

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, May 22, 1963

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

Prayer by the Rev. Mr. Elmer Bentley of Augusta.

The journal of yesterday was read and approved.

Conference Committees Report

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Salaries Fixed by Governor and Council" (S. P. 462) (L. D. 1289) reporting that they are unable to agree.

(Signed)

DENNETT of Kittery
BERMAN of Houlton
SMITH of Strong

— Committee on part of House.

WHITTAKER of Penobscot
BROOKS of Cumberland
CAMPBELL of Kennebec

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that there be created an Interim Joint Committee to consist of 2 Senators, to be appointed by the President of the Senate, and 3 Representatives, to be appointed by the Speaker of the House of Representatives, to study the present statutes, regulations and practices relating to State accreditation of secondary schools for such changes, if any, the Committee may find desirable; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature (S. P. 602)

Came from the Senate read and passed.

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

From the Senate: The following Bill which was referred to the 101st Legislature by the 100th Legislature:

Bill "An Act to Create the Maine Recreational Facilities Authority Act" (S. P. 513)

Came from the Senate indefinitely postponed.

In the House: On motion of Mr. Littlefield of Hampden, the Bill was indefinitely postponed in concurrence.

Senate Report of Committees Ought to Pass

Report of the Committee on Claims reporting "Ought to pass" on Resolve in favor of Lloyd Talbot of Portland (S. P. 205) (L. D. 515)

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

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

Ought to Pass With Committee Amendment

Report of the Committee on Health and Institutional Services on Bill "An Act Revising the Laws Relating to Apothecaries and the Sale of Poisons" (S. P. 419) (L. D. 1162) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 419, L. D. 1162, Bill, "An Act Revising the Laws Relating to Apothecaries and the Sale of Poisons."

Amend said Bill by adding after section 1 a new section to read as follows:

"Sec. 1-A. R. S., c. 68, Sec. 6, amended. The first sentence of section 6 of chapter 68 of the Revised Statutes, as amended by section 5 of chapter 304 of the public laws of 1957, is further amended to read as follows:

'Every person not already registered, entering upon the business

of an apothecary practice of pharmacy, upon the payment of a fee of \$25 to the secretary of said board, except as otherwise provided, shall be examined by said commissioners and shall present to them satisfactory evidence that he had been graduated from some regularly incorporated college of pharmacy and has been employed in such an apothecary store for at least one year, and is competent for the business practice of pharmacy.”

Further amend said Bill in the 8th line of section 7 by inserting before the underlined word “book” the underlined words ‘permanently bound’

Further amend said Bill in the 12th line of section 7 by striking out the underlined word “regular” and by inserting after the underlined word “physicians” the underlined punctuation and words ‘, dentists, podiatrists’

Further amend said Bill by adding after section 8 a new section to read as follows:

“Sec. 8-A. R. S., c. 68, sec. 24, amended. Section 24 of chapter 68 of the Revised Statutes, as amended by section 14 of chapter 304 of the public laws of 1957, is further amended to read as follows:

‘Sec. 24. Sale of certain drugs. It shall be unlawful for any person, firm or corporation to sell, furnish or give away or offer to sell, furnish or give away any veronal or barbital, or any other salts, derivatives or compounds of barbituric acid, or any registered, trademarked or copyrighted preparation registered in the United States Patent Office containing the above substance, or any drug designated by the board as a “potent medicinal substance” pursuant to section 25, except upon the written order or prescription of a physician, surgeon, dentist or veterinary surgeon; provided, however, that the above. These provisions shall not apply to the sale at wholesale, furnishing or giving away, or the offering to sell, furnish or give away such drugs, by drug jobbers, drug wholesalers and drug manufacturers and their agents and employees to registered pharmacists and the pharmacies registered under the provisions of section 9, nor to physicians, dentists, veterinary surgeons or hos-

pitals, not to each other, nor to the sale at retail in pharmacies by pharmacists to each other, nor to physicians, surgeons, dentists, veterinary surgeons or hospitals. Nothing in this section shall be construed to affect the right of a physician, surgeon, dentist or veterinary surgeon in good faith and in the legitimate practice of his profession personally to administer, prescribe or deliver any of the foregoing substances to his own patients.

Nothing in this chapter shall apply to a compound, mixture or preparation containing salts or derivatives of barbituric acid which is sold in good faith by a pharmacy for the purpose for which it is intended and not for the purpose of evading the provisions of this chapter if:

I. Contains other drugs. Such compound, mixture or preparation contains a sufficient quantity of another drug or drugs, in addition to such salts or derivatives, to cause it to produce an action other than its hypnotic or, somnifacient, stimulating or depressant action; or

II. Spray or gargle. Such compound, mixture or preparation is intended for use as a spray or gargle or for external application and contains, in addition to such salts or derivatives, some other drug or drugs rendering it unfit for internal administration.”

Further amend said Bill in the 3rd line of section 9 by inserting after the word and comma “time,” the following underlined words and punctuation ‘after notice and hearing,’

Further amend said Bill by striking out all of the 10th line of section 9 and inserting in place thereof the following:

‘or to offer to sell, furnish or give away any of such potent medicinal’

Further amend said Bill by striking out all of the 11th and 12th lines of section 9 and inserting in place thereof the following:

“substances so designated, except as prescribed in section 24 for the substances therein named.”

Further amend said Bill by striking out the underlined word “be” in the 4th line of the last paragraph of section 16 and inserting in place thereof the underlined word ‘by’

Further amend said Bill by striking out the underlined word "**paper**" in the 5th line of the last paragraph of section 16 and inserting the underlined word "**papers**".

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

Report of the Committee on Judiciary on Bill "An Act relating to Age in Criminal Offenses" (S. P. 79) (L. D. 187) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 79, L. D. 187, Bill, "An Act Relating to Age in Criminal Offenses".

Amend said Bill in line 60 by striking out the words "not an apprentice nor" and inserting in place thereof the underlined words "**except an apprentice or a person not**".

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

Report of the Committee on Towns and Counties on Bill "An Act relating to Expending Aroostook County Funds for Renovating the Terminal at Presque Isle Municipal Airport" (S. P. 194) (L. D. 493) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 194, L. D. 493, Bill, "An Act Relating to Expending Aroos-

took County Funds for Renovating the Terminal at Presque Isle Municipal Airport."

Amend said Bill by striking out in the 17th line the figure "\$19,500" and inserting in place thereof the following "\$9,750 for the fiscal year ending June 30, 1964 and the sum of \$9,750 for the fiscal year ending June 30, 1965".

Further amend said Bill by striking out in the 19th and 20th lines the following words and comma "within 60 days after this act shall take effect,"

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

Amended in Senate

Report of the Committee on Education on Bill "An Act to Pay School Subsidies on the Basis of Uniform Local Effort" (S. P. 416) (L. D. 1159) reporting "Ought to pass" as amended by Committee Amendments "A" and "B" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 416, L. D. 1159, Bill, "An Act to Pay School Subsidies on the Basis of Uniform Local Effort."

Amend said Bill in the 15th line of section 3 by striking out the underlined figure "17" and inserting in place thereof the underlined figure "18".

Committee Amendment "A" was adopted in concurrence.

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

COMMITTEE AMENDMENT "B" to S. P. 416, L. D. 1159, Bill, "An Act to Pay School Subsidies on the Basis of Uniform Local Effort."

Amend said Bill by adding at the end the following new section:

"Sec. 5. R. S., c. 41, Sec. 237-H, amended. The first sentence of the

2nd paragraph of section 237-H of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 of the public laws of 1957, as repealed and replaced by section 21 of chapter 353 of the public laws of 1959 and as amended by chapter 363 of the public laws of 1961, is further amended to read as follows:

'Said apportionment shall apply similarly to payments made for capital outlay purposes on school construction, approved by the commissioner after August 28, 1957, in single municipality administrative units where the April 1st enrollment of resident and tuition pupils in grades 9 through 12 for that year is over 700 300 pupils and in smaller administrative units when in the judgment of the Legislature, on recommendation of the commission, the formation of a School Administrative District by consolidation is not geographically or educationally practical.'

Committee Amendment "B" was adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 416, L. D. 1159, Bill, "An Act to Pay School Subsidies on the Basis of Uniform Local Effort."

Amend said Bill in the 7th paragraph from the end of section 3 by inserting after the underlined word and figure "Table I" in the 3rd line the underlined punctuation and words

'section 237-D, disregarding the footnotes,' and by striking out in the 3rd line the underlined word "necessary"; and by inserting after the underlined word and figure "Table I" in the 9th line the underlined punctuation and words 'section 237-D, disregarding the footnotes,' and by striking out in the 10th line the underlined word "necessary"

Senate Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

Divided Report

Majority Report of the Committee on Constitutional Amendments and Legislative Reapportionment on

Resolve Proposing an Amendment to the Constitution to Increase Municipal Indebtedness (S. P. 4) (L. D. 4) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. FARRIS of Kennebec
PORTEOUS of Cumberland
JACQUES of Androscoggin
EDMUNDS of Aroostook
NOYES of Franklin
— of the Senate.

Messrs. WATKINS of Windham
CARTIER of Biddeford
COTTRELL of Portland
SMITH of Strong
PLANTE
of Old Orchard Beach
— of the House.

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

Report was signed by the following members:

Messrs. SMITH of Bar Harbor
BERMAN of Houlton
DENNETT of Kittery
VILES of Anson
PEASE of Wiscasset
— of the House.

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

In the House: Reports were read. On motion of Mr. Smith of Bar Harbor, the Minority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Resolve Appropriating Moneys to Promote and Advertise Maine's Ski Business (S. P. 96) (L. D. 233) which was indefinitely postponed in the House on May 17.

Came from the Senate with that body voting to insist on its former action whereby the Resolve was passed to be engrossed and asking for a Committee of Conference.

In the House: On motion of Mr. Pease of Wiscasset, the House voted to adhere to its former action.

Non-Concurrent Matter

An Act Revising Laws Relating to Benefits for State Employees

While in the Armed Forces (S. P. 78) (L. D. 186) which was passed to be enacted in the House on March 20 and passed to be engrossed as amended by Committee Amendment "A" on March 14.

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

In the House: The House voted to recede and concur with the Senate.

Non-Concurrent Matter

An Act relating to Loans by Washington County (S. P. 592) (L. D. 1556) which failed passage to be enacted in the House on May 21.

Came from the Senate passed to be enacted in non-concurrence.

In the House:

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

Mr. DAVIS: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Calais, Mr. Davis, moves that the House recede and concur with the Senate in the enactment of Legislative Document 1556, An Act relating to Loans by Washington County. This can be done by division with 101 votes. Is the House ready for the question? This, being an emergency measure, requires for its enactment 101 votes. All those in favor of this bill being passed as an emergency measure, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-eight having voted in the affirmative and thirty-five having voted in the negative, and 101 being required, the House refused to recede and concur with the Senate.

Thereupon, on motion of Mr. MacGregor of Eastport, the House voted to insist on its former action and request a Committee of Conference.

On motion of the gentlewoman from Bethel, Mrs. Lincoln, House Rule 25 was suspended for the re-

mainder of today's session in order to permit smoking.

The following Communication:

THE SENATE OF MAINE
Augusta

May 22, 1963

Hon. Harvey R. Pease
Clerk of the House of
Representatives
101st Legislature

Sir:

The President of the Senate recently appointed the following conferees on the part of the Senate to join the House in Committees of Conference on the following matters: Bill, "An Act Prohibiting Use of Live Birds and Animals for Certain Purposes" (H. P. 1038) (L. D. 1505)

Senators:

ATHERTON of Penobscot
STITHAM of Somerset
PORTEOUS of Cumberland

Joint Order relative to Search and Seizure Bill to be Reported by Committee on Judiciary (H. P. 1081)

Senators:

FARRIS of Kennebec
CAMPBELL of Kennebec
BOARDMAN of Washington

Bill, "An Act Authorizing Forest Commissioner to Permit and Regulate Dredging in Great Ponds" (H. P. 1015) (L. D. 1469)

Senators:

STILPHEN of Knox
COLE of Waldo
JACQUES of Androscoggin

Bill, "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965" (S. P. 549) (L. D. 1481)

Senators:

EDMUNDS of Aroostook
PORTEOUS of Cumberland
CAMPBELL of Kennebec

Respectfully yours,

(Signed)

CHESTER T. WINSLOW
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

The following Communication:

May 22, 1963

Honorable David J. Kennedy
Speaker of the House
Augusta, Maine

Dear Sir:

I herewith tender my resignation from the Conference Committee appointed by you on Bill "An Act relating to Requirements, Appointment and Term of Adjutant General" (H. P. 250) (L. D. 319)

Very truly yours,

(Signed)

CHARLES E. GILBERT

The Communication was read and ordered placed on file.

The Speaker announced the appointment of Mr. Smith of Strong to fill the vacancy caused by the above resignation.

On the disagreeing action of the two branches of the Legislature on Resolve Authorizing the Disposal of Western Maine Sanatorium (H. P. 401) (L. D. 600) the Speaker appointed the following Conferees on the part of the House:

Messrs. O'LEARY of Mexico
HAMMOND of Paris
BERRY of Cape Elizabeth

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Claims of Municipalities Against State for Taxes Lost from Veterans Property Tax Exemptions" (S. P. 339) (L. D. 1004) the Speaker appointed the following Conferees on the part of the House:

Messrs. ALBAIR of Caribou
JONES of Farmington
DENNETT of Kittery

On the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for the Study of a State Building Code and Anti-Shack Statute" (S. P. 202) (L. D. 512) the Speaker appointed the following Conferees on the part of the House:

Messrs. BRAGDON of Perham
SMITH of Strong
ROSS of Brownville

Mr. Crommett of Millinocket presented the following Order and moved its passage:

Whereas, Representative Owen L. Prince of Oakfield has had the honor of being elected Commander of the Old 103rd Infantry Regiment Association at its annual reunion held at Portsmouth, New Hampshire on May 18, 1963; and

Whereas, the 103rd Infantry Regiment was the famous regiment commended by Colonel Frank M. Hume and Maine's famous 2nd Maine Infantry Regiment; and

Whereas, Representative Prince was honored by having as his guest at the State Capitol yesterday, Mr. Leonce Jobin, Sr., the father of Representative Leonce Jobin, of Rumford who served with Representative Prince as color sergeants in the 103rd regiment while in France during the first world war, in 1917 and 1918, and their first meeting since the war; and

Whereas, both men were honored by Governor Reed by being photographed together in the Hall of Flags beside the colors they once carried; now, therefore, be it

ORDERED, the Senate concurring, that the respect and best wishes of the Representatives and Senators in the 101st Legislature assembled be extended to Representative Owen L. Prince and Mr. Leonce Jobin, Sr. for their valor in the military service of their country and especially to Representative Owen L. Prince for his recent election as Commander of the 103rd Infantry Regiment Association; and be it further

ORDERED, that a copy of the order duly attested by the Clerk of the House be immediately transmitted to Representative Owen L. Prince and Mr. Leonce Jobin, Sr. (H. P. 1096)

The Order received passage and was sent up for concurrence. (Applause)

**House Reports of Committees
Divided Report**

Report "A" of the Committee on Highways reporting "Ought to pass" on Bill "An Act relating to Weight of Commercial Vehicles" (H. P. 866) (L. D. 1253)

Report was signed by the following members:

Messrs. ROSS of Brownville
CARTER of Etna
CROCKETT of Freeport
NADEAU of Biddeford
DENBOW of Lubec
— of the House.

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

Report was signed by the following members:

Messrs. COLE of Waldo
BROWN of Hancock
FERGUSON of Oxford
— of the Senate.

Messrs. TURNER of Auburn
DRAKE of Bath
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Gifford.

Mr. GIFFORD: Mr. Speaker, I move that the House accept the Report "A," "Ought to pass."

The SPEAKER: The gentleman from Manchester, Mr. Gifford, moves that the House accept Report A, "Ought to pass."

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

Mr. BROWN: Mr. Speaker, I request that this item be tabled until Tuesday next.

The SPEAKER: The gentleman from Fairfield, Mr. Brown, moves that item one be tabled until Tuesday next pending the motion of Mr. Gifford of Manchester to accept Report A, "Ought to pass."

Mrs. Hendricks of Portland then requested a division on the tabling motion.

The SPEAKER: A division has been requested on the tabling motion. All those in favor of tabling this matter until Tuesday next, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-one having voted in the affirmative and fifty-three having voted in the negative, the tabling motion did not prevail.

Thereupon, on a viva voce vote, Report A, "Ought to pass," was accepted, the Bill read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act relating to Minimum Number of School Days in Public Schools" (S. P. 598) (L. D. 1565)

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

Third Reader Tabled and Assigned

Bill "An Act relating to Excise Taxes on Motor Vehicles Paid by Members of Penobscot Tribe of Indians" (S. P. 599) (L. D. 1566)

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

(On motion of Mr. Binnette of Old Town, tabled pending passage to be engrossed and specially assigned for Friday, May 24.)

Third Reader Tabled and Assigned

Bill "An Act Repealing Supplemental State Aid for Reorganized School Districts" (H. P. 25) (L. D. 49)

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

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

Mr. EWER: Mr. Speaker, Ladies and Gentlemen of the House: It seemed to me that the action we took yesterday in regard to L. D. 49 was a little bit on the precipitate side. The matter involves more or less the pledging of the state credit inasmuch as we have promised that under the Sinclair Act that these towns going into consolidations would be given this ten percent bonus. It seems to me that to cut them off with no warning, would be more or less a breach of the state's faith and credit. While I think that possibly the Sinclair Act in its original form was improperly drawn, that there should have been a cut-off time for this extra ten percent, I do not feel that this is the way to reach it. If it were cut off say fifty percent at the end of five years and one hundred percent in full at the end of ten, it might be a much better way to handle it in my opinion, to

give the towns in these districts a chance to decide what steps they are going to take.

Then, too, the matter of towns which have not already availed themselves of aid under this but plan to do so within the next year or so, are going to be penalized for not coming forward at the same time the earlier districts were formed. For this reason, I would hope that someone would table this until such time as an amendment could be prepared to this bill to cut it off on a graduated basis instead of the overnight business which this calls for.

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

Mr. LITTLEFIELD: Mr. Speaker, I request that this bill be tabled until Monday, May 27th.

The SPEAKER: The gentleman from Hampden, Mr. Littlefield, moves that item 3 be tabled until Monday, May 27, pending passage to be engrossed.

Mr. EASTON of Winterport: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. EASTON: To debate the time.

The SPEAKER: The gentleman may proceed.

Mr. EASTON: Mr. Speaker, if the gentleman would be willing to amend his motion to Tuesday, I would appreciate it very much. I won't be here Monday.

Thereupon, on motion of Mr. Levesque of Madawaska, the Bill was tabled pending passage to be engrossed and specially assigned for Tuesday, May 28.

Passed to Be Enacted

An Act relating to Penalties for Possession of Narcotic Drugs (S. P. 149) (L. D. 426)

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

**Enactor
Tabled and Assigned**

An Act Appropriating Funds to Aid in Dredging the Kennebunk River Harbor (H. P. 18) (L. D. 43)

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

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, I would move that this item be tabled until tomorrow.

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, moves that item two be tabled until tomorrow.

Mr. Tyndale of Kennebunkport then requested a division.

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

A division of the House was had.

Fifty-five having voted in the affirmative and fifty-two having voted in the negative, the tabling motion did prevail.

Thereupon, the Bill was tabled pending passage to be enacted and specially assigned for tomorrow.

An Act relating to Work on Shade and Ornamental Trees (H. P. 240) (L. D. 308)

An Act relating to County Taxes (H. P. 689) (L. D. 945)

An Act relating to the Joint Bank Account Law and the Inheritance Taxation of Joint Bank Accounts (H. P. 1088) (L. D. 1560)

Finally Passed

Resolve Providing Funds to the Washington County Development Authority for Development of Recreational Areas (H. P. 565) (L. D. 804)

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

The SPEAKER: The Chair is delighted this morning to recognize in the gallery of the House, thirty-six pupils from the eighth grade of School Administrative District 9 of Farmington, accompanied by their teacher, Mary Lincoln; student teachers at Farmington State Teachers College, Mr. Williamson and Mrs. Bradford. In this group is Miss Jones, the daughter of Represent-

ative Jones of Farmington. These are the special guests of Representative Jones of Farmington. We are delighted to see you here and that you are here to observe your representatives in action.

On behalf of the House, the Chair extends to you a warm welcome. We trust that you will enjoy and benefit by your visit with us. (Applause)

Orders of the Day

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

HOUSE REPORT — Ought not to pass — Committee on Appropriations and Financial Affairs on Bill "An Act relating to Deficiency Appropriation for Division of Veterans Affairs." (H. P. 407) (L. D. 560)

Tabled — May 16, by Mr. Bragdon of Perham.

Pending — Acceptance of Report.

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

Mrs. SMITH: Mr. Speaker, I move that the unanimous "Ought not to pass" Report of the Appropriations Committee be accepted.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith, moves that the "Ought not to pass" Report be accepted.

The Chair recognizes the gentleman from Eastport, Mr. MacGregor.

Mr. MacGREGOR: Mr. Speaker, if I understand correctly, this is now before us for debate.

The SPEAKER: It is ready for debate. The gentleman may proceed.

Mr. MacGREGOR: I stand in opposition to the motion just made by the gentlewoman from Falmouth, Mrs. Smith and, if I may, I would like to try to clarify for the members of the House the situation and problem existing here, and would most certainly be happy to see this morning, rather than this motion before you now, a motion to substitute the bill for the report.

This World War Assistance Program is a program of temporary financial aid for the wife or widow, and children or orphans of a deceased or totally disabled war veteran. The program is based on need

as established by personal investigation by the Division of Veterans Affairs. The detailed study of what this Division of Veterans Affairs is doing as far as this assistance program is concerned, I refer you to their informational pamphlet which is judging its activities on Chapter 26 of the Revised Statutes. Such aid is furnished only to the needy dependents. A veteran without dependents may not qualify.

Briefly the history of this program is as follows. This has not been a run-away state program. Actually, far more was spent in certain past years than is the case today. Last year only \$367,000 was expended as contrasted with the high year of 1957 when \$409,000 was spent. In fact, for many years there was a surplus in this account. During the last ten years, \$340,000 was turned back to the general fund surplus.

For six years, namely 1954 through 1959, over \$400,000 was appropriated each year. The high point was in 1956 and 1957 with \$447,000 appropriated for each year.

What is the current crisis that is facing the division? Here it is. Two years ago the Department requested \$380,000 for each year of the current biennium. This was cut to \$365,000 for each year. The last fiscal year, 1961-62, the Department managed to get by with a transfer of \$3,000 from surplus of the General Law Pension fund, making total expenditures of \$368,000.

This fiscal year, 1962-63, the Department had a marked increase in requests for aid. This resulted in the cumulative expenditure of \$21,000 more by the end of April, 1963 than at the same point one year ago and leaves the Department facing a deficit this June, next month.

It should be pointed out also that there has been no increase in the scope of the ceiling since prior to 1949. The maximum monthly grant that could be made to a family of seven or more dependents is \$175 in a month. This figure is still the same as it was in 1949. Of course, most grants are much under this figure and average about \$94 per month. The amount depends on the family's budgetary deficit and the number of dependents.

According to Section 14 of the statute, "The Division shall determine the character and amount of aid which shall be granted with due regard to the resources of the veteran and his dependents, and the necessary expenditures and conditions existing in each case, and which shall be sufficient when added to all other income and resources available, to provide such dependents with a reasonable subsistence compatible with decency and health. In determining the amount of aid, the Division shall use the same budgetary standards as are being used by the Department of Health and Welfare."

Therefore, it hardly seems reasonable that the Department should be forced into the position of making across the board slashes in its grants, especially when no increase has been made in the limits of these grants for over fourteen years and in consideration of its statutory responsibilities.

The funds for the World War Assistance will be depleted in the month of June, as I have stated earlier, unless this bill is passed. This would mean that the wives, widows and children of deceased or totally disabled veterans will have their checks cut off next month unless immediate action can be taken here in the Legislature. This has come about because of an increase in calls for assistance at the same time the Department is laboring with a less than average appropriation.

I sincerely hope that the motion of the gentlewoman from Falmouth, Mrs. Smith, does not prevail. Thank you.

The SPEAKER: Is the House ready for the question?

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

Mr. PRINCE: Mr. Speaker, I would like to request that this bill be tabled until one week from today.

The SPEAKER: The gentleman from Oakfield moves that Item 1, House Report "Ought not to pass," Committee on Appropriations and Financial Affairs, on Bill "An Act relating to Deficiency Appropriations for Division of Veterans Affairs", Legislative Document 560 be tabled

until one week from today, May 29, pending the acceptance of the Report. Is that the pleasure of the House?

(Cries of "No")

The SPEAKER: All those in favor of tabling this matter for one week from today will say aye; those opposed, no.

A viva voce vote being taken, the tabling motion did prevail.

Thereupon, the Report and Bill were tabled pending the motion of Mrs. Smith of Falmouth to accept the Committee "Ought not to pass" Report and specially assigned for Wednesday, May 29.

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

HOUSE MAJORITY REPORT (8) — Ought not to pass — MINORITY REPORT (7) — Ought to pass — Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Prohibiting the Levying of a State Tax on Incomes." (H. P. 142) (L. D. 330)

Tabled — May 17, by Mr. Plante of Old Orchard Beach.

Pending — Acceptance of Either Report.

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

Mr. PLANTE: Mr. Speaker, I move that this item and all of its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante now moves that both reports and bill be indefinitely postponed.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I strongly oppose the motion of Mr. Plante to indefinitely postpone this bill. Seven members of the fifteen-man Committee on Constitutional Amendments were in favor of this Resolve. If you would recall in the 100th Legislature, we passed a Constitutional Amendment prohibiting a future Legislature from using retirement funds when looking for new money sources for bigger programs.

Now what I am proposing in this Resolve now under consideration, is what the progressive State of Florida has already done to attract people and industry, namely, a Constitutional prohibition against a state income tax; and all of us, I suggest, know what progress Florida has made in the last decade.

Now in this state, all Constitutional Amendments have to be voted on directly by the people, and what I am really trying to get across this morning is to let the people of Maine vote directly on this question of whether they want a state income tax.

I am not suggesting that any law should be changed. I am only asking permission of this Legislature to give the people of Maine a fair chance to decide for themselves this basic question of income tax.

Now you know that under Article IV, Part Three, Section 18 of our present Constitution, that the people in Maine have no opportunity to initiate a referendum proposing a Constitutional Amendment. Therefore, it is simpler and much more straightforward to send the income tax question out to the people by means of this Resolve, rather than to change Article IV, Part Three, Section 18.

Now I submit that if this House does not do its part in allowing the people of Maine to vote on this Resolve, and an income tax is enacted, you will probably see even more apathy to and more disillusionment toward state government than you see at the present time. The people of Maine will feel that their voices are too small to be heard, that the politicians have put something over on them, and that about all their Legislature ever does is burden them with more and bigger taxes.

Some two years ago, we paid Dr. Sly and his group \$50,000 for advice. On the income tax question, Dr. Sly told us: "Maine has no personal income tax to worry top management and no corporate income tax to upset competitive conditions." Last November at the second pre-legislative conference, a bright, young gentleman came up from Boston and told us, free of charge, to adopt a state income tax. Ladies and gentlemen, without in

the least questioning the sincerity of the gentleman from Boston, but comparing his advice to that of the well-paid Dr. Sly, I say that Maine probably got just the kind of advice that it paid for. It is self-evident that a state income tax would have to hit practically every working man and businessman in Maine if it were to bring in any kind of revenue. The working man would have another payroll deduction in addition to his present tax deduction and his social security deduction. Frankly, I do not believe that the sensible people of Maine, working men and businessmen alike, want this kind of a tax.

If we would control the temptation to tax and spend, we might be able to see what Thomas Jefferson saw, that the suppression of unnecessary offices, of useless expenditures and useless establishments, enabled his government to discontinue internal taxes. He said that such taxes covered the land with tax collectors, opened our doors to their intrusions, and began that process of vexation which once entered into, is scarcely to be restrained from reaching every article of property and produce.

By passing out this Resolve this morning, this House of Representatives will play its part in showing the people of Maine that is very deeply concerned about preventing a new kind of major tax. After all, a state does not earn money. It takes it. A state's tax take is a burden on its people, and there is great danger in thinking that the more taxes a state can raise, the more prosperous it is.

Ladies and Gentlemen of this House, there are not going to be many shining hours in the 101st Legislature. But I say to you with all the sincerity that I can command, acceptance by you this morning of this Resolve, could be one of the finest hours of the 101st Legislature. It has worked well for Florida; it will work well for Maine.

The SPEAKER: Is the House ready for the question?

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

Mr. KNIGHT: Mr. Speaker, first I wish to state that at this time, I am not in favor of an income tax, and whether or not I or any-

one else favors it or disfavors it, is not the question. But I do feel that the right of this Legislature to put this out is questionable, and I would bring to your attention Article IX, Section 9 of the Constitution of Maine which states that the legislature shall never, in any manner, suspend or surrender the power of taxation. I would further say that although I do believe if an income tax was before us at this time, I would vote against it, I do not feel that we should tie the hands of any future legislature in any manner, and this would be tying their hands. Therefore, I must oppose my good friend and colleague, the gentleman from Houlton, Mr. Berman.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: The issue before us at this time is not simply do we favor an income tax or do we oppose an income tax. It is pure and simple a basic governmental problem. It affects the very impact and the very authority of this legislature and future legislatures. This is not a Constitutional provision under any stretch of the imagination. It is purely a statutory provision. Now if they want to make this a statutory provision which can be changed, that would be the proper avenue if this is what their real intent happened to be, but it is not and would not be considered by anyone who seriously studied state government, be a question for a Constitutional resolve. We should not place a strait jacket on future legislatures. We should allow some flexibility also for the executive to make recommendations, and I feel strongly that any responsible Governor would have to veto such a Resolve. This is why I have moved for indefinite postponement.

The SPEAKER: Is the House ready for the question?

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: They have states in this Union where it is unconstitutional to have a state income tax. After the \$50,000 tax survey by Dr. Sly, the last

Legislature felt that the state income was derived basically from a sales tax and that Maine should leave the income tax field to the federal government. Dr. Sly told us that Maine did not have as many people as many of the other states, that our pay scale was low and that in order to get money needed, we would have to tax into the low income brackets so far that it would be harmful. Working people would seek employment in other states. It would mean another tax division with a force of employees for the legislature to appropriate money for. It would be an easy matter for the legislature to raise the tax at each session; like the federal income tax, it would start at two or three cents and finally reach twenty cents and more. If this Resolve proposing an amendment to the Constitution prohibiting the levying of a state tax on income can be passed, it will be much easier to keep our monied people settled in Maine, it will induce our out-of-state people to come here and invest in property, and it will free us all from an unwanted tax mess each year. The federal income tax is bad enough. I oppose the motion to indefinitely postpone.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Old Orchard, and in support of the sentiments and thoughts expressed by the gentleman from Houlton, Mr. Berman.

An income tax is a unique tax. It permeates the very fabric of our economic life and personal life. It is a type of tax on which I submit the people should have the opportunity to pass before it is imposed upon them. In response to the comments of the gentleman from Rockland, Mr. Knight that the Legislature may not surrender the right to tax, that is a provision in the Constitution. We're dealing with a provision in the Constitution. If an amendment is necessary to this Resolve to make it consistent with the section mentioned by the gentleman from Rockland, Mr. Knight, it is within the

power of this Legislature to make such an amendment and to propose a resolve which does change the Constitution. We're dealing with the fundamental law, and we can propose to change it in any manner we see fit.

Without necessarily taking a position, that is without having this Legislature necessarily take a position for or against an income tax, I believe it is the duty of this body to consider and favor a provision in the taxation sections of the Constitution which would protect the citizens of this state against the imposition of this unique tax to which I refer. The nature of the tax imposes upon the citizens and the businesses of this state in the smallest detail of their activities and personal living a regulation, an invasion of privacy.

Under the opinion of the Justices of the Supreme Court in this State, 133 Maine, 525, the Maine Legislature has been held to have power to impose an income tax. There seems to be no question as to that. The only way that people can prevent such an action is to have in the Constitution in the first place a provision which must be removed for the imposition of the tax, and to remove a provision from the Constitution, of course, the people must vote on it. So what is proposed here is that we insert a provision by vote of the people forbidding a tax. Then if the situation develops in this state by which it is absolutely essential to have that tax, it can be removed from the Constitution by the same machinery by which it was inserted.

Prior to the 16th Amendment of the United States Constitution, an income tax had been used intermittently by the federal government. It was found to be unconstitutional by the Supreme Court of the United States so that it became necessary for an amendment to the Federal Constitution to be passed to impose the income tax in 1914. The federal government, I don't need to tell you ladies and gentlemen, has exploited the income tax to its fullest extent. Maine today has no such tax. Some states of course have had it, do have it and exploit it. Massachusetts and New York have used it to a great extent, but even

in Massachusetts, it is not a graduated income tax.

Reference has been made to the position of Professor John F. Sly in his 1961 report. Without repeating some of the comments he made and which have been mentioned here this morning, I think it should be emphasized that he included in his remarks the conclusion that: An income tax would reach so deeply into the lower income brackets in the State of Maine that it would be an extremely heavy burden to the taxpayer. That conclusion may not be sound in some states, but with the economic situation we have here, it was the conclusion of Dr. Sly that such would be the case.

The fundamental question, therefore, as I see it is, not whether you are for or against an income tax, it's whether this Legislature wants to protect the citizens of this state and prevent an invasion of their individual private lives and their economic lives in a manner in which is not invaded today by our real estate taxes, or by sales taxes or excise taxes. Those are levied on the top. The income tax plunges deeply into the lives and very activities of everybody and takes from those persons part of their income. You all know of that experience due to federal income tax. No present law of the state approaches that type of invasion of the rights of the individual.

Certain parts of advantages in not having an income tax are rather obvious, and I would like to refer to several of them. One of the assets of this state which can be exploited and is to a certain extent, is the attraction of retired people to make their homes here. The existence of a Constitutional prohibition against imposition of an income tax, would bring favorable publicity to the state and the non-taxability of retirement income, would serve to influence many older people to make their homes in Maine. Now it isn't merely the fact that these retired people cannot afford to pay an income tax; they have an emotional resistance to it. It is a fetish with some of them to avoid and be away from the states where they have been

forced in the past to pay income taxes.

An already favorable industrial climate might well be enhanced by the stability assured from the proposed prohibition. Assurance of income tax exemption would appeal to the executive and management element necessary to industry. Further, an immense psychological appeal to all elements of our population exists in the positive assertion by a state government that it will not encroach upon the area already pre-empted by the federal government. And finally, the fundamental right of individuals to vote on the very basic issue of direct personal taxation would be preserved by this proposed Resolve.

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

Mr. KNIGHT: Mr. Speaker, first I would say that the gentleman from Bar Harbor is entirely correct, legally and factually, and I only disagree with him on one point, that is; opposed as I am to an income tax, I feel that when our founding fathers put this prohibition in the Constitution, namely, the Legislature shall never in any manner suspend or surrender the power of taxation, they were in effect saying, you should not bind the hands of future Legislatures as to revenue-raising measures, and that is the only point that I am trying to make. I am not debating the merits of the income tax; as I have stated, I am now opposed to it.

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

Mr. LITTLEFIELD: Mr. Speaker, the State of Florida has a law that makes it unconstitutional to have an income tax, a state income tax. We are trying to induce people to come to Maine as year-round residents. I wondered how the State of Florida did this. Their hot summers are as bad as our cold winters as far as comfort goes. When visiting in St. Petersburg, I went to their Chamber of Commerce to inquire about their tax structure. They handed me this booklet and it contains some mighty good information. Florida state taxes: The state's tax dollar is made up from gasoline, beverage,

cigarette tax, auto licenses, pari-mutuel tax, sales tax and other miscellaneous taxes paid by the tourists and residents alike. Like thirty-three other states, Florida has a limited sales tax. However, in Florida, the basic necessities of life are exempt. No sales tax is paid on food for home consumption and none on medicine. The limited sales tax is three per cent and starts at ten cents. Auto licenses: the car tag fee is based on weight rather than age. A heavy car license tag costs \$25.50; medium weight tag, \$20.50; light weight, \$15.50 and compact license, \$10.50. Driver's license costs \$1.50 per year sold on the driver's birth-date for a two-year period. They have an intangible tax calculated on cash in bank; 10 cents per \$1,000; on stocks and bonds \$1.50 per thousand, and on notes or accounts receivable \$1.50 per thousand. In real estate, the taxes on a home in Pinellas County would be approximated by taking 60 per cent of the market value, subtracting \$5,000 homestead exemption, if this is your legal residence, and multiplying the result by the mill rate. The average \$15,000 home in St. Petersburg based on 47 mills would be taxed \$188. Florida State Constitution prohibits the adoption of a state income tax, and there is no inheritance or estate tax.

If Florida, one of the great tourists states, can exist with such a tax structure and have its State Constitution prohibit the adoption of a state income tax, I can see no reason why the State of Maine should not be doing it, and I move that we accept the "Ought to pass" Report of the Committee.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I really didn't want to get into this argument. We all agree that no one likes taxes and we can find objections to the sales tax, to the excise tax, to the income tax, but it seems that the wisdom of the ages has developed the idea that the taxing power, the taxing privilege, the taxing duty shall be in the hands of representative assemblies. I think it would be most unwise to surrender this privilege, this

power, this duty and to shackle future legislative bodies. There is just this note about Florida. Florida not only has restrictions in its Constitution against an income tax, they have restrictions against bond issues. This year they find themselves in a great bind; they need \$125,000,000 in a bond issue and they have resorted to a little technique of issuing some kind of X certificates to get their money. I certainly hope that we do not lightly adopt such a Constitutional Resolution which has over the ages proven very unwise. The income tax, yes, was made constitutional by an amendment in 1896 — no, it was declared unconstitutional in 1896 and then of course the first income tax was — in the administration and levied in the administration of Abraham Lincoln during the war. And since then, I think, every American has come to realize that the income tax is one of the great tools of taxation as well as the sales and the excise tax. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker, Ladies and Gentlemen of the House: I must concur with the remarks of the gentleman from Houlton, Mr. Berman. It has been said that the power of taxation is vested in the legislators. These legislators also are the representatives of the people. These legislators represent the people of Maine from whom this tax would come and I think it is highly desirable that they should also have a voice in this matter. The passage of this bill would give them that privilege which I think is their right, and we, as their representatives, should make that privilege available to them.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I feel that the geographical and industrial status of this state is not conducive to an income tax. This measure is simply to protect the citizens of Maine against a tax which would be detrimental to the

state. I go along with the gentleman from Houlton, Mr. Berman.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: We have heard all kinds of remarks in favor of adopting this proposed Resolve. We have heard all kinds of remarks against it. I can't help but to feel that if we bind the hands of the next Legislature or five or six Legislatures from now what is going to happen then in regard to what has happened over the last hundred years. Nobody saw fit ten years ago or fifteen years ago to tie our hands. We have to do to the best of our ability and knowledge to bring up the taxes before the people that we deem fit at the time. By tying the hands of other Legislatures, that is exactly what we are going to do. They are going to be in a position not being able to do anything unless something is brought up before the people to see how they feel about it. Well, whether it's an income tax or sales tax or a tax of any kind, it's taxing the people and taking away some of their privileges as far as taxes are concerned. If it would be so right to bring this measure before the people for an income tax that they would have the right to vote for it or against it, should it not also be the right of these same people to see if they are opposed to our present system of taxation which is the sales tax, or any other tax for that matter. I certainly can't see the reason why we should bring one kind of tax before the people, but yet eliminate all the others that the people might have a chance to vote for.

The gentleman from Houlton, Mr. Berman, has mentioned the high priced report of Dr. Sly — Dr. Sly's report two years ago in favor of a sales tax in the State of Maine as being the best that we can do here in the State of Maine to help ourselves, and then the same gentleman from Houlton, Mr. Berman, mentioned the remarks made by the gentleman from Boston in regards to a state income tax at the University of Maine pre-leg-

islative conference. It seems to me that two years ago we heard the report of Dr. Sly, but I fail to recollect that we have adopted very many, if any, of Dr. Sly's recommendations at a price of \$50,000. The gentleman from Boston at the University of Maine that we had this year, certainly didn't charge us \$50,000, but we haven't adopted any of his recommendations as yet. So who is ahead? One report at \$50,000 and the other free of charge, but we've adopted none of those recommendations.

And again the remarks of Florida have been made that we should put ourselves in the same position as Florida. That is very well and very good if we can turn the country upside down and put Maine at the bottom end of the country and put Florida in the northern wilderness. Somebody mentioned that the intangibles in Florida have been taxed. We don't have that in the State of Maine which I, as an individual, feel that these intangibles is money that should be taxed, but we don't have that in the State of Maine, they have it in Florida. If figures want to be compared on how many taxes we have in comparison to Florida, I don't think that we'd be too much ahead of the game.

Mention of the industries that are willing to settle in the State of Maine because there is no income tax, we have had no income tax in the last hundred or more years. How many industries has that brought into our great state? We have had the wilderness in the State of Maine for years and years and years which Florida didn't have, but they had the Everglades. They capitalize on the Everglades. We are trying to capitalize on our forests.

Certainly the publicity that has been received to attract retired people into the State of Maine has got some merits, but again I bring to you the report that was made two years ago in regards to what is happening here in the State of Maine in regards to our population and in our ability to pay our bills is this: we are educating our youngsters to the age of fifteen or sixteen years old; after they reach the age of sixteen, somehow or other

we seem to lose track of them. They are out of state. They move out for the simple reason that there is no opportunity for these people to stay here. And the report also showed that these same people that we lost at the age of sixteen, at the age of fifty-four and one-half or fifty-five, come back into the state to retire. The time of the State of Maine that these people would be beneficial, economically to the basic structure of the State of Maine, we lose them. We should try to retain them rather than try to send them out of state, and bring them here to retire. I think that they are well situated here in the State of Maine to retire, but I don't think we should look at that as a prime resource to raise our taxes to pay for the economic structure of our state. Thank you.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I find myself in disagreement with the gentleman from Madawaska, Mr. Levesque, particularly on one point, and that is the point of binding future Legislatures. In this very House not too many months ago, this House did not hesitate to bind a future Legislature of perhaps some twenty-five, forty or fifty years hence, when they removed the tolls from the Maine Turnpike. So it certainly shows us that binding a future Legislature is of no real consideration, and I don't think it should be taken into effect at this time.

I am a signer of this report along with the gentleman from Houlton, Mr. Berman. I am entirely in accord with him, and I sincerely hope that the motion made by the gentleman from Old Orchard, Mr. Plante, will not prevail.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I certainly admire the points of the gentleman from Kittery, Mr. Dennett. I am definitely opposed to the turnpike being turned over to the State of Maine in 1980 or in 1963 for that matter, and I have

so voted that way. I could not see at the time turning this turnpike back into the hands of the State of Maine when I have to travel 320 miles that are not turnpike and will never be turnpike in the next twenty-five or thirty years. I could not see the the action taken by this House in turning this authority to the turnpike then; I don't see it now of tying their hands, whether it be this Legislature or any Legislature because I don't travel turnpike, and I don't see in the foreseeable future that I will be traveling turnpike from where I come from. Thank you.

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

Mr. JALBERT: Mr. Speaker, Members of the House: In that I supported the taking out of the tolls, certainly it was not done in this manner here by constitutional amendment. The law can be changed at any time that any subsequent Legislature sees fit.

Now the good farmer and his company pay taxes on all of their property, and the high type professional doesn't have as much equipment as the good farmer would have. This is shutting off an avenue by constitutional amendment, and while you are voting, just bear in mind that it might well be, whether it would be this form of taxation or another form of taxation, it might well be that to keep on going with the effectiveness and progress of state government, it might be that we might at least look at this avenue. In that I have voted in the past for an income tax, I voted against the sales tax, and I voted for the increase from two to three percent of the sales tax. In that I would vote again probably for an income tax, I am not necessarily married to it, but I am merely speaking now on the merits of shutting off an avenue that might well be needed at a later date.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: It seems that we are taking an awful lot of time trying to tell a future Legislature what to do and trying

to solve the problems of tomorrow. This has been helter-skelter; we haven't even solved today's problems. I think we had better get back to today's problems and find out how we are going to take care of these financial responsibilities that are before us today and let future legislators decide on what they are going to do about tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: Passage of this Resolve would in effect take away one of the rights of future legislators as outlined by the Constitution. No one of us knows the sums of money that are going to be required to operate this state in the future. If we have to continue to levy more and more taxes in the future, are we going to continue to raise the sales tax? The money does have to come from some place. We cannot delude ourselves that the sales tax does not hit the working man. It hits him harder than anybody. And with all the talk I have heard about we don't want to subject ourselves to taxes, I defy anyone to find any way that we are going to raise taxes without taking money from somebody. We will continue to pay more taxes as we ask for more services. And if the sales tax is raised much more, why I am very sure we are going to harm a good deal more people than any future income tax might. I think this is a matter of great importance, and so I most definitely urge you to vote for indefinite postponement. I move at this time that when the vote is taken, it shall be taken by the yeas and nays.

The SPEAKER: The gentleman from Westbrook, Mr. Burns, requests that when the vote is taken, it be taken by the yeas and nays. Is the House ready for the question? For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All those who desire a roll call, will please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having expressed the desire for a roll call, a roll call is ordered.

The SPEAKER: While we are preparing for the roll call vote, the Chair is delighted to recognize in the balcony of the House, twenty-one students from Livermore Falls High School, class in Problems of Democracy. They are accompanied by their teachers, Mr. Fast, Mr. LaFalle and Mr. Ronco. These are the special guests of Representative Boothby of Livermore.

On behalf of the House, the Chair extends to you young people a warm welcome. We trust that you will enjoy and profit by your visit here with us this morning. (Applause)

The SPEAKER: The question before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that both Reports and Resolve Proposing an Amendment to the Constitution Prohibiting the Levying of a State Tax on Incomes, House Paper 142, Legislative Document 330 be indefinitely postponed.

All those in favor of indefinite postponement, will answer "Yes" when their name is called. All those opposed to indefinite postponement will answer "No" when their name is called. The Clerk will call the roll.

ROLL CALL

YEA—Albair, Anderson, Orono; Ayoob, Baldic, Bedard, Bernard, Binnette, Blouin, Boissonneau, Boothby, Bourgoin, Bradeen, Bragdon, Brewer, Brown, So. Portland; Burns, Cartier, Childs, Cote, Cottrell, Crockett, Crommett, Denbow, Dunn, Edwards, Ewer, Foster, Gallant, Gifford, Gill, Giroux, Harrington, Hendricks, Henry, Humphrey, Hutchins, Jalbert, Jameson, Jones, Karkos, Kent, Kilroy, Knight, Lebel, Levesque, Linnekin, Lowery, Mathieson, Mendes, Minsky, Nadeau, Norton, Oberg, O'Leary, Osborn, Osgood, Pitts, Plante, Poirier, Prince, Oakfield; Rand, Rankin, Reynolds, Roy, Shaw, Smith, Falmouth; Snow,

Susi, Thaatum, Thornton, Treworgy, Turner, Vaughn, Wade, Waltz, Ward, Watkins, Welch, Wellman, Whitney, Wight, Presque Isle.

NAY — Anderson, Ellsworth; Berman, Birt, Brown, Fairfield; Bussiere, Carter, Chapman, Choate, Cope, Cressey, Curtis, Davis, Dennett, Easton, Finley, Gustafson, Hammond, Hanson, Hardy, Hawkes, Jewell, Laughton, Libby, Lincoln, Littlefield, MacGregor, MacLeod, MacPhail, McGee, Meisner, Mower, Oakes, Pease, Philbrick, Pierce, Prince, Harpswell; Richardson, Ricker, Roberts, Ross, Brownville; Sahagian, Scott, Smith, Bar Harbor; Smith, Strong; Taylor, Townsend, Tyndale, Viles, Waterman, White, Guilford, Williams, Wood, Young.

ABSENT—Benson, Berry, Cookson, Coulthard, Dostie, Drake, Dudley, Gilbert, Hendsbee, Hobbs, Jobin, Maddox, Noel, Ross, Augusta; Rust, Tardiff.

Yes, 81; No, 53; Absent, 16.

The SPEAKER: Eighty-one having voted in the affirmative, fifty-three having voted in the negative, with sixteen being absent, the motion to indefinitely postpone both Reports and Resolve does prevail.

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

Mr. JALBERT: Mr. Speaker, I move we reconsider our action whereby we voted to indefinitely postpone this measure, and when you vote, vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby it indefinitely postponed this Resolve.

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

Mr. BERMAN: Mr. Speaker, this is really a very important measure, and it has bothered me somewhat during this session to see the motion to reconsider being used for purposes other than those for which it was intended. When the vote is taken on the motion to reconsider, I hope the members

of the House will bear that in mind, and treat the motion to reconsider in this instance as it should be treated.

Thereupon, on a viva voce vote, the motion to reconsider the action of indefinite postponement did not prevail. The Reports and Resolve were indefinitely postponed and sent up for concurrence.

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

HOUSE ORDER—Requesting an Opinion of the Justices of the Supreme Judicial Court to several questions pertaining to Bill “An Act Amending the Charter of the City of Portland Relating to Imposition of a General Business and Occupation Tax.” (H. P. 1094) (L. D. 1569)

Tabled—May 17, Pending Passage under House Rule No. 46.

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

Mr. CHILDS: Mr. Speaker, I move this matter lie upon the table and be assigned for tomorrow.

Mr. Berry of Cape Elizabeth then requested a division on the tabling motion.

The SPEAKER: A division is requested on the tabling motion.

Mr. CHILDS of Portland: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. CHILDS: I rise for the purpose of debating the time.

The SPEAKER: The gentleman may proceed.

Mr. CHILDS: Mr. Speaker, I requested that this be placed on the table assigned for tomorrow, for tomorrow there is coming before this House, the Legislative Document which this Order affects. The bill came out of committee, five to five. It is my impression that this bill itself will not pass as far as a gross receipts tax is concerned. I do not think we should put the burden upon the Supreme Court to pass an advisory opinion on a matter which I feel will ultimately fail in this House—

The SPEAKER: The gentleman is debating a measure not before us.

Mr. CHILDS: That is my reason for the motion.

Mr. BERRY of Cape Elizabeth: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. BERRY: To debate the timing of the motion.

The SPEAKER: The gentleman may proceed.

Mr. BERRY: Mr. Speaker, I feel that the House progress will be delayed by a further tabling motion.

The SPEAKER: A division has been requested.

Mr. JALBERT of Lewiston: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. JALBERT: I move that we adjourn until nine o'clock this evening, and I would like to debate the timing of my motion.

The SPEAKER: The gentleman may proceed in debating his time of adjournment.

Mr. JALBERT: Mr. Speaker, the reason for the time of adjournment is because I merely want to know what the outcome of the delegation meeting of Cumberland County was last night, and it is an important problem and I just would like to study it.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the House adjourn until 9:00 P.M.

Mr. Wellman of Bangor then requested a division on the motion to adjourn.

The SPEAKER: A division has been requested on the adjournment time. Is the House ready for the question of adjournment? All those in favor of adjourning this House until nine o'clock tonight, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seven having voted in the affirmative and eighty-nine having voted in the negative, the motion to adjourn does not prevail.

The pending question is the motion of the gentleman from Port-

land, Mr. Childs, that the House Order on page 6, item 3, be tabled until tomorrow. A division has been requested.

Those in favor of tabling this matter until tomorrow, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-two having voted in the affirmative and fifty-nine having voted in the negative, the tabling motion did not prevail.

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

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

Mr. CHILDS: Mr. Speaker, I now move that this Order be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Childs, now moves that House Order, item 3, be indefinitely postponed.

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

Mr. LIBBY: Mr. Speaker, I am the sponsor of the Bill that this Order is attached to. I would like to explain to the House what this is all about. Very simply, a question has been asked if this Bill is constitutional. We think that it is most important that we find out whether it is or is not constitutional. If it is not constitutional, of course the answer is obvious. That is the end. But if it is, then at least we have crossed that bridge and believe me this is most important legislation for the City of Portland. I wish to point out again we are not debating the Bill itself. It is merely the asking for permission to receive from the Supreme Court of Maine the answer, is this Bill constitutional? Thank you very much.

The SPEAKER: Is the House ready for the question?

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

Mr. CHILDS: Mr. Speaker and Members of the House: I believe that this Order goes much further than just determining the constitutionality of a particular Bill which is before the Legislature. First of all let's even assume that it is constitutional, is this House willing to give a blank check to

Portland or any other municipality and determine what tax rates are going to be? I think that this House should guard very selfishly their powers of taxation. I certainly do not believe that they should be delegated to any municipality regardless of whether it is constitutional or not. The particular bill which the constitutionality is being asked, is not determining what rates are going to be, it is not determining what exemptions are going to be. It is only going to ask whether it is constitutional.

Now at the present time, it is only going to affect the City of Portland and their charter. But the next session, it may affect your town and may affect your city as far as a gross sales tax is concerned. Now a gross receipts tax as far as I am concerned, is an income tax which is even worse than an income tax if taxes are bad. For it has nothing to do with exemptions, it has nothing to do with what your profits are; it is based strictly on gross and has nothing absolutely to do with what your net is. Therefore, I feel that the Bill itself regardless if it is constitutional or not is unworthy. I certainly do not feel that we should encumber the Supreme Court with a decision on the constitutionality of it. Therefore, I request a division when the motion to indefinitely postpone is taken.

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

Mr. BERRY: Mr. Speaker and Members of the House: I note with considerable interest the alacrity with which the previous speaker has switched his position on the matter of income taxes.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I am not opposed to a gross receipts tax, but in its present form I certainly am. I feel that after last night's county delegation meeting, there were many, many ques-

tions that were unanswered. I don't wish to legislate this way.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Portland, Mr. Childs, that item 3, House Order, Requesting an Opinion of the Justices of the Supreme Judicial Court to several questions pertaining to Bill "An Act Amending the Charter of the City of Portland Relating to Imposition of a General Business and Occupation Tax," House Paper 1094, Legislative Document 1569, be indefinitely postponed. The Chair will order a division.

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

A division of the House was had.

Sixty-one having voted in the affirmative and fifty-one having voted in the negative, the motion to indefinitely postpone did prevail.

The SPEAKER: The Chair would interrupt for a moment to recognize in the gallery of the House, 45 students from the eighth grade from Pemetic Junior High School, accompanied by their teachers, Mr. Theriault, Mr. Perkins and several parents. These students are the special guests of Representative Benson of Southwest Harbor.

On behalf of the House, the Chair extends to you young people a warm welcome. We trust that you will enjoy and profit by your visit with us here today. (Applause)

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

Bill "An Act Revising the Maine Employment Security Laws." (H.P. 778) (L.D. 1151) C-(H-342)

Tabled—May 17, by Mr. Wellman of Bangor.

Pending—Passage to be Enrolled.

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

Mr. YOUNG: Mr. Speaker and Members of the House: I do not plan to debate this bill today, it was well debated last Thursday. I did not like it then and I do not think it has improved over the weekend. Therefore, I move for indefinite postponement and ask for a division.

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

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly agree with the gentleman from Gouldsboro, Mr. Young, in regard to debate, but I do believe that there are some points that should be brought up in regard to the presentation in the prior day.

The five percent cost figure is based on the application of the proposed formula to an actual year of experience. The cost figure developed in the study was 4.8%. Applying the survey results to five years of actual experience, 1958-1962 the percentage increase in cost ranges between 4.98% and 5.02% and averages 5%. The 10% figure and others which have been higher, which has been used, represents a potential maximum cost increase reflective of economic conditions which would operate on the unemployment insurance system with or without a change in the benefit formula.

In regard to the estimate of 322 sardine workers, this was based on early figures for the calendar year 1962, with a proportion of sardine workers in the average employment in the food industry was purported to be the estimated number of the food industry claimants who would be ineligible under L.D. 1151. Average employment 1962 food, 11,589; sardines, 2,043; percent sardines 17.5. Number ineligible in sardines of 17.5% 322. During the fiscal year 1961, the food industry paid contributions to the fund of \$585,289 against benefit charges to that industry for the same period of \$1,788,684.

The statewide average benefits paid per dollar of contribution was for all employees, \$1.67. For the food group, it was \$3.06.

For the five calendar year period, 1958-1962, food industry employees paid \$2.8 million into the fund, while food industry claimants drew out slightly over \$8,000,000. For the rate year beginning July 1, 1962, there were 946 employers with negative balance accounts, which amounted to \$22.4 million. Thirty-three percent or 3.5 of these were sardine packers whose negative balances were \$10.1 million, forty-five percent of all negative balances.

I submit to you, ladies and gentlemen, that if this state should have or this country should have a major economic recession in the near future, this balance account as you well know is in grave danger. If you apply the work force of the fifties when \$18,000,000 was taken from the fund to the work forces of the sixties, you certainly will come up to a situation that you certainly would hate to face.

In regards to the known economic factors, Lewiston in particular, this fund in the next year may be faced with a negative balance account. With these things in mind, I certainly hope that the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair would interrupt debate for just a moment to recognize here with us this morning in the gallery of the House, some members of the Problems of Democracy and American Government classes from Monmouth Academy. They are accompanied by Mr. Foster and Mr. Wheeler, and they are the special guests of Representative Thaanum of Winthrop.

On behalf of the House, the Chair extends to you a warm welcome and we trust that you will enjoy and profit by your visit here. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. MacGregor.

Mr. MacGREGOR: Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of the gentleman from Gouldsboro, Mr.

Young, and, if I may, I would like to read just an excerpt from a letter from one of the major packers, sardine packers that is, in the State of Maine, which I have had in my hands for some many days. This is in reference to this document before us, and it states,

"Over the years, the packing of Maine sardines is largely concentrated in the months of July, August, and September, with the pack tapering on before this time and off after it. I accordingly took the year 1960, which was a year of average pack, and analyzed the effect that this 'high quarter' provision would have had on the employees if it had been in effect in the summer of 1960.

"In Eastport," the community which I represent, "we had 101 employes who earned over \$300, which was the minimum qualification in 1960. There were zero (absolutely none) employes, who drew unemployment, who earned half as much in the remaining three quarters as they earned in the highest quarter. This will give you some idea of the impact that this law will have upon our employes in a normal sardine year. We believe the effect would be similar to this in most years and in most of the fishing towns of the State of Maine."

I wish you would take this thought in mind on this issue.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker and Ladies and Gentlemen of this House: I would like to take just a moment of your time to reemphasize some of the high points of the debate that occurred last week here on the Floor of this House in connection with this bill L. D. 1151. The gentleman from Manchester, Mr. Gifford, very aptly said in his remarks that this bill proposes to make an attempt to return the unemployment security compensation program in the State of Maine to that basic philosophy for which it was intended. This is very true. Again he said that the principles or philosophy of unemployment compensation does not provide that a worker accepting employment which he knows to be temporary or seasonal, is entitled to long periods of unemployment com-

compensation at the expense of the short-term employer, following the termination of such employment. This, also, is very, very true. Again he said, "and specifically they do not provide that an employing company or industry shall, except within narrow limits, through its contributions to the program, pay a portion of the unemployment compensation costs of another company or industry. Departure from basic principles in these directions, to the degree that they have been permitted under present law, represents ventures into the field of general relief, which, if needed, should be divorced from the unemployment compensation program and financed by general fund monies."

Now ladies and gentlemen, this is all very true and I know that sitting in this body, this group here, that we have some taxpayers who contribute money — who in their own business contribute money into this fund. Some of them are not large businesses and they're not small businesses, but they are business enterprises who do contribute money into this fund and they have a right to express and impress upon you and me here their rights in this unemployment compensation program.

Competition today in business is very very keen and the small businessman, the neighborhood grocery, the furniture dealer, the many variety stores, the small contractors, the fuel dealers, garages and gas stations, many of these businesses which contribute their taxes to the unemployment compensation fund are entitled to just as much attention by you and me here in this House as are the other people that are interested in this program. Do you know that unemployment compensation taxes have been going up and up for the past few years for all taxable employers, both large and small, because the unemployment compensation fund has depreciated to almost half what it was six or seven years ago? Do you know that the sum and total of all benefit payments made in the past few years has substantially exceeded the amount of taxes paid into the fund? Ladies

and gentlemen, unemployment compensation funds are dedicated revenues. We all know what that means. They should not and cannot be used as a way of life. Perhaps the fact that the benefits from these funds are being used as a way of life is partly the trouble with the program and the reports that you and I have received from our neighbors and friends that the program is being abused by a small segment of our working force.

Basically a bona fide claimant for unemployment compensation must have a superior interest in getting back to work than a superior interest in collecting unemployment compensation checks. Obtaining gainful employment after becoming unemployed is the first objective of any sound unemployment insurance law and benefit payments are simply something to fall back on until suitable work opportunity arises. Benefit payments are in no sense intended to encourage idleness or any kind of unemployment which is of a claimant's own choosing. Our American way of life, the way of life that has made this country powerful, strong and prosperous, the way of life that is second to none in the world, has been built on rugged individualism — a willingness to work hard and conscientiously at our particular vocations, a willingness to take our responsibilities seriously and not depend on our neighbors for an all-out solution to the problems of our every day way of life. To take away from working people the urge to work by the payment of unemployment benefits and promote idleness is tragic, in my opinion, and will be disastrous to our present way of life in the years to come if we continue to pay unemployment benefits to people who gear their destiny to this program as a kind of relief program.

This is what the gentlemen from Manchester and the other speakers on the Floor of this House meant when they said we must put this program back on the track. In my opinion, the

unemployment compensation program here in Maine is at the crossroads. It is for you and me, as individual legislators, to decide today whether or not the destiny of this program is to be back on the track or is to be headed toward bankruptcy. Ladies and gentlemen, I thank you for your indulgence.

The SPEAKER: The Chair would interrupt debate for a moment to recognize in the balcony of the House 17 pupils of the 8th Grade of the Glenburn Consolidated Schools, accompanied by their principal and teacher, Mr. Morrison, and parents Mrs. Giles, Mrs. Cookson and Mrs. Tobey. These folks are the special guests of Representative Cookson of Glenburn.

On behalf of the House, the Chair extends to you a warm welcome and we trust that you will enjoy and profit by your visit with us this morning. (Applause).

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I would like to point out before I start that I am personally one of those employers that has been paying into the unemployment fund with no employees having claimed any benefits from it.

It is my sincere belief that most of the towns in which sardine factories are located are small towns which have no other means of employment for the people which are drawing unemployment. My grandfather used to have a saying that an ought is an ought, and a figure is a figure, and I would submit that the figures which are presented could be taken by the opposition and used to prove their point also.

However, I would like to point out one fact, I don't believe that this revision in the law corrects one of the worst inadequacies of the law. This past year the sardine factory in Stonington applied to the Unemployment Security Commission for six workers. Out of the six, one was an employee which had been discharged for

drunkenness, which cannot be tolerated around machinery, two would have come to work but were located too far from the factory and had no transportation, one came to work, the other ten refused to work because it was out of their line. They were employees who were drawing from \$25.00 to \$34.00 per week unemployment, and I submit that that is costing more in the long run to the employment security fund than the sardine worker who would gladly work longer if fish and conditions permitted.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: In our debate of last week I mentioned the fact that there would be a relaxation of disqualifications and I wish to point out one instance.

It has always been my belief that an individual who retires at the age of 65 voluntarily or if he is a member of the bargaining unit and signs an agreement to retire at age 65, should not be considered in the labor market. Now if I read this bill correctly, an individual can retire at the age of 65, wait twelve weeks and then become eligible for his complete unemployment benefits for the next twenty-six weeks. I think this would be a raid on the fund which cannot be substantiated by anyone. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I think in my remarks last Thursday I mentioned that we had a very well chosen committee, a committee of people who knew what they were doing about the law, who knew what all the problems with the law are, a very able committee. I can only say that the question of retirees was very thoroughly discussed, both between the management and the labor representatives of that committee, and they came to a complete understanding about that problem as you will find in your report.

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

Mr. TYNDALE: In view of the situation of this and the importance of this bill, I move that we take it by the yeas and nays.

The SPEAKER: A roll call vote has been requested. Is the House ready for the question? For the Chair to order a roll call it must have an expressed desire of one-fifth of the members present. All those desiring a roll call will please rise and be counted.

A sufficient number arose.

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

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

Mr. Rankin of Southport, who would have voted "yes" had he voted, was excused from voting as he paired his vote with Mr. Noel of Waterville, who was absent but would have voted "no" were he present.

Mr. Dennett of Kittery, who would have voted "no" had he voted, was excused from voting as he paired his vote with Mr. Ross of Augusta, who was absent but would have voted "yes" were he present.

Mrs. Smith of Falmouth, who would have voted "yes" had she voted, was excused from voting as she paired her vote with Mr. Jobin of Rumford, who was absent but would have voted "no" were he present.

The SPEAKER: The Chair will interrupt to recognize in the balcony of the House 28 eighth grade pupils from the North Yarmouth Memorial School under the direction of their Principal, Mrs. Fountain and eleven adults accompanying them.

Also, the Oak Grove School class in United States History, accompanied by former Senator Robert Owen and instructors Dr. and Mrs. Whitehead.

On behalf of the House, the Chair extends to you folk a warm welcome and we trust that you will enjoy

and profit by your visit with us here this morning. (Applause)

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: Men who have studied this bill worked long and hard. It doesn't please everybody. It doesn't please the employers and it doesn't please the employes, but I think it is a fine bill, and I want to say here and now that I was sent here to do my own thinking, to do as I thought I should do and have the gumption to vote as I saw and not do any swapping around, and I am disturbed at this swapping business. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Gouldsboro, Mr. Young, that Bill "An Act Revising the Maine Employment Security Laws," House Paper 778, Legislative Document 1151 be indefinitely postponed. A roll call has been ordered. All those in favor of the indefinite postponement of this bill will answer "yes" when their name is called; all those opposed to indefinite postponement will answer "no" when their name is called. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Ellsworth; Berry, Boothby, Bradeen, Bragdon, Brewer, Brown, Fairfield; Carter, Chapman, Choate, Cope, Cressey, Crockett, Davis, Denbow, Drake, Dunn, Easton, Hammond, Hanson, Hardy, Hawkes, Henry, Humphrey, Jewell, Jones, Kent, Knight, Laughton, Libby, Lincoln, MacGregor, MacLeod, MacPhail, Mathieson, Meisner, Mendes, Oakes, Oberg, Osborn, Osgood, Pease, Philbrick, Prince, Harpswell; Richardson, Sahagian, Shaw, Smith, Bar Harbor; Snow, Townsend, Treworgy, Vaughn, Viles, Ward, Watkins, Welch, White, Guilford; Whitney, Williams, Young.

NAY — Albair, Anderson, Orono; Ayoob, Baldic, Bedard, Berman, Bernard, Binnette, Birt, Blouin, Boissonneau, Bourgoin, Brown, South Portland; Burns, Bussiere, Carter,

Childs, Cookson, Cote, Cottrell, Crommett, Curtis, Dudley, Edwards, Ewer, Finley, Gallant, Gifford, Giroux, Gustafson, Harrington, Hendricks, Hutchins, Jalbert, Jame-son, Karkos, Kilroy, Label, Levesque, Linnekin, Littlefield, Lowery, McGee, Mower, Nadeau, Norton, O'Leary, Pierce, Pitts, Plante, Poirier, Prince, Oakfield; Reynolds, Ricker, Roberts, Ross, Brownville; Roy, Scott, Smith, Strong; Susi, Thaanum, Thornton, Turner, Tyn-dale, Wade, Waltz, Waterman, Wellman, Wood.

ABSENT — Benson, Coulthard, Dostie, Foster, Gilbert, Gill, Hends-bee, Hobbs, Jobin, Maddox, Noel, Rand, Ross, Augusta; Rust, Tar-diff, Taylor, Wight, Presque Isle.

Yes, 60; No, 69; Absent, 17; Ex-cused, 4.

The SPEAKER: The Chair will announce the vote. Sixty having voted in the affirmative, sixty-nine having voted in the negative, seventeen absent and four being excused, the motion to indefinitely postpone does not prevail.

Thereupon, on motion of Mr. Birt of East Millinocket, the Bill was passed to be engrossed as amended by Committee Amend-ment "A" and sent to the Senate.

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

Bill "An Act relating to Publi-cations Printed or Published by the State." (H. P. 252) (L. D. 321)

Tabled—May 17, by Mr. Berry of Cape Elizabeth.

Pending—Passage to be En-grossed.

The SPEAKER: The Chair rec-ognizes the gentleman from Kit-tery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: This bill is not of any earthshaking consequence, but this morning I am a little curious. Somewhere back in the dim past it seems that I have read that one of the basic instincts of mankind is curiosity. By being curious we are led to inquire. By inquiring we some-times obtain useful knowledge. I would like to give you a little

history of this bill. This bill first appeared before the Commit-tee on State Government. It was passed out with a unanimous "Ought not to pass" report. It was then recalled from the legis-lative files and referred to the Committee on Appropriations. The Committee on Appropriations have passed it back into the House with a unanimous "Ought to pass" report. Now again, as I say, I am simply curious. When this bill was presented before our commit-tee the entire committee thought that the evidence brought before it was very vague, was very nebu-lous and was not specific. Now, if the evidence that has been pro-duced before the Committee on Appropriations and Financial Af-fairs, if this evidence is concrete, if it is specific, if they felt that it was not vague in any way and that this was a good bill, I would be very happy to go along with their findings, but at the moment I am not satisfied. I would simply like the members, any member of the Appropriations Committee, to tell me what they found in this bill that was specific and concrete and to the point. If they can pro-duce that evidence, I will be very happy to go along with the bill; if not, I believe I would be forced on behalf of the Committee on State Government to oppose it.

The SPEAKER: The gentleman from Kittery, Mr. Dennett poses a question through the Chair to any member of the Appropriations Committee who may answer if they choose.

The Chair recognizes the gentle-man from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, if I may, perhaps I would like to answer the gentleman's question although I am not on the Appro-priations Committee. This bill was introduced by myself after a Legislative Research Report. Basically all this bill is attempting to do is to take the various pamphlets, publications, et cetera which many of you have seen cross your desk time after time, and somewhere, either on the back page or somewhere on the lower part of the front page, to indicate

the source of the funds used for the printing of this publication, whether these funds come from a legislative appropriation, whether they should come from gifts, whether they come from federal appropriations for such purposes. It is an attempt to help the Appropriations Committee and the Legislature determine how and in what way the state's money is being used by the various departments who enter into these rather prolific printing sprees. I do not know the thinking of either of the committees, not having served on either of those two committees, I only offer this explanation of what I and the Legislative Research Committee hoped might possibly be gained by the enactment of such a law. Thank you.

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

Mr. MINSKY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Appropriations Committee, I very happily joined in the "Ought to pass" committee report on this bill. The thing that impressed me the most as I sat on the Appropriations Committee is the proliferation of material that was forwarded to the committee in support of particular department budgets by the department itself. In other words, one department sent to us, and I think each of you received it at home, a ten-page, three-color pamphlet in support of its budget request. Another department went so far as to bring out a ten or fifteen, two-color pamphlet in support of one of its bills; it went so far as to put on the outside cover of the bill the name of the sponsor of the bill and the L. D. number.

Now this I find to be rather in abuse by the departments. We are giving them money to run particular programs. It is my theory that they should run the programs with this money. What they are doing is siphoning off some of this money which we give them in order to send out propaganda to the Legislature and to other people trying to get us to vote

them new programs or changes in programs or new bills. So the money we are giving them to run particular projects they have taken some of it to propagandize the Legislature. This to me is not a proper department function.

Now, there are many, many other reports and many other pamphlets which are sent out to the general public which I do not think are necessary, but I particularly resent the departments using the money we give them to run a program to try to propagandize us in return for new programs.

I have the feeling that if they had to put on the pamphlet the source of the money which they used for the printing, they might be a little bit more cautious in putting these things out. They might be pinpointing for the sake of the Appropriations Committee little areas where perhaps we have been too generous, where perhaps we could cut their next appropriation because if they had enough money for this printing job then perhaps they've got other extra monies there too. I would like to see some method. It is only a tool, it is only an aid, it will not do the job by itself; but it will be an assist, I think, in trying to cut down this excessive printing, this excessive propagandizing by the departments for their own legislative goals.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: As a member of the Research Committee I heard this bill discussed and also as a member of the Appropriations Committee, I personally see nothing wrong with it. I don't see where anyone, any department is going to be hurt. It just simply asks them as they pass out these pamphlets to state what appropriation was provided for their use. I am entirely in accord with the remarks of the gentleman from Bangor, Mr. Wellman.

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

Mr. DENNETT: Mr. Speaker, I think here this morning it's been definitely brought up what was our opposition to this bill in the State Government Committee. Again, the remarks by the gentleman from Bangor, Mr. Minsky are very lucid; they are very clear up to a certain point. Again we have vague references today. Who are "they"? That is what we wanted to know and that's where we could not get an answer. The department, the departments in general or all the departments? Are we going to pass a general indictment against all the departments? We ask for specifics. What departments are putting out these brochures that are colorful? This answer hasn't come to us. I would like to know. I think this Legislature is entitled to know. What are the specific departments that are doing this? Which one? Is it the Highway Department? Is it the DED? What department is it? This is the point that we are trying to make. I would like to know what department it is that is passing out this literature? Then I think I can sensibly pass on this bill. I don't want to hear references to they; I don't know who they are.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, poses a question through the Chair to any member who may answer if he desires.

The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker and Members of the House: As I perhaps am somewhat responsible for this matter being before us today having sponsored the order to recall this from the Legislative files and also having made the motion that the matter be referred to the Appropriations and Financial Affairs Committee, I would like to say first that my move to refer this to Appropriations and Financial Affairs rather than recommit to State Government was based only on the fact that I felt that Appropriations and Financial Affairs Committee were directly concerned with the information that was contained in a great number of these publications, and for that reason I made the motion.

The question has been asked as to who "they" are, and this being my first term at the Legislature, I was amazed at the number of documents I received and took home to my office for my constituents to come in and look at. I think conservatively estimated the documents which I received would approximate a foot in height if they were standing on one another, at least. I noticed with interest that the term "they" has been used. I would be more specific. The Department of Health and Welfare, for one, gave us not just a plain black and white pamphlet concerning some of their needs and desires, but a three-color pamphlet. The Maine Port Authority spent some of the money which was budgeted to it to propagandize the Legislature concerning its activities and budget, and this was the document I believe the gentleman from Bangor, Mr. Minsky, had reference to when he indicated the legislative document number and the sponsor of the particular bill which this document supported appeared on the front of the publication. The University of Maine also has brought down here a detailed booklet on its capital improvement program, as a matter of fact, all of the expenditures of the University. These are to only name three. The Department of Education I think also has come forward with this information as has many other particular departments.

It was impossible, I believe, to write a piece of legislation which would be any more specific than the piece of legislation the gentleman from Bangor, Mr. Wellman, has introduced. I would urge this morning that the House pass the bill.

Mr. Dennett of Kittery was granted permission to speak a third time.

Mr. DENNETT: Mr. Speaker and Members of the House: I think that at least we have obtained some information that heretofore it was impossible to obtain. At no time before our committee was any specific department named. I am very happy that the gentleman from Wiscasset, Mr. Pease, has named departments. I feel

that inasmuch as departments are named, I think my committee will feel in like manner, as they are now dealing in specifics, we definitely have no opposition to this bill.

The SPEAKER: Is it now the pleasure of the House that this bill be passed to be engrossed?

The motion prevailed, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act relating to Use of Titles by Unregistered Persons in Practice of Architecture." (S. P. 113) (L. D. 341) Senate "A" (S-213)

Tabled — May 17, by Mr. Brown of So. Portland.

Pending — Passage to be Engrossed.

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

Mr. COPE: Mr. Speaker, I move that item 6 be indefinitely postponed with all accompanying papers and would like to speak to the motion.

The SPEAKER: The gentleman may proceed.

Mr. COPE: Mr. Speaker and Members of the House: This bill appeared before the Legal Affairs Committee in essence not only relating to titles of unregistered persons to practice architecture, but also referred to qualifying words and phrases of any other derivative of the word architect.

There was strong opposition at the hearing. It was pointed out that the word architectural was a generic phrase meaning form and design. It was also pointed out that architectural referred to not only the architects but also to materials and methods, like architectural roofing, architectural shingles, architectural services, the result of which the Legal Affairs reported unanimously "Ought not to pass." An amendment was introduced through the other body eliminating the words qualifying phrases and its derivatives and inserting in it architectural engineer.

I submit that architectural engineer, it singles that profession out and discriminates against it for the following reasons: That we have in the profession the term landscape architect, marine architect. The Webster Unabridged Dictionary defines the word architectural engineering as the art and science of engineering and construction as practiced in regard to buildings as distinguished from architecture as the art of design. Now those who favor all this including the word architectural engineering wanted to claim that it was a misleading term. This definition shows that the architectural engineer has every right to use the phrase architectural as does the profession of architects themselves. That is the reason why I asked for the indefinite postponement of the bill.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Cope, that item 6 and all its accompanying papers be indefinitely postponed.

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

Mr. WELLMAN: Mr. Speaker, I would oppose the motion of the gentleman from Portland, Mr. Cope. He has argued very well. However, I think that the point that the amendment is trying to get at—I will admit as a member of the Legal Affairs Committee I did oppose the original bill, but the amendment as introduced in the Senate, it seems to me clarifies the problem of the misuse of those persons who specifically attempt to get into architectural work and call themselves architects, not having had the qualifications, the prescribed qualifications. The landscape architects, yes, they are a branch I suppose of architecture, but they are not affected by this bill and can go on in their same course that they always have used.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Cope, that this item be indefinitely postponed. All those in favor will say yes, those opposed, no.

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

Thereupon, upon request of Mr. Wellman of Bangor, a division of the House was had.

Fifty-two having voted in the affirmative and forty-five having voted in the negative, the motion to indefinitely postpone did prevail, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

HOUSE REPORT—Ought not to pass—Committee on Appropriations and Financial Affairs on Resolve, Providing Funds for Additional Weights and Measures inspectors. (H. P. 965) (L. D. 1404)

Tabled—May 17, by Mrs. Shaw of Chelsea.

Pending — Acceptance of Report.

On motion of Mrs. Shaw of Chelsea, the "Ought not to pass" Report was accepted and sent up for concurrence.

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

AN ACT Continuing the Committee on Aging (S. P. 384) (L. D. 1087)

Tabled—May 15, by Mr. Tyndale of Kennebunkport.

Pending—Passage to be Enacted.

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

Mrs. SMITH: Mr. Speaker, in view of the fact that we have several of these committees on various subjects, and one that is closely connected with this particular committee in our committee, I would suggest that someone retable this until we can get the others out of our committee.

The SPEAKER: The Chair recognizes the gentleman from Topsham, Mr. Mendes.

Mr. MENDES: Mr. Speaker, I move this item lay on the table until the next legislative day.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith. For what pur-

pose does the gentlewoman arise?

Mrs. SMITH: I move this be tabled until one week from today.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith, moves this matter be tabled pending passage to be enacted and be specially assigned for Wednesday, May 29. Is this the pleasure of the House?

The motion prevailed.

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

HOUSE MAJORITY REPORT (8)—Ought not to pass as covered by other Legislation—MINORITY REPORT (2)—Ought to pass with Committee Amendment "A" (H-343) — Committee on Labor on Bill "An Act relating to Partial Unemployment Benefits and Experience Rating Record Under Employment Security Law." (H. P. 872) (L. D. 1259)

Tabled—May 17, by Mr. Wellman of Bangor.

Pending—Acceptance of Either Report.

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

Mr. EWER: Mr. Speaker, in view of the fact that we have passed with the third reading the other legislation mentioned in the Majority Report of the Committee on Labor, I move that the Majority Report "Ought not to pass" as covered by other legislation be accepted.

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

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

HOUSE MAJORITY REPORT (8)—Ought not to pass as covered by other Legislation—MINORITY REPORT (2)—Ought to pass — Committee on Labor on Bill "An Act relating to Disqualification and Claims for Benefit and Employer's Contribution Rate Under Employment Security Law." (H. P. 871) (L. D. 1258)

Tabled—May 17, by Mr. Wellman of Bangor.

Pending — Acceptance of Either Report.

On motion of Mr. Ewer of Bangor, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

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

CONSTITUTIONAL AMENDMENT — Resolve, Proposing an Amendment to the Constitution Clarifying Provisions Governing Assumption of Office of Governor by the President of the Senate or the Speaker of the House. (H. P. 992) (L. D. 1435)

Tabled—May 17, by Mr. Birt of East Millinocket.

Pending—Final Passage.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I have an amendment to this L. D. which I would like for consideration, and because of the serious intent of this bill, it being a constitutional amendment, I would respectfully move that it be recommitted to the Committee on Constitutional Amendments for reconsideration.

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

Mr. JALBERT: Mr. Speaker, a parliamentary inquiry. This is up for final passage. Would the motion be made to reconsider our action whereby we passed this bill to be engrossed before we recommit it if we are going to recommit it.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, is correct.

The Chair understands the gentleman from East Millinocket, Mr. Birt, moves the rules be suspended for the purpose of reconsideration. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the House voted to reconsider its action of May 3 whereby this Resolve was passed to be engrossed and to recommit the Resolve to the Committee on Constitutional Amendments and Reapportionment.

Sent up for concurrence.

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

AN ACT relating to Eligibility of Trustees as Directors of Trust Companies. (H.P. 657) (L.D. 913)

Tabled—May 17, by Mr. Cartier of Biddeford.

Pending—Passage to be Enacted.

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

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

AN ACT relating to Tax Exemption of Property of Veterans Not Located in Place of Residence. (H. P. 1079) (L.D. 1546)

Tabled—May 17, by Mr. Scott of Wilton.

Pending—Motion of Mr. Cookson of Glenburn to Indefinitely Postpone.

The pending motion prevailed on a viva voce vote.

Mr. O'Leary of Mexico requested a division.

Thereupon, a division of the House was had.

Eighty-seven having voted in the affirmative and seventeen having voted in the negative, the motion to indefinitely postpone prevailed. Sent up for concurrence.

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

HOUSE REPORT—Ought not to pass as covered by other Legislation—Committee on Labor on Bill "An Act Repealing Certain Portions of the Employment Security Law." (H.P. 1) (L.D. 7)

Tabled—May 17, by Mr. Wellman of Bangor.

Pending—Acceptance of Report.

On motion of Mr. Wellman of Bangor, retabled pending acceptance of report and specially assigned for Tuesday, May 28.

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

Bill "An Act relating to Effective Date for Salary Increase for County Officers." (S.P. 543) (L.D. 1467)—In Senate Engrossed with Senate "B" (S-183)—In House Engrossed without Amendment in

Non-concurrence. Senate Insisted and Asked Conference. House Receded and Concurred.

Tabled—May 17, by Mr. Karkos of Lisbon.

Pending—Motion of Mrs. Shaw of Chelsea to Reconsider Receding and Concurring.

On motion of Mr. Karkos of Lisbon, retabled pending the motion of Mrs. Shaw of Chelsea to reconsider receding and concurring, and specially assigned for Wednesday, May 29.

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

HOUSE REPORT—Ought to pass in New Draft (H. P. 1089) (L. D. 1561) under new title of "An Act to Reorganize the Department of Economic Development." — Committee on Industrial and Recreational Development — on Bill "An Act to Clarify and Revise Laws of Department of Economic Development." (H. P. 834) (L. D. 1221)

Tabled — May 17, by Mr. Sahagian of Belgrade.

Pending — Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker and Members of the House: It seems to me that our Legislative Committee appointed to study the Department of Economic Development should be congratulated for the time, effort and constructive recommendation offered to us for our consideration, and certainly I offer mine.

However, there is one area that I would call your attention to which needs expert, careful thought. That is the recommendation that the employees of this new department do not come under the Personnel rules and regulations, rather be employed by the department heads in charge of this new department. My reasons for spotlighting on this particular area are as follows: One, I still remember the days prior to the establishment of the Personnel laws when the department heads did their own hiring. Under this system, the State House was full of political hacks as a result of political pressures. I am afraid under this recommendation this situation will again exist.

Two, if this session of this Legislature adopted this committee recommendation for any one of these new departments it would be a precedent for other departments to follow years ahead, and could eventually be the means of abolishing our present Personnel system which I would oppose. I believe the state employees are entitled to the security offered by our present law.

Three, if the Personnel Department is not doing an adequate job in making available the kind of competent employment that will give back the taxpayer a reasonable return, then it seems to me that we should take a close look at this department, but by all means let us not disturb the laws which establish a system designed to avoid political pressures and to give some security to competent career help. Again, ladies and gentlemen, my hearty congratulations to the committee for what I consider to be a very commendable job. Thank you.

Thereupon, on motion of Mrs. Smith of Falmouth, the Report and Bill were retabled pending acceptance of the Committee Report and specially assigned for Wednesday, 29.

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

Mr. LEVESQUE: Mr. Speaker, may I ask if Senate Order or Senate Paper 601 is in the possession of the House?

The SPEAKER: Would the gentleman inform the Chair as to the title?

Mr. LEVESQUE: It is an order from the Senate passed yesterday in the House, Senate Paper 601.

The SPEAKER: Is this a matter that has been acted on today?

Mr. LEVESQUE: No sir, Mr. Speaker, it is something that was passed yesterday in the House.

The SPEAKER: It is not in possession of the House. The paper in reference is in the possession of the Senate.

On motion of Mrs. Lincoln of Bethel,

Adjourned until nine o'clock tomorrow morning.