

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 12 - JUNE 17, 1961

and

SPECIAL SESSION

NOV. 27 - DEC. 2, 1961

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Wednesday, June 7, 1961

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

Prayer by the Rev. Mrs. Alice T. Hart of Hallowell.

The journal of yesterday was read and approved.

Conference Committee Report

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Use of Live Bait in Little Sebago Lake, Cumberland County" (H. P. 389) (L. D. 564) reporting that the Senate recede from its acceptance of Report "B" and concur with the House in accepting Report "A", "Ought to pass", and pass the Bill to be engrossed in concurrence.

(Signed)

MOORE of Casco
BRIGGS of Portland
HANSON of Bradford

— Committee on part of House

CARPENTER of Somerset
STILPHEN of Knox
CYR of Aroostook

— Committee on part of Senate

Report was read and accepted and sent up for concurrence.

**Papers from the Senate
Tabled and Assigned**

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate shall, when the Senate is not in session, be the executive officer of the Senate and having custody of all Senate property and materials, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for necessary service and make all arrangements for incoming sessions of the Senate, have general oversight of chambers and rooms occupied by the Senate, permit state departments to use Senate property, dispose of surplus or obsolete material through the continuing property record section of the Bureau of Public Improvements with the approval of the President of the Senate, and approve accounts for pay-

ment. The Secretary shall maintain a perpetual inventory of all Senate property of items costing over \$50 and make an accounting to the Senate upon request (S. P. 579)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. WHITMAN: Mr. Speaker and Members of the House: I note that this order is very similar to a bill which we considered in the State Government Committee, and not having had time to thoroughly peruse the matter I move that this be tabled until the next legislative day.

Thereupon, the Order was tabled pending passage and specially assigned for tomorrow.

**Report of Committee
on Judiciary**

Report of the Committee on Judiciary to which was referred Communication, together with Bill, "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island", and accompanying petitions, reporting that the said petitions be filed in the office of the Secretary of State. Number of valid signatures required was 41,731; Number of signatures accepted 39,447; Number of signatures not accepted; 2,718; Petitions falling short of required number by 2,254.

Came from the Senate with the Report read and accepted.

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

**Senate Reports of Committees
Ought to Pass**

Report of the Committee on Constitutional State Reapportionment and Congressional Redistricting, acting by authority of Joint Order (S. P. 245), reporting a Resolve (S. P. 577) (L. D. 1629) under title of "Resolve Dividing the State into Senatorial Districts" and that it "Ought to pass"

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

In the House, the report was read and accepted in concurrence, the Resolve read once and tomorrow assigned.

Non-Concurrent Matter Tabled Until Later in the Day

Bill "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium" (S. P. 311) (L. D. 899) which was passed to be engrossed in non-concurrence in the House on May 17.

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

In the House:

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

Mr. HOPKINSON: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The question now before the House is the motion of the gentleman from Fort Fairfield, Mr. Hopkinson, that the House recede and concur.

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

Mr. CHAPMAN: Mr. Speaker, I am not familiar with parliamentary procedure but I would like to move indefinite postponement of this amendment.

The SPEAKER: The question before the House is the motion of the gentleman from Fort Fairfield, Mr. Hopkinson, that the House recede and concur.

The Chair recognizes the gentleman from Fort Fairfield, Mr. Hopkinson.

Mr. HOPKINSON: Mr. Speaker and Members of the House: If I am in order, I would like to read an explanation of this bill and the two amendments we have on our desks.

The necessity for amending this bill arises from a parliamentary situation over which we have no control.

Originally, the Current Services Budget proposed \$512,000 for operation of the Northern Maine Sanatorium at Presque Isle. When it became apparent that this operation was, by its very nature, grossly inefficient, the Aroostook Delegation agreed to a temporary consolidation in the best interests of State Government. However, they had,

and expressed at the time, reservations pending the future of the bill presented by the Representative from Norway, Mr. Chapman, to rescind the appropriation to build the new tuberculosis wing at the Community General Hospital in Fort Fairfield. Unfortunately, the fate of this bill was not decided before the Current Services Budget was reported out, and accordingly it was impossible for the Appropriations Committee to provide for operating funds.

In the Current Services Budget, to operate the new wing should it be constructed, as you all know, the bill to rescind the appropriation to build the wing made at the 99th session of the Legislature, was killed in the House and in the Senate. Therefore, in the best interests of State Government, as the Aroostook Delegation sees the functions of State Government, an appropriation to finance operation of the wing was necessary. The attempt was made to amend the Supplemental Budget in the amount of \$64,000 for this purpose, and the amendment passed in the Senate under the hammer and was killed in the House, 69 to 56.

The Conference Committee on the Supplemental Budget have chosen not to include this amendment in the package. Therefore, the Aroostook Delegation, in the interest of not impeding legislative progress, has decided to accept the report of the Conference Committee, and go along with the Supplemental Budget unamended, for this purpose.

This bill now under discussion should answer all arguments to everyone's satisfaction. In the first place, the new wing is to be built, the money was raised by the 99th Legislature, and is on deposit through the Office of the Treasurer of the State, and the funds cannot be used for any other purpose, nor can bonds be retired out of order.

We feel it is in the best interests of the economy of the State of Maine to provide for the operation of a wing that must be built, and we do not believe anyone can logically argue in the negative.

In the second place, the action of the Aroostook Delegation in accepting the move to delete the appropriation for the Northern Maine

Sanatorium has saved the State of Maine hundreds of thousands of dollars, and this was done in good faith by the Aroostook Delegation.

In the third place, Senate Amendment "C" answers all of the many questions that have been asked by those who do not thoroughly understand this complicated piece of legislation. The question has been raised as to the position of the Commissioner of Health and Welfare in this matter. The amendment states that the transfer back to Fort Fairfield can be made only at his discretion, and I believe we will all accept the basic premise that he would not order such a move to be made unless a definite need existed.

In the second place, the bill provides for the approval of such a move by the Governor and Council, who also can be motivated only by the need for such a move, and I believe you will all agree that the Governor and Council are the best qualified people to establish whether or not such a need exists.

In the third place, the amendment asks for no money to be appropriated by this session of the Legislature. We believe there is money available, due to the increased appropriation for the Central Maine Sanatorium in Fairfield, and because of the appropriations made for out-patient T.B. control work in Aroostook County following the consolidation of the Northern Maine Sanatorium with Fairfield.

This bill which was originally designed to consolidate Northern and Central Maine Sanatoriums received an eight to two "ought to pass" report from the Committee on Health and Institutional Services. Since this report came out, the situation has changed completely. The Aroostook Delegation supported the move to consolidate Northern and Central Maine Sanatoria in the interests of the economy of the State of Maine, showing, as stated previously, their good faith. Now that the Sanatorium must be built, we believe provision should be made for its operation should the need arise, and the Department of Health and Welfare and the Governor and Council con-

cur in their thinking on the matter.

Operation of the new wing at Fort Fairfield makes good sense, because it can be operated fully as efficiently as the same patients can be taken care of at Central Maine Sanatorium in Fairfield.

I believe that the Commissioner himself stated in his letter that there would be very little difference in the cost of operation of the two, and our doctors in Aroostook County and our T.B. and Health and Welfare state that there is a need for this institution there. Thank you.

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

Mr. HARDY: Mr. Speaker and Members of the House: I was scurrying around looking for this pair of amendments. Our journal notes Senate filing S-229 and S-255. Now if I'm wrong, perhaps the gentleman from Fort Fairfield explained 229, but in finding it I find that it is an amendment to the Employment Security Law. Now is there another amendment pertaining to this Fort Fairfield Hospital, or was there an error here?

The SPEAKER: I believe that the journal is in error and that the amendment is 220, filing number S-220 — the journal is in error.

Mr. Chapman of Norway then asked for a division.

The SPEAKER: A division has been requested.

The question now before the House is the motion of the gentleman from Fort Fairfield, Mr. Hopkinson, that the House recede and concur.

The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Ladies and Gentlemen of the House: I can't quite go along with my good friend from Fort Fairfield. Since the Western Maine Sanatorium at Hebron was closed last session, they seem to have gotten along pretty well down here at Fairfield. I think one sanatorium could provide better services and be more economical than one up in the northern part of the state where the population isn't as heavy. I

hope that the motion of Mr. Hopkinson does not prevail.

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

Mr. WHITMAN: Mr. Speaker and Members of the House: As a matter of clarification I think there is a little bit of confusion here on this particular issue. The question now before the House is to whether or not we shall recede and concur. I am particularly in favor of the bill to transfer the Northern Maine Sanatorium to Fairfield; however, I am not particularly in favor of the amendments. If the Speaker would clarify the position for the membership as to how they can accomplish this?

The SPEAKER: Would the gentleman from Woodstock, Mr. Whitman, approach the rostrum please.

(Conference at rostrum)

The SPEAKER: In answer to the question of the gentleman from Woodstock, Mr. Whitman, if the motion to recede and concur does not prevail, the motion could be to recede from our action whereby we passed this bill to be engrossed and take up each amendment separately. Or we could divide this motion here.

The Chair recognizes the gentleman from Fort Fairfield, Mr. Hopkinson.

Mr. HOPKINSON: Mr. Speaker, it was my intention to adopt the amendments to the bill — adopt the bill as amended. On my desk it's S-255, Senate Amendment "C."

The SPEAKER: The House will make two motions for the procedure as follows. We will put the motion to recede whereby this bill was passed to be engrossed, and then that will bring it back to the question of the adopting or non-adopting of Senate Amendment "A," filing S-220 and Senate Amendment "C," filing S-255.

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

Mr. JALBERT: Mr. Speaker, may I please approach the rostrum for a minute?

The SPEAKER: The gentleman may do so.

(Conference at rostrum)

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

Mr. JALBERT: Mr. Speaker, for purposes of clarification so that everybody might know at least what they are doing, I would move that we table this item until later on in the day's session.

Thereupon, Bill "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium," (S. P. 311) (L. D. 899) was tabled pending the motion of Mr. Hopkinson of Fort Fairfield to recede from engrossment, and specially assigned for later in the day.

Non-Concurrent Matter Tabled Until Later in the Day

An Act relating to Exit Facilities in Boarding and Nursing Homes (H. P. 13) (L. D. 32) which was recalled from the Governor to the Senate by Joint Order (S. P. 572), and which was passed to be enacted in the House on May 24 and passed to be engrossed as amended by Senate Amendment "B" on May 19.

Came from the Senate with Senate Amendment "B" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "D" in non-concurrence.

In the House:

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: I believe there is an error in this bill, if you will look at your Senate Amendment "D," Filing S-245, the title of the bill is An Act relating to Certain Standards for Nursing Homes, on the calendar it's An Act relating to Exit Facilities in Boarding and Nursing Homes. I think this item should be tabled for later in the day.

The SPEAKER: The Clerk states that everything is in order. However, the gentleman from South Portland, Mr. Hinds, has moved that this bill be tabled until later in the day unless the gentleman withdraws his motion.

Mr. HINDS: I would withdraw my motion.

The SPEAKER: The gentleman from South Portland, Mr. Hinds, has withdrawn his motion to table.

Mr. HINDS: Mr. Speaker, but now I would like to say something.

This bill has been declared unconstitutional once because of an amendment put on it and an error and that is the reason that I made the motion I did before, and I would like to clear it up and I will make that same motion again that it be tabled until later in the day.

Thereupon, the Report and Bill were tabled pending further consideration and specially assigned for later in the day.

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

From the Senate: The following Communication:

SENATE CHAMBER
STATE OF MAINE

June 6, 1961

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

The President of the Senate, on June 5th, appointed the following conferees on the part of the Senate to join the House on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act relating to Sales of Discontinued Items of Liquor in State Stores" (S. P. 436) (L. D. 1308)

Senators:

CHRISTIE of Aroostook
MAYO of Sagadahoc
JACQUES of Androscoggin
Respectfully,

(Signed)

CHESTER T. WINSLOW
Secretary of the Senate

In the House, the Communication was read and ordered placed on file.

Orders

Mr. Whitman of Woodstock presented the following Order and moved its passage:

WHEREAS, the Allagash River Valley is the last major waterway in the east still a wilderness area, unsurpassed for natural beauty and scenic splendor; and

WHEREAS, some effort should be made to preserve such a natural resource for future generations to enjoy; and

WHEREAS, in the future such an area could become one of Maine's greatest assets; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study what steps could be taken to secure these assets for the benefit of the people of the State of Maine: and be it further

ORDERED, that the Committee report to the 101st Legislature what action might be taken to accomplish this purpose. (H. P. 1187)

The Order received passage, and was sent up for concurrence.

House Reports of Committees Leave to Withdraw

Mr. Durgin from the Committee on Education on Bill "An Act relating to State Aid for School Construction by Certain Single Municipality Administrative Units" (H. P. 14) (L. D. 33) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Mr. Knight from the Committee on Judiciary reported Leave to Withdraw on Bill "An Act relating to Ways to Great Ponds" (H. P. 400) (L. D. 575) which was re-committed.

Report was read.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I merely arise this morning to make an explanation. Because of the great number of legislators that have come to me over the past few weeks that this bill has been in committee and asked where it was, I think I should explain a little about it. This was re-committed to the committee, I had brought in a House Amendment changing the name and changing the entire aspect of the bill. This amendment was looked at by the Judicial Committee and agreed upon that it was covered by other legislation already on the books. The House Chairman, Mr. Knight suggested

that we get a decision from the Attorney General's office on this. I would like to read to you that decision:

"June 6, 1961

Honorable John L. Knight
Judiciary Committee
State House
Augusta, Maine
Dear Mr. Knight:

With respect to House Amendment "A" to House Paper 400, L. D. 575, Bill, An Act relating to Ways to Great Ponds, it is our opinion that the subject matter is covered by an existing statute, R. S. Chapter 89, Section 55.

Very truly yours,

(Signed)

FRANK E. HANCOCK
Attorney General"

I am satisfied that this is covered by this particular legislation and now I move that we accept the Committee Report.

Thereupon, the Report was accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Construction of a Women's Physical Education Building at University of Maine at Orono" (H. P. 222) (L. D. 337) reported Leave to Withdraw, as covered by other legislation.

Same gentleman from same Committee reported same on Bill "An Act Providing for the Construction of an Engineering Building at the University of Maine in Orono" (H. P. 223) (L. D. 338)

Same gentleman from same Committee reported same on Resolve to Develop Historic Sites and Facilities in the State of Maine (H. P. 649) (L. D. 927)

Same gentleman from same Committee reported same on Resolve Appropriating Funds for Development of Moose Point State Park (H. P. 726) (L. D. 1014)

Mr. Drake from same Committee reported same on Resolve Appropriating Money for Renovation of "Air Guard" Buildings at Maine Vocational Technical Institute (H. P. 457) (L. D. 657)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Providing for Construction of a Forestry Building at University of Maine in Orono" (H. P. 180) (L. D. 276)

Same gentleman from same Committee reported same on Bill "An Act Providing for Enlargement of Men's Physical Education Facilities at University of Maine in Orono" (H. P. 181) (L. D. 277)

Same gentleman from same Committee reported same on Bill "An Act Providing for Enlargement of Water Lines at the University of Maine in Orono" (H. P. 182) (L. D. 278)

Same gentleman from same Committee reported same on Bill "An Act to Construct Wing on Stevens Hall, North at the University of Maine in Orono" (H. P. 226) (L. D. 340)

Same gentleman from same Committee reported same on Bill "An Act Providing for the Enlargement of the Agricultural Engineering Building at the University of Maine in Orono" (H. P. 286) (L. D. 438)

Same gentleman from same Committee reported same on Bill "An Act Providing for Renovation of Winslow Hall at the University of Maine in Orono" (H. P. 287) (L. D. 439)

Same gentleman from same Committee reported same on Resolve Appropriating Funds for Regional Airport to Service Augusta, Waterville and Surrounding Areas (H. P. 568) (L. D. 788) which was recommended.

Mr. Plante from same Committee reported same on Bill "An Act Providing for the Construction of Health and Physical Education Facilities at the State Teachers Colleges and Fort Kent State Normal School (H. P. 566) (L. D. 786)

Same gentleman from same Committee reported same on Resolve Appropriating Moneys for the Repair of Buildings at Gorham State Teachers' College (H. P. 570) (L. D. 820)

Same gentleman from same Committee reported same on Resolve Providing Funds for Long Range Capital Improvement Planning at the State Teachers' Colleges and

the State Normal School (H. P. 646) (L. D. 924)

Reports were read and accepted and sent up for concurrence.

Mr. Haughn from the Committee on Public Utilities reported "Ought not to pass" on Bill "An Act to Provide Funds for Repairs to Landing Terminals of the Casco Bay Lines" (H. P. 1177) (L. D. 1624)

Report was read.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: It is with reluctance that I get up here this morning to kill a bill which I introduced myself and with the courtesy extended to me by the 100th Legislature and the Reference of Bills Committee to introduce a bill at this late date and have to bring a report of this nature out to the House. But, first I think the House is due an explanation of a problem that has been existing for three years, and I want to state for the official record on behalf of the 100th Legislature, the Governor's Office, the Speaker of the House, the President of the Senate, the Public Utilities Committee, the Public Utilities Commission, Mr. Bragdon from Perham, Senator Davis from Cumberland, to the Appropriations Committee, that they should be commended on the official record for their actions; their patience and their time devoted to this particular bill in the interest of the people of the State of Maine, for the interest of the Casco Bay Lines. They have devoted time far in excess of what should be expected of any legislature and have given more consideration to this bill than any bill I think that has ever been presented in the State House in the four terms that I have served here.

I think that the people of Casco Bay are entitled to an understanding too that the interests of their welfare, their transportation problem, is the problem of the legislature, and it shall continue to be so with the prevailing laws which exist on our books which to some would advocate to repeal; at some time maybe in the future, but at the present time I'm very happy

it's on the books for the protection and interest of the State and the people.

Your Utilities Committee has visited this area, they have devoted innumerable hours to try to solve a problem so complex and so important to the State of Maine and the people. You are now faced with the problem before you this morning of which could have been settled except for one man, a Mr. Thomas who is the principal stockholder of the Casco Bay Lines. He has become very reluctant to accept any aid, any help or any consideration because every effort has been made, telephone calls have been made from the State House, pleading with the man to consider a fact which would cost \$105,000 in behalf of the state and the county of which several districts within the county certainly oppose this measure, but the committee felt that they were justified in the action of the bill and the way it has been written for the best interest for the protection of the state and the people and the Casco Bay Lines. After much deliberation, consideration and thought, leaving no avenue unturned for solution, we find we have run up into a blank wall and the carpet has been pulled out from beneath the committee and from every angle of any consideration to be given, and with this in mind, Mr. Speaker, knowing that we are going to be faced with a problem in the future on this problem, possibly a special session of the Legislature which is a considerable expense, and the problem still facing you, I now move the acceptance of the committee report.

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

Bill Substituted for Report

Mr. Maxwell from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Increasing Excise Tax on Malt Liquor Imported into State" (H. P. 848) (L. D. 1162)

Report was read.

The SPEAKER: Is it the pleasure of the House to accept the Committee Report?

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

Mr. WESTERFIELD: Mr. Speaker and Ladies and Gentlemen of the House: In rules of practice that is facing us, certain problems involving methods of raising tax money at this time, and due to the fact that this seems a moderately reasonable tax, and in order to save it for a later time, I would now move that we substitute the bill for the report and ask for a division.

The SPEAKER: The question now before the House is the motion of the gentleman from Liberty, Mr. Westerfield, that the House substitute the bill for the "Ought not to pass" report, and a division has been requested.

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

Mr. MAXWELL: Mr. Speaker and Ladies and Gentlemen: I oppose this increase for two primary reasons. The tax is borne by the low salaried and wage earners, who are the largest consumers of malt beer. Traditionally beer has been the beverage of the low class or the workingman's drink. It is becoming priced in the luxury class because of high taxes. If we were to impose this tax, it would reach a point of diminishing returns; in fact I can prove to you that it already has over the past fifteen years. For instance, Maine, in 1945 the per capita consumption was 16.9, in 1959 that has dropped to 14.6. I could go into the national figure but I want to think we are merely concerned with Maine.

Maine now has a tax of \$4.96 a barrel of thirty-one gallons. This is the fourteenth highest in the nation and the second highest in New England. This proposed increase of more than fifty percent would make the barrelage tax \$7.75 or the ninth highest in the nation. And add to this the \$9.00 per barrel federal tax, and the total direct taxes on beer is \$16.75 per barrel. At the present time a barrel of beer costs in the vicinity of \$28.00 to a wholesaler in Maine. Approximately sixty percent of this is federal and state excise tax. In addition to this, the state imposes a three percent sales tax on the retail sale of beer. From this it is easy to see that the customer is paying a tax on a tax. The State of Maine received

\$2,249,150.21 for the 1959 calendar year from its tax on beer. The figure for the 1960 calendar year was \$2,233,936.65, or a decrease of some \$16,000.

I don't think I need to say any more. If we impose this tax upon beer it will decrease to a further point where it definitely has reached and will reach a point of diminishing returns.

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

Mr. KENNEDY: Mr. Speaker and Members of the House: I would like to support the motion of the gentleman from Liberty, Mr. Westerfield. Saving this measure doesn't mean that we are going to pass it and I would hope that the House would go along in not indefinitely postponing this means of revenue. I see further along in the calendar a majority report of taxation on cigarettes. Now the law diminishing returns of course affects one as much as the other, and we lost \$16,000 we will say in the last couple of years on the revenue from malt beverages—that seems perhaps very little loss compared to the total revenue. Now there may be more beer and ale drinkers in 1945 and less in 1959 and '60. Perhaps that's the reason the revenue has decreased.

But, ladies and gentlemen, we are faced with a problem here and I hope you will go along and save this means of revenue and it can be carried along and tabled and watched very carefully, I am not saying that I would like to see this bill passed, but I would like to save it.

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

Mr. MINSKY: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to reiterate what the gentleman from Milbridge, Mr. Kennedy, said and I hope that this bill will be kept alive so that later on in this week should we find it advisable to pass this, we will have the vehicle by which to prepare the taxes, or raise the taxes. On your desks this morning was an amendment prepared by me which would alter the bill from a twenty-five cent tax to a

twenty cent tax, it was actually a compromise figure since the present tax is sixteen cents. This is roughly one-half. I had this prepared for the same reason as indicated by the gentleman from Milbridge, Mr. Kennedy, in that I would like to have the vehicle ready and on your desks should we need it.

I therefore hope that this bill is substituted for the report. Perhaps it could be tabled at that time and this bill could remain on the table until such time as we see what disposition we should make of it. At the same time the amendment, which is an attempt to compromise, will also be ready should we find it advisable to compromise the situation.

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

Mr. BROWN: Mr. Speaker and Members of the House: I would like to support suggestions by my good friend from Milbridge, Mr. Kennedy, and I would like to add that it has been brought out here today that the tax would be exorbitant. I would like to remind the members of the House that if they have looked over the papers the last few months, they have seen the great ads for the sale of beer at sub-normal prices, which has been fostered by the bottlers on the wholesalers and the retailers of this state. It seems to me that if they can have price wars between themselves, maybe the tax is not quite high enough. Thank you.

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

Mr. BAXTER: Mr. Speaker and Members of the House: We have a rather curious situation here at the moment in which various of the honorable gentlemen of the House are proposing that we keep this bill alive and not kill it quite now, since we might need it and we can always kill it later if we need to, and therefore there's no harm in passing it at this time. And we turned forward in the journal and one thing and another, and if we turn forward far enough of course we would find the sales tax measure. And of course I am wondering whether the same philosophy

will be applied to that as is applied to this, by the same people. With a little checking I am lead to believe that it won't be.

And actually I think at this time that merely keeping a group of these bills alive, whether we are for them or not, and then sending them over to the Senate, perhaps isn't the best way to bring the session properly to a close. And therefore I certainly hope that the members of the House will disregard the pleas to keep this bill alive merely as a vehicle — or merely to keep it alive. I think it should be voted on on its merits rather than on the basis of extending its life.

Now in that connection of course the Taxation Committee in this particular case agreeing with Dr. Sly, which we don't always do, reported this out unanimously "ought not to pass." The reason we did it is because in the first place the per capita consumption of beer is declining. In other words, it appeared to us that there is a shift going on from beer to other forms of alcoholic beverage which cost somewhat more. This occurs, we think at the moment, because of the change in the income levels going on in the United States. Now for that reason we would call this a declining, or you might say, a sort of a sick industry. In this day and age when a per capita consumption of a product is declining, it is a bad sign because all companies seek to expand their per capita consumption of their product and if they don't expand if they feel that they have fallen behind and they are in trouble. In this case it is not only not expanding, it is declining.

The other thing is the tax load which beer in Maine is carrying at the moment and would carry if we had this particular tax on. It is my understanding that a barrel of beer costs \$10. Now the federal tax at the moment is \$9, so that is a ninety percent tax. The state tax at the moment is \$4.96, so that's a forty-nine or fifty percent tax. Therefore, beer is currently being taxed fifty percent by Maine and a hundred and fifty percent overall. If we increase this tax, Maine's tax on the basic cost of beer will be seventy-seven and one-half per-

cent, which is a high tax and brings the total tax up of course to a hundred and seventy-seven percent.

If we do it, it would make Maine the seventh highest state in the United States, the other states being Louisiana, North Carolina, South Carolina, Georgia, Mississippi and Oklahoma, having larger taxes. Now it is quite obvious that those states are in a certain geographical location in the United States. They do, we feel, put very high taxes on this relatively low priced beverage to set the cost of it at a high level as a prohibition move. Therefore, Maine would be distinctly out of context with the other states in this area and with other states generally in the United States except for this small group which is located as I indicated to you.

So for these reasons and for the usual border reason which develops in connection with them, the Taxation Committee reported this bill out unanimously "ought not to pass," and I hope that when the vote is taken, the motion to substitute the bill for the report does not prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to ask a question from any member of the Taxation Committee. Is it not so that the Taxation Committee can revive a bill or come out with a brand new bill that we haven't even heard from as a Committee of Taxation any time they want to?

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

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

Mr. BAXTER: I am not aware that the Taxation Committee can bring out a bill on its own unless an order is passed directing it to do so. I would suspect that the Clerk could answer better than I.

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

Mr. JALBERT: I wasn't trying to catch any member of the com-

mittee unawares about this or that or be facetious in my question. I know that a few years ago that without benefit of a hearing that a cigarette tax was brought out in the late hours from the Taxation Committee and become law in a few hours, I think in 1947 or '49. I will agree with the gentleman from Pittsfield, Mr. Baxter, that the Speaker might go into a conference with the Clerk and we might get our answer.

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

Mr. COOPER: Mr. Speaker, in regard to this matter, somewhere in the back of my head I seem to remember that this tax on malt beverages is in whole or in part used for aid to the aged, and four cents on a gallon isn't very much. But I still think that perhaps next Sunday morning or sometime next week that we may need a spare tire. We may come in and find ourselves with a flat tire and I think we better keep this thing alive.

The SPEAKER: The Chair recognizes the gentleman from Moscow, Mr. Beane.

Mr. BEANE: Mr. Speaker and Ladies and Gentlemen of the House: I believe that taxes is everybody's business and not only the responsibility of those people who drink alcoholic beverages.

The SPEAKER: The decision has been that under present regulations it would be almost impossible for the Taxation Committee to originate a new tax bill unless there was authorization by the members of both houses.

Is the House ready for the question? The question before the House is the motion of the gentleman from Liberty, Mr. Westerfield, that the House substitute the Bill "An Act Increasing Excise Tax on Malt Liquor Imported into State," House Paper 848, Legislative Document 1162. A division has been requested. All those in favor of substituting the Bill for the Report, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Eighty-five having voted in the affirmative and forty-four having

voted in the negative, the Bill was substituted for the "Ought not to pass" Report.

Thereupon the Bill was given its two several readings and assigned for third reading tomorrow.

Tabled Until Later in Today's Session

Mr. Maxwell from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Providing a Tax for Schooling of Children in Unorganized Territory" (H. P. 1027) (L. D. 1428)

Report was read.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I was most surprised that this bill should come out with an ought not to pass report. The Legislative Research Committee made a very extensive study of this and Dr. Sly was very much in favor of this. Now if you will read this bill, you will see what it is all about. It is that in unorganized territories, why the taxation from the land should support these schools. If you look a little mite further, you will find that these lands are owned by great corporations and they were bought at a very low low price, some as low as twelve cents an acre and some acres turns off thousands of dollars of lumber. You will also find that the state spends a great deal of money in protecting this, if you will look over the record of the last two or three years, you will find they spend tens of thousands of dollars in spray material for the spruce budworm, you'll find they spend tens of thousands of dollars for fire control and these people are reaping in immense harvest, in fact the Great Northern Paper Company owns enough of this land whereby they go around and cut off a certain amount and before they can get back to cut that over again, why it has grown another crop. So it only seems reasonable and fair to the rest of the people of the state who lost this immense asset to these corporations that these corporations should chip in a little to pay for these schools that are being operated in this territory; therefore I move that

the bill be substituted for the report and that it be tabled until later in the day so that the House can look up and see whether I'm telling the truth or not and see what it's all about.

Thereupon, the Report and Bill were tabled pending the motion of the gentleman from Bowdoinham, Mr. Curtis, to substitute the bill for the report and specially assigned for later in the day.

Ought to Pass in New Draft New Draft Printed Passed to Be Engrossed

Mr. Drake from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Ferry Service for Long Island Plantation" (H. P. 304) (L. D. 456) which was recommended, reported same in a new draft (H. P. 1186) (L. D. 1633) under title of "An Act Appropriating Funds for Ferry Service for Long Island Plantation" and that it "Ought to pass"

Report was read and accepted and the New Draft read twice. Under suspension of the Rules, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

Ought to Pass Printed Bill

Mr. Drake from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve Providing for Legislative Research Committee Study of State and Municipal Sewage Problems (H. P. 572) (L. D. 792) which was recommended.

Report was read.

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

Mr. WINCHENPAW: Mr. Speaker, Ladies and Gentlemen of the House: I notice this bill has quite a price tag on it, and I know that the Water Improvement Commission had plenty of men, they made a big study of this thing and I don't see why we should appropriate this extra money for another group to study this thing, so I move that this bill be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Friendship, Mr.

Winchenpaw, that the Report and Resolve be indefinitely postponed.

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

Mr. WHITMAN: Mr. Speaker and Members of the House: I rise in opposition to the motion to indefinitely postpone this bill. I think Mr. Winchenpaw would be one of the first to realize that we do have problems relative to municipal sewerage, and I think we in the legislature at this session have had a very good example of the problems that the legislature faces in coping with the municipal sewerage. I think it would be advisable that we gave it a little more direct attention during the interim between sessions and perhaps we could find a little more workable solution as to how these problems should be handled. I think further study into the subject would be as advantageous to the gentleman from Friendship, Mr. Winchenpaw as to any of the other towns who will be faced with this problem. I sincerely hope the motion does not prevail.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: The Appropriations Committee gave this a great deal of thought. We feel that this could be worked through the Water Improvement Commission would have to be done on a contractual basis because they do not have adequate staff to study this. It is not concerned with other studies that have taken place, it is concerned with giving some thought to creating quasi-municipal or other state authority to assist in the construction of sewage treatment or disposal systems for municipalities separately or jointly through the use of construction grants, long term rental agreements and so forth. Probably the emphasis is on the financing of these things which all the towns and many of the small towns will be faced with in the months which lie ahead. The price tag is \$25,000, we fully recognize this fact, but we feel that in the long run, that if some solutions can be brought forth that it will be a money saving item.

The Committee on Appropriations I don't think has been a wild and wooly free spending committee, and this was reported out unanimously ought to pass. I certainly hope that you do not concur with the motion to indefinitely postpone this bill.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I'm speaking as House Chairman of the Public Utilities Committee. I rise in opposition to the motion pending before you because over four terms that I have now served on that committee, I have seen so many sewerage bills, water bills and what have you come before that committee where the bills are so poorly drafted and written, the application of them after being voted upon in the home areas are not applicable to the situation. Your Public Utilities Commission has no jurisdiction over rates, over problems concerning sewerage, there's no engineering or staff available to help and assist these cities and towns, there are several phases and aspects of this bill which are healthy and needed for research and study to come up with something for the interest of the people in the State of Maine. I certainly hope this motion does not prevail.

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

Mr. WINCHENPAW: Mr. Speaker, I can't see why this would help the Public Utilities Commission any because they're not mentioned in here. This is just a matter for Legislative Research Committee and I have appeared before the Legislative Research Committee several times concerning tax problems and those always get referred to the next Legislature. I just think this money could be used some other way, and I would like to point out that you have all seen the nice red pamphlet that my friend, the gentleman from Woodstock, Mr. Whitman, has that he's been waiving around here and I know how that was paid for, that was paid for from money from the Water Improvement Commission. The Water Improvement Commission has

power now to move into any town they see fit, hire an engineer, draw up sewerage treatment plants and tell you how much they'll cost, tell you how much the bonds will cost, tell you how much it will be for each person. I'm opposing this thing in the interest of economy because I know in a few more days we are going to be very short of money; \$25,000 isn't much, but it's still quite a sum.

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

Mr. BERRY: The gentleman from Friendship, Mr. Winchenpaw, just made a statement that is certainly not a fact. The Water Improvement Commission has absolutely no authority to go into any community and prepare plans and tell you what it will cost to put in a municipal sewerage system. None whatsoever. They may make recommendations about the classification of the water in the community but that is it.

This particular L. D. will certainly benefit the small communities in particular because it would as has been mentioned provide uniformity in the state and prevent as the gentleman from Bridgton, Mr. Haughn, says piecemeal effort on the part of the towns to duplicate what has been previously done. The connection with the commission is through the financing, all this construction costs money, and if we can clarify the method of financing therefore, as a result of that we would be assisting the commission in the establishment of a uniform system of rates. I think this L. D. has a far-reaching impact, I think it would be of tremendous benefit to everybody in the state. We're certainly looking about two or three days ahead if we try to say that this thing will not be of long range benefit, and I certainly would oppose the prevailing motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think if the members would look at the wording it would state that this provides for Legislative Research Committee study of state and municipal sewerage problems. Now I

don't think anyone in this House or anyone in Maine can dispute the fact that the problems of sewerage both on a state and municipal level is mammoth. Now the committee when the bill was heard, after it was heard, entertained the thought of having the Water Improvement Commission do this work. The Water Improvement Commissioner, Raeburn MacDonald, who is conscientious as no one can deny, told us that there would have to be outside help on this thing, and of course the members of the committee felt that with the outside help hired through the Research Committee and the check that would be made by the Water Improvement Commission, we could come up with a real good report. After one or two studies that we have entertained, I have not been too strong for studies, but I think this here would be of great benefit not only to the state but also to the many municipalities involved. I think the amount is very, very minute in comparison with what returns we expect and should get from it. I certainly hope the motion of my friend from Friendship, Mr. Winchenpaw, will not prevail for the reasons stated.

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

Mr. WILLIAMS: Mr. Berry just told you that the Water Improvement Commission does not go into towns and give the town the data, but here on my desk I have a report from the Water Improvement Commission — this refers to Thomaston which you have already heard about. They went into Thomaston, I could read you the report right down to the last cent of what the estimated cost was, the estimate was made by the engineering firm of Wright & Pierce of Topsham, Maine under the direction and paid for by the Water Improvement Commission, and the costs were figured — the physical plant \$231,084.50, land acquisition \$20,000, street repair \$50,000; the estimated cost to the town was \$301,084.50. So, under the present law, they can go in any town and furnish them with this data. I'm not taking sides one way or another with this bill, it could be a good thing, but to me

it would be just as well off to give it right directly to the Water Improvement Commission, and I think there's a need for research alright, but whether it's under this bill or not, I'm not sure. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Drake.

Mr. DRAKE: Mr. Speaker, Ladies and Gentlemen: As you will remember we just passed a bill classifying the Kennebec River, and if every community involved in this pollution problem in the Kennebec River starts going out off on their own it's going to be chaos unless some means is found for setting up an administrative procedure, and that is exactly what this bill is supposed to do. Bath will have to install a sewage treatment plant and we don't want to be competing with Augusta and Richmond and Bowdoinham and so forth.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the Report and Resolve Providing for Legislative Research Committee Study of State and Municipal Sewage Problems, House Paper 572, Legislative Document 792, be indefinitely postponed.

All those in favor of indefinite postponement, say aye; those opposed, no.

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

Thereupon, the "Ought to pass" Report was accepted, the Resolve read once and tomorrow assigned.

Ought to Pass with Committee Amendment Indefinitely Postponed

Mr. Wellman from the Committee on Appropriations and Financial Affairs on Resolve for Development of Revenue-Producing Park Facilities on Mt. Battie (H. P. 727) (L. D. 1015) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

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

Mr. LITTLEFIELD: Mr. Speaker, this Legislative Document 1015, was presented January 31 by the gen-

tleman from Hope, Mr. Hardy. We have all had time to study it and learn all about it. It says it's for revenue-producing park facilities on Mt. Battie. There's a good amendment to it, and on the back it seems to carry a price tag of \$160,000. There's a statement of facts on the bill consisting of flowery words and pleasant paragraphs. It says the appropriation will make possible a road to the summit of Mt. Battie, and park facilities at the summit, thus making available to Maine residents and visitors alike a view of Penobscot Bay, its islands and surrounding countryside which is unmatched on the Atlantic Coast. I agree there is a beautiful view there, but if a summer visitor should be on top of the rock when the southeast breeze came up Penobscot Bay, it would either blow their head off or freeze them to death. It says a hotel once situated on Mt. Battie and reached by carriage road was destroyed. Then it goes on to say that only those who are able to hike up the steep mountain trail have been able to enjoy this scenic splendor in recent years. I think anyone should be able to walk up a road that a carriage could go over. I think they're late in starting their project, they should have done it when Edward Bok was there or before "Peyton Place" left. Since this involves an expense of \$160,000, I move that the Legislative Document and its papers be indefinitely postponed.

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

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: The document no longer consists of \$160,000. As you will see if you read the amendment, the Appropriations Committee thought we should look this thing over a little further and measure it up and do some survey work, and so they have only approved of the sum of \$5,000 for this preliminary survey and cost estimate of this project. I hope the motion of the gentleman from Hampden, Mr. Littlefield, does not prevail.

The SPEAKER: Is the House ready for the question?

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

Mr. LITTLEFIELD: Mr. Speaker, the amendment says \$5,000, but if you turn the L. D. over, I'll read the last paragraph: The direct return to the State in revenue from operating these facilities will substantially offset the annual operating cost of Camden Hills State Park. The availability of inmates of the Maine State Prison to perform much of the labor on this project will hold the cost to a minimum. The cost of constructing the essential facilities is estimated to be: access road, \$100,000; parking areas, \$25,000; concession with toilets, \$35,000, making a total of \$160,000. If they can blast a highway into the side of that rock for \$160,000, I'll miss my guess. I hope we indefinitely postpone the bill.

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

Mr. COOPER: Mr. Speaker and Ladies and Gentlemen of the House: I agree with Mr. Littlefield it's a beautiful spot. About fifty years ago now, I walked up on Mt. Battie and it certainly is something worthwhile, but the State of Maine now has a park about three miles from Mt. Battie that consists of I don't know how many acres, but I guess there's around twenty-five or thirty acres there, maybe more, and if they want to make a survey of it, we have got the Park Commission; I think perhaps they could go down there and look the thing over and make a report to the next legislature whether they think its feasible or not. This \$160,000, if the survey is accepted, I suppose that if we go along with this bill, that there will be \$160,000 for them. We have already passed some bills here that I don't think are absolutely necessary and when we had our convention in Bangor last fall, the consensus of opinion was that this legislature would be a conservative legislature and not pass these bills that we could get along without, but pass bills that are absolutely necessary. Now I don't think this is necessary; if we do it, you know

what we are going to do here in a few days.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Hampden, Mr. Littlefield, that the Report and Resolve for Development of Revenue-Producing Park Facilities on Mt. Battie, House Paper 727, Legislative Document 1015, be indefinitely postponed.

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

A viva voce vote being doubted by the Chair, a division of the House was had.

Sixty-seven having voted in the affirmative and fifty-three having voted in the negative, the motion prevailed.

Thereupon, the Report and Resolve were indefinitely postponed and sent up for concurrence.

Passed to Be Engrossed

Mr. Bradeen from the Committee on Taxation on Bill "An Act Increasing the Tax on Liquor" (H. P. 849) (L. D. 1163) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 849, L. D. 1163, Bill, "An Act Increasing the Tax on Liquor."

Amend said Bill by striking out the 11th line and inserting in place thereof the following line:

'containing 15 percent to 21 percent alcohol by volume and \$5 \$1 per gallon on'

Committee Amendment "A" was adopted.

Under suspension of the Rules, the Bill was given its third reading, passed to be engrossed as amended and sent to the Senate.

Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act to create a School Administrative District in the Town of Orrington" (H. P. 468) (L. D. 668)

Report was signed by the following members:

Messrs. BROOKS of Cumberland
BATES of Penobscot
— of the Senate.

Mrs. HANSON of Lebanon

Messrs. ESTEY of Portland
HICHBORN

— of Medford Township
CURTIS of Bowdoinham
LEVESQUE of Madawaska
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Mr. DURGIN of Raymond
— of the House.

Reports were read.

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

Mr. SIROIS: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report of the Committee.

The SPEAKER: The gentleman from Rumford, Mr. Sirois, moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: In regard to L. D. 668, An Act to Create a School Administrative District in the Town of Orrington, I would like to give you a brief explanation of the school problem in our town as it now exists.

Orrington is a town with a population of over 2500. For more than forty years our high school students have attended nearby high schools, principally Brewer. During the present school year, we have been paying tuition for 170 students, 154 of whom were enrolled in Brewer High School. The emergency which now exists is due to the fact that about December 1, 1960, last December, Orrington received notice that as of June, 1961, this month, Brewer would no longer be able to take our high school pupils, with the exception that next year's juniors and seniors may complete their courses. This means that we must place our Freshmen and Sophomores elsewhere this coming school year. Bangor High School is already crowded, but due to the fact that they are on a two session plan,

they offered to take our next year freshmen for one year only. They will also take sophomore commercial students for one year, since these two groups attend school in the afternoon at Bangor. However, this left a large group of sophomores not enrolled. Bucksport, to the south of us, has taken a few to help out, but at the last report we still have twenty-six dangling. The only school available is a parochial school in Bangor and many parents prefer a public high school for their children.

It is possible that under the terms of a bill which passed this House recently giving construction aid to certain towns and cities, the City of Brewer may build four additional rooms and accommodate these orphans for a limited time. This however, is the pinch. We fear that in another year or two, a city that is growing at the rate Brewer is growing will need this additional room for their own students and we shall be faced with the same situation again. We understand that if the City of Brewer builds these four additional rooms it will take them to their debt limit under present school financing plans.

Now in case you are wondering why Orrington should ask for a single town school administrative district, I would ask you to refer to the second page of the material which you find upon your desks regarding Orrington. You will note that the Town of Orrington is bounded upon the north, roughly speaking, by the City of Brewer; on the east by the Towns of Holden and Bucksport; on the south by Bucksport, and on the west by the Penobscot River. Brewer and Bucksport are of sufficient size to have their own school systems including high schools already long and firmly established. The towns of Holden, and Eddington, to the north, send their high school students to Brewer and expect to continue to do so for some time yet. Orrington has been working very hard all this past winter, to get Eddington and Holden to form a district with us, but to no avail. They have no need, they say, to take such a step at this time. Therefore, this leaves Orrington virtual-

ly isolated as far as possibilities of joining with any nearby towns.

We feel that we are making a very creditable effort in the field of education in our town. You will note from Page 1 of our presentation that the town's total tax effort based on the State valuation is .061. The percentage of the tax commitment for school purposes is 75.4 percent, one of the highest in the state. We have no industry whatsoever in our town. All of the property tax falls directly on the home owners.

We believe that if we could have this school administrative district that we would be in a position to contract with Brewer, if they would have us, for the education of our high school pupils for perhaps five years. If this could not be arranged, at least we would be in a position to start making plans for our own high school. If we had a six-year high school today we would have 271 pupils enrolled, and this, ladies and gentlemen of the House, is not a small school. We shall have to face a shortage of rooms in our elementary schools within two years. If we could have a six-year high school, that situation would be taken care of for a time.

Orrington is growing rather rapidly. Our population has gone from 1500 to over 2500 within the past two census periods. Our school population has increased from 546 to 697 since 1956.

I would remind you that a single town school administrative district is no novelty. We have quite a few within the State and during this present session of the Legislature two more have been approved, Lubec and Fort Fairfield. I earnestly ask that you give favorable consideration to this bill and in so doing help the people of the Town of Orrington to provide the best possible solution to our very serious school problems. I thank you.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: I find it extremely difficult to have to oppose Mrs. Baker and the request she has made for the Town of Orrington to form a single town school administrative district.

This legislative document was heard on February 8th, and since that time the Committee on Education has very seriously considered this request. I cannot dispute the facts presented by Mrs. Baker. There is no question in our mind but what Orrington has a very critical situation, and the committee wrestled with this bill and two others which related to tuition for 700 pupil high schools, with particular reference to the Town of Orrington's problem. You will recall that just this week we passed L. D. 452 which would provide building aid to towns who take tuition students with 700 pupils in their high schools. This bill particularly applied to the Town of Brewer and the Town of Bath and a couple of others. We amended that bill to provide that if those towns took tuition pupils and were entitled to building aid, that they had to give a two-year notice before they could suspend taking those pupils, or could drop them out. And that amendment was made particularly because of the situation in the Town of Orrington. Since our hearing, the Chairman of the Committee on Education has met several times in the towns of Brewer and with the people of Holden, Orrington and Eddington in order to help them solve their problems. We have had the superintendents and the school committee members from those towns back to our committee hearings in special sessions or in executive sessions in order to discuss their problems further, and I have here in my possession five letters dated through the months of March, April and May concerned with this particular situation. I would like to read very briefly from one of those letters and from the minutes of a meeting at Brewer. The Committee asked the Brewer School Committee and this is the question: "If Brewer receives 18 percent building aid, would Brewer continue to educate the Orrington High School students as of September 1961"? And as Mrs. Baker has informed you, they have agreed to accept the junior and senior students for one more year, or to continue with them, and as I understand in talking with the representative from Brewer, Mr. Ham, that

there are two meetings scheduled this week, one on Thursday which will be concerned with taking the other sophomore students, which Mrs. Baker has told you about, in order to continue their high school education at their facility.

The Brewer School Committee after conferences with the Committee on Education and in particular relationship to L. D. 452, voted to change their plans for construction of a Capri school, an elementary school, and add four rooms to their existing high school facilities to take these students. As Mrs. Baker has indicated, the growth in population in the Brewer area has been so great, and the change of the school system in Bangor has meant that their present enrollment is at the maximum without these students, and there are some 154 currently attending Brewer High School from Orrington.

The Committee felt that we could not reverse ourselves in allowing a single town to form a district where there are other opportunities to form a district in that area. The Towns of Holden and Eddington, as Mrs. Baker has indicated, are not interested in forming a district, they have many fewer number of students attending Brewer High School, but it was pointed out to these two towns, to their school committee and selectmen, that very possibly they could face the same situation if we didn't do something to help them now, help Brewer and Orrington, and possibly they would have to drop their students in the future. Holden and Eddington in all logical reasons should join in a school administrative district with Orrington at the elementary level and contract with Brewer High School if facilities were available, or as a district build their own high school.

We felt that we were extremely conscientious in studying this and felt that the compromise measure of helping Brewer High School with an L. D. which would provide them building aid, which is the same thing they would get if these towns formed a district, which would be the logical conclusion, and the decision of the Brewer School Committee to accept these students, would be the present conclusion, and

with the amendment on that bill giving two years notice, it would now give them time to further study their situation and appear before the next Legislature if they needed special legislation; but it seemed logical to us that the conclusion would be that these three towns should within the next two years form a school district.

I would like to read for the record just the motion of that committee in Brewer made on April 4. The motion was made by a member moving that if tuition is brought to a current basis, and that bill has already passed this Legislature, and if L. D. 33, which was Mr. Ham's bill, or L. D. 452, which was Mr. Brewer's bill from Bath, is passed, and that has been passed, the Brewer School Committee will recommend to the Brewer School Trustees that the plans for the Capri Street School be cut back to four rooms to allow sufficient funds to be available to add on four rooms at the Brewer High School, the construction of same to be started and completed as soon as possible, and in conference with the superintendent of the schools just recently and Mr. Ham this morning, I understand that those plans are in the hands of an architect and that plans are going ahead to confer with people from Orrington about the sophomore students, and recognizing that this is not the best solution, it at least is a solution for the next two years, and we hope that eventually the formation of a district would solve their problems.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Durgin.

Mr. DURGIN: Mr. Speaker, Ladies and Gentlemen of the House: With your kind indulgence I would like to attempt to justify in some small way my position in signing out several bills in this past winter minority reports.

As you remember a few weeks ago, the Towns of Etna and Plymouth — the Towns of Corinna, St. Albans and Hartland, I signed the minority report on that, which would give those towns permissive legislation to study the formation or possibility of the formation of administrative districts. That was

turned down by the House. A short while later a bill was presented including the Towns of Etna and Plymouth. Now that had the sanction of the Education Committee. I signed the minority report opposing that legislation on the basis that it would leave out or create a hardship for Corinna, St. Albans and Hartland who are towns in the same area. I signed the minority report on this, the gentlewoman from Orrington, Mrs. Baker's bill, on the basis that that would create a hardship in the Town of Orrington. I therefore hope that the majority report is not accepted.

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

Mr. BEARCE: Mr. Speaker and Members of the House: Being a very close neighbor to Orrington and knowing something about their problems, I believe that Mrs. Baker has the only problem available now. I don't understand why after the Education Committee has given several small towns these administrative districts, now they turn up against Orrington, which, as you can see, they are right in the middle of things. If Brewer comes across they will take part of these students, and that's alright, and then they have to spread them around everywhere else. Holden and Eddington are not going to in the next few years, they are not growing very much, and they are certainly not going to join in in the next few years with anyone. Bucksport is already spending \$750,000 for a new — or going to, for a new high school and new facilities, and we have three or four towns that we have to serve, Orland, Verona, Prospect, in order to take care of those students, so we can only take a limited amount, a limited number, we are always glad to do what we can, but I don't see one single other way out of this than to give the Town of Orrington an opportunity to form this district, and I believe that we should vote against the present motion.

The SPEAKER: The Chair recognizes the gentlewoman from Patten, Mrs. Harrington.

Mrs. HARRINGTON: Mr. Speaker and Members of the House: As

I pointed out to you in the case of East Corinth Academy, the Department of Education's over-enthusiasm for large districts, we are forgetting the plight of the smaller schools that are trying to get along and the smaller towns, and if it was okay for Fort Fairfield and Lubec to form an administrative district of their own, I don't see why Orrington can't be used the same way.

The SPEAKER: At this time the Chair will interrupt the debate to recognize the presence in the gallery of twenty-six pupils from the McLain School, Rockland, the 6th grade, accompanied by their teacher, Keith Gould and chaperones, Mrs. Bittler, Mrs. Blood and Mrs. Anderson. On behalf of the House the Chair extends to you a most hearty and cordial welcome and we hope you will enjoy and profit by your visit with us here today. (Applause)

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

Mr. ESTEY: Mr. Speaker and Members of the House: I feel that perhaps I should explain to you that the Committee on Education doesn't feel that they have been inconsistent in this measure.

First of all I think you all recognize the formation of a one-town district in the case of Lubec was because of a geographic isolation. There were no other towns nearby to join with them, except if you wanted to go over to Campobello.

In the case of Fort Fairfield, there was a little different situation and there are extenuating circumstances in every exception I believe, in that there was an isolation here similar to a geographic one that involved a double township, and there were no adjacent towns to join because they were already organized in districts or in administrative units of sufficient size, with one exception the Town of Easton, and the Committee recommended when and if Easton wanted to join or could join or would join that they would have to join with Fort Fairfield.

I am not too familiar with the Plymouth-Etna situation except that these two towns were permitted to form and contract their secondary education with Newport, which is consistent with the intent of the law, and that some of the other towns involved had voted not to join, and we would be jeopardizing those two towns completely if we didn't, so I don't believe the committee has been inconsistent in its considerations, and I think that all members of the committee recognize that this is an unusual situation in Orrington and here again it is a question of dealing with being consistent in the law or letting your heart rule. Holden and Eddington should by all means join a district with Orrington. Orrington belongs to the school union that serves out of Bucksport, there are nowhere near the geographic or the miles involved as there are in some of the other districts such as Lubec and in Fort Fairfield. By tradition these people have gone to Brewer High School, and Brewer has outstripped itself, I believe, in trying to serve these people way beyond their means of their financing without any school aid construction whatsoever, and we believe that the recommendations in the passage of L. D. 452 will solve the immediate needs. However, not satisfactory entirely, but will solve the immediate needs, and we hope that within the next two years and the next legislature the rest of the situation can be resolved.

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

Mr. WESTERFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I have consistently stayed out of these school district problems where they involved other towns feeling that I had sufficient problems, school district wise, of my own. However, I would like at this time to point out to you all an inconsistency I feel in this measure. At the special session of the Legislature a year ago, there was passed by the legislature a bill providing that in towns providing four hundred students, I believe it was, and they were providing due tuition and education for several towns around, they could form a school

administrative district. This was at the bottom end of the column. Along with that law was the requirement that they guarantee to accept, they had to provide a contract whereby they provided their tuition for these people for twenty years. Now we find at the top end of this contract, we have a deal where a town that is providing, through tuition and resident pupils, an education to seven hundred students that they are only required to guarantee a contract to the Town of Orrington in this case for two years. I point out to you that two years is the amount of time normally between the meetings of the legislature, it takes a great deal of time to plan the action that the town is going to take, it doesn't appear in this case that the other two towns, Holden and the other, will now or will ever be in the near future interested in going into a school administrative district with the Town of Orrington, and it would appear to me that the proposal which the gentlewoman from Orrington, Mrs. Baker, has set forth whereby the Town of Orrington is going to provide a six-year high school, which would provide an education for a group of students which very nearly approaches three hundred students, in this six-year course, that this is a sound program for a growing community, and therefore, I hope that the Majority "Ought not to pass" Report is not accepted.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I wish to tell each one of you here and I have worked with many committees since I have been a member of the Legislature and I have never worked with a committee which was more dedicated and more sincere in their efforts than the Committee on Education. I wish to say of my good friend, Mr. Durgin, that he is sincere absolutely in his thinking, and as I am from a small area, I am much in sympathy with Orrington where they find themselves, but after due consideration I believe that I did right in signing this ought not to pass for this reason, that there is legislation going

through which will probably be through in a day or two whereby there won't be any need of this bill at this particular time, that Orrington will be taken care of for the next two years, then we could only legislate for two years anyway and by that time if the thing is not resolved, why then it could be brought in again. I just see no need of going any farther than this except if some bill should be defeated which should be through in the next legislative day. With that idea in mind, I am going to ask that this bill be tabled until the next legislative day.

The SPEAKER: The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that this bill be tabled until the next legislative day pending the motion of the gentleman from Rumford, Mr. Sirois, that the House accept the "Ought not to pass" Report.

The Chair recognizes the gentleman from Orrington, Mrs. Baker. The gentleman from Orrington, Mrs. Baker, is reminded that a tabling motion is not debatable.

Mrs. BAKER: Mr. Speaker, may I debate the main motion?

The SPEAKER: Nothing is debatable excepting the time of tabling.

Mrs. BAKER: I will ask for a division.

The SPEAKER: A division has been requested on the tabling motion.

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

One having voted in the affirmative and one hundred ten having voted in the negative, the motion to table did not prevail.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I live across the river from Orrington and realize the predicament of the gentlewoman from Orrington, Mrs. Baker. Some ten years ago in Hampden our school facilities were at rock bottom and if the legislature hadn't granted us permission to form a school district, I don't know what we would

have done. I believe four times since we got permission to form a school district the town has tried to form an administrative school district with other towns and the other towns have consistently voted the plan down. Mrs. Baker's district seems to be in the same predicament and if she isn't allowed to form a school district, what are the boys and girls in her town going to do for an education?

The SPEAKER: The Chair recognizes the gentleman from Etna, Mr. Carter.

Mr. CARTER: Mr. Speaker, I move that we substitute the bill for the "ought not to pass" report.

The SPEAKER: A motion to substitute the bill for a divided report is not in order. The motion is not in order.

Mr. CARTER: I move that we substitute the bill for the minority report.

The SPEAKER: Substituting the bill for either report on a divided report is not in order.

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I simply want to say that I certainly appreciate the effort that the Committee of Education have made on this bill. I do agree that they have given it a great deal of time and study. Nevertheless, the truth prevails all the same. If you cannot get the only possible towns in your vicinity to join with you in a district, and we have made every effort. We have had studies made, we have had meetings, we have done everything in our power to get Holden and Eddington to come into a district with us and they refuse to do it, and I can see their point of view. They have no need to do it at this time. It has been pointed out to them that eventually they will probably find themselves in the same position that we have been in all year. However, at this time they have a place for their high school students and they are going to stay with it.

I don't think there is anything more that I can say, I think that covers the ground. So I will sim-

ply ask that when the vote is taken it be taken by a division.

The SPEAKER: A division has been requested.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I feel that I must justify my voting in voting on the "ought not to pass" report on this school administrative district for this reason. We have sat in committee all winter long and one of the first bills to be processed was the bill permitting Brewer to receive additional funds so that they could expand their facilities and also be able to take care of the growth of Brewer and the surrounding area. Now those bills have gone through and are just about ready to be signed. I certainly don't feel that I would be justified in voting to have Orrington as a single unit under the administrative commission. For the simple reason that the unit still remains small and that Eddington and Holden will not join into the district now or at a later date, and that we have discussed this with Brewer and if they did receive additional funds that they would be able to provide for Orrington's students. And also you have heard read in the record the provisions that have been made by the Superintendent and School Board of Brewer that they would provide for those students of Orrington.

I would also ask the gentleman from Orrington, Mrs. Baker, the question of how long has now Brewer been taking care of Orrington and its students without any difficulties, and I don't think that Brewer either now or in the near future would tell Orrington, we are now receiving additional funds from the state but we are now notifying you that your students will have to be taken care of by Orrington or anybody else. I don't think Brewer would go and do a thing like that, right now or in the near future.

So that's why I voted for the "ought not to pass" report on this bill.

The SPEAKER: The Chair recog-

nizes the gentleman from Raymond, Mr. Durgin.

Mr. DURGIN: Mr. Speaker and Ladies and Gentlemen of the House: There has been a great deal said about inconsistency. Nothing would I have said or about to say should be construed in any way to debase the Committee on Education in the stand they have taken. However, I signed the "ought to pass" report on Fort Fairfield, feeling that they were justified in the single town district. At the same time I felt that probably Easton should join Fort Fairfield. However, Easton doesn't want to. At the same time towns involved in Corinna and St. Albans, Hartland, Etna, Plymouth, and so forth, we refused Corinna, St. Albans and Hartland. We accepted Etna and Plymouth. Etna and Plymouth I understand informed Corinna, St. Albans and Hartland that they wanted nothing to do with them.

Now if I have been inconsistent in my voting, on the Education Committee, then I have been inconsistent alone. There are nine other members on the Education Committee who voted opposite. Therefore they must have been nine times as inconsistent.

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

Mr. BEARCE: Mr. Speaker, I think the only question is, are we going to give the pupils of Orrington a chance to get an education, and as far as I can figure out the only way is to allow Orrington to have an administrative district. What hurt is it going to be? Why is it so difficult? They have done it before, and I certainly hope that the motion does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is related to item twenty-five, Bill "An Act to Create a School Administrative District in the Town of Orrington," House Paper 468, Legislative Document 668. The immediate question is the motion of the gentleman from Rumford, Mr. Sirois, that the House accept the Majority "Ought not to pass" Report. A division has been requested.

All those in favor of accepting the "ought not to pass" report,

please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Twenty-six having voted in the affirmative and eighty-eight having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill given its two several readings.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair would like to recognize at this time in the gallery the presence of grades three, four and five of the Wales Central School, accompanied by their teacher, Mrs. Bates.

On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act to Increase Cigarette Tax One Per Cent" (H. P. 851) (L. D. 1165)

Report was signed by the following members:

Mr. PORTEOUS of Cumberland
— of the Senate.

Messrs. BRADEEN of Waterboro
WHEATON of Princeton
LETOURNEAU of Sanford
ALBAIR of Caribou
BAXTER of Pittsfield
MAXWELL of Jay
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington
EDGAR of Hancock
— of the Senate.

Reports were read.

The SPEAKER: Is it the pleasure of the House to accept the Majority "Ought to pass" Report?

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

Mr. BRADEEN: Mr. Speaker and Ladies and Gentlemen of the House: I call your attention to the fact that in your journal here there is an error, "An Act to Increase Cigarette Tax One Per Cent." It should be one cent.

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

Mr. BAXTER: Mr. Speaker, I believe the error is in the title of the bill which will be corrected by a subsequent amendment — rather than in the journal. The intention of course, so far as the committee is concerned, is a one cent increase on the tax.

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

Mrs. SHAW: Mr. Speaker and Members of the House: An amendment is being prepared to correct this mistake in the title of this bill.

The SPEAKER: Is it now the pleasure of the House to accept the Committee's Majority "Ought to pass" Report?

The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker and Ladies and Gentlemen of the House: As you all know, I think I am just as conservative as any member of this House and I know we need services in this state and I know we need money. I would say, as long as we need money we should go to the best sources to get our money. I don't believe this tax is the place to get new revenue.

This tax, we all know, would only tax half of the taxpayers. The present tax of five cents per pack, plus the federal tax of eight cents per pack makes a total of thirteen cents per pack, or a tax equal to the price of cigarettes themselves. This means we have a tax of a hundred per cent on cigarettes now. The present tax giving us an ever increasing net return far greater than our rate of population growth.

I have some figures in front of me on the net revenues that we took in the last few years. In 1956, we took in \$5,588,000; in 1957 we took in \$5,759,000; in 1958 we took in \$5,903,000; in 1959 we took in \$6,188,000; in 1960 we took in \$6,551,000; and our estimate for 1961 is

\$6,721,000. And for the budget estimate for 1962, \$6,950,000 and for 1963, it will be \$7,150,000.

This, above, an estimated increase, is net revenue increase to the State of \$820,000 in the next biennium over the biennium ending June, 30, 1961. At the same time, our State government makes \$828,000 from its tax of five cents per pack, Maine wholesalers and retailers will make three and one-half to four cents per pack or approximately seventy-five percent as much as the State itself makes. This will amount to about \$620,000 gross profit or a grand total of \$1,448,000 to the State of Maine and its taxpayers. Ladies and gentlemen, the only way to make this money is by increasing our cigarette sales. We won't increase our cigarettes sales if we increase the tax on it.

The question then resolves itself to something like this: Do we want to impose an additional tax of \$1,300,000 per year on a group of taxpayers already paying more than their fair share of the cost of State government and throw this \$1,448,000 out the window in this next biennium? The obvious answer is no. Let's not be penny-wise and pound-foolish. Let's not kill the goose that is laying the golden egg. Let's leave the cigarette tax alone. I know some of the members will say when we buy — I don't smoke, when we buy cigarettes in the machines we have to pay thirty cents. But I know the majority of the people can go on the main street in Waterville and buy cigarettes for twenty-five cents a pack, the only people that buy cigarettes in the machines are the people — some of them are lazy, some of them haven't any value of money. And if they would only think, people that smoke, if they would go to work and buy the cigarettes at the store for twenty-five cents a pack, they would only figure out how much money they would save in a lifetime, they would have enough money, almost enough money to live on, they wouldn't need social security, they wouldn't need old age assistance. They could be able to support themselves. And I don't believe we should tax the poor people, the people that are not repre-

sented here. I would say, let's get rid of this bill today.

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

Mrs. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: Our fiscal policy is not clear at present and this bill has received approval of the majority of the Taxation Committee as a legitimate means of raising funds. Passage of this bill will keep this means of revenue open should we decide to use it as a means of financing our final program. Should we find this money is not needed, the bill can be killed at a later date.

Statistics show that forty-seven states have a cigarette tax, fifteen of these being higher than our own. Our five cent rate has been in effect for six years, having been enacted in 1955. Of the New England states, Vermont, Massachusetts and Rhode Island have a rate higher than our present one. According to a legislative summary published May 25 by the executive director of the Tobacco Tax Council, of the seventy bills introduced to the forty-seven legislatures convening this year, sixteen reached the phase of active consideration and twenty-nine still remained to be disposed of.

Our own tax, which we are considering today, is one of these. A total of nine states have raised their cigarette tax rate from one to four cents per package. L. D. 1165 would provide the state with better than two and a half million dollars during the next biennium.

I sincerely hope this measure will receive your favorable vote and that the "ought to pass" report is accepted.

The SPEAKER: The Chair will interrupt the debate to recognize the presence in the gallery of a group of eighth grade students from Norway Junior High School, accompanied by their teachers, Mrs. Norman Greenlaw and Mr. Robert Hearn. Their visit here today is sponsored by the gentleman from Norway, Mr. Chapman, their Representative.

On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope that

you will enjoy and profit by your visit with us here today. (Applause)

The SPEAKER: The question before the House is the motion to accept the Committee "Ought to pass" Report.

The Chair recognizes the gentleman from Berwick, Mr. Mathews.

Mr. MATHEWS: Mr. Speaker, in York County the cigarette tax increase would have the same effect on business as a sales tax increase. It would drag business out of the State of Maine. Presently New Hampshire has the lowest cigarette tax and a lower beer tax, a lower liquor tax, than we do here in Maine and they have no sales tax at all. Yet they finance seventy percent of their general fund budget from these so-called luxury taxes. Why? Because they are stealing a great amount, an unbelievable amount, of business from the states of Vermont, Massachusetts and Maine, who have raised these taxes above what the people should be paying.

There are eleven filling stations on Route 1 in New Hampshire within a quarter of a mile from the Maine border. And these eleven filling stations all sell enough cigarettes each year for their proprietor to make a good living, this in addition to their gas business.

This steady increase in retail sales taxes in the State of Maine is a very serious matter to the border communities and to the border counties. If we continue this increase, businesswise we are going to have a "no man's land" all along the border. And it is surprising how deeply this "no man's land" is going to penetrate into the state if we keep on.

I move, Mr. Speaker, that this bill be indefinitely postponed.

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

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

Mr. COOPER: Mr. Speaker, listening to the arguments about the tax in New Hampshire and how much business we are losing along the New Hampshire border, I wonder if one cent more on a pack of

cigarettes is going to make any particular difference. It seems that they already are buying a considerable quantity of cigarettes in New Hampshire and I question whether one cent more would make any particular difference. I am sorry the situation is what it is, but it is here and unless we abolish the cigarette tax altogether, why we wouldn't be very—we might be in an equal position with New Hampshire on that so far as the border is concerned.

I don't think that we would lose any more of our cigarette sales by putting one cent more on and so far as the goose laying the golden egg, perhaps some of the geese and some of the ganders would squack a little bit, but I think they will buy the cigarettes just the same. And these cigarette machines we have, of course different brands and different sizes and different sorts of cigarettes carry different price tags, but you go to one of these cigarette machines and some of them you are going to put in thirty-five cents to get a pack of cigarettes. And I think this is a good source of revenue and I don't think that one-twentieth of a cent on a cigarette is going to hurt very much. I hope that the tax is increased by a cent a pack.

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

Mr. LOWERY: Mr. Speaker, I would just merely go along with the gentleman from York County on the price of cigarettes. Last Sunday I will admit that I bought a carton of cigarettes in New Hampshire at \$2.16. A carton in my own home town costs \$2.40. With the increase in tax, that would be \$2.50. Quite a saving, between \$2.16 and \$2.50.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Young.

Mr. YOUNG: Mr. Speaker, I arise in support of the motion of the gentleman from Berwick, Mr. Mathews, and I want to note, on the committee report the gentleman from Jay, Mr. Maxwell, signed the "ought to pass" report; but over on item nineteen he was opposed to that because it affected

the low income group. You will notice these cigarette smokers, about two-thirds of them are in the low income group; and I think if they raised the tax to more than a hundred percent it would be just as bad as on the liquor tax.

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

Mr. LITTLEFIELD: Mr. Speaker and Ladies and Gentlemen of the House: At the prelegislative conference held in Orono this spring, I heard cigarette smoker after cigarette smoker say that he wouldn't mind a tax on cigarettes. A few years ago I was in the State of Louisiana, where the tax on cigarettes is eight cents per pack. Everyone was smoking and there were plenty of cigarettes in the stores. Now we have got to have some tax money from somewhere, if we are going to have any money in the state at all. So why isn't this the decent place to raise a little tax revenue?

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Berwick, Mr. Mathews, that the Reports and the Bill "An Act to Increase Cigarette Tax One Per Cent," House Paper 851, Legislative Document 1165, be indefinitely postponed.

The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker and Ladies and Gentlemen: If we put on another cent on cigarettes, I am not too sure if we are going to get any more revenue.

Mr. Buckley of Leeds asked for a division.

The SPEAKER: A division has been requested. All those in favor of the motion to indefinitely postpone the Reports and Bill, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Fifteen having voted in the affirmative and one hundred twelve having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill given its two readings.

Under suspension of the rules, the Bill was assigned for third reading at two o'clock this afternoon.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Increasing State Tax in Unorganized Territory" (H. P. 947) (L. D. 1295)

Report was signed by the following members:

Mr. PORTEOUS of Cumberland
— of the Senate.

Messrs. BAXTER of Pittsfield
ALBAIR of Caribou
LETOURNEAU of Sanford
WATERMAN of Auburn
MAXWELL of Jay
BRADEEN of Waterboro
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington
EDGAR of Hancock
— of the Senate.

Mr. WHEATON of Princeton
— of the House.

Reports were read, the Majority "Ought to pass" Report accepted and the Bill read twice.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

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

Mr. BAXTER: Mr. Speaker, I ask unanimous consent that unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk be authorized today to send to the Senate, thirty minutes after House recesses for lunch, matters passed to be engrossed in concurrence, and all matters that require Senate concurrence, and that after such matters have been sent to the Senate by the Clerk, no motion to reconsider shall be in order.

The SPEAKER: As requested by the gentleman from Pittsfield, Mr. Baxter, is there objection that unless previous notice is given to

the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk be authorized today to send to the Senate thirty minutes after House recesses for lunch all matters passed to be engrossed in concurrence and all matters that require Senate concurrence, and that after such matters have been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

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

Mr. HAUGHN: As a matter of clarification, a question. I would like to ask through the Chair of the gentleman from Pittsfield, Mr. Baxter, that means of each day's business or future business from here in.

The SPEAKER: The order referred to only today. Is there objection? The Chair hears none.

The motion prevailed.

Divided Report

Report "A" of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act relating to Rehabilitation of Aid to Dependent Children Families" (H. P. 790) (L. D. 1104)

Report was signed by the following members:

Mr. STANLEY of Penobscot
— of the Senate.
Messrs. BRAGDON of Perham
DAVIS of Calais
WELLMAN of Bangor
DRAKE of Bath
— of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. DAVIS of Cumberland
SAMPSON of Somerset
— of the Senate.
Mr. PLANTE
of Old Orchard Beach
Mrs. SMITH of Falmouth
Mr. JALBERT of Lewiston
— of the House.

Reports were read.

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

Mr. TYNDALE: I move that Report A, Ought to pass, be accepted.

The SPEAKER: The question now before the House is the motion of the gentleman from Kennebunkport, Mr. Tyndale, that Report A Ought to pass Report, be accepted by the House.

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

Mr. KENNEDY: I now move indefinite postponement of the bill and its accompanying papers.

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

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: This morning I listened to a bill proposing \$25,000 for the studying of sewerage reports and for the benefit of sewerage conditions throughout the state. Here you have a bill which is just a modest step forward in providing aid for these families and rehabilitating themselves which eventually will take them off this condition. I don't know whether you're familiar with the fact or not that throughout this state there are tremendous numbers of families in this condition to a tune of \$9,000,000 each year, that's what they're spending on aid to dependent children and families in the State of Maine today.

Now I would recall to you the fact that eighteen percent of that money comes out of your towns' profits, and that could very well increase by two to three to four million dollars a year; it increased two million dollars over the last appropriation. From the humanitarian standpoint alone, are you going to allow these families to deteriorate to the extent where they become absolutely a total loss to the State of Maine? You will recall also there is a bill in the House today for five million dollars for a Boys' Training Center in South Portland, this is a result of these broken homes. Two years ago, I made a study of some of these families and did some rehabilitation work with them. I removed three of these families from the town's poor list, today they are working and well on to the road of re-

covery. I would like to have you investigate the conditions of some of the families, the conditions in which they live, there is no single thing that I have not left unturned to investigate the situation before I put this bill in.

Gentlemen, we are discussing material things day by day, we are talking about bills to provide this survey, that survey, schools, bricks and mortar; here you have a bill for humanity. It is a very modest step toward rehabilitating these families. I sincerely trust, gentlemen, and I do not wish to belabor you at this time with a long discourse on this subject, that you will keep this bill alive, so that I may fight for it down the end when the day comes to cutting up the pie. It is a very serious situation, and I don't care what town you reside in, I could take you back to your town and go down the back roads and point out these families to you. I beg of you gentlemen keep this bill alive, so I can point out to those gentlemen, the necessity for this rehabilitation program.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I do well agree with the gentleman who just spoke. I have served in this capacity for some time and I know what he tells you is very true. Perhaps the figures that he gave you weren't broken down exactly as they are; it's costing the towns \$900,000 for this work, it will cost the state one million and the federal government is paying five million. Now the federal government is very jealous about this thing, and if you expect to get money from them, you will have to be pretty fair with the children; but I do know that this \$75,000 spent will be saved because it will bring a great many of these people able to take care of themselves, so they'd have a little mite of help. I can point to a great many as he has said that if they had a little help and a little show, they would get out and finally be rehabilitated and able to save the state and federal government a lot of money. I hope this bill receives passage because it is going

to save the state money in the foreseeable future and not cost them any.

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

Mrs. SMITH: Mr. Speaker and Members of the House: As you will note I have signed the Minority Report on this. I think it's entirely up to this House what they want to do. I don't think there are many bills here that don't have some merit, but also it seems to me there comes a question of how many of them can we afford to buy? I could even put in some more bills that have merit other than the ones that are in here. Now yesterday you allowed a bill to go for \$300,000 which adds thirty-six employees to the Department of Health and Welfare. I don't know how many this is going to take, we have another bill around here that was to make some of these caseworkers talk with the town officials, the word shall was taken out and the word may was put in, which in my mind destroyed that bill for any effectiveness.

Whenever the state or federal government sets up any money, they very carefully set it up so that additional employees are added to the Department of Health and Welfare and the town or city officials are bypassed, yet you could go into any small town and without the selectmen going out of their office, they could tell you almost all you wanted to know about any family. To my mind, I don't know how far we're getting into this thing, I haven't any idea how many employees we're trying to add to that department, but I would say if I were to guess there would be a hundred if you pass all these bills around here.

Now all of these are worthy probably. I just wonder if we're tax conscious, I wonder why we're passing all of these big money bills and sending them over without any particular care at all, because I don't know what's going to happen to them over in the Senate. Some of them certainly will get by probably, perhaps not the most worthy ones, if you do it in this manner. It seems to me that we ought to do—if we're really tax conscious,

then we ought to do a little picking and choosing as we begin to send these larger bills out, as to whether they're really the most essential thing or not, and I'm not to say which are the most essential—some are more essential to me than others, and I am sure that the some that are essential to me are not essential to you; but this is one of those cases where it's very desirable, but I wonder if it's very feasible.

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

Mr. KENNEDY: Mr. Speaker, we have heard the cry for humanitarian problems this morning and I am distressed by it too. I know that we have many human problems in the State of Maine. Our large cities have a good program of rehabilitation which they pay for, and I don't think that the state needs to help them. If this seventy-five thousand dollars were distributed equally to the two thousand towns in the State of Maine, to their boards of selectmen, I wouldn't be standing here opposing it; but I don't feel that this seventy-five thousand dollars is going to be any great benefit to rehabilitating our indigents now on the state dole. I think as the gentleman said that local authorities are in a position and do accomplish a lot in getting these people on their feet and back to work, raising by their bootstraps not only economically, but morally. That's where the money should be spent, and I oppose this bill, and I hope my motion prevails because I think it's just a waste of seventy-five thousand dollars.

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

Mr. TYNDALE: Mr. Speaker, I cannot agree with this gentleman from Milbridge, Mr. Kennedy, wasting money on humanity. Now let us refer a minute to one statement that was made, if anyone knows anything about local conditions and I certainly ought to be an overseer of the poor for a number of years, when a family gets on the ADC program, they are forgotten, because they are in the majority of cases, off the towns' coffers. Let's not talk in generalities. I heard

from the previous speaker that there are bills of some merit and some should pass and some—gentlemen, this is one that should pass. There always has to be a bill that should pass—a bill that does help us go forward and make one modest step toward doing something for the people of the State of Maine and not just merely saying economy, economy, economy, let's cross out everything. That is cutting off your nose to spite your face. Now I believe in economy and I was brought up in a company where economy was the watchword, but let's not carry this economy to the point where we are going to lose sight of the fact of all the problems we have in the State of Maine, particularly with our poor. I can say that I am thoroughly and closely familiar with this proposition, where I have worked with these people, I have rehabilitated with them and I know something about them. The amount involved, how many people it will add to the Welfare Department? I cannot answer that question, but I do know this that this only adds three employees to the Welfare Department—three that would make a modest step and cooperate with the local officials and in the first place, anybody that knows something about welfare, knows that they have to co-operate with the local officials in order to get the provided information to work with that family. Every state welfare worker with the ADC program does contact the local authority and works very closely with the local municipal office. This one would even work closer. I provide you with further facts that I could go down the line and show you where this will return to you your money twice fold and five times fold, if you help these families to get started on the road back, if you will help one single child, one single boy to get a little start, you have saved your money.

If we are not going to invest our money in our people, then why invest it at all? Because are not the people the foundation of the State and if you don't invest your money in the people, then don't bother with your bricks and mortar because gentlemen, your program will

lose sight of itself and you will be engulfed in a program in time to come that will become so large that you will not cope with it. Look at your welfare program if you will and the appropriation for that department, look at its increase in the last ten years, and if you can provide yourself with some statistical fact, look at it for the next ten years. One dollar invested in trying to save a person was never lost. I am very bitterly opposed to any fact that a person will say to me, that would not help his neighbor in distress, because that is the first law of nature, and it is the last law. I sincerely hope — I also look at this bill, three of the members that signed the ought not to pass were not present at the hearing and at that hearing represented were ten organizations in this state and I had hundreds of letters on it, and there were hundreds of people who sent their messages to that hearing. The five members that signed the ought to pass were present at the hearing. Gentlemen, I ask you one final thought, don't lose sight of this program; if you do, you are going to lose something gentlemen that you cannot replace.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Oftentimes you have heard the remark when one has gotten up and said I did not intend to speak on this measure. I certainly did not intend to speak on this measure up until the time the fine sincere gentleman, and I mean that, from Kennebunkport, Mr. Tyndale, I know had a little slip of the tongue. Now it's not entirely the ethical thing in my book to state that who was at a hearing as members of the committee and who was not, but remembering distinctly the bill, I had told the gentleman I would be at the hearing, the week before, and I can remember calling the Clerk's office on that day through — not someone else, but I had him call to tell him that I was to be at the home under doctor's orders, and I felt very badly about it because it was the first day in sixteen years that I had not attended a session of the legislature and I was absent

for a few days because of serious illness and I resent the implication that I would not be at a hearing almost because I was shirking my duty. Now the gentleman also further states that the please, I beg you to keep this bill alive—now if we are going to keep bills alive that we are eventually going to kill here my contention of the Labor Day adjournment is not too far wrong. Another remark was made that this would only mean three employees, if it means three employees, assuming that the three employees would be paid a hundred dollars a week, that would mean \$15,000 a year. The gentleman from Milbridge, Mr. Kennedy, mentioned a \$75,000 price tag on this bill, I know that what he meant to say is \$75,000 each year. So assuming that three employees would be paid a total of \$15,000, for the three of them, that leaves \$60,000 for all other of capital. I don't know what they are going to do with the bricks and mortar, but I think that's a lot of money to be flying around on this program. No one is opposed to the elderly, no one is opposed to the ADC program; but sometimes somewhere along the line there must be a stop.

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

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: From the remarks that we have heard here, we would think that we didn't have any aid to dependent children. I would like to refer you to this book we have got here on page two hundred sixty-two. Aid to dependent children. Actual 1959 and 60 there were \$6,332,808; 60-61, \$7,670,000; 61-62, \$7,303,000. Now this is department request, for 62 and 63, \$7,427,800 and so forth and so on. It seems to me that we could do a pretty good job with that money if we had a personnel that would work efficiently at it. I know that these caseworkers that sometimes come into our small communities where I live do almost as much harm as they do good. I'm in favor of taking care of these people, but I think we've got money enough.

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

Mr. DODGE: Mr. Speaker and Members of the House: We have had some caseworkers come around that do a very good job and work for the selectmen; we have had some that simply bypass the town office and they caused, as the previous speaker has said, many times more harm than good. If the case workers would work with the selectmen on these cases, I don't think we would need any extra help than what we already have, and there is one of the troubles we have there's many of these people with the amount of money they get from the state, had rather stay as they are in spite of all that the selectmen or anyone else can do, they would rather stay there, than to help themselves. But certainly no town, no selectmen in a town, are going to keep people on relief any longer than can be helped, and they themselves knowing the background of the people better than any caseworker can, can do a great job providing the caseworker will work with them.

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

Mr. BRAGDON: Mr. Speaker, I signed the ought to pass report on this bill because I sincerely believe that it is the right trend to take in this child welfare problem, and it is a problem, that is my reason for signing that report.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the Legislature: I signed the ought to pass report on this bill because I felt that it was providing something which is very much needed and which would in fact perhaps in the long run save us money. Now the caseworkers that we have spoken about that are presently on the job most of their time is spent in ascertaining whether or not some person qualifies to go on that program. After that, they have very little time for a follow-up. Now a lot of the folks that are on this program are women with several children, and they don't — many of them have much education and they are poor managers. Now these caseworkers that would go into this help on

this program would try to train these people to manage better so that they know what kind of food to buy and how to stretch their little budgets and how to give their children adequate clothing and adequate food; in other words, make use of the money that we are paying out for them. It seems rather too bad that we would expend six million or so on a program and then find that the people weren't getting the good out of it. I think this is a very fine bill, and I was much impressed by Mr. Tyndale's presentation of it. I think that sympathetic caseworkers who understand how a home should be operated can do a great deal if they go into these homes and help these people so that we'll be getting a dollar's worth for the dollar that we are putting into the program.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I want to corroborate the statements of the gentleman from Lewiston, Mr. Jalbert, the price tag on this is \$150,000 for the biennium, and I urge all members to consider that when this comes to a vote.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I attended the hearing on this matter, and was vaguely impressed by the wide variety of the support, the number of people and the associations and geographical spread of this support. I think it should be brought to your attention that this is a rehabilitation bill, it is not a dole. Any of you who have had contact with social workers in this state, know that the Department is under-staffed, and if we can add to the staff for the purpose of rehabilitation as has been pointed out here, it ultimately very well may be a saving to the state in its Health and Welfare program. I rise to support the position of the gentleman from Kennebunk and urge that you support this bill.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Mil-

bridge, Mr. Kennedy, that the Reports and Bill, An Act relating to Rehabilitation of Aid to Dependent Children Families, House Paper 790, Legislative Document 1104, be indefinitely postponed.

Mr. Tyndale of Kennebunkport, then requested a division on the motion to indefinitely postpone.

The SPEAKER: A division has been requested. All those in favor of indefinite postponement, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Eighty-five having voted in the affirmative and forty-nine having voted in the negative, the motion prevailed.

Thereupon, the Reports and Bill were indefinitely postponed and sent up for concurrence.

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

Mr. BAXTER: I move that the House recess until 2:00 p.m. this afternoon.

Thereupon, the House voted to recess until 2:00 p.m. this afternoon.

After Recess 2:00 P. M.

The House was called to order by the Speaker.

The SPEAKER: The hour of 2:00 p.m. having arrived, a matter being the first item on Supplement Number One, which you have before you on your desks, a bill in the third reading assigned for 2:00 p.m. today is in order.

Bill "An Act to Increase Cigarette Tax One Per Cent" (H. P. 851) (L. D. 1165)

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

Mrs. Shaw of Chelsea offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 851, L. D. 1165, Bill, "An Act to Increase Cigarette Tax One Per Cent."

Amend said Bill by striking out in the title the word "Per."

Further amend said Bill by inserting at the end the following new sections:

"Sec. 3. R. S., c. 16, Sec. 205, amended. The 2nd sentence of section 205 of chapter 16 of the Revised Statutes, as amended by section 1 of chapter 1 and by section 5 of chapter 359, both of the public laws of 1955, is further amended to read as follows:

'To licensed distributors he shall sell such cigarette stamps at a discount of 3 percent of their face value.'

Sec. 4. Cigarettes on hand; stamping or accounting; waiver provision. The State Tax Assessor may by regulation waive for a period of not over 7 days following the effective date of this act, payment of additional tax by retail dealers with respect to stocks of cigarettes properly stamped at the rate of 2½ mills per cigarette sold during such period, provided such stocks were on hand as of the effective date of this act; and pursuant thereto, the Assessor may also waive for the same period the application to retail dealers of sections 208, 209 and 211 of chapter 16 of the Revised Statutes as respects such cigarettes.

Nothing herein shall be construed to authorize any distributor or sub-jobber to distribute to any retail outlet cigarettes not properly stamped at the rate of 3 mills per cigarette.

Cigarettes in the hands of retail dealers subsequent to the period of waiver provided for above, not properly stamped at the rate of 3 mills per cigarette, shall be subject to confiscation under the provisions of section 211 of chapter 16 of the Revised Statutes; and such retailer shall be subject to any other penalties by law provided."

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

Divided Report

Report "A" of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act Providing for Construction of an Educational Television Network for the State of Maine" (H. P. 224) (L. D. 435)

Report was signed by the following members:

Mr. STANLEY of Penobscot
— of the Senate.

Messrs. DAVIS of Calais
BRAGDON of Perham
WELLMAN of Bangor
DRAKE of Bath
— of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. SAMPSON of Somerset
— of the Senate.

Messrs. PLANTE
of Old Orchard Beach
JALBERT of Lewiston
— of the House.

Report "C" of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. DAVIS of Cumberland
— of the Senate.

Mrs. SMITH of Falmouth
— of the House.

Reports were read.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I would move the acceptance of Report "A" "Ought to pass" on this bill. I would like to speak very briefly to this motion. I take this position of signing this report "Ought to pass" on educational TV, because I feel that it offers tremendous possibilities in the field of education in our state. Some of you may hold that possibly we are not ready at this time to take this step. Perhaps I would weaken my position if I should say that I do not know whether we are ready or not. I do know this, that history is full of instances where forward looking steps have not been taken at the proper time and I look upon this as a forward step in the way of something new. History has shown that those who did not take, whether it be a nation or an individual or a state, who

did not take these steps when the proper time arrived, failed to move along as they should have. For that reason I give my support to educational TV for the State of Maine.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the House accept Report "A" "Ought to pass."

The Chair recognizes the gentleman from Woolwich, Mr. Schulten.

Mr. SCHULTEN: Mr. Speaker and Members of the House: I rise to most heartily concur with the motion made by the gentleman from Perham, Mr. Bragdon. And I certainly think that his remarks dramatize what this Legislative Document 435 means to the people and in particular to the children of the State of Maine. In my humble opinion, this document will follow in importance in education to our children closely behind the two greatest achievements ever made in education, and that is the innovation of the printing press, certainly followed in importance by the inauguration of the public school system in this country and now followed by the most revolutionary idea to date, and that is educational television.

Now I am not going to stand here and say that my remarks will be very brief, because I don't honestly feel that I would be doing my duty as a legislator to cut down on what I feel is important information. So for that reason I am going to ask your indulgence to bear with me while I try to explain to this House of Representatives what educational television may mean for this state. Now I promise I will not try to do a selling job; rather I will try to do a job of explanation, so that when you do come to the time to vote you will know in your own heart what is best for the people of the state. And on that basis I ask you to cast your vote, not on what the dollar sign is, but what is best for the children, for the future of our people here.

Because I felt this was of such vital importance I obtained permission this morning to put on each desk a couple of papers, I would like to refer to them and since they are of importance, I

would like you also to refer to them with me. The first paper deals with the cost of the proposed network and I would like to return to that in just a moment and go to the next sheet. This sheet covers the remarks in full made by the Commissioner of Education at the Appropriations hearing held on March 29, of this year. I particularly wanted to bring this paper to your attention today not so much for what it said, but rather because it points out that every educational group, association, teachers, the whole gamut of the educational foundation in this state is wholeheartedly behind the concept of educational television, the teachers feel that this is a supplement that will aid them in up-grading the education that they are imparting to the teacher and certainly the report is an enthusiastic endorsement by the Commissioner of Education.

Now since this report is dated and as I mentioned in my remarks on the 29th, there have been changes in many things. We have heard recently that there's been a change in the feeling of the Commissioner of Education, so that two days ago I made a special point of asking the Commissioner of Education if he had changed his stand of enthusiastic endorsement of the educational television network in the State of Maine, and he said absolutely not. He said I am wholeheartedly in support of it, and he said you have my permission to say so, and that is the reason principally that I want you to see this report, it's interesting but principally the teachers, everyone including the Governor's Advisory Committee on Education is wholeheartedly in support of this because this will do a job that the State of Maine needs doing in education.

Now to refer to page one, the cost of the network, actually today I am concerned and we are concerned here with just the first line, L. D. 435, appropriation (this hearing) and here again you see this is dated March 29, requested 1961-1963, \$1,039,027.90; anticipated request, 1963-1965, none. In

other words what we're talking about today is the construction of a network that once it's constructed there are no further construction expenses involved. That is the only subject that we're going to be concerned with here this afternoon, but once again many people have said and there have been rumors to the effect well, the network may be of interest to us in this state, but the final cost will be millions and millions of dollars, it cannot be judged. That, ladies and gentlemen, I do not believe to be the fact. This has been very carefully researched and the figures that we will now go down with your permission are the only costs that will apply to an educational television network, when, in your wisdom, you feel that the state needs it, and I would like to go over these figures.

Other appropriations requests, and once more I repeat, they have nothing to do with L. D. 435, which is the subject under discussion, construction costs for Orono Studio, Channel 12, now that is included in the University of Maine Engineering Building requests it's for \$592,700, and that too is a one shot proposition. In other words as and when the Legislature decides to build this studio, why that will be the only expense connected with that. It will not be a recurring expense. Operations Funds for Network, \$100,000 within the University operations request, and \$60,000 in the State Department of Education operations request; so that for the 1961-63 period, you see there \$160,000 the cost as, if and when we pass this bill this week and make this a reality in our fair state, construction would probably take such a time, a matter of approximately nine months, that actually we would only be able to operate short of a year. So that figure was put in. But when this network becomes a reality and which the legislatures, the following legislatures are called upon for funds, here are the figures they will be called upon to appropriate for biennium expenses. These are for the operations of the network — it will be \$160,-

000 a year or \$359,000 for the biennium. That is the complete operations cost. Now the State Department of Education Classroom Program Production Cost which they are currently using I understand it requested at \$79,000 when the network becomes a reality and is operating five days a week for in-school programming and this is the primary purpose of educational television in-school programming for children in school, then their biennium request will be \$146,000. These figures have been very closely checked throughout the country with other television stations and networks, we know practically to a penny what it will cost — we're not trying to hide a thing, and that is why I am taking this time and your time to try and lay before you what you might expect to look forward to in the future.

Now you will notice down on the bottom it says over \$500,000 in addition to the above 1961-63 request is being expended by Bates, Bowdoin and Colby Colleges for the construction of a TV network in southern Maine. This construction is currently under way and represents an equivalent savings to the state.

In other words, ladies and gentlemen of the Legislature, we are deeply or we should be deeply indebted to these three private colleges for having the vision to make Channel 10 a reality, to make a reality of educational television to approximately or a little better than fifty percent of the state's population. Certainly they're bearing this cost for this private station which will work in close cooperation with our own network, certainly deserves our undying gratitude. It's a vital link and our conversation now or our talk from now on will concern principally the area from Augusta north.

It might be well since I am referring to other things to also refer to another complaint or argument that you currently hear and that is that while this educational television is a good idea, but why should we go ahead and spend the hard earned money in this state

for a network when there are commercial stations here that can do the job, and many people say they have been doing the job and there's no reason why they can't continue, there's no reason why we can't keep running this as we have in the past and maybe two years or twenty years from now we can then decide this. As many of you know recently the Federal Communications Commission did decide to do something about educational channels in the State of Maine, and at that time in their hearing and as part of their ruling, they commented on the possibility of a commercial station doing the job of an educational station. Now I don't propose to read the whole copy of the report to you, it's available if you wish it; but I do feel that their opinions on the feasibility of commercial stations doing the educational job is of importance and should have an influence in your thinking. I would like to quote just a very short part of the extract. This is the Federal Communications Commission matter, Washington, and its docket 13852 in case anyone would like to check it, and I quote:

" . . . It is pointed out that there is no assurance that if Channel 7 were assigned to Bangor or Ellsworth, that such an arrangement cannot meet educational requirements because educational programming on commercial television is unsatisfactory. Not enough time being available and time being subject to pre-emption if a regular advertiser requests that time. That to provide day by day supplemental education to school rooms across the state on planned schedules will require television broadcasting facilities for this purpose alone and that such an arrangement would undermine the whole idea of a network with all of its advantages of interchanging of programs."

So I think the idea that we might possibly ask commercial stations to help us in this respect certainly does not bear justification of the legislators to go into any further. After all, this is an official word of the Federal Communications Commission.

Now educational television as many of you know is no longer a dream or thing of the moment, something that has an appeal but really no worth. Do you know that presently there are operating fifty-four educational television stations throughout the country, and that the applications are being processed at a very fast rate now for additional stations. This was started as a network by Alabama, back in 1955 when they put in three stations, currently they're building their fourth station which will cover eighty-five percent of their total population.

Now I would like to briefly refer to the map that I was very fortunate enough to be allowed to have in here, because I feel very strongly that the old Chinese proverb of one picture worth ten thousand words has a real meaning, and for that reason I would ask you to look at the map which is easiest for you to follow.

On your left you see going down out of the line there's a chart there, Channel 2 in Boston, that's the Eastern Educational Network which is the real source you might say today of educational programming within the whole country. This originates in Boston. Now presently there is a network that extends to Durham, New Hampshire where the University of New Hampshire currently is operating on Channel 11 and is interchanging programs with Boston and is already supplying programs to the southern part of this state. Durham, New Hampshire now is in the process of being interconnected with Channel 10 in Augusta which will be the Bates, Bowdoin, Colby Colleges network —

The SPEAKER: Under Rule 15, the Speaker will permit the gentleman from Woolwich, Mr. Schulten, to leave his seat, so that he can better explain the chart that he has there.

Mr. SCHULTEN: Thank you, Mr. Speaker, now these circles (referring to chart) represent the transmitting area of each station, and that is why they are drawn around here, and you will notice down here Channel 11 from the University of New Hampshire

overlaps to a slight extent the new station, Channel 10 in Augusta. Our problem and from here on will be to build the network from Channel 10 in Augusta northward to Orono to Presque Isle to Calais, Maine. And that requests that legislative document cost one million and thirty-nine thousand dollars. Now this network when it becomes a reality will cover every school in the state and in addition and as you might say as a bonus, will be available to over ninety-eight percent of the entire population of the state. In other words, not only will every school child in every school in the state get this program for which it's really designed, but also we as individuals on the VHF Channels will have this available to us. Now of course and I very briefly say this, that this is for the children but adult education as a supplementary point does figure very strongly in this. However, the adult education, the cost of that has not even been figured in because we're charging all the cost to the school children. So you might imagine very easily what my final figures of cost would be if we split this up among over nine hundred thousand people.

Now before we get too far, someone is going to say, well you've got Channel 12 here in Orono, Channel 10 in Presque Isle and Channel 7 in Calais, it was only a short while ago that the Federal Communications Commission ruled that Channel 7 did not belong in Calais and they re-assigned it to Bangor. They have not put a name on the Channel, it's there at the moment under petition. That is very true; however, I did not change this chart because I felt that such a condition would never be allowed to take place. In other words, the Federal Communications when they made their decision, as I understand it, felt that they were demonstrating their faith in the State of Maine who had never done anything in return to demonstrate theirs, they were demonstrating their faith in the people of the State of Maine by making available to the people three very high frequency television chan-

nels, Channel 10 in Augusta, Channel 12 in Orono, Channel 10 in Presque Isle. They felt at that time that Channel 7 in Washington County because of its position and because of the territory to be served could be served and properly served by either UHF television or by translators.

Now for those of you I might say, the difference between the VHF stations and the UHF stations is that the VHF which numbers run from two to fourteen I believe are the best television channels available; when you get over fourteen, you are then in UHF television. And the pictures are not as good. There's no question about it; why, I don't know the technicalities, but we do know that the prime signal is received on VHF stations. Now this makes Maine particularly fortunate because here we're talking about three television channels of the very best quality that can be had and very few states in this United States have such an opportunity as we have.

Now the Federal Communications Commission said because of this, we do not feel you can need Channel 7, we'll re-assign it. Since they made that decision, believe me, they have been inundated with protests from citizens from all over this state protesting such action and pointing out that neither translator, and we have two here, which translators are satellites—unmanned satellites that pick up a poor signal and boost it in energy so that the signal gets better, they have been told and told on good authority that translators will not work in Calais, Washington County. Also, the UHF in that particular area which the Federal Communications Commission wanted us to use, will not be acceptable because when you get the educational television for the kids in school, you must have a prime signal so that when the laboratory tests are given or examples are made, each child has a front row seat, there are no secrets, it is just as though he was right in the front row of that laboratory itself; and for your mathematics and sciences where you have the

greatest teachers of all. Every kid in the state will have that opportunity.

UHF which is the high numbered channels would not work in Washington County, the Federal Communications Commission has gotten that message and unofficially we have been told or intimated that should this 100th Legislature of the State of Maine adopt an educational television network, they in the Federal Communications Commission will re-assign Channel 7 back to Calais where it belongs. Now that definitely is something we've got to do, because Channel 7 is needed and needed desperately in Washington County, and I might say that now is the time that we've got to act, there's no tomorrow on educational television channels. The Federal Communications Commission no longer is putting up—well maybe we'll do something later—they insist on action, they say we have demonstrated our confidence that you will do something, now demonstrate yours and put in the appropriated funds necessary for this network, and you will probably get Channel 7 for the people in Washington County. The people in Washington County, incidentally, have to get most of their television from Canada, and I think that's a situation that should be corrected. Incidentally, Canada is way ahead of us in many respects on educational television. So, I did want to explain to you why I left in Channel 7 there, it is an integral part of this network—it must enter into your thinking and it must be a basis for whatever decision you reach; but that decision has to be now. Whether you vote for it or against it, it's got to be now.

Now I might try to briefly tell you how we got into the thought of educational television in Maine. Last year, the Ford Foundation made available a sum of \$20,500 to make a survey of the potentialities of such a system in the state. The survey was conducted by the production manager of Station KUOM-TV at the University of Nebraska, Jack MacBride, who is an outstanding authority on educational television in this coun-

try and is recognized as such. The television engineers who were hired was a Washington firm of Jansky & Bailey, who have an international reputation for surveys of this type. I would like to say that the survey was complete, we know right now and these figures reflect that — that million dollars reflect every last bolt and nut that's needed in this system, every television tube, the cost of the land, the whole package is right in this million and thirty-nine thousand dollars, so that this is it — there's no guesswork to what it's going to cost—we know that—we also know that all plans have been drawn in this survey, and should you approve this network construction could be gotten underway very promptly.

Now what is our problem, why do we have to even consider spending so much money on such a revolutionary idea? Well, I don't know all of the problems but I can tell you a few of them. One of them is that in the State of Maine here at the present time, we have over 1,600 children that do not have the benefit of school districting at all. There are over 1,600 children that have never received any of the benefits of that. There are also 139 schools in this state that have a total population, and I believe that includes the teachers, of less than 100 in the schools. Of the 458 communities in the state having public schools, only 297 of them have a form of music program and only 35 out of the 458 communities in the state—only 35 of them have a formal arts program. It might also interest you to know that of the 240 high schools and academies in the state, only 29 of them were accredited during 1960. So that's part of our problem. Another part of our problem you may say for us to think of very personally is that we are now living in the age of sputniks, we are living in the age of space exploration, we're living in the advanced age where education is our only survival.

Now a million dollars, and I almost have to laugh, a million dollars is a lot of money. I certainly wouldn't try to minimize that and certainly not standing in the House

of Representatives of the 100th Legislature, I have seen what can happen to a lot smaller sum. But when you look at a million dollars as you must look at any figure, if you bring it in to perspective sometimes you find that the total cost in itself is larger but the job it's going to do for your children and mine and the future generations of children in this state, why that is not of primary importance but is a very necessary importance and it takes its place where it belongs.

Do you realize that at the present time the university tuition cost is \$400 per student, and right behind that over \$370 per public school student is the cost of secondary education for public school students. That's a lot of money, and yet it's money that we're spending, money we can't avoid spending.

Now I would like you to look once more back at the cost of educational network. A million dollars, and the figures I will give you and I will try to be as brief as possible on figures, the figures I will give you are based only on public school students. Now for public school students alone, for in-school programming, to build this network which would be one cost, never again, one cost, it would cost actually less than \$5.50 per public school student. Now the cost of operating this network, and you have these figures on your sheet of paper, just for the public school students alone would be less than \$1.25 per public school student per year. So that's why I asked you to put this million dollars in perspective, it's still a lot of money for anyone to ask a legislature to appropriate, but when it's going to do a job and going to provide supplementary education on the highest level for all the public school students in the state of only at a cost of \$1.25 per student per year, why then certainly ladies and gentlemen of the House, I feel that we have something that we can tackle and we can look at courageously.

Now these costs of \$5.50 and \$1.25 do not include any of your college students, do not include

any of your private parochial students of which there are many thousands and thousands in the state. Speaking of this group, I would like you to know for those of you who did not attend the hearing on March 29, that probably the most enthusiastic proponent we had in favor of such a network was Father Aamand Cyr who is Superintendent of Schools in Portland, the Diocese of Portland. He certainly felt that this was something that we in Maine could not afford to miss, and I am certain that he intends to use these facilities as and when they are available to all of us.

Now once more on costs, we are still talking about the costs of the network, one million dollars. Let's look at it another way, a million dollars is a lot of money, but we are all familiar with the new highway running through our state; it's called Highway Number 95. Do you realize that the cost of constructing less than two miles of that highway would more than pay for this entire network? That certainly brings things in perspective. Less than two miles, and also I understand that the City of Bangor which is a lovely place has a proposed high school under construction, and I understand that that will probably cost in the vicinity and probably exceeding three million dollars. Now certainly Bangor has to have that high school, they can't do without it; but they are expending three million dollars for bricks and mortar, here we are spending a million dollars that will have a direct impact on the educational standards of the entire state. And will also be available to ninety-eight percent of the entire state population. By saying this, I am not trying to say that we should not have the new interstate highway or that we should not build new schools. Certainly we have to do those things, but every once in a while there comes along something else that we have to do and we have to be men and women enough to stand up to the challenge of the problems that we have got to face and face them courageously.

Now those are the costs, what will we get out of it? First and most important, we will improve educational standards in all the schools throughout the state because we will have available the very best teachers in mathematics, art, sciences, laboratory work, arts and crafts, and many a large cultural achievement. In addition to that, through the generosity, and this is perhaps the second hand generosity—through the generosity of the Ford Foundation, through the New England Television and Radio Center, we will receive three video tape recorders without any cost to the state. A recorder will be given to each transmitting site that is, in Orono, in Presque Isle and in Calais. Now these recorders will enable these stations to pick up live programs that are being beamed say from the University of New Hampshire or from Channel 10 or from Boston, or later when the network is completed, through New York State and down into Pennsylvania, any live program that's coming over, they will be able in Presque Isle or Calais to record that live program, and I have been given to understand that these video tape recorders which I am sure all of you have heard of will give back a quality signal — signal that's imperceptible to the human eye in the quality that it actually transmits.

Now I would like you to realize, ladies and gentlemen, that these tape recorders cost in excess of fifty-seven thousand dollars each to purchase, that's fifty-seven thousand dollars for Orono, that's fifty-seven thousand dollars for Calais, that's fifty-seven thousand dollars for Presque Isle that we will receive to help us up-grade our own education in the State of Maine. Now that's a lot of money, but in addition to that, there's a little bit more. Also to go along with these recorders, we will receive magnetic tape on which these programs can be put. Each station will receive ten thousand dollars worth of tape, so that at Orono, you will receive ten thousand dollars worth of magnetic tape, ten thousand dollars worth

of magnetic tape at Presque Isle and ten thousand dollars worth of magnetic tape at Calais. So that already you've received back in addition to the primary purpose of improving education, you've received back approximately twenty to twenty-five percent of the investment. Also available through the National Defense Education Funds will be where there are matching funds, each school will on a matching basis, receive money to enable them to install television receivers and antennas so that they may receive these programs as they are transmitted.

Now I understand that in the state we would need approximately eight hundred receivers, and I imagine it's no secret to any of you to know that through various groups such as PTA's, the fraternal clubs, there are already in operation well over three hundred sets in the various schools. So that this part is not a particular problem to or financially because I think many of these organizations would be delighted to go ahead and help in that respect, but there again these funds are available.

Now on the video tape recorders, let us not underestimate the importance of these because they are very expensive, very precise pieces of equipment, and it might interest you to know that of all the television stations in the state not one of them up to this point has purchased one of these machines, possibly because it costs fifty-seven thousand dollars, I don't know the reason why. But they were not able to retain live programs that might have just as much effect tomorrow as it had today. We will be able to do that, and I understand that these tapes when they are made will have a life expectancy of five years of use, so that as and when you get a particularly good first-rate program coming over that you want to preserve, it's merely a question of turning on your machine and you have it for posterity for the children to share with your children as they need that program.

Now I am sorry to be talking so much, but I feel what I am talking about is not repetitive, I'm cer-

tainly not trying to make it so, but I want you to vote the way that will help the State of Maine, so I am going to take a few minutes more with the Speaker's permission.

Let me say that there's nothing wrong with the children in the State of Maine. They have the ability to grab teaching just as well or better I think history proves than anybody else. Their only problem is our inability to supply them with the necessary laboratories, the necessary qualified teachers to let them learn the subject in the degree that they should learn them to be competitive in the world that they must live in; and particularly now since we have come a long long way from the age of the earth. This is one vote of confidence that we, ladies and gentlemen, can give to the youth of our state, we can show them that we have confidence in their ability to demonstrate by their learning what we through sacrifice will do for them.

Now I am rapidly coming to a close here as I am sure many of you will be glad to hear. I have tried to be honest, I have tried to be factual, even at the point of being long-winded because I didn't want anyone to feel that I deliberately left out or misstated facts. There is one more item I would like to go into very briefly and that is as you know this is a three portion report, A, B, and C. A is the report as you might guess I'm heartily in favor of and hope that you are too; there's a report that's against the whole idea and a report that suggests we spend five hundred thousand dollars instead of the one million dollars. Now I don't know why this report was brought out this way, and it is certainly not up to me to discuss it.

I would like only to point out to you that while many people feel that a half a loaf is better than none and certainly it works in many many cases, I would just like to say to you that this is not an ordinary case, because our greatest need of up-grading education—we have the need in the entire state, but the greatest need is not in Portland, is not in Augusta,

is not in Bangor; but is in the outer fringes of the state. Now to get this network to Calais, to get this network up into Presque Isle, unfortunately and there's no way we can avoid it, we have to start down here and tie in with the Bates, Colby and Bowdoin Colleges at Augusta. So that I say to you, if you feel that we can afford to gamble with our children's future, if you feel that we can afford to take a chance that the Federal Communications Commission at some later date would give back these channels, then you are certainly within your rights to so vote; but if nothing else, I would like to impress upon you the urgency of this entire matter. I do not think that the world and the Federal Communications Commission will stand still for the State of Maine while we dabble on whether we will accept the newest idea in education or not. I have tried to point out to you the various costs, but this is something you have got to decide. Frankly in my personal and very humble opinion, we cannot accept a half of loaf at this time because our need is the most urgent at Calais, at Presque Isle, in other words it's the farthest reaches and there's only one way to reach that and that is to buy the entire network.

Now to tell you one thing that is not a certainty but which looks as though it might come to pass, I understand that the Federal Government will make available a half a million dollar grant to each state to help them in the construction of educational television network. It is not a certainty and certainly I would not bank on it, I would hope that you as members of this Legislature would not bank on it, because it may as you know, things happen in Washington, they don't always happen as we hoped they would. If you want to take a chance on that, if you want to gamble on that, that once again is your prerogative, it's your vote. I know that paramount in your mind will be, what will this do to help my people in this state? These children, my children, and the children to come. Now in con-

clusion, I would like you to remember that it was only just one month ago that Commander Shepard freed us, the United States of America, from the shackles and limitations of earth and ladies and gentlemen of the Legislature, as I stand here, educational television network is the only thing that will free us from the limitations and shackles of rural education, and dollar per dollar, there's no better bargain that we in this Legislature can make. I certainly appreciate your time and your interest and thank you very, very much. (Applause)

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the House accept Report A, Ought to pass, on Bill, "An Act Providing for Construction of an Educational Television Network for the State of Maine," House Paper 224, Legislative Document 435.

All those in favor of accepting Report "A," "Ought to pass," say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Thereupon, the Bill was read twice and, under suspension of the rules, was given its third reading, passed to be engrossed and sent to the Senate.

Divided Report

Report "A" of the Committee on Taxation on Bill "An Act Increasing Sales Tax" (H. P. 708) (L. D. 986) reporting same in new draft "A" (H. P. 1184) (L. D. 1631) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
EDGAR of Hancock
— of the Senate.
Messrs. BAXTER of Pittsfield
ALBAIR of Caribou
WHEATON of Princeton
— of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. BRADEEN of Waterboro
MAXWELL of Jay

WATERMAN of Auburn
LETOURNEAU

of Sanford
— of the House.

Report "C" of same Committee on same Bill reporting same in new draft "B" (H. P. 1185) (L. D. 1632) under title of "An Act Decreasing the Sales Tax and Eliminating Certain Exemptions" and that it "Ought to pass"

Report was signed by the following member:

Mr. PORTEOUS

of Cumberland
— of the Senate.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Albair.

Mr. ALBAIR: Mr. Speaker and Members of the House: The time has arrived in this session when we have one of our major bills of the session before us. I believe that the Act in itself is self-explanatory. The only change made in the existing law is the implementation of the additional one-half percent rate of the sale price in addition to the existing tax, with an effective date of on and after August 1, 1961.

In reference to financing the supplemental budget, it is the legislature's prerogative to decide the method to use in resolving the issues of financing. Accelerated gradual economic growth is desirable in the State of Maine. If such growth is achieved, we as citizens must be willing to fund this accomplishment. I will say that an economy does not stand still, it enjoys a healthy, normal growth or an unhealthy decline.

Maine is a sales tax state. We do not have a state income tax or a corporation tax. As you know, food for home consumption is presently exempted from the sales tax. It is estimated that the additional per capita cost of the imposition of a half per cent additional tax would amount to approximately \$4.30. I do not propose to review the individual exemptions, they are clearly set forth in the Act itself. I do want to register my opposition to broadening the base to the extent of using food for

home consumption as a source of additional revenue.

It should be noted that the revenue for financing over fifty percent of our general fund budget comes from this source. We have recognized this method over the past nine years as a just, well distributed means of state financing. I have an observation here that I would pass on to you. On May 29, 1957, as you know the sales tax was increased from two to three percent. There was no roll call taken at that time, it must have been a gentlemen's agreement between the parties concerned. There was a division and as a matter of record the division was taken and a hundred and fourteen voted in favor and seven against. What happened to the other thirty, I do not know. This was 1957 when the increase from two to three and you know who was here then.

It is much easier to tear apart and speak against taxes than to vote yes and speak for taxes. Some members are painting a picture of gloom as we go to another half percent increase. Let me point out that since the inception of the sales tax as a means of revenue the State of Maine has progressed in great strides, namely Education, Welfare, Health and Welfare Department, Mental Health and Corrections, State Employees, Natural Resources, DED, Forestry, Maine Maritime Academy, Park Commission, Highways, and others.

It is obvious that some of our dedicated revenue is going towards building our highways. All the towns receive state aid, they receive mud money for rural road construction throughout the state. Certainly we would not be in favor of removing this type of revenue to our dedicated fund. It is easy to see where the state would be if the members of the legislature in their wisdom had not had the courage to enact a new method of revenue, namely the sales tax. This was 1951 when it was first enacted.

Mr. Speaker, I now move that the Majority Report "A" "Ought to pass" be accepted and request a division.

The SPEAKER: The question before the House is the motion of the gentleman from Caribou, Mr. Albair, that the House accept Report "A" "Ought to pass" and a division has been requested.

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

Mr. WESTERFIELD: Mr. Speaker and Ladies and Gentlemen of the House: I feel very strongly opposed to the increase in sales tax in this session of the legislature. I feel that we must consider carefully the steps and the advances which we intend to take in the next sessions of the legislature. I do not feel that we will be ready by the 101st Legislature to enact legislation that would provide for income taxes or corporation taxes to a great extent that would provide the revenue that will be necessary for the continuation of the programs which we have already put into effect. I feel that in this session we should take a measured and moderate step forward and attempt to save this portion of our revenue for an inevitable need which exists.

Therefore, ladies and gentlemen of the House, I move indefinite postponement of this measure.

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

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

Mr. BRADEEN: Mr. Speaker and Ladies and Gentlemen of the House: We have spent nearly twenty-three weeks in this hall and now we have at last arrived at the hour of decision — what to do. This certainly is a solemn occasion and when you are called upon, as you will be subsequently I believe, to answer to your name when the roll is called, just bear in mind that by their works he shall know them.

In 1951 — I am going to digress a little — I shall have to cover a little ground now that I covered at a caucus here last night, so I am sure that those of you who attended the caucus will forgive me for repetition. In 1951 I voted for

the two cent sales tax, not because I believe in the philosophy of the tax but because I firmly believed in a tax which would meet the essential needs of this state and I say the essential needs without any frills. And I was convinced at that time that the two cent sales tax was the only tax that would meet those needs.

We passed the two cent sales tax in the 95th Legislature, it was ten or twelve million dollars a year. The record of the fifties shows that six years later one cent was added to that tax, I believe in '57, and at that time the take was something like seventeen or eighteen million dollars a year on the two cent tax which had been enacted six years before, paying at that time something less than a million dollars a month. The three cent tax over the years has paid up till now, or is presently paying so we are told, in the neighborhood of twenty-eight million dollars.

Consider for a moment, my friends, this, if you are interested in figures. Suppose that we start with a return of twelve million dollars ten years ago, then consider a return of twenty-eight million dollars at the present time. The rate of increase over the decade has been one hundred fifty percent approximately, that is quite a heavy percentage to ask the people to bear. Now then as has been previously mentioned here, this return of twenty-eight million dollars is but two-thirds of the potential return with no exemptions from the list. In other words, if today we were paying three cents across the board we would be taking from the taxpayers' pockets of this state approximately forty-two million dollars a year. That would give us another fourteen million dollars and I would think that that probably would be sufficient to satisfy the needs of the department. But as I view them, I wonder.

Now then, we are faced with this situation. We are presented with a tax bill we are told from the Governor's office, or were told not too long ago, that he would be willing to mark this down five

mills, from four cents to three cents and a half. I say to you that I would pay no attention at all to such a gimmick, you might just as well vote for four cents as to vote for three cents and a half. If you vote for three cents and a half today, my friends, those of us who come back here or our successors two years from now, will have a four cent tax bill — and you may be everlastingly certain of that, placed as a necessary legislation.

The dollar will be worth, so we will be told, forty or forty-five cents and presumably the bill will be enacted two years from now. Time will roll on and let's look ahead just a little bit. I am disturbed at what I see now, but I am more profoundly disturbed at what I see as I look ahead, because the only way that you can arrive at a just decision in this matter is to consider the record of the fifties and then place that record against the sixties and think about the trend, the direction, in which you are travelling. And this is what you will have.

When you get a four cent tax on the statute books of Maine, and people come to you as they will come to you for more money, you will have to make then the choice. How will you get more money? Will you go into the exemption basket and reach down and take out food, which will cost you the taxpayers of this state, the people who sent you here, one million dollars every thirty days if it is taxed on a four cent basis, or will you look to our Democratic friends who sometimes have some good sound ideas and say, boys this food proposition doesn't look too good to us, perhaps you were right, we better take an income tax.

Now my friends, if you have the welfare of the people of this state at heart, you will consider well this situation. You will ask the leadership of this state to bring forth an alternate program which will meet, mind you, the essential needs of the day, no frills. Have some compassion for the taxpayers. Vote that bill and go home. I entirely concur with the statement of my friend from Liberty, Mr.

Westerfield, that this bill and the accompanying supporting papers, if any, be indefinitely postponed. And I thank you for your kind and courteous attention.

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

Mr. BREWER: Mr. Speaker and Ladies and Gentlemen of the House: We have passed the supplemental budget that in my mind has many sound progressive ideas. Now I think that what governs some of our thinking on tax measures, it is what our constituents think. And I realize, and we have talked with a lot of the boys here that have been opposed to the sales tax, and I think that probably their constituents govern their thinking.

Now in my area I have had very little opposition to the sales tax. I have had some. I have had some speaking engagements down there and pointed out the Governor's supplemental budget and most generally they agreed that they are necessary for progress in this state. Now my good friend Mr. Bradeen suggested a four per cent sales tax if it was necessary, and I have had people say to me, well why has the Governor cut back to half of one per cent. Some of them think that we should have gone all the way.

So due to the fact that I have had very little opposition to a sales tax increase, I would have to support Report "A" and hope that the motion of the gentleman from Liberty, Mr. Westerfield, does not prevail.

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

Mr. WELLMAN: Mr. Speaker and Ladies and Gentlemen of the House: Last night, meeting, several of us, I was I think perhaps jokingly referred to as a wild eyed spender. I don't think I am. I have been as much as any of the rest of us here for cutting out wasteful activities in state government wherever we found them. I also have stood here and spoken many times for what I think are measures that will lead to the continued progress of this great

State of Maine. Now I don't like, and I have heard that many other people say in Bangor, we don't like three and one per cent sales tax, we don't like four per cent sales tax, we don't like any sales tax, we don't like property tax, we don't like beer tax, we don't like cigarette tax, we don't like liquor tax. The price of government are taxes.

In view of what I have done here, what I will tell the good folk of Bangor I have done here, I would be only fair to place myself on record now in favor of the sales tax. Thank you.

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

Mr. RUST: Mr. Speaker and Ladies and Gentlemen of the House: As you realize, I come from York County. And in running for the legislature this particular term I took a certain position on tax matters. I even went so far as running ads in the newspapers on that position. And briefly it was this. That determining upon what the appropriations were here in the legislature for necessary bills, those that my people favored and those that were good for the State of Maine, and also whether it was absolutely necessary to vote for a sales tax, these would determine my thinking on tax matters.

Now at the present time we are faced with a supplemental budget of seven and a half million dollars in round figures. Now I, like everyone else, there are some things in there I favor and there are some that I don't and each of you are in the same position. But we have tried on several occasions to reduce it and we have not been successful. Now in addition to the supplemental budget there is something like a million three hundred thousand dollars in individual legislative documents calling for money. There is \$700,000 in railroad tax relief bills and there is a \$1,000,000 for educational TV. Now that means \$3,000,000 in addition to the supplemental budget.

Now it may or may not be possible to cut as much as a million

dollars from this three million. But it would appear to me that we will probably be faced, unless things substantially change in the next twenty-four or forty-eight hours, with an expenditure or appropriations calling for around nine and a half million dollars. And where are we going to get the money?

Now this faces me with my second problem as to what I am going to buy for taxes. Now this House this morning has given preliminary approval to the cigarette tax to the tune of two and a half million dollars, to the beer tax for two million one hundred and sixty thousand dollars, to the liquor tax for one million dollars; and I voted for all of them. And to the tax on wild lands for another three hundred and five thousand dollars, and if my figures are correct, this totals nearly six million dollars.

In addition to this there is a \$600,000 surplus from unappropriated current revenue. This brings us up to six million six. We are short approximately three million dollars as I see the figures. Now whether the sales tax is necessary or not I am not convinced at the moment, because there are several alternative proposals to fill the gap and I should like to hear more of them before making a final decision. And one of these of course is the tax bill which is still in the Taxation Committee, which is the elimination of the net trade-in tax on automobiles. There is also the possibility of up-estimating revenues a couple of percent to fill in this gap of three million.

Therefore, for these reasons, until there is some further evidence that the sales tax is the best way out, I must vote against it. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Cyr.

Mr. CYR: Mr. Speaker and Ladies and Gentlemen of the House: I arise to somewhat clarify my position. I find that I am somewhat confused and very much embarrassed by what I heard, a long discussion of appropriations for several new methods of education and I am inclined to

think that I am so much backward and so old, that I am out of date. I introduced a measure in the House here back—a measure to improve our schoolroom and I am inclined to think that I made a mistake, I ought to go back and have them discharge all those teachers and forget the putting in of a fourth year in that three-year normal school and adopt the television system. I think we could improve a great deal up there on the St. John Valley because most houses have a TV, except home. And I am very much confused and I'll have to go back and explain a little why I am.

After introducing a measure here at the request of the educational department and observing the new methods that we have had, something which was unusual in my day, it's confused me. I thought my bill was going to get the rule under the general appropriations. No, that wasn't the place for it. I didn't draw the bill out and consequently someone missed the ball. But I said sure, it ought to be in the supplemental. No, it wasn't in that either. So finally it was on the hook, special calendar. Well, in order to try and remove that I figured that perhaps I might change my views. I've always been opposed to the sales tax, even with the knowledge that the Governor herein justifies. I stood up with I would say the only gentleman in the assembly that expressed a view on the sales tax and I said I was opposed to it.

Now I find that in order to enhance the advantage of the department's resolve which I introduced, I thought perhaps I could improve the situation by agreeing to go along with the increased sales tax of one-half of one percent—no pardon, of one-half cent—because one-half of one percent would be a little more impossible. But I did give my word that I would vote for the sales tax providing there was a chance of my bill going through. This is a serious proposition with me, because I have to set aside my personal view for the benefit of the valley up there which is highly in need of a standard school such as is carried on throughout the state.

Now many of you don't know the history of that situation of that school up there, but I won't go through — I told the committee what I had to say then and the committee reported "ought to pass" unanimous. But nevertheless the situation up there in the St. John's Valley is right now where we must have a standard form of education, the same as the rest and out of the state. Now we have been seventy-five years up there with the school situation such as no other was in the State of Maine. We are practically up there segregated if you want to say so, the same as the darkies in the South. We had a school system, many of you thought was a normal school, and thanks to the board of education who sold that school six years ago and thanks to the committee of the legislature who was so kind and grateful to us, they reopened the school as a three-year normal school.

That was entirely different also than any other type of normal school in the state. The state has already spent about a million dollars on building since those days. They started with a \$100,000 to remodel the boys dormitories to be used by the teachers and the young ladies. Then the state appropriated over \$400,000 for the new classrooms which have been occupied for the last three years. And recently the state appropriated \$266,000 for a girls dormitory which they are working on now and will be ready to occupy in September when the school opens.

Now it's only fair and I believe we had a chance of getting the \$64,000 which was required to establish a fourth year. This was after a conference between the principal and the faculty of the school and the Board of Education, through its chairman and its deputy chairman. They have agreed on that figure.

Now another story that's talked up in the House here along the time that my bill was ready to be introduced. Some kindhearted people put in an article in a resolve that was recommended by the building improvement, which

required \$1,221,000; and in that resolve somebody chucked in there a chunk of money for the normal school at Fort Kent, which we didn't ask for and didn't need. \$357,000 was offered us and that would have gone through the general appropriations bill, including the \$118,000,000.

But no, I thought I was for economy as much as many of the others in this House who are for economy, and I thought by striking out \$357,000 out of a resolve, that that might give due consideration to my \$64,000 demand, which it has to a certain extent. Now here we are, I've got either to break my word when I said I would vote along for a half a cent increase or else go on and take a chance. Now my personal views are set aside and for the benefit of the people in the valley up there I shall vote along and go for a half a cent increase providing our bill comes out of the Senate OK, it's on the hook in the Senate now I think. That's as far as I can go, and I hope my minority associate will forgive me for the stand I am taking, because I have always tried to stand with the minority and I have been a member of the minority party so long that I have forgotten the days that we were in the majority, 1911. Thank you, gentlemen, for the few words I have given you. (Applause)

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

Mr. ESTEY: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps I should just keep quiet. As you know I have been a proponent of many of the educational measures which I feel are very, very essential for the children and the future generations of our state. Many of these programs I feel cannot be financed without keeping the sales tax measure alive. I would just like to rephrase the statement made by the fine gentleman from Waterboro, Mr. Bradeen, in regard to some of these programs, it will be by their worth that ye shall be known. I shall vote for report A.

The SPEAKER: The Chair rec-

ognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I arise in opposition to the sales tax that is brought before you on the basic fact of the area that I represent. We come from an area which is close to a bordering state. Those people who are in the middle of the state, it certainly will not affect their business, both in recreation and in business and normal business the year round category. And besides I think we in the State of Maine better start looking within the realm of our pocketbooks and see as to how much we can afford, how much and how far we can go, how soon we can go. And I will not sell my vote for any bill of any nature of any category because I made a promise to my people when I campaigned. I would be against the sales tax on those principles, to live within our means and pay our bills according to what we can afford to pay.

I mean and am to stand fast on those grounds continuous throughout and I hope that other members in this House will not be persuaded with the thought that they might gain a bill in favor of an increase in the sales tax for that purpose. And I certainly hope that this House will prevail against the sales tax.

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

Mr. COOPER: Mr. Speaker and Ladies and Gentlemen of the House: I'm going to take just a little different view of this thing than I have heard spoken of here this afternoon, I'm speaking from a selfish, political point of view. This little group of towns that I come from I know are very much opposed to an increase in the sales tax. They think that we have money enough to get along with if we economize somewhat. Two years ago the Republican party elected a Representative to this House by forty-seven votes.

This last fall I campaigned through four towns and they well understood what my attitude was, that we have no increase in taxes.

And I was elected by almost seven hundred votes. And I feel that I am being weighed in a political balance here, I'm willing to be. When the vote is taken I would like to have it done by a roll call and be very happy to have my name recorded as voting against an increase in the sales tax.

The SPEAKER: A roll call has been requested.

The Chair recognizes the gentleman from Patten, Mrs. Harrington.

Mrs. HARRINGTON: Mr. Speaker and Members of the House: If we need a tax and it looks as though we are going to need one, I feel that the sales tax is the fair tax to have. Surely you cannot anticipate higher real estate taxes. If you do you will be driving small businesses out of existence, you will be forcing retired people to give up their homes, small towns would not be able to meet their obligations.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I am very strongly opposed to an increase in the sales tax at this session. I do believe in progress, but I believe in progress with prudence. I think and believe that savings can be made in the supplemental budget. I think they can be cut back where we can buy them without a major tax. I have expanded myself to the point of making concessions and will vote for piecemeal taxation that we may have, as sometimes is called, progress.

It alarms me and it alarms many people in the State of Maine to see our current services expanded each biennium. It disturbs me no end, even though I appreciate the continuing spiral cost to individuals and when we speak of individuals we are speaking of the taxpayer. I will oppose this in every reading. Should a reading come up and all of those who are really, earnestly resistant of an expansion of the sales tax should vote with the gentleman from Liberty, Mr. Westfield, for indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The Chair rec-

ognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker and Members of the House: When I was working in Texas about forty years ago, they had kind of a pet story there about a judge who had this trial, he thought it was going to be a fairly short trial, so he made a date to go boating in the afternoon. It didn't turn out to be a short trial. One side had rested about the time for the noon recess and the judge said, well, I want everybody to be heard and heard right fully, and I don't want any fact to be left out and I want a full record to be taken; it was unfortunate I made this date this afternoon and I won't be here; so when you get all through this complete and fair trial, you will find my decision in the upper right hand corner of my desk.

That's the sort of thing in making up your minds before the facts are in. I'm afraid there has been something of that here. Well if you think we're in trouble, just let me read you a little note of what one of our poor little sister states in New England did yesterday. The little State of Connecticut. Tax increases aggregating \$122,000,000 for the biennium. Sales tax up from three to three and one-half percent. Passenger vehicle registrations up from eight to ten bucks. Cigarettes from three to five. Utility taxes one and one-half to four. Liquor taxes by forty percent. Telephone taxes from four to six percent. Inheritance tax thirty percent up. Domestic insurance tax is up from one and three-quarters to two and one-half. Corporation taxes from three and three-quarters to five. Minimum corporated business taxes by thirty percent.

Now this incidentally is in a state where the House is one complexion and the Senate is another, and they are supposed to be hard-headed. I thought that might help a little bit to ease the pain that we are now feeling about our tax picture. Again, I would like to repeat something I said last night in caucus and those that were here can close your ears to it. We are all faced, municipalities, state and federal government with costs for

increased services, they are both in there. And when it comes to a matter of prudence it very often is not prudence to just say that we are not going to have increased services and we are not going to meet increased costs. It is not much more prudent than when you see something frightful coming down the street, you turn your back to it hoping that while you're looking the other way it will disappear. It may be an automobile out of control.

We do have in this state a tax setup and a tax burden which is high. I suppose I pay as much taxes as anybody here and I suppose I don't like them any better than anybody here. But roughly per capita taxes in this state run about a \$100 locally, a \$100 for the state, and \$200 for the federal government. I might incidentally say that the federal government sends \$300 per capita, \$300,000,000 into the state and only takes \$200,000,000 out. As Al Smith used to say, I wonder where that hundred million went and who's got it. But that is by the way.

Now we are hemmed in and I don't think there's any escaping it frankly, by the state taxes, the property taxes on the one side that are appropriated by the municipalities, the various forms of income taxes with some sales taxes on the federal government doesn't leave us much room to work in. We have gone deliberately and I think perhaps properly to a sales tax, not only a general sales tax like this one we're talking about, but what we don't often think of although we all realize it, various forms of special sales taxes. We have a special sales tax on motor fuel, which is now I believe seven cents a gallon for the state. We have a special tax on cigarettes, it's about well over twenty percent of the lowest sales price. We have a special tax on liquor and it's twenty-five or thirty percent for the sales tax.

Now those are all sales taxes. We are operating almost completely on a system of sales and use taxes. If you don't want to pay the liquor tax, don't buy any liquor. If you don't want to pay the cigarette tax, don't buy ciga-

rettes. If you don't want to pay the gasoline tax, stay at home. Or if you don't want to pay the beer tax, lay off of beer. But we don't have taxes on the real tight necessities, such as fuel and food for the home. So when the impact of higher prices and higher costs come to us as it does and as it has, and we have seen it, I'm not going to agree with all the increases, but overall we are not going to get out of here with higher costs.

I say that the place to go is the place where we meet the tax every single day, we see it marked on our little restaurant slips and we see it marked on sales slips at the stores, the tax that you don't forget. You pay your town taxes once a year and gripe for a week, you pay your federal taxes four times a year and gripe a week each time, you pay your sales taxes every day and gripe every day. And that's the way the tax ought to be, you ought to be conscious of it. But I still think that the best tax there is and I believe that this half percent increase is just about the amount necessary to provide the amount of services that this House and this Legislature have, by vote of both the houses, already said they agree with. So I hope that the motion to indefinitely postpone does not prevail.

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

Mr. TURNER: I didn't intend to say anything on this subject, but I think one or two of you have heard me say that I am opposed to the sales tax, but what kind of freezes me most, I have got to give my good friend Pike here a little dig. Of course anybody is in favor of paying a tax something that you don't have to pay any. Now I had the privilege of staying with Mr. Pike one night a couple of years ago down at his home and we had an awful nice time, but I looked around there and I never saw any women's clothes hanging around there anywhere, never saw any baby shoes or baby carriages, or anything that took a tax, so I can see where he would be in favor of the sales tax where now me I am in favor of the

liquor tax, so we all have our preference. But I can't see how we are doing much good to the taxpayer, we have gone to work and we have given the railroads a big lift, we have gone to work and given the truckers a big lift, we have gone to work and given the garage men a big lift, we have doubled their income on inspections and now we have gone to work and given the television stations a big lift; but what are we doing for the little folks back home that haven't got a job or don't know where their money is coming from? It looks to me that we were taxing the poor to support the rich.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen: My remarks will be very brief. I think the gentlewoman from Patten, has covered it as well as the gentleman from Lubec, Mr. Pike. I will say this for myself, that when I campaigned for this office not expecting to get it, I made no promises and I will not make any promises if I ever become a candidate again, because I am well aware of the fact that if I were to promise that I could not or would not vote for increased taxes, I would be merely fooling the people for the purposes of being elected because I am also aware of the increased costs of government and I do not for a moment believe that those increased costs are going to decrease. I have spoken on several occasions at various clubs, and I have told the people to whom I was speaking that I was going to vote for certain programs. I assured them that they were going to cost money, I assured them that I was going to vote for taxes, I did not say what taxes, but I assured them that I was going to vote for taxes. I am not at all afraid of what might happen if I were to vote for an increase in sales tax. Therefore, I am going to vote for it.

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

Mr. BRAGDON: Like the gentleman from Milbridge, Mr. Kennedy, I am for progress I believe the

way he put it, progress with prudence, perhaps we may be slightly apart because those are comparative terms. What greater prudence or how much progress, we may be closer together than I may think. I have voted for many progressive measures here in this legislature and I may vote for many more. I don't believe that the State of Maine can stand still, I don't believe if it did, I don't believe we would want to continue to live here, so I know that our costs of government are going to increase, they are not only going to increase this time, they're going to increase to whoever comes back here two years from now. I look upon the sales tax as one of the fairest methods of taxation that could be devised as it is set up in Maine. It has already been stated many times that it does not apply to the most necessary items that people have to have, it is certainly easy to collect because we pay it every time that we buy an item that is subject to taxation. I believe it hits everybody fair in that it hits them for the amount of money which they earn and which most of us spend, some perhaps earn a little more than they spend but I don't think that applies generally over the state. So I certainly look upon it as a fair tax and I shall certainly vote for it. I am willing to vote for other methods of taxation, but I look favorably upon this in the sales tax as the most equitable that we can come up with.

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

Mr. HAM: Mr. Speaker Ladies and Gentlemen of this House: I rise just to clear up in my own mind at least and to clear up the members of this House in regards to my position. That's in regard to an inference that seems to be floating around here and maybe it almost gives a fellow a complex and that is this: that ones who, which including myself of course, are opposed to this increase in sales tax it's inferred that we're also opposed to progress. Well I question that on these grounds, because we believe in progress,

we just happen to believe that maybe we shouldn't progress too fast as we are if we adopt all these present measures before us intact, but I question not being for progress for this simple reason. In piecemeal taxation, if some of these measures were adopted, I'm not saying all of them would be, but just take for example, liquor, cigarettes, beer, wildlands, the six hundred thousand overage and two million up in estimates. That is a total of \$8,500,000. Now with the upping under our current services, which are roughly around ten million as compared to the past or present bien-nium. We will be upping that. That's a total of eighteen point five million. All I say is, how can anyone stand and say or infer that we are against progress, when you are spending an extra eighteen point five million even this way? We certainly aren't against progress, but we do believe since we should be somewhat careful in a given period such as this as regards to increasing our sales tax, but we aren't opposed to taxation because even in piecemeal taxation, that's certainly taxation all right. And also, where I do like to put it also and I would like to—although I happen to be a purchaser of a lot of these items, I am going along with on increasing the taxes, but I will say this, I would rather tax these luxury items that a lot of them are non-necessities in life, pay a little more for progress than I would to increase the sales tax at the present time. That's why I oppose the increase in the sales tax.

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

Mr. DENNETT: Mr. Speaker, Members of the House: I don't want to draw this debate out to any great extent, but I would like to make a few observations on some statements that have been made relative to the equality of this tax. The proponents of this tax have stated this is a just tax, this falls like the rain upon all the people of the state. Ladies and Gentlemen of this House, it does not. I represent a large town in the southern ex-

tremity of this state. Now do you suppose for one moment that the people that I represent are paying their just share through the sales tax for the support of the services given in this state? They are certainly not. Who's bearing their share, the people of Lubec, perhaps, perhaps the people of Perham, because my people are not paying the tax, they are not evading the tax, they are simply avoiding it by going forth into a neighboring state. Practically the only thing that they pay a tax on is their automobiles which as you all know is necessary before they register it. Now I think in general, that the people in the southern part of the State of Maine are willing to pay their fair share but when they can avoid it, they simply are not paying. As the net result, we have literally no business.

Now some years ago, the town was comparably small and we, I will admit, had very little business because people still went across the line into the State of New Hampshire, but since that time the town has doubled in population, and frankly we have less business there now than we had twenty years ago. Now why is that? The sales tax is partially responsible. We'll take for instance the Town of Sanford, one of the largest towns in York County. Some years ago before the advent of the sales tax, it was nothing unusual to see the main streets of the Town of Sanford literally lined with cars from New Hampshire, of people who came from the state of New Hampshire to make their purchases in the Town of Sanford. I believe the representatives from Sanford can well bear this out. Today, you go down the main street of Sanford and see how few cars there are from the State of New Hampshire, they are almost non-existent. They no longer come into the State of Maine to trade.

Some few years ago, a great number of people from the southern part of York County used to journey forth into Portland to make their purchases, now they go to Peabody and to Boston. They avoid the sales tax. The people of the southern part of the state should pay their just

dues as well as the people from the central and northern part, but it's only human nature to avoid a tax if you possibly can. I do not say they evade, I say they avoid. I believe strongly that the sales tax has created habit if not chaos with the business in York County, and I certainly hope that you will go along with the gentleman from Liberty, Mr. Westerfield, in the indefinite postponement of this bill.

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

Mr. WINCHENPAW: Mr. Speaker, as you all know I am opposed to the increase in the sales tax, and I too would like to remind my friend from Lubec, Mr. Pike, that it was a little unfortunate that he should pick out Connecticut because I want to read a little bit about Connecticut and I never thought too much of the Sly Report until just now, but I find now it's worth digging into. Maybe it's worth what we paid for it. Now I'll read this slowly so you can hear what I say. Among the New England states only Vermont taxes away more of the income of its residents than Maine, although the difference is very great. In fact, in 1960 Vermont was the second highest in the United States, Massachusetts and New Hampshire which ranked slightly below Maine are both somewhat above national average, Rhode Island ranks fifth in New England and thirty-third nationally, and it is not much below the national average of nine percent. This doesn't mean a nine percent income tax, it means all the taxes that you pay. Connecticut, the second wealthiest state in the country, can support its services by taxing away slightly more than seven percent of its residents' income. I certainly hope the motion made by the gentleman from Liberty prevails.

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

Mr. BEARCE: Mr. Speaker and Members of the House: I rather hesitated to get up, I certainly did not want to speak before the two pros right ahead of me, with their immensity to handle the sub-

ject. I think everyone knows that I am for the sales tax, and for various reasons. I have no political ambitions and I promised nothing when I went out and threw my hat in the ring, and try to use my judgment, what little I have, when I am here. There's one or two things that we mentioned the other night that the sales tax is also applied to industrial materials that go into business, I know in the paper mills where the expensive — all the new machinery that went into improvements, got the three percent sales tax, and we also get a lot of this sales tax out of the visitors that — how many million come to Maine every year, and that is a big point too. We get help from the outside. As far as the loss of business along the line, I think we have always had swapping back and forth between Maine and Canada, and people will go where they can get the best price and sometimes they just go to take the automobile ride and they don't figure how much money it cost them to drive fifty miles to save a couple of cents on a pound of butter, but they'll always go. Now I understand too that down around York County is a very prosperous county, I was told, so I'm not sure why they are suffering too much.

Now we have been told that we have about eight dollars is it per person per year, well anyway it's about ten or fifteen cents per week per person, that this one half of one percent sales tax will cost. Well, one half of one percent if you go out and save a half package of cigarettes a week or if you save a half a gallon of gas a week or if you cut the kids down to one small ice cream cone instead of three or four, why that will be the half of one percent, or if you cut the kids down to three or four lollipops, instead of a dozen, why you'll get the one percent sales tax right there. I'm not worrying about that little, of course my kids are grown up, but I have got grandchildren, a lot of them, only nine, but they use a lot of that stuff, so I think we can all save a little and pay this one half of one percent sales tax.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: Boom! That I go off with a bang, there's no question about that. That is something that disturbs me about the philosophy of some of the thinking in regards to taxation. As I look over the general services, the current services and the supplemental budget, there are a great many things that possibly could be diluted from those various items that are needed or not needed as the case may be. Perhaps, we should look for a moment at some of the ailments in the state and I don't like to reflect back again on what I spoke to you about this morning, but we do need a lot of services, we need them quickly, we need them strongly. If we are going to move forward in either prudent or orderly progress, we have got to take some moderate steps forward.

I sincerely hope that we won't over-emphasize the taxation and under-emphasize the services that we have to buy. What method of taxation we should use, I'm not in a position to make up my mind at the present moment, but as I sit here and listen to the various speakers and also reflect back on a number of the various items we brought up during the session, it occurs to me that the principal item that we mentioned all along the line was the cost and not the item itself. Are we looking for bargains, or are we looking for orderly progress. At the present moment I am going to vote against the sales tax to see whether you are going to spend any of it if you get it. I would like to seriously consider one point here, that we look over carefully the items that we're voting the taxation for. See what we need, let's pick them carefully and let us make some nice orderly progress.

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

Mr. WATERMAN: Mr. Speaker, Ladies and Gentlemen: As being one of the signers of the minority

report, there's not much that I can say to add to all that has been said here regarding my feelings toward the sales tax, and for that reason I would like to support Mr. Westerfield's motion.

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

Mr. BAXTER: Mr. Speaker, during this session I have talked with the House many times on taxation matters, mostly because they were matters of somewhat of a technical nature that most of the members perhaps would not talk too much about. This particular tax has been discussed a lot, I think you are all very familiar with it. Today I have waited for others to speak, both for and against this particular measure, and I must say that the very many members who have spoken for it, that is, in favor of the increase from three to three and one half percent, have outlined all of the reasons why it is a proper thing to do and have done a very good and adequate job of it.

There have been of course a few things said against the tax which I would just like to mention at this time. One, of course, argument has been brought up as to what the next session will do. Well I submit to you, ladies and gentlemen, that it is a question of which problem we pass on to them. The question of whether we pass on a vacuum in many of the needed services that need to be carried out, if that is the heritage we pass them along with the heritage, the burden which some of us here seem not to want to bear and that is to increase our single broad base money raiser, the sales tax. It certainly is a fine inheritance for the 100th Legislature to send onto the 101st, and that is do nothing, pay nothing, you clean it up.

At times, the question has been brought up about the trend, where is it going, what is the sense. Well we know from the Sly Report that the trend of the tax sacrifice in Maine has been downward in its comparison to the effort being put out by the other states of the union, and I don't believe that Maine with its population which is inclined to remain static or

decrease can afford to cut corners in this particular area. We have got to run with the crowd, we have got to run ahead of the crowd, if we expect to stay as a live state and not a dying state. You know, I'm sure, that the Sly Report indicates that our tax sacrifice factor has gone from eleventh among the states to sixteenth among the states to twentieth among the states. The trend is downward in comparison to our income and comparison to the tax in relation to the income and the effort it takes to earn the income in the other states.

Now there has been mentioned the matter of piecemeal taxes, and it does surprise me today that we vote so heavily for taxes at a rate on such items as cigarettes or particularly beer with rates that are as high as they are compared to our sales tax. Our sales tax as we know is three percent, and we are talking about increasing it from three percent to three and one half percent. This morning the House voted to increase the tax on beer from fifty percent to nearly eighty percent. It doesn't seem to me that this is consistent. We are certainly forcing the burden onto a minority and the burden would seem to be, in spite of the fact that it may be called a luxury or vice or what have you, to be somewhat inconsistent as compared to increasing the broad base tax one half of one percent. Again, I have to repeat that with regard to the sales tax as compared to the piecemeal taxes, by and large we do get the corporate community into the sales tax whereas very few corporations purchase cigarettes, beer, liquor, and so forth.

The logical part of the sales tax still remains the fact that everybody pays a small amount and nobody pays a lot. This has been emphasized several times here this afternoon and the amounts it costs per year, per week, for a day and so forth. Now it appears that we do have a moral problem in the border areas where certain residents of the state shop in neighboring states. I have always felt a little apologetic for the sales tax because of its effect on the border areas, but after hearing the dis-

cussion of the gentleman from Kittery, Mr. Dennett today, I don't know but what I think that the people who live in the border areas are rather fortunate because it is very difficult of course for us in the central part of the state or in other areas of the state to avoid this tax. Now these fortunate people in the border area, merely have to shoot across the border and they do not have to pay the tax. So it seems to me what you lose on the swings perhaps you gain upon on the round-a-bouts in the border area. He has mentioned of course the matter of Kittery and the problem of the merchants in Kittery and I believe that during this period there has in addition to this sales tax, been a bypass of Route 1 which it would seem to me must have made some particular difference.

The matter of Connecticut has been mentioned. We know of course that Connecticut has a very high per capita income, and therefore obviously its percent required for its services is lower. However, it would appear to me that perhaps Connecticut has arrived this year at the point that some people feel that we should arrive at another year. In other words, the gentleman from Lubec, Mr. Pike, has pointed out the phenomenal and should say almost unheard of increases which the Connecticut legislature has passed in its taxes at this session. It would appear that they have been postponing perhaps needed services and now they are having to pay the fiddler.

Now one other thing that I would like to reiterate again, which I have mentioned many times and that is the fact that it should not be a surprise for us in Maine to have to come to our sales tax for money, because we have as I have said a very unusual tax structure, we have limited ourselves severely, and our own only alternative is to broaden the base or to increase the rate which we have now. I would like to point out once more that Maine is one of only three states which does not pull from two major income bases and that is either corporate or personal income taxes and at the

same time it does not pull from tax on its food. When we refuse to gain income from these two bases, we restrict ourselves to a very unusual degree amongst tax practices in the state. No other state except two, Florida and Ohio, have been able to put up with this luxury. In spite of that, on an equivalent basis, Maine's sales tax is not high as it stands today at three percent and will not be high at three and one-half percent. We have to adjust of course for the food base, and we all realize that taxing food is the equivalent of one percent on the sales tax.

If we do that, if we apply the exemption that we apply in Maine to the other sales tax states, we find that there are two states with an equivalent rate of five percent, there are eight states with an equivalent rate of four percent, there are eight states with an equivalent rate of three percent and eleven states — well actually it's twenty states with an equivalent rate of three percent. In other words, there are eight states with three percent with the exemption, one with four percent with the exemption and none of the eleven two percent states have the food exemption. On this basis, then, there is no state with a sales tax lower than Maine, there are ten states with a sales tax higher than Maine, and at that we do not pull from an income base, and we do not tax our food. I think Maine is very fortunate that its sales tax is in this spot where it can be increased, and by being increased it will not be out of line with other states and where it is not necessary for this reason to go to the income base at the moment. Of course the border problem can only be solved by the income base, and if we use the border, problem as an argument, then we can never increase any of our sales taxes again, and it means we have stopped at this point.

I would point out one more thing about the Sly Report that the gentleman from Friendship, Mr. Winchenpaw, brought up, and that is the fact that Dr. Sly did recommend that the services this

biennium which he foresaw as being necessary, be secured by increasing the sales tax by one-half percent.

The gentleman from York, Mr. Rust, has pointed out the things that we wish to do. These items, the seven and one half million dollar supplemental budget, the seven hundred thousand dollars worth of rail tax relief, he did not mention maintaining our current subsidy rates of the towns at 1.2 million, he did mention ETV at 1.1 million and there are numerous other L. D.'s which at the moment add up to \$1,300,000 and there are many that aren't there yet. This which he computed at somewhere around nine and one-half million actually adds up to twelve million dollars. This being the case, these items having been discussed at great length, having been studied by our committees, they having been approved by a majority of the people of both branches of the legislature, it is certainly evident at this stage of the game that these services are wanted by the vast majority of the members of the legislature, and I say this both as a bipartisan—it seems to me these are basically things that both the Republicans and the Democratic party have wanted.

We are now at the point where we have to select a method to pay for them. It seems to me that it is impossible, on the face of it, to avoid the use of the sales tax and not proper to avoid the sales or the use tax by hoping to find a solution in adding the burden further onto some of the piece-meal taxes. So, again, it seems to me we have come to the point where we have agreed in majority that we want these services, now we need to pay for them, and I do hope that this method will be selected and that the motion of the gentleman from Liberty, Mr. Westerfield, does not prevail.

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

Mr. MAXWELL: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the "ought not to pass" report, and as a member of

the minority party, I am opposed to this method — or this increase of the sales tax. I think that we can show you how to finance the program without the addition on the sales tax. The poor and the low income groups are the ones that are hit the hardest by any sales tax. Feature if you will a father with six or seven children having to go down to the shoe store and buy new shoes. This thing has been quite fully debated, I don't intend to prolong it, I hope the motion to indefinitely postpone does prevail.

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

Mr. BRADEEN: Mr. Speaker and Ladies and gentlemen of the House: I have, as you may well imagine, followed closely the comments of our genial friend and colleague, Mr. Baxter from Pittsfield. I note that he too discerns a trend in common with others in the House. Many years ago a distinguished Polish author — don't question my pronunciation, or you may if you wish, I don't know, I think it was Sienkiewicz, wrote a novel under the title of *Quo Vadis*, literally translated "whither goest thou", in other words which way. My friend, when the folks back home, the taxpayers of the State of Maine, read the roll call that is about to be taken, they too will discern a trend and they will understand what happened in what has been very well termed their court of last resort. I thank you.

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

Mrs. HANSON: Mr. Speaker and Members of the House: I too come from York County. Now I have always tried to be a good Republican and I have a deep abiding love for the State of Maine, and I am not looking for votes because I am not going to run again. However, I do represent three towns, border towns, or towns near the border, of New Hampshire. Almost invariably my constituents have asked me or begged me, please do not vote for the sales tax. My local grange made such a request. York County Pamaona made such a request. A group from Sanford have approached me.

A Saco Textile labor union has approached me. Individuals as far away as Boothbay Harbor have approached me. Among my mail and telephone calls I have only received one plea to vote for this tax. Now how can I conscientiously vote for a sales tax?

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

Mr. BAXTER: Mr. Speaker, just as a means of pointing up a fact which I'm sure we all know, and that is that taxes are the politician's burden and seldom if ever does anyone back home ask us to pass a tax.

I would like to ask the gentlewoman from Lebanon, Mrs. Hanson, whether anybody has asked her to pass any other tax and if not, where does that leave us?

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, has asked a question through the Chair of the gentlewoman from Lebanon, Mrs. Hanson, who may answer if she chooses.

Mrs. HANSON: They have specifically asked me in preference to vote for liquor and cigarette taxes.

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 Increasing Sales Tax," and the reports be indefinitely postponed, and 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 of the House. Will those who desire a roll call please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

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

Mr. Philbrick of Bangor, who would have voted "yes" had he voted, was excused from voting as he paired his vote with Mr. Hague of Gorham, who was absent but would have voted "no" were he present.

Mr. Moore of Casco, who would have voted "yes" had he voted was excused from voting as he paired his vote with Mr. Pike of Lubec,

who was absent but would have voted "no" were he present.

The SPEAKER: The Chair will restate the question. The question before the House is the motion of the gentleman from Liberty, Mr. Westerfield, that the Reports and the bill be indefinitely postponed. If you are in favor of indefinite postponement, 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; Beane, Moscow; Bedard, Bernard, Berry, Portland; Binnette, Boissonneau, Bradeen, Briggs, Brown Fairfield; Brown, South Portland; Brown, Vassalboro; Buckley, Burns, Bussiere, Chapman, Norway; Choate, Cooper, Coulthard, Crockett, Curtis, Danes, Dennett, Dennison, Dodge, Dostie, Lewiston; Dostie, Winslow; Dunn, Durgin, Edgerly, Edwards, Finley, Fogg, Gallant, Gill, Ham, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Haughn, Hendricks, Hinds, Hughes, Humphrey, Jalbert, Jameson, Jobin, Johnson, Stockholm; Karkos, Kellam, Kennedy, Kilroy, Kimball, Knapp, Lacharite, Lantagne, Letourneau, Levesque, Linnekin, Lowery, Maddox, Maxwell, Merrill, Minsky, Morrill, Morse, Nadeau, Biddeford; Nadeau, Lewiston; Philbrick, Augusta; Plante, Poirier, Prince, Prue, Roberts, Rust, Sevigny, Shepard, Smith, Strong; Sproul, Stevens, Swett, Tardiff, Thaanum, Turner, Tweedie, Tyndale, Vaughn, Wade, Walls, Waltz, Waterman, Westerfield, Whitney, Williams, Winchenpaw, Wood, Young.

NAY — Albair, Anderson, Greenville; Baker, Baxter, Bearce, Beraman, Auburn; Berry, Cape Elizabeth; Boothby, Bragdon, Brewer, Carter, Cyr, Davis, Drake, Estey, Gardner, Harrington, Hichborn, Hopkinson, Hutchins, Johnson, Smithfield; Jones, Lincoln, Littlefield, Perry, Schulten, Shaw, Smith, Bar Harbor; Smith, Falmouth; Stewart, Storm, Thornton, Walker, Wellman, Wheaton, Whitman.

ABSENT — Beane, Augusta; Beraman, Houlton; Chapman, Gardiner;

Hague, Hartshorn, Knight, Lane, MacGregor, Malenfant, Matheson, Mathews, Noel, Pike, Sirois.

EXCUSED — Moore, Philbrick, Bangor.

Yes, 98, No, 36, Absent 14, Excused 2.

The SPEAKER: Ninety-eight having voted in the affirmative, thirty-six in the negative, with fourteen absent and two excused, the motion to indefinitely postpone does prevail.

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

Mr. HAUGHN: Mr. Speaker, may I make an inquiry through the Chair as to whether or not that order still holds true, that nothing can be reconsidered today that happens after lunch as I understood that order?

The SPEAKER: That order applied only to this morning.

Mr. HAUGHN: Mr. Speaker, I now move that we reconsider our action whereby we failed to pass this with the hope that all who voted against this bill will now vote for it, so we cannot reconsider it.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, has moved that the House reconsider its action whereby it indefinitely postponed the bill. The Chair will order a division.

The Chair recognizes the gentleman from Belfast, Mr. Thornton.

Mr. THORNTON: Mr. Speaker, before that vote is put I would like to move that the present motion be tabled until the next legislative day.

The SPEAKER: The question now before the House is the motion of the gentleman from Belfast, Mr. Thornton, that the motion to reconsider be tabled until the next legislative day.

Mr. HAUGHN: Mr. Speaker I request a division.

The SPEAKER: A division has been requested.

All those in favor of the tabling motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER: The question now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House reconsider its action whereby it indefinitely postponed this bill. A division has been requested.

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

Mr. BAXTER: Mr. Speaker, I am much complimented by the gentleman from Bridgton, Mr. Haughn's fear that this vote will be changed around if it isn't reconsidered immediately. I assure him that I think his fear is unfounded, at least at the present time, and for that reason I too would recommend that the motion to reconsider not carry.

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

Mr. HAUGHN: Mr. Speaker, I appreciate the thoughtfulness of our beloved Floor Leader in my behalf, but I assure him it is for expedition purposes only.

The SPEAKER: The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House reconsider its action whereby it indefinitely postponed the Reports and the Bill. All those in favor of reconsidering, please rise and remain standing until the monitors have made a and returned their count.

A division of the House was had.

One having voted in the affirmative and one hundred twenty-two having voted in the negative, the motion to reconsider did not prevail.

Sent up for concurrence.

Third Reader Tabled and Assigned

Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (H. P. 1181) (L. D. 1630)

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

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

Mr. PLANTE: Mr. Speaker, would a tabling motion be appropriate at this time?

The SPEAKER: A tabling motion would be in order at this time.

Mr. PLANTE: Mr. Speaker and Members of the House: After consulting with Mr. Stewart, the gentleman from Presque Isle and the Chairman of the Aroostook delegation, Mr. Williams of Hodgdon, and the Majority Floor Leader, because of some technical differences we felt that perhaps they could be ironed out this evening at a meeting among the county delegations involved, that we could table this until tomorrow morning.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, moves this matter be tabled until the next legislative day pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Passed to be Engrossed

Bill "An Act relating to Salaries of County Officials and Municipal Court Judges and Recorders" (S. P. 573) (L. D. 1626)

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

Mr. Drake of Bath offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to S. P. 573, L. D. 1626, Bill, "An Act Relating to Salaries of County Officials and Municipal Court Judges and Recorders."

Amend said Bill in that part designated "Sec. 254." of section 1 by striking out all of the paragraph which relates to "Sagadahoc County" and inserting in place thereof the following:

'Sagadahoc County: County commissioners, \$1,000 \$1,100; clerk of courts, \$2,240 \$3,540; county attorney, \$2,500 \$3,000; county treasurer, \$1,500 \$1,700; sheriff, \$4,100 \$4,300; register of deeds, \$2,150 \$3,350 for the year 1961 and \$3,850 annually thereafter; judge of probate, \$2,550 \$2,850; register of probate, \$2,250 \$2,450 for the year 1961 and \$2,750 annually thereafter; Bath municipal court judge, \$2,200 \$3,450; recorder, \$2,500 \$2,700.'

Further amend said Bill in the 2nd line of section 4 by inserting

after the words "Counties of" the word and punctuation 'Sagadahoc.'

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

Mr. DANES: Mr. Speaker, relative to the terms that we went over yesterday in respect to the Towns and Counties Committee doing a great deal of work so far as balancing all these counties is concerned, Sagadahoc County was given quite a fair hearing at the right time which was some time ago. The committee set this up whereby the struck-out amounts in this new amendment were fair with the rest of the counties in the same category. This would only accomplish nothing actually insofar as the committee work is concerned, and for that reason I move the indefinite postponement of this House Amendment "C."

The SPEAKER: The question now before the House is the motion of the gentleman from South Portland, Mr. Danes, that House Amendment "C" be indefinitely postponed.

The Chair recognizes the gentleman from Bath, Mr. Brewer.

Mr. BREWER: Mr. Speaker and Ladies and Gentlemen of the House: The original bill — the redraft bill that came out with the salaries in Sagadahoc County was generally in the thinking of the county officials and not the county commissioners. Now this amendment here is in line with the recommendations of the county commissioners and in line with their budget figures, and it provides for cost of living increases in all the categories, plus the Register of Deeds, the cost of living increase in 1961 and thereafter it is raised from \$3,350 to \$3,850 which provides for the loss of fees that accrue to the county. And that is the same with the Register of Probate. In that particular office they lose fees and the increase is \$200 this year and to \$2,450 and increases to \$2,750 thereafter. I believe this is a fair amendment and I think it is in line with some of the other counties of like size and like work loads and I hope the motion to indefinitely postpone does not prevail.

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

Mr. DANES: Mr. Speaker, for the information of the gentleman from Bath, Mr. Brewer, the committee did go over and found that the work loads and so forth were exactly in line with the rest of the counties in the particular category and I certainly hope that the motion to indefinitely postpone does prevail.

The SPEAKER: The question before the House is the motion of the gentleman from South Portland, Mr. Danes, that House Amendment "C" be indefinitely postponed. All those in favor of the motion to indefinitely postpone House Amendment "C" please rise and remain standing until the monitors have made and returned their count.

Upon request of Mr. Drake of Bath, the division of the House was had.

Eighty-two having voted in the affirmative and fifteen having voted in the negative, the motion did prevail.

Mr. Karkos of Lisbon offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 573, L. D. 1626, Bill, "An Act relating to Salaries of County Officials and Municipal Court Judges and Recorders."

Amend said Bill in that part designated "Sec. 254," under the caption "**Androscoggin County**", by striking out all of the 8th line and inserting in place thereof the following:

'Lisbon municipal court judge, \$1,900 \$2,200; Livermore Falls municipal court'

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

Mr. KARKOS: Mr. Speaker, Ladies and Gentlemen: I have a bill here which I attempted to present after I was seated on the 31st day of January, four days after the cloture date went into effect. Now I was told I could offer an amendment to this bill later on. I followed that advice and for this reason I couldn't introduce the bill then. This bill provides for a salary increase of \$400 to the Judge in the Lisbon Falls Municipal Court.

Now the reason for this is as I say, the municipal court in Livermore Falls, they pay their judge I think it is \$2,000 plus \$1,000 for clerk hire plus other expenses. Now the population of Lisbon is 5,042 and Livermore Falls is 3,343. The municipal court in Lisbon took in in the last previous year ending 1960 \$4,318 and the expenditures only \$3,343, and for that reason I think there should be an adjustment made there and I am not asking for clerk hire, I think the Judge is satisfied with \$400 increase and I hope you people support me in this amendment.

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

Mr. DANES: Mr. Speaker, Ladies and Gentlemen of the House: I believe the gentleman from Lisbon stated that he was not able to present the bill because he was not in the House at the time. I think I understood it that way. However, I have a Legislative Document 1404 in front of me which is An Act relating to Disqualification for Benefits Under Employment Security Law which was presented by Mr. Karkos of Lisbon on the 8th day of February and I feel that if they wanted to at that time present another bill he certainly could have.

Number two is that I shall repeat myself in saying that Androscoggin County was also given a very fair hearing and the feeling of your committee was in setting up these rates that they were all very fair and just, and I now move the indefinite postponement of House Amendment "B."

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

Mr. KARKOS: Mr. Speaker, I would like to answer the gentleman from South Portland, Mr. Danes. The bill he has reference to, I don't know the L. D. now, was handed to me after I — the bill had already been and had received a title and it was handed to me after the 31st day and I agreed to have my name on it which was as I say right around February 3 or 4, I probably had the bill, is that right, Mr. Danes?

The SPEAKER: The gentleman

from Lisbon, Mr. Karkos, if he will resume his seat please, has asked a question through the Chair of the gentleman from South Portland, Mr. Danes, who may answer if he chooses.

Mr. DANES: I didn't follow exactly the entire question. I wonder if the gentleman would repeat it.

The SPEAKER: Would the gentleman from Lisbon, Mr. Karkos, kindly restate his question please?

Mr. KARKOS: Well, I'm answering him. The gentleman from South Portland said I did introduce a bill, although I wasn't seated until the 31st, the bill was handed to me after I was seated by our Floor Leader and asked me to present it, and that was possibly about the 3rd day of February. The bill had already been written and I presented it afterwards, or accepted it and put my name on it.

The SPEAKER: The gentleman is answering his own question?

Mr. KARKOS: By request, mind you.

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

Mr. KELLAM: Mr. Speaker and Members of the House: Regardless of whether Mr. Karkos could or could not have put in a bill, since he did not put in a bill I fail to see how the Towns and Counties Committee could have given much concern to a raise in pay for the Lisbon Falls municipal court judge. Therefore, I would support the amendment.

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

Mr. JALBERT: Mr. Speaker, yesterday there was an amendment that pertained to this bill that was very close to me because it centered around a friend from my city, and I went along with the committee recommendations and went along with the killing of the amendment raising the bill. In fairness, however, to Mr. Karkos, at the time these measures were introduced, I put a bill in, it was an omnibus bill for our county, and it was number 1 both an oversight, and number 2, the fact that both the gentlemen at the time, Mr.

Bowie of Durham, and the gentleman from Lisbon Falls, Mr. Karkos, were both in a contest and both of them were worried about who was going to be seated and not worrying too much about legislation, so for both an oversight possibly on my part, 1, and 2 the fact that there was no real representation from Lisbon Falls, I feel that his bringing an amendment is justifiable. Also that this document, after it was drawn up, I mean no amendments, no amendments, I mean in my opinion it is not a sacred document and I think that we do have a right, and anyone has a right to put an amendment on any bill.

The SPEAKER: The question before the House is the motion of the gentleman from South Portland, Mr. Danes, that House Amendment "B" be indefinitely postponed. All those in favor of the indefinite postponement of House Amendment "B" say aye; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Sixty-three having voted in the affirmative and thirty-eight having voted in the negative, the motion did prevail.

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

Mr. LITTLEFIELD: Mr. Speaker, I had House Amendment "A" prepared, but to save time and knowing the disposition of this House, I'll withdraw it.

Thereupon, Bill "An Act relating to Salaries of County Officials and Municipal Court Judges and Records," Senate Paper 573, L. D. 1606, was passed to be engrossed and sent to the Senate.

Mr. Karkos of Lisbon was granted unanimous consent to briefly address the House.

Mr. KARKOS: Mr. Speaker, Ladies and Gentlemen of the House: I want to sincerely thank those thirty-eight who were brave enough to stand by me, and we will try to get along without it. There is no feeling against the sixty-three. I thank you.

Emergency Measure Tabled

An Act Making Supplemental Appropriations for the Expenditures of

State Government and for Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1963 (H. P. 1165) (L. D. 1606)

Upon request of Mr. Bragdon of Perham, placed upon Special Appropriations Calendar. Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: Is there objection to sending forthwith out of order the following matters:

"An Act Increasing Sales Tax," L. D. 986, Reports and Bill

"An Act Providing for Construction of an Educational Television Network for the State of Maine," L. D. 435, Reports and Bill

"An Act to Increase Cigarette Tax One Per Cent," L. D. 1165, Reports and Bill?

The motion prevailed and the Reports and Bills were sent forthwith to the Senate.

Passed to Be Enacted

An Act Providing for an Assistant County Attorney for York County (S. P. 21) (L. D. 46)

An Act Revising the Election Laws (H. P. 1169) (L. D. 1614)

An Act to Permit Searsport Water District to Prevent Pollution (H. P. 1174) (L. D. 1620)

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

On motion of Mr. Baxter of Pittsfield.

Recessed until 7:30 P.M.

After Recess 7:30 P.M.

The House was called to order by the Speaker.

The SPEAKER: The Chair would request the Sergeant-at-Arms to escort the gentleman from Pittsfield, Mr. Baxter, to the rostrum to serve as Speaker pro tem.

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

The following matters from the Senate were taken up out of order.

Divided Report

Majority Report of the Committees on Appropriations and Financial Affairs and Welfare jointly reporting "Ought not to pass" on Bill "An Act relating to Definition of Dependent Child under Aid to Dependent Children" (S. P. 559) (L. D. 1608)

Report was signed by the following members:

Messrs. DAVIS of Cumberland
SAMPSON of Somerset
BATES of Penobscot
STANLEY of Penobscot
MARDEN of Kennebec
— of the Senate.

Messrs. WELLMAN of Bangor
BRAGDON of Perham
Mrs. SMITH of Falmouth
Messrs. PHILBRICK of Augusta
HANCOCK of Nobleboro
DRAKE of Bath
HINDS of South Portland
SMITH of Strong
DAVIS of Calais
— of the House.

Minority Report of same Committees reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. CYR of Aroostook
— of the Senate.
Messrs. STORM of Sherman
PLANTE
of Old Orchard Beach
JALBERT of Lewiston
Mrs. KILROY of Portland
— of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House, the Reports were read and the Majority "Ought not to pass" Report accepted.

Divided Report Tabled Until Later in Today's Session

Majority Report of the Committee on Towns and Counties on Bill "An Act to Incorporate the Town of Harpswell Neck" (S. P. 118) (L. D. 263) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. PIKE of Oxford

WYMAN of Washington
— of the Senate.

Mr. TWEEDIE of Mars Hill
Mrs. SHAW of Chelsea
Mrs. BAKER of Orrington
Messrs. DANES of South Portland
BEANE of Moscow
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. ERWIN of York
— of the Senate.
Mr. JONES of Farmington
— of the House.

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

In the House, the Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Danes.

Mr. DANES: Mr. Speaker and Members of the House: In reference to item two on the supplemental journal, I move that the House accept the Majority "Ought to pass" Report.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from South Portland, Mr. Danes, that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Bangor, Mr. Philbrick.

Mr. PHILBRICK: Mr. Speaker and Members of the House: It was my good fortune approximately twenty minutes ago to be accosted at the Augusta House dining room by two of the more lovely members of the House, the gentlewoman from Chelsea, Mrs. Shaw and the gentlewoman from Orrington, Mrs. Baker. They both have expressed a keen interest in this bill and asked if I would be so kind as to table this particular bill until later in this legislative day, and I so move.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Philbrick, moves this matter be tabled until later in this evening's session. Is this the pleasure of the House?

The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, I request a division.

The SPEAKER pro tem: A division has been requested. All those in favor of the tabling motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-five having voted in the affirmative and twenty-five having voted in the negative, the tabling motion did prevail.

Orders of the Day

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

An Act Establishing a Medical Care and Services Program. (S. P. 558) (L. D. 1605) — Engrossed in Both Branches.

Tabled — June 6, by Mr. Baxter of Pittsfield.

Pending — Passage to be Enacted.

(On motion of Mr. Whitman of Woodstock, retabled pending passage to be enacted and tomorrow assigned)

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

An Act Appropriating Moneys to Effectuate Compensation for State Employees. (H. P. 565) (L. D. 785)

Tabled — June 6, by Mr. Baxter of Pittsfield.

Pending — Passage to be Enacted.

(On motion of Mr. Whitman of Woodstock, retabled pending passage to be enacted and tomorrow assigned)

The SPEAKER pro tem: The Chair now lays before the House under Supplement Number One of the House Advance Journal for today, the following matter tabled this morning and assigned for later today, this being number one, Bill "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium," Senate Paper 311, L. D. 899.

The Chair recognizes the gentleman from Fort Fairfield, Mr. Hopkinson.

Mr. HOPKINSON: Mr. Speaker and Ladies and Gentlemen of the House: I wish now to — on Amendment "C" we have checked the legal necessity for this amendment and have determined that it is not necessary. Therefore, I move for indefinite postponement of Senate Amendment "C," filing number S-255.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Fort Fairfield, Mr. Hopkinson, that the House recede from its engrossment of this bill.

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

Mr. CHAPMAN: Mr. Speaker, I am not quite clear just which item we are discussing. As I understood you, it was to be an item one on the first page, which my record shows was to be postponed until tomorrow.

The SPEAKER pro tem: The item under consideration is item number one on the supplemental calendar, item number one under matters tabled until later in the day, and that is Bill "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium." That item on the regular calendar was item three on page two.

Will the gentleman from Fort Fairfield kindly approach the rostrum.

(Conference at rostrum)

The SPEAKER pro tem: The House will be in order. The question now before the House is the motion of the gentleman from Fort Fairfield, Mr. Hopkinson, that the House recede from its action whereby it passed this bill to be engrossed. Is this the pleasure of the House?

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

Mr. JALBERT: Mr. Speaker, as I understand it, and I can stand corrected by the gentleman from Fort Fairfield, Mr. Hopkinson, and he wants to have the House entertain the motion to recede from engrossment so that he can move the indefinite postponement of Amendment "C" so that he can then put in another amendment, which seems to be a fair amendment. Is that correct?

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jalbert, has asked a question through the Chair to the gentleman from Fort Fairfield, Mr. Hopkinson, who may answer if he chooses.

Mr. HOPKINSON: That is correct, I wish to indefinitely postpone Amendment "C" and adopt in concurrence Senate Amendment "A."

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

Mr. WHITMAN: Mr. Speaker, I think I am correct and I would like to point out, that if the House fails to recede in this instance then the question will necessarily be to either pass the bill as amended by the Senate or kill the bill entirely. Am I correct?

The SPEAKER pro tem: For the information of the House, Senate Amendments "A" and "C" have not been entertained or adopted by the House. The House passed the bill to be engrossed in its original form without amendment. The question now before the House is the motion of the gentleman from Fort Fairfield, Mr. Hopkinson, that the House recede from its action whereby it passed the bill to be engrossed, at which time the gentleman will move the indefinite postponement of Senate Amendment "C" and the adoption of Senate Amendment "A." The House may, if it wishes, insist upon its former action whereby it passed the bill to be engrossed without amendment.

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

Mr. WHITMAN: Mr. Speaker, I move that the House insist on its former action.

The SPEAKER pro tem: The motion to recede takes precedence over the motion to insist, and therefore the motion to recede is the motion now before the House.

The Chair recognizes the gentleman from Fort Fairfield, Mr. Hopkinson.

Mr. HOPKINSON: Mr. Speaker and Members of the House: This Amendment "A" carries no—doesn't involve any money, it simply makes the transfer temporary instead of permanent. As I read in the letter this morning, the building is being

built and if it is finished before the next legislature it would provide for the moving of the patients back to that area, and it is quite important to Aroostook County that the TB patients be kept in that area inasmuch as it is from two hundred and fifty to a three hundred mile drive to Fairfield to take the patients there and for the people to visit them. And we have at the present time in Aroostook County, we are informed, a hundred and forty people who do show symptoms of TB and twenty-one in the present san. Twelve of that forty-one have positive sputum and eleven in the sanatorium have.

We feel that this amendment would solve the problem of the TB deal in Aroostook County.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I hope that we go along with the gentleman from Fort Fairfield. Also, Amendment "C" leaves this up to the discretion of the Commissioner of Health and Welfare and the Governor and Council. So I hope that we will go along with this gentleman.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Patten, Mrs. Harrington.

Mrs. HARRINGTON: Mr. Speaker and Members of the House: I hope that you will go along with this motion, because it is very simple. You have already voted to close the sanatorium up there and move the patients down there. You have also voted to build the wing at Fort Fairfield. And why isn't it good business just as soon as the wing is ready, move them back? It's just as simple as that.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Fort Fairfield, Mr. Hopkinson, that the House recede from its action whereby on May 17 this Bill "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium," Senate Paper 311, Legislative Document 399, was passed to be engrossed. Is this the pleasure of the House?

Mr. CHAPMAN of Norway then asked for a division.

The SPEAKER pro tem: A division has been requested. Will all those in favor of the motion to recede, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had. Eighty-four having voted in the affirmative and twenty having voted in the negative, the motion prevailed.

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

SENATE AMENDMENT "A" to S. P. 311, L. D. 899, Bill, "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium."

Amend said Bill in the 3rd line by inserting before the word "transfer" the word "temporarily".

Thereupon, Senate Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "C" to S. P. 311, L. D. 899, Bill, "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium."

Amend said Bill by inserting at the beginning of the first line the underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill by inserting at the end the following section:

'Sec. 2. Transfer. Upon completion of the new state tuberculosis wing at the Community General Hospital at Fort Fairfield, these patients and equipment may be transferred to said wing in the discretion of the Commissioner of Health and Welfare with the approval of the Governor and Council.'

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

Mr. CHAPMAN: Mr. Speaker, I move that this amendment be indefinitely postponed.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Norway, Mr. Chapman, that Senate Amendment "C" be indefinitely postponed. Is this the pleasure of the House?

All those in favor of indefinite postponement of Senate Amendment "C" please say aye; those opposed, no.

A viva voce vote being taken, Senate Amendment "C" was indefinitely postponed in non-concurrence.

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

The SPEAKER pro tem: The Chair now lays before the House under Supplement Number One of the House Advance Journal for today under matters tabled this morning and assigned for later in the day, item two, this being An Act relating to Exit Facilities in Boarding and Nursing Homes, House Paper 13, Legislative Document 32, tabled today by the gentleman from South Portland, Mr. Hinds, pending further consideration.

Upon motion of Mr. Hinds of South Portland, the House voted to recede and concur with the Senate.

The SPEAKER pro tem: The Chair now lays before the House under Supplement Number One of the House Advance Journal for today under matters tabled this morning and assigned for later in the day, item three, this being a Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Providing a Tax for Schooling of Children in Unorganized Territory," House Paper 1027, Legislative Document 1428, tabled today by the gentleman from Bowdoinham, Mr. Curtis, pending his motion to substitute the Bill for the Report.

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

Mr. BERRY: Mr. Speaker, Mr. Curtis had to leave and asked me if I would move to table this until the next legislative day for the purpose of introducing an amendment.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this matter be tabled until the next legislative day. Is this the pleasure of the House?

All those in favor of the tabling motion, please say aye; those opposed, no.

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

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

Mr. ESTEY: Mr. Speaker and Ladies and Gentlemen of the House: This morning in relation to item twenty-seven we accepted and passed the report on the tax on unorganized territories. The committee report on this item was unanimous "ought not to pass" and I now move that we accept the committee report.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that the Bill be substituted for the Report and this motion has precedence, and therefore that is currently the motion before the House.

Mr. Morrill of Harrison then asked for a division.

The SPEAKER pro tem: A division has been requested.

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

Mr. WELLMAN: Mr. Speaker, would I be in order to move the indefinite postponement of the bill and all accompanying papers?

The SPEAKER pro tem: The motion would be in order and would take precedence.

Mr. WELLMAN: I so move.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Wellman, that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. BERRY: Mr. Speaker, I second the motion.

The SPEAKER pro tem: Is the House ready for the question?

The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that the Report and Bill be indefinitely postponed.

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

A viva voce vote being taken, the Report and Bill were indefinitely postponed and sent up for concurrence.

At this point, Speaker Good returned to the rostrum.

SPEAKER GOOD: The Chair wishes to compliment again the

gentleman from Pittsfield, Mr. Baxter, for his excellent performance of his duties as Speaker pro tem.

Apparently we are waiting for the supplement, so the House may be at ease.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Clerk has in his possession a veto message from the Governor. The Clerk will read the veto message.

Thereupon, the veto message was read by the Clerk as follows:

STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA

June 7, 1961

To the Honorable Senate and House of Representatives of the 100th Legislature:

There is returned herewith, without my approval, House Paper 830, Legislative Document 1145, entitled "An Act Relating to Sunday Sales of liquor by hotels and Class A Restaurants."

I have carefully and objectively examined this legislative document.

Legislation of this nature must be precisely drafted so that those who are charged with the enforcement of the laws, as well as those who are licensed thereunder, will not have to guess at the intent of the statute. The language chosen in this instance might be interpreted as permitting a single purchase of food, in the amount of one dollar, to have qualified for unlimited purchase of liquor for others as well as himself.

In my opinion, an even more serious deficiency in the bill is the failure to incorporate a provision for local option. At present nine questions relating to the sale of liquor are biennially submitted to the voters in each municipality. The system has worked well. If the period for the sale of liquor were to be substantially expanded at this time, the voters should have a similar opportunity to decide for themselves at the local level.

Finally, and fundamentally, I believe the measure before us is an intrusion on the observance of the Sabbath.

Maine people have traditionally regarded Sunday as a day set apart and one on which there should be a minimum of commercial activity. Indeed, recent weeks have seen much concern over the strengthening of our statutes relating to such activity, and this Legislature has moved toward an effective remedy for this situation.

Christian principles are strongly ingrained in the character of Maine people. Respect for the Lord's Day is one of the basic attributes. The change contemplated by this bill could be, unwittingly, the first step in the erosion of our heritage. With the forces rampant in the world today which threaten our way of life, we must strive to preserve every bit of our moral fibre. This is not the point in history where we can adopt the old cliché that because everyone is doing it, we must do it too.

You and I, in our respective roles in government, are from time to time called upon to act upon principle in many areas where the picture is neither black nor white. It is these gray areas about which I am especially concerned today. Gradually, but irretrievably, we can abandon our traditional principles. This bill might become the first step toward an extension of state-sanctioned activities on Sunday. Next, we would be urged to open the bars, then the liquor stores, and soon all our commercial enterprises. Because I regard this as a matter of conscience, and because I believe we should adhere to the principles which have historically guided our people, I return this bill without signature.

Respectfully submitted,

JOHN H. REED

John H. Reed

Governor of Maine

The SPEAKER: Is it the pleasure of the House that this veto message be placed on file?

The motion prevailed.

The SPEAKER: The Chair would like to refer the members of the House to Article IV, Part Third, Section 2 of the Constitution of the State of Maine and also to House Rule 56, and the Speaker will in substance state the contents of this section of the Constitution of the State of Maine and House Rule 56.

First, a roll call is necessary at this time. Secondly, the matter is debatable. And thirdly, in order to override the Governor's veto, it is necessary that there be a vote of two-thirds of the House, that means two-thirds of those present, not necessarily a hundred and one. If two-thirds of the House vote in the affirmative, then the bill will go to the Senate, the House having overridden on their part the Governor's veto. If a two-thirds vote is not obtained in the House, then the Governor's veto is sustained and all that is necessary then is to inform the Senate that we have sustained the Governor's veto.

The question which will be put will be as follows: Shall the bill become a law notwithstanding the objections of the Governor? If you wish to override the Governor's veto, you will vote "yes" when your name is called. If you wish to sustain the Governor's veto, you will vote "no" when your name is called. The subject matter is now open to debate and the question will again be stated before a roll call is ordered.

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

Mr. FOGG: Mr. Speaker, may I approach the rostrum for a moment?

The SPEAKER: The gentleman may, and the House will be at ease.

(Conference at rostrum)

The SPEAKER: The House will be in order.

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

Mr. BAXTER: Mr. Speaker, I move that the House recess for fifteen minutes.

Mr. Fogg of Madison was granted unanimous consent to briefly address the House.

Mr. FOGG: I would like to ask the Democrat members of the Legislature, to meet me down in the Legal Affairs room for a few minutes.

The SPEAKER: Is it now the pleasure of the House that the House recess until a quarter to nine?

The motion prevailed and the House recessed until a quarter to nine.

**After Recess
9:00 P.M.**

Called to order by the Speaker.

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

Mr. WHITMAN: Mr. Speaker, I move that that section of the rules which prohibits transaction of business after the hour of nine p.m. be suspended.

The SPEAKER: The gentleman from Woodstock, Mr. Whitman, has moved that that section of the House rules which forbids the transaction of business after nine p.m. be suspended. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The matter under discussion is the veto message of the Governor pertaining to L. D. 1145, An Act relating to Sunday Sales of Liquor by Hotels and Class A Restaurants. The motion before the House which will be decided on a roll call is as follows:

Shall the bill become a law notwithstanding the objections of the Governor. If you wish the bill to become a law notwithstanding the objections of the Governor, you will vote yes when your name is called; if you wish to sustain the Governor's veto, you will vote no when your name is called. The matter as stated before is open to debate at this time. If there is no debate, the roll will be called. And the question will be restated.

The question is, shall the bill become a law notwithstanding the objections of the Governor? If you wish the bill to become a law notwithstanding the objections of the Governor, you will vote yes when your name is called; this will require a two-thirds vote of the members present; if you wish to sustain the Governor's veto, you will vote no when your name is called. The Clerk will call the roll.

ROLL CALL

YEA — Beane, Moscow; Bedard, Bernard, Binnette, Boissonneau, Briggs, Burns, Bussiere, Dostie, Winslow; Fogg, Gallant, Hendricks, Jalbert, Jameson, Jobin, Johnson, Stockholm; Kellam, Kimball, Lacharite, Lane, Letorneau, Levesque,

Lowery, Maxwell, Nadeau, Biddeford; Plante, Poirier, Seigny, Tardiff, Walls.

NAY — Albair, Anderson, Ellsworth; Anderson, Greenville; Baker, Baxter, Bearce, Berry, Cape Elizabeth; Berry, Portland; Boothby, Bradeen, Bragdon, Brewer, Brown, Fairfield; Brown, Vassalboro; Buckley, Carter, Chapman, Norway; Choate, Cooper, Coulthard, Crockett, Cyr, Danes, Davis, Dennett, Dennison, Dodge, Drake, Dunn, Durgin, Edgerly, Edwards, Estey, Finley, Gardner, Gill, Ham, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Harrington, Haughn, Hichborn, Hinds, Hopkinson, Hughes, Humphrey, Jones, Karkos, Kilroy, Knapp, Knight, Lantagne, Lincoln, Linnekin, Littlefield, Maddox, Merrill, Moore, Morrill, Morse, Perry, Philbrick, Augusta; Philbrick, Bangor; Prince, Prue, Roberts, Rust, Schulten, Shaw, Shepard, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong, Sproul, Stewart, Storm, Swett, Thaanum, Thornton, Turner, Tweedie, Tyndale, Vaughn, Wade, Walker, Waterman, Wellman, Westerfield, Wheaton, Whitman, Williams, Winchenpaw, Wood, Young.

ABSENT — Beane, Augusta; Berman, Auburn; Berman, Houlton; Chapman, Gardiner; Curtis, Dostie, Lewiston; Hague, Hartshorn, Hutchins, Johnson, Smithfield; Kennedy, MacGregor, Malenfant, Matheson, Mathews, Minsky, Nadeau, Lewiston; Noel, Pike, Sirois, Stevens, Waltz, Whitney.

Yes, 30; No, 97; Absent 23.

The SPEAKER: Thirty having voted in the affirmative, ninety-seven having voted in the negative, with twenty-three absent, the veto of the Governor is sustained, and a message will be sent to the Senate conveying that information to the Senate.

The SPEAKER: At this time the Chair would like to announce the presence in the Hall of a group of teachers from the High School and the Elementary School of Newport, being Thomas D. Kent, Beverly Hamilton, Florence Davis, Fredrick Clark, Herbert Osgood,

Edward Beaudoin, James Viola, Allen Smaliage, and their presence here is sponsored by the gentleman from Stetson, Mr. Merrill.

On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

(Conference at rostrum)

The SPEAKER: The Chair now lays before the House, a matter which was tabled earlier in the day, being item two at the bottom of the page of Supplement Number One: Bill "An Act to Incorporate the Town of Harpswell Neck," Senate Paper 118, Legislative Document 263, tabled by the gentleman from Bangor, Mr. Philbrick, pending the motion of the gentleman from South Portland, Mr. Danes, that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, Ladies and Gentlemen of the House: It is with great humility that I take issue with this Legislative Document that deals in the separation of my beloved town of Harpswell. First of all, I want to show respect to my worthy colleagues that make up the Towns and Counties committee, I realize that the knowledge that they gave of the Town of Harpswell was done during a short time at a public hearing, and even though I do have a great deal of respect for my worthy colleagues, I have a more valuable and sacred respect for my home town and the ninety-two percent of the people of my town that are vigorously opposed to this legislation.

This bill or its similarity has appeared before three Maine Legislatures, namely, the 97th, the 98th and the 99th. In the 97th Legislature, the Legislature saw fit to allow a legal meeting by the legal voters in the western section of the town by a sixty-five percent majority. The separation has failed to carry that election. The 98th Legislature failed to give passage to this same bill, the 99th Legislature failed to give passage to this same bill, and I cannot make myself believe that this Legislature would be

an exception to those who found it unfit and unwise to help separate a small strong healthy town.

These separations, so-called, in the Town of Harpswell constitute between eight and ten percent of the population of the town as a whole and pay approximately six percent of the overall tax. This separation group is headed up by twelve or fifteen more or less newcomers in the town and this was demonstrated at the public hearing. This bill was introduced by someone who does not live in the Town of Harpswell, it was ushered and captained by several attorneys and it was lobbied here all winter as you all know. At that public hearing, there was a gentleman and his wife who testified for this bill who have lived in the Town of Harpswell for less than two years, another gentleman that testified for this bill had lived in the town for less than three years, another gentleman that testified for this bill had lived in the town for less than four years, another gentleman who was more or less recognized as a summer person registered his vote three years ago in Harpswell and he voted for this bill, there was a lady that testified for this bill who has lived in town around seven or eight years, another gentleman testified for this bill who had lived in the town for less than six months. I remind you of this only to show you the group that is heading up this so-called separation group. We welcome newcomers into the Town of Harpswell, and we would like to see them come forth with constructive issues, not destructive issues such as separation. This eight to ten percent of the population of the town as a whole, however, compromise about fifty percent of the population in the section in which they reside. The other fifty percent in this same section that they reside is vigorously opposed to separation. This was demonstrated at the public hearing where there was a large group, I should say that it was about two to one.

This bill as I have said before is the most insulting, the most disgraceful, ridiculous, unscrupulous and discriminatory piece of legislation that I have seen come before this Legislature. This bill tells you

that the backers and the bill are carving a section of the town that they call their own. This happens to be the mainland of our town, the mother part of our town, the historical part of our town, the part of our town where our town hall is and our municipal offices and the part that we all love so well. This bill tells you that they are going to affect all the people in the Town of Harpswell, this bill tells you that they are going to take the records, this bill is telling you that they want all of the moneys that are earmarked for that section of the town, this bill is telling you that they want their proportionate part of the moneys in the treasury, this bill is telling you that they will not pay any part of the capital investment of the so-called New Island school building which is a heavy indebtedness; and in their referendum clause, they are telling you that they want a legal meeting by the legal voters of that section of the town and by a simple majority vote to decide that election. In other words, they are affecting the boundaries of the town, every single solitary soul that lives in the town, the records, the internal workings, the moneys, what they will pay and what they won't pay, and in their referendum clause, they are leading this Legislature down into an avenue of class legislation, whereby they are setting up their minority class against the majority class and where a majority of a majority class cannot exercise their voting strength on this issue.

This is a school issue. The western part of the town in 1964 is to receive a five-room schoolhouse, costing around ninety thousand dollars. This fund, a fund has already been started by the town, \$12,400. We are anticipating on a new bridge that will come in the future years, which will tie the two sides of the town together. I cannot conceive of anything that these people have to ask the separation for.

This bill does not solve a problem, it creates turmoil and unrest. Much has been said about the geography of the town, and the distance that they have to travel to the eastern side of the town to vote. I travel to this Legislature

daily a round trip of one hundred miles and some of these people cannot drive once a year fifteen miles to a voting precinct. However, we do have an alternating agreement in Harpswell, whereby we are supposed to alternate voting on each side, but in the western part of our town where the town house is, it is not large enough to conduct the annual meetings that we have.

All towns are made up of people with different ideas and dispositions, there are those that want better schools, those that don't care, those that want better street lights and those that are satisfied without any; those that want better roads and so forth down the line; showing that no town meets the exact approval of each citizen, but most everyone except what the majority wants, and in this case the majority does not want separation.

I represent like you, the majority, and I do not believe that our constituents send us up here with the idea of separating strong healthy towns. We are supposed to go along with constructive legislation. The trend of the times today as we all know is to unite—not to separate. We have seen evidence of that in this legislature, we've seen it in the state, we've seen it in the United States — our United Nations.

In this great land of ours, if the stars and stripes are ripped down, there are millions that will spring to its defense, and in a similar comparison, the banner of the Town stars and stripes are ripped down, and the people through their representative to the Legislature are trying to spring to the defense of that banner for the town that they love so well. You and I were sent here for constructive legislation—not destructive, and in connection with the Town of Harpswell, that old saying would apply, 'united we stand, divided we fall.' I will close my remarks at this time now. Thank you very much. (Applause)

The SPEAKER: No demonstration please from the audience. The Chair recognizes the gentleman from Freeport, Mr. Crockett, and the pending motion is the motion of the gentleman from South Portland, Mr. Danes, that the House

accept the Committee Ought to pass Report as amended by Committee Amendment "A." The gentleman from Freeport, Mr. Crockett, may proceed.

Mr. CROCKETT: Mr. Speaker, I heartily agree with my colleague from Harpswell, a man that's lived there all of his life, he knows what the people down to Harpswell want. This bill has been before us in the 97th as he has told you, in the 98th and the 99th; they have seen fit to not allow this bill to pass and I can assure you it would be a shame to break up this beautiful town into two sections. I say go along with my colleague, Mr. Prince.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, I now move that this bill and all accompanying papers be indefinitely postponed.

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

The SPEAKER: The Chair recognizes the gentlewoman from Orlington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: this bill would allow the voters of Harpswell Neck to decide in a referendum whether or not they would become a separate town from Harpswell. The bill has been before this Legislature as you have been told and the Committee on Towns and Counties for four terms. The 97th Legislature granted the referendum, but made its passage dependent upon a sixty-five percent majority. This vote failed by a narrow margin.

In each of the three sessions since that time, the request for separation has been made again. Each time the hearings have been notably among the largest attended for the session. This is evidence to the committee that this is no passing whim of a small group of citizens. It indicates to the committee that there is a real problem, and that the voters should be allowed to vote again. Therefore, the committee has voted seven to two "Ought to pass."

The two parts of the town at the present time are separated geographically by the Brunswick Naval Base. One part of the town is the peninsular known as Harpswell Neck. Then on the mainland is the Brunswick Naval Base. Next there is the section of the town known as the island, principally Bailey's and Orr's Islands, and the easternmost part of the town, Cundy's Harbor. The most populous area is the middle or island section where the town offices are located. To get from one part of the town to the other, it is necessary to travel around the Naval Base, the shortest possible distance of nine and one-half miles. Everyone living on the Neck is further from the Cundy's Harbor Community Center where town meeting is held than he is from the centers of the following towns: Brunswick, Topsham, West Bath, Bath, Woolwich, Bowdoinham, Bowdoin and Freeport.

Because of the distances which separate these areas, such services as schooling, fire and police protection, and in the more populous areas, water facilities, must be duplicated. If the islands had to depend on the Harpswell Neck Fire Department, any building that caught fire would burn to the ground before the "Neck" fire department could possibly arrive on the scene. With the single exceptions of the town officials themselves, everything must be duplicated.

Naturally, in a town as old as Harpswell there is a great deal of sentiment for past history, but time and conditions change, such as the moving in of the Brunswick Naval Base. At the time of the hearing, there were 451 registered voters on Harpswell Neck. Of this total, 226 signed petitions in favor of separation, and many more indicated that while they would not sign the petitions, they would nevertheless vote for separation if and when it went to a referendum.

Therefore, the majority of the Towns and Counties Committee feel that this Legislature should grant these people the opportunity to vote on the question of separation in a local referendum. Only by this referendum can this question be resolved. Therefore, I hope, ladies and gen-

tlemen of this House, that you will accept the majority report of the committee.

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

Mrs. KNAPP: Mr. Speaker and Members of the House: I have seen some of these small towns divided, and found it has been a detriment to some of them in their school affairs, financial affairs, and their well-being, and it has caused hard feelings among friends. This is and has been a small town for over two hundred years, and they have got along okay, and ironed out their difficulties pretty well. I cannot see any advantage in this move. I therefore move to support the motion of Representative Prince.

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

Mrs. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: We have had many local questions before us during this lengthy session. Many times I have heard you say, why should we be called upon to settle this question, this a home rule question? Well I feel that this Harpswell question is also a home rule question and should be settled by those who are vitally concerned.

The fact that this request for a referendum has appeared before the Maine Legislature four consecutive terms is basis enough that the differences of the Harpswells can only be settled by a vote. The voters of Harpswell Neck have been denied the right of referendum at the past two sessions. I do not feel it is the prerogative of our body to continually deny these people the right to decide their own fate.

I am not generally in favor of divorce or separation in any form, but sometimes a marriage must be dissolved. The Maine Legislature has been consulted much in the same manner as a couple would consult a marriage counselor. The Harpswell combine does not seem to have a common ground on which to base a reconciliation. A vote by the people themselves seems to be the only solution to the problem. Let the majority rule. I hope the motion by the gentleman of Harps-

well, Mr. Prince, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Stewart.

Mr. STEWART: Mr. Speaker, Ladies and Gentlemen of the House: I have no great concern with this problem nor with the committee's report, I am not close to the Town of Harpswell or to Cumberland County; however, I note on page three of Legislative Document 262, concerning the local referendum, and I would like to read about the first four lines, it states, "... this act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters within the territory embraced within the limits of said proposed Town of Harpswell Neck. . ."

Now it would appear that the Town of Harpswell will not be allowed to vote on this issue, but just Harpswell Neck. Now if that is the case and if this is to be a divorce, then it would seem that both sides should be heard. If Harpswell Neck is to be heard and the people are to go to the polls, I merely inquire why should not Harpswell be heard, and they be allowed to vote on whether or not this should be a separation.

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

Mr. RUST: Mr. Speaker, Ladies and gentlemen of the House: I rise in support of the motion of the gentleman from Harpswell, Mr. Prince, for two very simple reasons: it appears in this legislative document that the only people that are going to vote on the dissolution of the Town of Harpswell and Harpswell Neck is the proponents of the bill, those in Harpswell Neck. Now this bill affects many many of the details of the town, schools, police, fire, bonds, indebtedness, etc.; yet the people who might be opposed to this or who might have an interest one way or the other in the remaining section of the town have absolutely no voice in this dissolution.

Now I will recall two years ago at the last session of this Legislature, a similar bill involving two areas of the town in which I come from, the Town of York. We weren't

voting to dissolve, we were voting to consolidate. Now the proponents of the bill were the people in the town area, and they wanted to consolidate with one of our village corporations; so they put in a legislative document allowing and proposing a vote of the whole town. Now the area of the village corporation that was involved having something like thirty percent of the votes, they certainly could not go to town meeting and vote by representation to fully protect their rights because they didn't have the votes to do it. So, we did finally come around to getting a vote in both areas that were involved so that both parties could have their say. I think that was the fair thing to do. If both areas were in favor of consolidation or as in this case if both areas are in favor of dissolution, that is a fair proposition as it represents the will of a majority of the people in both areas of the town voting at separate meetings. For that reason, I don't believe that this is a good piece of legislation, and it is certainly not fair to all the people in the area of Harpswell and Harpswell Neck to let only the proponents of this particular legislative document vote upon it, and therefore, I hope that the motion of the gentleman from Harpswell, Mr. Prince, prevails.

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

Mr. WILLIAMS: Mr. Speaker and Members: Now I know very little about the Town of Harpswell except it's one of the state's most beautiful spots. Now it looks to me in this day when we're moving into consolidation of schools and various other things into larger units for more efficient administration, this looks to me like a step in the wrong direction. It would be a shame to divide an old established town into two splinters—neither one of which is large enough to exist by itself.

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

Mr. TWEEDIE: Mr. Speaker, Ladies and Gentlemen of the House: The point that these two areas want to separate from is the fact that they are geographically sep-

arated now. I put a bill in this House to combine two towns for the same reason, they were geographically combined already. It has been brought out that both sides should be heard, that this has been likened to a divorce. Surely this House would not force two people to live together; and on the other hand if both sides should be heard, Harpswell Neck is more like the woman who wants to leave her husband. Are we going to make her live with him? It doesn't make sense. Supposing these two towns still lose money, the people of Harpswell Neck say that they are losing \$18,000 a year, that they pay over and above what they get in return. Let's say it cost each side \$18,000 extra, but they're happy; if they're not happy, they can go back together. But they're already separated geographically, and all we're asking is let the gal leave her husband if she wants to.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: I have a great respect for my esteemed colleague, Mr. Tweedie, but I would like to remind this House that the Town of Harpswell has lived together for two hundred and three years. We were settled in 1720, we became the thirteenth incorporated town in 1758. The Town of Harpswell has produced representatives to the Massachusetts Legislature, it produced a representative to the first State of Maine Legislature; and it is indeed a privilege to be a member of this 100th Legislature, to stand here and defend the honor and the integrity of my town.

The Town of Harpswell's tax commitment last year was \$183,000 plus, and of this \$183,000, nearly \$112,000 of it was paid by the non-resident taxpayer. The non-resident taxpayer is more or less recognized as the industry of our town. To do anything to upset them, to create turmoil and confusion, would be a catastrophe to the Town of Harpswell. Many of these non-residents have been told that if the town was separated their taxes would be less and they would be getting more for their money. To me this is a ridiculous statement, and I believe that you would agree with

me if you take a small corporation, cut it in two to make two small corporations producing the same amount, the only thing that you have created is double the expense. This is true, this expense would have to be injected into the taxpayer and it would be the non-resident taxpayer, the summer person who is now paying the sixty-one percent, that would be charged with this extra sixty-one percent. We are a small town, cut us in two and you have got two flimsy small towns.

I submitted to the Towns and Counties Committee at public hearing, Committee Amendment "A" to S. P. 118, Legislative Document 263, Bill, "An Act to Incorporate the Town of Harpswell Neck."

Amend said Bill in section ten by striking out the first three sentences and inserting in place thereof the following sentences:

This act shall take effect ninety days after adjournment of the Legislature only for the purpose of permitting its submission to the legal voters of the Town of Harpswell, voting by ballot at an election to be specifically called and held for the purpose within sixty days of the effective date of this act.

This is the only fair way for this issue to be settled, I am not going to offer this amendment again at this time, and I hope that my motion will prevail.

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

Mr. DANES: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of my vote on the ought to pass vote on the committee, as a member of the Towns and Counties Committee. I feel that there was fairness given all individuals on both sides at the hearing. It was a very well attended hearing, and there was an awful lot of points brought out, both pro and con; but it seems to me the most apparent opposition to the bill was based purely on sentiment. Some of the people have said that this town has managed to solve its differences for two hundred years and will continue to do so, but it has only been the last few years since the town has been geo-

graphically separated by the Naval Air Station. As far as this type of legislation is concerned in allowing one section of the town desiring separation to vote for itself, it has been done in the past in the State of Maine. That is in the case of West Paris and Paris. They have separated amicably and are getting along very nicely. There certainly is a serious problem that exists in this town, and I feel that the logical solution is to support the majority ought to pass report of your committee.

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

Mr. PHILBRICK: When the vote is taken, I ask for a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Harpswell, Mr. Prince, that the Reports and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: It has been said that only the proponents of this bill would be permitted to vote in this proposed referendum. That is not so, because all of the residents of Harpswell Neck would be allowed to vote. Not all of those residents are proponents and it remains to be seen as a result of the election whether or not the separation would take place. I wish to call the attention of the members of the House to the committee amendment. The gentleman from Harpswell, spoke about the books and papers and records of the town being lost to one half the town. This amendment would take care of that situation I think.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince, who asks permission to speak a third time. Is this the pleasure of the House? The gentleman may proceed.

Mr. PRINCE: This will be very brief and I just want to answer Mrs. Baker that I am mindful of the amendment that the committee offered, and the first thought that came to my mind was this, our official town house is in this western section of the town, our municipal offices, and even though

these records have been granted to us, we would have to build another town house on our side if the town was divided in order to get the records into it.

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

Mr. LACHARITE: Mr. Speaker and Members of the House: I am quite reluctant for the second time to take issue with my good friend from Orr's Island, Mr. Prince. However, I have been contacted by a great many people since the introduction of this bill — people from the Town of Harpswell; and although there were a few who were in opposition to this bill, most of those that I have been contacted by were in favor. Now I have lived in Brunswick for a great many years, all my life and that's over thirty years, and I am pretty well acquainted with the geographic situation of the two areas involved. Neither one of these areas has a primary shopping area or an industry to stimulate travel from one to the other. From the southern end of one area to the southern end of the other, there is a distance of about thirty miles. There is no doubt in my mind that there is a great deal of duplication in the operation of these two areas. It seems to me that if the residents of Harpswell Neck want to separate and establish a town of their own, that this is a local problem and that they should be able to decide that by themselves in a referendum. The fact that this same bill has been presented three or four times to me is indication that there is a definite desire to separate.

There has been mention of the people who would vote on this separation issue. It is my understanding that all the people in the western division of the town which is Harpswell Neck would vote in a referendum and they are the one who wants to separate, so I believe they should be the ones to vote. I hope that the motion to indefinitely postpone does not prevail.

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

Mr. BROWN: Mr. Speaker, I rise to support the motion of Mr. Prince

from Harpswell. I would recall to the attention of the House a bill which has appeared before it concerning the Kennebec Water District. In that instance the bill referred to only one town voting for or against. In the final draft which passed the House, the majority of all the voters of all the towns involved was requested by referendum. I think that this is an equivalent situation and that all people in the two towns should vote on the issue.

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

Mrs. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: I would like to explain why the committee has taken its position on the majority vote for Harpswell Neck only. At present the whole town votes for the selectmen and the school board. In our hearing, which was very well attended and the testimony was very clearly stated, the Harpswell Neck people told us that the selectman and the school board member which was elected from their side was elected by the people on the island side, they having two-thirds of the vote and the Neckers having only one-third of the vote.

So consequently anything that they would desire would be outvoted by two-thirds vote, and that was the reason that we left the bill as it was.

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

Mr. WATERMAN: Mr. Speaker and Ladies and Gentlemen: There is a question that has come to my mind. If I remember correctly Mr. Prince mentioned the proposed possibility of a bridge across to connect the two and thereby remove the geographical separation. I would like to know how far across the water it is and if it is any great distance, would this be a state bond issue to finance that bridge sometime in the future?

The SPEAKER: The gentleman from Auburn, Mr. Waterman, has asked a question through the Chair of the gentleman from Harpswell, Mr. Prince, who may answer if he chooses, and the Chair would sug-

gest that he confine his remarks to answering the question since he has already spoken more than twice.

The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: To answer the question, the bridge distance—of course this is not accurate, Congressman Garland is working on this thing and the survey has not been made yet, but releases have been made. But the bridge distance would probably be between three hundred and three hundred and fifty feet. The water distance is greater than that, but it's shoal on both sides so it will be just a matter of fill and we are hopeful that we can get federal funds for this bridge. It's quite possible that we will where the Brunswick Air Base is not too far away, a government project. But if we cannot get federal funds we are hopeful at Harpswell that when the bridge is built that it will be built under the Bridge Act, which involves county, town, and state moneys. Does that answer your question?

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

Mr. TWEEDIE: Mr. Speaker and Members of the House: I would like to point out to the members of the House that the great island addition to the school must be paid for and then the proposed school for the Neck side in 1964, and then when those are paid for the town's debt limit would be down sufficient so that ten or fifteen years from now they could bond to building this bridge.

I would also like to point out to you that in regard to the gentleman from Fairfield, Mr. Brown, I think the situation there was a little bit different. There was one town which wanted use of a facility belonging to others. There was a question of whether or not to let that town have this facility simply if it wanted it. And the decision was made that it should have it if all towns wanted to let them have it. There's quite a bit of difference.

And in regard to towns having separated and not getting along, I think there has only been one town in Maine that ever did separate and they are doing nicely. Thank you.

Mrs. Baker of Orrington was granted permission to speak a third time.

Mrs. BAKER: Mr. Speaker and Members of the House: In regard to funds available for the proposed bridge, I have a memorandum here from the office of Representative Peter A. Garland and it has to do with the proposed bridge, and this is the concluding sentence:

"However, Representative Garland revealed that at no point in these discussions was there any indication whatever of the availability of Federal funds to assist in the construction of the proposed bridge."

The SPEAKER: Is the House ready for the question? The question before the House is related to Bill "An Act to Incorporate the Town of Harpswell Neck," Senate Paper 118, Legislative Document 263. The immediate question is the motion of the gentleman from Harpswell, Mr. Prince, that the Reports and the Bill be indefinitely postponed. And a division has been requested.

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-two having voted in the affirmative and fifty-six having voted in the negative, the motion to indefinitely postpone did not prevail.

The SPEAKER: Is it now the pleasure of the House to accept the Majority "Ought to pass" Report as amended by Committee Amendment "A"?

The motion prevailed.

The Bill was thereupon given its two several readings.

Committee Amendment "A" was then read by the Clerk as follows: COMMITTEE AMENDMENT "A" to S. P. 118, L. D. 263, Bill, "An Act to Incorporate the Town of Harpswell Neck."

Amend said Bill by striking out all of the first paragraph of section 7 and inserting in place thereof the following paragraph:

"The books and papers and records of the Town of Harpswell shall be retained by said Town of Harpswell but the Town of Harpswell Neck shall have access to the same."

Committee Amendment "A" was adopted in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, I would offer this House Amendment "A" and would like to make a brief discussion on it.

The SPEAKER: The gentleman from Harpswell, Mr. Prince, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to S. P. 118, L. D. 263, Bill, "An Act to Incorporate the Town of Harpswell Neck."

Amend said Bill by striking out the last sentence of the next to last paragraph and inserting in place thereof the following sentence:

'This act shall take effect for all purposes hereof immediately upon its acceptance by 65 percent of the legal voters voting at said special election.'

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker and Members of the House: I hope the House will go along with this amendment. It is only fair when you stop and think that ninety-two percent of the people of the town do not want separation, and where the separation constitutes about fifty percent of the population in this western section of the town it is very possible that this eight or ten percent could dictate the terms to the town as a whole. To me this is a very fair amendment and I most definitely hope that you will go along with me on this.

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

Mr. MINSKY: Mr. Speaker, I have read this motion with a great deal of interest. I have no particular reason to involve myself in the affairs of Harpswell or Harpswell Neck. I do have an interest in the type of legislation passed by this group. I know of no precedent for support of this type of an amendment. I know of no theory of good government which would

support it. To me it would be unfair; it would be prejudicial. I therefore would move that this amendment be indefinitely postponed.

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

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

Mr. LOWERY: Mr. Speaker and Members of the House: I think the Members of the House all know that during the course of this — the history of this bill in the House that I have neither spoken for it or against it to any of the members. I have my own convictions as to the nature and the story in Harpswell. I am quite familiar with Harpswell. I own property on both sides of the town.

Now to me I think that I know the people down there too. They are friends of mine in both areas, both proponents and opponents of this bill are friends of mine. I will say this, that I believe that the 65 percent required is not unreasonable. This is 65 percent of the legal voters voting. It seems to me that if there is such a strong sentiment for a separation on Harpswell Neck, that the proponents of this action should be able to get out their 65 percent majority. There is no doubt in my mind that if they actually want separation, they will do it. I therefore hope that the motion to indefinitely postpone this amendment does not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, It seems to me that this amendment calls for a very unfair proportion. I know of no other town business or business of this sort that would take any more than a simple majority, and I would like to inquire if I could through the Chair whether this wording — it seems to be a little ambiguous. It says that acceptance by 65 percent of the legal voters voting at said special election. Does that refer to the voters of Harpswell Neck according to the bill?

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker,

has asked a question through the Chair of anyone who may choose to answer.

The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: That is for the legal voters of that section of the town, Harpswell Neck, and I also would like to make remarks in the last separation in the State of Maine. Mrs. Baker speaks of not any more than a simple majority being allowed. I have here the bill that was passed for West Paris and they have 65 percent of the total number of the qualified voters within said territory and I know of no other separation in the State of Maine that has had less than 65 percent.

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

Mr. ANDERSON: I would request a division.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Mars Hill, Mr. Tweedie.

Mr. TWEEDIE: Mr. Speaker, Ladies and Gentlemen of the House: I think this is very unfair. It requires a two to one majority, and in no other process of government is anything more than a majority needed, and two to one is pretty rough and it is sandbagging pretty hard in favor of those people. If 92 percent of them are supposed to be against separation, I don't understand why they should be afraid of a simple majority.

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

Mr. RUST: Mr. Speaker, I would like to remind the members of the House that but a few weeks ago they unanimously passed the bill providing for the dissolution of school administrative districts. There was no debate and no question on this bill and the vote required there is a two-thirds, which is 2 percent higher than this 65 percent.

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

Mr. BERRY: Mr. Speaker and Members of the House: Unless I misunderstand what's been said here, the separation of Paris Hill from Paris called for 65 percent of the registered voters voting. This only provides for 65 percent of the legal voters who vote. There is a vast difference. If ten people vote, seven people could carry this. It seems very unfair.

The SPEAKER: Is the House ready for the question? The question before the House is on the adoption of House Amendment "A" Bill "An Act to Incorporate the Town of Harpswell Neck," Senate Paper 118, Legislative Document 263. The immediate question is the motion of the gentleman from Bangor, Mr. Minsky, that House Amendment "A" be indefinitely postponed. A division has been requested. All those in favor of indefinite postponement of House Amendment "A" please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Fifty-six having voted in the affirmative and fifty-eight having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted and the bill assigned for third reading tomorrow.

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

Mr. WINCHENPAW: Mr. Speaker, I assume there are no further matters of business at this moment?

The SPEAKER: That is true.

(Off Record Remarks)

On motion of Mr. Baxter of Pittsfield,

Adjourned until ten o'clock tomorrow morning.