

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, April 28, 1961

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mrs. Pauline V. Nute of Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act Repealing Certain Limitations on Elliottsville Plantation" (S. P. 532) (L. D. 1573)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Exempting Benevolent and Protective Order of Elks from Property Taxes" (S. P. 364) (L. D. 1097)

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

Ought to Pass with Committee Amendment Amended in Senate Tabled and Assigned

Report of the Committee on Liquor Control on Bill "An Act to Clarify the Liquor Laws" (S. P. 353) (L. D. 1086) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendments "B" and "C".

In the House, the Report was read.

(On motion of Mr. Dostie of Winslow, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 2.)

From the Senate: The following Communication:

**STATE OF MAINE
SENATE CHAMBER**

April 27, 1961

Hon. Harvey R. Pease
Clerk of the
House of Representatives
100th Legislature

Sir:

The President of the Senate, on April 21, appointed the following conferees on the part of the Senate on the disagreeing action of the two branches of the Legislature on:

Resolve Authorizing Study of Road from Allagash Plantation to the Canadian Border (H. P. 746) (L. D. 1032)

Senators:

COLE of Waldo
FERGUSON of Oxford
BROWN of Hancock

Today, the President appointed the following conferees on the part of the Senate on the disagreeing action of the two branches on:

An Act Amending Charter of the City of Waterville (H. P. 825) (L. D. 1140)

Senators:

FARRIS of Kennebec
MARDEN of Kennebec
EDGAR of Hancock
Respectfully,

(Signed)

CHESTER T. WINSLOW
Secretary of the Senate

The Communication was read and ordered placed on file.

The SPEAKER: The Chair will appoint on the part of the House, in reference to the action of the House on April 25 whereby it insisted and asked for a Committee of Conference on Resolve Authorizing Study of Road from Allagash Plantation to the Canadian Border, House Paper 746, Legislative Document 1032, the following Conferees: Messrs. GALLANT of Eagle Lake PRUE of Ashland PHILBRICK of Bangor

On motion of the gentlewoman from Patten, Mrs. Harrington, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

House Reports of Committees Ought Not to Pass

Mr. Bradeen from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Apportionment to Municipalities of Tax on Railroads" (H. P. 359) (L. D. 511)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Maxwell from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Apportionment of Railroad Excise Taxes to the State, Cities and Towns" (H. P. 944) (L. D. 1292)

Report was read.

(On motion of Mr. Crockett of Freeport, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 3.)

Tabled and Assigned

Mr. Danes from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act relating to Compensation of Chief Deputy Sheriff of York County" (H. P. 853) (L. D. 1167)

Report was read.

(On motion of Mr. Rust of York, tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 4.)

Ought to Pass with Committee Amendment

Mr. Pike from the Committee on Public Utilities on Bill "An Act to Include the Town of Winslow in the Kennebec Water District" (H. P. 416) (L. D. 591) which was re-committed, reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 416, L. D. 591, Bill, "An Act to Include the Town of Winslow in the Kennebec Water District."

Amend said Bill by striking out all of the Referendum and inserting in place thereof the following:

'Referendum; effective date; meetings; elections; how called; certificates to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the Towns of Winslow and Fairfield and of the City of Waterville at any annual or special town meeting called and held for the purpose in said towns and any general or special election called and held for the purpose in the City of Waterville, and in each case not later than April 1, 1962. Such special meetings of election shall be called, advertised and conducted according to the laws relating to municipal elections in towns and cities; provided that the selectmen in the Towns of Fairfield and Winslow and the board of registration in the City of Waterville shall not be required to prepare, nor the town or city clerk or any other officer or board to post, a new list of voters, and for the purpose of registration of voters said selectmen and said board of registration and other officers necessary to an election in a city shall be in session 2 hours next preceding such special or annual meeting of general or special election. The warrants and legal notices for said town meetings and said city election shall contain an article reading substantially as follows in each said town and city:

In case of the Towns of Winslow and Fairfield: "To see if the inhabitants of said town will vote in favor of the following question: 'Shall the Act to Include the Town of Winslow in the Kennebec Water District, be accepted?'"

In case of the City of Waterville: "To see if the inhabitants of the City of Waterville will vote in favor of the following question: 'Shall the Act to Include the Town of Winslow in the Kennebec Water District, be accepted?'"

The town clerks of the Towns of Fairfield and Winslow and the city clerk of the City of Waterville shall reduce the subject matter of this act to the following question: 'Shall the Act to Include the Town of Winslow in the Kennebec Water District, passed by the 100th Legislature, be accepted?' The voters

shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect for all purposes hereof immediately upon the acceptance by a majority of the legal voters voting at said town meetings or city election; provided that there is an affirmative majority in each of the 3 communities where the voting took place; and provided further that the total number of votes cast for and against the acceptance of this act at said meetings in said towns and election in said city equalled or exceeded 20 percent of the total vote cast for all candidates for Governor in said towns and city at the next preceding gubernatorial election.

The result of the vote shall be declared by the municipal officers of the Towns of Fairfield and Winslow and the City of Waterville and due certificates thereof shall be filed by the town clerks of Fairfield and Winslow and city clerk of Waterville with the Secretary of State.

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day'

Mr. Wheaton from the Committee on Taxation on Bill "An Act relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies" (H. P. 358) (L. D. 510) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 358, L. D. 510, Bill, "An Act relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies."

Amend said Bill by striking out in the last line the underlined figure "\$1" and inserting in place thereof the underlined figure "5 cents"

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Passed to Be Engrossed

Bill "An Act relating to Immunity from Prosecution for Giving Testimony" (S. P. 425) (L. D. 1389)

Bill "An Act Providing for the Construction of an Addition to Edmunds Elementary School in the Unorganized Territory" (H. P. 567) (L. D. 787)

Bill "An Act to Provide Schooling for Non-Indian Children Living on Indian Reservations" (H. P. 1136) (L. D. 1566)

Bill "An Act Appropriating Monies for Maine Civil War Commission" (H. P. 1137) (L. D. 1567)

Resolve Providing Funds for Urban Planning (S. P. 101) (L. D. 246)

Resolve Providing that the Legislative Research Committee Study the Clerical and Data Processing Activities of the State Government (S. P. 222) (L. D. 627)

Resolve Appropriating Funds to Public Utilities Commission for Water Resources Investigation (H. P. 379) (L. D. 554)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act Authorizing Washington County to Construct an Addition to County Court House" (S. P. 209) (L. D. 542)

Bill "An Act Providing for a Review of Laws of Department of Mental Health and Corrections" (S. P. 220) (L. D. 625)

Bill "An Act relating to the Regulation of the Practice of Professional Engineering" (S. P. 293) (L. D. 904)

Bill "An Act relating to Use of Motor Vehicles Without Authority in any Place" (S. P. 465) (L. D. 1464)

Bill "An Act relating to Determination of Quorum at Special Town Meetings in Kittery" (H. P. 683) (L. D. 961)

Bill "An Act Creating the Passenger Tramway Safety Board" (H. P. 1019) (L. D. 1420)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee

Amendment "A" and sent to the Senate.

Bill "An Act Revising Fee Schedules of Court Reporters" (S. P. 183) (L. D. 429)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" and sent to the Senate.

Passed to Be Enacted

An Act Authorizing State Park Commission Fees for Services and Accommodations (S. P. 519) (L. D. 1544)

An Act Increasing Fee of Physicians in Commitment Proceedings of Insane Criminals (H. P. 496) (L. D. 695)

An Act relating to Larceny by Trustee in Trust Receipt Transactions (H. P. 599) (L. D. 866)

An Act relating to the West Paris Village Corporation (H. P. 692) (L. D. 970)

An Act relating to Allegation of Prior Conviction in Criminal Cases (H. P. 751) (L. D. 1037)

An Act Permitting Governor of Penobscot Tribe of Indians to Bring Action for Money Due (H. P. 1123) (L. D. 1547)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

HOUSE REPORT — Ought Not to Pass — Committee on Legal Affairs on Bill "An Act relating to Political Registration of Members of City of Lewiston Boards and Commissions." (H. P. 202) (L. D. 297)

Tabled — April 4, by Mr. Bussiere of Lewiston.

Pending — Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker and Members of the House: This act provides for the removal from the list of considerations that the appointing authority makes in ap-

pointing the various boards in the City of Lewiston — political affiliations. From a practical standpoint it would mean that a board would be composed of members of the same political party. Because of this, this was opposed by the various civic groups from Lewiston, and the Legal Affairs Committee felt that it would remove a good system of balances and checks and brought out the unanimous "Ought not to pass" Report.

Accordingly at this time, I move acceptance of the committee report.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Bussiere.

Mr. BUSSIERE: Mr. Speaker, I would like to say a few words about this if I am permitted. The intent of introducing this bill was honest. In the past we have had many, many people changing registration from one year to another, thinking that they would be appointed. To me it doesn't make sense for a Democrat to shift to a Republican, and he would be still a Democrat thinking to be appointed on a certain board. And I think I am fighting a desperate case at this time, I now move that the Committee Report of "Ought not to pass" be accepted.

Thereupon, the "Ought not to pass" Committee Report was accepted and sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

SENATE REPORT — Ought to Pass — Committee on Legal Affairs on Bill "An Act relating to Obscene Printed or Written Matter or Material." (S. P. 433) (L. D. 1393) — In Senate Engrossed with Senate Amendment "A" (Filing S-109)

Tabled — April 21, by Mr. Dennett of Kittery.

Pending — Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: Only this week this House passed to be enacted a bill covering this same subject matter which was passed

out of the Committee on Judiciary. For all purposes it appears that this bill before us presently, in the manner in which it is written and its several implications, would tend to impede rather than implement enforcement of the same subject matter. It carries, embodied in the bill, certain things which apparently many of the best legal minds think are utterly unenforceable, and it would tend to give much ambiguity to the bills or to the laws relative to obscene matter.

In view of these circumstances, I would move that this bill be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the Report and the Bill be indefinitely postponed.

The Chair recognizes the gentleman from Bristol, Mrs. Sproul.

Mrs. SPROUL: Mr. Speaker, this bill relating to obscene matter had a good hearing in the Legal Affairs Committee. We realized the problem that it has had to handle, but we think that it is an honest attempt to correct the situation. Under this bill — I haven't got it right in my mind — but it should help them, and I think it deserves consideration. One argument against it, probably the gentleman from Kittery, Mr. Dennett is thinking of, is that it doesn't tell what is obscene and what isn't, but as one of the members on our committee stated, it is not hard to tell just from the cover whether something is obscene or not.

I hope that we accept the committee report.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I rise to support the stand of my esteemed colleague from Kittery, Mr. Dennett, in opposing this bill, which is fundamentally directed against out-of-state publishers and out-of-state distributors. Now I realize that legislation is not the answer to all problems and I do deeply believe that censorship laws are fundamentally wrong. I would suggest that the true solution to this irritating problem is in the homes

and schools of this state, and not in the Legislature.

And I would further submit to this House that no boy was ever wrecked or no girl was ever ruined by a magazine.

The SPEAKER: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker and Members of the House: I think anything to alleviate the things that are going on today that are presented before our young folks certainly demand our attention, and I feel that if this bill was given our attention that it would be a start at least. And I think some of the newsstands would probably hold back some of the worst literature, and we had samples of it in our committee. I think we should all be ashamed to think that we have got it on our newsstands in our state, and I am very much in favor of this. Let's pass it and see if we can't get a start.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I concur with the other members who are in favor of this bill. I think that it will help put the fear of God in some of these people who are putting out this terrible written material for children to read. And I hope that this bill passes.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, I rise only in support of the gentleman from Kittery, Mr. Dennett, for the simple reason that we have already passed a legislative document that covers this fairly well, Legislative Document 9 passed last week.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, what I am truly trying to point out — it is very difficult to get up here and oppose certain members of this body who I regard with the highest of respect and capability, but what I am trying to point out is that we have already passed an excellent law on this subject matter. Now, I feel very strongly, and I think most

everyone knows, that this was a distributors' bill. Now this is an endeavor to draw a red herring across the trail to pass on to publishers, who may be many, many miles away, what acts that are really the fault of these people in this state who are distributing this literature.

Now they provide for extradition, for instance, for a publisher from California; we know this stuff is impossible. Once a distributor, who is caught red-handed with this stuff in the State of Maine, under this law is simply going to plead that he had no knowledge of the fact that this was obscene literature. And the person to blame is the distributor who is thousands of miles away; now get off my back and go get him. Well, it's simple; they just can't get it. Of course, naturally, this provides for extradition; but we know that this is highly improbable, that a Governor of another state is going to grant extradition to the State of Maine of one of his citizens who never set foot in the State of Maine. And the law is simply unenforceable and I feel strongly that this favors the distribution of this matter rather than enforces against the distribution.

It also goes into mailable matter, something that is definitely under the Federal Government. The State of Maine cannot legislate interstate commerce and neither can they enforce anything to do with mailable matter. That is a federal offense, and is nothing to do with the State of Maine.

I contend that this is a red herring and is designed to be favorable to this matter rather than to be unfavorable. I certainly hope that this motion to indefinitely postpone prevails, when the vote is taken I ask for a division.

The SPEAKER: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to my good friend, Mr. Dennett, the gentleman from Kittery. I believe that the bill—the other obscene literature bill which we have passed—is one that has been on our books for a great many years. It has

been amended, it has been added to, and it has not been enforceable either. This bill we have is a new concept of our obscene literature enforcement and perhaps by hitting at the publishers, who are the ones who are putting out this obscene literature, we may be able to control this matter.

I hope that the motion of the gentleman from Kittery, Mr. Dennett, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, I fully appreciate the value of these various legislative moves to clean up our newsstands and I am fully in accord with them. However, when I looked over this particular bill I was concerned about, under II, and I think that this particular section is rather a bad one where it says in definition, 'obscene' means that to the average person, applying contemporary community standards." Now we do have communities in the State of Maine where the community standards may be very, very restrictive.

I don't like that definition; therefore, I shall support the motion of the gentleman from Kittery, Mr. Dennett. And I might further add that I have a large newsstand business and it keeps our help busy censoring the material that does come to us. I know some of it is bad, there is no question about it, but I do not like this law.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion of the gentleman from Kittery, Mr. Dennett, that this Legislature has passed an amended bill covering obscene literature which is very effective and leaves it up to the sound discretion of our local judges on the Superior Court level. Now this particular piece of legislation here before us, although it is the type which will appeal to the sympathies of individuals, it is a piece of legislation which for all practical purposes is unenforceable and can very well leave the State of Maine in a very embarrassing position by having to prosecute some

person from another state, have him found guilty, and having attempted to extradite him. And when you have these publishing firms in these foreign states that are paying taxes and good money and are respectable citizens, no Governor of that state is going to extradite these people to the State of Maine to answer to a criminal indictment.

For that reason this is really a bad piece of legislation.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the Report and Bill "An Act relating to Obscene Printed or Written Matter or Material," Senate Paper 433, Legislative Document 1393, be indefinitely postponed. A division has been requested.

All those in favor of indefinite postponement please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Eighty-four having voted in the affirmative and nineteen having voted in the negative, the Report and Bill were indefinitely postponed and sent up for concurrence.

The Chair laid before the House the third tabled and today assigned matter:

HOUSE REPORT — Leave to Withdraw — Committee on Judiciary on Bill "An Act relating to Certain Property of Town of Union, Knox County, Acquired Under Will of Francis E. Thompson." (H. P. 886) (L. D. 1221)

Tabled — April 21, by Mr. Finley of Washington.

Pending — Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Washington, Mr. Finley.

Mr. FINLEY: Mr. Speaker, Ladies and Gentlemen of the House: As I have already cleared this with the Committee on Judiciary, I would at this time move the Report and Bill be recommitted to that honorable body.

Thereupon, the Report and Bill were recommitted to the Committee on Judiciary and sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act Relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of the Town of Old Orchard Beach." (H. P. 1132) (L. D. 1559) — In House Read the Third Time.

Tabled — April 27, by Mr. Fogg of Madison.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: The proposed amendment is now being mimeographed and should be on our desks within a ten-minute period, so therefore I move that this be tabled until later in today's session.

Thereupon, the Bill was tabled pending passage to be engrossed and specially assigned for later in today's session.

The Chair laid before the House the fifth tabled and today assigned matter:

An Act relating to Transfer of Duties of School District Commission to State Board of Education. (H. P. 801) (L. D. 1115) — Engrossed in both Branches.

Tabled — April 27, by Mr. Westerfield of Liberty.

Pending — Passage to be Enacted.

On motion of Mr. Westerfield of Liberty, the House voted to suspend the rules and to reconsider its action whereby this bill was passed to be engrossed on April 4, for the purpose of offering an amendment.

Thereupon, Mr. Westerfield of Liberty offered House Amendment "B" and moved its adoption.

House Amendment "B" was read by the Clerk as follows:

HOUSE AMENDMENT "B" to H. P. 801, L. D. 1115, Bill, "An Act Relating to Transfer of Duties of School District Commission to State Board of Education."

Amend said Bill in the 7th and 8th lines by striking out the underlined word and figures "June 30, 1965" and inserting in place

thereof the underlined word and figures 'December 31, 1963'

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Estey.

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: As Mr. Westerfield indicated to you yesterday in offering an amendment and the reason for tabling this bill was that the bill pending provides for the extension of the Maine School District Commission for three more years. Mr. Westerfield's purpose in offering the amendment was so that each succeeding Legislature would have an opportunity to consider the function of this Commission. But in offering his amendment, the proposed figure of June 30, 1963 would have meant that the duties would have lapsed before effective date of legislation considered by the next Legislature. Therefore, in meeting with the Committee on Education, it was agreed that it would be fair for each Legislature to consider the functions and duties of this commission, and therefore we agreed that in order to allow for a period of transition after the adjournment or effective date of legislation that December 31, 1963 would be acceptable. I move the adoption of the amendment.

Thereupon, House Amendment "B" was adopted and the Bill passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

The Chair laid before the House the sixth tabled and today assigned matter:

HOUSE DIVIDED REPORT—Report "A" Ought Not to Pass—Report "B" Ought to Pass with Committee Amendment "A" (Filing H-202) — Report "C" Ought to Pass with Committee Amendment "B" (Filing H-203) — Committee on Claims on Resolve, in Favor of Jim Adams, Inc. of Bangor. (H. P. 464) (L. D. 664)

Tabled — April 27, by Mr. Minsky of Bangor.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Minsky saw me last night and told me that he had been called away today, and he asked if I would request permission to have this matter tabled until Thursday next.

Thereupon, the Reports and Bill were tabled pending acceptance of either report and specially assigned for Thursday, May 4.

Senate Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and the House adjourn, they adjourn to meet on Tuesday, May 2nd, at ten o'clock in the morning. (S. P. 534)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The Chair laid before the House the fourth tabled and today assigned matter, which was tabled earlier in today's session:

Bill "An Act Relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of the Town of Old Orchard Beach." (H. P. 1132) (L. D. 1559) — In House Read the Third Time.

Tabled — April 27, by Mr. Fogg of Madison.

Pending — Passage to be Engrossed.

Mr. Plante of Old Orchard Beach offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to H. P. 1132, L. D. 1559, Bill, "An Act Relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of the Town of Old Orchard Beach."

Amend said Bill in the first line of section 4 by striking out the words "municipal officers of the"; and in the 5th line of section 4 by striking out the words "municipal officers" and inserting in place thereof the word 'town'.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is simply to take care of a technical matter. This bill was redrafted, and very well done by the Legal Affairs Committee. However, there was a minor point which I found to be an error which concerned the power of our municipal officers to adopt ordinances, which they are not empowered to do. This simply gives the power to the town to adopt ordinances, rather than our municipal officers.

Thereupon House Amendment "A" was adopted, the Bill passed to be engrossed as amended and sent to the Senate.

On motion of Mr. Haughn of Bridgton, the House voted to take from the table the first tabled and unassigned matter:

HOUSE DIVIDED REPORT—Majority Report "Ought to Pass"—Minority Report "Ought not to Pass"—Committee on State Government on Bill "An Act relating to Travel Allowance for Members of the Legislature." (H. P. 53) (L. D. 94)

Tabled — February 21, by Mr. Haughn of Bridgton.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: As you know this bill has a problem confronting all of us. First, at the outset, I would like to say that this is not a pay bill. This is an expressed opinion by the Supreme Court of the State of Maine four years ago. This is considered and construed to mean as legislative expenses. I want everybody to clearly understand that, that we are not talking on a pay bill for legislators.

This bill, as you know, calls for an increase of two cents per mile for each legislator for one round trip per week from their home to the Legislature and back once a week. I would like to cite the increased costs of expenses, not pay, but expenses of car operations and that is in an issue in this morning's Daily Sun, the Lewiston pa-

per, which gives an ALA report. It says the average standard car spends an average of 15.11 cents per mile. Now this is a 1961 report. An increase of one and one half cents over last year's costs. The ALA is announcing the results of its annual cost of car operation survey, so the actual cost for operation, gasoline, oil, grease and tires amounts to only 3.24 cents per mile, while the fixed charges such as taxes, registration fees, depreciation, insurance has hiked the cost up to the present 15.11 cents per mile. Of course we do realize now they have a small compact car, which has an advantage over a standard size car. Its costs are only nine and one half cents per mile against the 15.11 of the standard size car. And the actual cost per mile is reduced to a little over two cents per mile for car operations. But his fixed charges are still the same. So therefore, that shows the reduction and the reason for the compact car over a standard size car.

Now the 1961 figures show an increase of one and one half cents per mile over 1960. Now that is only for last year. They have been increasing proportionately for several years. So therefore with that in mind, and this being a legislative expense, I do not hesitate for one moment to bring this to your attention. That we allow the state employees eight cents per mile for the first 5,000 miles. They are then reduced to six cents per mile for the remaining miles.

Now I felt that there are very many of us legislators who travel much over the 5,000 miles per year during the session. So they are receiving eight cents—the state employees—against our present five. So, if we should see fit to increase this one, we are not going above the state employees, we are still staying one penny below per mile, because I have only asked for seven cents in this bill against the present five now received. So, therefore, we feel that we would not be doing an injustice to the state employees on mileage basis, because we still will be remaining lower than they are even with this increase.

So, with that in mind, Mr. Speaker, I might add too that we do know there might be some correction from the controller's office in regards to actual miles allowed, because I believe there are some who are a little out of line and getting excessive mileage. But that is up to the controller's office to review and revise this mileage. Of course, we are charged with the duty to report on mileage at the beginning of the session as to actual miles travelled. I have made my application to the controller's office and expressed my actual mileage to them, but there might not have been some to have done so. So, therefore, it is not our fault if some are receiving over and above the actual miles travelled. So with all this in view, and the Majority "Ought to pass" Report of the Committee was six to four — from the State Government, I would now move the acceptance of the "Ought to pass" Report and move its passage.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, Members of the House: As signer or one of the signers of the "Ought not to pass" Report, I think at this time I should make my position clear. I can well agree with many of the statements that the gentleman from Bridgton, Mr. Haughn, has made. I believe that I signed the "Ought not to pass" Report again more or less as a matter of principle, that I did not think that at this crucial moment that we should come in and ask for any further benefits whatsoever. Of course I, too, am in perfect accord with him when he states that many of the mileages accredited to the several legislators are considerably out of whack. I believe that if it is figured out, some members of the Legislature are now getting seven cents a mile, perhaps some of them eight, perhaps some of them nine, perhaps some of them are down to a mere five and it is questionable that some really get that. It is a matter that deserves a lot of attention on these mileages. I believe these were computed many, many years ago before the advent of the automo-

bile, and were computed mainly on railroad mileages. Well, as you well know today, we couldn't even get to Augusta by railroad. The mileages that we travel on the road are considerably different than the ancient mileages as established.

But I really believe, particularly in light of the fact that the employees had a bill before Appropriations asking for increased mileage, which they withdrew. Now, again, I will agree that the gentleman from Bridgton, Mr. Haughn, was correct when he said that the employees received eight cents a mile for the first 5,000, six cents a mile thereafter, but again these mileages are computed on actual miles, not the fictitious miles that are accredited to the members of the Legislature.

And again and solely as a matter of principle, at this moment, I don't think that, we, as legislators, should ask for any increases which accrue to ourselves whatsoever. I wish you would give it considerable thought. How you vote is entirely on your own opinions, and your own matter. But please give it a lot of thought and do you think that, at this time, we should ask for anything for ourselves in light of present day circumstances?

We have here, not only in this House, but in the Legislature, built up an enviable record. The 100th Legislature could well go on record as one of the best that Maine has ever seen. I hope that we will keep it up.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: It is on very rare occasions that I oppose my good friend from Kittery, Mr. Dennett. He is correct when he states that the mileage computed is based on railroad mileage. As I recall, some of you also recall the very honorable gentleman from Auburn, Mr. Jacobs, who served here back in 1906, telling me that it was done that way. For instance in Lewiston, there was never train transportation directly from Lewiston to Augusta, and the only way the old members could get to Augusta from Lewiston or Auburn was to take a train to Brunswick, get

off and wait for a train to Augusta, and so they were paid on that mileage of five cents per mile. Actually, we're getting over paid, we get four dollars, and by car transportation, at five cents a mile it being sixty miles both ways, we should only get three dollars instead of four dollars.

I am thinking on this bill and I went to the hearing, I am fully aware that the Appropriations Committee had a bill concerning mileage for state employees and it was withdrawn, but I assure you that one of the reasons why it was withdrawn was to give a little more steam to that two million dollar bottle they've called a salary increase. That hasn't been withdrawn, and I guarantee it will not be withdrawn.

Now insofar as mileage is concerned, it certainly doesn't affect me, I think this will make a difference of thirty or forty cents. I look at the people who live far away from here. I have always felt very keenly and strongly about the mileage they should have. Now bear in mind that next Wednesday you get one more check incidentally, this might stop a little ought not to pass unanimous tabling, the next check you get is the last one you will get until we adjourn, and I have seen us be here six, seven or eight weeks waiting for that last check. Now some of the people here who are here and live here, some of us can go home with no added expense; but some of you people who live—some of the members who live quite a distance away, this could prove to be very, very expensive. For that reason I went to the hearing, and I might say that I want to follow my hand because I did appear—the only hearing I went to this year, was for this bill to try to help some of those people who live far away and sometimes the shoe might fit. If you don't think it will pinch, stick around until June.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Bearce.

Mr. BEARCE: Mr. Speaker, Ladies and Gentlemen of the House: I am in very distinguished company when I agree with the dis-

tinguished gentleman, Mr. Haughn, and just our previous speaker. I am sorry that I disagree with Mr. Dennett, but in view of the fact that this bill does not take effect until 1963 and does not affect any of this House on that basis, I do not think that it is necessary to further talk about the bill. Certainly five cents a mile doesn't carry us very far, and the distance as was given to me on the mileage basis shown on my speedometer between Bucksport and Augusta was sixty-five miles. That's what I understand. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I'm certainly not pleading for myself on a cause of this nature, and I will concur with the remarks up to a part as made by Mr. Dennett, but I think he's talking pay; we're talking legislative expense. So I will have to disagree with him in that respect. And I am very happy this morning to have two colleagues speak on this bill, which I have differed on many occasions in their opinions and thoughts, but this morning I am very happy to welcome aboard the same way that I am thinking, and I hope the rest of the House will be thinking the same.

Now you might notice the cost to the state employees, a good many of them receive their gasoline at wholesale through state agencies. That reduces the cost of the gasoline and the cost per mile, and they did withdraw a bill, it's true; but I think the gentleman from Lewiston, Mr. Jalbert, brought the point out the crux of the reason for it, and we have been deprived for so many years of not to make money out of this deal, but to pay expenses. The people outside definitely expect us to have our expenses paid. They do not expect us to make money, but they at least want us to have our expenses covered. Even seven is not going to cover our expenses, we're still sacrificing, and I think they will appreciate our thoughts that we are stating on the state employees by this request and mak-

ing a partial sacrifice, for expenses too.

And as brought out by the gentleman from Bucksport, Mr. Bearce, this applies to the next session, whereas the state employees come in with another bill and have it made effective for them ninety days after the adjournment of another session. We would have to wait an additional two years and costs would increase once again.

And I am awful happy that the gentleman from Lewiston, Mr. Jalberty, brought to your attention that after this next pay check you ladies and gentlemen are going to live off mileage allowance only. Now if there are some here who feel that they cannot live off that—I know that there's none of us can, I certainly know they will support this bill.

I might bring out that after this session adjourns and your council takes over in behalf and acts for the control of the legislature, they go on eight cents mileage, same as state employees. At the present around five while we are in session, same as we are, but when we adjourn, they go on eight cent mileage the same as the employees for the first 5,000 miles.

So, Mr. Speaker, I think that I have said all that I need to say, and I hope that when the vote is taken, it will be taken by a division.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, Members of the House: To use a term that is used very often in this House, I have no intention of belaboring this issue. I am rather terrified at the report just made by the gentleman from Bridgton, Mr. Haughn. I was quite unaware of the dire circumstances of the members of this Legislature. I'm almost beginning to think that they have spoken of many relief bills in this Legislature, that perhaps the legislators need a relief bill. I'm really appalled, I didn't know we were quite so badly off. Actually, I don't think we are. The one point I want to make and I hope that it strikes home with everyone, it has been stated that this money comes not from the general fund

or something, but rather out of legislative expense. I would point and remind you that money, no matter from what source derived, ultimately comes from the pockets of the taxpayers in the State of Maine, and there are no two ways of looking at it.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I hasten to rise this morning for the simple reason I am probably one of the furthest travelled legislators in the State of Maine, and I certainly do not want to belittle Mr. Dennett's point of view this morning, but I only want to say this: that if anybody can travel 317 miles one way on five cents a mile, I would like to see the gentleman do it or anybody do it. Or for that matter, if you even bring it up to seven cents a mile, on 317 miles, and by the way, I might make a correction here, I registered 317 miles one way, but now I am being paid by the State of Maine for 325 miles. Now should I in conscience return back those seven miles to the state because I feel that I am being overpaid? I certainly don't feel that I want to be dipping into the state government's money for my own personal use, but I certainly would like to see that the State of Maine in due conscience to themselves and to their legislators take into consideration the expenses incurred in traveling to and from the Legislature. And I don't think this seven cents a mile is going to make the Legislature or break it, but certainly there should be due consideration given to being able to pay part of the expenses of the legislators coming here and going back home once in a while anyway.

The SPEAKER: The Chair recognizes the gentleman from Mount Desert, Mr. Kimball.

Mr. KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: As the record will show, I have generally gone along with my good friend and colleague, the Chairman of our committee, Mr. Dennett. I very thoroughly agreed with the idea of holding down on expenses as far as salaries are concerned

and as far as expenses as far as I know. But in this case, I might go on record as favoring my colleague from Bridgton, because more than anything else, I feel this is a fair and just bill that would give some repayment to the legislators for the coverage that they give as far as mileage is concerned. I do not think it ties in with salaries, and from the first I have been very anxious to see this bill go through and am one of the signers of the "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I would like to be on record also, but I would like to be opposed to this bill. We are talking about tax dollars here, I think it might be interesting to note that although we are perhaps talking about a few cents here or perhaps one or two dollars, we are talking about fifteen thousand dollars of tax money that will have to be raised in the next biennium.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, I'm still sort of on a fence about this bill, but I would just like to relate a little experience I had. I hadn't realized that anyone was still collecting railroad mileage, because the first time I ran for the Legislature, I wasn't too well known in Knox County, and a couple of my friends from Rockland came down and advised me what was going on up here. In fact I had never been to Augusta before more than once until I got elected to the Legislature, and they said you do this and they will put you on a good committee. Nat Haskell from Portland was going to be Speaker that year, there's a vacancy on this committee and that will be a good committee for you, so you do this and you do that you'll get a good committee. In the meantime, I got a form from our good Clerk, Mr. Pease, to fill out and I forgot to go back to my Rockland friends and find out just what their machinery was, so I knew that it was forty miles from Augusta to Friendship, so I put

down forty miles. I began receiving \$4.00 a month — a \$4.00 check for my mileage, then I checked with my Rockland friends and I found out that they were still collecting railroad mileage. Well being sort of inquisitive and always kind of anxious to know pretty near what's going on around here, the next session I came back, I went over — I think it's the controller, you call him, office and said so and so, he only lives a very short distance from me, and he is getting \$8.00 or \$9.00 a week mileage and I am getting only \$4.00 a week mileage, and it's just as far from Friendship to Augusta around by the way of Brunswick as it is from Rockland. Well, you know what happened, we all got put on that automobile mileage in Knox County.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Ham.

Mr. HAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this bill for three reasons. One, in principle; two in regards my own conscience; three, the timing of this type of legislation. I have spoken and voted against pay raises in this House, I firmly believe that I stand here for better men than myself. Whatever way you want to call it, a salary or a monetary remuneration, this is a type of monetary raise for ourselves. I'll continue to vote against any pay raises through the recession that we are now in. I don't think that we can actually afford any raises, and I will continue to vote against any raises for ourselves.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalberty.

Mr. JALBERT: Mr. Speaker, I rise for two reasons. I am going just momentarily to go along with the gentleman from Kittery, Mr. Dennett, this is a general fund item, it's a recurring item, it comes out of the next biennium fund if we pass it. But then I will take issue with the last speaker, this is not an increase for ourselves, as I stated when I first spoke, it doesn't mean too much to me, but it is not anything for ourselves, it's for the next legislative session.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker, I would like to go on record as being in favor of this particular bill, for one of two reasons which I would like to make clear to the House. With all due respect to our colleague from Kittery, Mr. Dennett I don't think that any one of us is in a position to judge the circumstances of any of the members of this Legislature. I would ask the question of how many of us would be here today if we didn't receive any salary? If this is going to be a donation to the state, I feel that a good many of us would be unable to be here. The next question is, what would happen if this were true? It would mean then that the members of the Legislature would be composed solely of those who had the funds, the wealth, or what you want to call it, to be here, and I submit that again the taxpayer would be suffering because he would be ruled by definite class legislation then. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House accept the Committee Majority "Ought to pass" Report on Bill, "An Act relating to Travel Allowance for Members of the Legislature," House Paper 53, Legislative Document 94. A division has been requested.

All those in favor of accepting the Majority "Ought to pass" Report, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Fifty-six having voted in the affirmative and forty-four having voted in the negative, the motion prevailed.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read twice and assigned for third reading the next legislative day.

The SPEAKER: The Chair would like to point out that in order to remove a tabled item from the unassigned list, it does not require unanimous consent to address the

House, since this is in the ordinary course of business under Orders of the Day.

On motion of Mrs. Smith of Falmouth, the House voted to take from the table the ninth tabled and unassigned matter:

Bill "An Act Revising Laws relating to Boilers and Unfired Steam Pressure Vessels." (S. P. 90) (L. D. 186)

Tabled — March 28, by Mrs. Smith of Falmouth.

Pending — Assignment for Third Reading.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: This bill has been around here for a long time, a lot longer than I have, and to all appearances it will be here a lot longer than I am. This time it was split in two and was worked on four years ago a great deal. It always comes in with the idea that it needs to be codified so that it can be more workable. The past chairman of that committee worked on it a great deal, was supposed to have got it into fine order, did put back the word "steam" into it, and it came out presumably in working order. I shall not belabor the point of this bill. I think many of you remember seeing it around here, but I would call to your attention that there has been a consistent attempt to strike out the word "steam" in front of the word "boiler" found in Sections 64 through 68. Although Section 2 of the bill appears to define everything else including the term "miniature boiler," I call to your attention further that section 2 merely provides that a miniature boiler shall mean a boiler so defined by the Board of Boiler Rules, and who are they and what are they?

The main concern is with Section 17 of this bill which amends Section 84 of Chapter 30, and I have been informed that it is presently the practice of the insurance inspectors to pass upon the qualifications of many of these welders, and we must remember that in the first part of this bill it says that this work may be done by authorized inspectors and the authorized

inspectors are the insurance company inspectors which will do most of this inspecting and the fee will be collected by the department.

Under the proposed amendment in Section 17 of this bill, no welder will be able to do any welding on any pipe connections unless they have had a certificate from the chief inspector. Now most of these boilers are heavy-duty type boilers; they use a lot of them in the upper part of the state and certainly they are not going to have unqualified people on boilers with 600 pounds pressure.

Of course the real change is in Section 17 as I have said, and it would mean a great deal of hard-ship on the point of welding of these small pipes because almost any pipe has something to do with a boiler. I therefore submit to you that section 84 of the revised statutes as it now exists gives the public all the protection that is necessary and that the changes set forth in this document 186 proposes to extend the jurisdiction of the board to pipes connected to boilers without limit, and the right to revoke a license without specific provision for notice and hearing, and that it should not be passed.

I call to your attention that this has been here, that the word "steam" has consistently tried to be taken out and it does change the character of this bill. I therefore move the indefinite postponement of this bill and all its papers and when the vote is taken I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Bearce.

Mr. BEARCE: Mr. Speaker and Members of the House: I have been around boilers some thirty or forty years and this boiler bill that our colleague has just spoken on is certainly one of those old skindivers. It's been down in the bottom of the ocean and it comes right up every session apparently. It covers the waterfront. It certainly is something that is not necessary. We already have the equipment and the insurance inspection and all the other facilities to take care of all the larger boilers, and apparently there is some department trying to push in a few more in-

spectors, that's the way it looks to me, and I think we certainly ought to put it right on the roof. I am in favor of our colleague's motion. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Chapman.

Mr. CHAPMAN: Mr. Speaker and Members of the House: I only arise to express my favor of the motion of the gentlewoman from Falmouth, Mrs. Smith. I would like to see this bill killed.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker and Members of the House: The matter of letting the steam out of a boiler is certainly getting a little head on it right now and I will certainly do the best I can to see that this bill and the gentlewoman from Falmouth do not bother each other too much longer in my attempt to see that the bill passes, and that I certainly hope the gentlewoman will return for many years to come and not be bothered by this.

I think that if there is any confusion on a subject it is certainly on this, and the gentleman from Bucksport, Mr. Bearce's remarks might well apply to a bill which we have just reported out of the Legal Affairs Committee "Ought not to pass." The bill before us is definitely a codifying bill. It increases the personnel of the state not one bit; it increases expenses not one bit; it increases the responsibility and the scope of authority of the Department of Labor and Industry not one bit, and I can assure you here that that, ladies and gentlemen, is ninety percent of the argument of the opponents of this bill.

First, let me dispose of the head of steam that we are talking about. The present statutes do cover steam boilers, hot water boilers and hot water supply boilers, and yet the industry representative on the board is called a steam boiler representative, when actually he should be just a boiler representative and that is the only reason the word "steam" is being taken out; for no other reason whatsoever.

Another important feature of this bill is that it simplifies and updates the method of measuring the cost of inspection of boilers. As you all recall in the old days when we used to fire boilers by hand we had grates in them which the coal rested on and it was a simple measure to determine the capacity of the boiler by measuring what was called the grate area, and the grate area has been and is up until now the method of determining the licensing cost of boilers. However, a far more apropos method is the square feet of surface radiation which is merely the square feet of surface of the boiler exposed to the heating source. This would appear to be a modern and logical way to measure the capacity of boilers and in that way the inspection costs. Mention has been made of the necessity for having boiler welders licensed. To my mind this is very definitely in the public safety and public interest. Today welding is a specialized art in very numerous fields, ferret, non-ferret, structural and various fields, and a man to operate and do his welding on a pressure vessel should be qualified in that particular field. This will just be sure that such work is done. To my way of thinking as an engineer, this legislation will do only something to better the public safety, and I urge the defeat of the motion of the gentleman from Falmouth.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker and Members of the House: I just glanced over this bill here a little bit, and there are nine pages of the thing, and I'm afraid of it and I would go along to help indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I still hope that I may have the pleasure of serving with the gentleman from the Cape for many years, and I assure you it is not pleasant to oppose him. However, this bill I still submit to you has been here over the years in many forms, always with the same intent to remove the word "steam" which does

change the provisions of it. It does not specify what a boiler is, and at the time that I sat on that same committee I asked the chief inspector how far down the level of boilers this bill goes and it goes down to the type of boiler that you and I might have in our house with any pressure whatsoever. I also submit to you that in the welding that goes into all types of pipes and pipes in construction in the farm, in the farther parts of the state, have quite a lot of minor welding, and it would cause a great deal of hardship if they had to send to Bangor.

Also, it was admitted in the committee two years ago that it would require two more inspectors and they would cost about \$8,000. There also is another thing that I must bring to your attention and that is that power is given to the department to revoke a welder's certificate for incompetence, untrustworthiness, wilful falsification or making nonsanctioned welding repairs, alterations and installations. Now what and why does untrustworthiness or things of this sort have to do with a welder's permit or his ability to weld? Now I would say to you that there are many things within this bill, if you wish to pass it, I certainly will only throw my weight against it. I still think it is not good, and I hope that you will vote with me. I do not have a personal interest in the bill.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker, I rise to make a correction. This bill applies only to apartment houses having six or more dwelling units in it and industrial and commercial establishments. It in no way affects residences.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: This year the Committee on Legal Affairs has had the good fortune to have a very distinguished engineer as a member, that is my colleague, Mr. Berry of Cape Elizabeth, and as the weeks have gone by I have come personally to rely very heavily

ly on his judgment in professional matters, and I would strongly urge that his point of view be accepted, and that this motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Bristol, Mrs. Sproul.

Mrs. SPROUL: Mr. Speaker and Members of the House: The chief objection to this bill seems to be that it is one of a certain person's bills that comes in here year after year. I do not always enthusiastically support department heads, but if it is the responsibility of the particular one to take care of the safety of the public, I see no reason why we should not at least look the bill over. I have been over it section by section and I fail to see anything objectionable to it. We have had hearings, one, sometimes two on the same bills, all boiler bills. The others we decided that probably for the present we would report out ought not to pass. This one we thought at least it would encourage some measure of safety, and yet it really does nothing to bother anyone too much that I can see. I too am happy that we have an engineer, and honestly I don't know why we are in the Legal Affairs Committee day after day if we are not going to at least consider the public some. I certainly do not agree with the gentlewoman from Falmouth.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I did not intend to get into this discussion at all, but it now occurs to me that I have voted against this bill for several sessions and there is nothing that has occurred that has made me think that I have done wrong in the past, and I am going to vote against it again this time and go along with the gentlewoman from Falmouth.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Noel.

Mr. NOEL: Mr. Speaker, I would like to ask a question through the Chair if I may.

The SPEAKER: The gentleman may ask his question.

Mr. NOEL: Mr. Berry stated that it would cost nothing for this bill. Mrs. Smith said it will cost \$8,000 maybe a year for this bill. Now which is which?

The SPEAKER: The gentleman from Waterville, Mr. Noel has asked a question through the Chair of anyone who may choose to answer.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker, inasmuch as there are no new responsibilities to be entailed by the Department of Labor and Industry, no new requirements added, I don't know where the \$8,000 would be spent, and I don't believe it will.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I will answer the question, from my point of view at least. The Senate Chairman of two years ago told me since this bill came in that it was admitted to their committee last session that it would require two inspectors at approximately \$8,000 per year. That is where I got my information.

However, I submit to you that if it makes no additional duties and does nothing, why should she collect a fee of about — I am not quite sure in this bill what the fee was, but it was around \$6.00 or \$8.00 for each, so why should she be collecting this fee and how is she going to protect the safety of the state if she has no more employees. This is new because—

The SPEAKER: The gentlewoman is proceeding beyond answering the question.

The Chair recognizes the gentleman from Portland, Mr. Estey.

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: I have been somewhat familiar with previous legislation in this area, and I haven't had a chance to thoroughly study this bill, but there are two things which bother me about it and they both are in section 84 which is concerned with welding on boilers or certificates for welders.

In reading this paragraph it looks to me that any piping, even

though it may not be connected to a boiler, if it is going to be used for such would require a certified welder whether it is connected to a boiler or not. In other words, this may be even remote from a plant that has a boiler at all. It could be in a yard that is building piping.

Secondly, the last part of the paragraph I believe which indicates a license may be revoked or a certificate may be revoked for incompetence, untrustworthiness, willful falsification and so on, makes no provision for a hearing or a chance for him to defend himself.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: There is one sentence that bothers me in section 84, it says the welder shall ascertain that the intended repair, alteration or installation has been sanctioned by a state inspector. Now if we have a maintenance foreman, it is up to the maintenance foreman to find out these things and not the welder. The welder is simply doing a job under orders, and if the responsibility is put on the welder, I feel that this is to his detriment.

The SPEAKER: The Chair recognizes the gentleman from Mount Desert, Mr. Kimball.

Mr. KIMBALL: Mr. Speaker and Members of the House: As I happen to be one of those who comes under the provisions of this bill should it pass, I think perhaps I can speak a little bit on it, and it still comes under section 84 where it reads towards the end of the first paragraph. Before starting any welding repair or alteration on any boiler as aforementioned, or any welding repair, alteration or installation of any piping connected to or to be connected thereto, which is required to conform to the rules adopted by the Board, the welder shall ascertain the intended repair, alteration or installation has been sanctioned by a state inspector or authorized inspector. I call your attention to the possibility that in the midst of our summer season, our boiler which connects among other things with our supply of hot water at the hotel, should have trou-

ble in the middle of the night, I can go to our local plumbers who have serviced that boiler over the years, get them to come in and repair the pipe that has burst or that is in trouble, then at the earliest opportunity have it inspected and cleared, but in the meantime we are supplying our guests with hot water, which as I understand it from this bill, should that go through, that would be impossible, you would have to get a certified inspector to come through to authorize any changes to be done with a resultant loss of time when time is very important. So I am very much against the passage of L. D. 186.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentlewoman from Falmouth, Mrs. Smith, that Bill "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels" be indefinitely postponed. A division has been requested. All those who favor the indefinite postponement of this bill, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Ninety-one having voted in the affirmative and six having voted in the negative, the motion did prevail, the bill was indefinitely postponed in non-concurrence and sent up for concurrence.

On motion of Mr. Williams of Hodgdon, the House voted to take from the table the second tabled and unassigned matter:

Bill "An Act Classifying Certain Tidewaters Bordering Thomaston." (H. P. 693) (L. D. 971)

Tabled — March 7, by Mr. Williams of Hodgdon.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members: This matter has been on the table for some time. I feel there is some new evidence available. I have cleared the matter with the interested parties. I would move this matter be recom-

mitted to the Natural Resources Committee for further study.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, moves this bill be recommitted to the Committee on Natural Resources. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

On motion of Mr. Anderson of Greenville, the House voted to take from the table the third tabled and unassigned matter:

HOUSE REPORT — Ought Not to Pass — Committee on Highways —on Bill "An Act Appropriating Moneys for Construction of a Road for Elliottsville Plantation." (H. P. 385) (L. D. 560)

Tabled — March 14, by Mr. Anderson of Greenville.

Pending — Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and Ladies and Gentlemen: This measure has been on the table for some time. I think probably an explanation to the members of the House for the reason for it being there is in order. I left it there because primarily it bothers the lobbyists who are opposed to the bill. That is my main reason for leaving it there. I don't like to be pressured and I don't like to be pushed around too much. I said at the time that I tabled the measure that I had no quarrel with the report of the Committee, nor do I have any quarrel with the report of the Committee.

This little gem has been in the papers to quite some amount. In fact as late as April 19 there was a three-page column in the Portland Press Herald on it and relates to it. I might recall that at the time that I tabled this I made the remark that both the proponents and the opponents were in court the day prior to my tabling of the bill, which was true. Since then they have conducted a town meeting. The town meeting was held on March 31. For those of you who have read the article here, it states that several calls were placed to the Secretary of State's

Office in Augusta, that's true, I placed one myself.

I left here following adjournment of the Legislature for the week, and I proceeded to this town in question. I arrived there about 4:30 or 5:00 o'clock in the afternoon and I was quite amazed at the number of Massachusetts and New Jersey cars present, and I think the Committee on Highways can readily understand the reason why the Massachusetts and New Jersey cars were present. I think it was pointed out at the hearing that there were some twenty-three individuals, according to the census of 1960, and yet there were twenty-nine ballots cast. That sounds unreasonable, but I don't think it is. One of the statements made that all you had to do was hang your hat on a tree and you were a resident of Elliottsville; that isn't quite true. I see no reason why these people from New Jersey can't maintain their residence here and keep it here if they so desire. I have no objection to it. The law provides for that. They have gained residence, and as far as I am concerned, they can remain there.

It is interesting to note that this particular town meeting which was held and a part of which I attended, was being conducted in the late hour of the afternoon, and at the time that I arrived there they had reached Article 3, they had just elected the Town Clerk. I believe they started in the morning. There were several attorneys present. And I must admit that every ballot that was cast or nearly every ballot that was cast was challenged, which they have a right to do. I don't question that either. The final analysis of the town meeting, which was concluded on the following day, it takes two days for twenty-eight people to conduct a town meeting, which would indicate to me that due deliberation was given to every article that was on the warrant. I might add in connection with that little town meeting that was held, that one of the attorneys was either overcome by his enthusiasm or at least he was overcome, he ended up in the hospital, and remained there for a couple of days. He subsequently

has recovered and as far as I know is in fine health. I hope he is.

To get back to the little resolve and the related matters that pertain to it, this provided for the construction of a, I suppose, road; it determined that at least from a settlement within the township of Elliottsville. It seems that last summer the people in that area decided that they wanted access to the outside world. Now when I say the people, I refer only to the residents, I don't refer to the friends of Governor Driscoll who has a large establishment in there, because I am rather certain that he does not favor the building of a road from the lake to the outside world.

Statements were made to the fact that there was a fund available for residents to call for a plane and all they had to pay was \$1.00. Well, the fund may be available, but no one knows where the fund is. I contacted the two flying services, both of which are in my town, and neither of them know where the fund is. That is not to say the fund is not available, it may be, but no one knows where it is.

In cases of illnesses of course it is essential to get out of this area. I believe the Highway Committee had a letter from a good doctor who is medical examiner in our county and is resident doctor in the town of Greenville. In the letter that he wrote, which was submitted to the committee for their consideration, he stated that he had a call to go to this hamlet within the township of Elliottsville and that was before the days of motor cars, or at least he probably would be like myself, he wouldn't know how to operate one if he had one, so he used the push car, so-called. As he was sailing down the track, this three-mile track, using the push and pull method, he was accosted by a resident in the community of the hamlet of Onawa who was waving his arms quite profusely, and he being under the impression that the resident was making motions for him to speed up his motion, he proceeded to do so. whereas in reality what he was attempting to do was notify the doctor the train was behind him. (laughter) That's no fictitious story,

that's the truth. I can understand that you can't hear a train that is coming behind you because the noise goes back of the train and not ahead of it. Well it happened that the matter was taken care of very nicely, because as the doctor came along the individual standing by the track grabbed him and pushed him off the car and let the car go on and the train took care of the car.

Now at the town meeting there was a bombshell that was exploded in the midst of it which kind of upset some of the plans of the proponents of the construction of a road. And the bombshell was this, I think at the regular hearing that was held before the Highway Committee it was stated that the people whose land this road would necessarily cross had granted permission or were going to give a deed to a right of way.

Now as I have previously stated, Governor Driscoll is quite interested in this and certainly Governor Driscoll and his friends have more resources at their command than those people who live in this particular hamlet. Some stories you don't believe, and some you do. But I do have a letter from an official, and I am not going to reveal his name because I haven't been granted permission to do so, but I have a letter from the Hudson Pulp and Paper Company a portion of which I would like to read. "The sale of certain lots around the Greenwood Ponds is at a standstill. This proposed sale would be handled by the main office in New York based upon estimates furnished by this office. No estimate has been sent in as of this date, but I plan to get one out within a couple of weeks. Now that the proposed road is stymied by one group in the town, I don't anticipate that that same group will be interested in purchasing any land as I think the main purpose of purchasing a certain lot was to stop the road project." As I say, one cannot always believe everything one hears, but it is my understanding from reports from the people who live within this hamlet, that the proposed offer which may or may not be ridiculous if the acreage involved is as it is reported, it isn't

ridiculous, but the proposed offer for the purchase of this plot of land for the express purpose of prohibiting the construction of a road was \$475,000. Now it would indicate to me that if that is true, there certainly are people who are interested in keeping this an exclusive area for themselves and they certainly are not the people who live in the plantation of Elliottsville. You may draw your own conclusions about that.

The practice in the past has been for the Commissioner of Inland Fisheries and Game to insist that access be made to great ponds. For those of you who know anything about the stocking program, you are aware of the policy that they hesitate or refuse to stock ponds that are not accessible to the general public. This is one of those ponds that is not.

If I may go back to the public hearing again just for a moment, it was stated that there were thirty trains a day. Well, that's a rather fantastic figure because all of those trains have to go through Greenville one way or another, and while I haven't lived there too long, I have lived there fifteen years, and I never saw thirty trains on that track in one day, and I don't think anyone else ever did.

It was further stated that the good citizens in this area had means by which they could get from this hamlet to the outside world. About three years ago there was a station agent located in this hamlet. Since then that station has been closed. At about that time there was the so-called scoot, and I don't mean the bird, I mean the train, which went through there north and south six days a week. That has since been cut to three. I don't think I am divulging any secret or confidential information when I say that in October of this year the remaining passenger service, that there is in that area will be discontinued, providing the Public Utilities Commission allows it, and I have every reason to believe that they will.

At the time of the hearing on this bill there was pending then a request for the discontinuance of one additional weekly trip, and I believe that that subsequently has

been granted. It boils down to simply this, and as I say, I have no quarrel with the committee report. In fact, I am going to make a motion that the committee report be accepted when I get done here. I merely want to point out what is going on, and what has gone on, and I really don't think that I particularly enjoy getting letters as far away as England. They come by air mail in opposition to — well I don't care whether I introduce a bill or you introduce a bill, I really don't think it is any great concern of those good people who might reside in England, although it may be.

The thing that does disturb me and the reason I have consistently left this on the table is because I have been asked consistently to remove it. Well I know where that comes from and I am not speaking now of members of the Legislature, I am speaking of those outside. The members of the Legislature have a perfect right to inquire about why a particular measure has been tabled, and I certainly think that the Committee on Highways has a right to inquire. I have made my position clear to them that I have no quarrel with the committee report. The only quarrel that I have is the tactics taken by the opposition to this particular measure. I think I can safely say that I was in the Legislature when the pork barrel fund was disposed of and I think I can safely say that I voted to help in disposing of the pork barrel fund. I don't believe in it in the first place, and this in effect goes back to the old pork barrel fund if it is granted in this manner.

There is one little thing that I might point out, which those of you may not know, and that is this. This might be of interest to the Committee on Highways. The three selectmen who were selectmen at the time of this hearing, no longer are selectmen, they were replaced at the annual town meeting. Now that annual town meeting which took two days to take care of the necessary appropriations which probably amounted to ten or fifteen thousand dollars are in somewhat of a very ticklish position. I think both groups are as

far as that is concerned. As I say, the ballots were challenged. Now whether or not the challenges will be carried to the court is the next question. The original, which was held on February 14, 1961, was carried to the court, and the good justice who presided, did see fit to remove a certain number of names, I think ten in number from the list. I don't quarrel with the decision of the judge, he is probably right. One instance I would quarrel with it. The particular instance I would quarrel with him or disagree with him is this, a certain individual gained residence by virtue of attending the University of Maine. For those of you who are selectmen or have anything to do with boards of registration, I am quite certain that by virtue of attendance in school does not qualify you for residency purposes. However, that is neither here nor there. The judge saw fit to leave his name on the list, and as far as I am concerned, if the judge did see fit to leave his name on the list, he is on the list. I think I have discussed this matter enough. I now move the acceptance of the Committee's "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker and Members of the House: I was just thinking here a minute ago, perhaps we ought to table this again because there might be something that he overlooked.

The SPEAKER: Is it the pleasure of the House to accept the "Ought not to pass" Committee Report Legislative Document 560, Bill "An Act Appropriating Moneys for Construction of a Road for Elliottsville Plantation?"

The motion prevailed and the "Ought not to pass" Report was accepted and sent up for concurrence.

On motion of Mr. Johnson of Smithfield, the House voted to take from the table the fifth tabled and unassigned matter:

HOUSE REPORT — Ought Not to Pass — Committee on Taxation on Bill "An Act Abolishing Tax on

Transient Rentals." (H. P. 175) (L. D. 238)

Tabled — March 15, by Mr. Johnson of Smithfield.

Pending — Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Smithfield, Mr. Johnson.

Mr. JOHNSON: Mr. Speaker, I would like to ask a question of the Chair. Do I make a motion to substitute the bill for the report before or after I speak?

The SPEAKER: The gentleman should make his motion at the beginning, but either is in order.

Mr. JOHNSON: I would now move, sir, that the bill be substituted for the report.

The SPEAKER: The gentleman from Smithfield, Mr. Johnson, has moved that the House substitute the bill for the report. The gentleman may proceed.

Mr. JOHNSON: Mr. Speaker, Ladies and Gentlemen of the House: I realize that the report of the Taxation Committee on this bill from their way of thinking was just. I realize what their problem is taxes and the appropriations, how they tie in together. I would like to say that at the hearing, there were eighteen people present who spoke in favor of this bill, this bill that repeals this transient rental tax. There was one gentleman who spoke in opposition to it, and if anyone will recall the hearing, I think they will agree with me that his heart was not in it. To my way of thinking, and I believe the people in the area that I represent, this is one of the poor taxes. They are all bad to a certain extent, but this is probably the worst of them all. Things get out of line sometimes and every two years the Legislature comes down here and convenes. If we come down here to straighten things out, and I would also like to say that taxes in themselves get out of line too. Most of us know that taxes fall into two categories, Number 1, is the tax that we impose on ourselves or those whom we represent and we take to this and pay this tax; we have no hard feelings, no friction because we are imposing this tax on ourselves or these people who send us down here. However, this tax falls in the other category, it is a

tax that we impose on people who have nothing to say about whether they shall or shall not be taxed. It would seem to me that where approximately 37 percent of the gross income of the state, I believe, is derived not by the people who rent these camps or apartments or rooming houses or hotel rooms, but through the dollars these same people spend that come into this state, it would seem to me that we should give some consideration to their feelings.

The State Tax Department in my travels over there, agree with me that this tax has caused a great deal of friction. I won't take a lot of time here to tell you all of the problems involved, but I am merely speaking for the small recreational area that I come from. I have no camps, it makes very little difference to me personally whether this tax comes off or remains.

There's one thing I would like to say that this tax has now gone beyond the sales tax stage, as I understand it. I feel that it has gone into the area of service tax. Sales tax as most of us realize is based primarily on something that we buy or purchase or pay for and that we consume. This tax is a tax on something that is not consumed, people come to this area and they pay for the privilege of using a john and sleeping in a bed. And that tax is imposed on exactly that. The camps who have food served with their lodgings, have not been hurt too badly because they have had the sales tax on food for some time, but where the objection does arise is with those people who rent these camps and so forth and have not in the past served food. And this is the area that the resentment arises, although I think the other people in the business who serve food and lodging also realize that this tax is hurting them.

We spend privately and I presume through the DED we spend publicly a great many dollars to bring these people in here. If they think they are being taken on a tax that they have nothing to say about, it's logical and possible our revenues from this source will drop off. This business is a clean business, these people come into the

state here, they do not attend our schools, they spend their dollars, they enjoy their vacation, and when they leave, they've left no problem with us. They have done what is the easiest thing I believe that anyone could do to help any state's economy, and that is spend your dollars, but have no responsibility in taking care of these people after they have spent their dollars.

Now I have a suggestion here. I realize the Taxation Committee has got to find some way to replace this money, this \$450,000 per year. There are two bills now in the Senate, which will bring into this state if they are passed, and I don't know whether they will be, I hope they will, they will bring in additional revenue to this state in the amount of approximately \$250,000 per year. The suggestion that I have to make up this \$200,000 difference is to impose a tax on a certain form of legal gambling in this state. We have two types of legal gambling in this state, one is Horse Racing, and one is Beano. Horse Racing brings in approximately \$1,900,000 a year, I'm not sure of the figure, but I think that's it. As I recall it, the income from Beano in the state is, I believe, by the State Police, approximately \$1,800,000—however, I have reason to believe it's over \$2,000,000 per year. A ten percent tax on two million dollars per year would bring in the additional \$200,000. It would not hurt any of these organizations that are raising money for charitable purposes or otherwise. It might be a better way of controlling this form of gambling, and to my way of thinking, Beano is a lottery. You buy tickets and you win or lose by the numbers that come up. So we have gambling here that the state realizes \$10,000 a year in license fees. It could realize \$200,000 a year, I believe, without hurting anyone.

I would like to read an article here that was in yesterday's Waterville Morning Sentinel. It says: "... Racketeers In—(AP) New York. ... The State investigation commission charged Tuesday that professional gamblers have seized control of legal Bingo games of many veteran, civic and religious groups to achieve ill gotten gains."

I just state this, that perhaps it might be well that we do have a little further control on this legal form of gambling. And finally I hope I tried to show you that this tax that we have on is a bad tax. I have tried to show you where we could possibly replace the money that we have lost. And finally if this bill has got to be killed, I would almost feel very happy if the other end of the legislative hall took some of the responsibility on some of these bills. I won't go any further, Mr. Speaker, I won't take any longer—

I would move that this bill be passed.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, it seems to me that nothing has been said in regard to who is the party, whether it's the state or the owners of these motels and so on that are keeping the people out of the state simply because a three cent tax is levied against them? I believe that the motels themselves do more harm in keeping people from coming in to the state by charging them all the way from \$10 to \$30 a night to sleep. Now they want this tax removed. But they still want to take a hold and charge the visitors to our state that—all the way from \$10 to \$30 per night for a place to sleep for two people. And that is done in the state, and I believe they are the people that are keeping the people out of the state, not our three cent tax.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, the gentleman from Smithfield, Mr. Johnson, has pointed out, I believe, that this came out of the committee with a unanimous "Ought not to pass" recommendation. And I understand that the motion before the House now is the motion to substitute the bill for the report, is that correct?

The Committee held a hearing on this of course and of course the witnesses before the committee were those who did not wish to pay the tax. There is very seldom anybody that appears before us in

favor of any tax, quite obviously; in fact, in the course of the session, except for sponsors, there is seldom ever a person being in favor of a tax. So the fact that at the committee hearing there were—most of the witnesses were against the tax, it was not at all unusual.

The cost of repealing this tax would be \$900,000 for this biennium, and at least \$1,100,000 for the next biennium. The Taxation Committee, of course, had to keep this in mind although basically the matter of income I feel is a legislative problem. Our duty is to decide whether the tax is a proper tax, whether it is doing basically any harm, or whether it is a good, right, and proper source of revenue; and the Committee felt in this case, as I say, unanimously that this tax was not basically damaging the recreation industry in Maine or the overnight lodging industry, that it is a proper source of revenue, that taxing this type of installation is a proper thing to do, and that the tax should remain on the books.

Of course this was debated at the last session to considerable extent. It has had two years of operation now, there has been a bill introduced and I believe enacted to adjust some of the difficulties which inevitably arose with the new law, and we think that over the period of the two years that it has been in effect, that it has worked out to be a good source of revenue for the state. For that reason, I hope that the motion to substitute the bill for the report does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Waterboro, Mr. Bradeen.

Mr. BRADEEN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the stand and the remarks taken by our House Chairman, Mr. Baxter from Pittsfield. Now this measure received most careful consideration of our committee. We examined and we gave due consideration to the pros and cons, and when all the cards were down, we came to the conclusion that this year perhaps above all others was no time to tamper with any source of revenue in the general fund.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Smithfield, Mr. Johnson, that the House substitute the bill for the report.

The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, I haven't any prepared speech on this subject, because I was not aware that it was coming up this morning, but since I was one of those that opposed this tax in the 99th Legislature, and I felt that it was sort of an unjust tax where we spend so much money to entice people into Maine through the DED and other methods, that this would be a very good advertising if we could repeal this tax and I can tell you where you could save quite a bit of money, you could save quite a bit on the appropriations to the DED that would offset what you lost on this tax, and the tax personally didn't bother me too much, but it's just the idea of it. I only had a few cabins that I rented, but just the idea that you have to charge somebody for sleeping all night after you have invited them in here that this was 'Vacationland'. We are advertising from Alaska to Florida, 'Vacationland,' come to Maine, and then when they come, why we say we have a three percent tax on our sleeping accommodations, and I could never bring myself to go along with that. I've always personally felt that I was a little lax last session here in the wee hours of Sunday morning in ever letting this bill pass, because this sort of got in here under a gimmick, and if I had been a little bit smarter, I think that I could have stalled it off. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Lowery.

Mr. LOWERY: Mr. Speaker, I have some very bad memories regarding this tax. If you were in the Legislature with me two years ago, remember that this tax was heavily debated, and on the final night it was my vote that started the ball rolling to finally pass this tax, although I had been in opposition to it all through the whole

session. We were told that evening that if we failed to pass this tax, that we would not get full subsidies for schools, that countless other projects which were on the agenda would fall down because we had no other tax bills, that the tax itself would bring in enough money to cover all of these things. The tax, in itself, has been a saving. We know that from the two years' experience we have had with it. It has not brought in anywhere near the amount of money that it should have brought in or was supposed to have brought in. I think it was given to us under false pretenses two years ago, and I certainly hope that the motion of Mr. Johnson will prevail.

The SPEAKER: The Chair recognizes the gentleman from Mount Desert, Mr. Kimball.

Mr. KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: From very personal experience with this tax, I have found it to be one of the most unpopular taxes that we ever had to enforce in the State of Maine. The major objections that I had to it, have been covered as far as the other bill that has been enacted is concerned.

However, for many of the people coming in to the state not realizing there is a tax, suddenly to be presented this tax, it creates a sputtering, not a real disagreement. Can we afford that sputtering in the state?

The SPEAKER: The Chair will request that the gentleman from Pittsfield, Mr. Baxter, be escorted to the rostrum to act as Speaker pro tem, at this time.

Thereupon, Mr. Baxter of Pittsfield, assumed the Chair as Speaker pro tem and Speaker Good retired from the Hall.

The SPEAKER pro tem: Is the House ready for the question? The question now before the House is the motion of the gentleman from Smithfield, Mr. Johnson, that with regard to item five on page eight, Bill, "An Act Abolishing Tax on Transient Rentals," House Paper 175, Legislative Document 238, that the Bill be substituted for the Report.

The Chair will order a division.

All those in favor of substituting the Bill for the Report, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Thirteen having voted in the affirmative and seventy having voted in the negative, the motion did not prevail.

Thereupon, the Committee "Ought not to pass" Report was accepted and sent up for concurrence.

Mr. Tweedie of Mars Hill was granted unanimous consent to briefly address the House.

Mr. TWEEDIE: Mr. Speaker, Ladies and Gentlemen of the House: My brief remarks are on the subject of rugged individualism.

A young man lived with his parents in a public housing development. He attended the public schools and participated in the free lunch program. He entered the army, and, upon discharge, retained his national life insurance. He enrolled in the state university working part-time at the state capitol to supplement his G. I. education check. Upon graduation, he married a public health nurse, and bought a home with an FHA loan, then obtained an RFC loan to go into business.

A baby was born in the city hospital. He bought a small ranch with the aid of the veterans' land program and obtained emergency feed from the government. Later, he put part of his land in the soil bank and the payments soon paid off his ranch. His father and mother lived on the ranch very comfortably on their Social Security and Old Age Assistance checks. REA lines supplied electricity; the government helped him clear his land; the county agent showed him how to terrace it; and the government built him a fish pond.

He read books from the public library and his bank money was insured by an agency of the government. Their child grew up, entered the public school, ate free lunches and rode the school bus, played in the municipal park, swam in the public pool, and joined the FFA. The man owned an automobile, so he favored the Federal Highway Program. He signed a

petition seeking federal assistance in development of an industrial project to help the economy of his area. He was a leader in a move to get a new federal building, and went to Washington with a group to ask the government to build a great power dam, costing millions, so the area could get cheap electricity. He was also a leader in a move to get, for his specific type of business, special tax write offs and exemptions.

One day he wrote to his Congressman: "I wish to protest the excessive governmental expenditures and attendant high taxes. I believe in rugged individualism. I think people should stand on their own feet without expecting hand-outs. I am opposed to all socialistic trends and I demand a return to the principles of our Constitution and policies of states' rights." Thank you.

The SPEAKER pro tem: We are proceeding under Orders of the Day.

The Chair recognizes the gentleman from Orono, Mr. Gardner.

Mr. GARDNER: I would like to ask a question of the Chair. Is that Eastern Standard Daylight time next week, Tuesday at ten o'clock in the morning?

The SPEAKER pro tem: The Clerk advises the Chair who will advise the House that the House meets under the legal time of the State at the time it meets and if there is Daylight Saving Time next week and if that is legal, that would be the time at which we would meet.

At this point Speaker Good assumed the Chair.

The SPEAKER: The Chair wishes to thank the gentleman from Pittsfield, Mr. Baxter, for serving as Speaker pro tem and the excellent manner in which he performed the duties.

We are proceeding under Orders of the Day.

On motion of Mr. Wheaton of Princeton, the House voted to take from the table the tenth tabled and unassigned matter:

Bill "An Act relating to Open Season on Deer in Zone 2." (H. P. 594) (L. D. 815)

Tabled March 28, by Mr. Wheaton of Princeton.

Pending — Passage to be Engrossed.

On further motion of Mr. Wheaton of Princeton, the Bill was tabled pending passage to be engrossed and specially assigned for Thursday, May 4.

The SPEAKER: The House is proceeding under Orders of the Day.

There may be afternoon sessions on Wednesday and Thursday on one or both of those afternoons next week.

On motion of Mr. Baxter of Pittsfield,

Adjourned until Tuesday, May 2, until ten o'clock in the morning.