

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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**

Thursday, May 23, 1963.

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

Prayer by the Rev. Mr. Joseph I. Craig of Hallowell.

The journal of yesterday was read and approved.

On the disagreeing action of the two branches of the Legislature on

Bill "An Act to Appropriate Moneys 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. 1431) the Speaker appointed the following Conferees on the part of the House:

Messrs. OBERG of Bridgton  
SAHAGIAN of Belgrade  
GIROUX of Brunswick

**Conference Committees Report**

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act Prohibiting the Use of Live Birds and Animals for Certain Purposes" (H. P. 1038) (L. D. 1505) reporting that the House recede and concur.

(Signed)

RANKIN of Southport  
WELLMAN of Bangor—  
Committee on part of House.

PORTEOUS of Cumberland

ATHERTON of Penobscot  
STITHAM of Somerset—  
Committee on part of Senate.

Report was read and accepted and sent up for concurrence. The House voted to recede and concur.

**Papers from the Senate  
Senate Reports of Committees  
Ought Not to Pass**

Report of the Committee on Sea and Shore Fisheries reporting "Ought not to pass" on Bill "An Act Repealing the Regulation of Herring for Canning Purposes from December 1st to April 15th" (S. P. 189) (L. D. 488)

Report of same Committee reporting same on Bill "An Act to Extend the Sardine Canning Season" (S. P. 190) (L. D. 489)

Report of same Committee reporting same on Bill "An Act Providing a Sports License for Taking Lobsters" (S. P. 397) (L. D. 1100)

Report of same Committee reporting same on Bill "An Act relating to Catching of Lobsters by Skindivers" (S. P. 458) (L. D. 1285)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

**Ought to Pass in New Draft**

Report of the Committee on State Government on Bill "An Act to Increase the Salaries of Department Heads Elected by the Legislature" (S. P. 376) (L. D. 1042) reporting same in a new draft (S. P. 548) (L. D. 1480) under title of "An Act to Increase the Salaries of Certain Department Heads Elected by the Legislature" and that it "Ought to pass"

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

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

**Ought Not to Pass  
Bill Substituted for Report and  
Amended in Senate**

Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act Amending Certain Provisions of the Employment Security Law" (S. P. 453) (L. D. 1345), as it is covered by other legislation.

Came from the Senate with the Bill substituted for the Report and passed to be engrossed as amended by Senate Amendments "A" and "B."

In the House, the Report was read.

On motion of Mr. Gifford of Manchester, the "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

**Ought to Pass  
Indefinitely Postponed in Senate**

Report of the Committee on Public Utilities reporting "Ought to pass" on Bill "An Act relating to Right of Electric Power Companies to Take Lands for Lines by Right of Eminent Domain" (S. P. 395) (L. D. 1098)

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

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Chapman, Mr. Welch.

Mr. WELCH: Mr. Speaker, I move that we accept the "Ought to pass" Report.

The SPEAKER: The gentleman from Chapman, Mr. Welch, moves that the House accept the "Ought to pass" Report. Is that the pleasure of the House?

(Cries of "No")

All those in favor will say "yes"; those opposed, "no."

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

Sixty-two having voted in the affirmative and thirty-five having voted in the negative, the "Ought to pass" Report was accepted in non-concurrence.

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

**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Transferring Probation of Juveniles in Cumberland County to State Probation Administration" (S. P. 427) (L. D. 1170)

Report was signed by the following members:

Mr. STITHAM of Somerset  
Mrs. SPROUL of Lincoln  
—of the Senate.

Mr. COTE of Lewiston  
Mrs. WHITE of Guilford  
Messrs. WELLMAN of Bangor  
GILBERT of Eddington  
—of the House.

Minority Report of same Committee on same Bill reporting that

it be referred to the 102nd Legislature.

Report was signed by the following members:

Mr. ATHERTON of Penobscot  
—of the Senate.

Messrs. FOSTER  
of Mechanic Falls  
BOISSONNEAU  
of Westbrook  
COPE of Portland  
—of the House.

Came from the Senate with the Minority Report accepted and the Bill referred to the 102nd Legislature.

In the House: Reports were read.

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

Mrs. KILROY: Mr. Speaker, I move that we accept the Minority Report.

The SPEAKER: The gentlewoman from Portland, Mrs. Kilroy, moves that the House accept the Minority Report and the Bill be referred to the 102nd Legislature. Is that the pleasure of the House?

Mr. Bussiere of Lewiston requested a division.

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

A division of the House was had.

One hundred having voted in the affirmative and four having voted in the negative, the Minority Report was accepted in concurrence and the Bill referred to the 102nd Legislature.

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

**Divided Report**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to Transfer of Certain Land by the State to the

City of Portland" (S. P. 217) (L. D. 526)

Report was signed by the following members:

Messrs. DENNETT of Kittery  
 BERMAN of Houlton  
 SMITH of Strong  
 CARTIER of Biddeford  
 DOSTIE of Lewiston  
 THAANUM of Winthrop  
 —of the House.

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

Report was signed by the following members:

Messrs. WHITTAKER  
 of Penobscot  
 LOVELL of York  
 Mrs. CHRISTIE of Aroostook  
 —of the Senate.  
 Mr. BERRY of Cape Elizabeth  
 —of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Dennett of Kittery, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to Transfer of Certain Land to the State by the City of Portland" (S. P. 218) (L. D. 527)

Report was signed by the following members:

Messrs. DENNETT of Kittery  
 BERMAN of Houlton  
 SMITH of Strong  
 CARTIER of Biddeford  
 DOSTIE of Lewiston  
 THAANUM of Winthrop  
 —of the House.

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

Report was signed by the following members:

Messrs. WHITTAKER of Penobscot  
 LOVELL of York  
 Mrs. CHRISTIE of Aroostook  
 —of the Senate.

Mr. BERRY of Cape Elizabeth  
 —of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Jalbert of Lewiston, the Reports and Bill were indefinitely postponed in non-concurrence and sent up for concurrence.

#### Non-Concurrent Matter

Bill "An Act Creating a Permanent Commission on State Tax and Financing Policy" (S. P. 401) (L. D. 1104) on which the House accepted Report "B" reporting "Ought not to pass" of the Committee on Taxation in non-concurrence on May 21.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. BROWN of Hancock  
 WYMAN of Washington  
 WHITTAKER of Penobscot

In the House:

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

Mr. WATERMAN: Mr. Speaker, I move that the House insist and join in a Committee of Conference.

The SPEAKER: The gentleman from Auburn, Mr. Waterman, moves that the House insist and join in a Committee of Conference.

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

Mr. LITTLEFIELD: Mr. Speaker, I would move that we adhere and ask for a division.

The SPEAKER: The insist motion has priority.

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

Mr. MacLEOD: Mr. Speaker, I move that this bill and any accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman is not in order at this time. The pending question is the motion of the gentleman from Auburn, Mr. Waterman, that the House insist and join in a Committee of Conference.

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

Mr. PEASE: Mr. Speaker, in view of the fact that the gentleman from Hampden, Mr. Littlefield, has suggested a motion to adhere, I would hope that the House would defeat the motion to insist so that we might act upon the motion to adhere.

The SPEAKER: Is the House ready for the question? All those in favor of insisting say yes; those opposed say no.

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

The SPEAKER: The question now before the House is the motion of the gentleman from Hampden, Mr. Littlefield, that the House adhere. Is that the pleasure of the House?

All those in favor say yes; those opposed say no.

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

Ninety-two having voted in the affirmative and fifteen having voted in the negative, the motion to adhere did prevail.

#### **Non-Concurrent Matter Tabled and Assigned**

Bill "An Act relating to Definition of 'Hotel' under Liquor Law" (H. P. 299) (L. D. 393) which was passed to be engrossed as amended by House Amendment "B" in non-concurrence in the House on May 10.

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

In the House: On motion of Mr. Wellman of Bangor, tabled pending further consideration and specially assigned for Monday, May 27.

#### **Non-Concurrent Matter Tabled and Assigned**

Bill "An Act relating to Transportation to Islands in Casco Bay" (H. P. 611) (L. D. 846) which was indefinitely postponed in the House on April 16.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto.

In the House: On motion of Mr. Wellman of Bangor, tabled pending further consideration and specially assigned for Tuesday, May 28.

#### **Non-Concurrent Matter**

#### **Tabled Until Later in Today's Session.**

Bill "An Act relating to Operating Business on Sunday and Certain Holidays" (H.P. 930) (L.D. 1364) which was indefinitely postponed in the House on May 9.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker, I move that we adhere.

The SPEAKER: The gentleman from Scarborough, Mr. Coulthard moves that the House adhere.

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

Mr. WELLMAN: Mr. Speaker, I move that we recede and concur and would like to make a few comments on the motion.

The SPEAKER: The gentleman may proceed.

Mr. WELLMAN: The bill that we have now before us we have debated long and hard at a previous date. I would hope that we would not have to have another long and hard debate. I would merely draw your attention to the Senate amendment which is before us under filing number S-240. That amendment adds through the bill the few things that we discussed here in the House the other day. It adds and makes clear the fact that the qualifications, that is the five persons or 5,000 square feet are the minimums. Please note that this is "or," this is not an "and" item. And also let me point out to you that the confiscation of the property or commodities exposed for sale has been deleted by the Senate Amendment.

I urge you all to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Windsor, Mr. Choate.

Mr. CHOATE: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I was the sponsor of the so-called wide-open Sunday Bill. This law was quietly but firmly put to sleep here in this House several weeks ago. Now I firmly believe if this bill had been enacted, it would have become a fair law, but I realize it did not have the support of this body or the body at the other end of the corridor; therefore, I will not discuss it further.

Now a short time later, we were again confronted by another Sunday closing bill known as the Smith Bill. This bill looked promising and no doubt warranted some merit, but this bill also received the death blow. And last but not least, we find ourselves facing another Sunday closing bill and, in my opinion, the worst bill of them all, the MacGregor Bill, L.D. 1364. This bill if it becomes a law would permit stores under 5,000 feet to sell everything and anything that they wished on Sunday providing the establishment did not consist of more than 5,000 square feet in area, while his neighbor across the street must close his place of business since his place contains 5,001 square feet. The merchant who owns the store of under 5,000 square feet is getting rich on his thriving Sunday sales while his neighbor across the street must remain closed and slowly starve to death.

I am not going to belabor this bill any longer since I feel that you are aware of the evil which it involves, but I do want to say one more thing. I feel that this present local option law which is now in effect and which has been tried by our Supreme Court is an angel compared to this bill which confronts us here this morning. Thank you.

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

Mr. SMITH: Mr. Speaker, while I have never been ready to accept a wide-open Sunday bill, I wish to go on record this morning as being more in favor of a wide-open Sun-

day than a bill as discriminatory as this one. I have, since putting in the bill I put in the other day, been criticized by church people throughout the state both in newspapers and in private letters. I feel that the reason for this criticism has been simply that they did not understand what they were asking me to support, namely, the MacGregor Bill. For had they known that they were asking me to support a bill that is in effect a wide-open Sunday bill except that it's class legislation in its purest sense in that it opposes only certain large businesses, I feel that they would never have asked me to support had they understood it.

I hope that we would not submit ourselves to voting for something that would be as derogatory to principle as this type of legislation that certain business have tried to sell this Legislature.

There are a few things remaining that we can do if we would defeat this MacGregor Bill. We could either leave local option as it is, or we could revise the Choate Bill for wide-open Sunday, either one of which I would support in favor of this one. That is all I wish to say, but that is about as strong as I can put my opposition to a discriminatory measure that opens Sunday or will open Sunday wide open to anything and everything in a very few years.

The SPEAKER: The Chair will interrupt debate for a moment at this time to recognize in the gallery of the House a group of pupils from the Blue Hill Consolidated School, forty-five pupils from the seventh and eighth grades, accompanied by eight adult friends and their principal, Mr. Johnson.

On behalf of the House, the Chair extends to you folk a warm welcome. 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 South Portland, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the MacGregor Bill. I believe it is a necessity for the

people of Maine to have the protection of commercialism that the MacGregor Bill offers to all of us. Now local option, as it has been in force now for a couple of years, has proven most unsatisfactory. Now we talk of discrimination. I believe that our method of living, our method of doing business, our method of taxation, is all on a discriminatory basis. What more discriminatory method of taxation would be the income tax, where one person pays no tax at all and his neighbor pays sufficient taxes to support he and several other neighbors. What greater form of discrimination could you ask than that? You have discrimination as far as jobs are concerned, in pay scales. You have discrimination as far as real estate taxes are concerned; one locality is taxed far more heavily for a like home than another. Your P.U.C. Commission has the greatest form of discrimination. They regulate transportation in this state and it's a recognized fact; one company can do one thing and another one cannot, and both in like circumstances and capable of doing all jobs.

Now discrimination in respect to this bill here is a little far-fetched, and should not be discussed. I believe the MacGregor Bill is a good bill. It will curb wide-open commercialism allowed Sundays and allow our smaller merchants and our sporting-goods stores that cater to our vacation trade to remain open; and I hope, sincerely hope, that when the vote is taken that the MacGregor Bill will become law. I thank you.

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

Mr. EWER: Mr. Speaker, I would ask a question in regard to this piece of legislation. We have Senate Amendment "C" under filing No. S-248. May I ask if we are voting on that at the present time or is this not yet a part of this bill?

The SPEAKER: The Chair understands the gentleman poses a question through the Chair relative to the Senate amendment. Does the gentleman not have the Senate amendment before him?

Mr. EWER: Yes, I have Senate Amendment "C" but apparently on

the calendar Senate Amendment "C" is not included in this bill at the present time.

The SPEAKER: It is Senate Amendment "A".

Mr. EWER: Yes, therefore, Senate Amendment "C" is not being voted on at the present time. Thank you.

The SPEAKER: The Chair so understands.

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

Mr. MCGEE: Mr. Speaker, Members of the House: I am speaking in favor of the MacGregor Bill because the businessmen in my community have contacted me. Those who have contacted me are a hundred percent in favor of the MacGregor Bill regarding Sunday sales, have been from the beginning although there were some items in it that are a little objectionable. These amendments have removed those objectionable items and they all feel that it's much better than the present situation we have been in in the past two years; so, therefore, I will gladly support the MacGregor Bill and I hope we can get to it very shortly.

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

Mr. PEASE: Mr. Speaker and Ladies and Gentlemen of the House: At this point I perhaps could refer to myself as a part-time attorney, but even at that I feel it somewhat of a responsibility to enter into a discussion on this particular piece of legislation.

Without going into the merits of the bill to any degree, I shall attempt to present some observations that I have made with regard to the perhaps chaotic conditions that could result from favorable action on this measure. You have already heard this morning attacks on the merits of the bill. I suggest to you ladies and gentlemen of the House that these attacks will continue. Perhaps after the legislative session these attacks will not be as to the merits but on the question of the enforcement of the criminal provisions of the bill, and I would humbly submit to this House that when this law is tested before our Supreme Judicial Court, that body



of learned justices will find this act unconstitutional.

The reasons for my arrival at this decision are as follows: In the recent case of the State of Maine versus Carmel Merchandising Corporation, a case involving the Brunswick Mill Outlet and the Mammoth Mart stores, our Supreme Judicial Court held the present Sunday sales law constitutional. Our eminent Chief Justice, Mr. Chief Justice Williamson, in writing the opinion of the court, one which I believe succinctly and clearly states the law on which the decision is based, one which with extreme care and clarity analyzes the factual situation and one in which the law is applied to that factual situation — our Chief Justice has indicated certain points which perhaps I might emphasize today.

Writing for the Court, he indicates that our present Sunday sales law is a commodities law, so-called, one which prohibits the operation of certain business on Sunday but exempts the sale of certain commodities from the prohibition of the statute. The Court then defines with reference to the operation of department stores that a department store must close those departments which another storekeeper could not operate on Sunday. Questions raised in the case were: Is the closed business discriminated against by the exemptions of the statute, or are the classifications of exempt stores plainly arbitrary and without reason when matched against those stores which are closed by the statute? Mr. Chief Justice Williamson then goes on in writing for the Court and puts into words the decision of the Court which is that the present law has classifications which are reasonably established and applied equally to all members of the class, that is, to all stores equally.

Further, and I would quote from the decision: "Under this construction of the act the department store is not penalized for its size. The department store may compete on Sunday with exempt stores," meaning that the department store may sell items which the exempt store may sell.

I would submit to you ladies and gentlemen that unless the language of the Carmel case is overruled, disregarded or explained away in great detail, that our Supreme Judicial Court will find it necessary to hold the bill or the act presently before us as unconstitutional as it relates to the size of stores. Let us assume this to be the case. Let us assume this new law is tested and our Supreme Judicial Court does hold it unconstitutional, it would be reasonable to expect that any test case would be decided by our Court somewhere in the spring of 1964. What would then follow? As I read the bill before us, the amendments to the present Sunday closing law would be such that if it were found unconstitutional that all stores would be closed; that there would be no store exempt from the Sunday closing law except perhaps establishments as outlined in the statute primarily selling boats, boating equipment, gifts and souvenirs, and possibly grocery stores. No stores open, if this is declared unconstitutional, to serve the needs of the public in the summer of 1964, of our residents and of our non-resident vacationists.

If again, assuming the Court finds this matter unconstitutional, what happens to the local option provisions of our present statute? Are these completely nullified by the act that we are about to pass, or because of this unconstitutionality will the local option provisions be written back into the law by judicial fiat? Would it make a difference? If the local option provisions are stricken, then those stores will remain closed. Even if the local option provisions are reinstated by judicial decision, we will be in the summer of 1964; and under the provisions of the statute the local option voting must be done at regular elections, not special elections or special town meetings. I would suggest to you that this very conceivably and very possibly not might be the result of favorable action on this legislation. I think that at best by passing this bill, we are inviting the probability of

disastrous results, and I ask, is it worth this risk?

I would refer to language that I have seen used with regard to this bill. Are we to jeopardize so much, which affects so many, to protect so few? I would urge that the motion to recede and concur with the Senate does not prevail.

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

Mr. KNIGHT: Mr. Speaker, I am a supporter of the MacGregor Bill but I have serious doubts as to this bill in its present form. Yesterday I had discussed this matter with the gentleman from Wiscasset, Mr. Pease and for his reasons expressed today I also express my doubts. I have prepared an order at this present time raising this question as to size and hope to have it reproduced some time today and let the Supreme Court rule on this at our request and, thereby, avoid confusion and the possibility of a law that is absolutely no good. I don't want to see the situation that our present law created—recreated, namely, that of people violating the law intentionally until a year or a year and a half later when the Supreme Court finally upheld it.

I think we owe it to the people to put on the books a legal and valid law that will work, and not a law that is going to be contested by lawyers for a year and violated until the law is finally recognized as valid. I would hope that somebody who is in favor of good legislation and a good Sunday bill, and is honestly and truly in favor of a good so-called MacGregor Bill, would table this item until I can present this order so that when we do finally vote, we do know that we are voting on a valid bill.

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

Mr. MacGREGOR: Mr. Speaker, I would be very happy to see this item tabled until later in the day.

The SPEAKER: The gentleman from Eastport, Mr. MacGregor moves that Item 14, L. D. 1364, Bill "An Act relating to Operating Business on Sunday and Certain Holidays," be tabled until later in today's session, pending the mo-

tion of the gentleman from Bangor, Mr. Wellman that the House recede from its former action and concur with the Senate. Is that the pleasure of the House?

The motion prevailed.

#### Orders Tabled

Mr. Wellman of Bangor presented the following Order and moved its passage:

Ordered, that under Orders of the Day, on Tuesday, Wednesday and Thursday of each week, after Special Orders, Unfinished Business and Specially Assigned Matters for that day have been disposed of, Unassigned Matters other than House or Joint Orders on the Table that are not taken up on motion, shall be taken from the Table and laid before the House by the Speaker in the order in which they appear on the calendar so far as time permits.

AND BE IT FURTHER ORDERED, that no matter shall be tabled and assigned for more than two days thereafter.

The SPEAKER: Under the Rules, this Order will be laid over for one day.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Hanson.

Mr. HANSON: Mr. Speaker, I presume that I am correct that the order requesting the opinion of the Justices of the Supreme Court is in the possession of the House?

The SPEAKER: The Chair would inform the gentleman that the order is in the possession of the House.

Mr. HANSON: Mr. Speaker, I now move that we reconsider our action of yesterday whereby we indefinitely postponed the 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.

The SPEAKER: The gentleman from Gardiner, Mr. Hanson, moves

that the House reconsider its action whereby it indefinitely postponed the House Order of May 22, requesting the Opinion of the Justices.

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

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Taxation Committee, I signed this bill out, this draft, "Ought to pass" because—that is in the new draft. I feel that this is a matter pertaining to the people of the City of Portland. At the hearing there was wide support for this measure, this method of taxation. They do have a problem there in the City of Portland, and I personally feel that there is no reason but what we here should not give them this break. Now the bill if carried out, if passed, the people of the City of Portland would act upon this measure by referendum. Just because we pass this bill is no sign to indicate it's mandatory that this will be part of the taxation or problem procedure in the City of Portland. It is just a bill making it possible for them to decide themselves whether they want it or not. I think that we should pass this right on to these people. Thank you.

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

Mr. CHILDS: Mr. Speaker and members of the House: As you undoubtedly know, yesterday I violently opposed this order asking for an opinion from the Justices in relation to the gross receipts tax for the City of Portland. The reason I opposed this particular order was because I felt it was only being used as a wedge for the purpose of assuring the passage of the gross receipts tax. I have discussed the matter this morning with officials of the City of Portland and they feel that they would like to have this advisory opinion, and I am certainly not going to stand here now and deny that right to them. But let me say this, that when it comes to the question of the gross receipts tax itself on the bill, re-

gardless of what the decision—the opinion of the Court is, I shall violently oppose the particular bill that is before us now.

I know that they use the argument, well it's going to referendum so therefore why not let the people of Portland vote for it. I've heard that argument many, many times. That argument can be used on any bill that's before the Legislature. Certainly if we are not going to put a referendum on taxes every time it's an argument that can be used, why not let the people decide whether they want an increase in the sales tax? What would be the reaction to that if it was used as an argument?

So, therefore, I feel that we are sent down here by people from our respective areas and they expect us to use judgment, and certainly because a matter is going to referendum does not mean that you should not vote your convictions on a bill. So that I shall not object to reconsidering the order for the opinion of the Justices; but when it comes to a question of voting for a gross receipts tax, I shall oppose it.

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

Mrs. HENDRICKS: Mr. Speaker, Ladies and Gentlemen of the House: As I said yesterday, I am not opposed to a gross receipts tax but I am opposed to the bill in its form, but I too will go along with the feeling of the gentleman from Portland, Mr. Childs, and I will not try to block the passage of this order, but I do hope that when the bill itself comes up, you will consider that if the Supreme Court says yes it is constitutional, I hope that you will remember that that doesn't make the bill okay.

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

Mr. COTTRELL: Mr. Speaker, I am a member of the Taxation Committee and a Representative from Portland, and, as my colleague from Farmington has already said, we brought this out "Ought to pass" the main purpose being at this time to get this

judicial ruling. It was thought at first that we might do it without even bringing it to the Floor of the House, but it was later thought that we would do it this way. It seems to be good sense before the City of Portland spends any more money or time on this proposition to get this ruling. Of course, I will support this motion to reconsider.

The SPEAKER: Is the House ready for the question? Is it the pleasure of the House that the House reconsider its action whereby it indefinitely postponed this 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, on May 22. All those in favor of reconsideration, will say yes, those opposed, no.

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

Thereupon, the Order received passage.

#### Conference Committees Report

Mr. Sahagian of Belgrade presented the following Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act to Appropriate Moneys 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) reporting that the House recede from its action whereby it failed to pass the Bill to be enacted and concur with the Senate in passing the Bill to be enacted.

(Signed)

GIROUX of Brunswick  
SAHAGIAN of Belgrade  
OBERG of Bridgton  
— Committee on part of House.  
EDMUNDS of Aroostook  
CAMPBELL of Kennebec  
PORTEOUS

of Cumberland

— Committee on part of Senate.

Report was read.

Thereupon, on motion of Mr. Wellman of Bangor, the House recessed for ten minutes.

#### After Recess

10:50 A.M.

Called to order by the Speaker.

The SPEAKER: The Chair is delighted to recognize in the balcony of the House, the largest number that I have seen in my history here in the Legislature. There are forty-nine eighth grade students from Corinna Grammar School in Corinna, accompanied by their teachers, Mrs. Christie, Mr. Smith and their principal, Mr. Robinson. Also six mothers and one father who provided transportation for them. They are the special guests of Representative Osgood of Corinna.

Also, one-hundred three pupils from the eighth grade of the Falmouth Junior High School, accompanied by their principal, Calvin Austin, and teachers, Mr. Vail, Christine Burr, Mr. Black, Avis Fowler and Mildred Cole. These are the special guests of Representative Smith of Falmouth.

On behalf of the House, the Chair extends to you folk 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 acceptance of the Report of the Conferees. Is it the pleasure of the House to accept the Report of the Conferees?

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

Mr. SMITH: Mr. Speaker, is this current services report debatable?

The SPEAKER: The gentleman may proceed.

Mr. SMITH: Mr. Speaker and Members of this Honorable House: According to the newspapers, the members of this House who have been fighting in the interest of economy, may soon go down to defeat. It has been a most glorious and an enlightening battle, and if we must now submit to overpowering force and numbers, then we wish to fall with our flag still waving high to the very end. For although our cause may be lost,

it is lost only because we lacked the right publicity, the prestige and the numbers. We certainly did not lose because we lacked good motive or cause or principle, and because this motive and principle have never changed, I did not feel nor do I feel that I can hoist the white flag of surrender as some of our company have done. The cause of economy is a good battlefield for there will always be those who will want to spend the state into bankruptcy, or destroy the spirit of the little taxpayer by overburdening him with excessive taxation. Likewise, there will also be those who will be fighting for economy and who will be defending the little man while he so fights.

The sad and deplorable feature of this fight on the current services budget is not in the fact that there has been opposition to the budget, for each one of us has a right to our own opinion. But the sad and deplorable situation is in the fact that the people of the state have been fed a diet of editorials that have branded free thinking as obstructionism and stubborn willfulness. How long will the people stand this editorial onslaught on the democratic right to disagree? How long before the people will rise up and tell the Governor and Legislature to stop his nonsensical spending? How long before the people will learn that the economy-minded legislators are their only hope of permanent survival? By the time the people awaken, it may be forever too late to stop the inevitable depression.

We, who are economy-minded, have been told that we should produce a program if we are to object to the present one, and we had a program that would buy all but two million of this budget without a four percent sales tax. It is sound. It is clear, but it will probably never be heard because the proponents of the four percent tax have closed their minds to all other programs except their own. They demand that we walk down a one-way street with them in which there is no room for compromise on their part, room

only for total submission to their infallible will.

They have said that the economy-minded legislators should submit to the will of the majority. Yet, only last week, they were in the minority and yet did not practice what they now preach. And in a Republican Caucus where about 85 voted to accept the Conferees' Committee compromise report, this small group of some willful four percenters, stood up and said, I will never agree to that report or vote for it. Have they room to condemn others when they themselves would not accept the will of the majority? Most of these four percenters will say that we must stop this everlasting spending spree somewhere, yet they are unwilling to initiate a stopping place and will frown upon anyone else who tries to do so.

The people of Maine do not want this budget to go over twenty percent in one biennium which it does, and I hope they will register their displeasure with the four percenters when they go to the polls next year. For apparently that is the only way to stop runaway spending. The little taxpayer cannot afford a lobbyist here to represent him. He has access only to slanted editorials, but truth will prevail and some day he will learn that he does have friends in the Legislature, those who are trying to save him his pocketbook. I am proud to be one of the economy-minded legislators, and more proud to be one of that smaller group who did not surrender to the willful minority of four percenters. If I go down to defeat in defending the rights of the little taxpayer, I can think of no greater honor. Thank you.

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

Mr. JALBERT: Mr. Speaker, if I ask a question directly, Mr. Speaker, does it count as a time at bat?

The SPEAKER: The gentleman may ask a question.

Mr. JALBERT: I would like to ask the gentleman from Strong,

Mr. Smith, one question. Show me now how to cut \$13,500,000, now?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Strong, Mr. Smith, who may answer if he chooses.

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

Mr. SMITH: Mr. Speaker, I was sort of in hopes that somebody would rise to debate because I wanted to do just that, and I am glad that the gentleman from Lewiston, Mr. Jalbert, has given us this opportunity. A four percent sales tax will bring in approximately a one percent increase in—

Mr. JALBERT of Lewiston: Mr. Speaker, I rise on a point of order. I want my question answered, not—

The SPEAKER: The gentleman is out of order. The gentleman is proceeding to answer the gentleman's question.

Mr. SMITH: A one percent increase in the sales tax will produce approximately \$18,000,000. If the current services budget could have been cut \$2,000,000 that would leave \$16,000,000. It was our thinking that \$5,000,000 could come out of the supplemental budget without hurting anything. That would leave approximately \$11,000,000 I believe. Of that \$11,000,000 I would not hesitate at all to advocate upping the estimates \$3,000,000 which would leave us \$8,000,000. Also, we would not hesitate at all and think we are in sound agreement with several sound thinkers around here, where we not only could up the estimates \$3,000,000 but we also could take from unappropriated surplus another \$3,000,000 which would leave \$5,000,000. That \$5,000,000 left could well be raised by sales tax on the three following items: Fuel, trade-in on automobiles and liquor, and you would have your total budget that the Governor wants without a four percent sales tax. Thank you.

The SPEAKER: The Chair would interrupt debate for a moment to recognize in the balcony of the House 29 pupils from the 8th grade of the West Peru Grammar School, accompanied by their teachers Mrs. Russell, Mr. Thomas Lucy and one of the parents, Mrs. Verlie Child. These are the special guests of Representative Vaughn of Peru.

Also in the rear of the Hall of the House behind the rail, the Chair welcomes this morning Life Members of the Kennebec Council of the Telephone Pioneers of America who are the special guests of Representative Hobbs of Alfred.

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

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would not intend to enter into debate with my good friend from Strong. I think these matters have been well and fully discussed. Obviously the gentleman from Strong and I have some differences of opinion on the matters of financing and use of unappropriated surplus and such matters. Again we have heard these, we have talked them in the corridors and we have debated them on the floor of this House.

The question now is very simple. Shall we accept the report which is now before us? I urge you all to vote "yes."

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: What I am going to say will not be appreciated by certain segments of our state government, but I think the majority of the Members of this House will agree with me.

We still have, I hope, the prerogative of free speech. Frankly,

I don't think the Chief Executive should impose himself on the law-making roll of the Legislature. Consultations with the leadership in regard to program policies, yes, but pressure on legislators individually, no. If we pass this budget it will undoubtedly mean an increase in the sales tax. We have few industries in the state. New industries contemplating moving into an area first check the financial standing of that state. They don't move into a debt-ridden state, and the State of Maine is fast becoming just that.

Our biggest industry is our tourist trade and our sporting element. I believe any increase in sales tax will stimulate the exodus of people from the state and will discourage visiting tourists as well as retired citizens moving into the state. If we don't stop this runaway program, we will burden the next Legislature with debts they can't possibly liquidate. It is inevitable that the supplemental and capital improvements budgets will be shouldered by the current services budget in the next biennium. It is my humble opinion and my prediction that it will be around \$155,000,000 in the next biennium. Some of us won't be back. I want to leave here on final adjournment knowing I had lightened the load of the taxpayers and of the next Legislature.

Ladies and gentlemen, now is the time and this is the place. Thank you.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: For the record, I would like to clearly indicate that we are united in one respect. We do not favor the recommended soak the poor tax policy, especially with no relief in sight, with no intelligent approach to the raising of future revenues.

However, as far as the current service budget is concerned, by design we feel that if we cannot convince you, we will confuse you.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I feel as though from what I hear here this morning, ladies and gentlemen, that this will turn out to be a sad day for the taxpayers of the State of Maine. I am so disturbed I find it hard to find words to bring to you the message that I would like to bring forth.

I do see this morning there seems to be a lot of people in the State of Maine that believe in a lot of spending and this seems to, in my mind, create a new form of government to some degree for the State of Maine, namely, the third party, a socialist party, because they seem to want to spend so much money and I know the people in the State of Maine are not for more government and not for more spending, yet this House seems to be for more money and more spending. I would like to urge the people in this House that would like to continue with the same type of government which we have had in the past to see if we can't find a little economy somewhere in this government so we will not have to raise the sales tax and there are other methods, but I am sure they will not be discussed, it will be put through this House the same method this current services is being put through this House, and in closing I would like to ask that this vote be taken by roll call.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I, like all of you, take my legislative duties seriously. Since the first word of debate concerning a current services budget was made, I have left here weekends with my budget book under my arm and all the papers that I could gather. I have leafed it through on several occasions. I have consulted not only with other members of the Appropriations Committee, but with my colleague on the Appropriations Committee and my own party faith, the Representative from Raymond, Mr. Edwards.

The \$13,500,000 added to the current services budget means progress, in my opinion, for Maine. The curtailment or cutting out of that \$13,500,000 would mean approx-

imately \$7,000,000 taken from the general subsidy, school subsidy program, which would mean that this fund, these monies, would have to be promoted in some manner through local property taxes. It would mean approximately, if we are to entertain the thought that there are four major spending programs or departments, Health and Welfare, Mental Health and Corrections, Education and University of Maine, it would mean the cutting out of some \$400,000 from the combined programs of Aid to the Blind, Aid to Disabled and Aid to Dependent Children, which would ultimately mean the loss of over a million and a half dollars of federal monies. It would mean the cutting out of approximately \$500,000 from the Pineland State Hospital, and approximately an average of \$400,000 from all of our other hospitals, the Augusta State and the Bangor State Hospital. It would mean a curtailment in the "all other" departments, however small they might be.

Certainly it is not my intention to say that I am going to go hog wild in all spending programs, because the record will show clearly that many, many times I have arisen and stated my feelings toward this program of economy and that program of economy. At the present moment, as I stated a few weeks ago, I have not altered my thinking or changed my mind. This morning, in my humble opinion, we are voting for the law.

I did not mean to ask the question of the gentleman from Strong, Mr. Smith, in a facetious manner. I just would like to have somebody show me, or show us how these cuts would be made. I have gone through the supplemental budget, the bond program. Believe me, if you want to look at my budget book, it is half torn apart with figures. We must face, in my humble opinion, the reality, and the reality this morning is that obviously people do want services. It was stated before, and I repeat it, that there was about \$458,000,000 worth of measures that were presented before the Appropriations Committee which involved naturally this current services budget and

also all of the other L. D.'s that are before us. Two people appeared before the Committee—three, I take this back, three people appeared before the Committee, one of them is a Member of the House, not on the Committee, and two other Members of the Committee opposed one another on a separate occasion for minor cuts and minor abrasions to the program.

It is no more pleasant for me to eventually—and I am not—I agree with the gentleman from Old Orchard specifically, harpooning myself with any tax program this morning, but it is no more pleasant for me than it is for anybody else to face up to realities, and if you must play, you must pay.

The SPEAKER: The Chair will interrupt debate for a moment to recognize in the balcony of the House 30 students from the eighth grade of the Boothbay Center Grammar School, accompanied by their Principal, Mr. Marvin Rosenblum. These folks are the guests of Representative Rankin of Southport.

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

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: As a member of the five previous sessions of this honorable body, I was always known as a conservative and economy minded, and today I take that same stand, and that's why I am going to vote for this budget that our Governor has presented. I am just as conservative and just as economy minded as I ever was, and I believe it is the only thing that we can do to promote the welfare of this State of Maine. We talk about raising taxes. I would say to you, which you probably all know, that for the past ten years right across the board the prices have increased ten per cent, and our budget has not increased that much during the ten years that I have been here, not a



hundred per cent. So what are we going to do? Always before there was somewhere to go to get some taxes, some money, something like we did in the last session, we took a little here and a little there and we finally got through, but I see nowhere else to go. I would not be in favor as the good gentleman from Strong has said, to put a double taxation on automobiles. I think if he knew just how hard we fought back there several years ago to do away with that double taxation, which was so unreasonable and so unfair, that he would not for a moment want to put it back again. So while I am economy minded and I am just as conservative as I ever was, I believe there is no other way out but to go along with the recommendations of our Governor.

The SPEAKER: Is the House ready for the question?

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

Mr. JALBERT: Mr. Speaker, I would like to set one thing straight. If you would look at your budget book, first the departments recommend, they request. These requests are submitted to the Budget Office. Then the recommendations are made by the Governor, so that then at that time it is the Governor's budget recommendations. Then the budget goes to the Appropriations Committee. Then the Appropriations Committee recommends. I think even in all serious discussions, there must be somewhere along the line a little levity. I would like to set only this one thing straight, and I am looking at my colleagues and my friends in the corner, this morning I am voting for the Appropriations Committee's recommendations, the Appropriations Committee current services budget. I am not yet ready to go to sleep with the Governor.

The SPEAKER: Is the House ready for the question? The question before the House is the acceptance of the Report of the Conferees. A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present. All those desir-

ing a roll call, will please rise and be counted.

A sufficient number arose.

The SPEAKER: Obviously, a sufficient number have requested a roll call on the acceptance or rejection of the report of the conferees. A roll call is ordered.

The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, a parliamentary inquiry, in order for this to be accepted, am I correct in my understanding that a majority vote is sufficient?

The SPEAKER: A majority vote is sufficient for the acceptance of the report of the conferees.

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

Mr. WELLMAN: A parliamentary inquiry, if the report is accepted, what is then the procedure before the House?

The SPEAKER: The procedure is to recede from its action whereby it failed to enact the Bill and pass the Bill to be enacted which will require a two-thirds vote of the elected membership of the House.

A roll call is ordered, and the Clerk will call the roll. All those in favor of accepting the Report of the Conferees, will answer "Yes" when his name is called. All those opposed to accepting the Report of the Conferees will answer "No" when his name is called. The Clerk will call the roll.

### ROLL CALL

YEA — Albair, Anderson, Orono; Ayoob, Benson, Berry, Birt, Boissonneau, Boothby, Bourgoin, Bradeen, Bragdon, Brewer, Burns, Carter, Chapman, Childs, Choate, Cookson, Cope, Cottrell, Coulthard, Cressey, Crockett, Curtis, Davis, Drake, Dunn, Easton, Edwards, Ewer, Finley, Foster, Gifford, Gilbert, Gill, Giroux, Gustafson, Hammond, Hanson, Hardy, Harrington, Hawkes, Hendricks, Hendsbee, Henry, Hobbs, Hutchins, Jalbert, Jobin, Jones, Kent, Kilroy, Knight, Laughton, Levesque, Libby, Lincoln, Linnekin, Littlefield, Lowery, MacGregor, MacPhail, Maddox, Mathieson, McGee, Meisner, Mendes, Minsky, Mower, Norton, Oakes, Oberg, Osborn, Pierce, Plante, Prince, Harpswell; Prince,

Oakfield; Rand, Rankin, Reynolds, Richardson, Ricker, Ross, Augusta; Ross, Brownville; Sahagian, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Snow, Susi, Taylor, Thaanum, Thornton, Treworgy, Tynedale, Vaughn, Wade, Waltz, Ward, Waterman, Watkins, Welch, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Wood, Young.

NAY — Anderson, Ellsworth; Baldic, Bedard, Berman, Bernard, Binnette, Blouin, Brown, Fairfield; Bussiere, Cote, Crommett, Denbow, Dennett, Dudley, Gallant, Humphrey, Jameson, Jewel, Karkos, MacLeod, Nadeau, Pease, Philbrick, Pitts, Poirier, Roberts, Roy, Smith, Strong; Turner, Viles, Williams.

ABSENT — Brown, So. Portland; Cartier, Dostie, Lebel, Noel, O'Leary, Osgood, Rust, Tardiff, Townsend.

Yes, 109; No, 31; Absent, 10.

The SPEAKER: One hundred nine having voted in the affirmative, thirty-one having voted in the negative, with ten being absent, the report of the conferees is accepted.

Is it now the pleasure of the House to recede from failing to enact this Bill and concur with the Senate and pass the Bill to be enacted?

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

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: Even as I rose to my feet to ask for recognition, I had not decided what I was to say, and immediately prior to that, I did not know whether I should rise. I think that it is obvious to anyone in this vast hall this morning as to how the vote will be concerning the enactment of this legislation. I could not help, however, as I rose to think that I could not concur with all of the remarks made by the gentleman from Strong, Mr. Smith, with regard to an alternate program; but that I could concur with him regarding some of the matters that have been presented to the people of the State of Maine through some particular facets of our news media.

Like many of you, I have read, with some interest and perhaps a little more knowing as to what the

actual situation was, the editorials in some of our daily newspapers. It is obvious political suicide for anyone to, in any measure, attack any of those newspapers, but it seems to me that they owe a responsibility to all the citizens of Maine to accurately report facts and to base their editorial comments on those facts. Undoubtedly, what I say this morning will be misinterpreted and many people will read it in tomorrow's newspapers.

When the State of Maine respects the integrity of many of the publishing houses which I can honestly say, and you can truthfully recognize, have made obvious distortions of things that have been said on the Floor of this House and in this legislature, not only concerning the matter now before us, but concerning many other matters, when the State of Maine respects the integrity of those publishing companies by paying to them several hundreds of thousands of dollars every biennium for printing costs for the Legislature and the various departments, it seems to me that the State of Maine deserves the same in return.

Reference has been made to a group of willful men who have obstructed the legislative process by being somewhat adamant concerning the wishes or at least their belief as to the wishes of the vast majority of the people of Maine. I am one of those willful men. I accept the responsibility, if I must, because I honestly and sincerely believe that the action we are about to take this morning will not be a benefit to the State of Maine or its people generally. That if those people were given the true facts, if they were left alone by the several pressure groups, that they would respond to you and me, as legislators, in many ways to convince us of their feelings. This is a runaway wagon.

I would suggest, ladies and gentlemen of the House, that we have had presented to us at this legislative session a different approach than has been the custom or the tradition of Legislatures in the past, that we have had presented to us a very good political program. May I specifically call to your attention that from reading the budget messages of the past

ten years beginning with former Governor Cross in 1953; former Governor and now Senator Muskie in 1955-57; the late Governor Clauson in 1959; and of our own Governor Reed in 1961, from a reading of those budget messages, I have gained the impression that each Chief Executive in presenting that message based his recommendations and requests for current services on revenues that were currently anticipated. And that two years ago, our Chief Executive at that time indicated in no uncertain terms that this was his belief. He stated in his budget message at that time, with reference to a current services request for some \$119 million, "for the fiscal years 1961-1963, revenue in the amount of \$119,334,000 is predicted. I was thus limited to this figure as the total of the balanced budget." Those of you who were here during the closing hours, the closing days of that session two years ago, will recall an address by Governor John H. Reed to the 100th Legislature on June 14, 1961 in the afternoon. "As you know, I have spent much time and effort in analyzing ways and means for continuing this sound fiscal policy. My conclusions are: One, that current services and increased costs of such services be financed from current revenues."

The 100th Legislature had presented to it a current services budget of some \$119 million and a supplemental budget of some seven and one-half million. Our Governor then appeared to indicate in his budget message that the sales tax was the appropriate means of financing the supplemental budget. I compliment our Governor and his political and administrative advisors for the political acumen that they showed prior to this session. They did not rely on the necessity for supplemental or additional services to sell their tax ideas to the Legislature. Instead of \$119 million and then \$12.5 million, this time it appears that our current services budget as recommended by the Governor in his budget message is some \$143 million and yet the new and additional services account for

some \$5.4 million. The bulk therefore of the necessity for the increase in taxes, for the needs for the new tax revenue, is shown in the current services budget and not in the supplemental.

I have no doubt whatsoever in my mind that many items in our current services should be in our supplemental, and that the primary view was had in mind in drawing the budget in this fashion was to assure this time that we would pass the sales tax. You will vote today obviously to spend \$143 million, some \$13 million more than income from current revenues, and then you will be told that the only way to finance this, the only way, is from an increase in the sales tax. This is merely good business, good maneuvering, and certainly congratulations are in order.

I suggest that the Legislature approximately one week ago was in the frame of mind of accepting a watered down compromise on the budget, one that was worked out through the assistance of the various department heads or representatives of the various departments. One that would have not curtailed services to any degree. One that did cut some fat from the budget. It was not the Legislature that remained adamant. I suggest it was at the other end of the corridor. And yet, I read in the budget message, "it is both your prerogative (referring to the Legislature) and your responsibility to ultimately decide the total appropriation." That we will do here today. We have not been given that opportunity fairly to make that decision, I submit. The people of Maine have no way except through their elected representatives to voice their opinion by vote on this measure. It is an emergency enactor; it will go into effect the first day of July. There can be no referendum. The sales tax measure will be couched in terms that will prevent a referendum on that also. Something is being forced down our throats. I, for one, regardless of party, refuse to swallow it hook, line and sinker. I will admit openly that I have voted on one occasion in

this body on a roll call vote against my conviction. I shall not do so again. I intend to vote against the current services budget for the reasons that I have outlined. I would wish only that the man on the street, the employee of the business, the employer operating that business, the lady in the kitchen, the school children, would be given the true picture.

From my brief experience as a member of this House and of reading what we do here as interpreted by others, I am sure that this will not be the case. I can therefore only vote my convictions, my conscience, and at the same time have somewhat of a worry in my mind concerning what the next Legislature must do with regards to the taxes to finance all the little extensions and expansions of programs that will show up in the current services budget next time.

I am extremely confident that what I have said has influenced no one's vote here today. I am not sure whether I should have said anything I have. Whether I can be proud or not is something that perhaps the people of Maine may some day be given the opportunity to decide. When my vote is cast, I honestly and sincerely believe that it is cast in favor of a policy which we might adopt which would benefit each resident of our state, each vacationer who comes here and for whom we have a great deal of respect, for each business, yes, for everyone. Obviously, I hope that this Bill will not now be enacted, and I am sure that my thoughts and my hopes will be in vain.

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

Mr. BERRY: Mr. Speaker and Members of the House: The initial remarks of the gentleman from Wiscasset, Mr. Pease, in my opinion bear answer. I think it is reprehensible to condemn from the Floor of the House those who cannot answer. If there is one thing I have learned in two terms, it is that I have the greatest respect for the members of the

press, and I cannot sit here idly and hear this condemnation of them. Like the gentleman from Wiscasset, Mr. Pease, I have no fear of the press, one way or the other. I do, however, feel that we have seen here over the past term a very excellent analysis of the motives and actions of the 101st Legislature, and I rise to their support.

One further point of the gentleman from Wiscasset remarks and that is the nature of the budget. I think that we should observe that this budget was proposed by the Governor of the State of Maine in his capacity as Governor, regardless of his political label. The budget was then processed by the Appropriations Committee, and I would invite to the attention of the members of the House of Representatives that on this Committee are two extremely experienced and able members of the Minority Party. For both of those gentlemen, I think we all have the greatest respect. From this Committee emanated a unanimous "Ought to pass" Report, ladies and gentlemen of the House, a unanimous "Ought to pass" Report. To my mind, and I think to our thinking here, this would indicate that this is the budget for the State of Maine. It is not a political budget and it is in this spirit that I urge you to vote for its enactment.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I will be very brief. I arise to condemn no one. I do not question the motives of the vote of any man or woman in this House. I arise this morning simply to make my own position clear. I represent the Town of Kittery, the southernmost town in the State of Maine. We are very close to New Hampshire. A great portion of our business goes in that direction. Our business people, our merchants, have found it almost impossible to live with the sales tax as it now exists. An increase in the sales tax to my people spells disaster. For that reason, if no other reason, I have

stood in opposition to anything which I thought might tend to bring on a four percent sales tax, with the thought in mind that this disaster to us was imminent.

I would make one point clear this morning, and I think it is quite necessary because there has been numerous mention of pressures brought upon various members of this House. I will state as far as I am concerned, and I will state emphatically, that the leadership of this House at no time has attempted to exert any pressure upon me and neither has the front office. I vote against the current services budget with a clear conscience. I am disturbed; I do not wish to break the faith with my party but I cannot break the faith with my people, and for that reason I shall continue to vote no.

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

Mr. MacLEOD: Mr. Speaker, Members of the House: I would just like to make the comment that I know the results of this vote what it will be because we have already had one roll call. I would like to say just a few words to those thirty-one people who happen to be voting the same way that I am. I hope that none of you feel uncomfortable about being in this minority position. I frankly find it a very comfortable one. To those thirty-odd that have supported some of the motions that have been made for economy in this House and who have now changed their position, I want to assure those people that there is no bitterness or rancor or malice, at least as far as I am concerned, towards any of you because I know you all had good and sufficient reasons for changing your mind. And to those who have consistently been debating with myself and others in this House from the opposite side from the first day we came here, I say to you people, I have no bitterness or rancor or malice in my heart towards any of you.

As the gentleman from Portland put it very wisely a little while ago when he made his pitch for

an income tax, the gentleman from Portland, Mr. Cottrell, he mentioned Dorsey's theme song "I'm getting sentimental over you." Well, I would endorse that a hundred percent because I have been sentimental over this House ever since January. I have grown to love and respect the overwhelming majority of you even though we haven't always agreed.

Since no vote will be changed by any debate this morning, I would just like to say to some of the school children in the balcony, perhaps some day in the future one or two of you may be down on the floor of this House. You will be deciding the same types of issues that we are deciding here this morning. This morning this House is going to enact a budget to carry this state for the next two years, \$143,000,000. Two years ago this same House of Representatives enacted a similar document called the current services budget. This document was \$119,000,000. The \$24,000,000 difference represents what many people think is the increase in demand for services and the cost of providing those services. The thirty-one people who will probably vote against the enactment of this bill feel that this \$24,000,000 is too much of an increase for the State of Maine to pay for, and that is why we are going to vote against this this morning. I personally feel that no government whether it be local, state or federal has ever spent itself into prosperity and no government ever will. I also feel that no government whether it be local, state or federal has ever taxed itself into prosperity, and no government ever will. Thank you.

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

Mr. PEASE: Mr. Speaker, perhaps in somewhat of a lighter vein to lighten the tension which has grown, I would like first to indicate that I did not arise to claim the privilege at having my remarks called reprehensible. Secondly, I note that we are about to have a thunderstorm outside.

We should all know on whose side He is.

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

Mr. ANDERSON: Mr. Speaker, when the vote is taken I request it be taken by the "yeas" and "nays."

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

Mr. AYOOB: Mr. Speaker, Ladies and Gentlemen: I have been here now for about four and half months. I have sat quietly and peacefully. I have tended to my knitting. I haven't been adopted by any party. I came here as an Independent, but I wouldn't want to leave here without extending my congratulations to the efficiency group. I do not call them the economy group; I call them the efficiency group. I think they tried, they worked hard and diligently for what they thought was good, and I would like to place this as a recommendation that it wouldn't be too bad an idea if some of these men had the opportunity in the next two years in bringing in to this Legislature a program for their consideration.

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

Mr. LEVESQUE: Mr. Speaker, a point of inquiry Mr. Speaker.

The SPEAKER: The gentleman may state his inquiry.

Mr. LEVESQUE: Mr. Speaker, would this be the proper time to present an amendment or would it have to wait until the second reading?

The SPEAKER: This is ready for an enactment. We would have to reconsider and back up prior to engrossing.

Mr. LEVESQUE: Thank you Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of this House: I had an amendment prepared for the current services budget which I had planned to offer to the members of this House, it's filing—for those of you that have not seen it, it's filing 370, for the purpose of changing the present system in the Education Department of our state now to change

the teachers colleges position that they are now faced. I will not offer this amendment for the simple reason that it has no chance and as I look at the budget today, as I have looked through the whole system since January, it's pretty well all cut and dried by now.

I voted on different occasions for what I felt was my true position on this bill. I have watched in this hall of this House of Representatives different measures presented that is going to put the 119th and 120th Legislatures in the same position that we are today, committed to do something not because of their true feelings but because of the law requires that you do a certain thing.

The people are very much dedicated to the education of the people of their state and its children. We are voting for a 143.7 million dollar budget to carry on the business of this state for the next two years. I see not only in this budget some areas that they are going to be committed to ten and twenty years from now because of actions taken by this Legislature, because of in certain parts of the state there's no service by a highway and when the most expensive part of that highway comes into being, they will give it back to the state, taking it away from the Authority that it now runs under. I have seen many, many of the bills that have gone through this Legislature that the people of the State of Maine are not going to pay for now, but will become into being fifteen or twenty years from now. I have seen some county budgets that have been padded for the simple reason that the county budget in my estimation is just a duplication of a lot of the things that are now going on in our state, and yet, in my own opinion, have got no business in our state. It could very well be done by the same departments that we now have at a fantastic expense to the state government. These budgets, as far as counties are concerned, are being used solely in my estimation for political expediencies as far as the system is concerned.

This brings me to this Australian gentleman of a few years ago

that had never gone to school, had never attended classes, but he had perfected a machine called a 'boomerang.' This machine was so precise that he could command it to do almost everything that he wanted it to do. Until a few years have passed where college people have come out of college, and being able to design a machine that produces at a fantastic rate of speed with almost the same accuracy as the oldtimer had perfected his boomerang, this college student comes out and he tells the old gentleman, I have got knowledge of education and I can perfect this machine that you are now operating and produce it ten times more efficient than you have yours. It has taken you years to perfect yours, and I can give you a boomerang that will do the same thing and will take relatively short time to produce. So he says, I would like to sell you this boomerang for just a few pennies for you to try. So the old gentleman figured, well, it is never too late to learn, so he tried the boomerang and as he was told by the educated person from Australia, the boomerang worked perfectly. As a matter of fact, it worked so perfectly that he took his old one and he told his friend, now I need no more of my old boomerang, so I will have to discard it. The old gentleman, after six months of trying to get rid of his old boomerang, died of exhaustion. I thank you.

The SPEAKER: The Chair would interrupt for a moment to recognize in the balcony of the House, fifty-nine students from grades five, six and seven of the Arundel Consolidated School, accompanied by Mr. Andrews, Mrs. Edwards and Mrs. Garrett. These are the guests of Representative Hobbs of Alfred.

Also forty-eight students from the Junior High School of Fryeburg, accompanied by their teacher, Mr. Doughty and parents of the students. These are the guests of Representative Dunn of Denmark.

On behalf of the House, the Chair extends to you young people a warm welcome. We trust

that you will enjoy your visit with us here this morning. (Applause)

The SPEAKER: Is the House ready for the question? A roll call has been requested. For the Chair to order a roll call vote on this matter, it must have the expressed desire of one-fifth of the membership present. All those desiring 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. All of those in favor of receding and concurring in passing to be enacted this Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965," Senate Paper 549, L. D. 1481, will answer "Yes" when his name is called. All of those who are opposed to the enactment of this Bill, will answer "No" when his name is called. The Clerk will call the roll.

### ROLL CALL

YEA—Albair, Anderson, Orono; Ayoob, Benson, Berry, Birt, Boissonneau, Boothby, Bourgoin, Braeden, Bragdon, Brewer, Brown, So. Portland; Burns, Carter, Chapman, Childs, Choate, Cookson, Cope, Cottrell, Coulthard, Cressey, Crockett, Curtis, Davis, Drake, Dunn, Easton, Edwards, Ewer, Finley, Foster, Gifford, Gilbert, Gill, Giroux, Gustafson, Hammond, Hanson, Hardy, Harrington, Hawkes, Hendricks, Hendsbee, Henry, Hobbs, Hutchins, Jalbert, Jobin, Jones, Kent, Kilroy, Knight, Levesque, Libby, Lincoln, Linnekin, Littlefield, Lowery, MacGregor, MacPhail, Maddox, Mathieson, McGee, Meisner, Mendes, Minsky, Mower, Norton, Oakes, Oberg, Osborn, Pierce, Plante, Prince, Harpswell; Prince, Oakfield; Rand, Rankin, Reynolds, Richardson, Ricker, Ross, Augusta; Ross, Brownville; Sahagian, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Snow, Susi, Tay-

lor, Thaanum, Thornton, Treworgy, Tyndale, Vaughn, Wade, Waltz, Ward, Waterman, Watkins, Welch, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Wood, Young. **SPEAKER.**

**NAY** — Anderson, Ellsworth; Baldic, Bedard, Berman, Bernard, Binnette, Blouin, Brown, Fairfield; Bussiere, Cote, Crommett, Denbow, Dennett, Dudley, Gallant, Humphrey, Jameson, Jewell, Karkos, Laughton, MacLeod, Osgood, Pease, Philbrick, Pitts, Poirier, Roberts, Roy, Smith, Strong; Turner, Viles, Williams.

**ABSENT**—Cartier, Dostie, Lebel, Nadeau, Noel, O'Leary, Rust, Tardiff, Townsend.

Yes, 110; No, 32; Absent, 9.

The **SPEAKER**: One hundred ten having voted in the affirmative, thirty-two having voted in the negative with nine being absent, the Bill is passed to be enacted. It will be signed by the Speaker and sent to the Senate.

#### Tabled and Assigned

Mr. Knight of Rockland presented the following Order and moved its passage:

**WHEREAS**, it appears to the House of Representatives of the One Hundred and First Legislature that the following are important questions of law and that the occasion is a solemn one; and

**WHEREAS**, there is pending before the House the enclosed Bill entitled "AN ACT Relating to Operating Business on Sunday and Certain Holidays" (H. P. 930) (L. D. 1364), as amended by Senate Amendment "A" (S. "A" S-240); and

**WHEREAS**, the Constitutionality of said Bill has been questioned; and

**WHEREAS**, it is important that the Legislature be informed as to the constitutionality of said Bill; now, therefore, be it

**ORDERED**, That the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House, according to the provisions of the Constitution

on this behalf, their opinion on the following questions, to wit:

**Question 1.** Is a classification based on the size of a store as set forth in "An Act Relating to Operating Business on Sunday and Certain Holidays" constitutional?

**Question 2.** Is a classification based on the number of employees as set forth in "An Act Relating to Operating Business on Sunday and Certain Holidays" constitutional?

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

Mr. **KNIGHT**: Mr. Speaker, I now move that this lie upon the table and be reproduced according to the rules and be specially assigned for tomorrow.

The **SPEAKER**: The gentleman from Rockland, Mr. Knight, moves that this lie on the table and be reproduced, pending acceptance of the Order, and be specially assigned for tomorrow.

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

Mr. **BERRY**: May I direct a parliamentary inquiry to the Chair?

The **SPEAKER**: The gentleman may state his point.

Mr. **BERRY**: If the rules were suspended and this could be sent forthwith, we might save one legislative day in our proceedings.

The **SPEAKER**: Is it the pleasure of the House that this Order be tabled, reproduced and specially assigned for tomorrow, pending passage? All those in favor will say aye; those opposed, no.

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

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

Mr. **BERRY**: Mr. Speaker, would I be in order to move the suspension of the rules now for the passage of this Order?

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

Mr. **JALBERT**: Mr. Speaker, would I be in order to ask for a division on the motion to table?



The SPEAKER: Does the gentleman request a division on the tabling motion?

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

Mr. WELLMAN: Mr. Speaker, I move we recess until 1:45 this afternoon.

Thereupon, the House voted to recess until 1:45 this afternoon.

---

**After Recess**  
1:45 P.M.

---

The House was called to order by the Speaker.

On motion of Mr. Tyndale of Kennebunkport, it was

ORDERED, that Randall Scott Cook, Jeffrey Cook and Allison Cook, of Belgrade, be appointed to serve as Honorary Pages for today.

Whereupon, the Sergeant-at-Arms conducted the Honorary Pages to the well of the Hall of the House amid applause.

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

Mr. TYNDALE: These lovely young pages are the grandsons and the granddaughter of our distinguished Representative from Belgrade, Mr. Herman Sahagian. (Applause)

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

Mr. JALBERT: Mr. Speaker, I wish to withdraw my motion for a division on the Knight Order and now move for a roll call.

The SPEAKER: Business having transpired since this action was taken, the gentleman is not in order.

On motion of Mr. Wellman of Bangor, by unanimous consent, Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscals Years Ending June 30, 1964 and June 30, 1965" S. P. 549, L. D. 1481, which was passed to be enacted in the House earlier in today's session, was sent forthwith to the Senate.

The SPEAKER: The House is proceeding under Orders.

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

Mrs. HENDRICKS: Mr. Speaker, I would inquire if the House is in possession of L. D. 527 "An Act relating to Transfer of Certain Land to the State by the City of Portland."

The SPEAKER: For the information of the gentleman from Portland, Mrs. Hendricks, the paper is in the possession of the House.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I now move that we reconsider our action whereby this matter was indefinitely postponed and I would ask the gentleman from Portland, Mr. Libby, to speak on this.

The SPEAKER: The gentleman from Portland, Mrs. Hendricks, moves that the House reconsider its action whereby it indefinitely postponed both reports and the bill.

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

Mr. DENNETT: Mr. Speaker, Members of the House: I arise in opposition to the motion to reconsider our action of this morning where this bill was indefinitely postponed. This bill came out of the Committee on State Government with a six to four "Ought not to pass" Report.

Now from the evidence which was presented to this Committee on State Government, and I will further add that due to the printing of the notice of the hearing apparently many of the opponents became confused and did not realize that this bill was the one which they sought to oppose, and consequently did not put in an appearance. All those who appeared were for the bill, but now to get back to the evidence which was presented. They want, and I speak now of the City of Portland, for the State of Maine to take over the Portland Airport. They will sell it to the State for a dollar.

Well, on the face of things, this might seem like a pretty good investment, but unfortunately it will probably cost the State of Maine \$5,000,000 plus if they ever come to own it. It has been a white elephant for the City of Portland apparently for a great many years.

They want to get rid of it. I don't blame them. If I had it, I would want to get rid of it too. But, I don't think that this dead horse should fall upon and become a burden upon the people of the State of Maine.

Now I think, and again I am quoting from the evidence which was presented, that if the air service to Portland might be improved, there might be even a slight value here, but the parade of witnesses which appeared before this committee, none of them could give any positive assurance that air service in and out of Portland could be improved because there simply was not business enough in Portland to support it. So the net result is that all I can see that we would get is a white elephant, that Portland would be tickled to death to get rid of, and it would be a burden on the people of the State of Maine for many, many years to come, and for that reason I oppose the motion to reconsider this bill.

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

Mr. BERRY: Mr. Speaker and Members of the House: As the lone signer on the part of the House of the Minority "Ought to pass" Report, I should like to explain my position in this matter.

There was a parade of witnesses before this committee at the hearing from the business community of greater Portland who very clearly set forth the important part that the Portland Airport plays not only in the greater Portland economy, but in the Maine economy; and I think that we must keep this in mind, that we are not just discussing Portland's problem, but we are certainly discussing Maine's problem, and the main airport as the entrance into Maine is the Portland Airport, and for that reason I supported the Minority Report.

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

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the signers of the Majority "Ought not to

pass" Report and I would just like to explain to you my position in the matter of these airports.

It has been said that it would cost the State of Maine, and I believe it is right, many millions of dollars if we take over these airports, and what bothers me mostly is the fact that who is going to pay these millions of dollars. Now if we take over something of this kind, then the state is obligated to maintain it and improve it and what have you; but to me, the average person using these planes, they are very few. They are not common, ordinary every-day persons like you and I, but the people that are going to pay this \$4,000,000 or \$5,000,000 are going to be the average person on the street that doesn't use planes. I am not against planes, I am not against air travel, but how many of us use air travel? How many people in the State of Maine use a plane to go to Boston or to New York or to Chicago? That is what bothers me in the matter of these airports, that I don't think the state should take over too many of these airports and have to foot the bill from general taxation, from sales taxes and what have you, from the ordinary person on the street. And that was my reason for signing the "Ought not to pass" Report. I don't think, inasmuch as the airports and the airplanes are not serving a great majority of the people of the State of Maine. I don't know why a great majority of the people of the State of Maine should have to pay for them, and that was my position in signing the "Ought not to pass" Report.

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

Mr. LIBBY: Mr. Speaker, Ladies and Gentlemen of the House: The Portland Municipal Airport is a "going concern"—it is self-supporting on an operating basis. Operating revenues in 1961 and 1962 totaled almost \$119,000, while operating expenses totaled a little over \$94,000 leaving an operating profit of almost \$25,000. In each year for the last six years

income has exceeded expenditures.

The city does not ask and the bill does not require the state to assume all or any part of the city's presently outstanding indebtedness incurred for the construction and improvement of the airport.

Why, then, does the City of Portland wish to convey its airport to the state? There are several reasons. First, we concur in the conclusion of several study commissions and independent surveys that the state, through its Aeronautics Commission, is best able to secure the development of an integrated air transportation system necessary to serve the aviation needs of the entire state.

Second, the state now operates the State of Maine Airport in Augusta. There are many advantages to consolidated development and operation of major airports in Maine: planned development and expansion on a state-wide priority basis to meet new needs of the flying public and general aviation; focal-point liaison with the Federal Aviation Agency and the Civil Aeronautics Board; economies of design and construction of airport improvements; and improved management under a qualified and experienced airport administrative team.

Third, the Portland Municipal Airport is now and undoubtedly will remain the leading airport in the state. It is the "Air Gateway to Maine" and is the key to the quality of air service throughout the remainder of the state.

The Portland Municipal Airport is a vital link in a system of all-weather airports which will serve the entire State of Maine, an area which is larger than all the rest of New England put together. It is obvious, then, that if the entire state is to be provided good air transportation, the burden of providing airport facilities should not be loaded onto any one or several cities.

Fourth, the Portland Municipal Airport serves directly the six southwestern counties, from the tourist centers of Old Orchard

Beach and the Kennebunks, to the industrial communities of Saco, Biddeford, Sanford and Bath, to our lake areas and ski resorts. This being so, the City of Portland does not feel that its citizens alone should continue to pay for improvements and expansions which are needed now and in the future. After a consideration of the alternatives, we have concluded that there is no practical means available to secure an equitable sharing of these costs short of state ownership.

Most of the needed improvements are eligible for 50 percent federal participation in the cost of construction, except terminal building and hangars. The state now pays 25 percent and the city pays 25 percent. Under state ownership, the state would pay that portion of the cost now borne entirely by the city.

Fifth, the facilities at the Portland Municipal Airport are not adequate for present needs. The Maine Aeronautics Commission and the Federal Aviation Agency have developed a master plan of airport improvements outlining added loading aprons and aircraft parking space, taxiway improvements, and a new terminal building. Runway extensions and additional hangars and aircraft parking areas may be needed in the more distant future.

The Portland City Council has adopted the policy that the City of Portland will not finance its share of the cost of these improvements. Consequently, needed improvements have not and are not being made. Over the years since 1934, the city has made a sizable investment in the airport, an amount which may well be comparable with the total local investments in all the other airports in the state. Portland's investment is almost 40 percent more than the total of the state funds spent at the airport. We think the taxpayers of Portland have more than done their share.

Sixth, responsible representatives of the Federal Aviation Agency have stated that the fed-

eral government considers the Portland Municipal Airport properly located in its area of service and no federal funds would be allocated for the construction of another airport to serve the greater Portland area. Certainly, the Federal Aviation Agency will not relinquish its large investment in the Portland Municipal Airport and spend additional federal monies to duplicate a facility which they consider adequate and readily capable of expansion as needed.

Seventh, the communities in the Portland metropolitan area have considered the advantages to their citizens resulting from state ownership of the Portland Municipal Airport and are supporting this proposal. Among others, we have letters reporting official action in support from the City of South Portland, Cape Elizabeth and Cumberland.

In conclusion, the City of Portland offers the people of Maine the state's most active and important civil airport, which cost approximately \$4 million to build and equip and would cost an estimated \$7,000,000 to replace today, for one dollar. The city asks only that the state continue to operate the airport on a self-supporting basis and consider the need for improvements, when needed, to serve the best interests of the citizens of Maine.

Ladies and gentlemen, I hope that you will vote for this reconsideration. Thank you.

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

Mr. EWER: Mr. Speaker, may I ask a question from the gentleman from Portland, Mr. Libby, on the ninth page of L. D. 527 at the bottom of the page, speaking of the State of Maine, it says "it," meaning the State of Maine, "does hereby assume all of the obligations of the City of Portland, under the Resolutions adopted by the City Council and under the Grant Agreements between said City and the United States of America, acting through the Administrator of Civil Aeronautics"

and so on, and on page eleven, paragraph number five "it" again refers to the State of Maine "will not suffer or permit any strip or waste of the premises and appurtenances herein conveyed, reasonable wear and tear excepted" and so on and maintain them in condition. Now if this doesn't obligate the State of Maine to spend some money in Portland and take over the obligations of the City of Portland, then it seems to me that — well I know I'm showing my age, but I didn't think I had forgotten how to read.

I have never been in favor of subsidies of airplanes. I think we've been sold a bill of goods both nationally, statewide and citywide on subsidies, and therefore I am very happy to join with my friend from Kittery, Mr. Dennett, in his opposition to this reconsideration.

The SPEAKER: Does the gentleman from Bangor, Mr. Ewer, pose a question or was he debating the bill? The gentleman from Bangor poses a question through the Chair to the gentleman from Portland, Mr. Libby, who may answer if he chooses.

Mr. LIBBY: Mr. Speaker, as I have said here in my report, it is the intention that the obligations that the City of Portland now has outstanding against this airport, the city will continue to assume those obligations, and will not pass on any indebtedness to the state. When the state receives this airport it will be free and clear of all indebtedness and for purposes of transfer the charge of one dollar will be made. Does that answer your question Mr. Ewer?

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

Mr. EWER: Mr. Speaker, I don't think that it does. This bottom paragraph on page nine says that "it" meaning the State of Maine does hereby assume all the obligations of the City of Portland. Now does that mean what it says or doesn't it?

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

Mr. LIBBY: Mr. Speaker, I can assure you that it is the purpose and intent of the City of Portland, if this should pass, that no indebtedness will go along with this airport. It will be free and clear. I can assure you of that, that has already been stated so in the city council, by the city council, and regardless of what it says here in the bill as far as the phraseology is concerned that will be the case. The airport will be free and clear as far as our indebtedness is concerned.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I think it's time we dug out our heavy artillery and killed off some of these white elephants. I heartily concur with the gentleman from Kittery, Mr. Dennett, that we should kill this white elephant good and dead.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was one of those mentioned in a newspaper article as not having—as a known opponent of this measure, not having attended the hearing. Now, I think I had a lot of company because I didn't even know that the bill was coming up before the committee in the first place.

Now the gentleman from Portland, Mr. Libby, said in his opening remarks that the Portland Airport is a going concern, and I never knew anybody that would want to sell a going concern for a dollar. Of course, it may be free and clear, but we also inherit the bad buildings; we also inherit the runways; we inherit everything that goes with it. Now it must be, if anyone would care to, I didn't know this was going to come up again today; it went under the hammer when I made a motion this morning to indefinitely postpone the report and the papers, or I would have brought you a ream of editorials in the Portland Press Herald that stated time after time if the school for boys does not go, the Portland

Airport must go, and it's significant that since the decision has been made that the Boy's Training Center will stay where it is, that there have been no other articles along that line. I think that many years ago we did pretty well by Portland, we bought another one of their white elephants, the Stevens Armory, it has cost us nearly a million dollars since. I think for a little while our good neighbors could well rest on their laurels.

The SPEAKER: Is the House ready for the question?

Mr. COPE of Portland requested a division.

The SPEAKER: A division has been requested.

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

Mr. COTTRELL: Mr. Speaker, I don't know whether I can clarify the word in the bill "obligations" but as I understand it, it has nothing to do with financial obligations that the City of Portland has in this matter. It simply means that the state in taking it over would live up to the obligations that the City of Portland has with the Federal Government, not financial obligations.

The SPEAKER: Is the House ready for the question? A division has been requested. All those in favor of the motion to reconsider the action of the House this morning whereby Bill "An Act relating to Transfer of Certain Land to the State by the City of Portland" L. D. 527 was indefinitely postponed will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-seven having voted in the affirmative and ninety having voted in the negative, the motion to reconsider did not prevail.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Loans by Washington County" (S. P. 592) (L. D. 1556) the Speaker appointed the following Conferees on the part of the House:

Messrs. SNOW of Jonesboro  
 MacGREGOR of Eastport  
 YOUNG of Gouldsboro

### House Reports of Committees Ought Not to Pass

Mr. Levesque from the Committee on Education reported "Ought not to pass" on Bill "An Act to Validate the Bond Issue Vote in School Administrative District No. 3 and to Authorize the Board of School Directors to Enter a Lease Agreement with the Maine School Building Authority" (H. P. 436) (L. D. 641)

Report was read and accepted and sent up for concurrence.

Mr. Waterman from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Exempting Sales of Malt Liquor from the Sales Tax" (H. P. 690) (L. D. 946)

Report was read.

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

Mr. BREWER: Mr. Speaker, I would like permission to table this for two legislative days until Monday, May 27.

The SPEAKER: The gentleman from Bath, Mr. Brewer, moves this matter be tabled pending acceptance of the Committee Report and specially assigned for Monday, May 27. Is this the pleasure of the House?

(Cries of "No")

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

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

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

### Ought to Pass with Committee Amendment

Mr. Pease from the Committee on Judiciary on Bill "An Act relating to Boundaries of Western, Eastern and Central Aroostook District Court Divisions" (H. P. 814) (L. D. 1201) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 814, L. D. 1201, Bill, "An Act Relating to Boundaries of West-

ern, Eastern and Central Aroostook District Court Divisions."

Amend said Bill by striking out all of the 2nd line of that part designated subsection V and inserting in place thereof the following underline line: **'ities and unorganized territory known as Blaine, TD R2, T9 R3, T9 R4, T9 R5, Oxbow, T9 R7, T9 R8,**

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

Mr. Smith from the Committee on Judiciary on Bill "An Act to Promote Merchandising of Maine Sardines and Increasing Number for Quorum of Maine Sardine Council" (H. P. 817) (L. D. 1204) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 817, L. D. 1204, Bill, "An Act to Promote Merchandising of Maine Sardines and Increasing Number for Quorum of Maine Sardine Council".

Amend said Bill in the title by striking out the words "and Increasing Number for Quorum of Maine Sardine Council"

Further amend said Bill by striking out the headnote of the Emergency preamble and inserting in place thereof the underlined word **'Preamble.'**

Further amend said Bill in the last line of the 8th paragraph of the Emergency preamble by striking out the punctuation and word ";and" and inserting in place thereof a period.

Further amend said Bill by striking out the last 3 paragraphs of the Emergency preamble.

Further amend said Bill by striking out in section 2 the figures "\$125,000" and inserting in place thereof the figures '\$100,000'

Further amend said Bill in section 2 by striking out the words and figures "June 1st to May 31st" and inserting in place thereof the words and figures **'September 1st to August 31st'**

Further amend said Bill in section 2 by adding at the end the following sentences:

'The cost of inventory on hand at any one time shall not exceed \$50,000. No purchase of sardines shall be made which would reduce the fund in the hands of the Treasurer of State from excise taxes collected under the Revised Statutes, chapter 16, sections 260 to 269 to a sum less than \$150,000, and in the event that the aforesaid sum is reduced to an amount less than \$150,000, then purchase of sardines by the council under this program shall be suspended until such time as the funds exceeds that amount.'

Further amend said Bill in section 3 by striking out the word and figure "October 1" and inserting in place thereof the word and figure 'December 1'

Further amend said Bill by striking out all of section 4.

Further amend said Bill by striking out the emergency clause.

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

Mr. Thornton from the Committee on Judiciary on Bill "An Act relating to Fees of Arresting Officers for Warrants" (H.P. 655) (L. D. 911) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

**COMMITTEE AMENDMENT "A" to H.P. 655, L.D. 911, Bill, "An Act Relating to Fees of Arresting Officers for Warrants."**

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

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

"As arresting officers, or aides, or witnesses in any criminal case, they shall be entitled limited to the same fees as any sheriff or deputy complainants under chapter 146, section 21-A.'

**Sec. 2. R. S., c. 89, § 150, sub-§ XII, amended.** Subsection XII of

section 150 of chapter 89 of the Revised Statutes is amended to read as follows:

'**XII. Warrant: mittimus.** For the service of a warrant, the officer is entitled to \$2 and \$2 for the service of a mittimus to commit a person to jail and usual travel, with except as limited by chapter 146, section 21-A, and his reasonable expenses incurred in the conveyance of such prisoner.'

**Sec. 3. R. S., c. 146, § 21, amended.** The headnote of section 21 of chapter 146 of the Revised Statutes is repealed and the following enacted in place thereof: '**Costs and fees for complainants.**'

**Sec. 4. R. S., c. 146, § 21-A, additional.** Chapter 146 of the Revised Statutes is amended by adding a new section 21-A, to read as follows:

'**Sec. 21-A. Limitation of costs and fees in criminal cases.** No complainant or witness shall be allowed fees, travel and attendance in a criminal case for more than one complaint on any one day when there are other complaints against the same respondent arising out of the same transaction before any judicial tribunal.'

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

**Passed to Be Engrossed  
Third Reader Amended**

Bill "An Act relating to Weight of Commercial Vehicles" (H.P. 866) (L. D. 1253)

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

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

Mr. GIFFORD: Mr. Speaker, I present House Amendment "A" to House Paper 866, L.D. 1253, reproduced and distributed under Filing number H-373, and move its adoption.

The SPEAKER: The gentleman from Manchester, Mr. Gifford, offers House Amendment "A" and move its adoption.

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

HOUSE AMENDMENT "A" to H.P. 866, L.D. 1253, Bill, "An Act Relating to Weight of Commercial Vehicles."

Amend said Bill by striking out in the 13th line of section 2 the underlined figure "60,750" and inserting in place thereof the underlined figure "51,800"; and by striking out in the 15th line the underlined figure "72,000" and inserting in place thereof the underlined figure "66,400"; and by striking out in the 13th line the underlined words "or more"

Further amend said Bill by striking out in the last line the underlined figure "70,550" and inserting in place thereof the underlined figure "70,551"

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

The motion prevailed.

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

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 1253, Bill, "An Act relating to Weight of Commercial Vehicles," had its hearing before the Highway Committee, with a large attendance, many of whom expressed their views on the bill. It was well supported by spokesmen of the Transportation Committee of the Maine State Chamber of Commerce, the Maine Petroleum Association, the Maine Truck Owners Association, the Maine Oil & Heating Equipment Dealers Association, and by a number of representatives of individual business concerns in various industrial, commercial, and transportation fields. No representative of the Highway Department appeared to speak either for or against the bill, so it may be assumed that the Highway Commission has no objection to it. The sole voice of opposition was that of a representative of the railroads. And it now comes before you with the majority of the House committee members, five out of seven, reporting that it "Ought to pass."

L.D. 1253 proposes primarily to increase the statutory weight limit for five-axle trucks from 70,550

pounds to 73,280 pounds, an increase of 2,730 pounds, just under four percent, and to establish for the 73,280 pounds a registration fee of \$600 per year, an increase of just over ten percent. 73,280 is the limit on five-axes prescribed by the Federal Highway Act of 1956, and I have in my possession a letter from Mr. Rex Whitton, Federal Highway Administrator, stating in very clear language that L.D. 1253, if enacted, would in every respect be compatible with that federal statute. It is the weight limit which was proposed two years ago to the 100th Legislature, and which by some odd quirk of fate, was reduced in the legislative process to the 70,550 pound oddity of the present law. And it is the limit which is very rapidly becoming the standard in the United States, fourteen states having adopted it since 1956, except in those eighteen states having even higher limit predating the Federal Highway Act.

Only nine states, including Maine, have five-axle limits of less than 72,000 pounds and five of those nine states now have proposals before their legislatures to increase to the maximum allowed by Federal Statute. Massachusetts, for example, now has 73,280; and in New Hampshire 73,280, with the support of the executive branch, has passed the House and is reported to be in the enactment stage in the Senate. Enactment of L.D. 1253 will, then, insure that the State of Maine will have weight limits and, consequently, trucking costs, competitive with those of our neighboring states and with those of a fair share of the fifty United States.

I would point out to you ladies and gentlemen that for the State of Maine, situated as it is in the northeast corner of the nation, trucking costs are of vital importance. Much of the material and supplies that our belabored industries use, the products that our commercial establishments purchase to resell, and the goods that our consumers require in their daily lives, come to them in trucks. For I would remind you that nearly three hundred of our Maine communities, including



such industrial centers as the Town of Sanford, have no alternative freight transportation; and the exigencies of modern life frequently require, even where alternatives exist, the door-to-door service which only trucks can provide.

The State of Maine cannot afford, with its economy fighting for its very survival, less than competitive weight limits. Particularly, I would suggest for your consideration the very peculiar situation in which Maine would find itself with its neighboring states at 73,280, were it to stay at the present 70,550. Trucks originating in Maine, carrying Maine products to market, could not carry the load permitted in New Hampshire and Massachusetts, and products coming from those states into Maine, for Maine industry or to the Maine consumer, could be loaded in those states only to the limit permitted by Maine law. All truck transportation affecting Maine people and Maine industry, intrastate or interstate, would be adversely affected.

I would say to you this afternoon, ladies and gentlemen, the people of the State of Maine cannot afford the luxury, if you will, of anything less than competitive weight limits. I would strongly urge your favorable consideration of this bill. I would now move that L. D. 1253 be passed to be engrossed, and when the vote is taken I shall abstain from voting for reasons of private interest.

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

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: It has been my pleasure for four and one-half months to be consistently on the losing side, so I would not want to break my record today. I know this bill will pass this House. I know the lobbying has been done well and effectively. I would, however, like to point out to you people a few facts about this bill and previous legislation.

In 1957, the weight limit on our highways was 60,000 pounds; in 1961, this was raised to 70,550, a figure that the gentleman from

Manchester mentioned. This bill calls for increasing this limit to 73,280 pounds, which is the federal interstate highway limit. I think we all can assume that the way that the federal interstate highway is constructed that probably these weight limits are not too much for those types of roads. But I do suggest that here in Maine we have many roads that cannot take these types of weights because many of our secondary roads are not constructed with anywheres near the gravel and the blacktop, and so forth, that the interstate highway is constructed.

This bill came out of committee five to five, an even report, five "ought to pass" and five "ought not to pass." Let us examine some of the weight changes down in the lower categories as compared with the present law. Five-axle vehicles, under the old law — here's one that's got 20 feet separations between the axles; the old law 53,000 pounds, the new law 60,000 pounds. That is a three and a half ton increase. Here is another category. The old law, 51,100 pounds in five-axes; under the new law 59,125 pounds. That is four ton. You read some of these categories down in the middle part of the bill on page two, and there are a lot bigger differences and changes than there are at the extreme end.

I suggest that where I come from, if you go from Bangor to Ellsworth or Bangor to Bucksport, or Bangor to Charleston, or Bangor to Old Town and any other way you want to go and the highways that we have up in our area, I don't think it takes 73,000 pounds.

This Legislature has had legislation before it concerning trucks to increase the length, to increase the width, to increase the height, and I think as far as I know all those bills have passed. We have also had a bill to prohibit or take away the penalty if an axle is overloaded. All the man has to do is shift his load. There is a serious question in my mind and in the minds of some people that made a study a couple of years ago as to whether the trucks are paying anywhere near their fair share.

They use the highways, about forty per cent of the total traffic is in trucks, and they pay approximately five per cent of the total income. We passed a bill last week to be enacted of \$69 million for our highways in the next two years. I say to you people here in the House, that if this bill was enacted into law, that \$69 million will not be enough to maintain our highways in a driveable condition. I therefore move that this Bill be indefinitely postponed.

The SPEAKER: The question before the House now is the motion of the gentleman from Brewer, Mr. MacLeod, that item one, Bill "An Act relating to Weight of Commercial Vehicles," and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker and Members of this House: On a five axle truck, there are eighteen wheels, that is eighteen tires, and to increase that weight for 2,730 pounds will put approximately 150 pounds on a tire, which doesn't in itself seem like too big a load. I suggest to you that we have all followed trucks, we have all seen these trucks and most of us don't particularly like to follow these trucks or see them; but I suggest to you that when you see a semi going down the road that you consider that that truck has Maine plates, that within a year as near as I can determine that truck, that one individual truck, puts into this state between five and six thousand dollars per truck. Do you realize that that truck will go approximately four miles on a gallon of gas, and this State of Maine gets seven cents on every one of those gallons.

The SPEAKER: Is the House ready for the question?

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, do I understand that these large trucks that we are discussing here today drive with an engine that is fired by gasoline? It was my opinion—my idea rather—information that they

moved under diesel fuel. I would like to ask a question through the Chair if I may, do they use diesel fuel or gasoline?

The SPEAKER: The gentleman from Skowhegan, Mr. Wade, poses a question through the Chair to any member who may answer if he chooses.

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

Mr. GIFFORD: Mr. Speaker, many of these big trucks are diesel trucks and many of them are gasoline trucks. I could not say what percentage burns either fuel. However, as far as the tax is concerned, the trucker pays the tax on the fuel regardless of whether it is diesel or gasoline, so that if the question here is one of revenue to the state, the state has no particular advantage in seeing them fueled by either of the two liquids.

The SPEAKER: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I beg leave to not vote because of interest under Rule 22.

The SPEAKER: The gentleman from Winterport, Mr. Easton, begs to be excused because of personal interest. Is that the pleasure of the House?

The gentleman was excused from voting.

The SPEAKER: All those in favor of the motion to indefinitely postpone Bill "An Act relating to Weight of Commercial Vehicles," L. D. 1253 will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

Resolve in favor of Lloyd Talbot of Portland (S. P. 205) L. D. 515)

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

**Amended Bills**

Bill "An Act relating to Age in Criminal Offenses" (S. P. 79) (L. D. 187)

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

Bill "An Act relating to Expending Aroostook County Funds for Renovating the Terminal at Presque Isle Municipal Airport" (S. P. 194) (L. D. 493)

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

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

Mr. WILLIAMS: Mr. Speaker and Members: This item 4 has been sort of delayed in its passage, being a long while on the table. Matter of fact, the terminal is all renovated and the funds are in the Aroostook County budget, but it carries an emergency clause which I can see no use for. Therefore, I would like to present House Amendment "A" to L. D. 493 under the filing H-383 which removes the emergency clause, and I would move for its passage.

Thereupon, House Amendment "A" was read by the Clerk as follows:  
HOUSE AMENDMENT "A" to S. P. 194, L. D. 493, Bill, "An Act Relating to Expending Aroostook County Funds for Renovating the Terminal at Presque Isle Municipal Airport."

Amend said Bill by striking out all the emergency preamble and the emergency clause.

House Amendment "A" was adopted in non-concurrence.

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

Mr. BERMAN: Mr. Speaker and Members of the House: This is I suggest another white elephant airport bill. I am really somewhat surprised that this bill has gotten as far as it has since it concerns our county, which has really been having a hard time financially.

As I understand it, all the facts may not have been known when this bill was before the committee. Now I say very frankly that all the

facts weren't known to me when I appeared before the Committee on this bill. As I now understand it, this renovation involved a cost of \$39,000 and Presque Isle was to pay half of the \$39,000 and one of the County Commissioners who also comes from that fair city was to urge the taxpayers to pick up the tab for the other half, namely the \$19,500 which is mentioned in the bill. Well, the Presque Isle people came down here to Augusta and saw the Governor and Council, and got half the money from the combined State of Maine and Federal funds; so you see if this bill goes through today the Presque Isle people will be having the taxpayers pick up the full tab, not just the half tab as I understand it.

Now to put it very mildly, I suggest this is not right. I say this is really wrong. Presque Isle should pay its own bills or at least half of the bill which it said, as I understand it, that it would pay for renovating this airport. Now as I understand it, these renovations were completed many weeks ago. As a matter of fact, I have a copy of the Bangor Daily News March 2nd of this year which stated among other things that the ribbon cutting ceremonies were held at the newly renovated Northeast Airlines Terminal with City, State, Airlines, F.A.A. and Aeronautical Commission officials present. The airline terminal is located in the brick fire station at the former Presque Isle Airbase and was renovated at a cost of \$39,000. The terminal already was in use. It and other airport property was received from the federal government without cost after the airbase closed. Presque Isle now has the largest municipal airport in the state.

Now this bill originally came before this Legislature as an emergency measure, and my good colleague, Mr. Williams, has just submitted an amendment removing the emergency preamble, but I would like to mention one part of that emergency preamble and bring it to the attention of this House, and that part of the emergency preamble that I want to mention says this: that the city

of Presque Isle is unable to assume the entire expense of said renovations. Now I say to you very frankly this afternoon, that these renovations have been done, the taxpayers have picked up the tab through state and federal monies of half of it, \$19,500, and the other bills have probably already been paid. I can't see why the City of Presque Isle can't pay its own bill instead of asking the rest of the taxpayers in a hard-pressed county to come through. For that reason, I move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The question before the House is the motion of the gentleman from Houlton, Mr. Berman, that this bill and its accompanying papers be indefinitely postponed.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am a representative from Aroostook County and I do not come from Presque Isle. This airport bill was given considerable consideration by our county delegation at various times. It was pretty much the unanimous report—I can't use the word unanimous, it was pretty much the consensus of opinion of the delegation that this was the only airport in the county and it was used by the greater part of the residents of the county, and the delegation was nearly unanimous in their approval of looking upon it as a county project.

I agree that the renovations have been made, that undoubtedly the bill has been paid; but I would go along with it. I look upon it as a county project and I hope that you will go along with what I consider the nearly unanimous opinion of the county delegation.

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

Mr. COPE: Mr. Speaker, I have to admit I am a little confused. When the bill relating to the transfer of certain lands to the state by the City of Portland, an amendment "C" was put in by the gentleman from Presque Isle, Mr. Osborn requesting that the City

of Presque Isle sell its land to the state. Now in this other amendment they are asking the county to help out. So will somebody advise me which they want to do so I — it is in a state of flux. I will go along with the gentleman from Houlton, Mr. Berman.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Wight.

Mr. WIGHT: Mr. Speaker, I hope I can clarify this matter a bit, because this is a regional airport and of course with the expenses that the City is under to maintain and operate this airport, I feel that perhaps it would be a good idea for the state to own it.

However, I might give you a breakdown of some of the costs that are involved in operating a municipal airport for the City of Presque Isle. There is annual snow removal, lighting and maintenance that amounts to a figure of something like \$15,000, costing the City of Presque Isle in the neighborhood of \$11,000. The terminal costs amounting to \$6,000 of which the city bears most of that expense. So we have an annual loss on the Presque Isle terminal of something over \$3,000. The maintenance for cost of renovating the terminal did amount to the figure mentioned of \$39,000 of which the state assists in that amount. There are proposals for terminal ramp construction of \$24,000 and a proposed runway resurfacing that must be necessary to maintain and operate this airport of a figure of some \$40,000 that should be taken care of, the City bearing their half of the cost of \$20,000. Therefore, to maintain the operating and maintenance of this port the next few years it is going to be in the neighborhood of something like \$45,000.

Now the county delegation met and was nearly unanimous in their decision of assisting this regional airport to the amount that is in the bill, and I believe it was unanimous with thirteen present. There were some that were absent and we feel that this is a necessary amount for this regional airport, and should come from the county

funds which were agreeable with the delegation. I would ask for a division on the indefinite postponement.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Houlton, Mr. Berman, that Bill "An Act relating to Expending Aroostook County Funds for Renovating the Terminal at Presque Isle Municipal Airport," Senate Paper 194, Legislative Document 493, be indefinitely postponed. A division has been requested. All those in favor of the motion to indefinitely postpone this bill will please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Forty-seven having voted in the affirmative and forty-nine having voted in the negative, the motion to indefinitely postpone did not prevail.

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

Bill "An Act Revising the Laws Relating to Apothecaries and the Sale of Poisons" (S. P. 419) (L. D. 1162)

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

**Third Reader  
Tabled and Assigned**

Bill "An Act to Pay School Subsidies on the Basis of Uniform Local Effort" (S. P. 416) (L. D. 1159)

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Relative to item 6, I would like to call the attention of this House to the

fact that there are presently before us in various stages of passage, several bills having to do with educational subsidies to the cities and towns of the state. These bills came out of the Education Committee with various reports, and they are of a highly technical nature and difficult to debate and understand as to how they affect various towns. I think what I want to say is, I would hope that as these bills come up before this body, that they might be temporarily tabled with the hope that eventually they might be referred back to the Committee on Education, who could again give all these subsidy bills another look and possibly could come up with a unanimous report on a bill that would be in the best interests of all the citizens of the State of Maine. I certainly hope that someone will table this bill in hope that we might arrive at that eventual solution.

The SPEAKER: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I move that this bill lie on the table until Wednesday next.

Thereupon, the Bill was tabled pending passage to be engrossed and specially assigned for Wednesday, May 29.

**Passed to Be Enacted**

An Act Exempting from Sales Tax Sales of Meals Served by Certain Institutions and Homes Licensed by Department of Health and Welfare (H. P. 949) (L. D. 1383)

An Act relating to Election Returns (H. P. 1058) (L. D. 1523)

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

**Orders of the Day**

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

HOUSE MAJORITY REPORT (7)—Ought not to pass—Minority Report (3)—Ought to pass in New

Draft (H. P. 1067) (L. D. 1532)—Committee on Education on Bill "An Act Providing for State Support of Education Foundation Program and the Financing Thereof." (H. P. 899) (L. D. 1307)

Tabled—May 15, by Mr. Wellman of Bangor.

Pending—Acceptance of Either Report.

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

Mr. BRADEEN: Mr. Speaker, for the reasons just set forth so comprehensively by our friend the gentleman from Perham, Mr. Bragdon, I would ask that this item too be tabled and specially assigned for Wednesday, May 29.

Thereupon, on motion of Mr. Mendes of Topsham, the Reports and Bill were tabled pending acceptance of either report and specially assigned for Wednesday, May 29.

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

HOUSE REPORT "A" (5)—Ought to pass in New Draft under new title of "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)—Report "B" (5) — Ought not to pass — Committee on Taxation on Bill "An Act to Enable Municipalities to Impose a General Business and Occupation Tax." (H. P. 846) (L. D. 1233)

Tabled — May 16, by Mr. Rand of Yarmouth.

Pending — Motion of Mr. Jones of Farmington to Accept Report "A."

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

Mr. CHILDS: Mr. Speaker, I move this bill and all its accompanying papers be indefinitely postponed.

Whereupon, on motion of Mr. Libby of Portland, the Reports and Bill were tabled pending the motion of Mr. Childs of Portland to indefinitely postpone, and specially assigned for Tuesday, June 4.

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

Bill "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees." (H. P. 85) (L. D. 129) Com. "A" (H-356)

Tabled — May 17, by Mr. Jalbert of Lewiston.

Pending — Passage to be Engrossed.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this L. D. 129 and all its accompanying papers.

The SPEAKER: The gentleman from Ellsworth, Mr. Anderson, moves the indefinite postponement of this bill.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I am the sponsor of this bill. It appears that sometime before this Legislature convened, I consented to sponsor this bill for the state employees. I consented to sponsor it because I believe that it is a good bill. It is a bill that provides some benefits to the little and obscure people that are employed in our state services. It is those people who are employed in the darkness of the night and the wee small hours of the morning when most of us are sleeping. They are the people who are at the bedsides of the ill and the indigent, they are the people who plow the roads in the howling northeasters of the winter, they are the people again whom we seldom see. Now it is a custom that has been adopted widely by industry, not only in the State of Maine, but throughout our land, to pay differentials to those people who are employed at these odd and obscure hours. It is nothing unusual in the least.

Now the people who fall in this category are for the most part the more — well, we won't use the word 'poorly' paid, but rather those who are paid the smallest wages in our state. There are approximately 700 of these people. Now we get to the crux of the

situation. This bill costs money, approximately \$97,000 a year. I am a little fearful standing here today that some of you may say, by what right does this man present a money bill? Perhaps you could with some justification, but I would prefer this afternoon that you would pass upon the merits of the bill rather than the merits of the sponsor. Because if this bill passes this House, you all know where it goes and it will remain in that position until such time as moneys may become available or, if no money is available, you all know what will happen to the bill as well as I. I would plead with you to at least let it go as far as it might under the conditions because it is a worthy bill and it is for a worthy cause.

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

Mr. BRAGDON: Mr. Speaker, I concur with all that the gentleman from Kittery, Mr. Dennett, has said. The Appropriations Committee in considering this Bill, did look upon it as a worthy bill. I hope you will go along with the unanimous report and if money is available, it can be made effective.

The SPEAKER: Is the House ready for the question?

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to concur with both of the last two speakers. I think the measure, which is worth at least, should be given a chance along with all the other bills which we all know are somewhat distributed the night before we adjourn.

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

Mr. MacLEOD: Mr. Speaker, I rise in support of this bill and I request a division.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support my good friend or should I say the gentleman from Lewiston, Mr. Jalbert

in his remarks relative to night employment of state employees. As most of you know, I am a retired state employee, and I am not going to exaggerate, but I can state very definitely that I have served the State of Maine at night and on Sundays so many numerous times without any compensation whatsoever, and this is true today of many state employees in their respective departments, they get no consideration whatsoever. Now these people who are definitely assigned night work, in my thinking, should get some consideration. I definitely want to go along with my good friend, Mr. Jalbert from Lewiston, or should I say the gentleman from Lewiston in support of this measure.

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

Mrs. SMITH: Mr. Speaker, I would only say to the House that this was a unanimous report from the Appropriations Committee, and I think deserves your serious consideration.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Ellsworth, Mr. Anderson, that Bill "An Act Appropriating Moneys to Provide for Night Pay Differential for State Employees," House Paper 85, Legislative Document 129, and its accompanying papers be indefinitely postponed. A division has been requested.

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

A division of the House was had.

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

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

Bill "An Act relating to Taxpayers Furnishing List of Property to Assessors." (S. P. 434) (L.D. 1177)

Tabled—May 17, by Mr. Richardson of Stonington.

Pending—Motion of Mr. Smith of Bar Harbor to Indefinitely Postpone.

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

Mr. SMITH: Mr. Speaker, item 4, L.D. 1177, I moved for indefinite postponement for reasons which I explained to the House several days ago. Since that time, the gentleman from Portland, Mr. Cope, has had distributed an amendment, Filing H-389 which, if adopted, would remove my objections to the Bill, and I now withdraw my motion for indefinite postponement.

The SPEAKER: The gentleman from Bar Harbor, Mr. Smith, withdraws his motion for indefinite postponement.

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

Mr. COPE: Mr. Speaker, I now present House Amendment "C" to L.D. 1177, Filing H-389 and move its adoption.

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

HOUSE AMENDMENT "C" to S.P. 434, L.D. 1177, Bill, "An Act Relating to Taxpayers Furnishing List of Property to Assessors."

Amend said Bill by striking out all of the 2nd, 3rd, 4th, 5th and 6th paragraphs and inserting in place thereof the following:

"Sec. 4. Taxpayers to list property; penalty; verification. Before making an assessment, the assessors shall give reasonable notice in writing to all persons, liable to taxation in the municipality to furnish to the assessors true and perfect lists of their polls and all their estates as hereinafter provided, not by law exempt from taxation, of which they were possessed on the first day of April of the same year.

The notice to residents may be given by posting notifications in some public place in the municipality, or in such other way as the municipality directs.

The notice to nonresident owners may shall be by mail directed to the last known address of the taxpayer, or by any other method that provides reasonable notice to the taxpayer.

If any Any person after such notice does not furnish such list; he is thereby, liable to taxation in a municipality, shall be barred of his right to make application to the assessors or the county commissioners for any abatement of his taxes, if after such notice he fails to furnish to the assessors during the month of April a true and perfect list of his polls and all his estates not by law exempt from taxation of which he was possessed on the first day of April of the same year, or unless he furnishes such list with his application subsequent to the month of April in the same calendar year and satisfies them the assessors that he was unable to furnish it at the time appointed during the month of April."

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

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

AN ACT relating to Reporting of Divorces to State Registrar of Vital Statistics. (S. P. 309) (L. D. 975)

Tabled—May 21 by Mr. Knight of Rockland.

Pending—Passage to be Enacted.

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

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

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, moves that this item be tabled until the next legislative day.

Mr. Boissonneau of Westbrook then requested a division on the tabling motion.

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

Mr. COPE of Portland: Mr. Speaker?



The SPEAKER: For what purpose does the gentleman arise?

Mr. COPE: To debate the time.

The SPEAKER: The time is debatable.

Mr. COPE: Mr. Speaker, I spoke to Mr. Knight just a short time ago and he told me he had no objection.

The SPEAKER: A division has been requested that this matter be tabled until the next legislative day.

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

Mr. PEASE: Mr. Speaker, based on the information from the gentleman from Portland, Mr. Cope. I withdraw my motion.

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

Tabled—May 22, by Mr. Pease of Wiscasset.

Pending—Passage to be Enacted.

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

Mr. PEASE: Mr. Speaker, reluctantly, I move that this Bill be passed to be enacted.

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

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

Mr. TYNDALE: Mr. Speaker, I might say at this time—

The SPEAKER: For what purpose does the gentleman arise?

Mr. TYNDALE: I would like to ask unanimous consent to address the House.

The SPEAKER: The gentleman from Kennebunkport, Mr. Tyndale, requests unanimous consent to briefly address the House. Is there objection?

(Cries of "Yes")

The SPEAKER: The Chair hears objection, the gentleman may not proceed.

The SPEAKER: The Chair now lays before the House the matter

that was tabled earlier in the day and today later assigned, House Paper 930, Legislative Document 1364, Bill "An Act relating to Operating Business on Sunday and Certain Holidays."

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

Mr. WELLMAN: Mr. Speaker, in view of the fact that we have requested an opinion on this item, I would hope that somebody would move that this be tabled.

Thereupon, on motion of Mr. Pease of Wiscasset, the Bill was tabled pending the motion to recede and concur and specially assigned for Tuesday, June 4.

Mr. Tyndale of Kennebunkport was granted unanimous consent to briefly address the House.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say a few words at this time in reference to my distinguished and learned colleague from Wiscasset. Sometimes here in the House during debate and other matters of Legislature, personalities do leak in. However, I can say and truthfully say that is an extreme pleasure at all times for me to feel, after two sessions, that the gentlemen of this House perform their business on the Floor and after we cross the threshold, personalities again are of friendship and goodwill. In the case of my distinguished and learned colleague from Wiscasset, I can say that I want to rise and say here is a gentleman of stature, because he came to me out in the rotunda and we shook hands and he looked at me and he said, "Monty," he said, "Oh, that's all right I got you shook up—I will move for enactment." Of course, I did lose four or five pounds during the occasion, but by the same token, I can't help but feel that I would want to say these few remarks because I feel that way. (Applause)

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

Mr. BROWN: Mr. Speaker, item 6, page 2, L. D. 1345, I would like to ask reconsideration of our action where we accepted the "Ought not to pass" Report earlier in the day.

The SPEAKER: The gentleman from South Portland, Mr. Brown, moves that the House reconsider its action whereby it accepted the "Ought not to pass" Report on Bill "An Act Amending Certain Provisions of the Employment Security Law," Senate Paper 453, Legislative Document 1345. All those

in favor of reconsideration say yes; those opposed, say no.

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

On motion of Mr. Wellman of Bangor,

Adjourned until nine o'clock tomorrow morning.