

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

NOV. 27 - DEC. 2, 1961

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Friday, June 2, 1961

Senate called to order by the President.

Prayer by Rev. Charles E. Karsten of Gardiner.

On motion by Mr. Jacques of Androscoggin, Journal of yesterday was read and approved.

The PRESIDENT: The Chair would like to announce at this time, that I really believe it is the first time in the history of the State of Maine that we have had two former Speakers of the House as members of the Senate. I want to say at this time that these two former Speakers of the House have been of great assistance to me. Every time I have asked for help they have given it to me. At this time it is a great pleasure for me to ask the Senator from Penobscot, Senator Bates to act as President pro tem for this session. Will the Senator from York, Senator Erwin, escort Senator Bates to the rostrum.

This was done amid the applause of the Senate, the members rising.

**Papers from the House
Non-Concurrent Matters**

Bill, An Act Changing Fort Kent Normal School to Fort Kent Teachers' College. (H. P. 586) (L. D. 807)

In Senate, April 14, passed to be engrossed, as amended by Committee Amendment "A" (Filing No. H-163)

Comes from the House, passed to be engrossed, as amended by Committee Amendment "A" as amended by House Amendment "A" thereto. (Filing No. H-353) in non-concurrence.

In the Senate, on motion by Mr. Brooks of Cumberland, the Senate voted to recede and concur.

Resolve, Providing Funds for a Referral Center at Farmington State Teachers' College for Assistance to Teachers. (S. P. 274) (L. D. 875)

In Senate, April 28, passed to be engrossed, as amended by Committee Amendment "A" (Filing No. S-138)

Comes from the House, passed to be engrossed, as amended by Committee Amendment "A", as amended by House Amendment "A" thereto. (Filing No. H-351) in non-concurrence.

In the Senate, on motion by Mr. Brooks of Cumberland, the Senate voted to recede and concur.

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

In Senate, May 3, passed to be engrossed, in concurrence.

Comes from the House, engrossing reconsidered; house amendment "A" adopted in non-concurrence and passed to be engrossed, as amended by House Amendment "A" (Filing No. H-352) in non-concurrence.

In the Senate, on motion by Mr. Davis of Cumberland, the Senate voted to recede and concur.

Bill, An Act to Create the Bureau of Maine Archives. (H. P. 539) (L. D. 737)

In Senate, March 10, passed to be engrossed in concurrence.

Comes from the House, engrossing reconsidered; House Amendment "A" adopted in non-concurrence, and passed to be engrossed, as amended by House Amendment "A" (Filing No. H-350) in non-concurrence.

In the Senate, on motion by Mr. Noyes of Franklin, the Senate voted to recede and concur.

Bill, An Act Revising Laws Relating to Barbers and Hairdressers. (S. P. 556) (L. D. 1603)

In Senate, May 18, passed to be engrossed.

Comes from the House, passed to be engrossed, as amended by House Amendment "A" (Filing No. H-322) and by House Amendment "B" (Filing No. H-348) in non-concurrence.

In the Senate, on motion by Mr. Ferguson of Oxford, the bill was laid upon the table until later in the day, pending consideration.

Bill, An Act Relating to Operating Business on the Lord's Day and Certain Holidays. (S. P. 552) (L. D. 1599)

In Senate, May 18, passed to be engrossed as amended by Senate Amendment "A" (Filing No. S-200)

Comes from the House, passed to be engrossed, as amended by Senate Amendment "A", As amended by House Amendments "C" (H-357) and "D" (H-363) thereto, in non-concurrence.

In the Senate, on motion by Mr. Farris of Kennebec, the Senate voted to recede and concur.

House Committee Reports Ought to Pass—New Draft

The Committee on Natural Resources on Bill, An Act to Prevent Pollution of Halfmoon Pond in Waldo County. (H. P. 768) (L. D. 1054) reported that the same Ought to Pass, in New Draft, under New Title "An Act to Permit Searsport Water District to Prevent Pollution. (H. P. 1174) (L. D. 1620)

Which report was read and accepted in concurrence, and the Bill, in New Draft, read once and tomorrow assigned for second reading.

Majority — Ought Not to Pass Minority — Ought to Pass

The Majority of the Committee on Taxation on Bill, An Act Imposing a Tax on Gross Receipts of Trading Stamp Companies. (H. P. 1030) (L. D. 1431) reported that the same Ought Not to Pass.

(Signed)

Senators:

EDGAR of Hancock
WYMAN of Washington

Representatives:

BAXTER of Pittsfield
ALBAIR of Caribou
MAXWELL of Jay
BRADEEN of Waterboro

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

(Signed)

Senator:

PORTEOUS of Cumberland

Representatives:

WATERMAN of Auburn
WHEATON of Princeton
LETOURNEAU of Sanford

In House, Reports and Bill indefinitely postponed.

In the Senate:

Mr. WYMAN of Washington: Mr. President, I move the acceptance of the Majority Ought Not to Pass report.

Mr. PORTEOUS of Cumberland: Mr. President, due to the absence of one who is very interested in this particular measure at this time I would like to move that it be tabled until later in the day.

The motion prevailed and the bill was tabled until later in the day, pending motion by the Senator from Washington, Senator Wyman to accept the Majority Ought Not to Pass report.

Mr. EDMUNDS of Aroostook: Mr. President —

The PRESIDENT pro tem: For what purpose does the Senator rise?

Mr. EDMUNDS: Mr. President, I rise to ask reconsideration of action taken earlier in today's session.

The PRESIDENT pro tem: Would the Senator please state which measure he refers to.

Mr. EDMUNDS: I refer, Mr. President, to Item 1-1, Bill, "An Act Changing Fort Kent Normal School to Fort Kent Teachers' College." (H. P. 586) (L. D. 807)

Thereupon, on motion by Mr. Edmunds of Aroostook, the Senate voted to reconsider its action taken earlier in the day whereby it voted to recede and concur with the House; and on further motion by the same Senator, the bill was laid upon the table until later in today's session, pending consideration.

Senate Committee Reports

Majority—Report A—Ought to Pass
Minority—Report B—Ought to Pass

The Majority of the Committee on Constitutional State Reapportionment and Congressional Redistricting reported in Report A, Bill, entitled "An Act to Apportion Representatives to Congress." pursuant to Joint Order S. P. 245, re-

ported that the same Ought to pass.

(Signed)

Senators:

STANLEY of Penobscot
WYMAN of Washington
DAVIS of Cumberland
NOYES of Franklin

Representatives:

MOORE of Casco
MADDOX of Vinalhaven
PRINCE of Harpswell
DENNETT of Kittery
KENNEDY of Milbridge
CHAPMAN of Gardiner
STEWART of Presque Isle

The Minority of the same Committee on the same subject matter, reported in Report B, that the same Ought to pass.

(Signed)

Senator:

JACQUES of Androscoggin

Representatives:

FOGG of Madison
WALLS of Millinocket
LETOURNEAU

of Springvale

On motion by Mr. Stanley of Penobscot, the Majority Ought to Pass report was accepted, the bill read once and tomorrow assigned for second reading.

Subsequently, on motion by Mr. Noyes of Franklin, the Senate voted to reconsider its action whereby the bill was tomorrow assigned for second reading and under suspension of the rules, the bill was given its second reading and passed to be engrossed; and on further motion by the same Senator, the bill was ordered sent forthwith to the House.

Second Readers

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

House

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

Which was read a second time and passed to be engrossed in concurrence.

Senate

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

Which was read a second time and on motion by Mr. Brooks of Cumberland, tabled until later in the day pending passage to be engrossed.

Enactors

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

Bill, An Act Relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies. (H. P. 358) (L. D. 510)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

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

Which bill was passed to be enacted.

Bill, An Act Relating to Disability Retirement Allowance under State Retirement System. (H. P. 701) (L. D. 979)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, An Act Relating to the Control of Sources of Ionizing Radiation. (H. P. 925) (L. D. 1273)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, An Act Exempting Certain Non-profit and Charitable Institutions from Sales and Use Tax Law. (H. P. 1060) (L. D. 1360)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, An Act Relating to Preservation of Essential Records Against Destruction in Event of a Disaster. (H. P. 989) (L. D. 1376)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, An Act Relating to Definition of Public School Under Maine State Retirement System. (H. P. 1117) (L. D. 1539)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, An Act Relating to Unprotected Wells. (H. P. 1131) (L. D. 1558)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

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

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, An Act Providing for Review of Aid to Dependent Children by Department of Health and Welfare. (S. P. 82) (L. D. 182)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, An Act to Amend the Workmen's Compensation Act. (S. P. 173) (L. D. 419)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, An Act Requiring Persons Seventy-five Years of Age to Take Examination for Motor Vehicle Driver's License. (S. P. 387) (L. D. 1197)

Which was passed to be enacted.

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

Which was passed to be enacted.

Bill, An Act Relating to Survivor Benefits Under Maine State Retirement System. (S. P. 503) (L. D. 1517)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, An Act Relating to the Inspection of County Jails. (S. P. 504) (L. D. 1518)

Which was passed to be enacted.

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

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Resolve, in Favor of School Administrative District No. 14, Danforth-Weston, for School Construction Aid. (H. P. 573) (L. D. 793)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Resolve, Reimbursing Bay Ferry Corporation for Loss of Its Business. (H. P. 579) (L. D. 799)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Resolve, Appropriating Moneys to Match Federal Funds Provided Under Title VIII of the National Defense Education Act. (S. P. 270) (L. D. 871)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Resolve, Appropriating Moneys to Match Federal Funds Provided Under Title X of the National Defense Education Act. (H. P. 724) (L. D. 1012)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Emergency

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

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Emergency

Bill, An Act Relating to Holding of Property by Non-Profit Corporation Operating Educational Television or Radio Stations. (H. P. 826) (L. D. 1141)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Emergency

Bill, An Act Relating to Care and Supervision of Planes of Department of Sea and Shore Fisheries. (H. P. 1159) (L. D. 1600)

Which Bill, being an emergency measure, and, having received the affirmative vote of 25 members of the Senate, was passed to be engrossed.

Emergency

Bill, An Act to Reactivate a Maine Committee on Problems of the Mentally Retarded. (S. P. 77) (L. D. 177)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Emergency

Bill, An Act Permitting St. Francis College to Confer Honorary Degrees. (S. P. 563) (L. D. 1615)

Which bill, being an emergency measure, and, having received the affirmative vote of 25 members of the Senate, was passed to be enacted.

Non-concurrent Action on Enactors

Bill, An Act Creating the Fort Kent Utilities District. (H. P. 1155) (L. D. 1593)

In House, under suspension of the rules, passage to be engrossed reconsidered; House Amendment "B" adopted in non-concurrence, and passed to be engrossed, as amended by House Amendment "A" (H-319) and "B" (H-364) in non-concurrence.

In the Senate, on motion by Mr. Edmunds of Aroostook, the Senate voted to recede and concur.

Emergency

Resolve, Authorizing the Setting Out of Buoys in Moosehead Lake. (H. P. 8) (L. D. 27)

In House, under suspension of rules, passage to be engrossed, reconsidered: House Amendment "A" (H-362) adopted in non-concurrence, and passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Noyes of Franklin, the Senate voted to recede and concur.

Mr. FARRIS of Kennebec: Mr. President, I would like to inquire in regard to Item 8-8 on Page 4 of today's calendar, "An Act Relating to Unprotected Wells" (H. P. 1131) (L. D. 1558) which was placed on the Special Appropriations table and which came out of the Legal Affairs Committee with no appropriation attached to it. I would like to ask the Senator from Cumberland, Senator Davis, whether he thought there was an appropriation attached to this measure when he had it put on the Special Appropriations table.

The PRESIDENT pro tem: The Senator from Kennebec, Senator Farris, poses a question through the Chair of the Senator from Cumberland, Senator Davis, and he may answer if he desires.

Mr. DAVIS of Cumberland: Mr. President, in answer to the Senator from Kennebec, Senator Farris, I was about to make a motion to remove that from the table. If I am in order, I will move to remove item 8-8 from the special appropriations table.

The motion prevailed and the bill, "An Act Relating to Unprotected Wells," (H. P. 1131) (L. D. 1558) was passed to be enacted.

Orders of the Day

The President pro tem laid before the Senate the first tabled and specially assigned matter, (S. P. 311) (L. D. 899), Bill, "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium, which was tabled on May 31st by Mr. Edmunds of Aroostook, pending passage to be engrossed.

Mr. EDMUNDS of Aroostook: Mr. President, I ask the indulgence of the Senate to retable this bill and specially assign it for Tuesday next.

The motion prevailed and the bill was so tabled.

Recess

Called to order by the President pro tem.

The President laid before the Senate Bill, "An Act Changing Fort Kent Normal School to Fort Kent Teachers' College" (L. D. 807) which was tabled earlier in today's session by the Senator from Aroostook, Senator Edmunds.

On motion by Mr. Edmunds the bill was passed to be engrossed as amended.

The President pro tem laid before the Senate Bill, "An Act Revising Laws Relating to Barbers and Hairdressers" (S. P. 556) (L. D. 1603) which was tabled until later in today's session by the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and members of the Sen-

ate: I have had a good many communications with barbers and hairdressers in my area who are opposed to this bill. I certainly cannot let it go by without saying a few words in regard to this particular measure.

This bill does not provide any funds for accomplishing the results and it is expected to be financed out of present funds. As you know, this board has operated at a deficit for the past three years and it has used up all the accumulated surplus. They have suspended one inspector and transferred a clerk to another department from the Department of Health and Welfare. It calls for two full-time executive secretaries, and the bill also makes the Director of Health a member of the board without a vote for approving regulations. This particular feature of the bill seems to be undesirable and impracticable. I certainly think that the present law as it is now on the statutes is superior to this legislative document.

I now move the indefinite postponement of this L. D. 1603 and ask for a division.

Mrs. LORD of Cumberland: Mr. President, this bill was heard before my committee and came out with a unanimous "Ought to pass" report. It does not change the laws that have been in existence for many years, since the forties; it merely sets up a separate board for the hairdressers, one for the hairdressers and one for the barbers. The fees that are collected from the licenses from these people will pay the expenses. I have now a bill on the table that will increase the fees if this bill goes through, so that will take care of all the expenses.

We have heard from the legislative chairmen of the cosmetologists and the hairdressers and the barbers and they are all in agreement. The hairdressers did want Dr. Fisher on the board with a vote. I went to Dr. Fisher and asked him if he would do this and he said he would if that was the way the law was passed. I think it is a good bill; I think that they have separate problems and they want to handle them separately,

and I hope the motion does not prevail.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I cannot agree with my good colleague, the Senator from Cumberland, Senator Lord, inasmuch as I have some letters right here on my desk and telegrams from barbers and hairdressers opposed to this piece of legislation. I hate to differ with the Senator, but it does set up two different boards where they are now operating under a single board, and the Director of Health will be a member without a vote. I do not believe that is good. He will not have any voice in approving regulations under this new board set-up. I certainly hope that my motion will prevail.

Mrs. LORD of Cumberland: Mr. President, I think the Senator from Oxford, Senator Ferguson, has not read the amendment which did put Dr. Fisher on the board with a vote. I said that I had heard from the legislative chairman. There may be individual barbers and individual hairdressers who do oppose this but I think they are much in the minority and I think that the majority of the hairdressers and the barbers want this bill.

The PRESIDENT pro tem: The pending motion is the motion of the Senator from Oxford, Senator Ferguson, that this document, Bill, "An Act Revising Laws Relating to Barbers and Hairdressers" (S. P. 556) (L. D. 1603) and all accompanying papers be indefinitely postponed. A division has been requested. As many as are in favor of the motion to indefinitely postpone L. D. 1603 will please rise and remain standing until counted.

A division was had.

Four having voted in the affirmative and twenty-three in the negative, the motion did not prevail.

On motion by Mrs. Lord of Cumberland, it was voted to recede and concur with the House and pass the bill to be engrossed as amended.

The President pro tem laid before the Senate Item 6-2 which was tabled by the Senator from Cumberland, Senator Porteous, until

later in today's session, L. D. 1431, "An Act Imposing a Tax on Gross Receipts of Trading Stamp Companies."

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: The remarks that were made on the bill to outlaw trading stamps are not necessarily germane to this subject, and, as a matter of fact, I think that in this case they would not be because in this case we are definitely not trying to drive somebody out of business but we are definitely interested in more revenue. The purpose of this bill as it stands is to derive from the issuance of trading stamps to outlets a two per cent gross receipts tax on them. It would be the only way that these stamp companies could be effectively taxed since their inventories are primarily stored out-of-state.

This would not be a tax on the housewife or the stamp collector; this would not be a tax on the merchant except that the stamp company might see fit to try to pass on a portion of it to that particular merchant. This would be a tax on companies whose home office is outside the State of Maine and whose profits leave the State of Maine and go into other parts of the country, since, so far as I know, there is no Maine-owned trading stamp company.

Now the estimates that have been made as to the amount of money that might be collected in this way are varied: they run from about \$50,000 per year to about \$300,000; but since nobody knows how much volume of business these same companies do here in the state it is hard to determine just how much we would derive from such a source. One of the reasons we do not know how much business they do is that they are presently taxed on the basis of a franchise tax. I happen to know one company that pays the maximum. The maximum tax is \$1,000 and anyone doing over \$750,000 in that sort of business here in the state pays that \$1,000. The other stamp companies — of course none of them need to produce a statement of their financial business because if they pay the maximum they do not have to do that.

I know that there is a very strong lobby against touching the trading stamp business by levying a tax or outlawing the stamps. There are some people I have heard from, due to my stand on the original bill to outlaw the stamps, who are not represented by a lobby and who are not represented by pressure groups; there were several housewives, not very many but several, who took the trouble to write and say that they would like to stamp out the stamp racket. I feel that this is a business that is doing business in the State of Maine and that they could very legitimately and fairly be taxed in some way because they are in competition with our local State of Maine type business.

I believe the motion before the Senate at the present time is the motion of the Senator from Washington, Senator Wyman, that the "Ought not to pass" report of the Taxation Committee be accepted. I would move for a division on this motion.

The PRESIDENT pro tem: The pending motion is the motion of the Senator from Washington, Senator Wyman, to accept the majority "Ought not to pass" report.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: As a signer of the majority "Ought not to pass" report on this particular bill, I not only feel it an obligation but I am very glad to arise in support of the motion of the Senator from Washington, Senator Wyman, to accept the "Ought not to pass" report on this bill.

The feelings of the majority of the Taxation Committee can be divided primarily into two categories, the first of which is this: The majority of the committee felt that green stamps could be generally categorized as an advertising medium. I certainly share that opinion. And it follows from that that this bill would be grossly discriminatory in that it would tax one advertising medium by itself without taxing in a similar way other advertising media.

The second basic reason for the action of the Taxation Committee was that the stamp companies doing business in the State of Maine

now pay all the taxes, all the legitimate required taxes that any other business in the State of Maine pays; on the show rooms, on the merchandise which they have in the State of Maine they pay the property taxes that any other business in the State of Maine pays. On the merchandise which they deliver to customers who come in and redeem stamps they collect a sales tax which is turned over to the State of Maine. They are paying every tax that is required by law of every other business in the State.

Because this is discriminatory in the sense that it chooses one form of advertising while leaving the others all untouched and because they are paying all the taxes that are legitimately required of any business in the State of Maine, the majority of the committee felt that this was an attempt to grab some money from a source that looks rich and untapped without regard to any discriminatory nature of the attempt.

For these reasons, I would definitely support the motion of the Senator from Washington, Senator Wyman.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: In rebuttal I would like to say to the good Senator from Hancock, Senator Edgar, that these other advertising media that he refers to such as radio, T.V. and the press are not being taxed in this way. They are taxed in that they pay much higher real estate taxes. I would submit too that the newspapers, radio and T.V. stations of this state employ a very large number of people compared to the number that might be employed by the stamp companies. Also, if the K.J. building out here on Western Avenue is any example, they are paying pretty large property taxes too.

Now these words "discriminatory" and "inequality" and various other words that are used probably may be justified in this case. I know that the Senator from Hancock, Senator Edgar, would not use that word if it was not true; but if it is discriminatory then it is the only way in which to tax these companies which I feel are doing

business here and are not bearing their fair share of the taxation load.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I can only say in support of this motion that I have had quite a number of housewives contact me and tell me not to do anything to hurt these trading stamps, and I think one of the best reasons they gave for it is, as one woman expressed it: "It is a means for us to save money and buy things which we otherwise would not have." Of course we all know how hard it is and how difficult it is to save money. Maybe it is an expensive way to save it but it is a way they like and if they did not have that way of saving it the money would go somewhere else and they would not get the needed articles which they wish.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: I will agree completely with what the Senator from Cumberland, Senator Porteous, has said when he states that other advertising media in the State of Maine are perhaps paying considerably larger taxes than the stamp companies, but the other media which are paying those greater taxes are paying on the same basis that the stamp companies are paying. In other words, it is the same situation whereby the Porteous store in Portland is paying considerably more taxes than the Edgar store in Bar Harbor is paying, but I am still paying my fair share in proportion to the property that I own in the State of Maine.

Mr. STANLEY of Penobscot: Mr. President, I wonder if I could ask a question of the Senator from Hancock, Senator Edgar: If this taxation would be similar to the taxation we have on utility companies, the telephone company, or perhaps on insurance companies?

The PRESIDENT pro tem: The Senator from Penobscot, Senator Stanley, addresses a question through the Chair to the Senator from Hancock, Senator Edgar, who may answer if he so desires.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: It is not that I do not desire to answer it but frankly I would

have to take some time to think it over. I cannot come up with an immediate answer, Senator Stanley.

Mr. PIKE of Oxford: Mr. President and fellow Senators: Last week you remember I stood up for the trading stamps and I was quoted in all the papers that I was fond of the ladies.

Now I have not been lobbied on this thing. Senator Porteous talks about the lobbyists. I suppose there are quite a few here; I think I recognize them perhaps, but they have not spoken to me this year. In years past I have been lobbied on this. But I haven't changed my mind. I am going to agree with Senator Wyman and Senator Edgar; I think they are on the right track, and I am not going to change my mind. I have had letters, even this morning, telling me that something was the matter with my head, and I have had telephone calls, but I am still going to stand by the trading stamps.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I do not know whether this will answer Senator Stanley's question or not, but the first section of this bill says: "Tax on gross receipts. A tax is imposed at the rate of 2 per cent on the gross receipts of business done within this state on every such trading stamp company," and the remainder of the bill is principally for enforcing the law and collecting the tax. So it would seem to me it would be a tax similar to the gross receipts tax which we have on utilities in certain other cases and the one that has caused so much unhappiness, the tax on the railroads. If the companies are making a lot of money it is all right but if they are not we have a lot of trouble, and I do not think much of the gross receipts tax.

Mr. STANLEY of Penobscot: Thank you, Senator Wyman. Then the term "discriminatory" would not be a proper term for this tax.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: I wish that the Senator from Oxford, Senator Pike, would repeat his statement because I certainly enjoyed it the last time that he made it. He likes women and

they like trading stamps so he likes trading stamps.

Now I like women and I want them to like me. I hope by the time the next election comes around they will forget about this. I do not think that this small amount of taxation is going to hurt the women that Senator Pike likes or the women that I like. I don't think they will ever even notice that the tax is on the books if it gets passed. It is a just amount of money to ask from these people who do so much business here in the state and take so much out.

Mr. EDGAR of Hancock: Mr. President, with regard to the use of the word "discriminatory": we have different kinds of advertising media in the State of Maine; we have newspapers, T.V. stations, radios, billboards, we have magazines and we have trading stamps, and there are probably others which I have omitted. But if we single out one of these forms of advertising media and say to ourselves in effect: now here is a business that is thriving, doing a whale of a business in the state, making lots of money, let's put a tax bite on it, and we do not do the same to the other types of business of the same categories, that is the other advertising media, then in that sense this is a discriminatory tax, and for that reason I oppose it.

The PRESIDENT pro tem: The pending question before the Senate is on the motion of the Senator from Washington, Senator Wyman, to accept the "Ought not to pass" report. A division has been requested. As many as are in favor of the motion will rise and remain standing in their places until the count has been made and returned.

A division was had.

Twenty-three having voted in the affirmative and seven in the negative, the motion to accept the majority "Ought not to pass" report prevailed.

The President pro tem laid before the Senate Bill, "An Act Relating to Salaries of County Officials and Municipal Judges and Recorders," (S. P. 573) (L. D. 1626) which was tabled earlier in today's

session by Mr. Brooks of Cumberland pending passage to be engrossed.

Mr. BROOKS of Cumberland: Mr. President, I request that I be allowed to yield to the Senator from Franklin, Senator Noyes.

Mr. NOYES of Franklin: Mr. President, there are also several other amendments in connection with this item and therefore I move that it be tabled until the next legislative day.

The motion prevailed and the bill was retabled pending passage to be engrossed and assigned for the next legislative day.

The PRESIDENT pro tem: At this point the Chair would announce that all tabled and specially assigned items for later in today's session have been taken care of. Is there any other business to come before the Senate?

Mr. JACQUES of Androscoggin: Mr. President, may I inquire if L. D. 32, "An Act Relating to Certain Standards for Nursing Homes," is in the possession of the Senate.

The PRESIDENT pro tem: The Chair will inform the Senator from Androscoggin, Senator Jacques, that it is, being held at the request of the Senator from Androscoggin, Senator Jacques.

Mr. JACQUES: If it is, Mr. President, I move that we reconsider our action whereby this bill was passed to be engrossed.

The PRESIDENT pro tem: Is it the pleasure of the Senate that the Senate do now reconsider its action whereby it passed this bill to be engrossed?

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: As this has been debated thoroughly I would ask for a division vote.

Mr. EDGAR of Hancock: Mr. President, do I assume correctly that the motion to reconsider is debatable?

The PRESIDENT pro tem: The Senator may proceed.

Mr. EDGAR: Mr. President and members of the Senate: I rise in support of the motion of the Senator from Androscoggin, Senator Jacques, that the Senate do reconsider its action, and I will have

to anticipate a bit what will be attempted if the Senate will go along with this motion.

From the year 1945 up to and including today, the law governing nursing homes insofar as complying with fire and building code regulations has been and is that any nursing home having three patients or less does not have to comply with the building code from the standpoint of fire safety, and any nursing home having more than three patients does have to comply.

Now obviously the reason for this figure of three is that it was felt and has been felt all along that to insure maximum safety against fire and the hazards involved in fires a home having three or less patients probably could adequately remove from the building the three or less patients with a minimum of danger to those patients.

You must all bear in mind that we are talking about non-ambulatory bed-ridden nursing home patients, people who are unable to care for themselves and who must rely on the help of others to move about and to get out of a building should that building be on fire.

The status of this matter now, in view of the action which the Senate took yesterday or the day before, I forget which, has been to raise that number of patients to five. Now I submit to you that in the case of a flash fire in a small nursing home—and many of them are just like private houses—it would be just that much more difficult to remove quickly from a burning building five helpless non-ambulatory people than it would be to remove three. The consequences or the ramifications of that are obvious.

Now if you ladies and gentlemen will permit the reconsideration of this bill an amendment will be offered which will permit boarding homes and rest homes to continue at the number of five, and there would be no great risk involved in that because the patients in those homes are ambulatory and they are not helpless and bed-ridden, but it would leave nursing homes at the present status of three people.

I repeat: In the interest of preserving and protecting human lives it would be much more difficult to remove five helpless people than it would be to remove three. I hope that the Senate will permit reconsideration so that we can amend this thing to continue the present law which is the figure of three for nursing homes, and let the boarding homes and rest homes go up to five. I do not see any great danger in the figure of five for ambulatory people.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I think without doubt the Senator from Hancock, Senator Edgar, has stated the case very clearly in regard to what would happen if this bill is reconsidered and the amendment to eliminate five patients in nursing homes is passed. The amendment, as I understand, will bring the number back to three.

Now certainly those of us that are familiar with nursing homes, particularly in my own county, are very well aware that with only three patients it is impossible for the operators of these homes to give the care and have anything left in the way of finances at the end of the month with just three patients.

As has been stated, this law has been on the books for a number of years, but I leave it to the members of this body that the cost of living has increased, the cost of fuel, electricity, telephone and anything that is being used in nursing homes has increased tremendously. That is the principle reason why I am here today defending the five patients in nursing homes. I also want to say that the nursing homes I have visited—and I have visited a number because I wanted to be fair in this—that the nursing homes I have visited with one or two exceptions, and those had easy access for the patients to be removed from the building, that all of these patients are on the first floor. I say to you in all honesty that five patients are needed, and I hope that the motion to reconsider does not prevail.

Mr. EDGAR of Hancock: Mr. President and members of the Sen-

ate: This whole debate boils down to your choice of either one of two alternatives: Either you are primarily concerned with the finances and the economic life of the proprietors of these small nursing homes or else you are primarily concerned with the safety and the protection of the helpless patients in those homes.

I can sympathize with people who are finding it tough going to meet their financial obligations. I am in the same position myself. But on the other hand I am much more concerned with protecting the lives of helpless non-ambulatory patients.

Now many of these small nursing homes are nothing but private residences turned into nursing homes; they are not fireproof buildings; they are not buildings which have the maximum protection as far as exits and corridors and doorways and what not are concerned. If you liberalize the present law up to five people, to me that obviously increases the potential fire hazard, the potential danger of fire where you have five helpless people to deal with rather than just three. The present law at three has, as I say, been in effect now for sixteen years; there has been no concerted move to change it on anybody's part until now; and in the interest of protecting the human lives involved I hope that the motion to reconsider will prevail.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: My primary concern, as perhaps will be shown on record of the former debate, is not for the monetary effect of this bill on the proprietors of these homes. My concern is this: that it is very difficult to find rooms for the patients who need places now. If this change in the law were to be defeated it would make it harder to find nursing homes for patients. Which would we better do: take the long chance of a fire or deprive patients of a place to go because there is not sufficient housing for them?

The PRESIDENT pro tem: The pending question before the Senate is on the motion of the Senator from Androscoggin, Senator

Jacques, that the Senate do now reconsider its action whereby L. D. 32 was passed to be engrossed. A division has been requested. As many as are in favor of the motion of the Senator from Androscoggin, Senator Jacques, for reconsideration will rise and remain standing until counted.

A division was had.

Eighteen having voted in the affirmative and eleven in the negative, the motion to reconsider prevailed.

Mr. JACQUES of Androscoggin: Mr. President, I now move that we reconsider our action whereby Senate Amendment "A" was indefinitely postponed.

The PRESIDENT: The Senator from Androscoggin moves that the rules be suspended and that the Senate do now reconsider its action whereby Senate Amendment "A" was indefinitely postponed.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: By way of brief explanation of Senate Amendment "A" I erred when I said that an amendment would be offered. The amendment was offered at one time and was indefinitely postponed. That is the amendment to which I referred. This amendment which we had previously acted upon and for which I am now urging passage leaves rest homes and boarding homes at five people and leaves nursing homes under the present law at three people.

Mr. STILPHEN of Knox: Mr. President, I would ask for a division on the suspending of the rules.

The PRESIDENT pro tem: The pending question is on the motion of the Senator from Knox, Senator Stilphen on the Chair's ruling on suspension of the rules with respect to reconsideration of Senate Amendment A, having been indefinitely postponed, and a division being requested on that ruling. A two-thirds vote is necessary for suspension of the rules.

Mr. EDGAR of Hancock: Mr. President, I would inquire of the Chair, do I understand correctly that the Chair is ruling that it is necessary to suspend the rules?

The PRESIDENT pro tem: The Chair has so ruled, Senator.

Mr. EDGAR: Well, Mr. President, I respectfully challenge the ruling of the Chair, and for the benefit of those Senators who do not know what this involves, I would explain that the ruling of the Chair may be over-ruled by a simple majority vote and therefore I challenge the ruling of the Chair and ask for a division.

The PRESIDENT pro tem: The Senator from Hancock, Senator Edgar, appeals the ruling of the Chair. The question before the Senate is: Shall the decision of the Chair stand as the judgment of the Senate?

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, I merely wish to address a few remarks to the ruling which has been made by the Chair and respectfully point out that this matter is being reconsidered because of an error yesterday, during the pairing between two of our Senators and further than that, this is an entire new matter which had to come back because of the unconstitutionality of Senate Amendment B. I certainly feel in all sincerity that a majority vote is the fair way to determine this.

Mr. STILPHEN of Knox: Mr. President, I am happy to concur with the Chair and I object very much to any motion to appeal the decision of the Chair on a matter which has been before us all through this session. If we are going to start making rules by a majority whereby you can reconsider something which since time immemorial it has been that to reconsider after 24 hours, takes a two-thirds vote to suspend the rules. I definitely feel that if we are going to start now making rules and suspending rules by a majority, I feel it is absolutely wrong.

Mr. EDGAR of Hancock: Mr. President and members of the Senate, as the Senator from Knox, Senator Stilphen well knows, it is the unhappy fate of the Speaker of the House to have his rulings challenged almost daily. I can still show the Senator some bruises if he would like to see them. I can't speak for the Senate because this is my first time in the Senate, but certainly from a parliamentary

procedural standpoint I am not asking anything unusual or setting any precedent of any kind. This is common occurrence.

Mr. NOYES of Franklin: Ladies and gentlemen of the Senate, I hope that you will support the Chair.

Mr. PIKE of Oxford: Mr. President, we were talking about the ladies a little while ago when we were talking about trading stamps and the ladies you know always have a chance to change their minds. Now I have changed my mind on this nursing business. That is a little bit off from the present question. I too want to stand by the leadership. I like Brother Edgar a lot but I think we elected our leadership and we must stand by them. It is the only way we will ever get anywhere so I am going to stand by the leadership.

Mr. HILLMAN of Penobscot: Mr. President, after a short recess looking over Reed's Rules, I certainly hope that the Senate will sustain the ruling of the Chair.

Mr. PARKER of Piscataquis: Mr. President, I too, will stand with the ruling of the President of the Senate. I think we are making a mistake if at this time we start setting up new rules and amending those that were passed many years ago.

The PRESIDENT pro tem: The pending motion before the Senate at this time is on the motion of the Senator from Hancock, Senator Edgar, appealing the ruling of the Chair. The question is: Shall the decision of the Chair stand as the judgment of the Senate?

A division of the Senate was had.

Eighteen having voted in the affirmative and nine in the negative, the decision of the Chair was sustained.

The PRESIDENT pro tem: The pending motion before this body at this time is the motion of the Senator from Knox, Senator Stilphen, requiring a two-thirds vote on the suspension of the rules.

A division of the Senate was had.

Mr. STILPHEN of Knox: Mr. President, I think the motion was made by the Senator from Andros-

coggin, Senator Jacques that the rules be suspended and I asked for the division.

The PRESIDENT pro tem: The Chair stands corrected. The pending motion before this Body at this time as the Chair would understand it, without trying to confuse you people or himself, is the motion of the Senator from Andros-coggin, Senator Jacques that the rules be suspended whereby Senate Amendment A was indefinitely postponed.

A division of the Senate was had.

Sixteen having voted in the affirmative and eleven in the negative; sixteen not being two-thirds of the members of this Senate, the motion fails.

Mr. FARRIS of Kennebec: Mr. President, I now move that we reconsider our action of yesterday whereby Senate Amendment C was indefinitely postponed, and this being the next legislative day, this would only require a majority vote.

Mr. STILPHEN of Knox: Mr. President, I would like to inquire if this is the same subject matter that was contained in the other amendment?

The PRESIDENT: The Senate will be at ease.

(At ease)

The PRESIDENT: On the question addressed to the Chair by the Senator from Knox, Senator Stilphen, the Chair will rule that the intent and general content of the amendments are the same.

Mr. FARRIS of Kennebec: Would the Chair be so kind as to state the rule number. Is that rules of the Senate or joint rules?

The PRESIDENT: The Chair will state for the benefit of Senator Farris and the members of the Senate, that the ruling is based on the Joint Rule Number 14.

Mr. FARRIS of Kennebec: Mr. President, this rule reads that when any measure shall be finally rejected, it shall not be revived except by reconsideration and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the House of which the mover is a member. So at this time, Mr. President, I

move that this matter lie upon the table that three day notice may be given for the introduction of an amendment covering the same subject matter, and I would request that this be especially assigned for three legislative days from now, which would be on Wednesday next.

Mr. NOYES of Franklin: Mr. President, it is getting awfully late in the session. I don't know whether we will be here three days from now. I hope not. I would therefore question the time of the assignment of this tabling motion.

Mr. FARRIS of Kennebec: Mr. President, on the matter of time, it says "unless three days notice is given" this being Friday I would then move that this lie upon the table until Monday next which would be three days, counting Friday, Saturday, Sunday and Monday.

Mr. NOYES of Franklin: Mr. President, I would ask for a division.

The PRESIDENT pro tem: The pending motion is the motion of the Senator from Kennebec, Senator Farris, that L. D. 32 lie on the table and be especially assigned for Monday next.

A division of the Senate was had.

The PRESIDENT:

Fourteen having voted in the negative, the Chair will vote to keep this matter alive.

Fifteen having voted in the affirmative and fourteen opposed, the motion prevailed and the bill was laid upon the table and especially assigned for Monday next.

On motion by Mr. Noyes of Franklin

Recessed until two o'clock this afternoon.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair at this time would like to thank the Senator from Penobscot, Senator Bates for aid needed this forenoon in presiding over the Senate. It certainly was an experience I don't

think he will ever forget and at this time I think Senator Bates of Penobscot deserves a good hand from the Senate. I can assure you I will call on him again. (Applause)

On motion by Mr. Noyes of Franklin, the Senate resolved itself into a Committee of the Whole.

Senate called to order.

On motion by Mr. Noyes of Franklin,

ORDERED, the House concurring, that there be and hereby is created a Committee of Conference on Bill, 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) consisting of ten members; five to be appointed by the President of the Senate and five to be appointed by the Speaker of the House, to report only on the disagreeing action of the two branches on Senate Amendments: A, C, E, F, and H; and on House Amendments: C, E, and G.

The order received a passage and on further motion by the same Senator, was sent forthwith to the House.

Mr. FARRIS of Kennebec: Mr. President, before we recess, I would request unanimous consent to very briefly address the Senate.

The Senator was granted unanimous consent.

Mr. FARRIS: Mr. President and members of the Senate, earlier today L. D. 32, An Act Relating to Certain Standards for Nursing Homes, was placed upon the table and especially assigned for Monday next, Monday being the necessary time for three days notice of the fact that an amendment covering the same subject matter as another amendment previously produced in the Senate, would be offered at that time for adoption. At this time I would like to give notice that Senate Amendment D to L. D. 32, An Act Relating to Certain Standards for Nursing Homes, being Filing Number S-245, and reading that such regula-

tions shall not apply to boarding or lodging homes having five or less boarders or lodgers, or to nursing homes having five or less patients will be offered on Monday next when L. D. 32 comes off the table.

Mr. ERWIN of York: Mr. President, may I ask a question of the Chair? Are we going to recess now, or can we continue to do some business?

The PRESIDENT: The Chair will inform the Senator from York, Senator Erwin, that we will not recess for the time being. If the Senator has business to bring before the Senate, he may do so now.

Thereupon, on motion by Mr. Erwin of York, the Senate voted to take from the Special Appropriations table Senate Paper 21, Legislative Document 46, An Act Providing for Assistant County Attorney for York County; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

The same Senator presented Senate Amendment A and moved its adoption.

Mr. ERWIN of York: Mr. President, in brief explanation of this particular amendment, originally when this L. D. was introduced providing for an assistant county attorney for York County, it had an appropriation figure to cover the remainder of this year and the second year. As all of you know the Committee on Towns and Counties has brought out the so-called "omnibus bill" in which all salary measures, increases and allotments for the various county officers have been included in that one bill, and this then becomes duplication. This amendment merely strikes out that part of the bill which appropriates money to its purposes, because the omnibus bill also provides the same figure.

Thereupon, the amendment was adopted, the bill passed to be engrossed and sent down for concurrence.

On motion by Mr. Noyes of Franklin

Recessed to the sound of the gong.

After Recess

Senate called to order by the President.

The PRESIDENT: We will take up non-concurrent matters from the House.

Non-Concurrent Matter from the House

Bill, 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)

In Senate, June 1

Senate Amendments: A, C, E, F, H, adopted.

Senate Amendments: B, D, G, indefinitely postponed.

House Amendments: A, D, F, J, adopted.

House Amendments: C, E, G, indefinitely postponed.

Rules suspended, read second time, passed to be engrossed as amended, in non-concurrence.

Comes from the House,

Passage to be engrossed reconsidered.

Senate Amendments: A, C, E, F, H, indefinitely postponed.

House Amendment N, failed of adoption.

Passed to be engrossed, as amended by

House Amendments: A, C, D, E, F, G and J in non-concurrence, and ordered sent forthwith to Senate.

Mr. NOYES of Franklin: Mr. President, at this time I would move that we insist on our former action and ask for a committee of conference, and I would like to explain briefly.

We attempted, as you know, to have a committee of five appointed and that does not meet with the approval of the House. Now I think that we can, if a committee of three is appointed, probably act on this thing so that we can come back and report probably in another two hours.

The PRESIDENT: Would the Senator please explain the reason why they would not accept a five-man committee when they told you at one time they would? Would

you enlighten the Senators, please, on the whole matter.

Mr. NOYES: I would like to Mr. President. Perhaps it should be off the record but probably not. If you wish me to I will.

The PRESIDENT: I certainly think the Senators should know. They have been told once that they joined in a committee of conference of five.

Mr. NOYES: As you well know, we agreed in a committee of the whole here on a five-man committee, five from the House and five from the Senate. I was sent as a messenger about three hours ago to confer with the leadership. I conferred with the floor leader, the floor leader in turn conferred with the Speaker of the House and he said that was all right, that they would appoint five from the House if we appointed five from the Senate. We came back here and prepared our joint order, as you know, and it was introduced and the President of the Senate and myself have been waiting the last probably two and a half hours to see what they were going to do. Finally we had the opportunity of discussing this matter with the Speaker of the House and the two floor leaders.

The PRESIDENT: Would the Senator from Franklin, Senator Noyes, continue?

Mr. NOYES: Well, Mr. President, I would say as a matter of compromise, which is what we try to do and get along with the House, we said we will come back and have a committee of three and see what we can do.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Noyes, that we insist on our former action and join in a committee of conference. Is this the pleasure of the Senate?

The motion prevailed and the Chair appointed to the Committee of Conference:

Mr. DAVIS of Cumberland
Mr. NOYES of Franklin
Mr. BROWN of Hancock

Ordered sent forthwith to the House.

The PRESIDENT: The Chair would suggest that we recess until seven o'clock tonight.

Mr. STILPHEN of Knox: Mr. President, inasmuch as we do not know what is going to happen at the other end of the corridor, don't you think we had better hang around for a few minutes to see if they join us in a committee of conference rather than to wait until seven.

The PRESIDENT: The Chair will inform the Senator from Knox, Senator Stilphen, that they have agreed that they would join in a committee of conference of three.

Mr. PORTEOUS of Cumberland: Mr. President, maybe I should ask for unanimous consent.

Mr. Porteous of Cumberland was granted unanimous consent to address the Senate.

Mr. PORTEOUS: Mr. President, I think if we did recess until seven o'clock we might come back here and find that there wasn't a quorum. I happened to be talking to the Clerk of the other body on the elevator and he was saying that their numbers had reached a dangerously low level over there and that there might be some question as to whether they would continue to have a quorum in that body. My point is that by seven o'clock you might not have enough people to work on that.

The PRESIDENT: The Chair will inform the Senator from Cumberland that if we are going, as we hope, to complete our business before a week from Saturday or by that time, the supplemental budget should be acted upon this week.

Mr. PORTEOUS: I agree with that, Mr. President. I just wanted to give that as a point of information.

The PRESIDENT: Is it the pleasure of the Senate at this time that all bills passed to be engrossed be sent forthwith to the engrossing department at this time and in the future.

It was so voted.

The PRESIDENT: The Senate will recess for twenty minutes. I think by that time we ought to know the action of the House.

After Recess

The Senate called to order by
the President.

On motion by Mr. Noyes of
Franklin

Adjourned until Monday next at
four o'clock in the afternoon.