

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

NOV. 27 - DEC. 2, 1961

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**HOUSE**

Wednesday, May 31, 1961

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

Prayer by the Rev. Mr. Kenneth Brookes of Augusta.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

**Papers from the Senate**

From the Senate: The following Communication; (S. P. 571)

**STATE OF MAINE  
SUPREME JUDICIAL COURT  
AUGUSTA**

May 24, 1961

Hon. Chester T. Winslow  
Secretary of the Senate  
State House  
Augusta, Maine

Dear Mr. Winslow:

I am enclosing a report on action taken under Resolves 1959, c. 106, entitled "Resolve Creating a Committee on the Uniform Commercial Code."

Sincerely yours,

(Signed)

**ROBERT B. WILLIAMSON**  
Chief Justice

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and with accompanying report ordered placed on file in concurrence.

**Senate Reports of Committees  
Ought to Pass in New Draft**

Report of the Committees on Taxation and Industrial and Recreational Development jointly on Bill "An Act Exempting Certain Machinery from Sales and Use Tax" (S. P. 14) (L. D. 14) reporting same in a new draft (S. P. 565) (L. D. 1618) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

**Non-Concurrent Matter**

Bill "An Act relating to Mandatory Fines on Axle Weights of Commercial Vehicles" (H. P. 563) (L. D. 760) which was passed to be engrossed in the House on March 28.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Morrill of Harrison, the House voted to recede and concur with the Senate.

**Orders**

On motion of Mr. Anderson of Greenville, it was

ORDERED, that Mr. Edgerly of Sangerville be excused from attendance during this week on account of the tragic drowning accident which took the life of his son;

AND BE IT FURTHER ORDERED, that the Clerk of the House be and hereby is directed to extend to Representative Edgerly the sympathy of the members of the House in his great loss.

Mr. Baxter of Pittsfield presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized to study the distribution to municipalities of taxes on railroads, telephone and telegraph companies and public utilities and the relationship of such taxes to local property taxes, and the state franchise tax; and be it further

ORDERED, that the Committee report the results of its findings to the 101st Legislature. (H. P. 1180)

The Order received passage and was sent up for concurrence.

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

**House Report of Committee  
Ought to Pass in New Draft  
New Draft Printed  
Tabled and Assigned**

Mr. Hinds from the Committee on Welfare on Bill "An Act Re-

lieving Children and Certain Relatives of Financial Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled" (H. P. 5) (L. D. 24) reported same in a new draft (H. P. 1179) (L. D. 1625) under title of "An Act Redefining the Financial Responsibility of Children and Certain Relatives in Public Assistance" and that it "Ought to pass"

Report was read.

(On motion of Mr. Baxter of Pittsfield, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.)

### Passed to Be Engrossed

Bill "An Act relating to the Amount of the Annual Excise Tax on Railroads and Study by Department of Economic Development" (H. P. 1176) (L. D. 1622)

Was reported by the Committee on Bills in the Third Reading and read the third time.

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

Mr. HAUGHN: Mr. Speaker and Ladies and Gentlemen of the House: As you know, two years ago we had a very important debate and decision to make on the annual excise tax of railroads in the State of Maine. At the closing days of that session we were verbally lashed over television for our actions by the head of one of our Maine railroads. And he states in a letter which is part of his speech and I quote: "I am particularly irked at the downright falsification and deliberate misleading statements made by at least two members of the House. One was to the effect that this bill was to subsidize certain out-of-state railroads and he states that there is no truth in that whatsoever. The bill was originated by the Maine Central in cooperation with the Bangor and Aroostook and these two railroads are the ones that have almost all the benefits."

I might reply to that gentleman that the two he referred to happened to be myself as one, the other one I will not mention, not now a member of this House. I have never at any time falsified or made deliberate misleading statements in regards to any state-

ments I made on the floor of this House regarding the excise tax for the railroads in the State of Maine. Nor have I at any time ever, as he tries to make out—I believe the Legislature in general which he blasted on TV at the closing moments of the last session, without any further chance of us, the 99th Legislature, to reply and defend themselves in regards to the remarks made by the gentleman, that we at no time were interested in the advancement of the State of Maine, for labor, industry, economics or what have you in regards to the benefits of the State.

I want to tell that gentleman here and now and on our public record of the State Legislature, our primary concern at all times is the interests of the State, its people, and the economic development and growth of the State of Maine. And I want that reply to be given back to him through the Press if they desire to, because it was never our thought at any time to give misleading statements or falsifications of any statements, but to give facts as they come up that we believe to be for the best interests of the State of Maine and its people and the taxpayers.

Once again we are faced with the same problem before us and I regret to state that I have to take the stand once again that I did two years ago in opposition to this bill, because we have within our state one full main operating railroad which to my opinion has done an outstanding job, namely the Bangor and Aroostook Railroad. They have tried very hard, very sincerely, with good management and handling; and it is a sad thing for me to have to get up and oppose this bill because of them, because we cannot legislate for one individual railroad in this state but we must take them all into consideration jointly.

And I might point out some of the facts and reasons why I take this stand.

The preamble to this Act points out that the state of railroad transportation in Maine has been impaired by the development of other forms of transportation and that the policy of the Legislature should

be to promote the economy and industrial welfare of the State through the encouragement of a sound system of transportation, recognizing that a solvent, efficient and prosperous railroad system capable of giving "good freight service, adequate equipment", and a "fair and equitable rate structure" is essential for this purpose, and finally, that taxation of railroads operating in this State bear a "reasonable relation to the railroad's earning power" and "to the value of the property devoted to railroad use."

Now let's analyze this L. D. 1622, the redraft we have before us. This legislation proposes to amend the present gross receipts tax. Presently, the tax is a straight percentage on gross receipts which fluctuates from a high of 5¼ percent to a low of 3¼ percent, depending upon the relationship or percentage of net operating income to the gross. The proposed legislation would further modify the present provisions to also consider, in determining the applicable tax percentage, the rate of return on investment as when the net railway operating income is less than 5¼ percent of investment in railway property used in transportation service, less deductible items, such as depreciation, cash, etc.

The railroads have presented quite an argument for their position. However, there seems to be too many facts that haven't been brought to light, that should be considered before this legislation is acted upon.

We already know that under existing conditions the railroad's tax will be reduced by approximately one million dollars a year, and from a present tax collection of slightly over a million and a half dollars, this would leave to the State approximately \$600,000.

Now that is pretty close to a million dollars less revenue for the state, and you will have placed before you in not too great a distance away, a sales tax bill to increase the sales tax. This certainly brings it on and encourages to a greater extent. I will try to point out as I go along what, in my opinion, some of the reasons are

that the railroads find themselves in their present financial condition.

In addition to this, we should be fully aware of the fact that when passenger trains were removed by the Maine Central in September, 1960, it would according to the railroad, produce savings of as much as six thousand dollars per day. It would remove passenger deficit of over two million annually. In short, it would, according to the railroad's president, solve all of their financial problems. After all, a two million dollar savings is quite a bonanza in anybody's business — railroad or otherwise.

As a practical matter, however, we know this just isn't true. The railroad for 1960, in this case I mean the Maine Central, has shown some improvement in its earning position. This improvement, however, can be essentially traced back to the disposition of properties which were devoted to passenger service, namely, Portland Union Station; Union Station, Bangor; Augusta Station; sale of passenger cars, to name a few, but the important point to make here is that these savings could have been made whether passenger service was operated or not. In fact, sound business judgment should have dictated the disposition of this property not last year, but ten years ago, and the substitution of more adequate, realistic, and less costly facilities.

All that, however, is water over the dam. The important point is that nobody knows as yet with certainty what the savings will actually be from the discontinuance of passenger service by Maine Central. The service was not discontinued completely until September and how much this discontinuance will mean for a full year is extremely difficult to state. A tax reduction that would follow so closely on the heels of possible financial improvement for the Maine Central might be ill advised at this time until we know definitely what the effect of removal of passenger service will have on the railroad's earnings. In addition to this, I believe there is some validity to the contention which some people have made that the railroads have not

done all they could have done to help themselves. It may be unjust to paint all of the carriers with the same brush but in legislation such as this all of the carriers are involved and all must be treated alike, regardless of the merit of individual carriers.

The railroads individually, through their trade organizations and public relations firms have set up their persistent barrage of propaganda which blames all of their troubles on the trucking industry, regulatory agencies and government in general, in that order, followed by labor unions, material costs and so forth. They consistently appeal to the public that the trucking industry is not taxed on gross receipts, not only that but the trucking industry does not pay its fair share of highway costs. It is true that the trucking industry does not pay taxes on gross receipts, but it is also true that taxes assessed against the industry do not consider the earning power of the motor carrier. His taxes do not fluctuate with his rate of return on investment or operating ratio. His taxes are fixed regardless of what, if any, earnings he may have.

It is also true that the trucking industry through efficient operation and aggressive management has been able in most years to show earnings sometimes good and sometimes mediocre, but usually earnings of some sort. As to whether or not they pay their fair share of highway costs, the same question could be raised as to the railroads. Do they pay their fair share of taxation for land used and occupied as opposed to other industry? Do they pay their fair share of their cost of government, including social services which is a burden that must be borne by all taxpayers equally? Bear in mind that under the present provisions, tax payments are not made for right of way privileges to individual towns and cities. In 1960 the cities and towns received only \$20,000 from the railroad tax and for a town to get any of the money the town must have a stockholder as a resident. This is not very fair.

Furthermore, I am convinced that the freight service offered by

the rail carriers does not meet the needs and demands of the shipping public. Car fleets have been depleted — as of now I understand they are in the making of getting new cars but up to this time which brought this problem on that does exist. Station facilities have been abandoned and disposed of, in many cases, justly so. Freight train service has been just about cut in half over the past ten years and the service yardstick of most lines is the antiquated ton-mile power unit ratio, which has very little regard for the service demands of the public.

In short, the fact must be faced by this Legislature, and certainly should be faced by railroad management itself, that a service organization has nothing to sell but service and unless the demands of the public are met, competing forms of transportation become strong and take your business away from you. This is no startling revelation on my part. The regulatory agencies, including a Federal agency, shipper organizations (such as National Industrial Traffic League), to name a few, have consistently chided the railroads to offer better service, which if made efficient enough to be competitive with motor freight carriers, would have virtually assured them of business by these organizations. Certainly these people have vested interests in transportation. They recognize the necessity of a sound, stable, efficient transportation system. They know, as does anyone, that the distribution of goods, that is transportation, is probably the most important single factor in the economy of the United States as we know it today. Without this system, mass production techniques and technological improvements are to little avail unless the products can be made available to the purchaser at prices he can afford to pay.

I could go on and on, on this particular thing, there is so much to be said on this issue but I will make it as brief as possible, but the railroads have got to stop crying "wolf."

For years and years, the passengers were the cause of low or poor earnings of the railroads.

Then the regulatory agencies, Federal and State, were criticized for the regulatory lag and poor judgment. Then the truckers or competitors were blamed by the railroad for keeping the rates and tariffs reduced so that the railroads could not make just earnings. Now, it is the taxes that the railroads must pay. Maybe some day the stockholders of the railroads will get tired and fed up with their management trying to put the blame on everyone but where it really belongs. In this bill now, the railroad wants to bring in the Department of Economic Development. We have an agency set up within the State of Maine here now, the Public Utilities Commission. Why bring in another department not qualified to set up with procedures and knowledge of this matter? They want to make a study, a survey and spend some more state money to find out what the problems and needs of the transportation industry are in Maine. All this survey will do is make the D.E.D. hold hearings and conferences and hire consultants to find out that the railroads are just trying to put the blame for their failure to modernize and meet competition on to the highway carriers and the airplanes.

I don't say that tax relief should not be considered; in fact, if it is proven conclusively, which I believe it has not, that taxation of railroads is unfair in comparison with their competitors, then tax relief should receive our whole-hearted support and serious consideration. On the other hand, if it is not shown to be unfair and unjust, and gentlemen, the Sly Report is, in my humble opinion, nothing but a rehash of railroad management's propaganda campaign which has been going on for the past five years, then tax relief is not the answer.

If tax relief must be given, then let the Maine Legislature tie it down in this bill so that the management does not divert this \$1,000,000 tax saving rate into increasing salaries or paying dividends. It should be tied down so that in this bill it states that the railroads must buy equipment only, fix up their roadbeds and spend more

money for grade crossing protection and elimination of these traffic hazards, instead of just salary increases for just a few special privileged persons.

In summary, it is my humble opinion that while this piece of legislation appears on its face to have substantial merit, the case for and against it is entirely too incomplete. And I as a representative of the people from my area, and I know there are several others in this House that feel the same, must consider seriously any depletion of revenues to the State, which will help to invite the sales tax which we will have before us.

We must consider the justness of a reduction in taxation to a particular industry. After all, we are living in a period of rising costs—the government must be borne by all the people, and finally, if this relief is given now or at a later time, it should not be given without any obligation on the part of the rail carriers to perform the vital public service which in one breath they claim they are dedicated to, and in the next, say they have no obligation to provide.

And I will get back to the New Haven Railroad. As you know other states that have certainly been given tax relief, they regret it already. The State of Massachusetts gave one recently, Governor Volpe is irked already because he has given it now, because it is not tied down. He cannot get an answer to what they are spending it for. I will tell you what they are spending it for, a million and a quarter dollars salary for the president of the railroad, Mr. Albert, his brother-in-law and the Mulhern family.

Now if you want to spend that kind of money in the State of Maine to pay high salaries and give freedom — excess profits to a few, you will vote for the bill. If you do not, then you will certainly move to defeat the bill. At this time I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that item one,

L. D. 1622, be indefinitely postponed.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Because of the financial exigencies involved, a picture which is not yet clear and not wanting to vote for or against tax relief of any nature until our financial position is well known, I move that this item be laid upon the Appropriations Table.

The SPEAKER: Will the gentleman from Old Orchard Beach, Mr. Plante, approach the rostrum please, and the House will be at ease.

(Conference at rostrum)

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

Mr. PLANTE: I withdraw my request at this time.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante withdraws his request, and the Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, Ladies and Gentlemen of the House: I was going to point out to the gentleman from Old Orchard Beach, Mr. Plante, that this type of legislation has ordinarily ended up on the appropriations table, but this is of course the engrossment stage and such items are usually tabled of course at the enactment stage.

Now, with regard to the remarks of the gentleman from Bridgton, Mr. Haughn, I would say first that I hope his motion to indefinitely postpone this bill does not prevail. I will have to say a few words about the tax itself as well as my reason for hoping that the bill is passed to be engrossed.

First, we should remember that historically the railroads were taxed on a gross receipts basis. It soon became evident that a gross receipts tax was a bad tax because it could remove substantial tax monies from a business even though it was losing money. So, therefore, the Legislature enacted a bill which tried to combine the gross receipts and the net income concepts of taxation. Under this,

they set up various categories of net income to the railroads and said that there should be a gross receipts tax at varying rates depending what category of net income the railroads receipts happened to fall into. On this basis, they hoped that they would be able to reduce taxes proportionately as net income went down, and thus avoid the bad features of a gross receipts tax. Actually the tax didn't work that way. The burden upon the railroads from it has been getting increasingly heavy over the years until for instance this last year in 1960, the Bangor & Aroostook Railroad paid a state gross receipts tax or, as we call it now, actually a gross net of 126 percent of net income. Now anytime you have a tax which taxes at the rate of 126 percent of net income, you certainly have a burdensome or actually a confiscatory tax. By the same token, the Maine Central paid at the rate of 82 percent of its net income.

This bill as it is before us at the moment actually retains the basic tax structure under which the railroads have been operating over the years, but it says that in the event the net return on the railroad's investment does not reach five and three quarters percent, there will be tax abatement to the extent necessary for it to reach five and three quarters percent except that in no case shall the tax fall below a certain gross receipts level. Now if the railroads earn more than five and three quarters percent—and there is precedent for this in that the Public Utilities Commission has set 5.9 percent as a proper return for the power companies, and incidentally the power companies do not have a state tax; if the railroads earn this five and three quarters percent, then the present tax will prevail. In other words, we are not eliminating our present tax system. We are merely saying that the present tax system is adjusted so long as the railroads do not earn what is termed to be a fair return on their investment.

Now, the gentleman from Bridgton, Mr. Haughn, has related this to the efficiency of the railroad, and that is of course a factor; however, I would say that in using



a gross receipts tax and gross receipts minimum, in retaining that factor, we are penalizing the railroads as compared to the action in other states. In other words, we would be completely reliant on the efficiency of the railroads if we had a net income tax without the gross receipts provision. For instance, Massachusetts has this type of a tax, and if we tax our railroads as Massachusetts does, I believe that the tax on the Maine Central would be something like \$35,000 instead of \$690,000. This would actually be a proper kind of a tax. However, we have chosen to retain the gross income tax feature of this law.

Now what the bill does as it comes out in new draft, which the gentleman from Bridgton, Mr. Haughn, evidently overlooked, and that is it schedules this reduction in the gross receipts tax over a period of three bienniums. In other words, contrary to his statement that enactment of this bill in new draft would cost the state a million dollars per year or two million dollars in this biennium, it would actually cost \$669,000 in this biennium. The original bill dropped the percentage to one percent of gross receipts. In new draft, it drops it to two and five-eighths in the first biennium, two in the second biennium and one percent thereafter.

Now there was one other point that the gentleman from Bridgton, Mr. Haughn, made, which I would like to shed a little further light on and that was the fact, I believe, he said that the towns now realize \$20,000 in local taxes from the railroads. Well, actually railroad local taxes are approximately \$600,000 per year or a \$1,200,000 per biennium. The \$20,000 to which he referred is the tax which has been returned in lieu of the stock tax. Now actually the stock tax on the railroads was eliminated in an earlier bill that we had, and therefore that would not be returned anyway.

Now the Taxation Committee reported this bill out as ought to pass because it felt that basically it was a matter of simple justice to the railroads — the tax in its present form is not a just tax.

Historically the state secured money from the railroads during the time when they were an expanding industry and a profitable industry. I know we have all heard stories of the growing days of the railroad. They, at that time of course, had a monopoly. The railroads no longer have a public transportation monopoly, they are sorely beset by competition, and they are in a contracting or declining phase. The original concepts under which we set up the tax that we are using today are no longer valid and adjustment is absolutely necessary, right and proper. I think we also reported this out as ought to pass from the standpoint of self-interest to the state. Located where we are, we certainly must take every means to assure that our raw materials get to us as efficiently and as cheaply as possible; and we must assure that the finished goods that we make go to market as cheaply and as efficiently as possible. We do not believe that an unfair and unjust tax burden upon one of the major movers of freight in and out of the state helps to that end at all. For these reasons, we believe that this bill should pass.

The gentleman from Bridgton, has called attention to its relationship to the tax problems of the state, and has of course mentioned particularly, seriously enough, the sales tax. Now, there are quite obviously other taxes which have been entered in the Legislature than the sales tax, at this moment the final taxation picture has not been settled by the Legislature. At the last session, this bill was carried to the enactment stage, at the higher rate not spread out as it is now, and the final decision was made as to its eventual outcome at the time that the tax picture was clarified. It is our opinion that at this time this bill should receive the same treatment, should be carried through to the enactment stage, and then become a part of the overall fiscal program as it develops at that time. For that reason, I hope that the motion of the gentleman from Bridgton, Mr. Haughn, to indefinitely postpone this bill does not pre-

vail; and when the vote is taken, I request a division.

The SPEAKER: A division has been requested.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I might say that I appreciate the comments made by our Floor Leader and colleague Mr. Baxter from Pittsfield. When he talks about the gross receipts and net income, I am happy he did; because last session we had a bill before us which if we would have passed under the conditions and the way it was written up, that if we had surplus funds at the end of the session they were to come in under a bill similar to this one. We ended up with a surplus of \$8,000,000. Now you see what the railroads would have received, I think if I recall correctly, the figures were roughly over \$2,000,000 in tax abatement at the expense of the taxpayers of the State of Maine for private industry. If we do it for that particular industry, we must do it for air-planes, boats, truckers and any other means of transportation to get equalized treatment — not discriminatory legislation which I consider this to be under the way it is written.

The bill calls for a study by the DED, and they shall report their earnings, Section 104, all capital expenditures of all railroads operating in this state shall file a report with the Department of Economic Development. How long since we are going to supersede the ICC Federal Agency which is required for them to file those reports? And then return the file back to the several states, that portion involving within the states their expenditures and receipts. I think we have gone a little out of our bounds and our jurisdiction to call for that particular section 104, to be in this bill. As long as they can have tax dollars to give them, I call subsidy, which I said two years ago and was criticized for but the railroads now all over come out and call them subsidies, not tax relief, but subsidies. As long as they have those available, the efficiency of the

management in my opinion will be no better than it is today.

When you take in Massachusetts what they have done with the railroad properties when they sold them off to the Old Colony Line, they gave a million dollar tax relief four years ago — they come back for two million dollars the next year and finally ended up with the State of Massachusetts purchasing it to give the people transportation and possibly rectify and change the modern transportation needs. They sold those buildings and property off through a holding company in Boston for little or nothing, and once again as I said that Mr. McGinnis, that he in my opinion is a liquidating agent who has these properties disposed of with small costs and they are sold for tremendous values and profits overnight. How much do they consider the railroads and the needs of the people?

In the three sessions expressed by Mr. Baxter, this only cost \$669,000 for the sessions, how about the years to come? As far as these tax dollars for relief are available or subsidies are available, they'll grow and grow and grow; but we don't see the passenger service put back on for the people of the State of Maine, and I might say that the Maine Central is still in the passenger business in Maine, and they could be very efficiently put on again by adding one passenger car when the mail train goes through and give service from Portland and Bangor. They are not considering any of these facts — they got off the hook the last session and they used for an alibi the reasons for the loss of transportation in the State of Maine. I think that they are the ones the blame belongs on. Mr. McGinnis gets a salary of over \$75,000 a year plus \$50,000 expense account which he doesn't even have to account for. You mean to tell me this is right for the stockholders and the people of that state? Now does it exist in Maine or not? And if we refund these taxes for the railroads, we certainly should consider the truckers, the airplanes, and the boat service in the State of Maine.

If they would put back on some of the passenger service which is

needed in the State of Maine, then I would heartily support a bill of this nature, but until such time as they consider that fact and keep this out of the DED and put it in the Commission where it belongs which is now functioning properly, I say it is time we killed this bill. I'm happy that my gentleman friend from Pittsfield, Mr. Baxter, has asked for a division.

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

Mr. BRADEEN: Mr. Speaker, Ladies and Gentlemen of the House: I listened with a great deal of interest to the remarks of the gentleman from Bridgton, Mr. Haughn; and to those from the House Majority Leader, who chances to be the House Chairman of Taxation, the gentleman from Pittsfield, Mr. Baxter.

Now, as Secretary of the Taxation Committee, I think that Mr. Baxter is entitled to an assist in this matter. The members of the committee considered carefully and with due care and deliberations this particular problem. We came to the conclusion that regardless of the reasons which had brought about the present financial status or condition of the railroads in this state, that it was in the public interest very definitely to give them some assistance and financial consideration.

Now it is well known that I am a vigorous opponent of the sales tax, now we won't get into that now, that will come later. Now this matter involves something like \$350,000 a year for the next two years, that is, this particular biennium. Later on, other measures will be taken to adjust this particular subsidy if you so wish to term it, providing conditions warrant; but in the meantime as a member of the Taxation Committee, as an individual who by reason of sitting fairly close to the fire, knows that we have the means to raise a certain amount in miscellaneous tax form without resorting to the sales tax, I heartily agree with the gentleman from Pittsfield, Mr. Baxter, that it is definitely in the public interest that we at this time take this definite move to give our railroads some

assistance here in Maine. Thank you.

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

Mr. BRAGDON: Mr. Speaker, I would feel somewhat remiss in my duties here as a legislator at this time if I did not arise and attempt to oppose the motion of the gentleman from Bridgton, Mr. Haughn. I have looked upon this matter of relief in the taxation of railroads as one of the major musts of this session. I have seen as have all of us seen what is happening in our railroad picture here in Maine, we see the stations being torn down, the railroads retracting to the point where they can continue to give service to the state. Certainly I do not believe that we have reached the stage here in the State of Maine where we can possibly consider that we can get along without the railroads. We certainly need this means of transportation along with other means of transportation which have gradually because of changing conditions, have begun to take over the things that the railroads have done in the past. I have looked upon this method of taxing these railroads as archaic. It has been in effect for a long time. Mainly, I feel that we must consider relief — in other words for the reason that we've got to recognize that we've still got to have the railroads. If we refuse this, we will look — naturally they will again retrench with the idea of continuing to exist for a time. Of course, I believe that when they retrench, it is going to be by discontinuance of unprofitable branch lines and things like that. I think anyone living on some of these branch lines might well consider what is going to happen to them if some relief is not given. This is small relief, but I believe that we want to look at it very seriously, and I certainly am going to vote against the motion of the gentleman from Bridgton, Mr. Haughn.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I rise to concur with the gentle-

man from Pittsfield, Mr. Baxter, I am also on the Taxation Committee; and he has covered this matter quite fully. I would like to point out though that this does not have anything to do with the sales tax in any way, that there is money in both programs I think to cover this.

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

Mr. BAXTER: Mr. Speaker, I would just like to say one final word, on the matter of discrimination which the gentleman from Bridgton, Mr. Haughn, has mentioned. Now it seems to me that it's the railroads on whom falls the discrimination. After all, the truckers do not have a gross receipts tax or a gross net tax, the airlines do not have a Maine gross receipts tax or a gross net tax, the power companies for instance do not have this type of tax; the only tax that we have of the gross receipts type is the telephone company, and the telephone company I am sure you will all agree has no competition. They can properly pass it on, but the railroads are in a very severe competitive position now, and they are no longer able to pass on this very discriminatory type of tax. So I would say that if you want to eliminate discrimination, you would put a gross receipts tax on the trucking companies and the airline companies, etc. This doesn't make sense either, tax reform reduces an obnoxious tax and does not substitute that same obnoxious tax in other places. Therefore, I repeat I hope that the motion does not prevail.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: As one who receives her livelihood from the trucking business, I am in favor of this legislation, I think it is fair, and I hope the motion to indefinitely postpone does not prevail.

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 Bill, "An Act relating to the Amount of the

Annual Excise Tax on Railroads and study by Department of Economic Development," House Paper 1176, Legislative Document 1622, be indefinitely postponed. A division has been requested.

All those in favor of the motion to indefinitely postpone, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Ten having voted in the affirmative and one hundred twenty-four having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

#### **Amended Bill**

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

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 sent to the Senate.

#### **Emergency Measure Fails of Enactment**

An Act Authorizing Funds for Construction of Machias Landing Field (H. P. 1162) (L. D. 1602)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 92 voted in favor of same and 28 against, and accordingly the Bill failed of enactment.

#### **Enactor Tabled**

An Act Merging Portland University with the University of Maine (S. P. 161) (L. D. 407)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. MINSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a few remarks to item 2. I have a great

deal of facts and figures and I believe that it is important that this House have these facts and figures so that when they vote on this measure, they may do so with all of these figures, and with all of these facts. I do not think they have been presented previously.

The first question concerns the availability of a law education to students going to Maine colleges and more particularly going to the University of Maine. As I pointed out in the House last week there was distributed to each of us a summary of the New England compact which is the compact between the six land grant colleges in New England, indicating that Maine was a member of this and indicating that they were cooperating with the University of Connecticut Law School. I have at this time a paragraph that I would like to read which is contained in the law school bulletin of the University of Connecticut Law School, it reads as follows: "New England Applicants. Pursuant to cooperative arrangement among the New England land grant colleges, applicants who are residents of New England will be considered on a basis of equality with Connecticut residents." I think also if you read this pamphlet that was distributed by the University of Maine a couple of weeks ago, you would note on that also that the tuition charged for these out-of-state students would be on an in-state basis. This is one of the points covered by the New England compact. I would further point out that in discussing the enrollment of Maine students at the University of Connecticut, there is now one student from the State of Maine attending the University of Connecticut. When questioned as to why he felt there was only one student from the State of Maine attending the University of Connecticut, the dean of the University of Connecticut Law School, Bert E. Hopkins, indicated that the important reason is that traditional patterns of legal education in Maine have developed through the years and out of that pattern the Boston and Cambridge Law Schools have met the major requirements.

I would point out that the major Boston Law Schools are Harvard,

which as many of you know has excellent physical facilities; Boston College which in the last five or six years has built a beautiful new law center, and Boston University which is to break ground this spring for a new law center. The dean of the University of Connecticut also informed me that the University of Connecticut is also to start building new facilities for its law school.

We have heard little discussion concerning the cost of this to the State of Maine. We have heard some abstract figures but no breakdown. I would like to point out that I have a letter here from John G. Hervey. Much of this material by the way was printed in one of our state papers yesterday. He is the advisor of the American Bar Association section of legal education and admissions to the bar. He indicates this, this is a requirement for being an accredited school. It will be necessary that there be a full-time administrator of the law school. The council requires that there be such. The going rate for full time law school deans at the moment is \$18,000 per year. Some schools have been offering \$18,000, but have had no takers even at that figure. There is also a requirement as you know that there be a full-time faculty, and Mr. Hervey of the American Bar Association says this: "The median of the salaries of full-time teachers, exclusive of the dean, would have to equal at least the national median of the last determined median salary in the approved schools. At the moment the figure stands at slightly above \$9,000. My best guess is that three full-time teachers would cost you at least \$25,000 per academic year. In short, it would appear that you would need \$43,000 per academic year for administrator and teacher personnel." That is just three teachers and one dean.

Now I have also the figures of a sampling of law schools with less than 100 students. I cannot give you the figures of the individual schools as these figures were given to me in confidence. However, I do have a list of fourteen schools here. The average cost per school, and these enrollments vary from 10 to 98, is \$79,000 per year. This figure does not include university overhead and

does not include maintenance and repair to plant facilities. A couple of examples I can give you. A school with 58 students costs \$113,000. A school with 13 students costs \$48,000. That is the lowest figure.

In summary, Mr. Hervey of the American Bar Association said this: We are somewhat surprised to learn that the authorities are considering the establishment of a law school at the University of Maine.

Now as to the need of a law school in the State of Maine in general. How many students do we have attending law school from the State of Maine? The best judge of that is of course the admissions to the bar. The admissions to the bar over the last five years I have. I have the breakdown as to the schools they went to partially, and to the towns they came from completely. If any of you wish to see those breakdowns I can show them to you, but I will give you a summary of them, and included in these figures are some out-of-state people as well as State of Maine residents. In 1960 24 students were admitted to the bar of Maine. The largest number of those students came from Harvard. In 1959 30 students were admitted to the bar of the State of Maine, the largest number of students coming from Boston University. In 1958 23 students were admitted to the bar of the State of Maine. I have no figures as to the colleges. In 1957 24 students were admitted to the bar of the State of Maine. I have no figures for the universities or schools involved. In 1956 24 were admitted to the bar of the State of Maine, Boston University, Georgetown, and Portland University each with three had the largest number being admitted. In view of the enrollment figures, this is your maximum potential of the Portland University Law School, and I would question whether all of the Maine students would go to this law school or whether or not there would still be a desire to go where their fathers went or to go to Harvard or to Boston University or outside schools as they are now doing in large numbers. An increasing number over the last few four or five years have attended schools in

Washington, D. C., and this too may be another source which Maine students would like to go to. There are other figures which have not been presented on this floor this morning, and I hope they will be before the morning is over, and that is the question of library facilities and the American Bar Association requirements for library facilities, and there is also the student body figures at the Portland University Law School. I have had these figures and I have them in more detail. I did think it necessary, however, that when you vote on this that you have this information. Thank you.

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

Mr. SMITH: Mr. Speaker and Members of the House: I would like to emphasize what in my opinion is a most important consideration in your review of this problem of the merger of Portland University with the University of Maine, and the place that the law school has in such proposal.

If any law school is justified, in my opinion, connected with the University of Maine, it should be an accredited law school. The University of Maine already we are told has some accreditation problems in connection with its other colleges. Now what is the present demand for a law school in the State of Maine as reflected by the figures of those attending the Portland University? I have those figures and I will give them to you in summary form. In 1958-'59—these figures came from the dean of the law school at Portland University—in 1958-1959 25 students attended Portland University Law School, from the State of Maine. In 1959-1960 26 students attended the law school there; in 1960 and '61 29 students attended the Portland University Law School from the following communities, and you will note they are not all from Portland by any means, and the Portland University and University of Maine merger, much of the argument for it is for a commuting college: 1 from Biddeford, 7 from Portland, 4 from Bangor, 2 from Falmouth, 1 from Sanford, 1 from Concord, New Hampshire, 2 from

South Portland, 1 from Fort Fairfield, 2 from Auburn, 1 from Westbrook, 1 Augusta, 1 Gardiner, 1 Calais, 1 Norway, 1 Winthrop, 1 Machias and 1 Windham. I urge you to give careful thought to these figures and to the proposition that an accredited law school is the one which should be affiliated with the University of Maine if any is to be so affiliated.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First I would like to correct a statement made in effect that the gentleman from Bangor, Mr. Minsky made the statement that three apparently is the maximum potential. That in my opinion is a very inaccurate statement, because if he had figures of other years as stating that he did have them, he would have found that there have been as many as 7 who have graduated out of about 30 who graduated from Portland University in one year, at least seven of them passed the bar exam.

Now we had a very splendid debate on this last week. I stated in effect if it meant additional money to keep our boys home and to allow more of our Maine boys to go to school, I was for it. We should never have let go of the medical school in the first place; we should never let go of the law school, and certainly I hope that this bill goes on its merry way as it did so splendidly last week.

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: Last week I asked a question concerning the cost of this proposed law school that would be needed to qualify it as an accredited law school, and in conjunction with the University of Maine. I have learned this morning that the average cost or the initial expenditure of law school, what we are talking about here now, will cost between \$75,000 and \$100,000. In addition, it will be necessary to spend approximately \$7,500 each year thereafter to maintain the library of this law school. As you know, the library

of the law school is like the laboratory of a physics building — a physics college.

I have before me a compilation of the books now presently at the law school. In most cases I would say that the figures that I just gave you of an initial expenditure would be necessary. I cannot see that the volumes presently listed here would be more than a minimum base from which to operate. This bill now before us worries me greatly because I cannot conceive that the price tag on the bill is in any way, shape or form necessary to cover the cost of the law school, much less the business school to which it is attached.

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 passage of this particular piece of legislation. It would seem to me that my fellow colleagues of the Maine Bar are putting too much emphasis on the fact that Portland University operates a law school. This happens to be a very minor portion of the functions which Portland University is now performing.

There are some 30 students now enrolled in the law school that is true, but there are over 100 students in the school of business administration which turns out some pretty fine business administration graduates. In addition to that there are a good number of people attending night courses at this University. It is performing a valuable service in the southern part of our state. I would remind you that the Board of Trustees of Portland University and the Board of Trustees of the University of Maine have both agreed that this merger would be worthwhile and an advantage to the University of Maine. I would also like to point out that if the Trustees of the University of Maine in their wisdom feel that it is not economically feasible to continue with a school of law at Portland, they would certainly do away with it. I would disagree with some of the figures quoted by my colleagues in regard to the cost of this operation. I have before me a letter from Dr. Elliott who states

that the cost to the University of Maine for maintaining Portland University with its law school and also with its school of business administration, which has almost four times as many students as the law school, will be \$75,000 in the first year of the biennium and \$50,000 the second year of the biennium. Now for that expenditure the University of Maine is getting a very valuable piece of capital equipment, a fully-equipped building, school building, all equipped with classrooms, seats, chairs, books, libraries and everything else you need to operate a school, and for that reason I hope that you will see that this bill receives passage. Thank you.

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

Mr. ANDERSON: Mr. Speaker, I am 100 percent in concurrence with the gentleman from Bangor, Mr. Wellman, on this issue. I have listened to him carefully throughout this session, and find that he is in the same category as I, an ardent defender of the taxpayer.

A few months ago I made some remarks before this assembly which met with adverse criticism. In campaigning for this office, I promised thrift and economy to my constituents. I felt and still feel, that there is a chance of curtailment in expenditures which will in no way jeopardize the proper functioning of the affairs of state. I am therefore, violently opposed to any increase in sales tax.

I was criticized before on my stand, and now undoubtedly I will be ostracized. I was very much concerned and disturbed over some of the bills which received the nod of this body in the past week. Some of these slipping through without a dissenting voice, items which to my mind we could have eliminated without in the slightest triggering the wheels of progress. There are many more bills on the appropriations table with sizable price tags. I certainly hope we will all jot down the document numbers, look them up and prepare ourselves for debate when they are taken from the table. The strategy of proponents for the sales tax is very obvious. I am just as anxious as the next one to get home. I think we

all have many commitments at home. Paraphrasing in part the words of the immortal Patrick Henry, I know not what course others may pursue, but I'll stay here until Gabriel blows his horn before I'll vote to burden the people of this state with an unnecessary increase in the sales tax. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker and Members of the House: I would agree with the gentlemen who have spoken previously in opposition to the merger of the Portland University and the University of Maine. I will not tire you with repetition of facts and figures but I do wish to express my sincere conviction that we have many more other educational matters which should receive priority over this merger.

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

Mr. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: I ask you to look at the opponents on this bill. Are they using a selfish measure? I don't know. There has been talk at the Bar Association. At the first annual meeting in January 1961, the following resolution was passed: "Be it resolved, that the Maine State Bar Association, whose interests are to preserve and perpetuate the highest standards of the legal profession and to that end is equally concerned with the creation and the development of schools for the training of future lawyers, heartily endorses the expressed intentions of the respective Boards of Trustees of the University of Maine and the Portland University; to wit, the University of Maine will operate as an accredited law school in Portland."

A study of the demands of the lawyers in our society as reported in December of 1960, shows the following: Law schools in the nation are now graduating approximately ten thousand students each year. Twenty-five thousand per year will be needed by 1970 to meet the demands of business, government, and private practices. The provisions for a fully accredited law school in Maine would mean this. It would



fulfill the legal training and professional need in the state in the years ahead. It would offer other professional outlets for qualified Maine youth and encourage more students to continue their education in the state. I ask you now, are we going to ask our students to go elsewhere for their education? Are we going to send them out of the State of Maine to enroll in colleges when we could enroll them here in the state? Costs have been presented, figures have been presented — let's present a few figures on their value.

The building is worth \$72,500. It has incurred liabilities, a mortgage payable of \$40,000. It has a net worth of \$55,300. This offsets, I believe, anything that has been said before. The school has a total income of \$70,446. We have talked legal, law school and education, let's take a look at the business administration. We have one hundred and five students enrolled in business administration alone. I ask you to seriously consider this piece of legislation before you vote. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I am very happy that the gentleman from Bangor, Mr. Minsky, gave these figures, because as a signer of the ought not to pass, Committee on Education, it was entirely upon the knowing of these figures that I signed ought not to pass. I am very much in favor of the law school. I think that the law school, as it is running in Portland, is doing a wonderful job. And I think if it is let alone, until we can afford to move and take it in with the University of Maine, it will continue to do a good job. My feelings entirely in signing ought not to pass was the cost. Now I know the gentleman from Portland, of course is like all the gentlemen from any particular area, they are much in favor of anything that happens out in their particular area. Perhaps if I lived in Portland, I would feel the same.

But I want you to know very definitely, that this fifty thousand and seventy-five thousand that they

are talking about, is just peanuts to what this thing is going to cost you in a few years. Now can we afford it? If we can, I hope you will vote for it. I can't see how we possibly can afford it at this particular time.

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

Mr. WELLMAN: Mr. Speaker and Members of the House: I take violent exception to the remarks previously made by the gentleman from Portland, Mr. Berry. If I am acting here selfishly to point out to you the cost that you may well be entering in the future, then so be it.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen: I am not a lawyer; I am neither in one end of the state or the other, I am kind of in the middle. But I did take the trouble the other day to point out to you that the University of Connecticut under this cooperative movement had given us an in-state tuition basis at their law school which I understand is one of the best. The requirements in order to get in there are very high, they have a five year basis. I wanted to create the curiosity the other day that I had in my mind. My curiosity has been more than answered in regard to the cost of this thing, and so now I am going to make a motion. I am going to move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: In reference to L. D. 407, An Act Merging Portland University with the University of Maine, the question now before the House is the motion of the gentleman from Hope, Mr. Hardy, that the bill be indefinitely postponed.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I only wish to make one comment. Much has been made of the fact that the New England Compact gives the Maine students the same relative position in Connecticut that the Connecticut student has. My com-

ment is this, in spite of that fact, even if the figures that Mr. Minsky gives forth indicate only one person from Maine takes advantage of this position, or would rather pay the higher tuition to go to Boston University or to Harvard. And what I think the reason for this is, as I believe the opponents to this bill well know, that Connecticut operates substantially on the code system and the course of instruction given at the University of Connecticut law school would not be particularly advantageous to a student who desires to practice law in the State of Maine. I feel that that is a misconception in order to put that forth in this manner, that we can easily go to Connecticut. And I would highly recommend any person who intends to practice in Maine, to pay a little more money and go some place else.

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

Mrs. KNAPP: Mr. Speaker and Members of the House: I too am not a lawyer, but I am a mother. Our war cry is that our young folks are all leaving the State of Maine. If we do not present opportunities to them to stay here and get an education and whatever else we can offer, we must expect them to still leave. Therefore, I support the merger of Portland University and the University of Maine.

Mr. Anderson of Ellsworth requested a division.

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

Mr. WATERMAN: Mr. Speaker, Ladies and Gentlemen of the House: We've had figures on the proponents side and the opponents side. The proponents told us how good a job these people that are running it are doing, how much it is worth now. If they are doing a good job and it's worth so much money, why not let them keep right on running it? It's a good business.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I certainly am not suggesting removing any courses, or any major courses, from Orono. But it does seem that

we ought to consider carefully the expansion of some new courses in that area of the state which is the industrial area of the state and where students may travel to school without the expense of dormitories. I think perhaps we ought to consider it a little bit on that basis.

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

Mr. HAM: Mr. Speaker and Ladies and Gentlemen of this House: I rise as a graduate of this fine institution mentioned in this bill. Now maybe I also rise to clear my own conscience after what my fellow colleague, Mr. Berry, said about being selfish. I oppose this merger for two reasons: number one, I don't like the price tag that goes with it, I don't believe we can afford it at this time; and most important of all, I do not believe the dire need is there at the present time in this state for this piece of legislation. Now if these reasons are selfish, I am selfish.

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

Mr. ESTEY: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Committee on Education, I was one of the signers of the ought to pass report. I think that this House and this Legislature would be extremely shortsighted to indefinitely postpone this bill without first giving it an opportunity to evaluate the appropriation with the need and the services that would be rendered. I am inclined to agree that there has been entirely too much emphasis placed on the law school and its training. I agree that it may be needed and that probably in the future it will cost money. The estimate given by President Elliott in his report to the committee was about \$100,000 a year would be required in appropriations, after this merger had been consummated.

I would point out to you, however, that the replacement value of the property alone, disregarding the value of the education received, is a million dollars. Which means that ten years — ten appropriations of a hundred thousand dollars would be required of the Legisla-

ture to offset what it would cost to build the building. I would also point out to you that three hundred and twenty-five students are receiving business administration training and there is a potential of a hundred and seventy-five more without capital expansion. This to me I think is a great asset to the State of Maine, a potential asset in attracting new business and providing professional and job opportunities for people of our own state.

I hope that you will seriously consider allowing this measure to be enacted or to lie on our appropriations table and be evaluated with the other measures which we are to estimate revenues on before we finally take action on this one. I hope the motion of the gentleman from Hope, Mr. Hardy, does not prevail.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: The opponents to the passage of this particular legislative document have seemed to place their opposition on the basis that the State of Maine cannot afford the small sum of \$125,000 for the next biennium. Now this seems a little bit strange to me when just a few minutes ago this House has seen fit to give recognition to a bill which will give a million dollars a year in tax relief to railroads. I think we can afford \$125,000.

The SPEAKER: Is the House ready for the question?

The question before the House has reference to item two, L. D. 407, An Act Merging Portland University with the University of Maine, Senate Paper 161. The immediate question is the motion of the gentleman from Hope, Mr. Hardy, that the Bill be indefinitely postponed and 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.

Fifty-eight having voted in the affirmative and seventy-nine having voted in the negative, the motion to

indefinitely postpone did not prevail.

Upon request of Mr. Bragdon of Perham, the Bill was placed on the House Appropriations Calendar.

### Enactors Tabled

An Act Providing Expanded Community Mental Health Services (S. P. 191) (L. D. 524)

An Act Creating an Administrative Code for State of Maine (S. P. 396) (L. D. 1343)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(Upon request of Mr. Bragdon of Perham, placed on Special Appropriations Calendar.)

### Passed to Be Enacted

An Act Including Piers and Terminals in Maine Industrial Building Authority Act (S. P. 418) (L. D. 1357)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, this bill, An Act Including Piers and Terminals in the Maine Industrial Building Authority Act, has been before us a long time. It came before my committee and as House Chairman of that committee, I did not like the bill in its original form nor do I like the bill in its amended form as we have it now.

A few days ago, I offered to you House Amendment "C," which read in part that the State of Maine would not get into the building of breakwaters nor the construction or the dredging of any harbors. Now possibly they might not get into the projects as I have outlined, but the feeling is that the terminology of the bill might let them in. I think that the Maine Industrial Building Authority has done a tremendous job in the years they have been in existence. They have built its industrial buildings around over the State of Maine, and we backing the credit of this enterprise have not lost a cent. I hold this bill with some reservation basically because

up and down the coast of the State of Maine there are thousands and I think I might be correct if I say tens of thousands of piers that industry has built, private business has built over the past century; and almost without exception, there are a few in Portland, there are a few scattered along various ports of the State of Maine; but there are two major spots left. The City of Portland there is considerable shipping in, at Searsport they still do considerable shipping. I don't believe that if the state backs the pier under this pier and terminal bill, that it will do anything but detract from the business that the Maine State Pier and other piers in Portland do today.

You all know that we support the Maine State Pier. We raise thousands of dollars here in this House every year to keep them in business. Last year the Town of Searsport had 157 ships that they unloaded there, and I feel that if Maine Industrial Building Authority is enlarged to build piers and terminals, it will only detract from the present businesses that we have on the Maine coast today.

If the Town of Searsport lost ten ships—five ships—the stevedores that are working that port today would be in more dire straits than they are at present. In the old days and you all remember when Maine shipped stone—my section of the coast was tremendous, we shipped all of the cobblestones that went into the greater eastern cities went on little ships. The lumber and the lumber products, the ice, fish, lime, coal and oil, the grain, the farm products, machinery, all of that went and came by boat. Today, the trucking industry does it, the railroads do it; and if we pass a bill like this, as far as the City of Rockland goes that the Maine Central service that we have there today, I think this is the death knell of the Maine Central service there. They are living as all railroads in the State of Maine are living, more or less on a shoestring, and every bit of commerce that is sent out by water is commerce that will not go out on that railroad. Only today, we passed a bill giving the railroads a bit of relief. I have contacted the Maine Port Au-

thority, and I think that the Maine Port Authority should have this thing wholeheartedly and they say to me that a bill of this kind will not be able to operate and operate properly.

As I have already told you, piers up and down the Maine coast are rotten, falling down; in fact the very site that this particular pier project is supposed to be built on was a pier at one time, and you have all seen pictures of it I think in various propaganda that has been sent to us, and that pier also is falling down. You couldn't even walk on it today, and yet they come to us and ask the State of Maine to back a bill of this type.

I think I have tried to treat this on a non-personal basis, an unspeculative basis. I'm only looking at it on a basis, is it something that the taxpayers of the State of Maine should guarantee? I can't believe it is. So, for that purpose, I have to at this time make the motion of indefinite postponement. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Hope, Mr. Hardy, that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I would first state that we are not living in the past, but we should profit by our mistakes in the past and live for the future. The future is the economic gain of the state.

Mr. Hardy's amendment was offered, and it was stated at that time when it was put on over no objections from my constituents that it would make the bill acceptable. They then proceeded to attack the bill. The bill as it is now written tightens up the act and makes it more applicable to industry. This bill now has an amendment on it that was drawn to satisfy the Maine Industrial Building Authority who wanted to take the building of a pier or terminal out of the category of a commercial project, and make it fit into the picture of an industrial development. Mr. Hardy merely stated that he could not use funds from

a guaranteed loan to build a breakwater or dredge a harbor. MIBA would not allow this to be done anyway, and so stated.

I hope at this late date, you will not defeat this bill for the reasons which have been given. For they, in my opinion, are not valid objections to the interest of this bill as they relate to ocean piers and terminals. Once again, ladies and gentlemen of this House, I will state that the only question before us and the only issue that you will vote on here today is, does the State of Maine want to encourage the industrial potential of our coastal communities? If so, then this is a tool that can help. I hope that where this bill has now reached the enactment stage, and has been fully debated, fully argued and fully amended to satisfy all concerned and is now here before you for enactment, that you will not at this late date defeat it. We have worked hard and labored long to satisfy those concerned with this bill. We have acted in good faith, and we have done all that we have been asked; and this bill is finally written in a form that meets the full approval of the MIBA, and I hope that it now meets the approval of this House. When the vote is taken, I would ask for a division.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: That is the exact situation, that I do not like to develop the industrial potential of one section and deplete from another section that is already doing it of their own free will; in other words I feel that Searport and Portland who have been able through one reason or another to maintain their shipping to some degree, should not be jeopardized by this. I do think that the economics of the State of Maine will not improve when you throw a certain amount of men out of work because some others want work, I don't think that's an economic good. I hope that my motion prevails.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: It has been mentioned that this should be put under the Maine Port Authority. I repeat, this is for private enterprise, and the Maine Port Authority is a far cry from private enterprise. In fact I believe they are in the red at this moment. Also, the argument that is now before you is that this may stimulate competition. When competition is dead then the State is dead, and I hope you do not go along with the arguments that have been presented here.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: This bill has gone a long way, and I think that it is up to us to do something to stimulate industry within our state particularly around the port areas. I can't see why this is going to jeopardize Portland whatsoever; I think the people of Portland have a great deal of initiative, and I don't think a thing like this is going to jeopardize business there. It's not a fair argument at all.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Cooper.

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of Mr. Hardy's motion. We must consider the amount of commerce that is coming into Maine and what might be going out, we have two very nice ports, Searport and Portland. It's not too many nautical miles between the three points, Searport, Rockland and Portland; and I can't see where we could derive commerce enough to support all three. I understand that Searport is getting by by the skin of its teeth, and of course the state is subsidizing Portland Pier and I hope that when the motion is taken that Mr. Hardy's motion will prevail.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: As you perhaps know, the gentleman from Rockland, Mr. Knight, and I have differed on a bill or two;

however I am perfectly willing today to support him on this particular legislative document because it is a worthwhile piece of legislation. I therefore rise to oppose the motion of the gentleman from Hope, Mr. Hardy for indefinite postponement.

This bill does not prejudice one seaport against the other, it equalizes the Maine Industrial Building Authority's scope of — lending I should say, between the inland areas and the coastal areas. Now under the present bill, we can build an industrial plant inland and you can get all the money you need for it, but if we were to build an industrial plant in a seaport or a coastal town where there was a harbor, and it required docking facilities as an essential part of that industrial development, we could not borrow the money under the present bill. Therefore, with the amendment that is now on the bill, any seaport or coastal community wishing to build an industrial facility requiring a walk and a dock, will now be able to do so and get full financing.

For that reason I support this particular legislation especially because my own Town of Eliot has some very valuable waterfront property for future development, and I know this bill will serve them in good stead in the years ahead. I hope you will defeat the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, I rise to support the motion of Mr. Hardy to indefinitely postpone. I believe the bill is a dangerous bill. L. D. 1357 even as amended does not nail down what is meant by the word terminals. The risk remains that the State can become involved in a pier or terminal project up to the limit of MIBA financing only to later find that additional millions must be spent for removal of rocks and for dredging, and that further millions are required for breakwater construction. This could happen anywhere, but the Rockland proposition is a perfect example. The sponsors have no facts as to the feasibility of their proposition and no definite figures

as to the total cost. Actually, if their proposition has the merit they claim for it, private capital would finance the project. They are premature, fifteen months from now, they may have facts and figures; and that is the time they should turn to the Legislature. I hope the motion of Mr. Hardy to indefinitely postpone prevails.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Karkos.

Mr. KARKOS: Mr. Speaker, I have been reading in newspapers about a new industry that is supposed to build in Rockland. Could Mr. Knight inform us on that to see if there is a definite need because of that industry? Thank you.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight, and he may answer the question.

Mr. KNIGHT: Mr. Karkos, several industries have approached our Chamber of Commerce and have made overtures as to settling there. Whether or not the project would be a feasible one is not before us today and would not properly be before us, because the only decision that can be made will be made by the Maine Industrial Building Authority. The industries that have come to the chamber, as I understand it, and this is from the Chamber of Commerce in Rockland, have been grain industry; I believe the scrap metal industry, who would use our rails to bring in for a pier head to ship scrap metal, and other industries that would take advantage of the St. Lawrence waterway. But one industry alone stated that they would not build a pier because once a pier would be built, they would then have to spend a million dollars or more to put certain storage facilities on the pier and locate on it. For that reason, this type of legislation could be used by Rockland; but it's not in here as a Rockland bill, this is in here to expand the industrial potentials of all our Maine harbors.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Hope, Mr. Hardy, that the Bill "An Act Including Piers and Terminals in

Maine Industrial Building Authority Act," Senate Paper 418, Legislative Document 1357, be indefinitely postponed, and a division has been requested.

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

A division of the House was had.

Fifty-five having voted in the affirmative and seventy-five having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Establishing Fees to be Collected by Registers of Probate (S. P. 533) (L. D. 1571)

Was 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.

An Act relating to Sunday Sales of Liquor by Hotels and Class A Restaurants (H. P. 830) (L. D. 1145)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Moore.

Mr. MOORE: Mr. Speaker and Ladies and Gentlemen of the House: I don't believe I like this bill any better today than I did the other day. In fact, the more I've thought about it, the more repulsive it becomes to me. We are passing a bill here that I don't think there is any necessity for. We are paying attention to a very small minority, a well-organized minority with a very able lobbyist outside here that says that this must happen. We've got to sell liquor on Sunday for the tourist business. That is for eight to ten weeks, but the other ten months of the year we are going to sell liquor on Sunday to the people of the State of Maine, those that choose to buy on Sunday. I think it is very unnecessary, I think it is very poor. It says that hotels may sell it. Now when we speak of a hotel, we think of a fine hotel the same as

the Poland Spring House, or the Kimball House, or the Behtel Inn, or something like that. The hotels that we find in every city, sometimes they call hotels and sometimes houses, you can take a choice. But I call them dives, I think it is a better word for it. Those same little dives are going to be allowed to sell liquor. I think it is one of the greatest mistakes we could make and I move for indefinite postponement of this bill.

The SPEAKER: On L. D. 1145, the question now before the House is the motion of the gentleman from Casco, Mr. Moore, that the bill be indefinitely postponed.

And the Chair recognizes the gentleman from Brunswick, Mr. Lacharite.

Mr. LACHARITE: Mr. Speaker and Members of the House: I believe we have debated this bill long enough and I don't intend to prolong debate on it. However, I would like to summarize just a few of the points that we have discussed in our previous debates.

First of all, I would like to say that the committee had given this bill very serious consideration, it had a very good hearing and we reported it out with a majority ought to pass report. It was debated on the floor of the House and it has now reached enactment stage. Second, is that our neighboring State of New Hampshire has a similar law on the books. They sell liquor on Sundays in hotels and Class A restaurants with food. We have a number of businesses, hotels, and summer places along the New Hampshire line, from Kittery to the northern boundaries, which depend a great deal on the tourist business, and this would be a great help to them.

It is a fact that people who wish to drink with their meals will travel and it is not too much of a distance to travel from one town in Maine to one in New Hampshire. Third, is that this bill applies only to hotels and Class A restaurants. As you know Class A restaurants are defined as those doing \$50,000 worth of food business in a year on a full-time basis or \$30,000 on a part time basis, and at least sixty percent of their sales must be food. The next thing is

that this new law applies only in the hours from one p.m. to eight p.m. I hope that the motion of the gentleman from Casco, Mr. Moore, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: I will ask for a roll call.

The SPEAKER: A roll call has been requested by the gentleman from Livermore, Mr. Boothby.

The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker and Members of the House: Once again I want to tell you how many accidents we have on Saturday and how many we have on Sundays. Now as we well know over the weekend is when we have more cars on the road. Now on Saturdays we have thirty-nine killed throughout the state; Sunday you have seventeen; Saturday you have 2,958 accidents; Sunday you have 2,203. Now if this bill shall go through, I shall watch very carefully to see if these accidents increase, and I am reasonably sure they will.

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

Mr. WATERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I must rise in opposition to this bill. This weekend when I was home, I received numerous phone calls concerning this, and they were all in opposition to it. Therefore, I hope that Mr. Moore's motion prevails.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I think we have enough outlets selling alcoholic beverages without this, but one of the principal reasons why I am against this legislative document is that it is highly discriminatory. Now I can see it's using very badly our restaurant keepers, I may be keeping a restaurant and be happy to sell liquor on Sunday, but my next door neighbor who may be keeping a restaurant—but because I sell a hundred dollars worth or more of food than he does, why he can't

sell it. This is class legislation, and I believe it is highly discriminatory and I hope it will be defeated.

The SPEAKER: The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: I wish to concur wholeheartedly with my friend, Mr. Moore from Casco in his remarks made against this measure. I would say that our morals were slipping pretty much if we pass such legislation as this, and I shall vote against it.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Casco, Mr. Moore, that the Bill, An Act relating to Sunday Sales of Liquor by Hotels and Class A Restaurants, House Paper 830, Legislative Document 1145, be indefinitely postponed. A roll call has been requested.

For the Chair to order a roll call, it must have an expression of a desire for a roll call by at least one fifth of the members present.

Will all those who desire a roll call, please rise and remain standing until the monitors have made and returned their count.

Thirty-one members arose.

The SPEAKER: Thirty-one having arisen and thirty-one being equal to or greater than one fifth the members present, a roll call is ordered.

The immediate question is the motion of the gentleman from Casco, Mr. Moore, that this Legislative Document be indefinitely postponed. If you are in favor of the motion to indefinitely postpone, you will answer "yes" when your name is called. If you are opposed to indefinite postponement, you will answer "no" when your name is called.

The Clerk will call the roll.

#### ROLL CALL

YEA — Anderson, Ellsworth; Baker, Berman, Houlton; Boothby, Bradeen, Bragdon, Brown, Fairfield; Brown, Vassalboro; Buckley, Carter, Chapman, Gardiner; Chapman, Norway; Cooper, Curtis, Cyr, Dennison, Dodge, Dunn, Durgin, Finley, Hague, Han-



cock, Hanson, Bradford; Hardy, Harrington, Hichborn, Hinds, Hopkinson, Hughes, Humphrey, Hutchins, Johnson, Smithfield; Johnson, Stockholm; Karkos, Knapp, Lincoln, Littlefield, Maddox, Matheeson, Merrill, Moore, Morse, Perry, Pike, Prue, Roberts, Schulten, Shepard, Smith, Strong; Sproul, Stewart, Storm, Swett, Thaanum, Thornton, Turner, Tweedie, Vaughn, Walker, Waltz, Waterman, Whitman, Whitney, Williams, Winchenpaw, Young.

NAY — Anderson, Greenville; Baxter, Beane, Moscow; Bearce, Bedard, Berman, Auburn; Bernard, Berry, Cape Elizabeth; Berry, Portland; Binnette, Boissonneau, Brewer, Briggs, Brown, South Portland; Burns, Bussiere, Coulthard, Crockett, Danes, Dennett, Dostie, Lewiston; Dostie, Winslow; Drake, Edwards, Estey, Fogg, Gallant, Gardner, Gill, Ham, Hanson, Lebanon; Hartshorn, Haughn, Hendricks, J albert, Jameson, Jones, Kellam, Kennedy, Kilroy, Kimball, Knight, Lacharite, Lane, Letourneau, Linnekin, Lowery, MacGregor, Mathews, Maxwell, Minsky, Morrill, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Philbrick, Augusta; Philbrick, Bangor; Plante, Poirier, Prince, Rust, Seigny, Shaw, Sirois, Smith, Falmouth; Stevens, Tardiff, Wade, Walls, Westerfield, Wheaton, Wood.

ABSENT — Albair, Beane, Augusta; Choate, Davis, Edgerly, Jobin, Lantagne, Levesque, Malenfant, Smith, Bar Harbor; Tyndale, Wellman.

Yes, 66; No, 72; Absent 12.

The SPEAKER: Sixty-six having voted in the affirmative, seventy-two having voted in the negative with twelve absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Enactors Tabled

Resolve Providing Funds for Thayer Hospital, Waterville, to Aid its Rehabilitation Program (S. P. 223) (L. D. 628).

Resolve Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers (S. P. 315) (L. D. 991).

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(Upon request of Mr. Bragdon of Perham, placed on Special Appropriations Calendar.)

#### Orders of the Day

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

Bill "An Act Revising Laws Relating to Barbers and Hairdressers." (S. P. 556) (L. D. 1603) — In House Read the Third Time. Amendment Filing (H-322)

Tabled — May 25, by Mr. Hartshorn of Buxton.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Hartshorn.

Mr. HARTSHORN: Mr. Speaker, Ladies and Gentlemen of the House: I request that this item be tabled until later in the day.

Thereupon, the Bill was tabled pending passage to be engrossed and specially assigned for later in the day.

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

Bill "An Act relating to Operating Business on the Lord's Day and Certain Holidays." (S. P. 552) (L. D. 1599)—In Senate Engrossed with Senate Amendment "A" (Filing S-200)—In House Report and Bill Indefinitely Postponed.

Tabled—May 25, by Mr. Hinds of South Portland.

Pending—Request of Mr. Crockett of Freeport to Withdraw his Motion to Reconsider.

The SPEAKER: Now the motion prevailing is the motion of the gentleman from Freeport, Mr. Crockett, to withdraw his motion to reconsider the action whereby this bill was indefinitely postponed.

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

Mr. CROCKETT: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been rehearsed in this House here, you've heard it and heard it and heard it again. The bill as you know in your hearts and souls is discriminating against one particular industry. The bill is chock full of holes. I have been told by good authority, county attorneys, that it would be impossible to prosecute under this bill as it is written. The bill is on the table now, indefinite postponement. You voted the other day to indefinitely postpone the bill. We are grown men and women, I hope you feel the same today as you did a week or ten days ago. There's a lot of pressure against this bill, I say throw it out of the window, come in with a good bill and I'll support it. The Supreme Court the other day only Monday said that the Philadelphia, Florida and Massachusetts Blue Laws are enforceable. I say those laws are on our books, that's all the laws we need, and the law can be enforced and they can close up whoever they want. I am asking you to stand by your vote the other day, and indefinitely postpone this bill.

The SPEAKER: The prevailing motion is the motion of the gentleman from Freeport, Mr. Crockett, to withdraw his motion to reconsider our action whereby this Bill was indefinitely postponed. This vote will require a majority vote in order to permit the gentleman from Freeport, Mr. Crockett to withdraw his motion to reconsider.

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

Mrs. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: It should be understood that those here who favor Sunday control legislation must vote against the motion of Mr. Crockett to withdraw.

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

Mr. TURNER: Mr. Speaker, Ladies and Gentlemen of the House: I do not rise against my good friend, the gentleman from Freeport, Mr. Crockett, but in a move to help him. After this bill was indefinitely postponed the

other day, I talked with some of the members of this body and we did not think that postponing this bill we had accomplished anything or solved any of the problems. At the feeling over the state now, we are asked to have all the business open on Sundays. I do not think you ladies and gentlemen want that, I think this bill has a lot of merit, it is not a perfect one, there should be something done to spell out the working of the Blue Law. I think we should pass this act and spell out the working of Sunday business.

During the past week there has been a lot of action in our sister state in regards to the Blue Laws. It seems to me that six days a week is plenty for anybody to work. I think we should put more study into this bill before it goes down the drain. These Sunday laws should be state-wide—not at local level. The local level leaves one city fighting against one another. Also it builds up feelings at the local level. We have just passed a bill to liberalize more drinking on Sundays, and I wish we could reconsider this bill, pass it, and then go from there and see if we can't amend it and come out with a decent bill.

The SPEAKER: For the information of the House the Chair would like to advise the House that if the motion to withdraw prevails, then the motion which is now—has been made to indefinitely postpone would remain. So if the motion to withdraw does prevail, why then the motion to indefinitely postpone remains. Of course if the motion to withdraw does not prevail, why then the motion to reconsider would be in order. I'll repeat that once more.

For the information of the House if the motion to withdraw does prevail, that is—

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

Mr. CROCKETT: I now move that we withdraw my motion to reconsider.

The SPEAKER: That is the pending motion. The motion before the House and the motion that has been before the House

is the motion of the gentleman from Freeport, Mr. Crockett, to withdraw his motion to reconsider.

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

Mr. BRAGDON: Mr. Speaker, I voted for this bill the other day because I thought it was a good compromise bill. The way the bill stands in the House this morning, I feel we could be faced with a considerable amount of misunderstanding. I think that we can come up with a good bill, that this one needs changing, I am all for making changes that will make it the best bill that we can come out with. However, because I am fearful of a vote at this time, I would now move that this bill and Mr. Crockett's motion lie on the table.

The SPEAKER: The question now before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the request to withdraw be tabled.

The Chair recognizes the gentleman from Winslow, Mr. Dostie.

Mr. DOSTIE: I ask for a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the request to withdraw the motion to reconsider, be tabled. The tabling motion is not debatable.

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Would I be in order in asking to have this definitely set for some day?

The SPEAKER: The tabling motion was made until what date?

Mr. BRAGDON: I would mention later in the day or tomorrow. I will make it tomorrow.

The SPEAKER: Until the next legislative day. A division has been requested. The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the request of the gentleman from Freeport, Mr. Crockett, to withdraw his reconsidering motion be tabled until the next legislative day.

All those in favor of the tabling motion, please rise and remain

standing until the monitors have made and returned their count.

A division of the House was had.

Nine having voted in the affirmative and one hundred seven having voted in the negative, the tabling motion did not prevail.

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

Mr. LOWERY: Mr. Speaker, at this time I certainly hope that the motion of Mr. Crockett does not prevail. I would like to say a few words.

I speak to you today not only as a representative of my own community, but I believe as a representative of the thousands of independent retailers in the State of Maine. I am quite familiar with the retail trade having for the past fourteen years operated my own store, and I feel that I know the problems which face each and every one of us today. There are many of us in the retail trade who are willing to face the fact that they from time to time are in open competition with each other. As long as the fight is fair, they do not complain and accept the challenge of fair competition as conducive to a healthy economy. But today, those in the retail trade are faced with a new and a distinctly unfair method of competition with the operation of the so-called discount house or factory outlet. They can and do accept them as competitors for six days a week, but this increasing factor of doing business on Sundays in violation of the present law creates a serious menace to the very businesses that are the economic background of many of our Maine communities. These activities are nothing more than unadulterated greed. If this practice continues, unabated, what will be the lot of the small merchant who is engulfed in an avalanche of avariciousness?

He will be at the mercy of the big operators, who will be able to play the music to which the small operators must dance. In many instances, these small retailers will be unable to dance. The attitude of the big chains is best represented by the statement of one of the officials of a department store chain whose stores are in a large num-

ber of our Maine communities. Many of these communities incidentally have not as yet been affected by the practices to which I have referred. Although opposed to Sunday opening, he feels that if these discount houses continue to operate as they do, his concern will be forced to open every one of its branch stores in order to meet the competition. If this should happen, the reaction of the other chains is a foregone conclusion.

I wonder if we in the State of Maine want to see Sunday made just another commercial day. I believe there are certain moral standards which we should maintain, not only in our daily life, but also in our business practices. I believe that we should respect the day that for generations has been generally accepted as a day of worship, rest and relaxation. In L. D. 1599, recognition by exemption has been given to those businesses which have been accepted generally as desirable and without undue commercialism. The 99th Legislature banned the Sunday sale of automobiles because of abuses by certain elements in that business. This bill does not differ greatly from the present law except for clarification and the matter of penalties. I therefore hope that the motion of Mr. Crockett does not prevail, and that you do reconsider your action of May 24. Thank you.

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

Mr. JALBERT: In your good explanation a few moments ago as to the procedure concerning the measure, you stated that if Mr. Crockett's motion to withdraw his motion to reconsider does not prevail, then the motion of indefinite postponement of the measure and reports is before us, correct?

The SPEAKER: The status at this particular time is the request of the gentleman from Freeport, Mr. Crockett, to withdraw his motion to reconsider the action of the House. Now if the gentleman's motion from Freeport, Mr. Crockett, to withdraw prevails, then there is no longer before the House a motion to reconsider our prior action. Therefore, the status will remain the same as it was on May 24,

1961, whereby this bill was indefinitely postponed. Now I will say that once more.

If the motion of the gentleman from Freeport, Mr. Crockett, to withdraw his request for reconsideration prevails, then the bill will remain indefinitely postponed.

Mr. JALBERT: If the motion to withdraw does not prevail, then the motion will be on the indefinite postponement of the bill and its report. If the motion to withdraw does not prevail, I said, then the motion will be to — then we are back to indefinite postponement of the bill and its papers.

The SPEAKER: The Chair would advise the gentleman from Lewiston, Mr. Jalbert, that if the motion of the gentleman from Freeport, Mr. Crockett, to withdraw does not prevail, then the motion to reconsider is before the House since he was not given permission to withdraw it. Then, if you wish to have me go further, if the motion to reconsider prevails, why then the motion before the House would be to indefinitely postpone. And I could go further, but let's take them one step at the time.

Mr. JALBERT: I agree that you could go further, that's why I got up because a lot of the members are confused. Going further, if the motion to indefinitely postpone does not prevail, then the bill is before us as it came from the Senate in new draft. Is that correct?

The SPEAKER: Yes, that is right.

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

Mr. SMITH: Mr. Speaker, I hope that this motion does not prevail, if I have it straight. I don't know what I want. Mr. Speaker, Ladies and Gentlemen of the House: Many people feel that any blue law is an attempt by the so-called holy people to hold an axe over the so-called unholy people. Now this is not true. It might have been in the beginning, but today these laws, especially the bill before us, is an attempt by business people to have one day a week to have for themselves. We men enjoy a week wherein we can work five days, let our wives have a day to spend all the money we

have made, and then take the family out fishing or camping for a while before starting back in again on the same old grind. Now I appreciate one day when the wife cannot haul me down to the shopping center.

Since the tabling last week of this bill, I have had an opportunity to examine it a little more carefully. I find in here a local option clause that should satisfy Mr. Crockett. His town of Freeport can certainly have all the businesses open they want if they choose to do so under this bill. I conclude that although this bill is not a perfect solution, whatever the legislation is, it is a step forward, and certainly it is much better than the present law on the subject.

It is a step forward because one, it more sensibly provides enforcement for the present law; number two, it recognizes the necessity in certain areas of our state of seasonal business activity, and also the continued activity of certain necessary industries; number three, it provides as I have already said, as we do in the case of public selling and serving of alcoholic beverages, it provides the principle of local option. If there are certain circumstances in a community that require all out business activity, on Sunday, this bill provides for that. Of course, for me it is hard to believe that anywhere at any time there should be such activity; but the facts of life do apparently suggest that there are circumstances which require such activity.

I am sure that we do not want to indefinitely postpone this bill. This law that we are discussing and trying to make work is on the books of every state in our union with the exception of Nevada. Like our Constitution itself, they were passed with some basic purpose in mind. The purpose seems to be the health and welfare of the citizens and the opportunity in whatever form the citizen chooses to exercise it or realizing that there is something more to life than working all the time. This concept has just been overwhelmingly endorsed by the decision of the United States Su-

preme Court. More and more community and business leaders as well as just thoughtful people are realizing that something very fundamental to their American way of life will be lost if we do not join hands before it is too late and stop this complete commercialization on our main streets on seven days a week. Thank you.

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

Mr. CROCKETT: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Strong says we have a referendum clause into this bill, I am asking you ladies and gentlemen, should we let twenty or twenty-five industries that's in this bill keep open without going to a referendum but force one or two industries to go back to referendum if they want to keep open. I say it is discriminating, and that's what I am fighting against. What's good for one is good for the other. I'm telling you kill this bill, that's where it belongs. As I have said before time and time again on this floor, we have blue laws enough, let your town fathers go out and enforce them—they'll do a job; but if you put a bill like this in that's full of holes, won't hold water, they won't get anywhere. As I said before, discriminating against one industry and one industry only.

Now in regards to my good friend from Brunswick, in regards to the Maine Automobile Dealers Association, in the 99th Legislature—it was their own bill, they put it in, they wanted to close on Sunday. It wasn't the Legislature that proposed the bill, it was proposed by the Maine Automobile Dealers Association.

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

Mr. NOEL: Mr. Speaker, the gentleman from Freeport, Mr. Crockett, he says that they will enforce the blue laws, but the way they enforce them, they are hauled to court and they pay a ten dollar fine. It's only a ten dollar fee. Now if that is enforcing the law, it isn't enforcing it much.

If the people in different cities or towns are given the privilege to say what stores will open, what more could they ask? I rise in favor of the motion.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I hope that Mr. Crockett's motion to withdraw does not prevail. I think that there is a great need to bring families much closer together, and I think that if mother and father have another day that they have to run off to different places of employment, I just wonder what's going to happen to the children. I hope that Mr. Crockett's motion to withdraw does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDAL: Mr. Speaker, I heartily concur with Mrs. Hendricks and also the previous speakers, Mr. Smith, Mr. Turner, and Mr. Lowery. From the practical viewpoint I contacted a number of retailers over the weekend, and they were very much in favor of this bill. You cannot cover the entire waterfront with one bill, but this bill has a lot of good merits and it covers the majority of the field, and that is the retail and cut-rate stores. I believe it is a good bill for this purpose, and I sincerely hope that the motion made by the gentleman from Freeport, Mr. Crockett, does not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Stonington, Mrs. Shepard.

Mrs. SHEPARD: Mr. Speaker, Ladies and Gentleman of the House: I would like to ask a question of anybody who would answer. What would be the status of this if we did not accept this bill, yet amended it in some way whereby the fine of \$100 for the first offense and \$200 for the second offense would apply to the present blue laws, leave them as they are.

The SPEAKER: The gentlewoman from Stonington, Mrs. Shepard, has asked a question

through the Chair of anyone who may choose to answer.

The Chair recognizes the gentleman from Auburn, Mr. Berman.

Mr. BERMAN: In answer to the gentlewoman's question, the present blue laws have been on the books for so long and are so antiquated that we would not be accomplishing too much by increasing the fine. As was pointed out here a week ago, under the present blue laws, it is illegal to do many things which are a must in our present day society; namely to print Monday morning's newspaper, it is illegal presently to have a radio station going, it is illegal to have television going, and believe it or not, it's illegal to play golf and to engage in any sports and then if you are allowed to do it, I believe you can do it after one o'clock only if the town votes; and I'm sure there's not a city or town in the State of Maine that ever knew about the law and has ever voted on it. The present blue laws need revising, very very desperately; and while I am on my feet I would support the present motion to allow us to reconsider what we erroneously I feel did last week and give us a chance to straighten out this blue law and it is a headache and it is a dire problem that needs action by this Legislature now. Thank you.

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

Mrs. SPROUL: Mr. Speaker, I rise merely to take issue with Mr. Crockett, he states that this bill discriminates against a particular industry. At the committee hearings, it was the representatives of the furniture industries and the clothing industries who appeared in favor of Sunday closing. Now that was the industries that he quotes and desires an exemption for. They strongly favored some measure of closing on Sunday.

I have before me from the Portland Sunday Telegram a full-page ad saying let's not confuse our ideals, also is the almighty dollar above all, it can be done in six days a week, please not on Sunday. Signing this and endorsing it are the A & P Super Markets, Gift

Shop, A. H. Benoit Company, and I have a telegram from Benoits on my desk; Boston Shoe Store, M. F. Bragdon Paint Company, Eastern Musical Supply, Day's Jewelry, Kennedy's, Lancaster Furniture, Rines Bros., so you see there are many industries that are in favor of Sunday closing. I cannot agree with Mr. Crockett.

The SPEAKER: Is the House ready for the question? The question before the House has to do with item two, bottom of page three, An Act relating to Operating Business on the Lord's Day and Certain Holidays, Senate Paper 552, Legislative Document 1599. The immediate question before the House is the request of the gentleman from Freeport, Mr. Crockett, to be permitted to withdraw his motion to reconsider the action of the House whereby on May 24, 1961 it indefinitely postponed the report and the bill.

The Chair will advise the House once again that if the pending motion or request prevails, if the request to withdraw prevails, the bill will be indefinitely postponed. Is the House ready for the question?

All those in favor of the request of the gentleman from Freeport, Mr. Crockett, to withdraw his motion, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Twenty-four having voted in the affirmative and one hundred fourteen having voted in the negative, the motion did not prevail.

The SPEAKER: Therefore, the motion before the House is the motion of the gentleman from Freeport, Mr. Crockett, to reconsider our action of May 24, 1961, whereby this bill was indefinitely postponed. The Chair will order a division.

Now the Chair will advise the House again that in this particular instance if the motion to reconsider does not prevail, the bill of course will remain indefinitely postponed. If it does prevail, then the motion will be on the indefinite postponement. Any questions?

The Chair will restate the position again. The question before the House is the motion of the gentleman from Freeport, Mr. Crockett, that the House reconsider its

action of May 24, 1961, whereby the Report and Bill were indefinitely postponed.

If you are in favor of that motion to reconsider, then we will be back where we started from and we will have to put the motion to indefinitely postpone again. However, if you vote no on this particular item before you, then the report and the bill remain indefinitely postponed.

The Chair will state that once more. Now if you vote yes, you keep the bill alive, if you vote no, the bill will remain indefinitely postponed.

All those in favor of reconsidering our action whereby we indefinitely postponed this bill, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

One hundred twenty-one having voted in the affirmative and sixteen having voted in the negative, the motion prevailed.

The SPEAKER: Therefore, the pending motion is the motion to indefinitely postpone.

All those in favor of the indefinite postponement of this bill, please say aye; those opposed, no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, the Committee Ought to pass Report in New Draft was accepted, and the New Draft read twice.

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

SENATE AMENDMENT "A" to S. P. 552, L. D. 1599, Bill, "An Act relating to Operating Business on the Lord's Day and Certain Holidays."

Amend said Bill by striking out everything after the amending clause and inserting in place thereof the following:

"Sec. 38. Operating business on the Lord's Day and certain holidays. No person shall on the Lord's Day, Memorial Day, July 4th, November 11th and Thanksgiving Day, as proclaimed by the Governor, keep open his place of business to the public except for works of necessity or charity.

This section shall not apply to common, contract and private carriers; taxicabs; airplanes; radio

and television stations; newspaper publishers; hotels and motels; restaurants; garages and motor vehicle service stations; automatic laundries; grocery stores; drug stores; book stores; stores selling gifts or souvenirs; greenhouses; roadside stands engaged in sale of farm produce or dairy products; public utilities; industries normally kept in continuous operation including but not limited to pulp and paper plants and textile plants; processing plants handling agricultural produce or products of the sea; ship chandleries; marinas; sports; athletic events; motion picture theaters; musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities.

It is not intended by this section that any business or facility which is exempt from closing on the Lord's Day and the aforementioned holidays shall be permitted to remain open until it has complied with any other provision of this chapter which requires a vote of the municipality.

Any person violating this section shall be punished by a fine of not more than \$100 for the first offense, nor more than \$200 for any subsequent offense occurring within one year following a conviction. No complaint charging violation of this section shall issue later than 5 days after its alleged commission.'

Sec. 2. R. S., c. 134, §38-A, additional. Chapter 134 of the Revised Statutes, as amended, is further amended by adding a new section 38-A, to read as follows:

'Sec. 38-A. Local option. In any city or town that shall vote as hereinafter provided, it shall be lawful to keep open to the public on the Lord's Day and aforementioned holidays, other places of business not exempted under section 38. This provision shall not be effective in any municipality until a majority of the legal voters, present and voting at any regular election, so vote. The question in appropriate terms may be submitted to the voters at any such election by the municipal officers thereof, and shall by them be so submitted when thereto requested in

writing by 100 legal voters therein at least 21 days before such regular election; nor shall it be effective in any town until an article in such town warrant so providing shall have been adopted at an annual town meeting. When a city or town has voted in favor of adopting the provisions hereof, said provisions shall remain in effect therein until repealed in the same manner as provided for their adoption.'

Sec. 3. R. S., c. 134, §38-A reallocated to be §38-B. Section 38-A of chapter 134 of the Revised Statutes, as enacted by section 2 of chapter 302 of the public laws of 1959, is reallocated to be section 38-B.

Sec. 4. Effective date. This act shall become effective upon March 1, 1962."

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

Mrs. HENDRICKS: I don't know exactly what motion to make, but I would like to suspend the rules probably so we can give this bill its third reading and send it forthwith to the Senate.

The SPEAKER: It is now the pleasure of the House that Senate Amendment "A" shall be adopted?

Senate Amendment "A" was so adopted.

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

Mr. CROCKETT: I rose to present House Amendment "A" to Senate Amendment "A", but however, it was a little fast.

The SPEAKER: The Chair understands that the gentleman from Freeport, Mr. Crockett, moves that the House reconsider its action whereby it adopted Senate Amendment "A." Is this the pleasure of the House?

The motion prevailed.

Mr. Crockett of Freeport offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to SENATE AMENDMENT "A" to S. P. 552, L. D. 1599, Bill, "An Act Relating to Operating Business on



the Lord's Day and Certain Holidays."

Amend said Amendment in the 11th line by inserting after the underlined word and punctuation "laundries;" the underlined words and punctuation 'hardware stores; furniture stores; stores selling men's clothing or ladies' clothing or both;'

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

Mr. JALBERT: Mr. Speaker, I think there's a little humor in everything—and members of the House. I think my prediction is correct as the good Speaker was walking down the aisle today, I said you will go to sleep tonight without any pills, I guarantee you. I now move the indefinite postponement of this amendment.

The SPEAKER: The question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" to Senate Amendment "A" be indefinitely postponed. All those in favor of the motion say aye; those opposed, no.

A viva voce vote being taken, House Amendment "A" to Senate Amendment "A" was indefinitely postponed.

The SPEAKER: Is it now the pleasure of the House that Senate Amendment "A" shall be adopted in concurrence?

The motion prevailed, and the Bill was assigned for third reading tomorrow.

The SPEAKER: For the information of the House, Senator Edgar said there would be days like this, but he didn't tell me about today. (Laughter)

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

Mr. BAXTER: Mr. Speaker, this day isn't over yet, and I would like to advise the House that there is a meeting of the Public Utilities Committee this afternoon at two o'clock. We will recess now until four o'clock. I think you can see by the size of the calendar that we will undoubtedly be working tonight, so I would suggest that you not go home. I therefore

move, at this time that the House recess until four o'clock.

Thereupon, the House recessed until four o'clock.

#### After Recess 4:00 P. M.

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT — Majority Ought Not to Pass—Minority Ought to Pass—Committee on Taxation on Bill "An Act Imposing a Tax on Gross Receipts of Trading Stamp Companies." (H. P. 1030) (L. D. 1431)

Tabled—May 26, by Mr. Curtis of Bowdoinham.

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: The provisions in this L. D. 1431 have no intent or purpose in barring or hindering the sale or use of trading stamps. In fact, if enacted, it will be beneficial to the companies who issue these stamps, since it will remove the stigma which now exists that trading stamps are a gimmick that thrives on human weakness and produces no governmental revenue, municipal or state, but is like a parasite on those revenue producing businesses which are forced to adopt the time consuming and costly expenditures of cold cash of giving trading stamps.

Undoubtedly, the trading stamp business has been and now is one of the most controversial and heavily lobbied issues in this Legislature. The Press has said that a women's combine has been formed, even some of the esteemed honorable lady members of this House being members, to do battle for the continued use of trading stamps. Whether this is true or untrue, I can tell them and all people that the purpose of this legislative document is not to bar in any way the use or sale of trading stamps. This L. D. is de-

signed for one purpose only: That the State of Maine may secure some revenue from this business as is received from other businesses.

Your public electric power companies are paying privilege tax, two percent of gross receipts, the same as this bill asks of trading stamp companies. Your fire insurance and life insurance companies are paying a like amount. Your fire insurance companies domiciled in Maine are paying two and one-half percent, the one-half percent being dedicated revenue to help pay the cost of your State Insurance Department. This tax on power companies and insurance companies is not a tax in lieu of other taxes, as the opponents of this measure would have you believe. The Central Maine Power Company is the largest payer of property tax of any companies in the state.

The opponents of this bill will tell you that the trading stamp companies buy millions of dollars of merchandise of Maine firms for their prizes, and this is true. They will also tell you that if this bill is enacted, they will refuse to buy from Maine firms. But don't let them fool you, ladies and gentlemen, the trading stamp companies are owned and managed by business men, extremely competent business men. In fact, they have as directors men of learning and influence, and they are not buying Maine made products because of their deep love of Maine concerns, but rather because Maine products are second to none and they purchase these products on a competitive bidding basis.

You will find that many of the prizes or so-called bonuses are foreign made as well as Maine made. They will tell you that they give literally hundreds of Maine laborers work manufacturing these so-called bonus prizes and this is true, but don't you let them convince you they will not continue to purchase these Maine made goods because they are being used as we use our other industries, paying a fair share of the cost of government. They will tell you that their's is not a trading stamp

business, but rather a merchandising business, selling merchandise by the use of trading stamps rather than money. Shades of Indian wampum! Yet you will find marked on the face of each stamp its redeemable value in cash. In fact, ladies and gentlemen, you will be subjected to every conceivable argument that has the semblance of truth and reason in it, to convince you that trading stamp companies should be held in some particular reverence, like churches and charitable institutions, and be exempt from paying a share of the cost of state government.

At the committee hearing, it was admitted by their attorney that the largest trading stamp company doing business pays less than \$2,300 property taxes in the State of Maine. This company is domiciled in New Jersey and has their principal warehouse in Boston, Massachusetts.

The 99th Legislature enacted a law requiring trading stamp companies to register and to pay a registration fee according to the business done in the state by the respective companies.

When the 99th Legislature enacted this law, it was their thinking that this legislation would require of trading stamp companies a report to the State Taxation Department of their gross sales. While all of the small companies did give a report of all gross business, the Great S and H or Sperry Hutchinson failed to do so. They only reported enough business, which was \$750,000, to pay the maximum fee.

As far as this legislative document is concerned, let me tell you again, ladies and gentlemen, the trading stamp business in Maine is a legal legitimate business, competently organized, efficiently managed, doing an extremely profitable business and as such no one can deny they should and ought to bear their proportionate share of the cost of government as other businesses do.

Mr. Speaker, I now move that the Minority "Ought to pass" Report be accepted, and when the vote is taken I ask for a division.

The SPEAKER: The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that the House accept the Minority "Ought to pass" Report.

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

Mr. BAXTER: Mr. Speaker and Ladies and Gentlemen of the House: As you know, this bill came out of the Taxation Committee with a majority "ought not to pass" report. The reason for the majority opinion "ought not to pass" was basically that trading stamps are a form of advertising or promotion, the same as radio advertising, TV advertising, newspaper advertising or what have you. We did not feel that this type of advertising or promotion should be singled out and taxed while the others were not taxed.

We also felt that the power to tax is of course the power to destroy, and we felt that in this particular case the adding of a gross receipts tax to the trading stamp companies was simply an opening wedge to tax them in the future to the extent that they would no longer be able to do business in the State of Maine. We have not liked gross receipts taxes because of course they have nothing to do with the net income or earnings of the companies involved. We do think, as I say, that this would be used over a period of time as an effort to eliminate the companies.

We feel that the tax is definitely discriminatory, it has been held as being discriminatory in the Massachusetts courts and we feel that it would be likewise held in the Maine courts. For that reason I move that the bill and all its papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Pittsfield, Mr. Baxter, that the Reports and the Bill be indefinitely postponed.

The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: I heartily concur with the remarks made by

the gentleman from Pittsfield, Mr. Baxter. This tax would impose a tax upon real estate trade, on food and such products, which we have been fighting and prohibiting for such a length of time. Trading stamps are given in the purchase of food, household commodities and other materials of that nature. Therefore you would be imposing a second tax on the ordinary, everyday purchases of people in the small towns and throughout the state. Thus, in other words, you would have double taxation, you have a sales tax and on top of that you would impose a tax on a stamp which they receive on retail purchases.

I sincerely hope that you will go along with the motion made by the gentleman from Pittsfield, Mr. Baxter, for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker and Ladies and Gentlemen of the House: It has been stated here that we were singling out one company for taxes—for gross sales tax. I think that we have the same type of tax on the insurance companies and that is a single phase of industry and I believe that they pay two percent on their premiums. Now this tax that has been called for on trading stamps. I might say that in this week's Supermarket News, it's one of the largest trade papers in the industry, it claims that thirteen states have enacted this similar type of legislation, in the last legislature and in this.

And I want to call your attention that these stamps are sold to stores at a cost of two and a half to three mills per stamp, and on each stamp there is a trade value of one mill; and if you check with their premium books you will find that the premiums are given out at that rate of one mill. In other words, there is a mill and one-half to two mills of profit in each stamp. And I think that two percent of their gross income is not going to bother these stamp companies at all, and if this bill passes it's good for revenue of around \$300,000 for the State of Maine. I

endorse the bill and hope that it passes.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker and Members of the House: Over the weekend I commenced to look into this trading stamp business. Now I never liked the things, but my wife if I came home without the stamps, she said, "Did you get those stamps?" I didn't want to bother with them, but I got them home just the same. I talked with some of the companies I did business with and said, "Look, I don't like these stamps." He said, "You don't have to take them, you can take two percent discount for them." So I took the discount. And I found out that they paid about two and a half percent, so they still were better off than they were to give me the stamps.

Now we have one peculiar thing about trading stamps. I can buy four quarts of milk for a dollar, and I get a trading stamp with that. It isn't worth so much. Now the laws says you can't sell milk for less than twenty-five cents. Is that company that gives you this stamp, are they breaking the law to give you a discount? Because that's what the trading stamp is, to be turned in for cash—not cash, but in some places they are turned in for cash, but discount, most of them.

And now it has been mentioned that trading stamps are an advertisement. I find them a peculiar advertisement because of this fact, that if one store carries trading stamps and the others don't, they go to that store that carries the trading stamps. Eventually they'll all carry them. They say we give stamps, we'll all give stamps. That particular thing happens more with the filling stations, gasoline and so on. It becomes as somebody said, double taxation. I am afraid that in all intents and purposes we are giving the trading stamp companies a chance to almost have a taxation on their business.

And the fellow who is doing business, they don't like the trading stamps. They give them to you because they have to buy them, I don't mean all of them but a lot

of them don't like them. They'd rather not have to. But they have to do it because the people want the stamps. If one concern gives stamps, the others do. But these people tell me this, they are perfectly willing to give you a two percent discount on the number of stamps for the same thing. If you won't take the stamps, they will give you a two per cent discount. Now who is paying for the stamps, and why can't we tax this industry or whatever we call it that is taking this money out of the State of Maine?

I don't see if we can get two or three hundred thousand dollars for taxing these companies why we shouldn't tax them, and I don't like the idea anyway but I think that's an idea to get something out of it. They certainly aren't doing a thing, they aren't manufacturing anything, they aren't—to my mind they aren't advertising. All they are doing is collecting so much.

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

Mr. BAXTER: Mr. Speaker and Members of the House: I thought I heard the gentleman from Harrison, Mr. Morrill, mention \$300,000 as the income from this, and I have checked the information that we got from the Taxation Bureau and the figure that we have worked on and has been given to us is \$50,000 per year.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I also checked with the department and that is based upon what they paid as a restoration, but it didn't work out the way the 99th Legislature thought it would so they don't know any more about, excepting the small companies, what their actual amount was. But as near as we can find out why \$300,000 is nearer, that is, it would be for the biennium, than \$100,000 would be. And I did check what the cost would be to the department for collection and they said about \$300 per year, or \$600 a biennium.

The SPEAKER: Is the House ready for the question?

The question before the House is related to item three, Bill "An Act Imposing a Tax on Gross Receipts of Trading Stamp Companies," House Paper 1030, Legislative Document 1431. The immediate question is the motion of the gentleman from Pittsfield, Mr. Baxter, that the Reports and the Bill be indefinitely postponed. The Chair will order a division.

All those in favor of the motion to indefinitely postpone, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Sixty-six having voted in the affirmative and sixty having voted in the negative, the Reports and Bill were indefinitely postponed and sent up for concurrence.

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

Bill "An Act to Permit Searsport Water District to Prevent Pollution." (H. P. 1174) (L. D. 1620). In House Read the Third Time. Amendment Filing (H-345)

Tabled — May 26, by Mr. Williams of Hodgdon.

Pending — Motion of Mr. Edwards of Stockton Springs to Adopt House Amendment "A."

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

Mr. WILLIAMS: Mr. Speaker and Members: I would like to give you a little outline of what this bill actually means. Now this pond is a small pond about a mile long and half a mile wide. Part of it is in the Town of Prospect and the other part is in the Town of Searsport. It is supposed to be a very beautiful spot with clear water.

Back in 1906 the Stockton Springs Water Company started in using this as a source of domestic water. They were financed by the General Water Works of Philadelphia. This company has many of these — around twenty I believe, of these small water systems in the State of Maine. They have a history of bleeding these towns and not doing much to the water system. Now in 1949 the Searsport Water District

was formed. They were going to buy water from the Stockton Springs District. Throughout the years, fifty-five of those years to be exact, the Searsport Water District has bought up only ten acres of the pond shore. The rest of it was all privately owned. Now the Searsport Water District has made absolutely no effort to improve their water. They have had three superintendents down there in the last year, two of them since the Legislature started, January first. They have no filters, their chlorinators that they use part-time I think are the same type that I imagine Noah probably used on the Ark.

Now the Natural Resources Committee spent a lot of time on this thing. We were in consultation with the Attorney General's Department. We brought out a new draft which we considered at the time to be satisfactory to everyone. The new draft in effect is a copy of Auburn's Water District law which is supposed to be one of the best in the state and for the protection against pollution we added the words "for guarding against pollution." Outside of that it is just the same. We tried to be fair to the Searsport people on their water supply and also to the camp owners.

Now this bill, without the amendment, as far as we could determine, would protect the Searsport people by allowing them to buy out the landowners by the right of eminent domain which this new draft calls for, and it would also protect the landowners who would get a fair price for the land which they are willing to sell. I would now move the indefinite postponement of the amendment. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Hodgdon, Mr. Williams, that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Stockton Springs, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker, the people in Stockton are very unhappy with the way this redraft came out, and there is new evidence that it was impossible for me to get today, but I will be able to present tomorrow, and I would ask this Legislature to al-

low me to table this until tomorrow, June 1, until —

The SPEAKER: The gentleman from Stockton Springs, Mr. Edwards, has moved this bill be tabled until tomorrow pending the motion of the gentleman from Hodgdon, Mr. Williams, that House Amendment "A" be indefinitely postponed.

Upon request of Mr. Littlefield of Hampden, a division of the House was had.

Eighty-five having voted in the affirmative and seventeen having voted in the negative, the tabling motion did prevail.

The SPEAKER: The Chair would like to announce at this time that if we do not finish with our assigned table this afternoon, there will be a session this evening. Also, following this evening's session, if there is one, Henry A. Magnuson, the Maine Broadcasting System representative, will show the pictures which were scheduled for the Mock Session. So if we finish our assigned table this afternoon, the pictures will be shown following this afternoon's session, which seems unlikely. If we have a session this evening, then the pictures will follow the session this evening.

### House at Ease

Called to order by the Speaker.

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

HOUSE DIVIDED REPORT — Majority Ought to Pass — Minority Ought to Pass as Amended by Committee Amendment "A" (Filing H-282) — Committee on Education on Bill "An Act relating to Teachers' Salaries and Foundation Program Allowance." (H. P. 871) (L. D. 1206)

Tabled — May 26, by Mr. Haughn of Bridgton.

Pending — Motion of Mr. Hichborn of Medford to Accept Majority Ought to Pass Report. (Roll Call Requested by Mr. Haughn of Bridgton.)

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: Once again I arise on a very important bill. It is one that has been deeply discussed and rehashed all over, unfavorable Press, radio and television over the past, but I think that has been clarified now, because today under an article that appeared on May 31, the Portland Press Herald, Teachers Minimum Salary Law could be a stitch in time. I think it is a very good time to read this little article to the House:

"Today brings the moment of truth in the Legislature on the bill to raise the minimum wages for teachers. We hope it will be resolved by favorable action.

"We urge this on the grounds that the quality of teachers is the heart of education and that general raising of their salaries is in the long run the surest way of keeping education's heart sound.

"We urge it also because of the overt evidence the state has had that the teachers are more and more willing to flex their considerable muscles to gain legitimate ends.

"A new minimum teacher salary law is more than urgent. It is imperative."

I might say that this particular bill relating to teacher salaries and foundation program allowance received considerable mention and activity during the national campaigns for President and the Congress and the state campaigns for Governor and the Legislature, which all of us were a part of.

I believe that this legislature wants to participate in the maintenance and if possible the advancement of Maine education. I have sponsored this legislation because I believe it is sound and effective. I believe it will meet the needs of this state this year. Maine has had a minimum salary law for teachers since 1943. It has provided a scale based on years of preparation since 1947; it has provided for experience to be recognized since 1953. This bill provides that scale to be brought up to date. In 1953 and again in 1957, targets were set, but the important sentence in both bills was that

no town should be required to raise any teacher more than \$300 in any one year. That sentence is in this bill.

If this bill is passed, a year from next September teachers with a bachelor's degree and no experience will receive \$4,000 a year.

Last year's University of Maine graduates who went into teaching, received an average salary of \$3,946. Towns without salary schedules last fall were paying \$4,000 for beginners without experience.

This bill requires that people with a degree and ten years of experience shall be paid \$1,500 more than beginners. It is a common thing for professional people to double their initial income in the first five years. The educators think that a beginner's income in teaching should be doubled within fifteen years, but this bill does not provide for doubling the beginning income. It goes somewhat less than half way and provides that after ten, twenty or thirty years, a person with a degree shall earn \$5,500. This is moderate, sound legislation, which will continue the efforts of the past legislatures to make it possible for experienced teachers to stay in Maine.

This bill provides that those who hold a master's degree shall receive \$200 more to start with to compensate them for an extra year of study. That year of study would mean a cost of \$2,000 for tuition, books, board and other expenses, plus a loss of wages of, under the bill, \$4,000. \$200 a year is not too high a return for a total investment of \$6,000. Even with the five hundred dollar difference at the upper end of the scale, it will be a long time before a teacher gets his money back on that extra year of college. Let's hope he doesn't die first.

This bill provides for increasing salaries of the people with two and three years of experience in proportion to those teachers with a degree. These teachers are good teachers. In many towns they are the backbone of our teaching staffs. They are stable, but most important, they have experi-

ence. Sixty percent of our elementary teachers are over forty-five. They are not going to be with us forever, and I don't know what we shall do for teachers when they are gone.

This bill attempts to deal fairly with this important group, because their pupils get their ideas about teaching from watching how we deal with them. If we are fair with them, their pupils will think teaching is a good vocation. If these teachers are left out, if they retire on pensions that are inadequate, the morale of all our teachers will suffer, the quality of our teachers of tomorrow will be weakened.

This bill is in two parts as you know, and the second part is as important as the first. Part II is not the price tag for Part I. Part I requires no appropriation in the coming biennium and, because the law would not be effective until the fall of 1962, only one year will be reflected in the 1963-65 biennium. Part II provides that the state shall continue to increase its support of education at the same rate as the towns.

All over the country, the state governments contribute approximately forty percent of the cost of education. While the method of figuring may be slightly different, you will remember that Mr. Sly figures Maine subsidizes her public schools by about twenty-four percent. I believe the Legislature wants that level maintained. If so, this bill is the instrument through which it must be done.

This idea was sound four years ago; it was sound two years ago; and it is just as sound today. If we can't find the money to raise the value of these tables by twenty percent, so the state will keep up with the towns, how shall we raise them forty percent two years from now?

I would remind you that if these tables are not raised, the towns that are in greatest need are the towns that will suffer most.

When the state's share drops below the present level, which it surely will if the tables are not revised, the percentage loss in the poorer towns will be much larger than in the more wealthy ones.

For example, a city or town receiving eighteen percent loses only 1.8 percent when state aid falls behind by ten percent, but a sixty-six percent town loses 6.6 percent on the same basis.

This bill does not call for anything new. Its submission is indicated in the law. It would provide that we continue the program which two legislatures have already approved. It was sound legislation then; it is sound legislation now.

I certainly hope that you people give due consideration and support the motion which is before you by the gentleman from Medford, Mr. Hichborn and accept the Ought to pass report; and I now withdraw my motion for a roll call and ask for a division.

The SPEAKER: The request for the roll call has been withdrawn. A division has been requested.

The Chair recognizes the gentleman from Medford, Mr. Hichborn.

Mr. HICHBORN: Mr. Speaker and Members of the House: I am sure that every member of this House has considered and reconsidered Legislative Document 1206 many times. We have discussed it privately, we have discussed it in the corridors, we have discussed it in caucus and we have discussed it on the floor of this House. To repeat the statistics and the other data that we have considered would be repetitious, but I would say this. The vote that we take here today will very directly affect the quality and the future of education in the State of Maine for many years to come. Action by previous legislatures has helped to increase enrollment of prospective teachers in our teacher training colleges from 1,040 eight years ago to 1,707 this year.

Emergency and special permits are being issued this year to fewer than five hundred people who are serving as teachers in our classrooms as compared with nearly twice that number only a few years ago. As a result of the action of previous legislatures, more progress has been made. Real progress is being made today and if we continue to encourage these same trends, real progress can continue to be made in the future.

A realistic approach to the salary problem, the recognition of the basic factors involved in obtaining an adequate supply of trained personnel as classroom teachers, and our acceptance of our full share of responsibility for maintaining that supply, will assure continued progress in the future. Failure to accept that responsibility can have a most detrimental effect on education in our state. Alert, progressive communities, regardless of what we do here today, will continue to make progress. But if we fail to continue to move in the direction that we have in the past few years, to encourage progress, the gap between some of our communities will widen and the quality of education will be adversely affected in many of the less progressive communities.

Part two of L. D. 1206 is a revision of the per pupil allowance tables and affects directly the subsidy payments to every plantation, town, and city in the state. Dollars are always acceptable, and as you vote on the acceptance of these dollars for your town I ask each of you to weigh in your own minds, in your own hearts, the corresponding responsibility implied in part one of 1206; and when you have done this I simply ask that you vote for what in your own heart you know to be right, to be fair and to be honest, and to do that which you know is right for your teachers and in the best interests of the children of your town and mine. And don't sell anyone short. Thank you.

The SPEAKER: The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker and Members of the House: I realize of course to say anything at all against an educational bill is a good deal like talking against motherhood. And it is mainly the inequality of this particular document that I would like to speak about. I have a few remarks to make and I believe this might be as good a time as any to make them.

In my opinion this is a very unfair bill and I go on record as being opposed to it. If the figures in this bill are arrived at by a system set up by the Sinclair Act,



then I believe we should change that system. The bill, like most every other piece of legislation dealing with education that has been introduced in the last two sessions, gives special consideration to Administrative Districts and larger towns and cities and it takes it away from those units not in a district and the small towns.

If you have about so much money to distribute and give a lot more of it to one group than you do to the other, it is discrimination. Relative to the state subsidy, this bill only spreads a wider gap between those towns that are in a School Administrative District and those that are not. If you will get the figures that I had reproduced and placed on your desks some time ago or take the bill a moment and study the figures, you will find this. Now bear in mind a School Administrative District or a town more than ten miles from another town, and on the bill starting with the third group in the table under Elementary Schools Grades 1 to 8, the third group is the 26 to 50 Average Daily Membership group.

Under present law, you are subsidized at the rate of \$195 per pupil. Under L. D. 1206 you would be subsidized at the rate of \$235 per pupil or a raise of \$40. Now if you are unfortunate enough to live within ten miles of another school or unit, and not in a district, you are subsidized at the rate of \$152 per pupil. The difference now is \$43 per pupil. Under 1206 it would be figured at \$170 or a raise of only \$18. Does it seem fair to you to give one group which is already getting \$43 more than the other a \$40 raise, and the other only \$18? This \$40 dollar boost stays the same until you get to the 101 to 200 group and then they get a raise of \$45 if in a District and still only \$18 if not in a District.

On the secondary figures, at the right on the bill, grades 9 through 12 in the column to the right and starting with the 26 to 50 group, if you are in a School Administrative District or more than 15 miles from another school of the same grade and run your own high school, the present subsidy is figured at \$350 per pupil basis. Un-

der 1206 it would be figured on a \$390 basis, another raise of \$40 per pupil. Now if you are unfortunate enough to live within 15 miles of another secondary school, it is figured at \$241. This as you can quickly see is \$109 less than the group in the School Administrative District. Under 1206 you would get a raise of only \$14 per pupil instead of \$40. Now the spread would be \$135. The raise under the 51 to 100 group is \$45 if in a District and still only \$14 if not.

In the 101 to 200 group the raise is \$55 if in a School Administrative District and drops to only \$13 if not. In the 201 and 300 group the increase under 1206 would be \$70 per pupil if in a District and drops to only \$12 if not. From the figures placed on your desks, I find that ten cities and towns in the state, namely Bangor, Bath, Augusta, Auburn, Brunswick, Portland, Kittery, Scarborough, South Portland and Waterville, would get under this bill a total of \$336,374, and ten of the School Administrative Districts would get a total of \$252,722 per year. This is a grand total of \$1,178,192 for the biennium. The bill calls for \$2,537,274. Now as you can see, the ten cities and ten School Administrative Districts get very nearly half of all of the extra taxes that this bill will cost.

The above figures do not include any bonuses which would make even more advantages for the few. What are the small towns going to do, aren't they taxed now about all they can stand? And there are a lot of them that cannot get into a district and get the advantages of more subsidy. In St. Albans in the fiscal year of '59 and '60, 56 percent of our tax dollar went for education. We have a State valuation of \$840,000 and a population of 927, which is 98 less than 10 years ago, yet this year we had a commitment of approximately \$73,000. Our subsidy is supposed to be 64 percent, but because of being penalized for not being in a School Administrative District, and if my figures are correct, it actually figures to be only 51.85 percent. Probably some town's figures would make this look like peanuts. It cost us, in '59 and '60, \$213 per

pupil in elementary schools, but we were subsidized at the rate of \$152 per pupil.

I think it is about time we killed off some of this type of one-sided legislation. I presume most, if not all, of the members from municipalities that are in a district or from municipalities with 300 ADM or better of secondary pupils, will support this measure. But what about the rest of us from smaller towns that cannot get into the School Administrative Districts? Don't we pay taxes too, and want a fair share of it returned to us in subsidies? The ten School Administrative Districts and municipalities above-mentioned represent only 41 towns and cities. This leaves around 400 other communities that will get the balance of what the bill calls for. In other words, 41 towns and cities will get 46.5 percent and the rest 53.5 percent. There are 81 towns that will get the same amount or less, and a good many more will get only from one to a hundred dollars more. Remember also that some of us represent more than one town. If our own town gets more and some of the other towns that we represent get no increase, we should also think of them.

I will make no motion at this time.

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: I rise here reluctantly once more in opposition to 1206. As I said about a week ago, I represent ten small communities who will be very seriously affected if this bill should pass. Much has been said about the quality of teachers that we will be able to hire at this new rate of pay. In my own mind I question this very much because the small communities in the State of Maine are employing the same teachers over and over, year after year. Now this may be because of necessity, but sometimes it's because of convenience. Many of these teachers are married and made their homes in these communities, and are very happy and satisfied with the money they are getting. I won't stand here and

say that they wouldn't accept more money because that's not true. We will all accept more money if it is offered to us. I find in going over the figures and I concur with the gentleman from St. Albans, Mr. Hughes, that this bill is more or less of a cudgel to hold over these small communities to drive us into school administrative districts.

I question the advisability of this move in many instances. It is true as we know that it has been successful in many of the towns in our state, however we have had several of them ask for release. Therefore, it must have been a serious hardship to those towns.

I could go on at great length why my communities would not see fit to join an administrative district, I don't think it's a democratic process. Some of these towns are encumbered and should we go into a district, towns that are not encumbered would pay off the encumbrances of the towns that are so indebted. I don't think that that is the way we operate. I don't think it's a fair democratic process.

I find in going over the figures that some of the towns in my area are going to get the great sum of \$1,790 under this new measure. However, within three years, it is going to cost that town \$10,000. \$10,000 less \$1,700 leaves about \$8,000 it's going to cost those towns within a three year period. As the record will show, I said before this House and before this group that with these towns allocating seventy percent of their total appropriation to education today, that leaves but thirty percent for other services. I think we small people, these small town representatives had a just right to weep and wail and plead with you people to assist us in staying away from this measure, this 1206. In fact, I don't like any part of it, and I don't mind saying so now. I find it's going to cost two and a half million the next biennium, the State of Maine; and the State of Maine, you as taxpayers represent the State of Maine, this two and one half million will be in addition to what we're already anteing up to education. I don't want to

kick the sacred cow again, but I do plead with you to consider seriously the effect that this bill is going to have on your small communities.

I have had the privilege of speaking to three teachers' clubs in the last month since this bill was introduced. I stated my position firmly because they know how I stand in these small communities. I have had but one objection to the position I take regarding 1206, and I admitted then that I had no argument with his stand that probably we could keep more teachers in the State of Maine; but if you will help me solve this problem as to where the money is coming from, I will vote the way you would like me to vote. But he had no solution to this problem, I have no solution to this problem, and I doubt very much if the representatives of the small areas in the State of Maine have the answer to this problem here today. I hope that this bill will not pass.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: We have heard some speeches throughout this state that seem to suggest that the minimum salary law should be supported or opposed on the basis of how much a speaker loves teachers. It seems to me that that is not the question.

The question, I suggest, is whether, at a time when all the other states are emphasizing education, at a time when Maine is at the end of the line in the number of young people it is sending to college, we want to subject the children of Maine to poorer teaching than they have been getting.

I don't claim all the teachers of Maine are as good as we want them to be. Any superintendent will tell you that there is a number of teachers he would like to lose if he could be sure of finding a competent replacement. I say this without meaning to reflect at all on thousands of competent, devoted teachers who have given unselfish service and loving care to

boys and girls who never got it anywhere else.

We have many teachers in Maine as good as there are anywhere and we have some who have missed their calling. The minimum salary bill is designed to keep more of the good ones and to make it possible to get rid of some of the other kind. Without it, we shall be paying more and more money to the wrong kind of teacher. That is a prospect which I for one do not relish.

We seem to have had an epidemic of teachers troubles this spring. The papers have kept us well informed of them. We have had another kind of epidemic also, an epidemic of intelligent, alert, ambitious young people leaving the state. The newspapers have not played that one up.

We had experience of what it means to lose teachers during the years after the war when there was no effective minimum salary law. For seven years now, we have demonstrated to the teachers of Maine that we were trying to support education and we have kept step with the rest of the country—a thousand dollars behind the average, two thousand dollars behind the leaders, but have kept the pace. Nine thousand teachers are watching this Legislature to see if we are going to abandon that policy. If we do, I don't predict a rash of teacher troubles; I do predict that the best teachers, the teachers that other states will pay to get, will one by one move on and leave us with the kind of teacher nobody wants.

I don't speak out of love of teachers or their association or the State Department of Education. I'm speaking for the future of Maine and concern for the boys and girls. No vexation about teachers troubles or the Sinclair Bill ought to be more important than our state and its young people.

Maine is a poor state, but we can educate our boys and girls as well as Vermont and New Hampshire. With our minimum salary, Vermont teachers received almost \$200 more than Maine teachers did. New Hampshire teachers were \$350 better off. If the

minimum salary law is rejected, those differences will increase. Our best young teachers won't go to Vermont however; they'll go to Connecticut, with an average salary of \$1,850 ahead of ours or New York, \$2,100 ahead of us this year.

We have a chance today to strike a blow to lift the morale of our good teachers or we have a chance to slap them down. With a great many of them, this will be our last chance, because they won't be around for us to slap them a second time.

I am talking about young teachers. There aren't too many of them. Sixty percent of our elementary teachers are over forty-five. The whole state will be poorer for the next generation if we lose these young teachers. Our retirement system has helped us to keep the old ones, but it doesn't do a thing for the young ones. If we lose them, children for the next twenty-five years will pay for our mistake.

I know there are people who say Maine can't afford to educate its children. Some of these are the same people who oppose increasing federal support for education. Now let's be practical. This great rich country can afford to go to the moon. It can afford highways. It can afford all sorts of luxuries. It can afford the education that will increase our strength and our wealth. May I remind you that ignorant people can combat neither missiles nor subversive ideas.

The S P E A K E R: The Chair recognizes the gentleman from Portland, Mr. Estey.

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: The Committee on Education reported unanimously on 1206 as far as the foundation program or part II was concerned. The few remarks that I will make this afternoon will pertain to both 1206 and 1330 which is the next item on the calendar. I think we have two or three choices to make this afternoon.

I have in my hand the Washington Bulletin which most of you received published by the Council of State Governments, and as you

noticed in last week's paper, the Senate has already passed the federal appropriation administration bill in aid to education. It is now before the House. In an evaluation of that piece of legislation, we discussed in our House permissive legislation permitting the Maine people to accept — or the Maine administration to accept those funds if they were made available. An analysis of that bill this last week shows that allotments to states would be made on the basis of income per child of school age, the number of such children aged five to seventeen and the effort for public schools support purposes.

Maine would receive \$21.84 per school child, or a total of about \$5,175,000 per year. There are twenty other states that would receive this amount or more, but there are thirty states that would receive less per child than this amount. This is because they are already doing a much better job in support of education.

I would call your attention to two paragraphs in that Legislative Document. The state's allotment would be subject to reduction in the second and third year of the program if its effort fell below that of the three preceding years or if its effort failed to increase in line with national effort, and then further on in connection with the discussion that we had here in this House, it says that ten percent of the state's allotment would have to be used for pilot demonstration or experiment projects. The remainder could be used for teachers salaries or, I emphasize the word or, school construction. State plans would have to provide in respect to either major purpose, that is, salaries or construction for giving priority to those local agencies having the greatest need in construction of school facilities.

Part of the debate that we had here in this House is based on whether it could be used — had to be used for both. It is now fairly clear at least in its passage by the Senate, it can be used for school construction only if you so desire.

I signed the majority report as far as teachers salaries were concerned. Not for teachers per se; but for many of the reasons which Mr. Plante has already outlined to you. The fact that many of our small towns who desperately need to upgrade their education to meet the foundation programs are losing their better teachers. And many of our neighboring states, those to the south of us particularly with higher wage patterns are taking our better teachers from us—our younger teachers. However, I think basically the problem of teachers salaries and their minimum wage schedule is one of simple economics. Until such time as our teacher training institutions are turning out teachers enough to meet the supply, the demand will take care of the salary schedule. As near as I can see, the figures bear this out that within the next six and ten years the demand will be much greater than the supply. So, actually, I don't think the teacher salary minimum today is as critical as it might be eight or ten years from now. Because I think that those towns who want teachers and want good teachers—certified teachers, will have to pay the price to get them. So if those of you who feel that we cannot pass a minimum salary scale now, have an obligation then I think to accept Report B, which is basically the foundation program. When it comes time to evaluate the required appropriation to finance the bills that this legislature will pass and many of them will deal with the educational standards of our state, and every state is in the business of subsidizing education of its children no matter what the name of the law is. I think we have to evaluate the price tag on 1206 and 1330, and those of you who have objections to 1206 because it does seem to have a greater relationship to school administrative districts, should take a second look at the foundation program and then look at 1330 in conjunction with it because 1330 is no good without a foundation program, to see what it will do to assist the smaller communities who are making an extra tax effort.

The 99th Legislature appropriated \$2,654,000 between its two sessions in aid to education. The price tag on L. D. 1206 for one year of the biennium is \$1,266,000 and remember we discussed this in our last debate last week that the subsidies have already been figured for this year based on the town meetings and appropriations. Therefore, it has been suggested that we appropriate for one year of the biennium, next year. 1330 for one year of the biennium has a price tag of \$1,293,000 or a total for the two of \$2,559,000 as opposed to \$2,650,000 appropriated by the last legislature. Theoretically this maintains only the level of state support with some additional aid to those towns who are making an extra tax effort far and above the average. I think today's vote is almost mandatory upon us as legislators to maintain the faith we have given to the parents and to the children of this state to guarantee an equality in education, and I hope that you will seriously consider this and vote for both 1206 and 1330 so that we can evaluate them with the tax situation.

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

Mr. BRADEEN: Mr. Speaker, Ladies and Gentlemen of the House: For long years it is my understanding it has been a custom of this body when they were faced with something of a quandary to perhaps petition our Supreme Court under what is termed a solemn occasion. This I can assure you has the aspects of a solemn occasion, but in my judgment requires no petition. I recall that many years ago perhaps one hundred of them, a distinguished English writer using the pen name of Lewis Carroll, published a pleasing little fantasy under the title of Alice in Wonderland. Now as I look over this group this afternoon, as I have on other occasions in the last five months, I can see quite a few who are old enough to have read Alice's Adventures in Wonderland. I recall in particular her journey through the house with many mirrors—some convex and some concave, and she observed

as she saw the reflection of her image that things grew curiouser and curiouser. I too, since I came to Augusta, and have had an opportunity to study at close range and view with a critical eye, which I have, the various school bills which have come from the State Department of Education and some others whose ancestry I suspected might be traced to the headquarters of the MTA, I have felt that things grew curiouser and curiouser.

Now this particular bill that we have for consideration here today 1206, is a gem. One of these days it certainly should be classed as a collector's item. When I first examined it, it seemed to me that it represented a record of a marriage of convenience. Upon closer analysis I became convinced it represented a marriage of necessity. There is another name for that type of marriage. Incidentally, we won't quote it.

It is obvious to me as it must be to every thinking person in this room that it would be an absolute impossibility for the salary increase schedule in this bill to stand on its own feet. These two items have been joined so that the bill—that salary schedule—the impact of it on the local taxpayers can be sweetened by the foundation program subsidy which is intended to go back to the towns. Now then, two or three weeks ago I had placed on the desks here, a reprint of an article that was prepared, comments were set up by a good friend of mine in York County, former Representative Taylor from Lyman. Notwithstanding caustic comments that were contained in the letter sent to me by the superintendent of schools of the City of Portland, notwithstanding those comments, Mr. Taylor is a responsible York County citizen and he does his own thinking. I also had placed on your desks at the same time, a reprint of a memo sent to me at my request by Dr. Hill, our commissioner, the original bearing his initials, setting forth that the cost of this bill at the local level would be about a million and three quarters a year and that the subsidy, which bear in mind comes out of the pockets of the people back home, would be a million and one

quarter a year. That is something to think about.

Now then at the present time, we have thirty—thirty-five thousand people out of work. Those people along with the other hundreds of thousands spread over the 33,000 square miles of this state from Caribou to Kittery pay the teachers' salaries. They pay the bills. It is an open question in my mind as to whether or not those people at the moment and under the existing circumstances can pay any more. I don't believe they can. I feel that some consideration should be paid to those people who look to us literally as what has been called the court of last resort. I think their situation should be considered.

The teachers, notwithstanding comments that we hear, most of the teachers that I know, my friends, are not on the bread line. Some of them may be, but I would be at a loss to name one out of thirty-nine in the seven towns of my school union, five of which I represent in this House, in that particular category. The teachers serve us most of them faithfully and well, but something less than ten months out of a year. The other sixty days belong to them. They may work and earn more money, they may rest, they may study to improve themselves. It is up to them. The people who pay those salaries do not enjoy the job security that the teachers enjoy. Just for a moment, consider what that means. I am in hearty agreement with the statements and the stand taken by such individuals, such men as my good friend, Mr. Kennedy, up here, and others. I move that this bill and the accompanying papers be indefinitely postponed. I thank you.

The SPEAKER: The question now before the House is the motion of the gentleman from Waterboro, Mr. Bradeen, that both reports and the Bill be indefinitely postponed.

The Chair recognizes the gentleman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker and Members of the House: I think I mentioned Friday that I would like to see the Minority Report B come before this House as amended by Committee Amendment and be ac-

cepted. This minority report would cut this bill in half, taking out the teachers' salaries. I do not feel as was implied by Representative Plante that we are slapping down our present teachers. Towns have been consistently raising salaries, perhaps not on a minimum scale but as they could afford to. They have been doing this year in and year out for some years. It has been conceded by educational authorities that this proposed minimum salary raise will almost universally state-wide be in effect by the time that this law would go into effect. Therefore, I would like to say that we do not need this entire bill, and this Minority Report B would take care of it. The minority report is section two of this bill and it's concerned, as has been described to you by Representative Estey and Representative Hichborn, as a pupil allowance revision which we had been in the habit of doing every two years. It was in the law before the Sinclair Bill went into effect only it was done in a hodge-podge type of way. Now we have done it periodically since the Sinclair Law went into effect biennially. This allows changes to be made by amendment consistent with the changes in the school expenditures of the towns, taking into consideration also any change in the state valuation by which subsidies are computed.

L. D. 1206 in section two revises the present foundation program to the latest state valuation formula, thus about holding the present rate of subsidy percentage-wise. This is very important to the support of our schools. If we do not accept this section two of 1206, we cannot maintain the twenty-four percent subsidy which helps the towns who cannot help themselves nor continue the state's present share of school costs. Thus, further aid to the education in the towns would have to come from the property tax in these towns which is bound to result in a downgrading of our school system. The subsidy is determined by the methods which have been described to you. Therefore, I would like to see Minority Report B as amended approved and passed, and that the

motion to indefinitely postpone does not pass.

The SPEAKER: The Chair recognizes the gentleman from Liberty, Mr. Westerfield.

Mr. WESTERFIELD: Mr. Speaker, Ladies and Gentlemen of the House: With reference to L. D. 1206 and with particular reference to the teacher salary schedule, I will make only a few brief observations.

First, we have refused many salary increases during this session, partially at least these refusals were based on the fact of the recession which exists. We have felt that at this time when the taxpayer is facing unemployment, he should not be required by law to increase salaries of those who are in fact in his employ.

Many small towns have not yet achieved the salary schedule as outlined under the present program, irrespective of the program which is before us. I would like to point out to you a fact which can be easily overlooked with respect to L. D. 1206, and this fact is that the individual towns who by the action of the first portion of this bill are required to make the greatest effort in increasing the teachers salaries are the same individual towns that receive the least from the subsidy part of it in the second portion. With many respects to this L. D., and to the foundation program, I agree wholeheartedly with my good friend from Milbridge, Mr. Kennedy and also my good friend from Waterboro, Mr. Bradeen. One fact that is consistently overlooked with reference to the second portion of L. D. 1206 is the fact that because of the method of distribution through the formula you are doing two things, you are increasing your goal and at the same time increasing the amount that the state puts in. This effect is hard to picture for you in a few brief words, but it has the effect of pulling you up by your own boot straps. You lift on one side and then try and pull up the other foot. This is the reason that several towns in the state actually receive less money under 1206, than they received previously. For this reason

and at this time, I will support the motion of the gentleman from Waterboro, Mr. Bradeen.

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

Mr. NOEL: I move the previous question.

The SPEAKER: The gentleman from Waterville, Mr. Noel, has moved the previous question. For the Chair to entertain a motion for the previous question, it must be authorized to do so by at least one third the members present. Will those who desire the Chair to entertain the motion for the previous question, please rise and remain standing until the monitors have made and returned their count.

An insufficient number arose.

The SPEAKER: Obviously less than one third having arisen, the Chair is not authorized to entertain the motion. The pending question is the motion of the gentleman from Waterboro, Mr. Bradeen, that the Reports and the Bill be indefinitely postponed.

The Chair recognizes the gentleman from Mexico, Mr. Matheson.

Mr. MATHESON: Mr. Speaker, Ladies and Gentlemen of the House: It has been said here today that those who dared to speak against this bill are unpopular. They are speaking against motherhood, kicking the sacred cow. I submit it is perhaps equally unpopular to speak in favor of this bill. However, nothing is politically right that is morally wrong. There is no question that the teaching profession, not only here in Maine but throughout the entire country, has been underpaid for many years. There is no question but the teaching profession has been downgraded by just such discussions as we hear here today. I suspect that thirty years ago perhaps in this very House, or in town meetings throughout the state, we have listened to the same stories. We have listened to these same reasons as to why we couldn't afford our teachers any more money. We talk about the youth of our state. We say we want to do something for them. How do we expect the youth of our state to go into any profession unless they are

properly prepared? Least of all, how do we expect the youth of our state to go into the teaching profession, the most talked of in uncomplimentary terms of any profession that I know of today. I am sure that many dedicated men and women who have devoted their lives to the education of our youth are not deserving of the treatment which many of them are receiving today.

We are told that some of those teachers live in towns that perhaps they have lived in for a great many years, and are reluctant to move. I hope that is not to imply that we are using that as a wedge for lower wages. We may think that some of our older teachers, many of them have worked for eight or nine hundred dollars a year, not too many years ago, we don't have to look back very far. These same ones are still underpaid, considering the rising costs all along the line. Now this schedule we have here, I notice that some of them here have to go fifteen years at a hundred dollars a year to get any money. I would like to know in what other profession you would be expected to do that very thing. We say we don't have any money, we don't have any money at the municipal level; and the only way we're ever going to get anywhere is to have more state subsidies. Our towns today are at their breaking point insofar as property taxes are concerned. We are not doing anything but just slapping our own faces when we refuse state subsidies.

The old argument that we have to pay for this doesn't hold water, because the state has many more avenues to raise taxes, a much broader tax base than any municipality could ever hope to have. It isn't a question of whether our teachers are going to move out of this state, it isn't a question of what they are going to do; it is a moral obligation that we owe to the teaching profession here in Maine. While this may be unpopular, it doesn't make a bit of difference to me. Because at the foundation of every profession lies the teacher profession. Without instruction from grammar school



to the university, there just wouldn't be any other profession. They hold the key to the kingdom of all knowledge, there can be no question about that. So if we want to do something for the youth of our state, we would like to but, but what? That seems to be the burning question of the hour. If we want to do something, and we would like to do something, and we are sincere about it, then let us pass this bill and the one that's to come after it. I think there are people sitting right here that when they go home and say that they have looked the gift horse in the mouth, and I have heard that expression before, and closed it up quick without taking the gift, they won't be thanked for it.

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

Mr. JALBERT: Mr. Speaker, first I would like to ask a question from any member of the Education Committee. The question is, Mr. Speaker, is the price tag for the first year on 1206 necessary or has it been taken care of?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has asked a question through the Chair of any member of the Committee who may choose to answer.

The Chair recognizes the gentleman from Medford, Mr. Hichborn.

Mr. HICHBORN: Mr. Speaker, I am not sure that I understand the question of the gentleman from Lewiston, Mr. Jalbert.

The SPEAKER: Will the gentleman from Lewiston, Mr. Jalbert, kindly restate the question please.

Mr. JALBERT: To tell the truth I don't know how to ask the question, because when the gentleman Mr. Bradeen was speaking about Alice in Wonderland I thought he was talking about all of us here. Now it is my understanding as far as 1206 is concerned, it would only be necessary for the second year of the biennium, not the first.

The SPEAKER: The gentleman from Medford, Mr. Hichborn, may answer the question.

Mr. HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I think that I understand the question. The cost of 1206 if it is made effective for the second year of the biennium only, would be \$1,266,245. If it is to be made effective for both years of the biennium, the cost would be double that or \$2,532,490, and as the bill is now written it is effective for both years of the biennium, and would cost \$2,532,000.

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

Mr. JALBERT: Thank you very much. I hear no one talking amendments here, but certainly I don't doubt the seriousness of these two pieces of legislation. Now this involves simply — the gentleman from Portland, Mr. Estey, said I'd like this bill to go to the appropriations table and then fit it to the tax program. For one, not for me, not at this stage of the game. That was all right in February, but not now. Because we go right back now to the move for the previous question not on important bills, the time to have an appropriations calendar is not now, at the beginning of the session. Naturally, if this hits the appropriations table, comes with it the major tax, it's as simple as that. We are not just voting on an education bill here this afternoon, we are voting on whether or not we are going to wind up with a major tax; and for that one, I say no for myself. Now I would like to have a member of the Education Committee toss an amendment on this thing. For one, looking over the current services budget, looking over the supplemental budget insofar as education is concerned, looking over what we are giving our teachers colleges for salaries and buildings and what will come out of Report A and B possibly for capital construction, I don't think we're exactly shutting the door in the face of education. As far as I am concerned, for my voting record, I have nothing to be ashamed of when I go home. But I am talking now, about how far can taxes go?

Listening to the debate this morning, I think you are a long long ways from a one hundred and one votes that you need to pass a major tax program. So you only have two recourses, pick up another minor program or cut the whole thing out. In order to save time, I would like to see somebody talk an amendment, and if you don't mind I might suggest an amendment to it that might go by here. That would be to cut this in half, make it about six to six hundred and fifty thousand dollars for each year and then dump 1330, because one member of the Education Committee told me that if you had to have one, it should be 1206. I would suggest that we hear from some of these members who realize that money just stretches so far, and suggest an amendment of six to six hundred fifty thousand dollars each year and then dump 1330.

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

**MR. HAUGHN:** Mr. Speaker, Ladies and Gentlemen of the House: I made a suggestion a while ago in regards to a division, after withdrawing my roll call request, but after hearing the debate and the discussion and the attempts and the desire of a few to kill the entire bill, I did not at that time anticipate the entire bill would try to be ruined. So in order to keep that bill or portions, if not all at least portions of it, and suggested amendments possibly, or the Report B or the total bill, I would now once again move for a roll call vote.

**THE SPEAKER:** The question before the House is the motion of the gentleman from Waterboro, Mr. Bradeen, that both reports and the Bill be indefinitely postponed. A roll call has been requested.

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

**MR. KENNEDY:** Mr. Speaker, Ladies and Gentlemen of the House: I am compelled to state to you here today that were I a person that was very selfish, I would support this bill in its entirety. As I said on the floor of the House previ-

ously, I have six members of my immediate family who are in the teaching profession, and they are teaching in the State of Maine.

Five thousand people elected me to come into this House and I feel that I must be popular to those five thousand people even if my family does reject me. I think this is a bad bill. The larger towns in the State of Maine are already paying the minimum salaries for teachers that is proposed by this bill, 1206. As I see it, the only people that are going to be injured by this 1206 is going to be the people in the small towns who are already making a major effort in education and are taxed to the limit by property taxes. I certainly hope that the teachers' salary section of 1206 will be defeated.

**THE SPEAKER:** The Chair recognizes the gentleman from Albion, Mr. Cooper.

**MR. COOPER:** Mr. Speaker, Ladies and Gentlemen of the House: I assume that I am one of those unpopular ones to say anything against a bill pertaining to education. Nobody in this House is more in favor of education than I am. I hope that we might get a little mite more for our money's worth, but I, too, like Mr. Kennedy am not selfish. My town under this L. D. 1206, would receive \$6,081 more. The other three towns that I represent would each one receive less. I also notice in this bill that it calls for administrative districts, and I also assume that this L. D. 1206 will apply for this year and next year and then the Lord knows what will happen. I hope the motion of Mr. Bradeen prevails.

**THE SPEAKER:** The Chair recognizes the gentlewoman from Lebanon, Mrs. Hanson.

**MRS. HANSON:** In answer to Mr. Jalbert's question about the one year or for a subsidy on section two of 1206, he suggested cutting it each year to \$650,000. If the minority report would go through, I would suggest an amendment for one year, the last year, the full million for the last year only.

**THE SPEAKER:** The Chair recognizes the gentleman from Mars Hill, Mr. Tweedie.

Mr. TWEEDIE: Mr. Speaker, Ladies and Gentlemen of the House: I hold the teaching profession in very high regard. I want to see them make a lot of money which they cannot do when held down by minimums which in effect become maximums. There is a certain law which governs this sort of thing called the law of supply and demand. Neither the MTA nor this body nor any other body can repeal that law. Most of the strife we have had among teachers in this state this year has been because of attempts to alter this law. Like my colleague, Mr. Bradeen from Waterboro, I too have read a book called Robinhood and the second part of this bill is Robinhood in reverse. It robs from the poor and gives to the rich. I also have another small item which I have read, I think might be of interest to you

"The Government is my Shepherd, I need not work.

It alloweth me to lie down on a good job.

It leadeth me beside still factories;

It destroyeth my initiative.

It leadeth me in the path of a parasite for politic's sake.

Yea, though I walk through the valley of laziness and deficit-spending, I will fear no evil, for the government is with me.

It prepareth an economic Utopia for me by appropriating the earnings of my own grandchildren.

It filleth my head with false security.

My inefficiency runneth over.

Surely the government should care for me all the days of my life!—

And I shall dwell in a fool's paradise for ever."

And I would go along with his motion for indefinite postponement.

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

Mr. BRAGDON: Mr. Speaker, because this move we are about to take has many ramifications and apparently we are coming up with some other votes on the same matter, and because we have a request

for a roll call, I want to go on record explaining the vote which I shall now make. I shall vote against this bill in its present form, and later I shall vote for the subsidy without the teachers' salaries. I am not afraid to explain the reasons for how I am going to vote. I feel that it is an issue perhaps we should not be required to vote on a roll call at this time. However, probably that is not debatable.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think possibly going along with the gentleman from Perham, Mr. Bragdon, it could be that if we don't vote for some phase or somehow accept some report here, later on we might not have an opportunity to vote on any bills. I don't go along with the thinking of Mrs. Hanson, and I knew the answer to my question, I just wanted it asked, and the fact remains that if you go and amend the bill, you don't need the money in the first year anyway, but if you hold onto the money for the second year, it is still a major tax item because it's a current services item and just because it's not the first year, it doesn't mean that it won't carry on and on and on the other year. I have talked with some of the members, and I would like to go along with the idea of killing 1330. We can do that in a couple of minutes. We could tomorrow amend 1206 properly, because I think submitting it to a roll call vote is very unfair now; and for that reason and that reason alone, I now move to table 1206.

The SPEAKER: The question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that L. D. 1206 be tabled until the next legislative day pending the motion of the gentleman from Waterboro, Mr. Bradeen, that both Reports and the Bill be indefinitely postponed, and a roll call has been requested by the gentleman from Bridgton, Mr. Haughn.

The Chair would advise the gentleman that a tabling motion is not debatable.

Mr. JALBERT: I will withdraw my motion to allow the gentleman from Waterboro, Mr. Bradeen to speak, and then make a motion afterwards.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, withdraws his motion to table.

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

Mr. BRADEEN: Mr. Speaker and Ladies and Gentlemen of the House: This bill—the feature that I find in this bill that worries me greatly is the teachers' salary schedule. When we subscribe to that we don't know where the path is going to lead us other than the path that we may be absolutely certain that wherever it goes, the admission will be high. If we could work out some program where we could wash out, in a manner of speaking, the salary schedule for this session of the legislature and take perhaps fifty percent through an amendment, of the subsidy schedule, to go back to our towns—to help our towns on the present salary schedule which they have to meet, if we found—and after we cover the clock over there, perhaps a week from Saturday night when it gets to be midnight, which has been done I believe before—if we found that we had a little money then, we could do something on the subsidy. What I am particularly anxious to take care of, is this salary schedule of the teachers. Sooner or later I am persuaded, I am convinced that we are going to get help from the federal government on education. Let us wait a little while before we write a new salary schedule.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker and Ladies and Gentlemen of the House: Somebody said this was Alice in Wonderland—it is Alice in Bumberland as far as I am concerned when you get two separate bills tied into one. Someone talks about one, teachers' salaries; somebody talks on the subsidy, and we have two different things they are talking about. It makes a very confused issue to me. I confess I'm confused. If I vote for the

prevailing motion, do I kill the whole bill? Does it come back or doesn't it, or what happens?

The SPEAKER: For the information of the House, the Speaker would like to state that the question before the House is the motion of the gentleman from Waterboro, Mr. Bradeen, that both Reports and the Bill be indefinitely postponed. If that motion should prevail, then both Reports and the Bill are indefinitely postponed and they will be no longer before the House.

However, if the motion to indefinitely postpone does not prevail, then the motion would be the motion of the gentleman from Medford, Mr. Hichborn, that the House accept the Majority "Ought to pass" Report; and if that is given two readings it could be amended at that particular time.

However, if the motion of the gentleman from Medford, Mr. Hichborn, did not prevail, then it would be in order to make a motion to accept the Minority "Ought to pass" Report as amended by Committee Amendment "A."

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

Mr. JALBERT: For reasons set forth before I yielded to Mr. Bradeen, I now move we table this bill until tomorrow.

The SPEAKER: The question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert that this Bill "An Act relating to Teachers' Salaries and Foundation Program Allowance," House Paper 871, Legislative Document 1206, be tabled until the next legislative day pending the motion of the gentleman from Waterboro, Mr. Bradeen, that both Reports and the Bill be indefinitely postponed, and a roll call has been requested by the gentleman from Bridgton, Mr. Haughn.

On motion of Mr. Curtis of Bowdoinham, a division of the House was had.

Sixty-seven having voted in the affirmative and sixty-two having voted in the negative, the two Reports and Bill were so tabled.

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Order:

ORDERED, the House concurring, that H. P. 13, L. D. 32, "An Act relating to Exit Facilities in Boarding and Nursing Homes" be recalled from the Governor to the Senate (S. P. 572)

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: Is it the pleasure of the House that this Order shall receive passage?

The Chair recognizes the gentleman from South Portland, Mr. Hinds.

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain this order, knowing how the House feels about bringing bills back. I was called into the Governor's office this morning and I was informed that if this wasn't recalled this bill would have to be vetoed by the Governor, because this particular bill there was an amendment attached to this bill, a Senate amendment, and this amendment is unconstitutional. And the Attorney General's office had notified the Governor of this.

Now this bill was put in very early in the session by me and is primarily aimed at just trying to keep homes for the aged, boarding homes for the aged and nursing homes in business, the smaller homes. And I think the people of this state deserve this bill. I have some eighty or ninety letters here that were in favor of this bill from all over the state. I know many other people have had similar correspondence and I would like an opportunity to bring this bill back so that this amendment can be made constitutional or whatever needs to be done to it.

Thereupon, the Order received passage in concurrence.

On motion of Mr. Baxter of Pittsfield.

Recessed until seven-thirty o'clock in the evening.

### After Recess 7:30 P.M.

The House was called to order by the Speaker.

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

Bill "An Act to Pay School Subsidies in Certain Administrative Units on the Basis of Uniform Local Effort." (H. P. 965) (L. D. 1330)—Amendment Filing (H-310)—In House Read the Third Time.

Tabled—May 26, by Mrs. Hanson of Lebanon.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker and Members of the House: Where we have already tabled the companion bill 1206 until tomorrow, I would move this be tabled until then also.

The SPEAKER: The gentleman from Farmington, Mr. Jones, moves this matter be tabled until tomorrow pending passage to be engrossed.

Upon request of Mr. Westerfield of Liberty, a division of the House was had.

Three having voted in the affirmative and eighty-one having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Liberty, Mr. Westerfield.

Mr. WESTERFIELD: Mr. Speaker and Members of the House: First, I would like to indicate that there are many points with reference to L. D. 1330 with which I am greatly in favor. The principle which relieves the local taxpayer of excessive property taxes in order to provide for efficient and effective educational system is highly desirable. However, the bill does not at this time carry out this philosophy. To the contrary, it is designed to whip the small towns into administrative districts. The price of the legislation—this price on legislation is not beneficial. It in actuality gives no credit to the small town which is making the most extreme effort, but instead gives consideration only to those towns which have responded to cer-

tain particular means of providing education.

Further, the formula, as drafted, is designed to encourage continuously increasing expenditures in education at the local level, and then unless reappraised at some regular interval, the state will, by operation of the formula, pull the rug out leaving once more greater and greater burden upon the local taxpayer. On the other hand, supposing that reassessment does occur from time to time in order to maintain the ratio which the state is maintaining with reference to L. D. 1330, if this occurs, as the department undoubtedly desires, this would then be the most expensive piece of legislation which any Legislature has enacted in recent years. We are making two major mistakes in designing our educational program in the State of Maine. We make the grave error of measuring educational requirements on the basis of the dollar. We measure it continually by laying dollars end to end as a rule. Before such a major subsidy program as is outlined in L. D. 1330 is enacted, we must have a firmer basis for its distribution than the state valuation which we now use. The formula in L. D. 1330 as in 1206, is based substantially on the state valuation. We are hereby creating an educational tower and building it on a foundation of quicksand. Therefore, ladies and gentlemen, until such time as we have revaluated the state valuation system and until the design of such a formula does not create the problems that are existent within this L. D., I will move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Liberty, Mr. Westerfield, that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker and Members of the House: I would just like to give you a few facts on the uniform local effort. How many communities would receive help? 108 communities would receive direct benefits; 162 communi-

ties would receive indirect benefits. The children from more than half the communities in Maine would receive the benefits of improved educational programs. 55 percent of all the elementary pupils in Maine, 70 percent of all the high school pupils in Maine would benefit.

The bill was written because of the local tax inequities evident from various studies of tax effort of the communities. To buy a minimum foundation program of education the poorest community in Maine had to tax itself 40 mills, based on state valuation, or 100 times as much as the wealthiest community, which had to tax itself only four mills for the same educational program.

The proposal is not new. It was called to the attention of the Legislature in 1957 by a study of the Legislative Research Committee. It was brought to the attention of the Legislature in 1959 by the Maine School District Commission. It was brought to the attention of the Legislature by Dr. Sly's report on taxation in Maine. The principle has been used in a limited form in the unorganized territories of Maine for many years. The principle is suggested by Dr. Sly to apply to the unorganized territories of the state from now on. Many states across the country use this method for determining subsidy to communities. No community would receive less state aid than under the present law. Those communities which are taxing themselves higher than the state average would be eligible for increased state aid. Those communities taxing themselves less than the state average would not receive additional aid. Those communities which have made an effort to reorganize their systems by forming school administrative districts or community school districts and those communities already operating schools with more than 300 high school pupils enrolled are eligible.

The state average tax is determined in either of two ways and each will give the same result. Divide the total state foundation program of all schools which is

\$47,000,000 plus by the total state valuation which is \$2,000,000,000 plus and multiply the result by 67.2%, the present local effort required now. This gives you 23.168 mills, multiplied by 67.2 gives you 15.5 mills, the average effort of communities across the state. Or by the second method the state foundation program of \$47,000,000 minus state subsidy of \$15,000,000, it is necessary to raise locally \$31,000,000. That is in round figures. Divide the result by the total state valuation to determine average local effort and you get 15.5 mills, the average local effort of Maine communities to support the foundation program. Let us use the Town of Brunswick as an example as to how this would apply to a particular community. The amount of money necessary to meet the foundation program in Brunswick totals \$593,680. If Brunswick appropriated the state average of 15.5 mills on its state valuation of \$24,500,000, it would raise \$379,750. Then you multiply your 15.5% times—you take your foundation program of \$593,680 minus the local effort of \$379,750 and your state subsidy would be \$213,930.

This bill will cost in state taxes \$2,575,894 if it became effective for both 1961 and 1962; \$1,287,947 if it becomes effective in 1962. To put this bill into effect in 1962 would result in a per capita cost for the citizens of Maine of \$1.33 per year, a small price to pay for bringing equal educational opportunities to more than half the pupils in the state.

The SPEAKER: The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker and Members of the House: This bill in my opinion is a little different than 1206. I believe this is a good bill, but I also believe it is a few years premature. I believe this bill should go in conjunction with a bill which will probably be in the Legislature within a few years allowing or requiring the state to district the towns in districts whether they want to become a district or not, and I believe this bill, or a bill such as this, should

go in conjunction with that action and not until then.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I heartily concur with the words of Mrs. Hanson, the gentlewoman from Lebanon. I think we are looking off into a little tangent when we are trying to say that this is tied in with the district such as set up under the Sinclair Act. This is not true. The subsidy program is a very substantial educational program. It is the only system by which you can make a progressive education system work. You must have a foundation subsidy on which you can develop your school work. If you don't do that, you are going to throw back on your towns a taxation program which they are not going to be able to meet. As Chairman of the Board of Selectmen in my town I have made quite a very serious study of our tax program, and I can tell you this very frankly, and I know that a great many selectmen will agree with me when I make this statement, that you cannot go on without a subsidy program.

I heard a speaker mention this morning that the tax situation in the town might develop up to 70 percent. I can well agree with him when he makes that statement. The property tax in any town such as we have it set up throughout the State of Maine cannot keep abreast of your educational program if you are going to have an educational program that means something to your children. It has to be developed along with a state subsidy program. This 1330 does exactly that. With the second section of 1206 combined with these two, you have a very fundamental subsidized program that will enable you to develop an education program that the State of Maine can be well proud of; and it does another thing at the same time, it also encourages the towns to develop accredited schools. That is something that we are working for at all times is to develop our educational program so that we have a program that will go along with the meritorious service done by

the teachers and the superintendents of schools in their various areas. I certainly hope that we will go along with this subsidized program. I don't know of any other way out. If someone can show me, I will be glad to listen. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Matheson.

Mr. MATHESON: Mr. Speaker, Ladies and Gentlemen of the House: I must heartily concur with the gentleman from Kennebunkport, Mr. Tyndale. Our tax base in the municipalities is definitely not broad enough to carry the educational load. As we all know, over 50 percent of our appropriation and in many instances as much as 70 percent is going for education. This no doubt is as it should be. Unless there is more state subsidy, something is going to have to give, to put it in the vernacular of the street. There is no other possible way than to rely on the broad tax bases which the state has available to them. Subsidy for a town is a must. There may be some towns who perhaps do not at the moment receive direct benefit from this. However, no town receives less than they are receiving now. Therefore, I fully believe that we should go along with this bill.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Moore.

Mr. MOORE: Mr. Speaker and Members of the House: I think that this is the most socialistic bill that has come before this House, I certainly do. It is hard to believe that a piece of legislation like this is being introduced in the State of Maine.

Now as far as the gentleman from Mexico thinking it is a fine bill, I can well believe it. The Town of Mexico will get \$34,000 out of this and it will be the only town in Oxford County that will receive anything. Then in Kennebunk I notice that he would receive several thousand dollars under it, in York. I can understand why Mr. Tyndale approves of it heartily, \$23,000 he would receive from it, that town. I can understand that would be very good. Apparently they are going to take it from several towns

and give it to one town and if that isn't socialism, I'd like to know what it is. I certainly agree with Mr. Westerfield that this bill should be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Matheson.

Mr. MATHESON: Mr. Speaker, I feel impelled to reply to the gentleman from Casco, so long as he has brought the name of the Town of Mexico into this picture.

The Town of Mexico will receive \$33,000 something. I would like to remind this House that last year the Town of Mexico gave every teacher on the force a \$500 increase. I would also like to remind you that our effort is up to 34, the average is around 17 or 18. Perhaps the gentleman from Medford, who is the superintendent of schools, could best explain that. We are living across the river from a town with a large industry. There are no industries in the Town of Mexico. We are making a supreme effort. If the implication is that we should not be rewarded for this effort, nobody should know any better than we what state subsidies mean, and perhaps if some of these other towns would do the same thing, they would realize the benefits of state subsidies.

The SPEAKER: The Chair recognizes the gentleman from Medford, Mr. Hichborn.

Mr. HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I can appreciate the comments that have been made by both groups. I could also preface my own remarks by saying that not a single town in my legislative class and not a single town in the school union of which I happen to be superintendent will benefit one dollar from this bill. However, I am 100% behind the principle of the bill because I feel that it can do more for education in the State of Maine than any other single piece of legislation which we have before us at this session.

For the past 141 years the State of Maine has been granting state subsidies for the establishment and the maintenance of school programs. We have made outright grants of land, outright grants of



money to establish these programs, and we have been giving subsidy ever since. Sometimes the subsidy allotments have been based on town valuations; sometimes from the number of students, sometimes the pupil valuation; sometimes by making a specific allotment for every day's attendance by each pupil enrolled and by various other plans and schemes and devices. We have tried an equalization plan in the past to help equalize educational opportunities for our youth. And before the law that is currently used was enacted, we were paying a direct percentage on all operational costs regardless of the quality or kind of program being maintained by the community, and that method was definitely wasteful and the Legislative Research Committee reported that fact and called attention to the fact that some of the towns that were receiving up to 66% in state aid were maintaining some of the poorest programs in the State of Maine. The Legislature that received that report directed the committee to make a study to find out what could be done about it and to bring in recommendations for improving the method of figuring and distributing subsidy to the towns. A report was brought in. Four years ago the Legislature accepted that recommendation and incorporated it into Maine law. Now it still may not be perfect. We have been working for 141 years trying to get a better program. I think that what we have today is definitely better; I would not go so far as to say that it could not be improved, but I am fully in accord with the thought that it is better than any plan we have had in the past. Today we have considered a further revision of the tables which are used in computing subsidies. The original research committee recommended one basic principle which was written into the law and passed by the 98th Legislature and this was the uniform tax principle, and they went on to say as larger and more efficient administrative units are established throughout the state, the existing inequities in state subsidy will level off; and as

this condition progresses it is the intent of the Legislature to revise table 2 to the ultimate end that all administrative units will be required to exert a single uniform tax effort on state valuation to support the foundation program. Now that may not be a perfect plan but it is certainly an improvement over the plan that we have at the present time. We hear people making complaints about the state valuation as a basis. Maybe the state valuation is not a perfect base, but it appears to be the best basis that we have available at the present time.

Now the statement in the law recommends that this principle be applied eventually to all administrative units and that should be our goal, and L. D. 1330 is a beginning in establishing this principle; and at the present time as it is now written it would apply to towns that are in school administrative districts, school community districts, to schools where they have 300 enrolled in secondary schools, and by an amendment which will be introduced if L. D. 1330 receives a favorable vote here tonight it will also apply to towns with fewer than 300 if they are fully accredited schools, and there are eleven such in the state. It is important to note that this is not a tax, but rather a measure of effort. If the youth of the state are entitled to the same level of education it follows that wealth that is taxed to support that education should be taxed equally. This principle is employed in many other states across the country. The adoption of L. D. 1330 will benefit 30,000 high school pupils in the State of Maine, and that is 70 percent of those in the secondary schools. It will also benefit 55 percent of the elementary students. L. D. 1330 not only received a unanimous ought to pass report from the Education Committee, but it was selected by that committee as being the most important single legislative item pertaining to education to come before the committee. We have been considering 1206, the cost of which is two and a half million for two years and one and a quarter million for one year. L. D. 1330 which involves a basic

principle which is fair and just and right would cost two and a half million for two years and two and a quarter million for one year. The total cost of those two bills is \$5,119,930, but both could be implemented for the second year of the biennium for a total of \$2,555,965, and amendments will be introduced to both of those bills making them effective for the second year of the biennium if that is the wish of this House.

Now somewhere between all and nothing is certainly a reasonable ground for compromise. We must consider ability in implementing the best of the principles and we should give honest and serious thought to improving the state's educational program. We discussed 1206 this afternoon. I would call attention to the fact that if 1206 is passed it will mean that the state's share of aid to the towns will be maintained at its present level and we will be holding the line. You and I know that if you are holding the line you are not winning any battles. That line has got to go forward or backward. A stalemate means nothing. We have heard some people talk about holding the line as being a virtue of great achievement, something that was highly desirable and commendable; but holding the line is not enough. If we are going to make any progress we have got to move and we have got to move ahead.

Now I also recognize the fact that the expenditure of dollars does not guarantee a better program. However, I think some of you would agree in turn that if you are going to have a better program you are going to pay more dollars. There is no question of that. It also holds true that the cost of operating schools is rising and it will continue to rise. Whether you are buying a book or school bus or the services of a teacher or a janitor, your costs are going up. If the state does not continue to make as much of an effort as it is making now, and it does not continue to try to improve that percentage, the greater burden will fall back on the property taxpayers back home. There is no way of getting out of that. Sound pro-

grams must be based on proven principles of government. The State of Maine has given ample evidence in the past that these policies are compatible, and I urge every member of this House to consider those principles, and I certainly hope that the motion of my good friend from Liberty, Mr. Westerfield, to indefinitely postpone does not prevail.

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

Mr. KENNEDY: Mr. Speaker, it would seem to me as I read this statement from the department that 1330 to be effective would be contingent upon the passage of 1206. Now I can understand very well why so many are speaking for 1206. As I see it, it is a reverse of the story of Robinhood that the gentleman from Mars Hill, Mr. Tweedie, mentioned this afternoon. We are taking from the poor and giving to the rich. Now the greatest Teacher of all times did say, you are always going to have the poor with you; but I ask the members of this House, don't make us any poorer than we are already.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I might remind you that the taxpayers are not all rich, that the majority of our taxpayers in the State of Maine are poor; and if you keep increasing the cost of education to the property tax holder, you are going to be taking it from the poor and giving it vice versa to the poorer. And I can't see why any particular figures should be mentioned in this case because, to be honest with you, I skipped over them very fast, and I notice some towns do fare better than the others. If this is on a meritorious system I am glad that the Town of Kennebunk has taken advantage of it, but by the same token, I would like to remind you again from a pure taxation viewpoint that on a long-range basis the subsidization program is the program you must look to if you are going to keep

the property taxes anywhere without in reason for your taxpayers in your local towns to pay. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I might remind Mr. Hichborn that the easiest thing in the world is for any committee to report any bill out with a price tag ought to pass unanimous and throw it in here. That's been done for years and it will continue to be done for years.

Now I tabled 1206. I hear the gentleman also makes comments that it was the unanimous opinion of the Education Committee that 1330 had priority over 1206. A member of the Education Committee told me just a few minutes before I rose to speak that 1206 had priority over 1330. The real gimmick is to push through 1206 and then sell part of 1330. Now some of us do not have grass in our shoes, believe it.

Now I tabled that bill with one thought in mind. The thought in mind was this, to have 1206 amended. I know we don't need the money the first year, so amend the bill, split it in half, \$1,268,637, making a total of \$634,318.50 the first year and \$634,318.50 the second year, speaking of 1206. If they don't use the money the first year, it will lapse in to the second year, it is a bookkeeping item, but it will stave us off from that \$1,268,000 that we might have to be faced with when it is locked up in the appropriations calendar and we are faced with a major sales tax. Then 1330, kill it!

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House. I have to concur with some of the statements made, but if we are going to talk about dollars for education and the percentage of state support, then I think we have to recognize two facts. 1206 deals with the basic foundation of the level of education that we are going to offer our children. 1330 is a relief based

on effort at the local level. We have two distinct situations. If you are concerned about the level of education, then you must pass 1206. 1330 I believe is secondary to 1206. But because the Committee on Education recognized that the two bills together for two years of the biennium carried a price tag of over \$5,000,000, they recommended in a memorandum to the Appropriations Committee, and it is available to this House, that 1206 be passed for one year of the biennium, which would be the minimum requirement of the Committee on Education, and would be only half the appropriation required to maintain the level of support that the state is now giving. In addition we hoped that you would pass one year of 1330 which would just about maintain the level that we are now giving of about 24 per cent. If you want to go backwards on the scale, kill both the bills. If you want to go half way back, kill 1330; but for heavens sake, let's not now go backwards. I hope the motion of the gentleman from Liberty does not prevail.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Bangor, Mr. Minsky.

Mr. MINSKY: Mr. Speaker, I don't presume to be an educational expert. I just wish to pass on one bit of information that I received a few weeks ago when out of curiosity I went to the Education Department. I had been shown the price tag several times as to what the passage of 1206 and 1330 would mean in this session. I asked them to project the figures as to what it would mean to the 101st Legislature. I think before we vote on that I would like to tell you what figure I was told. If we expect the same rate of growth in the next two years that we have had in the past two years, then we can expect that the increase in the educational subsidy budget over the current demand will be \$7,500,000, that is \$7,500,000 more than you are going to have to appropriate this time. This is equal

to approximately a 1 per cent increase in the sales tax.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I must say a few words because I signed 1330 ought to pass and I don't think I would be justified by hearing some of the remarks that have been said in regard to this 1330.

I can very well sympathize with some of the representatives in this House that they are not going to get anything out of this 1330. I can also sympathize with those same people that are not making the same effort as some of the other towns are making in the State of Maine. So therefore, if we should divide the pie so that everybody would have a little piece, we would also encourage those small towns that are now not paying their fair share and under this would be equalized to get their fair share under the subsidy, I feel it is a good program. You have got some people in the State of Maine that have got property taxes that are being levelled by the towns and are paying a property tax on the local level of \$50.00 a year on a house or property tax. You take the same house and you put it twenty-five miles away in a medium-sized town or a city and right off the bat your price goes up as far as local level tax to \$400, \$300 or whatever you have got. Now is it fair for the people in the cities that are paying \$400 or \$500 or \$600 for a property tax to turn around and get the same benefit as the person in the country that is paying \$50.00 or \$60.00 a year for the same property and feel that he should be justified by getting the same amount of subsidy as the fellow that is contributing \$400 towards the property tax? This bill is something to equalize the effort that is being made towards their education system, and as long as we are going to try to divide the pie so that those that are giving \$50.00 will receive \$100.00 and those that are giving \$100.00 will receive \$50.00, you will still have the same problem all over again.

Somebody mentioned that this is a social bill. I don't want to dispute that this is a social bill, but we are sitting here tonight and since last January 4th, and if all the money that has been contributed over the years to the different communities in the state as a subsidy, if that is socialistic, then let's close the Hall and call it a socialistic state and let the state run the whole thing just like they do in Russia.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Liberty, Mr. Westerfield, that Bill "An Act to Pay School Subsidies in Certain Administrative Units on the Basis of Uniform Local Effort," House Paper 965, Legislative Document 1330, be indefinitely postponed.

Thereupon, upon request of Mr. Westerfield of Liberty, a division of the House was had.

Eighty-one having voted in the affirmative and forty having voted in the negative, the motion to indefinitely postpone did prevail. Sent up for concurrence.

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

Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (H. P. 1163) (L. D. 1604)

Tabled — May 26, by Mr. Dennett of Kittery.

Pending — Final Passage.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in opposition to the passage of this Resolve. I am very much aware that the hour is late and the day has been long, and I am not going to dwell for any length of time upon this bill. There are a few things that I would like to call the attention of this House to, however.

Number one is that we have argued this to quite some extent previously. It has been brought out that businesses do not operate in this manner but rather they have their boards meet every year and plan their business for the year. I would say this, that the business

of government is not the same as the business for profit and private gain. They are entirely two different things. If we operated state government as a business, we would operate in an entirely different manner. We would have no Welfare Department, we probably would have no education only to the extent of what it benefited the business, and there are many, many things that we would cut out. So that I would like to drive home the point that we cannot compare the business of government with the business of private gain and profit.

Secondly, it was brought out that a number of states had adopted annual sessions. I would submit to this Legislature, to this House, that Massachusetts and Michigan both have annual sessions, without any further comment. But I think the most important thing of all is the position of the Republican Party. This resolve, this bill for annual sessions, has been a perennial. It is something that has always been heartily endorsed by the minority party and been made a part of their platform. I will agree in this instance that this bill has had the sponsorship of the Republicans but it also has had the blessing of the minority party.

I would read from the Republican platform for the year 1961 where it says, "We propose the following resolutions in keeping with our convictions and desires to preserve individually for ourselves and our posterity, paragraph two, legislative sessions. We favor the continuance of biennial sessions of the Legislature pending the findings of the Legislature-interim study committee of legislative rules and procedures." The interim committee brought forth no report relative to annual sessions.

So therefore we can only assume that we are on a solid Republican basis when we oppose annual sessions. I think that this is the most important of all, and with this I will close, asking that when the vote is taken, it be taken by roll call.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen: I will start in where my good friend and colleague left off. He says this is not a Republican measure as far as the convention went, we have other measures which we have already endorsed here that were not in the Republican platform but we as Republicans have endorsed them. This is not a partisan bill. There is no attempt or desire to for the sake of good government regardless of which party introduces it. I am for it, I shall be and continue to be and I am Republican. I might say to quote that same gentleman, that on Wednesday, May 24, in a statement whereby it was made on the floor of this House by a legislator, which I hope the Speaker will not rule me out of order, because I am quoting now as an editorial and quoting the actual writing of this editorial, that in a House debate, one of the early readings of the resolve, it was quoted that we were mostly amateurs, the same gentleman arguing, arguing that annual sessions would turn the legislators into professionals. If this gentleman is right, that is good reason for going on to an annual session basis. This biennial state government is too big a problem for amateurs to handle.

If you stop and read the entire picture of this editorial, I think it sums up very well and explains very plainly that the job is too big for us as amateurs and I hope we stay as amateurs. And that was one of the reasons for an annual session. Take a good look at the figures involved. This Legislature is now attempting to project state needs and allocate spending until August or September of 1963. By that time we may be in a war or a new business recession or a huge inflationary boom. No one can see that far ahead and the revenue is estimated. At Augusta they have already upped their guesses on state tax income for the forthcoming two years and will probably make a new revision before the session ends. So the constitutional amendment makes sense. It rules that in the odd number of years, as the bill stated, that we will meet in a general session the

number of sixty legislative days, which we would have been out of here and home a month ago, because we would have acted only upon one year's business.

At the present time you or I or no other individual is capable of advancing for the two year program as to what our own personal income or budget will be, how can we certainly do it on a large scale basis such as the State of Maine business operations are? Many other states, large and small, legislate in this fashion and three others have joined the annual session this year. With state government costing upwards of \$3,000,000 biennially, it is time Maine adopted it. And I certainly concur with the editorial in this paper. I very rarely agree with their editorials, but this is one time I do.

And I want to state once again, this is not a partisan bill as far as the platform goes; there are other things we have adopted, some we have rejected, and we are the people here who have to operate and do with it, but we did not have a part in making that platform to a certain degree and I think I am as good a Republican and stand for progress and interest in the State of Maine as well as anybody else.

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

Mr. KIMBALL: Mr. Speaker and Ladies and Gentlemen of the House: In order to keep this as brief as possible, I have jotted down a few thoughts. I personally have raised two children and now have both of them in college and from them and from their friends I have learned something which is a surprise to those of us who have buffeted around the world for lo these many years. Sometimes a new concept is worth more consideration than we are inclined to give it. How many times have we said that an idea was new and it had no worth because we were old enough to know it wouldn't work? Many times these youngsters are not experienced enough to know that it won't work and to our utter amazement it does work.

Many of us are still greenhorns at the great game of politics in

spite of a busy winter put in behind these same desks. Perhaps it is partially for this reason that we believe, as have many of our predecessors, that the answer to the ever growing length of the legislative sessions is to divide the work load and have annual sessions. Many, but not all, of the experienced members of this House claim that it won't work. I for one am yet to be convinced. Even the editorial writers of the Portland Press Herald and the Bangor Daily News are at odds about it. One day the Portland paper says the very length of this year's session is a strong argument for annual sessions. The very next day the Bangor paper says that it is unthinkable.

Governor Reed has been quoted as saying that annual sessions are coming, but perhaps this is not the year. Why not?

Many of our fine businessmen can afford to run for the Legislature if it doesn't run into the summer business as it seems to be doing this year, but they are just not able to be interested as things stand at present. I feel that we are in need of their wise counsels and need them in the conduct of the state's business. One of the ways to toll them is to shorten the term that they would be required to spend each year in Augusta. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The action of the House today and the work that the House has done today should indicate the very valid reason why we should go into the annual session deal, or why at least we should allow the people to vote on this measure, because it is a constitutional amendment and must go to the people for ratification.

If you will really look at your calendar today, and you will check back and pick up eight or ten calendars of previous days put together, it will indicate to you that we have done more work today than we have done certain weeks on end. It will indicate also to you that a baker's dozen speakers today and there have been many of

them, have got up and said "I wish to apologize, I don't intend to speak long on this bill, time is of an essence." Time should not be of an essence on any of these measures now. We are playing around with the people's funds, we are playing around with their welfare. If we have spent time on certain other measures that we have, and they are too numerous to name, of so minor importance, certainly we can spend equal time on some of these measures.

Now going into the thought of comparing this measure with business, at least I have never said that. The only business I have discussed with my good friend from Kittery, Mr. Dennett, is I told him—and I'm glad he did state here, he gave me a few arguments that if we went home there might be a million dollar policy waiting for him. If he went home I might buy a small one myself to chase him out of here, but he stayed and I'm glad he did now, because he's given me a little ammunition. Now I am comparing this not with business, I am comparing this measure with local government and the federal government.

Now I have discussed this with several people who have served here over the years, some of you are here now, others are not here. The time has come for it and with due respect to Governor Reed, he says that annual sessions are coming, but maybe not now. Why? What reason is he giving? Not one. And I say I bow to his thinking, he has the right to that thinking.

Now insofar as the Republican platform is concerned, I have been of the thinking, I have read it myself that unless you move fast it sure is going the way of all flesh, it's on its way down there now, and fast. Now bear in mind that true the Democrats have had this in their platform, sometimes they have and sometimes they haven't. But this bill has been sponsored some twenty times, and some seventeen times the bill has been sponsored by members of the opposition party. And I rise today because I felt that you wouldn't mind if I joined the Republican caucus.

And also let us bear in mind that this is a Republican measure, this year. And this bill came out with a majority "ought to pass" report, six for and four against. There's only two of us because of the slide rule on the Committee on State Government, so four good sound solid Republicans went along with it. So what does that do with the platform? Now I have told my good friend, Bill Dennett, that I had run out of steam, but I am really extremely enthused wherein it concerns this measure.

Now as far as I am concerned, and I know the Speaker is not going to like this, I know others won't like this, but you can forget all about the tenth of June. I'm happy if we settle for the twenty-fourth of June. Why? If we are going to kill measure after measure here, measure after measure will not be discussed properly. How much time did we spend on the current services budget? I presented my amendment, it was killed, and the same one appeared two minutes later with the same figures. That's that. Out of nineteen million dollars. Peanuts. The same thing will happen on many and many and many of these measures and I'm not talking politics now. I am not talking partisan politics.

The bill has never been introduced by me, it has never been supported by me because of partisan politics; and I guarantee you, I have stated so in 1947, '49, '51, '53, '57, '59 and now, and I've been right. We go on and on and on and have longer sessions. Kill the bill. Two years from now we will spend Fourth of July here and six years from now we will be here Labor Day.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Fogg.

Mr. FOGG: Mr. Speaker and Members of the House: It was brought up that this was in the Democratic platform, which is true. The reason why it was in the Democratic platform is because the Democratic party has a feeling of responsibility toward the people of Maine in which we feel there is either going to have to be one thing or

the other done. There is going to have to be some way devised to cut down the number of bills which are introduced into the Legislature, or we are going to have to go into annual sessions.

Now I feel that the leadership, the speakership of the House has done an excellent job this year of moving things along, and I really mean it. Technically, it has been an excellent job. But we have had so many bills here that it makes it a very difficult proposition to give them the proper consideration. For one thing, we have a lot of small inconsequential bills which have to be considered; they have to go through the mill but they take time. Then on top of that you will notice we have had departmental bills. Now the election laws bill is a bill in which the Secretary of State had a man working for two years making that revision, and now if the Election Laws Committee had been burdened with much other work we never could have given it the proper consideration.

We had a bill here creating a uniform commercial code. That was about as complicated as any thing I have ever seen. If it had been much bigger it would have been as big as a Sears-Roebuck catalog. I bet there isn't one person out of twenty has any idea what was in that bill whatsoever. It has been postponed until the next Legislature. This morning we passed a bill here creating a uniform administrative code in the State of Maine. Now that was another one which was technical. I went to talk to Mr. Frost in the Attorney General's office, and I would have been inclined to look upon that with a great deal of suspicion if he hadn't told me that he had taken part in drawing that bill up. I have a great deal of confidence in Mr. Frost and I was willing to take his word for the thing. But this is getting heavier all the time. We are going to have to devise some way whereby we can cut down the number of bills coming into this Legislature or go into annual sessions. I have suggested it sometimes to some people that it might be before any person could ask a legislator to

introduce a bill in this Legislature he would have to have the signature of say twenty-five or fifty people, because you all know how this happens. You are going down the street some day and somebody across the street says "Hi there Joe, come here, wait a minute, I want to talk with you. There ought to be a bill put in the Legislature on this." Well, he is a constituent, you can't say: "Look, it doesn't make sense; go on back and think it over." You have got to listen to him, so you go to Sam Slosberg and you draw up a bill to have put in the Legislature and so there is one more bill to be processed. Now if there is some way that we could restrict that, so that we wouldn't get as many of those bills, it might be that we could get by without annual sessions, but I definitely believe that the way we are going now we do need annual sessions pretty soon if not this year.

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker and Members of the House: I was very happy to hear the last two speakers express great concern about giving proper consideration to some of the major bills that have been brought in this session and that come before every session of the Legislature. They would indicate that perhaps annual sessions would be the solution to the problem, but I submit to you that if we are interested in giving each and every bill its due consideration, then this annual sessions bill is not the answer. They indicate that this is going to shorten the sessions by having annual sessions. The only way that you can shorten a session is to sacrifice some due consideration of major issues. We have a good indication of just how that would work right before us right now. The bill says that in the general session we shall limit it to sixty days. Now in that particular case, we would have had to adjourn May 11, two weeks ago. We are now in our 71st day. Could we have accomplished all of the necessary functions of this Legislature in sixty days?



Furthermore, the bill stipulates that in the off-year, we will consider only budget measures. This would not allow us to consider other major problems and give them due consideration to the limit of thirty days. They say that we should budget annually, that this would be good business. I don't know as it would be good business. It seems strange to me that over half of the states that now have annual sessions still budget on a biennial basis. There must be some reason for this practice in other states. Those states having annual sessions haven't found it practical evidently to budget annually. I wholeheartedly support the gentleman from Kittery, Mr. Dennett.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I will not ask this in the form of a question, but this is the second time that the gentleman from Woodstock, Mr. Whitman, states that over half of the states who have annual sessions budget for the biennium. Now this time, without asking a question, when I sit down I would like to have him tell me what those states are. Secondly, happy days are here again, they always are when my friend gets up to debate and I am on the other side of the alley. It's not sixty days, Mr. Whitman; sixty legislative days. It's not thirty days; thirty legislative days. And if we meet more than three days or two days, then we could go on and be out of here a little sooner if we met four or five days. There is a differential between legislative days and calendar days, and I know you know that.

The SPEAKER: Is the House ready for the question?

The question before the House is related to item seven on page four, a Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions, House Paper 1163, Legislature Document 1604. A roll call has been requested. For the Chair to order a roll call it must have an expression of a desire for a roll call by at least one-fifth the members present.

Will those who desire a roll call, please rise and remain standing until the monitors have made and returned their count.

A sufficient number arose.

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

Mr. Tyndale of Kennebunkport, who would have voted "yes" had he voted, was excused from voting as he paired his vote with Mr. Rust of York, who was absent but would have voted "no" were he present.

The SPEAKER: This Resolve having had its two several readings in the House and having been passed to be engrossed and having its reading in the Senate and having been passed to be engrossed, and the Committee on Engrossed Bills having reported it as being truly and strictly engrossed, is it now the pleasure of the House that this Resolve be finally passed?

If you are in favor of passage of this Constitutional Amendment, you will vote "yes" when your name is called; if you are opposed to passage, you will vote "no" when your name is called. This being a Constitutional Amendment requires the approval of two-thirds of the House. The Clerk will call the roll.

### ROLL CALL

YEA — Anderson, Greenville; Bedard, Bernard, Berry, Cape Elizabeth; Binnette, Boissonneau, Bradeen, Brewer, Briggs, Brown, South Portland; Brown, Vassalboro; Burns, Choate, Crockett, Cyr, Davis, Dennison, Dodge, Dostie, Winslow; Fogg, Gallant, Gill, Hanson, Bradford; Haughn, Hendricks, Hichborn, Hinds, Humphrey, Jalbert, Jobin, Johnson, Smithfield; Johnson, Stockholm; Kellam, Kilroy, Kimball, Knapp, Lantagne, Letourneau, Levesque, Linnekin, Littlefield, Lowery, MacGregor, Maddox, Maxwell, Morrill, Nadeau, Biddeford; Noel, Pike, Plante, Poirier, Prue, Seigny, Smith, Strong; Sproul, Stewart, Tardiff, Thaanum, Tweedie, Wade, Wheaton, Wood.

NAY — Anderson, Ellsworth; Baker, Baxter, Bearce, Berry, Portland; Boothby, Bragdon, Brown,

Fairfield; Buckley, Carter, Chapman, Gardiner; Chapman, Norway; Cooper, Coulthard, Danes, Dennett, Drake, Durgin, Edwards, Estey, Finley, Gardner, Hague, Ham, Hancock, Hanson, Lebanon; Hardy, Harrington, Hartshorn, Hughes, Hutchins, Jones, Kennedy, Lincoln, Matheson, Mathews, Merrill, Minsky, Moore, Perry, Philbrick, Augusta; Philbrick, Bangor; Roberts, Schulten, Shaw, Shepard, Smith, Bar Harbor; Smith, Falmouth; Storm, Swett, Turner, Vaughn, Walker, Waterman, Wellman, Westerfield, Whitman, Whitney, Williams, Winchenpaw, Young.

ABSENT — Albair, Beane, Augusta; Beane, Moscow; Berman, Auburn; Berman, Houlton; Busiere, Curtis, Dostie, Lewiston; Dunn, Edgerly, Hopkinson, Jameson, Karkos, Knight, Lacharite, Lane, Malenfant, Morse, Nadeau, Lewiston; Prince, Rust, Sirois, Stevens, Thornton, Walls, Waltz.

EXCUSED—Tyndale.

Yes 62; No 61; Absent 26; Excused 1.

The SPEAKER: Sixty-two having voted in the affirmative, sixty-one in the negative, twenty-six absent, and one excused, sixty-two being less than two-thirds of the House, the Resolve fails of passage. Sent up for concurrence.

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

Mr. BAXTER: Mr. Speaker, I move that that portion of House Rule 26 which prohibits the transaction of business after the hour of 9:00 P.M. be suspended.

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, moves that that portion of Rule 26 that prohibits transaction of business in the House after 9:00 P.M. be suspended. Is this the pleasure of the House?

All those in favor say aye; those opposed, no.

A viva voce being taken, the motion prevailed.

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

An Act Creating a Constitutional Commission, (S. P. 498) (L. D. 1498) Tabled—May 26, by Mr. Dennett of Kittery.

Pending—Passage to be Enacted.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I now move that this bill be passed to be enacted.

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

Mr. BRAGDON: Mr. Speaker, I will defer.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Fogg.

Mr. FOGG: Mr. Speaker, and Members of the House: As the Minority Leader, I want to state that I'm not opposed to the passage of the bill, and after I speak a few minutes on it, I am going to go ahead and go along with the motion of my good friend, Bill Dennett.

This bill here is to create a constitutional commission to study the Constitution, and coming from the Republican Party, we Democrats are inclined to look upon it with a great deal of suspicion. I have right from the very beginning. This is a redraft of L. D. 271 which was introduced in the House in the early part of the session and had its hearing I believe around February 2. The original bill called for appointing of a fifteen member committee to study the state Constitution with an appropriation of \$25,000. After the hearing the committee came out with a redraft, L. D. 1498, calling for ten members of a bipartisan committee with an appropriation of \$10,000. Cut it down somewhat.

Now we Democrats have been very much in favor of a constitutional study for quite some time. In 1930 there was one made, but the Republican Party didn't do anything on it, in the last session of the Legislature we had the PAS Report and there wasn't anything done on that. Now I don't know whether the Republicans want to have a Constitutional commission study of the Constitution have a

Republican label on it or not, but if that would suffice to get some changes that we might need, well we are willing to go along with it.

Now we weren't the only ones who were skeptical. Now the Lewiston Daily Sun on February 3, came out with an editorial and they expressed a great deal of skepticism that the Republican Party was at all interested in studying the Constitution in constitutional reform. Then the next day the Portland Press Herald, I have a copy of the editorial here, I won't read it tonight, unless somebody should want me to, but they really lay it on the line. They simply state that it is hard for them to believe that the Republican Party is at all interested in this Constitutional study. It would have been an awfully good piece to have been written by a Democrat.

Now as the Minority Leader, I want to say that we are in accord with this bill and we are going to go along with it, and I hope that we do get a good study. I've talked with the Governor on this, and he did tell me that he would be willing to seriously consider any recommendations of the Democratic leadership as to Democrats who would be on the committee. He said he didn't commit himself as to just how many Democrats would be on it, he did reserve his final judgment as to who would be the members from the Democratic Party, and I could go along with him on that. If I were Governor, I would want to do the same thing myself.

Now due to my talk with the Governor, I am willing as I say to go along with this and we are going to watch the Republican leadership to see just what kind of a study they do make. If it is a good study, a sincere study, and they do come out with a good report, we shall applaud you, but if it is not a good study, if it is not a good report, we are going to have our guns loaded and we are really going to let you know about it two years from now.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: We are now going contrary as to

what was thrown at me a minute ago in regards to Republican sponsored measures. As far as the Republican platform goes, it was not in it, because at the convention our own party rejected the portion of the platform which called for Constitutional Committee or convention. This here just substitutes it in opposition to the party platform. Now if we are consistent on the Republican Party platform procedure, let's show it now and show where we stand. I was one of the Minority who came out against this bill because all it does is give ten more men which I quite agree would be good qualified men that I know the Governor would appoint, but I might say this, we are just simply going through routine we have gone over years after years, it will not prevent in the future any more of these bills coming in which are constitutional bills, they will come in just the same, there's nothing to prevent them from being introduced, and we have got a price tag of \$10,000, and I so at this time move the indefinite postponement of this bill and all its accompanying papers, and request a division.

The SPEAKER: The question now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the Bill be indefinitely postponed, and a division has been requested.

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

Mr. DENNETT: Mr. Speaker. Members of the House: I would like if possible to clarify some statements that have been made. The gentlemen from Bridgton, Mr. Haughn, said that the convention turned down a constitutional convention. That is very very true, and I applaud their action. There is quite a difference in this proposed committee to study the Constitution and a Constitutional Convention. There is a vast difference, there is a world of difference. Furthermore, you certainly know that we have acted here on hundreds, over a thousand bills, and they certainly were not all in the platform. There are only a few. I do not wish to criticize anyone, but because a bill is presented to

this House and does not happen to be in the platform, either the platform of either party, what difference does it make? I subscribe to the belief that this is a good bill. I believe strenuously that the Constitution of the State of Maine can stand a study as such. There are things in the Constitution that I think today could stand correction, which are absolutely non-political and would not be made to enhance the political fortunes of either party.

Now there was one thing that was discussed earlier in this session that it seems has a lot of merit and no doubt will be studied, and that is, in the case of the City of Portland being confined to seven representatives it's all off balance in representation in this Legislature. Now that is one thing to study, and that is certainly non-political, and I think there are other things in the Constitution that are along that line. I don't think particularly of things to study that have political advantages or disadvantages, I think this study is good and for the best interest of the people of the State of Maine. I certainly hope that the motion by the gentleman from Bridgton, Mr. Haughn, will not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion—

The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: I wonder how many members of the Legislature have read the Constitution lately. Just read it over, see if you can find anything the trouble with it in particular. I can't and it seems to be a pretty good Constitution. I can't see why any study of this is going to improve it, it is very good just as it is. We don't need to go—if we need some amendments on it all right, but I cannot see anywhere in the Constitution where there's anything in the Constitution of the State of Maine that we would object to.

The SPEAKER: The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the Bill, An Act

Creating a Constitutional Commission, Senate Paper 498, Legislative Document 1498, be indefinitely postponed, and 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.

Forty-eight having voted in the affirmative and sixty-four having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Are we now acting on the gentleman from Kittery, Mr. Dennett's motion to enact this measure?

The SPEAKER: That is right.

Mr. JALBERT: I now request that this item be laid on the Special Appropriations Calendar.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now requests that L. D. 1498, be placed upon the Special House Appropriations Table pending passage to be enacted.

Mr. Whitman of Woodstock requested permission to approach the rostrum.

(Conference at rostrum)

The Chair laid before the House the first tabled and today assigned matter which was tabled earlier in the day:

Bill "An Act Revising Laws Relating to Barbers and Hairdressers." (S. P. 556) (L. D. 1603)—In House Read the Third Time. Amendment Filing (H-322)

Tabled—May 25, by Mr. Hartshorn of Buxton.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Hartshorn.

Mr. HARTSHORN: Mr. Speaker, Ladies and Gentlemen: I now offer House Amendment "B" and move its adoption.

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

HOUSE AMENDMENT "B" to S. P. 556, L. D. 1603, Bill, "An Act

Revising Laws Relating to Barbers and Hairdressers."

Amend said Bill in that part designated "Sec. 215" by striking out, in the first paragraph, the underlined word "advice" after the underlined word "its" and inserting in place thereof the underlined word "approval" and by striking out, in the 2nd paragraph, the underlined word "advice" after the underlined word "its" and inserting in place thereof the underlined word "approval"

Further amend said Bill in that part of section 4 designated "Sec. 230-C" by striking out, in the first paragraph, the underlined word "advice" after the underlined word "for" and inserting in place thereof the underlined word "approval" and by striking out, in the 2nd paragraph, the underlined word "advice" after the underlined word "for" and inserting in place thereof the underlined word "approval"

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Hartshorn.

Mr. HARTSHORN: Mr. Speaker, Ladies and Gentlemen: This amendment does not change the basic concept of the bill in any way, but merely gives the Department of Health and Welfare more authority. This apparently satisfies the request of many barbers and hairdressers. Incidentally, the amendment has the assent of all persons concerned, individuals and groups inclusive. I now move the adoption of House Amendment "B."

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

Upon request of Mr. Bragdon of Perham the following item was removed from the Appropriations Calendar:

Resolve Authorizing the Setting out of Buoys in Moosehead Lake, House Paper 8, Legislative Document 27.

(Conference at rostrum)

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

Mr. BRAGDON: Mr. Speaker, Inasmuch as this is an emergency,

I would request that you ring the bell, and I will move that it receive passage to be enacted.

Thereupon, the Resolve having been reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 91 voted in favor of same and 7 against, the Resolve failed final passage.

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

Mr. ANDERSON: I move that this matter lie on the table pending further consideration.

The SPEAKER: This matter is no longer before the House. If the gentleman wishes to make a motion to reconsider and have that tabled, he may do so.

Mr. ANDERSON: I make the motion that we reconsider our action and I make the motion that that be tabled until the next legislative day.

The SPEAKER: The gentleman from Greenville, Mr. Anderson, moves that the House reconsider its action whereby it failed to pass this Legislative Document and that the motion to reconsider be tabled until the next legislative day. Is this the pleasure of the House?

The motion prevailed.

Upon request of Mr. Bragdon of Perham, the following items were removed from the Special Appropriations Calendar:

An Act Providing State Aid to Towns for Care of Poor Persons, Senate Paper 84, Legislative Document 183.

An Act Requiring State and Municipal Consultation on Aid to Dependent Children, House Paper 124, Legislative Document 164.

Thereupon, the Bills were passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock tomorrow morning.