oxford is not using debate in the other body to influence debate that is proceeding in this chamber?

The PRESIDENT: The Chair would inform the Senator from Oxford, Senator Beliveau, according to the joint rules, that verbatim debate from one branch may not be used in debate in the other branch.

Mr. BELIVEAU: You mean I cannot quote from the record?

The PRESIDENT: The Senator is correct.

Mr. BELIVEAU: In any event, as I recall the statement generally, I assume it does not preclude or prevent me from reading from an editorial which appeared in this morning's Portland Press Herald. I think this also should be included in the record. I don't believe I am precluded from doing this by the joint rules. Referring to the problems that we find ourselves in here today, and the past week, the editorial reads, and I quote, "This uncommon exercise in leaderless confusion would be the funniest act in any circus if the business at hand weren't so deadly serious. Because the welfare of the entire State hinges on the decisions which must some time or another be made by this disorganized mob, the general reaction is one of revulsion. The Republican Party is going to suffer the most bitter fruits of this disgust

because it controls the two-ring circus at Augusta, or perhaps it would be better to say that it has greater numbers. The acts of the past few days suggests that no one is in control of anything. It is a fragmented Republican Party that will lose the confidence of the people, if they haven't already, because it is Republicans who have created chaos with the Part II Budget and tax programs to sustain it. It is the Republican Party that will be branded as irresponsible because it is its representatives who have displayed some of the worst judgment ever exposed in a legislative assembly."

I do not concur totally with this document. I do not believe that the Republican Party wants to be identified any more with the corporate interests or would want the Maine citizens to think that it is protecting solely the corporate interests here, anymore so than the Democrats are protecting anyone else's interests. I believe we are all here to serve the interests of the citizens of the State of Maine.

I fail to see where the five per cent corporate tax would place an unreasonable burden on any of our Maine corporations. As a matter of fact, a quick review of the states which do have a corporate tax will show that these states are some of the most highly industrialized states in the country. The absence of a corporate tax in Maine has been no inducement to attract additional industry here.

I would like to conclude by saying that an increase of a sales tax to six per cent would be an unfair burden upon the great majority of the citizens, the taxpayers of this state; that the imposition of a corporate tax at this point would not be an unreasonable burden, would not be a deterrent to corporations, and would be a very reasonable means to finance the services which we need so badly.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate. There are two points I want to make. First, I want to express my appreciation, and I hope

the appreciation of the Republican Party, for the concern that the good Senator from Oxford has for his opposition party.

Secondly, I don't seem to be able to make myself clear. The good Senator says he doesn't want a corporation which is losing money to pay income taxes, but under this set-up, as the General Electric Manager in Portland told us before the committee, his plant is losing money. But if he and I understand the bill correctly, due to the fact that it is making money somewhere else it will have to pay a corporation tax here in Maine. In other words, they will have to take dollars that they earn in Massachusetts, New York, Florida, or some other place, and bring them to Maine to pay taxes even though the plant is showing a loss.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I must admit at about this stage of the game I feel very inadequate for my job and actually as a representative for my constituents. I do feel that, first of all, the Democrats, I think, in our caucus should be commended because they felt very strongly that they wanted to run this particular package. Now, I think that takes a considerable amount of courage. It wasn't necessary, we didn't have to, but they wanted to be responsible. And I feel very strongly with them, and this probably has come about actually in the last five or six months, that it may not be the most popular method of taxation, but I feel the most equitable and the fairest type of taxes that we could pass in this session would be a small corporate and a small personal income tax. I feel very strongly this way.

As far as the corporation tax and the undue hardship that it is going to work on the General Electric Company, I am not that concerned really. I can see the point of the good Senator from Washington, Senator Wyman, but, nevertheless, if this company is making money over-all, and this partic-

ular plant for some reason or other is not making money then they are not going to expand and put more plants in here that are not going to make money. I mean, I don't know the workings of G.E., but I assume, at least I feel personally, that this will not have any great effect on their expansion as far as they are concerned.

I was quite surprised when I talked with an official of the Bath Iron Works—and this again was sort of off the record—when they seemed rather upset about a six per cent sales tax. Now, here is an industry that may go into a tremendous expansion, possibly the Federal Government—I don't know, maybe they already have this seven per cent depletion allowance they are taking away from the business people—and this six per cent, when you are purchasing millions of dollars work of new equipment, does work, I mean, it is a factor. If you are going to keep industries up so they can make profits then this sales tax can be a factor.

From the political standpoint, I take everyone here in good faith. I think a lot of things should be left up to the next election rather than discuss it here as far as this legislature is concerned, and I think that a five per cent sales tax and a five per cent corporate tax, and a five per cent personal income tax is a great issue for both parties to carry to the people next year and let them speak on it. I just feel as if going to the six per cent is asking a lot for the party that I belong to. I feel somewhat obligated to them in that we have led them up to the five per cent, they bought that, and they bought the auto trade-ins, and they can logically say, you know sure, you have done this to us, and now you are going to ask us to go for the six per cent. I just feel as if the reasons against that seem to me to be very emotional, and I am going to go on record as saying that I believe in all sincerity that this is the most adequate method that we could finance in this session. Therefore, I hope the amendment does pass.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I don't know why I stand up here and talk about financial matters because I am certainly not an expert in these matters, I am just a farmer. I was a poor boy and I am still poor, and I am willing to pay my share of taxes.

I have a great deal of respect for my seatmate and my colleague from Aroostook County, Senator Violette. I have a lot of confidence in his judgment and his advice. One thing I can't agree with him on is this proposal he is making today for a personal income tax. I also come from Aroostook County and I think—I am not very politically astute—but I think I have my finger on the pulse of the people of my constituency and I have talked to many of them. I have tried to evaluate the information I have received from these people who elected me, and they definitely do not want a personal income tax. They prefer an increase in the sales tax. Now that is the sentiment that I get.

Mention has been made many times this afternoon of the fact that a corporate income tax and a personal income tax is the most fair and equitable tax that we can levy on the people of the State of Maine. Now, this is just the opinion of the people that are speaking. I don't agree with that. In the case of a personal income tax or a corporate income tax, you have no choice; you pay what you are told to pay. In the case of the sales tax, you do have a choice. We talk about taxing the people who can most afford to pay. Who are those people? We talk about the little man, the poor man, the wage-earner. Who is the little man today? Personally, if I was going to start over again I wouldn't go in business at all. I would get all the education I could and I would get a white collar job, maybe a government job or a state job, and I would get an increase in salary every year and I would be well taken care of. I couldn't be fired, and I would be pretty well off. I can't agree with some of the things that have been said here today about the personal

income tax being the most fair and equitable tax, and I certainly will never vote for it, not in this session.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I don't believe that we are going to come out of this session, of course, with both. I know we are not going to come out of this session with both the 6% sales tax and this amendment that is before us now for the two types of income tax. I am going to vote for it because I don't believe in closing the door on this avenue at this time. I think this is an important way of raising revenue. I think it can be an essential way and it might be the only way where we can get sufficient agreement among ourselves to finance the state government. For that reason I will vote for it. I would much prefer, if I had the exact choice, I would take the 6% sales tax in favor of this, but I will vote for this as being an important measure and it possibly being the only one that can come through, although I am not at all sure of that.

Another thing, I don't like to see the Democrats claiming a corner on the income tax, although I know many of my colleagues in the Republican Party feel that we should push them into that position perhaps. Many years ago, at the risk of trying to assume the mantle of the body's historian here, I can remind the body that in 1947 the Speaker of the House, John F. Ward, and the Republican Floor Leader at that time, both favored going into a joint sales and income tax, and that was before we had either one, some time before as a matter of fact, but the need for new revenue sources was very apparent and very great then, but we got by with a patchwork methods until, I think, 1951 when the first sales tax came in and that pre-empted the field for a long, long time. We are just about running out of the field of the sales tax and we are about

where we were back there in 1947 where we have got to turn to something else before very long.

This would be an awkward thing to have, to administer, with all of its incumbent administrative expense of an estimated \$350,000 as I understand it, when all you would have to do to raise more revenue on the sales tax is just put the other cent on, and you wouldn't have to have a whole corps of new employees to administer it. I think this is coming and I think most students of taxation and students of government, people who have been watching Maine fiscal affairs over the years, feel that the income tax is a pretty inevitable thing within the near future. I would prefer the 6 per cent, but I will vote for both of them, and I don't want to be the one standing in the way of any logical move, any appropriate method, of raising the money that we have to have to finance the State Government.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would ask the Senate today to reject the amendment before us for a personal income tax. I think it is apparent to us that the Republican Majority in the Senate very sincerely thinks, very deeply and honestly thinks, that the level of spending is too high, and I think that we have had a substantial vote to indicate that. And I think we are also aware of the fact that the Democratic Party has felt that the level of spending, if anything, is not quite high enough, and this also is the position of the Governor.

I do wish that the State Chairman of the Democratic Party could have resisted the irresistible impulse to put a little partisan pickle into the debate, because I don't think it really helped an awful lot. But, if the Governor, indeed, can be prevailed upon to withdraw from his position that this budget is not high enough and if, Lord only knows how, the Republicans in the Senate can be

impelled to reconsider their feeling that the budget is substantially too high, and if the Democratic Party could reconsider its obvious deep-seated hostility, sincere hostility, to a 6 per cent sales tax, then, and only then, maybe we can get something out of here, but it is going to take a tremendous amount of yielding and re-evaluation on all our parts.

I call to your attention the Republican vote on the two previous issues before us, when 11 Republicans out of 18, in effect, that they think this package is too high, and 4 Republicans from leadership voted against their own party. It is a very clear indication to me here today that leadership of the Republican Party is on very, very thin ice and it is going to take a miracle for us to accommodate our differences.

The Democrats, on the other hand, I understand, in caucus have expressed an absolutely firm hostility to a 6 per cent sales tax and a very, very strong desire to go to a personal income tax. Well, good luck to us. Good luck to each and every one of us. But a more blatant exercise in futility I can't imagine if all of us dig in with our heels.

We also have another chamber down at the other end of the corridor with some more soul-searching down there, but I would say that the time is right now for all of us to swallow our bitter pill and acknowledge the fact that whatever we get out of here we are going to basically hate, because we are victims of the times and we ran for office, for the 104th Legislature, when there is a thousand problems and a hundred unsatisfactory answers. I would say to the Senate today that I hope that you will reject and review your feelings — reject the personal income tax at this time, and see if we can't reach an accommodation between the Republicans who don't want to go this high and the Democrats who don't want the suggested method of financing. Other than that, it is going to be a personal failure all over again, and failure is one thing that we cannot possibly accept as reasonable.



The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: As I sit here with my thoughts I go back a few months ago, perhaps even two years when the present Governor was running for office, and I listen to the good words of Senator Beliveau who we must admit also is Chairman of the Democratic Party, and I listen to a former aspirant for the Gubernatorial Office, Senator Reed, and I recall the days when the Democrats were in control of the 102nd Legislature and the Speaker of the House forbade any member of his party to sign the income tax bill. I find quite an incongruous situation facing us with all these different stories. A Governor who ran on a platform of no major tax increase, and he can't seem to wait to get a major tax increase in. I wonder if this tax increase is desirable from the standpoint of the Chief Executive if he wants to run for office a year from now and have it behind him, or if he would rather take up the cudgels and go out onto the campaign trail's with a major tax as an issue. These are all different thoughts, but they certainly have political overtones. I find it extremely inconsistent on the part of the Democratic Party and its leaders that they have taken this position. I certainly couldn't support that. I am going to move indefinite postponement, Mr. President, of this amendment.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Senate Amendment "E" be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I take no great pride in authorship of this amendment, but I think it does present the position, at least my own position, and undoubtedly the position of my own party at this time.

I am not standing up and making partisan accusations of who is responsible or who is not responsible; I don't think this leads us anywhere. But, very, very hopefully,

Mr. President and Members of the Senate, we could arrive at some revenue-raising measures that would be acceptable to the majority of both parties, and I suppose one of my reasons for offering this amendment today is to point out quite graphically what this situation is today and hopefully what we can do from here on.

Now, it has been stated, I suppose, both by leaders of my own party, leaders of the other party and by members of the press, that neither party had the votes to pass any tax measure, any major tax measure, and that there would have to be a combination of cooperation between both parties in order to pass any significant tax measure. And I was very, very encouraged when the leadership of both parties reached agreement on what they thought was a good tax package as a compromise and what we ought to go to for expenditures. We find ourselves today, Mr. President and Members of the Senate, speaking of raising approximately \$70 to \$75,000,000 of new revenues, if we are going to go on what apparently seems to have been the package advanced to date, and roughly \$60,000,000 of this money being raised by tax measures that today are not acceptable to my party, not acceptable to me, and not acceptable to the majority of the members of my party. Now, I think at least, and I am not talking for the members of my party in the other body, but I am not even the leader of my own party here, so maybe I shouldn't even be talking, but I think that the Democratic Senators in this body have kept a very, very open mind on the matter of taxation. Even to this date I don't think it is a closed mind, but I do say that if there is going to be any areas of compromise here that somebody is going to have to move from one end and start walking towards the middle of this situation. As we find ourselves now, this is not the case.

I am willing to sit and talk about tax measures that is going to, to some extent, bring the two parties closer together in concept of perhaps what ought to be used for money raising revenues, but I don't plan to sit here, and if we should

retain the same positions we now have, and if we should fail to pass a Part II budget, that I or my party is going to take the responsibility for having failed to do so, on the present basis of what is being offered for a tax package, because we are being asked to accept as tax measures 80 per cent of the dollar on a tax package that has not been acceptable to us from the start, at least most members of the Democratic Party in this legislature. So maybe there may be areas of compromise, and I hope there are.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: By and large the greatest volume of mail I have received from my constituents during this session has been opposing the personal income tax, and also reducing this immense sum of money that has been set up in this second budget. They say we don't need all of that and, if by chance you need additional money to carry on a needed program, increase the sales tax by one penny. You already have the organization and it can be done without increasing the overhead here in Augusta. If you pass the income tax you are setting up another big bureau to handle it, it is going to cost more money and, for goodness sakes, keep away from it this session.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: It might be noteworthy at this time to mention that organized labor in the State of Maine sent out 54,000 questionnaires to its members. From the responses which they received, from their members, the vast majority of these people, the vast majority I repeat, voted for an increase in sales tax rather than an income tax. I think that if these people who realize that we do need increased services in the State of Maine are given a choice of taxes, and they desire an increase in the sales tax as opposed to an income tax, I think we would be remiss

in our duties to impose upon them our own taxes. I think it would be incumbent upon us to hear the voice of these people and pass a tax which they approve since they are the ones that are going to have to pay it.

I would like also at this time to substantiate or to go along with Senator Wyman's remarks. We should not forget that many of the sales tax dollars are going to be paid by people from out of state. Senator Beliveau mentioned, on the corporate aspect of taxes, that we would only raise approximately 2½ million dollars from corporations under the proposal of Senator Violette. This, in effect, would mean that the employees of the State of Maine, the workers, would be paying some \$42½ million dollars, according to these figures. And we sit here and we debate whether we should refuse between \$8 and \$10,000,000 from out-of-staters. Why it is ridiculous to even consider refusing this money. I am for raising money to meet the budget, and I am for the sales tax and I am trying to get as much of it as possible from out-of-staters. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, I request a roll call vote on Senator Berry's motion.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I think this is only my second time up on this issue, but it may be my third or fourth. If it is, I apologize and ask permission.

I think that a lot of what has been said here has been true on both sides. I said the first time up that I didn't know whether this was the most popular tax as far as the people in the State were concerned. I did feel as if it was the most equitable. And I also said that I think my own personal feelings have been somewhat changed

on this particular issue. I still have a lot of people who, when I talk income tax, think I am completely off my rocker, and from the remarks of the Senator from Cumberland, Senator Berry, it is true, however, I would like, possibly in defense of myself, I would like to remind this body that the Speaker of the House at that time in the previous session had introduced the personal income tax, and that I did in that session, at the request of the League of Women Voters, find a sponsor for this piece of legislation, feeling that it should be considered by the 102nd. Now, I am breaking one of the cardinal rules that I made here at the beginning that I wasn't going to mention that legislature because it was done and it is, like all others, history, but if we can get some benefit from it, well good, and if not, well, forget it.

I just feel that, as I said, this particular income tax that we are proposing now is worth a lot more consideration than I feel it is being given, and I would also like to clarify the fact that I personally believe that the compromise package that the leadership of both branches worked out, and of both parties, was a pretty fair judgment of what could and should be done at this legislature. And I believe, as far as the Democrats in the Senate are concerned I don't know, we didn't take any vote but I believe they would overwhelmingly support that compromise package, leaving out the sales tax and disregarding the income tax. But, as the Senator from Aroostook, Senator Violette, has stated, the ball just didn't bounce that way and, therefore, we did not really have an opportunity to push it forward. Therefore, I guess you might say that we are at this time doing our little thing and maybe we should get on with it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Senate Amendment "E" be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair

to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. All those Senators in favor of ordering a roll call will rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will state the question once again. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Senate Amendment "E" be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Barnes, Berry, Dunn, Greeley, Hanson, Hoffses, Katz, Logan, Moore, Peabody, Quinn, Sewall, Stuart, Tanous, Wyman and President MacLeod.

NAYS: Senators Beliveau, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Martin, Mills, Minkowsky, Reed and Violette.

ABSENT: Senators Bernard and Levine.

A roll call was had. Seventeen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with two Senators absent, the motion prevailed and Senate Amendment "E" was indefinitely postponed.

Mr. Katz of Kennebec then moved that the Senate Recede from its action whereby Senate Amendment "C" was Adopted.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I don't want to belabor this but, not being familiar with it, I would like a few brief words on what these amendments do.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am glad the Senator from Washington has requested this. House Amendment "A" to Senate Amendment "C": Senate Amendment "C" is what we might call the second supplemental that includes the combat pay, state em-

ployees and the like. House Amendment "A" to Senate Amendment "C" contains a duplicate of the so-called Jalbert Amendment. House Amendment "E" is the Jalbert Amendment. House Amendment "F" includes the 6 per cent and the 2 per cent tax. House Amendment "H" reduces the University of Maine Budget by \$300,000. House Amendments "J", "K" and "L" take out money for Arts and Humanities, the Attorney General's Office and the Vocational Scholarship. It is the intent at the moment to go through this procedure and attempt to accept the House Amendments, and to reject House Amendment "H", which is a reduction in the University of Maine's Budget by some \$300,000.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate recede from its action whereby it adopted Senate Amendment "C"?

The motion prevailed.

House Amendment "A", Filing No. H-526, to Senate Amendment "C" was Read and Adopted in concurrence and Senate Amendment "C", as Amended by House Amendment "A" thereto, was Adopted in concurrence. House Amendment "E", Filing No. H-533, was Read and Adopted in concurrence. House Amendment "F", Filing No. H-542, was Read.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "F"?

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, Is this the \$42 million amendment? I would request a roll call on it please.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I believe that House Amendment "F" is the six - two package. Am I correct in this?

The PRESIDENT: The Senator is correct. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor

of ordering a roll call rise and remain standing until counted.

Obviously more than one fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President, a point of inquiry: Would you clarify this again, please? I am a little confused and I want to be sure I know what I am voting on.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I hope that all members of the Senate can accept this for the purpose of doing something here today after a couple of hours. This is the amendment that was put on in the other body for a six per cent sales tax and a two per cent corporate tax. It gives a level of spending to which some of you are not in complete accord but, in order for us to keep some motion here, I hope that regardless of your acceptance or rejection of this level of spending you can go with it today because you will have plenty of time in enactment if you finally make up your minds not to accept it.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I suppose this could be called tit for tat, and so on and so forth, but I don't look upon it that way. I would like to state somewhat the position of the Democrats in the caucus this morning, which I guess isn't news to anyone, but we did take the position that we would vote against this particular amendment until the enactment stage. Now, this doesn't mean that we are closing the door on it and that we won't consider it, because we are very concerned about Part II and we desire to do something in this particular way, but at this time I believe that will be the position of the Democrats on this first roll call vote.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I hope that this roll call is called very, very slowly so that everybody can have a chance to do counting as we go along. I am sure all of us want this to get engrossed and get out of here, and I hope that whatever votes it takes are forthcoming.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I would like to say that I appreciate the courtesy that has been shown me here by leadership, particularly the Senator from Kennebec, Senator Katz, in making it possible and then not throwing roadblocks in my way to give me a full chance to voice my feelings on the budget. I have had a chance to go through it thoroughly, there weren't enough that felt the way I did, and now I am willing and going along to pass this through, to pass it along to the other body, and when it comes back the next time, well, we'll decide again what we are going to do. That's another day, but, today I am going along and vote for this and I hope that those who supported me on my amendment will do the same.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of House Amendment "F" to Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." A "Yes" vote will be in favor of the adoption of House Amendment "F"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Barnes, Dunn, Duquette, Hanson, Hoffses, Katz, Logan, Mills, Moore, Peobody, Quinn, Sewall, Stuart, Tanous and President MacLeod.

NAYS: Senators Beliveau, Berry, Boisvert, Cianchette, Conley, Gordon, Greeley, Kellam, Letourneau, Martin, Minkowsky, Reed, Violette and Wyman.

ABSENT: Senators Bernard and Levine.

A roll call was had. Sixteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, with two Senators absent, House Amendment "F" was Adopted in concurrence.

House Amendment "H", Filing H-544, was Read.

Mr. Sewall of Penobscot then moved that House Amendment "H" be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: This amendment would cut \$300,000 off an already substantially reduced University of Maine Budget, and I submit to you that the University of Maine has been cut enough this session. The Appropriations Committee cut nearly \$13,000,000 off their request for operating funds. An additional cut was made in their capital request from approximately \$24 million to \$7½ million, which was a \$16½ million cut in the bond issue.

I think many of us are very seriously concerned about the condition of the University if it is continually subjected to these cuts. This \$300,000 would be approximately 10 per cent off the recommended amount for the second year of the biennium. Now, with the increased costs that are built in every year, which would approximate this same percentage, this would be about standing still in the second year of the biennium or actually a cut-back in services.

A statement from the trustees indicates that, at the level which has been recommended in the Part II Budget, admissions for 1970 must be seriously restricted. The total enrollment may be lower in 1970 than in 1969. Sections of the physical plant may be closed. The South Campus in Bangor could be discontinued. Tuition and fees will be increased, and some accreditation in some units may be lost.

The figures for the University of Maine are extremely exposed in the budget document and they sit there completely obvious to everyone. They are not confused with personal services, capital or any immediate federal entangle-

ments, so that this might be a very easy cut to make as far as preparing an amendment is concerned but, in my opinion, it is cutting with a very rusty ax, and I hope that this amendment will be indefinitely postponed.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I am going right back to my old position again. This amendment is only \$300,000 and, with this, if this is left alone, the University of Maine is going from \$34 million to \$49.4 million, which is almost a 50 per cent increase. I don't think that they are going to suffer too much. I request a division on the motion to indefinitely postpone.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I request a roll call.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Sewall, that House Amendment "H" be indefinitely postponed. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Sewall, that House Amendment "H" be indefinitely postponed. A "Yes vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Barnes, Bliveau, Boisvert, Cianchette, Conley, Duquette, Gordon, Hanson, Hoffses, Katz, Kellam, Letourneau, Logan, Martin, Peabody, Quinn, Reed, Sewall, Stuart, Violette and President MacLeod.

NAYS: Senators Anderson, Berry, Dunn, Greeley, Mills, Minkowsky, Moore and Wyman.

ABSENT: Senators Bernard, Levine and Tanous.

A roll call was had. Twenty-one Senators having voted in the affirmative, and eight Senators having voted in the negative, with three Senators absent, House Amendment "H" was Indefinitely Postponed in non-concurrence.

House Amendment "J", Filing No. H-546, was Read.

Mr. Berry of Cumberland then moved that House Amendment "J" be indefinitely postponed.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I just heard the words "Arts and Humanities" involved in this. Could the Senator from Cumberland, Senator Berry, explain the import of the motion and the amendment?

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The amendment strikes from the supplemental budget one position in each year, and \$10,000 the first year and \$20,000 the second year of matching federal funds which is being used primarily by the Arts and Humanities Commission to bring around the State in various centers some of the music, art, theater, art exhibits and so forth, which have done a great deal since the program has been instituted to enrich our rural life.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Senate Amendment "J" be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I ask for a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that Senate Amendment "J" be indefinitely postponed

will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Eighteen Senators having voted in the affirmative, and ten Senators having voted in the negative, House Amendment "J" was indefinitely postponed in non-concurrence.

House Amendment "K", Filing No. H-547, was Read and Adopted in concurrence, and House Amendment "L", Filing No. H-548, was Read and Adopted in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Before we pass this down the hall I just wanted to express my deep gratitude for the friendly atmosphere of the afternoon and suggest to you that we have proved

conclusively here something very, very specific, that the Republicans in this chamber do not like the level of spending and the Democrats here do not like the method of financing and I think also it should be painfully clear to us that unless these positions are accommodated we will certainly not realize our goal of final enactment.

Mr. President, I move the pending question.

The PRESIDENT: Is it now the pleasure of the Senate that the bill, as amended, be passed to be engrossed in non-concurrence and sent down for concurrence?

The motion prevailed.

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On motion by Mr. Hoffses of Knox, adjourned until 9:30 o'clock tomorrow morning.