

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

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and

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DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Monday, June 12, 1961

Senate called to order by the President.

Prayer by Maurice Knowles of Bar Harbor.

On motion by Mr. Parker of Piscataquis Journal of yesterday was read and approved.

Mrs. Christie of Aroostook was granted unanimous consent to address the Senate.

Mrs. CHRISTIE of Aroostook: Mr. President, this is a very warm day and I move that the Senators be permitted to remove their coats.

The PRESIDENT: That is very kind. I am sure I speak for the Senate in thanking the Senator from Aroostook, Senator Christie.

Mrs. LORD of Cumberland: Mr.mous consent to address the Senate.

Mrs. LORD of Cumberland: Mr. President, I would amend that motion by adding the officers of the Senate so that they too may remove their coats.

The PRESIDENT: Thank you. I don't think there is any objection so if the men would be more comfortable they may feel free to remove their coats.

**Papers From The House
Non-concurrent matter
JOINT ORDER**

ORDERED, the House concurring, that the Joint Standing Committee on Liquor Control be and hereby is authorized and directed to report to the Senate forthwith a Bill providing for Sunday sale of Liquor by Hotels and Class A Restaurants, with proper control and local option provisions. (S. P. 586)

In Senate, June 8, read and passed.

Comes from the House Indefinitely Postponed in Non-concurrence.

In the Senate, on motion by Mrs. Christie of Aroostook, the Senate voted to recede and concur.

House Committee Report

The Committee on Taxation on Bill, "An Act Relating to Sales Tax

on Farm Machinery and Equipment." (H. P. 1038) (L. D. 1439) reported that the same Ought not to pass.

Comes from the House, read and accepted.

In the Senate, that Body voted to recede and concur.

ORDERS

Mrs. CHRISTIE of Aroostook: Mr. President, I did not intend to monopolize the floor today, Mr. President, but I present an order and move its passage.

Mrs. Christie of Aroostook presented the following order and moved its passage.

ORDERED, the House concurring, that the Joint Select Committee on Gubernatorial Vote be instructed and authorized to examine the returns of votes cast for Governor in the last gubernatorial election and report such changes, additions, revisions and corrections of the report already made by them as the facts justify.

Read and passed.

The PRESIDENT: The Chair would like to announce that this order was requested by the town of Bradford, Maine where there was error in the total number of votes cast there for Governor, and and it means that this committee should convene immediately, and that error will be corrected by this committee. I do not have the names of the members of that committee in front of me at this time but you know who the Senate members are.

The membership of the committee was then announced by the Secretary.

Bill, "An Act Relating to Certain Standards for Boarding, Lodging and Nursing Homes." (H. P. 13) (L. D. 32)

Mr. PARKER of Piscataquis: Mr. President, I move that this bill and accompanying papers be indefinitely postponed.

Mrs. LORD of Cumberland: Mr. President, I do not know what the thinking of Senator Parker is, but this was requested by a number of people to have boarding homes allowed to take five people. I think it is a grass-roots thing. My com-

mittee heard this bill and I think it was the opinion of everybody that the boarding homes should be allowed to take five people, and I am very much opposed to the motion for indefinite postponement.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: I rise only to remind you ladies and gentlemen that this is that much-debated bill regarding the number of people which a nursing home is allowed to have before it has to comply with the building fire code. As the Senator from Cumberland, Senator Lord, has pointed out, if this bill is passed the boarding homes will be permitted to go from three to five patients before they have to comply and the nursing homes will remain at three as under the present law.

Perhaps I am a bit confused but it seems to me that by moving indefinite postponement of this bill Senator Parker may well be defeating his own purpose, because, as I understand it, if this bill is indefinitely postponed the present law will continue to prevail which sets the number at three for all types of homes, so for Senator Parker to accomplish what he wants to it would seem to me that the best thing to do would be to pass this bill because it raises the boarding and rest homes from three to five although it does leave the nursing homes at the present level of three. So I would oppose his motion to indefinitely postpone.

Mr. STILPHEN of Knox: Mr. President, I feel that there is a general amount of confusion on this bill. I do not think that Senator Parker will be defeating his own purpose if he kills the whole bill; I know he will be defeating his purpose if the bill is passed, because the amendment that is attached to this bill excludes nursing homes and keeps them at three.

Now I feel that if we are going to stand on our sentiment and our feeling and our emotion that possibly we should let it go all the way. I have heard a lot of emotional talk relative to these poor old souls who are spending their last days in nursing homes being unable to get out of the homes at

a time when fire might be present. That is the nursing home category. But I will ask you for a minute to stop and consider what a boarding home is.

The State of Maine has wards or children that the State has had to take over from broken homes and they range in all ages from very small up through the age of fourteen and until such time as they are through high school, and they are the ones who are spending their early lives and their formative lives in these so-called boarding homes. Not once have I heard it mentioned that it might be possible to burn up one of these little folks. It is all well and good to pass a law here where the fire laws might not apply to those homes and on the other end where we need the space for nursing homes to eliminate them. Now I say if we are going to be emotionally upset because of the great possibility that sometime a fire may start in a nursing home—and the only time so far as I know that is recorded that a fire has started in one of these homes is in a home that was already approved according to our set-up under the fire code. Now it is not infrequent that we read in the papers where these children are left alone and fires happen and they have been burned up. That has happened many times, as you have read in the papers, and the tragedy can occur. I think it is just as bad to destroy a young life as it is to destroy an old life, and for that reason I support the motion, because I feel that if we are going to go down the line to protecting nursing homes and have the fire code apply to them we should have it apply to all of them. Let's have it apply to all and let us kill the bill.

Mr. EDGAR of Hancock: Mr. President, I agree completely with what the Senator from Knox, Senator Stilphen has said and I am changing my mind. I earnestly support the motion of the Senator from Piscataquis, Senator Parker, that we indefinitely postpone this bill, so that the figure will remain at three for all categories of homes, and that is exactly what I am hoping for.

Mrs. LORD of Cumberland: Mr. President, I feel that the Senate should know the sentiment of the people of the State of Maine. I certainly believe they want this number increased to five, and that is all the bill did when it started: it just increased the boarding homes. And then the amendment took the nursing homes off, but the bill started with five. If we remove this then all these people that have only three can just keep three and they just cannot make a living. They have told me and they have written me letters about these old people. They eat at the table with them and they watch television with them. They cannot make a living with three but with five they could. I think it is in the interest of the old folks and these people trying to make a living that they be allowed to increase this number to five, and I hope the motion does not prevail.

Mrs. CHRISTIE of Aroostook: Mr. President, I do not need to repeat probably what I have said before in regard to this bill but I do feel that we need this extension from three to five in these homes. I ask for a division when the vote is taken.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I rise in opposition to the motion of the Senator from Piscataquis, Senator Parker, inasmuch as there are many municipalities which send some of the poor people who are getting a low income, say thirty-five to forty dollars of social security—they cannot take care of their needs and the municipalities are paying something for their support, and these are the only places that your welfare officers in some of your municipalities have to turn to. They are not bed patients, they are able to get around, and I certainly feel that these homes have been serving a very good purpose in taking care of these elderly citizens. I therefore hope that the motion of the Senator from Piscataquis, Senator Parker, does not prevail.

The PRESIDENT: The question before the Senate is the motion of the Senator from Piscataquis, Sen-

ator Parker that this bill and all accompanying papers be indefinitely postponed.

Mr. CARPENTER of Somerset: Mr. President, I feel that there is more or less confusion and misunderstanding concerning this legislative document, and I wonder if it would not be a good idea to table it until the next legislative day. I so move, Mr. President.

The motion prevailed and the bill was tabled until the next legislative day pending the motion of Mr. Parker of Piscataquis for indefinite postponement.

ENACTORS

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

Bill, "An Act Increasing Excise Tax on Malt Liquor Imported into State." (H. P. 848) (L. D. 1162)

On motion by Mr. Wyman of Washington, tabled pending enactment.

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

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending enactment.

Bill, "An Act to Incorporate the Town of Harpswell Neck." (H. P. 118) (L. D. 263)

Which was passed to be enacted.

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

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending enactment.

Bill, "An Act Relating to Amount of State Retirement Benefits for Teachers." (S. P. 205) (L. D. 538)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending enactment.

Bill, "An Act to Transfer of Northern Maine Sanatorium to Central Maine Sanatorium." (S. P. 311) (L. D. 899)

Mr. DAVIS of Cumberland: Mr. President, I move that this bill be placed on the Special Appropriations Table.

Mr. EDMUNDS of Aroostook: Mr. President, I move that the Senate recess for thirty seconds.

After Recess

Senate called to order by the President.

Mr. DAVIS of Cumberland: Mr. President on Item 8-7, L. D. 899, the reason I was requesting to table this was because I was informed that it more or less tied in with the passage of another bill, but the Senator from Aroostook, Senator Edmunds assures me that the money has been removed from the other bill and therefore I withdraw my motion to table.

Permission was granted to the Senator to withdraw his tabling motion, and the bill was passed to be enacted.

Resolve, Providing for Legislative Research Committee Study of State and Municipal Sewage Problems. (H. P. 572) (L. D. 792)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending final passage.

Resolve, Appropriating Funds for Capital Improvements at East Corinth Academy. (H. P. 648) (L. D. 926)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending final passage.

Resolve, for Development of Revenue-Producing Park Facilities on Mt. Battie. (H. P. 727) (L. D. 1015)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending final passage.

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)

Which resolve was finally passed.

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

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending final passage.

Resolve, Appropriating Money for Production and Supervision on In-School Educational Television Programs. (S. P. 273) (L. D. 874)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending final passage.

Resolve, Appropriating Moneys for Vocational and Technical Institute in Northeastern Maine. (S. P. 516) (L. D. 1542)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending final passage.

Resolve, Dividing the State into Senatorial Districts. (S. P. 577) (L. D. 1629)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending final passage.

Bill, "An Act Relating to the Harbor Project in the Town of Wells" (H. P. 221) (L. D. 336)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending enactment.

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

Mr. DAVIS of Cumberland: Mr. President, I move that this be placed on the Special Appropriations Table.

Mr. MAYO of Sagadahoc: Mr. President, through the Chair I would like to ask the Senator from Cumberland, Senator Davis, for what reason he would like to have this on the Special Appropriations Table?

The PRESIDENT: The Senator from Sagadahoc, Senator Mayo, poses a question to the Senator from Cumberland, Senator Davis, and that Senator may answer if he wishes.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate, in answer to the Senator from Sagadahoc, Senator Mayo, I have a note here that this bill means a loss of revenue of one thousand dollars per year.

Mr. MAYO: Mr. President and members of the Senate, that answers my question but I oppose

having this bill on the Appropriations table; maybe that is the general procedure to put loss of revenue on the Appropriations Table also. I thought that Acts which involved the spending of money were on the Appropriations Table.

Mr. BROOKS of Cumberland: Mr. President, a point of Order. The Senator is debating a tabling motion.

Mr. DAVIS of Cumberland: Mr. President, in further answer to the Senator from Sagadahoc, I will inform him that any item having to do with loss of revenue is tabled as well.

Mr. PORTEOUS of Cumberland: Mr. President, I do not want to debate the tabling motion, but I would like to pose a question to the Senator from Cumberland, Senator Davis.

The PRESIDENT: The Senator from Cumberland, Senator Porteous, poses a question through the Chair to the Senator from Cumberland, Senator Davis, and he may answer if he wishes.

Mr. PORTEOUS: Mr. President, he can answer this simply yes or no. Would it not be better to have this take effect in time for the vacation business so that the Liquor Commission could put it into effect and therefore cost the state less money each day if they are able to move this old stuff?

Mr. DAVIS of Cumberland: Mr. President, any item affecting the revenue of the state, until the financial picture is clear I think the powers that be would insist that it remain tabled.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Davis, that this bill, "An Act Relating to Sales of Discontinued Items of Liquor in State Stores," (S. P. 436) (L. D. 1308) be placed on the special appropriations table. Is this the pleasure of the Senate?

The motion prevailed and the bill was so tabled.

Resolve, Providing for Emergency Renovation of Existing Facilities at the Maine State Prison (S. P. 249) (L. D. 766)

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

Bill, "An Act Relating to Participation by the State of Maine in the 1964-1965 New York World's Fair. (H. P. 377) (L. D. 552)

In Senate passed to be engrossed, April 28, as amended by Committee Amendment A in concurrence.

In House, June 9, passed to be engrossed as amended by House Amendment C in non-concurrence.

In the Senate:

Mr. LOVELL of York: Mr. President and members of the Senate, I don't know how many of you in this Senate have looked over House Amendment C on this bill but that amendment in the first place doesn't bother me too greatly in the part that takes the World Fair participation out of the hands of DED and puts it in the hands of the Governor and whoever he may designate but the striking out of the figure \$200,000 and putting it down to \$25,500 to me is a farce. If the State of Maine is going out to the World Fair and put on an exhibition worthy of the State of Maine, certainly they can't do it for \$25,500. And from past experiences of various exhibitions and fairs that Maine has participated in throughout the eastern part of the United States, any funds expended have returned to the State of Maine ten times over in bringing tourists into the State.

Now in my opinion and in the opinion of any person that is interested in tourism, if we can put on a sizeable exhibit at the World's Fair over the period of time that the World's Fair is going to be in function, that certainly with a small amount of \$25,000 it is not going to be worthy of the State of Maine to put on the exhibit we should have. And the \$200,000 if that is accepted, that is an amount that would bring back to Maine in new tourist, new business, two to three million dollars in taxes. Here is an investment that is a good investment. We have passed many bills in this Senate that are very worthy bills, for instance, increasing the pensions for teachers

in their elderly years after they have retired. All these things are fine and I am all for them but let's vote for something that is going to bring in new tax money in the State of Maine without increasing the taxes. We will broaden our tax base by getting more people in so I am going to move that we insist on our former action and do not adhere with the House on Amendment C.

Do we need to appoint a Committee of Conference on this, Mr. President?

The PRESIDENT: It would be better to, I would suggest; we don't have to.

Mr. LOVELL: Well, Mr. President, I will ask for a Committee of Conference.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate, as I recall this original bill it proposed that the New England states construct a building at the World's Fair, each state to share jointly in the expense in accordance with a formula which has been set up. Our share was \$200,000. We passed the bill, Ought to pass with Committee Amendment A, making the \$200,000 upon the fact that the other New England states likewise contribute their share of the building. As I understand it, two of the New England state legislatures have already adjourned without taking any action, Massachusetts and Vermont. For that reason I believe one of my committee members amended this in the House to provide a smaller amount so that the Governor and Council could take some action between now and the convening of the next legislature to carry out this program.

Mr. EDGAR of Hancock: Mr. President and members of the Senate, it just happened that I was present when the member of the Appropriations Committee who offered this House Amendment, was debating the amendment so although I have no particular interest in this amendment, I am familiar with the reason for the amendment.

As the Senator from Cumberland, Senator Davis, has stated, the original bill was contingent upon

the other New England States taking similar action and two of those state adjourned their legislatures without taking any action, and the balance of the states did set up a procedure exactly as that outlined in this amendment whereby the whole proposal was referred to the Governors of those particular states and appropriated to him a small amount of money so that he could study the situation, study what was needed, study the proposed plans for the building and so forth and then suggest to the next session of the legislature a program of action. This amendment does not furnish a mere \$25,000 for the State of Maine exhibit at the World's Fair. It is merely expense money, if you will, for the Governor and Council to make a study between now and the next session of the legislature to see what should be done and then make recommendations to the next legislature.

Mr. STILPHEN of Knox: Mr. President, I would just like to ask a question of the Chair or of the Secretary. Haven't we adopted this amendment already? And aren't both houses in agreement? And if we insist on our former action won't we be insisting on adopting this amendment.

The PRESIDENT: The Chair will inform the Senator from Knox, Senator Stilphen, that the Senate passed the bill to be engrossed as amended by Committee Amendment A; the House passed the bill to be engrossed as amended by House Amendment C in non-concurrence.

Mr. LOVELL of York: Mr. President, due to the explanation of the good Senator from Hancock, Senator Edgar, I can see that this is not going to affect the exhibit at the World's Fair, which to me is very very important to the State of Maine. If that can be brought up, and I see it can, at the next session of the legislature, I will withdraw my motion.

Permission was granted to withdraw the motion to insist and ask for a Committee of Conference.

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

On motion by Mr. Noyes of Franklin Recessed until 7:30 to-night.

After Recess

Called to order by the President. The President laid before the Senate the 9th tabled matter, (H. P. 1184) (L. D. 1631) Bill, "An Act Increasing Sales Tax," which was tabled on June 9th by Mr. Noyes of Franklin, pending passage to be engrossed.

Mr. NOYES of Franklin: Mr. President, I now move that this bill be passed to be engrossed.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, before we act on this issue this evening I have a few words to say.

Everyone knows that I have been against this sales tax increase ever since we listened to the Governor's request. I do not think at this time a sales tax increase is needed. There are a few of us in this body that have been called irresponsible and many other unmentionable words because we have voted for the supplemental budget and some of the L. D.'s which are now on your appropriations table. We voted for the supplemental budget, we voted for the L. D.'s because the idea was to bring these to the enactment stage to where we could finally find out what money would be available to finance them.

Ladies and gentlemen of this Senate: I ask you to look at your L. D. 1631. I ask you to look half way down on the schedule of taxes. I ask you to look and see what happens to an article which you buy which comes to 96, 97, 98, 99 cents or one dollar. The tax is four cents. I ask you, ladies and gentlemen of the Senate: Is this a three and a half per cent sales tax or is this a four per cent sales tax? Under the present law if we buy an article for under one dollar it comes to three cents, and now under the present tax schedule it comes to four cents.

One other thing that a few of us around the legislative halls have been accused of is operating a shell game. I ask if this is a shell game that some of us have been

trying to operate? What is this on the taxpayer and the voter of the State of Maine but a shell game?

Ladies and gentlemen of the Senate: I move for the indefinite postponement of this bill and all the accompanying papers and I ask for a yea and nay vote.

The PRESIDENT: Would the Senator please make one motion at a time?

Mr. MAYO: Mr. President, I move for indefinite postponement of this measure.

Mr. PORTEOUS of Cumberland: Mr. President, in connection with this schedule of taxes to be paid, it has just recently come to my attention that this 96 cents through \$1.24 would be taxed at four cents, and it occurs to me that in the retail business, especially one particular chain of stores that does a lot of business in this state, and I have had information that their average sale is a dollar and about two or three cents, so this schedule of four cents at that particular place of 96 cents—and you know how many sales are made at 98 cents, 99 cents and a dollar—that this would have a very far-reaching effect, especially on those people in the low income bracket who are making many of their purchases in this particular price range and buying from these particular stores who cater to the low average income customer. This is not limited to this one particular store because I figure that many of the other chains would also have this same average sale. So you are jumping the gun right from three per cent to four per cent at this particular very important bracket.

Mr. LOVELL of York: Mr. President and members of the Senate: I would like to concur with the Senator from Sagadahoc, Senator Mayo, but in so doing I would like to say that on the second reading of this bill it was indefinitely postponed 17 to 16, and I sincerely hope that those senators that went along with their good ideas and thoughts on this measure will stick to their opinions.

In the latter part of the week, on Friday, some of us senators went along with the front office and the leadership in allowing this bill to

be reconsidered. I know in my area in York County I had a great many phone calls and letters against this increase in sales tax, and some of those phone calls were not too complimentary. One of our good Senators from York last week was called a coward for presenting a bond issue to finance capital improvements, but I was called a coward and a traitor for allowing myself to vote for reconsideration of this sales tax, and I told my people there that I certainly will go along in the future on what the majority of the people want in my county.

Now I would like to have it made clear to me whether we come up here in the Senate to represent our county, what the majority of the people want in that county, whether we are elected for that reason, whether we have a particular platform. In my opinion I think we do have a particular platform in my particular county and our platform is that it would hurt us a great deal if we increase the sales tax in any form or any measure.

I think without question you have heard me mention that with the wage scale that we have in Maine, the lowest in New England per capita, and with our taxes the highest in New England per capita, that this is not the time to increase the sales tax in the State of Maine. Certainly the supplemental budget that was recommended by the front office is good without question, but we must find other means to finance this budget. The means was suggested last week on bonding the capital improvements and using a percentage of the surplus and other supplemental taxes, but if we increase the sales tax we are going to hurt labor, we are going to hurt the person in the low income bracket, he will have less money to spend, less money for luxuries and the needed things in life. Certainly that is not wanted by the majority of our people in the state and what we must definitely think of when we come to voting on this issue.

Now is the time to kill this measure and then find other means which have been suggested, two

or three other methods, and certainly these methods are good. With increasing industrial development and recreational development, as I mentioned the last time, we will show an increase of eight million dollars over the biennium with the amount of money that we plan to spend. I think that this Senate should stick to our definite feelings when we voted by a great majority on bonding capital improvements here last week. I certainly feel that now is the time to adhere and to stick to our judgment in that matter.

Actually, as Dr. Sly has stated a tax is not feasible if the great majority of the people in the state are against it. Now on this increase in the sales tax at this time the great majority of the people are against it. I heard a great many people, as a result of the speech from the front office, I heard many people after that speech come out—and I took a personal survey and poll—and these people came out with the definite feeling that this speech the Governor made is going to hurt our particular party and is going to hurt our areas. Certainly we do not want to see the front office hurt, so if we kill this sales tax measure now then we can find other means and other ways of providing for the supplemental budget.

Some people say that the State of Maine should not go along like a business does, but Maine is a big business and I think we should go along the way big business does, and when they need finances to expand they don't raise their prices and put themselves out of competition. That is not good business. It is good business to go out and borrow the money on a bond issue and use the money that we have that belongs to the people that was raised through taxation, put on certain smaller taxes and up our estimates.

Now certainly over the next two years—you have seen the tax increase that we have had in the last biennium, over six million two years ago and over three and a half million over the six million of two years ago. Now is the time

that we must all unite and kill this issue and find other means that are more favorable and suitable to the majority of the people of the State. So I wholeheartedly concur with Senator Mayo.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: I do not at this time arise as a proponent of the sales tax, however I do arise very definitely opposed to the idea of finally killing the sales tax at this particular time. The alternative tax proposals to which the Senator from York, Senator Lovell, referred are, of course, the bond issue and the patchwork taxes.

Now I submit to you ladies and gentlemen that the ultimate fate of the bond issue, in view of what has happened to it, is anything but hopeful. Furthermore, I believe that it is fairly well recognized that the patchwork taxes will not provide sufficient funds to finance the supplemental budget as it now stands.

With regard to the supplemental budget, if the trend up to the moment is continued I see no signs or indications that it is going to be trimmed substantially. Both branches have had a chance to try that and neither branch has succeeded. Now assuming the trend with the supplemental budget does continue and it is enacted as it stands, with the bond issue a very, very dim prospect and the patchwork taxes not being adequate, there is nothing left but the sales tax. For that reason I would oppose very strongly killing it at this time. I think that it should at least be kept alive in the event that we should find that we do need it, and therefore I would oppose very much the motion to indefinitely postpone.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I think the good Senator from Sagadahoc, Senator Mayo, is beclouding the point when he speaks of a four per cent sales tax. If we buy an article now for sixteen cents we pay one cent on it, which is actually at the rate of a six per cent sales tax or better than six per cent. Now this sales tax is set up in brackets and I

think it is divided evenly so that it works out fairly evenly. I think it is very unfair to say that an article that costs 98 cents is going to cost a four per cent sales tax, because we have the same thing right now under the present sales tax where an article that costs sixteen cents is taxed at one cent or a six per cent sales tax. That is merely the way the brackets are set up. And as far as the argument that fifty cents on one hundred dollars is going to hurt too much or drive people away, I just cannot believe it, because that is what one-half of one per cent would do.

Mr. STILPHEN of Knox: Mr. President and fellow Senators: At this time I rise to oppose the motion of my seatmate, the Senator from Sagadahoc, Senator Mayo.

I feel that at least we must face the issue fair and square, and I am wondering if the opponents of the sales tax measure are doing that all the way.

We have heard arguments in the past week as to alternate methods of financing the programs which have been put before the legislature, which were expounded by the Governor in his campaign and which were accepted by the people. We have heard him tell us how we can finance these programs, and at every turn of the highway and at every turn of the road the foes of the sales tax have come up with an alternate method. You and I have stood in this Senate and have been in our seats in the Senate and watched them kill good, deserving measures which would have appeared on the appropriations table at this time as L. D.'s for fear that somewhere along the line we would have to enact the sales tax increase. You have heard it and I have heard it and it has been heard the length and breadth of this state. If we are going to pass these measures which call for additional revenue we have got to enact the sales tax increase, and tonight is the first time I have seen them come out with any indication that the three and a half per cent is going to be something that is imposed upon the

people of the State of Maine which is not right.

To avoid any misunderstanding, let me quote to you from Page 13 of The State's Tax Structure in Maine, by Dr. John F. Sly, the third report. At the bottom of that page it says: "Retailers and legislators may be reluctant to accept a fractional rate, say three and one-half per cent," Dr. Sly says, "but there are no difficulties under the bracket system as now used in Maine. It is only necessary to change the brackets and apply, as at present, even cents to each bracket."

I submit to you, Mr. President and fellow Senators, that the foes of the sales tax at this time are not only foes of the sales tax but they are foes of the program which the people of the State of Maine have accepted and which the people of the State of Maine want, to wit: education, health and welfare, the employees raises, the relief of relative responsibility and help for the DED; and I say that when those who want the roll call stand up and vote against the sales tax tonight, the increase from three to three and a half per cent, they are not voting against the sales tax alone but they are voting against progress in the State of Maine. I submit that the people have liked it for the last few years and they are going to like it in the next few years. And I want to be recorded in the roll call and I am happy to go along with it, because when I vote for the sales tax I at the same time will be voting for progress. If they want to vote against it that is perfectly all right with me.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, you will all recall that one week ago today I arose and spoke in opposition to passage to be engrossed of the supplemental budget unless everyone who voted for that supplemental budget was prepared to vote for an increase in the sales tax. There were 23 votes for that supplemental budget, but three or four days later there were only 16 votes for the sales tax. At that time I suggested that it might be well to review the pro-

gramming, to come to grips with the issue and face up to the facts of life, that in order to enact a sales tax, we must have a two-thirds vote, and certainly nothing has happened in the past week to change that particular line of thinking.

I am certainly sufficiently realistic thinking enough to know what is happening at the present time, and it is the same thing which has been happening during this entire session of the legislature. We have been requested to vote to keep matters alive, and the repeated warnings of many in this Senate have been to very little avail, but at least we have been consistent, and for one, if the sales tax is going to be enacted, I would be very, very happy if two thirds of the elected entire membership of this Senate would stand up and vote for it and get it over with. But it still remains to be demonstrated that there still is a need for the entire supplemental programming which would entail the enactment of a sales tax.

It is not pleasant for any of us who are opposed to a sales tax increase at this time to be branded as obstructionists, accused of Party disloyalty. There was nothing in the program which was presented to us at the time of the budget message making it mandatory to vote for a sales tax increase and a program has been submitted, an alternative program and a responsible program but apparently that is not acceptable, at least at this time. But I think we should look to the budget message, not only from the point of view as to what was in it as to figures, but there also was an item relating to economy, and I quote: "In facing up to the financial problems before us, it is our responsibility to see that we get full value for every tax dollar spent. I am certain that you, too, will keep the important matter of economy constantly in mind." That was a message which was delivered to us approximately a week after we convened. And now that some of us are constantly keeping economy in mind, we are left in a very untenable position with certain lead-

ers in our own Party and I charge that that is very unfair.

I think that it would be well if all of us gave a little consideration to the so-called power of taxation. We all fully realize that the legislature is the only body which possesses the power of taxation, but frankly I was not as aware of just how tremendous that power is until last evening I went to the Constitution and read Article 9, Section 9, which reads thusly: "The legislature shall never in any manner suspend or surrender its power of taxation." What wisdom our forefathers had when they wrote into that Constitution, language of such great import, completely unequivocal, and court decisions time and time again in this state have reiterated that language and knocked down any attempt to surrender the power of taxation. A tremendous power which to use a cliché, I suppose, but certainly it is true, it carries a power to destroy, and also, of course, the power to do great good. As I have said on many occasions, if it is a matter of essential needs, a power to do great good where the need has been demonstrated, I would be the first to say we must have the sales tax increase now, and can no longer delay.

Apparently a few of us did remember the Governor's warning that he was certain that we will keep the important matter of economy constantly in mind. Unfortunately under our system of government, it is a most difficult position in which we place our Appropriations Committee. They have certainly given of their maximum effort, maximum time, and no one can criticize the Appropriations Committee as to where we stand today, but it is a time consuming function merely to go through the formalities of public hearings, and it is impossible in three or four months to wade through the expenditures during a previous biennium to actually determine whether or not there are places where cuts can be made without hurting or impairing the progress and the welfare of the majority of the people of this state.

I have been somewhat disappointed during this entire session in relation to the amount of time which we as a Senate have devoted to discussing appropriations. Here we have sat in this Chamber and we have easily seen a good two hours consumed debating as to a particular lake or stream or brook which should be opened or closed as the case may be, for fishing. We sat here for a long period of time debating the bear bounty and we sat here for a long period of time trying to decide what is the best interest of the state regarding to zones for hunting deer. And yet, on the important element of a supplemental budget, the debate was certainly very limited in comparison to these other issues. I cannot get away from the Constitution of this state. "The legislature shall never in any manner surrender its power of taxation." I fear that due to our system of government, we have in some measure, and certainly we are not supposed to in any measure according to the Constitution, surrendered this power of taxation, when we permit ourselves to reach a point where we now find ourselves that appropriations have gone to the enactment stage and we are now told we must vote for a particular measure in order to produce the revenue. I think a very stellar illustration is a matter which occurred a few months ago when we discussed the crash program that was presented to us on capital construction. As I recall there was no debate when we spent four and a half million dollars on the crash program, and certainly at that time I did not want to be labeled as an obstructionist and anyone who opposed that particular program would have been even though it was early in the session, but I did at that time ask a question of the Appropriations Committee, and my question was very simple: "Who determines the needs as to what portion of the entire capital construction program shall be in this crash program?" And the answer which I received was that the Bureau of Public Improvements established the needs and who would know better than the

Bureau of Public Improvements? Possibly that is correct. But I ask you this, my colleagues of the Senate, have we not, in some manner, surrendered our power of taxation, merely by adopting a spending measure on which we know one day we will have to face up to the issue someday and raise the money for payment. So it certainly becomes a matter of great soul searching and a matter of mature deliberation before you enact a tax measure which will go a long way toward drying up the major source of revenue from taxation in the State of Maine.

We are the Centennial Legislature and certainly we do want to have a good record and we do want to have a record of financial responsibility and we did keep certain matters alive because we were told that this was the time, if we kept these appropriations alive we would have opportunity at the engrossment stage or the enactment stage in which to engage in full debate and I certainly feel that any of us who wish to engage in full debate are doing this in all sincerity for the benefit of the people of the State of Maine.

And yet, there are also times when we are referred to as penny pinchers and yet we have already unanimously voted a \$13 million increase in the current service budget, an increase of about 12 per cent, and also last evening I went back to the record when I was last in this Senate, in the 97th session, and at that time in the previous biennium we had operated with a \$63 million general fund operating budget. During that session we raised the budget and when I say budget I am merely talking general fund budget, to \$70 million, an increase of 11 per cent. In the 98th legislature there was an increase of \$20 million, a thirty percent increase. In the 99th session there was an increase of \$16 million, roughly eighteen per cent, and now in this 100th legislature with the program which is before us and apparently the only way it can become effective is to pass our major source of income in this state. We will have a budget of over

\$126 million. I can't help but think a few weeks ago when the inquiry was put, in the form of a hypothetical question, at least, "What will happen to incoming legislatures if we go into a \$5 million bond issue which can be paid for at the rate of a little over a half million dollars a year in a period of time equal to ten to twenty percent of the life expectancy of the particular buildings?"

I would like to turn that question right back. What is going to happen if we keep on going the way we are going right now, and taking surplus and dumping it into capital construction without a planned program and without having the revenue available to staff and operate these buildings? Where do we stand tonight? We stand at a point where in six short years, the way the sessions have been going, six long years I guess, but we will be putting into effect or adopting a budget of better than \$126 million as compared to the budget we had six years ago in the previous biennium of \$63 million, a one hundred per cent increase in six years. And when I hear people quote editorials, I cannot become too much influenced, because for one, I am not ready to surrender my right as a Senator to exercise the power of taxation to the newspaper, to any leaders in any political party or to anyone else. This is a matter not drawn on Party lines, it is a matter of what you believe as a philosophy of government and I happen to be one person who is rather proud in my own Party to have men who have a philosophy of government that does not measure progress by the number of dollars spent, but measures the progress by the amount of value derived from the dollars spent.

We have taken a step in that direction and it is a good step. I certainly do resent in one area this matter of surrendering the power of taxation and that is when the piece meal package, and a piece meal package which was in no way thought out seriously but is being used as a political whip to obtain your vote on the sales tax

is presented before certain people in the legislature, a piece meal program which they well know cannot be enacted and which they also well know will stir the vested interest in this state to a point where their lobbyists out of fear will start lobbying for a sales tax increase.

We need not name names. None of us in this body is completely naive as to not know who has been doing the lobbying for the sales tax increase, and if we permit anyone, remember "The legislature shall never"—shall never—"in any manner surrender its power of taxation" and in any manner means indirectly and unless we ourselves as individuals face up to the issue and vote for what we believe to be essential and necessary we are not being honest with ourselves and we certainly are not being honest with all of the people whom we represent.

This particular program is desirable. The \$12 million program initially presented—I should take the educational subsidy out of it—but the \$9 million plus program is desirable. Of course it is desirable. There are many things that are desirable. But do we need them? That is the test. Do we need them? Are they essential needs, or will the state of Maine in the next few years if we fail to enact a sales tax, actually suffer. That is the question which we must ask ourselves, and I say and I know it is true, and I can speak for all those who are opposed to the sales tax increase, that we are still willing to go along with additional increase over and above the current services budget and it is not essential this year to increase the sales tax. So we urge that you consider very carefully before you take this giant step which I submit will go a long way toward drying up your major source of revenue from taxation and which if you adopt in this legislature will hasten the day when you will have the sales tax combined with the income tax because the same people who are writing the editorials in this part and south of the State of Maine, many of them believe that we should have an income tax. Many of you were at

the tax school in Orono, and the income tax has a lot of background impetus and we may be faced with it some day. But I submit that if we pare the budget now, come to grips with the problem, take out what is unnecessary, that we can come out of this session with moderate progress, responsible progress, and not dry up the major tax revenue measure which is available in this state for at least a few years to come, I hope.

Mr. PIKE of Oxford: Mr. President, I have been a member of the legislature several times, served in both houses. I think this year is the first and only year that I ever heard people in the Senate criticize the leadership. Personally I don't like it. We elected them; we have got to stand by them. I was taught years ago that a good speaker must do three things. He must stand up to be seen, speak up to be heard and sit down to be appreciated.

Mr. CARPENTER of Somerset: Mr. President, very briefly I would like to address the Senate and with particular reference to Senator Pike who has just elaborated upon a subject that I don't particularly care for. I feel that members who are elected to the Senate and to the House of Representatives, if I may speak of the House of Representatives, are entitled to their views on various subjects. If they disagree with the program that is set up by the leadership, I think they have a right to go against it or to set up a program of their own.

I feel that an additional half cent increase in the sales tax will be very detrimental to us. In our deliberations in the Senate and the other branches, many of the members have come up with an alternative program which has been a bond issue which years ago I wouldn't subscribe to, but in this day and age I would subscribe to because once we get a half cent increase in the sales tax, taking it to 3½ percent, then we'll get 4 and I will visualize in 1964 and 1966 we will have at least a 5 or 6 percent increase and the only way in the world we will ever keep the sales tax down and the increase

to the people of the State of Maine is by using a bond issue which will be paid by surplus income which will help defray the expenses of the State of Maine.

I will visualize myself as a small chap up in Somerset County and I don't have much we will say on the ball as far as financial dealings are concerned, but I have conducted my own business for some 33 years and if my financial problems should become inevitable I would try to solve them in some manner other than increasing my expenses to the public. If we enact a 3½ per cent sales tax, next year we will enact another half percent and as one Senator said this afternoon, it will be very difficult to involve a half percent increase, it would be more like four. I visualize two years from now it will be five; two years more and it will be seven; and if this legislature does not settle down to a fundamental basis of evaluation as far as finance is concerned we would eventually have a ten per cent tax income. As far as surplus is concerned, if we come up with ten or twelve million dollar surplus, the legislature will always find a way to spend it because surpluses are bound to go for something that we do not think possibly the public might need. In other words the surplus money is floating around.

I am wholeheartedly against the sale tax deal. I feel we have ample opportunity in our tax field to get what additional moneys we want and if we search our hearts and our souls and our financial minds we certainly can come up with something that will take the place of the sales tax increase. Every governor as far as I am concerned and as far as I can look back over my ten years in the Senate, have always wanted to have a large surplus in connection with his program, but I think it is

time to take a look at the idea of keeping the costs down.

I might say that in the last four or five days I have had calls from various constituents, men who have much more financial background than I have who are definitely opposed to an additional sales tax. Therefore I hope in the judgment of the Senate here tonight that they will oppose any sales tax increase. If we need it we can have a bond issue; we can pay for it out of surplus; and two years from now we can come back and have a good broad program. If we need an extra cent then, I would support it. Thank you.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Mayo, that the bill and all accompanying papers be indefinitely postponed; and that Senator has requested the Yeas and Nays. To order the Yeas and Nays requires the affirmative vote of one-fifth the members of the Senate.

A division of the Senate was had.

Obviously more than one fifth having risen, the Yeas and Nays were ordered, and the Secretary called the roll:

YEA: Boisvert, Brewster, Brown, Carpenter, Chase, Couture, Erwin, Farris, Jacques, Lovell, Mayo, Porteous—12.

NAY: Boardman, Brooks, Christie, Cole, Davis, Edgar, Edmunds, Ferguson, Gilbert, Hillman, Lord, Marden, Noyes, Parker, Pike, Stanley, Stilphen, Wyman—18.

ABSENT: Bates, Cyr, Sampson—3.

Twelve having voted in the affirmative and eighteen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Noyes of Franklin, the bill was passed to be engrossed.

On motion by Mr. Noyes of Franklin Adjourned until tomorrow morning at 9:30 o'clock.