

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Tuesday, June 4, 1963

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

Prayer by Captain Wilbur of the Salvation Army, Augusta.

The journal of yesterday was read and approved.

### Papers from the Senate Conference Committees Report

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for Area Directional Sign on Maine Turnpike for Rumford" (S. P. 360) (L. D. 1026) reporting that the Senate recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" Filing S-130 and by Senate Amendment "A" Filing S-185 indefinitely postpone Senate Amendment "A." Adopt Conference Committee Amendment "A", and pass the Bill to be engrossed as amended by Committee Amendment "A" and Conference Committee Amendment "A", Filing S-252; that the House recede from its action whereby the Bill was passed to be engrossed. Adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Committee Amendment "A" and Conference Committee Amendment "A" in concurrence.

(Signed)

WYMAN of Washington

COLE of Waldo

FERGUSON of Oxford

— Committee on part of Senate.

ROSS of Brownville

DRAKE of Bath

TURNER of Auburn

— Committee on part of House.

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

In the House, the Report was read and accepted in concurrence. The House receded from its action whereby the Bill was passed to be engrossed.

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

CONFERENCE COMMITTEE AMENDMENT "A" to S. P. 360, L. D. 1026, Bill, "An Act Providing for Area Directional Sign on Maine Turnpike for Rumford."

Amend said Bill in the Title by striking out the word "Sign" and inserting in place thereof the word 'Signs' and by inserting after the word "Rumford" the words 'and Washington County'

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

Further amend said Bill by adding at the end thereof the following section:

"Sec. 2. R. S., c. 23, Sec. 149-A, sub-Sec. VIII-B, additional. Section 149-A of chapter 23 of the Revised Statutes, as enacted by chapter 419 of the public laws of 1957 and as amended, is further amended by adding a new subsection VIII-B, to read as follows:

'VIII-B. Washington County: Such sign shall be constructed and maintained on the Maine Turnpike no more than 10 miles southerly from the Augusta exit and shall be worded as follows:

Most Easterly Point in the U. S. — Washington County — Exit 15;'

Conference Committee Amendment "A" was adopted in concurrence, and the Bill was passed to be engrossed as amended by Committee Amendment "A" and Conference Committee Amendment "A" in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the following copy of the Editorial appearing in the Portland Press Herald under date of Monday, June 3, 1963, be prepared in engrossed form and forwarded to the family of the late Henry W. Lyon, and be it further

ORDERED, that the 101st Legislature extend its sincere regrets to the family of the late Henry W. Lyon. (S. P. 617)

Came from the Senate read and passed.

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

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve Appropriating Moneys to Construct a Car Ferry Ramp at Peaks Island (S. P. 91) (L. D. 228)

Report was signed by the following members:

Mr. PORTEOUS of Cumberland  
— of the Senate.

Mrs. SMITH of Falmouth  
Messrs. BRAGDON of Perham  
PIERCE of Bucksport  
JALBERT of Lewiston  
EDWARDS of Raymond  
— of the House.

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

Report was signed by the following members:

Messrs. EDMUNDS of Aroostook  
CAMPBELL of Kennebec  
— of the Senate.

Messrs. HUMPHREY of Augusta  
MINSKY of Bangor  
— of the House.

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

In the House: Reports were read.

On motion of Mrs. Smith of Falmouth, the Majority "Ought to pass" Report was accepted in concurrence, the Resolve read once and tomorrow assigned.

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry (S. P. 95) (L. D. 232) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. EDMUNDS of Aroostook  
CAMPBELL of Kennebec  
PORTEOUS of Cumberland  
— of the Senate.

Messrs. BRAGDON of Perham  
MINSKY of Bangor  
JALBERT of Lewiston  
EDWARDS of Raymond  
— of the House.

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

Report was signed by the following members:

Mrs. SMITH of Falmouth  
Messrs. HUMPHREY of Augusta  
PIERCE of Bucksport  
— of the House.

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

In the House: Reports were read.  
The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I move that we concur with the Senate in acceptance of the Majority Report.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. MacLEOD: Mr. Speaker, I move that item 4, S. P. 95, Legislative Document 232, that this Bill and both reports be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Brewer, Mr. MacLeod, that both reports and bill be indefinitely postponed.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: A copy of some good remarks made in conjunction with this bill was placed on my desk yesterday. I have read them. This bill originally called for an appropriation of \$1,000,000, and it has been watered down by amendment to \$200,000. This bill is a Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry. Yesterday we tabled a bill which is practically a duplicate, 496, "An Act Promoting Scenic Attractions and Vacation Facilities in Maine." This bill calls for \$100,000.

Now the DED is advertising our state at various shows in different parts of the country, and we will probably exhibit at the New York Fair. I would be satisfied to try

this phase of advertising for a couple of years and learn whether it is paying off or not. If we are going to subsidize the recreation business, then let's subsidize the grocery stores and build their parking lots, let's advertise the good foods they sell; let's subsidize the railroads and buy some passenger cars; let's become a real socialistic state and throw private industry aside; let's run the show and sell the tickets. I go along with the motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Fal-mouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: Recently there has been a great deal of passionate pleading on this \$200,000 that is now involved in this bill, which originally was for \$1,000,000. This pleading has been done by men of extremely great ability, and at the outset, I wish to say that I respect their views. The talk up to this point has been both on and off the record; what I have to say will be on the record.

Since I was a signer of the Minority Report, I would just like to take this opportunity to make a sincere statement of the reasons that prompted my Minority Report. Because of my respect for the gentleman who made such a spectacular appeal, I wonder if it is generally understood what this really means and what the factors are in the advertising. I wonder if it is generally known that the advertising that is done for the ski business, the winter business, is done in October and November; that the advertising that is done in the summer, starts to be planned in September, is placed between January and June. Hence, no plan, no advertising money now appropriated will be used in this year of the biennium. It cannot be. Magazines require six months advance programming in order to get your ads in. Newspapers you might reach into some respect, but they usually take about six weeks to place. Advertising has to be a planned program. Hence, you can see that this would be a crash program. Now I don't particularly go for crash programs. I don't believe you do in your busi-

ness or I do in mine, and I have had some problems with advertising.

This also is a blank check for \$200,000 to a program unplanned and unsupervised as yet, since we are to have a new commissioner. I would remind you that two years ago in the Supplemental Budget, we approximately doubled the advertising budget of the DED, and many of you remember on those last days when we fought for that Supplemental Budget, that I stood on the Floor of this House and implored you to give them this extra money. I felt it was their fair share of the then Supplemental Budget, and I felt that it was needed. But this would again give it almost — we gave them \$125,000 each year of the biennium the last time; we would now give them an extra \$200,000. I think that any money in advertising is good money if we have it, but I think it ought to be planned. And after standing on this Floor this session and trying to defend the Current Services, to leave something for a commissioner to administer when he came in, I couldn't see this House going along with a program of \$200,000 that was a crash program. So I have signed out the Minority Report.

What the House wishes to do is fine with me because certainly \$200,000 can probably be used in the twelve months of the year '65, but advertising generally should be consistent, and whether you want to just throw in \$200,000 for one year or whether you feel that you can maintain this program over a period of years, is up to your decision. I just want to explain my position and I think this was the position of the other signers of the Minority Report.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I don't consider this a crash program. I consider this a very important part of our program insofar as the DED is concerned. I am happy about the amendment that would delete a large sum of money from this measure; possibly even it could be

deleted a little more. I do, however, want to state to you that this program specifically calls for money to provide for national advertising of Maine's recreational industry; you can't advertise in periodicals like the Saturday Evening Post and other periodicals unless it is going to cost you, as we would probably say, a small fortune. But the returns are more than one-fold from my observations.

I think all you have to do is look around, and as you drive along the Maine highways and other states, you will see just what Quebec is doing. Now I think all you have to do is to go in to certain areas of York County and then to go from there to Hampton Beach in New Hampshire, and see just what is happening to some of our tourist business and our recreational business. I am not going to make an impassionate plea, but I think that defeating this bill could well be proved later on to be catastrophic and I certainly hope that the motion to indefinitely postpone will not prevail so we can accept the Majority "Ought to pass" Report.

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

Mr. MINSKY: Mr. Speaker, I had not really intended when I came in this morning to speak on this particular bill; yet sitting here listening to the debate, I think I would like to make a few comments. I think at the moment I am probably wasting my breath as I know exactly what's going to happen to this bill, but I'm going to waste it anyways. I think as a young man in this state, I have a great deal at stake in the future of the State of Maine. I think as a young man in this state, I am more concerned about the sales tax than some of the others who are here. This bill does involve the sales tax; it does involve an income tax; and it involves all the other taxes because it goes directly to future sources of income for this state.

We have a rather limited capacity, at least it would so appear, to raise money, and sometimes I think it takes a little courage and a little boldness in order to realize our own potential. The people who

settled New England made New England the commercial hub and the economic hub of this new nation. They were certainly known for their boldness and for their enterprising spirit, and we sit here today quite lethargically I think at times and wonder why New England no longer is the center that it was, and I feel that that enterprising attitude has been sapped away. I suppose we can use cliches and say it pays to advertise, or it costs money to make money, and so forth, but I, as a young man, am going to take this chance.

It has been said that this is direct subsidy to an industry. It will help the individual motel owner. It will help the individual restaurant owner. I can only say, so what? I am not passing a bill to help the restaurant owner. I am not passing a bill to help the motel keeper. I would vote for this bill in order to help the state, and if coincidentally it helps the shopkeeper or the motel owner, so what, as long as the primary objective is to help the people of this state. There are very few bills that we pass in this Legislature that don't benefit one person or another although that was not the intent of that particular piece of legislation. Almost all of them have their effects.

I think that our greatest asset is our potential as a tourist state, and I believe that we should advertise our wares. Perhaps I am peculiar in this, but I think that we have a lot to offer, but I also know that this is a game played by Madison Avenue today. The man who advertises the most gets the most return. I have heard figures that our sales tax is paid from 25 to 33 percent by out-of-state people. I like this idea. I like supporting our schools as well as other activities with this money coming in. I think if we advertise as the other states advertise, then I believe we will get the money back, and this, in the long run, will help our tax structure. For this reason, I would support this. For this reason, I think I feel more strongly about this bill and a couple of other bills of this sort than almost any bills that are here now.

I heard one comment that I think is a rather sad commentary on our advertising efforts. Any of you who have driven through the Maine roads recently have seen the glimmering billboards advertising the wares and the beauties of New Brunswick and Quebec. Any of you who have read some of the national periodicals recently, have seen the beautiful multi-color, four-page ads for Canada, and again Quebec and New Brunswick and Prince Edward Islands. So the comment was made that perhaps Maine's advertising theme should be, with our little bit of money we can spend, "Drive to Canada through Maine." I think it is a sad commentary on where we are going. For the amount of money we're spending, about the best we can do is say just to advertise this is a good route to get to Vacationland.

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

Mrs. SMITH: Mr. Speaker, Members of the House: I cannot help but agree with the gentleman from Bangor, Mr. Minsky, in many respects, and perhaps in all respects. I certainly do not disagree that we can use \$200,000 in advertising if we have that money and if we wish to place it there, because we have got difficulty with money problems; and this is the only reason that I signed out a Minority Report on this bill plus the fact that I still believe that we must plan. We do not have the kind of money that we can afford to just crash into something, and we must plan it.

Now I have faith in the State of Maine as it has been proved over the years. I do not have to apologize to anyone because my work has been sincere, my efforts have been sincere with this department for quite a considerable number of years. I too deplore negativism but, what has happened? Every time a politician has spoken, whether in this state or on a national level lately, we have talked about the deplorable condition of this state. How much advertising money will it take to overcome this kind of talk? We'd better look to ourselves, and talk about the good things in

this state when we speak, and if we have to think about the things we don't like, and we do have to think about them, let's think about them among ourselves, and do something about them. This country certainly was founded with courage and boldness, and let's put the other ingredient in, hard work; and the hard work doesn't come from this Legislature sitting here and voting \$200,000. It comes from this Legislature going back to its own home towns and doing some work on its own.

Now, we have the Heritage Trail—for New England states. The other day at Wentworth-by-the-Sea, a lady there turned over a considerable sum of money to the Heritage Trail that had been collected from the hotel industry. I went to a meeting not so long ago where the Heritage Trail members of the New England Council were in and they asked this state with industry to raise \$70,000 to help advertise the World's Fair, that is to advertise that you come to Maine when you go to the World's Fair. I have every reason to believe that that \$70,000 will probably be forthcoming from the businessmen of this state.

Very recently fifteen Lions from Portland went to Michigan on a trip to sell Maine industry. These are the things that we must do. I do not mind in any way if we could find the \$200,000, I think it would be wonderful; but when we vote it let's go back with the same kind of determination to back it up with a little hard work because placing an ad in the paper will not do this job. You and I have got to do it. Let's see if some of the younger ones can't pick up the ball that some of us older ones will soon be laying down.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: After listening to the remarks of the gentleman from Bangor, I feel there is little that I could say that would add to the debate on this matter. In listening to the lady from Falmouth, I cannot help but feel we are all very much in accord with

what we strive to do. I have one thing in common with the gentleman from Bangor, Mr. Minsky, that I am still a young man and I have not lost the vision for the State of Maine. I have a son and a grandson whom I hope will always keep that vision before them. I also have a firm belief in the value of advertising of what we have. We are building beautiful highways, we are not questioning the amount of money that we are spending. About every week that I come here, I drive pretty near from one end of the state to the other, and certainly I try to look for the beautiful and not the ugly in the State of Maine. I feel that we should go along with our industries as far as we can as a state in assisting and pointing out to other areas of our country, the beauty that we now have in the State of Maine. Certainly, I hope you will go along with the Majority "Ought to pass" Report of the Appropriations Committee.

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

Mr. JALBERT: Mr. Speaker and Members of the House: For the second day in a row in her very fine remarks, the gentlewoman from Falmouth, Mrs. Smith, refers to people calling them politicians. I just would like to ask her if she considers herself to be in a cribbage game.

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

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: Ever since I came down here in January I have had advice both good and bad from different people in this House as to how business was conducted, what was right, what was wrong; what was good, what was bad; what was ethical and what was unethical; and one of the people that made some of these remarks to me, said several months ago that you must never mention the other body, that that is a sacred distinct separate part from us and we must not talk about them. So I was very surprised yesterday morning when, after having read the speech that was publicized all through the state papers, after

having read that in the proof which we all have on our desks, I found handed out, paid for at state expense, by the gentleman from Bangor, Mr. Minsky, the same speech reproduced in six pages, reproduced on this Floor. I made a little survey back in February and spent two days of my own time at the University of Maine and I came down here and tried to get my survey reproduced and it was impossible. So I had to go out and hire a stenographer on a Saturday morning, steal the use of a mimeograph machine, and buy two reams of paper. I wish that I could have this same privilege that evidently is accorded to other people.

But getting back to the other body. Since this is now on our desks in two copies, I think perhaps it is legitimate to comment on it. Here is a gentleman that is talking about an income tax before we have even paid for the bills we have already passed here to the tune of some thirteen to fourteen million dollars. We have already passed bills exceeding our income for the next two years exceeding by about thirteen to fourteen million dollars. We have no tax and no revenues for that yet, and already he is talking about an income tax two years from now. He says we have the lowest teachers salary scale in the nation. We stand thirtieth and not fiftieth. He says, we send one out of five students to college and high school; we send one out of four. There are several things in here that I could find fault with. His basic premise of what Maine is and what Maine can be I do not find fault with, and I think that Maine has the greatest potential of any state in New England if it is properly utilized. But I don't think we can go out and advertise a business when we don't have the money to pay for our current operations.

And now let's quote from another man in the opposite body, and this is why I resent this bill more than any other reason. This is what I call a power play. This gentleman says, "I think there has been some reference to the fact that this will probably pass the Senate. I think the practical thing for all of us



who feel as strongly as we do that this should pass should probably take some action, some real concrete action, to ensure its passage in the other body. I think that if each of us from the several counties would call a delegation meeting to bring this message of our President and the good Senator from York — to our several delegations in the other body to make sure they know of these remarks, that it would be effective in passing it through that body.

"It is so often very frustrating to find a big and favorable vote in this body and then for want of adequate communication over there, to find it lost. . ."

Penobscot County has not yet had a delegation meeting called by the Senators from our County. I hope that they will not have one. But this and the lobbying that has been done by the members of the other body to individuals in this body with notes being sent to them to come down and talk to them, if for no other reason, I would move to indefinitely postpone this bill. I mentioned yesterday I was going to take a crack at it to my good friend from Winterport. He said, "Ken, you are dealing with deuces against aces." I have been playing with deuces against aces ever since I came down here in January. Back where I learned to play poker down in South Brewer, they tell me if you had one more deuce than you had aces, you won the hand.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Brewer, Mr. MacLeod, that both Reports and Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry, Senate Paper 95, Legislative Document 232, be indefinitely postponed. The Chair will order a division.

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

A division of the House was had.

The SPEAKER: Sixty-eight having voted in the affirmative and sixty-eight in the negative, the motion

to indefinitely postpone did not prevail.

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

On further motion of the same gentlewoman, the gentlemen of the House were allowed to remove their coats for the remainder of today's session.

The SPEAKER: Is it now the pleasure of the House to accept the Majority Report on the Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry?

Mr. PEASE of Wiscasset: Mr. Speaker.

The SPEAKER: It is a vote. The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: May I inquire if I was recognized before the vote was announced?

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, moves that we reconsider our action whereby the Majority Report was accepted. Is that the pleasure of the House?

(Cries of "No")

The SPEAKER: Will the gentleman restate his question?

Mr. PEASE of Wiscasset: Mr. Speaker, I inquired whether I was recognized before the vote had been announced.

The SPEAKER: I am very sorry. The Chair is sorry. The gavel inadvertently went down before the gentleman was recognized. However, there are several opportunities before this Resolve will be enacted.

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence, the Resolve read once and tomorrow assigned for second reading.

### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds to Establish a County-Wide Industrial Development Program" (S. P. 201) (L. D. 511) reporting same in a new draft (S. P. 614) (L. D. 1577) un-

der title of "An Act Providing Funds to Establish Area-Wide or County-Wide Planning and Economic Development Programs" and that it "Ought to pass"

Report was signed by the following members:

Messrs. EDMUNDS of Aroostook  
CAMPBELL of Kennebec  
PORTEOUS of Cumberland  
—of the Senate.

Messrs. BRAGDON of Perham  
MINSKY of Bangor  
PIERCE of Bucksport  
JALBERT of Lewiston  
EDWARDS of Raymond  
—of the House.

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

Report was signed by the following members:

Mrs. SMITH of Falmouth  
Mr. HUMPHREY of Augusta  
—of the House.

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

In the House: Reports were read.

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

Mr. BRAGDON: Mr. Speaker, I move the acceptance of the Majority Report.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves the House accept the Majority "Ought to pass" in New Draft Report.

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

Mrs. SMITH: Mr. Speaker and Members of the House: For many of the same reasons we have just discussed, two of us signed the Minority Report. This is a matching fund program with the counties for development of the state's resources, very laudable certainly in its intent. However, we have other matching programs which we do not have money enough to match; namely, your sewer projects. We have a great problem with matching sewer projects. This law is on the books that we shall match. Then we have an-

other one, matching for planning which to some degree this covers although this bill covers more than planning. It covers development and advertising also. I have before me a letter from Sulo Tani of the Planning Division who said that his program will be held up as of June first unless he has some more money for his matching funds, and with this particular program, this is merely a matter of having money which eventually is returned to the state, but we have not had money enough to implement that program enough so that they could keep some of these programs going and some of them will have to be held up. The federal government does not pay until the project is finished, and sometimes the state has to put the federal money in and then wait for the federal to repay them.

There has been a great problem down there in the Planning Division, a very legitimate problem of matching. I, myself, had a \$100,000 bill from that department to implement this planning fund which we passed out "Ought not to pass" because there just didn't seem to be that kind of money laying around. So, for this reason, even though the bill is perfectly a good bill if you have the money, I just didn't see where we could get into another matching program.

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

Mr. JALBERT: Mr. Speaker, I think that a few of you had measures involving funds on a separate countywide basis, and the Committee thought it wise to group all these under one ceiling and come up with one bill. For reasons brought forth by the Representative from Bangor on the other measure, Mr. Minsky, and the Representative from Perham, Mr. Bragdon, and myself, I think this piece of legislation is equally as important as the other one if not more worthy than the other one. I certainly hope that the Majority "Ought to pass" Report will be accepted.

The SPEAKER: Is the House ready for the question? All those in favor of accepting the Majority

"Ought to pass" Report, please say aye; those opposed, no.

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

Sixty-three having voted in the affirmative and sixty-six having voted in the negative, the motion to accept the Majority "Ought to pass" in New Draft Report did not prevail.

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

### Divided Report

Majority Report of the Committee on Industrial and Recreational Development reporting "Ought to pass" on Bill "An Act to Create the Maine Recreational Facilities Authority Act" (S. P. 102) (L. D. 239)

Report was signed by the following members:

Messrs. NOYES of Franklin  
LOVELL of York  
KIMBALL of Hancock  
—of the Senate  
Mr. GILBERT of Eddington  
Mrs. KILROY of Portland  
Messrs. JOBIN of Rumford  
HARDY of Hope  
—of the House.

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

Report was signed by the following members:

Messrs. LITTLEFIELD of Hampden  
OSGOOD of Corinna  
NORTON of Caribou  
—of the House.

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

In the House: Reports were read.

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

Mr. LITTLEFIELD: Mr. Speaker, I move that we accept the Minority "Ought not to pass" Report.

The SPEAKER: The gentleman from Hampden, Mr. Littlefield, moves that the House accept the Minority "Ought not to pass" Re-

port. Is that the pleasure of the House?

The Chair recognizes the gentleman from Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, this is another of the controversial DED bills. The purpose of this bill is very simple. People that own real estate in Maine that want to develop it for recreational purposes, are unable to go through normal banking channels to get capital to improve it. Now if they have the money in the bank, they can develop their land for recreational purposes.

All the purpose of this bill is to establish a revolving fund from which people may borrow—or will have pledged rather, the state backing so that they can develop recreational areas. Whether this is a swimming hole or whether it is a trailer park or a tenting area that's all this bill is. Now people might jump for a moment and think that the \$500,000 revolving fund is a lot. I think if anyone has looked at what the mortgage payments in other areas, whether it is industrial building or home loans, that there are very very few defaults. Now I don't think that this bill eventually would cost the state anything. It would be very, very minor, and I hope that the motion to accept the Minority Report is defeated.

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

Mr. LITTLEFIELD: Mr. Speaker, the other day in this House on Wednesday, May 22, item 1A, the following Bill which was referred to the 101st Legislature by the 100th Legislature: Bill "An Act to Create the Maine Recreational Facilities Authority Act," Senate Paper 513. This bill is an exact duplication of that Senate Paper, and this House motioned to indefinitely postpone this bill in concurrence with the Senate.

Now this bill is a duplication of that bill, and we have indefinitely postponed it. It was heard before the Industrial and Recreational Development Committee and I have made the motion. This bill

would create an authority which would duplicate work that the Department of Economic Development is supposed to be doing. It would probably require appropriations of some hundreds of thousands of dollars to maintain. It would require extra personnel, and under its terms, the Governor and Council can order the Treasurer of the State to issue bonds in the amount requested but not exceeding in the aggregate of \$20,000,000 at any one time outstanding. I think that is enough to make us accept the Minority "Ought not to pass" Report.

The SPEAKER: The Chair will interrupt debate for a moment to recognize in the gallery of the House, twenty-six young people from the Poland Community School, the Maine History Class, accompanied by their principal, Mr. Meldrum.

On behalf of the House, the Chair extends to you young 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 Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, this bill is no more than a counterpart of the small business authority that you presently have on the books. It is because private people with little capital are unable to borrow through normal banking channels money for the development of recreational developments, that this bill was proposed. It is no different than the one that you have for industrials, this is right on the books and I ask any Member of this House whether that bill, the industrial one even with its big farming permission is costing the State of Maine one cent. It isn't.

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

Mrs. SMITH: Mr. Speaker, what the gentleman from Eddington, Mr. Gilbert, has said is true. I

have not studied this bill, but this would be as far as I know patterned after M.I.B.A. This is the third session that this bill has been before this House. In the last two sessions there has been some problem with whether it would work out constitutionally or not because of the fact that under M.I.B.A., you have buildings or concrete things that you are mortgaging and when you get into recreational industry, you have intangibles. But this is patterned and I am sure it is the same bill and I have not studied it—it is the same bill that is patterned after M.I.B.A., and has been under this cloud for two sessions.

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

Mr. EWER: Mr. Speaker, Ladies and Gentlemen: Although I am a freshman member of this House, I have been down here several terms as a member of the third house, and I cannot remember a session at which there have been so many worthy measures condemned by faint praise as have taken place this session. We have advanced money for constructing roads to tops of mountains; we have advanced money for the construction of roads to ski areas; we have advanced money for the construction of roads to ponds for fishing or camping, and yet when it comes to the time to provide something for bringing in people or for having a little more for them when they arrive here, we begin to gag. It seems to me that the time is coming when we must be consistent. If we are going to open up our mountains to tourists, we have got to get the tourists here. If we are going to have facilities for their entertainment when they are here, we are going to have the money for it.

The statement has been made that recreational facilities are intangible. I present to you ladies and gentlemen the thought that a boat landing or marina for the care of motor boats is more or less a permanent affair, not an intangible. I suggest to you that a ski slope is not an intangible thing. I suggest to you that the

road to the top of a mountain for a viewpoint easily accessible is not an intangible thing, and I feel that we are straining at a gnat and swallowing a camel in too many cases during this session. I hope therefore, although it is a burden on my heart to differ with my friend from Hampden, Mr. Littlefield, yet I feel that I cannot go along with the motion to indefinitely postpone on this bill.

The SPEAKER: The Chair recognizes the gentleman from Paris, Mr. Hammond.

Mr. HAMMOND: Mr. Speaker, I rise in support of this bill for one reason. That reason is the element of fair play. I believe this bill will do for the small operator the same thing that these industrial bills do for big business. I believe this bill should be passed.

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

Mr. LITTLEFIELD: Mr. Speaker, if anyone wants to go into the recreational business and hire some money, we have plenty of banks in all the cities in the State of Maine everywhere, and if it is a good risk, they will certainly loan the money. If we adopt this bill, it will simply be a bill to guarantee the payment of any loan the bank might make and pledge the credit of the state to the tune of \$20 million. I think this could be done by private industry through the banks and that we don't need to form any more of these authorities in the State of Maine.

The SPEAKER: The Chair will interrupt debate again for a moment to recognize in the gallery of the House, thirty-two pupils from Rockport, Grade Eight, Rockport, Maine, accompanied by their teacher, Mrs. Barter.

On behalf of the House, the Chair welcomes you and we trust that you will enjoy and profit by your visit here this morning. (Applause)

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

Mr. PEASE: Mr. Speaker, may I rise to raise a question to any

member of the committee that heard this bill and reported it out favorably as to what provisions of the Constitution would allow the floating of bonds by the Authority and the borrowing of this money. I am unable to put my finger on those provisions at this time. I don't think the Constitution so provides.

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, poses a question through the Chair to any member of the Industrial and Recreational Development Committee who many answer if they choose.

The Chair recognizes the gentleman from Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, not having my law book handy, I can't give a definitive answer, but if my memory serves me correctly when the Industrial Building Authority went to the Supreme Court as to whether it was constitutional, and it was ruled constitutional. This is a complete parallel of that Authority.

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

Mr. PEASE: Mr. Speaker, having that decision of our Supreme Judicial Court called to my attention, I would accede to the information that has been given if I understand it correctly, but I believe that my understanding of it would be that our own Constitution was specifically amended to provide for the issuance of bonds by the Maine Industrial Building Authority, Section 14-A of Article IX of the Constitution. I don't think that by any stretch of the imagination, any recreational facilities would be considered the physical location, settlement or resettlement of industrial and manufacturing enterprises within this state. For that reason, it is my recollection that a Resolve proposing an amendment to the Constitution was introduced to this Legislature, referred to the Committee on Constitutional Amendments and Legislative Reapportionment which would have provided a Constitutional Amendment to take care of a recreational facilities authority act or of authority. I would believe that under our

Constitution, there would be no way to issue bonds even if this act is passed without further amending our Constitution.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Hampden, Mr. Littlefield, that the House accept the Minority "Ought not to pass" Report on Bill "An Act to Create the Maine Recreational Facilities Authority Act," Senate Paper 102, Legislative Document 239. The Chair will order a division.

All those in favor of accepting the Minority "Ought not to pass" Report, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-one having voted in the affirmative and fifty-nine having voted in the negative, the motion did prevail.

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

#### Divided Report

Majority Report of the Committee on Towns and Counties on Bill "An Act Providing for County Industrial and Recreational Development Personnel" (S. P. 126) (L. D. 443) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. WYMAN of Washington  
PIKE of Oxford  
CRAM of Cumberland  
— of the Senate.  
Messrs. WIGHT of Presque Isle  
MacPHAIL of Owl's Head  
Mrs. SHAW of Chelsea  
Mr. HAMMOND of Paris  
— of the House.

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

Report was signed by the following members:

Messrs. POIRIER of Lewiston  
CROMMETT of Millinocket  
PHILBRICK of Augusta  
— of the House.

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

In the House: Reports were read.

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

Mr. CROMMETT: Mr. Speaker, I move that we accept the Minority "Ought not to pass" Report.

Thereupon, on a viva voce vote, the Minority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

#### Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution to Increase Municipal Indebtedness (S. P. 4) (L. D. 4) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Constitutional Amendments and Legislative Reapportionment in non-concurrence on May 22.

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

Messrs. LOVELL of York  
NOYES of Franklin  
PORTEOUS of Cumberland

In the House: On motion of Mr. Smith of Bar Harbor, the House voted to adhere to its former action.

#### Non-Concurrent Matter Returned to Senate

An Act relating to Taxpayers Furnishing List of Property to Assessors (S. P. 434) (L. D. 1177) which was indefinitely postponed in non-concurrence in the House on May 29.

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

Messrs. CRAM of Cumberland  
BROWN of Hancock  
WYMAN of Washington

In the House:

The SPEAKER: The Chair will order this bill returned to the Senate because there isn't a disagreeing action. It indefinitely postponed this bill and the Senate has not disagreed with that action. The bill will be returned to the Senate.

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

May 28, 1963

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

Sir:

The President of the Senate today appointed as conferees on the part of the Senate on the disagreeing action of the two branches on:

Bill "An Act Amending Certain Provisions of the Employment Security Law" (S. P. 453) (L. D. 1345)

Senators: JOHNSON of Somerset  
HINDS of Cumberland  
STITHAM of Somerset

Respectfully,

(Signed) CHESTER T. WINSLOW  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### House Reports of Committees Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Authorizing the Establishment of a Residential and Day School for the Mentally Retarded in Northern Maine (H. P. 416) (L. D. 569)

Report was signed by the following members:

Messrs. CAMPBELL of Kennebec  
PORTEOUS of Cumberland  
— of the Senate.

Mrs. SMITH of Falmouth  
Messrs. HUMPHREY of Augusta  
MINSKY of Bangor

PIERCE of Bucksport  
— of the House.

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

Report was signed by the following members:

Mr. EDMUNDS of Aroostook  
— of the Senate.

Messrs. BRAGDON of Perham  
JALBERT of Lewiston  
EDWARDS of Raymond  
— of the House.

Reports were read.

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

Mr. EDWARDS: Mr. Speaker, and Members of the House: I would like to move that we accept the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Raymond, Mr. Edwards, moves that the House accept the Minority "Ought to pass" Report.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I would hope that you might reject the motion just made and accept the Majority "Ought not to pass" Report from the Appropriations Committee. This comes the time of year when all of these bills must come out, and some of us must stand up either for the side you are on or against it. But this school is now being operated at the old Presque Isle TB San. It is being operated as many of the other retarded schools are in the state. The implication of this bill would be to make it a resident school, which would be essentially opening a new institution because we do not have any of these resident schools. We have Pineland, which is for these children when they are in residence. If we are to take on this school and make it a residential school or if we are to provide all the funds for it, then we certainly should provide the funds for all the other schools that there are in the state. And there are quite a number. One at Bangor, I believe; one at Lewiston — I think Lewiston has one; Rumford has one; we have the Pride at South

Portland, all of these are provided for in another manner than by the state. The state does pay a double subsidy to the towns that provide this education and each one of us pay our subsidy — or at least in the Portland area, we pay our regular subsidy to the school. We also provide transportation to the school for our pupils.

Now if we are going to get into this new program, it would seem only fair that it be done all over the state. Then the other problem, it would seem to me up there is that you have this very large building which you are maintaining in which you are going to start putting children into which will essentially open another building similar to Pineland. It can't be anything else. So that was the reason for the Majority "Ought not to pass" Report.

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

Mr. McGEE: Mr. Speaker, some of these bills like this one just because it carries an appropriation went to the Appropriations Committee. I think the proper place for a bill like this would have been in the Education Committee although it carries an appropriation, but that is contrary to the rules I believe. But we have been quite generous with that section of the state and their new vocational school, and I'm quite sure that if a bill of this kind had been before the committee, I know that I as one of that committee and all the other school bills are in the course of enactment or non-enactment before this Legislature, I wouldn't feel like putting money into a bill of this kind; therefore, I would support the Majority "Ought not to pass" Report.

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

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: I have a great deal of respect for the gentlewoman from Falmouth, Mrs. Smith. I have a great deal of regard for the remarks that she made relative to this particular piece of legislation. However, it would seem to me that the area of Northern Maine with its broadly scattered population presents a lit-

tle different picture than some of the points that she made. We realize of course the great distance from Northern Maine to Pineland and there's the hospital and training center, the distance is so great it makes it very, I would assume, difficult for the families to visit their children. I think it's fortunate too that some of the existing buildings in the area which can be modified for this type of a school program are available, and that the residential day care program is just like any other boarding school where the children stay during the week and return home on the weekends, and also spend their holidays at home. Mental retardation is a handicap certainly, but it should not be considered a handicap that cannot be overcome to a great extent, and I would go along with the gentleman from Raymond, Mr. Edwards, and move for the acceptance of the Minority "Ought to pass" Report.

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

Mr. PIERCE: Mr. Speaker, I would like to call to the attention of the ladies and gentlemen under the statement of facts that this would include thirty children on a residential program basis, and an out-patient ward of twenty children. The price tag would be \$336,000 for the biennium. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: At the hearing there was a group of mothers from the Aroostook County section of our state. One woman arose and stated that I am not ashamed to state that I have a mentally retarded child living close at hand to the purported project; as I also stated that her family she had other illness in the family, she said that she knows and has been told that her child, that something could be done for her child. She said, "I just can't stand sending my child away, as far away as four hundred miles. I would like to have my child near at home so that I could visit that child." And right then and there I made up my mind that I



didn't care if this measure had a two million dollar price tag, I was going to go along with it. I've been told that I'm practically married to the garden spot of Maine. Well, if I am I don't know of a better area or a better location so far as I'm concerned outside of my own area naturally. However, I understand their problems. They are far away from the other areas, and for that reason I don't think that we should just say, well we've already given this to a certain area. If I feel the measure is worthy, I don't care what area it comes from, and I certainly hope that the motion of the gentleman from Raymond, Mr. Edwards, will prevail on this all important matter.

The SPEAKER: Is the House ready for the question?

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

Mr. BERRY: Mr. Speaker and Members of the House: Fairly recently I had the privilege of visiting the Pineland Hospital, and for me, as I am sure it might have been for most people who have been there for the first time, it was about as much of a shock as jumping into a tub of cold water. I had never realized or had it brought back so emphatically to me the problem that we have here in the State of Maine. It is of tremendous magnitude. The overcrowding at Pineland is a responsibility which the State of Maine has been facing up to reluctantly and perhaps a little bit too slowly. I would hope that we could relieve this problem at Pineland a little bit by starting to help out this movement in the northern part of the state, which will bring this, of course, a lot closer to the people who use it, and I hope that the gentleman from Raymond's motion does prevail.

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

Mr. AYOOB: Mr. Speaker and Ladies and Gentlemen: This program cannot be considered to be a permanent type of a facility since there is some question as to the effectiveness of the program when compared to such places as Pineland Hospital

and Training Center, and other services for the retarded such as special classes in the school systems and also the special classes which are not included in the school systems but are run as private agencies. The program provided for in L. D. 569 must really be considered a pilot project to see if this kind of school is more effective in making retarded people better citizens, more able to take care of themselves and more acceptable in their own towns. The goals for a school like this are self-sufficiency and ability to live effectively outside of an institution.

Pineland Hospital and Training Center, of course, does provide excellent services but cannot meet the demands of all the parents of retarded youngsters in the state as evidenced by the waiting list.

We must also remember that many parents do not wish to institutionalize their retarded children, but want them to have the opportunity of learning as much as they can, and of reaching their maximum level of efficiency in living and getting along with others. Without adequate training and educational advantages these children can never achieve what they would be likely to reach if they had the opportunity of being taught in a special school which is specially designed to take care of their own special needs.

We hope that this measure will receive favorable consideration since it may provide us with the answer to the best way to serve the special needs of retarded youngsters and to help them to overcome their handicap.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I think this is a very worthy bill and I hope it receives passage. As a member of former Legislatures, I was a member of the Committee on Public Health for six years, and we were charged with looking after Pineland and which our committee did, and I think they did a good job because we found them in very, very serious condition, and they have come along fine. They are crowded and there's a great waiting

list. I know of a person who had been waiting for two years and finally got in, and I can see a great advantage of passing this measure because the people in the northern part of the state will not have to come down to Pineland to visit their children if they could finally get in, and there is a great need, and I think it would be well for us to spend some money up there and to make more facilities for Pineland, and I trust that this receives passage.

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

Mr. MacPHAIL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just call your attention to some of the figures that this bill reveals. In the statement of facts it has been brought out that the population of this school would be thirty residents and twenty on the day; that's a total of fifty for a total cost for the biennium at \$6,240.00 each for each student. For this price you could almost furnish an individual tutor for each one. Now, the retarded children population, the level of population varies a great deal. While there may be fifty available at the time to attend this school, ten years from now there might only be twenty-five. Of course, it might vary the other way also, but this does seem that almost \$7,000 per capita to be a terrific expense for a new institution at this time. I would certainly recommend that the Majority Report "Ought not to pass" be accepted.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: Not wholly consistent with my desire to save money in other fields, I think this is a worthy bill. I have friends in Millinocket, friends in Caribou very interested in this program. I will concur with the gentleman from Raymond, Mr. Edwards, and I would like this report to be accepted.

The SPEAKER: The Chair will interrupt debate for just a moment to recognize in the gallery of the

House twenty-one students and two adults from the Burnham Grammar School accompanied by Leola Mitchell.

On behalf of the House, the Chair extends to you a gracious 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 Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I signed the Minority "Ought to pass" Report on this particular bill not because I come from the area involved, and I thought at first that perhaps I would refrain from saying anything. I signed it because I believe it is a sound approach to a problem which we have very much with us. Pineland is getting to be a large institution. I seriously question whether this is the better method of taking care of this type of individual. In this thing which we are proposing, as a pilot program, we are talking about something where these children can be kept in smaller numbers where they could perhaps—I think we are saying where they could spend five or six days a week and receive such instruction near at home as they can absorb, and would not feel perhaps that they were a part of a big institution. As I look at this, I feel that you can get too big on this type of an institution. I believe and I sincerely feel that I would like to see the state embark as an experiment on this program because I believe that the fact that these children can be nearer to their parents, perhaps receive more individual attention, that it will work out to the benefit of the whole state.

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

Mr. OSBORN: Mr. Speaker and Ladies and Gentlemen of the House: I might point out Committee Amendment "A" filing number H-408 reduces the amount of money asked for in the bill considerably.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. O'Leary.

Mr. O'LEARY: Mr. Speaker, we have done away with our school down here to Bath that costs peanuts, and now we're going to start one up to Aroostook County for \$300,000. I don't think we're being consistent. In Oxford County we passed a bill in this term, and we have a school for the retarded children costing us in Oxford County, northern Oxford County, \$25,000 for the next two years. There is no cost after that. I can't see as to how this \$300,000 is going to solve a problem. I believe it's an institution and not a school. Thank you.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I've seen the results of one of these retarded children's classes in the last three or four years at home. I think they have done a very effective job in instructing these children so that they are better able to at least live in society. I think this situation here where you have the isolation in Aroostook County of allowing to spend part of the week there which have given some of the advantage of the school similar to Pineland, but it would also give these children the chance to have some of the love and care that they would get at home during the weekends is a worthwhile idea, and I would certainly hope that this bill receives passage.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Insofar as the closing of the school at Bath is concerned, I'm certain that if the school is closed finally that the children who are not mentally retarded will be placed; they will be placed. Insofar as the cost of this measure, it could still be watered down although it has been watered down once; but regardless of that, my point is as it was the previous time that I spoke, since when do we put a price tag on human lives?

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Hendsbee.

Mr. HENDSBEE: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening with quite a bit of interest to this debate on this particular measure. I have visited Pineland several times, taking people down there who have children there and have no transportation of their own. I would believe that if you went down there and looked the situation over down there, and Pineland is no different from any other school of that type, they're overcrowded and understaffed, and they are doing a wonderful job with what they have to work with. Now the price, it's been mentioned here that how are we going to put a price tag on something of this sort. We're gambling with the future of these children. These children who do not enjoy the benefits that our own children have, and they have almost two strikes on them before they come to bat. Now, I think anything of this nature is well worthwhile. It's a wonderful investment in the future of these young people. They're having it tough enough the way it is to be in the condition that they're in, and anything that we can do to help them along the road to life, in my opinion, is well worth our support.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: While I guess you all know I'm quite upset about the closing of the Bath Home, I caution you not to make this comparison. I do feel that we need this facility up in Presque Isle.

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

Mrs. SMITH: Mr. Speaker, the question has been asked do we put a price on human lives, and I think we do. I think we do it every day here. I think we have to make a decision every day on whether we will educate our people at the University of Maine, whether we will educate them at Gorham State Teachers College, whether we will give more money to the local schools, whether we will give money to a school for cerebral palsy

students, or whether we will give money to a school for retarded children. These are decisions that we make day after day after day here. These are decisions which the Appropriations Committee, by necessity, must make if they are to serve on that committee. We have to make the decision of what we think in our judgment is proper, and then we come back to present it to you for your consideration.

Now, if we do have many of these schools over the state, if they are schools—and I would call to your attention that in the debate this morning there has been quite a lot of question, one person speaking of it as a school and another speaking of it as Pineland. Now if we are to open a new institution in Northern Aroostook, then we should come in with a bill to do just that, to set it up with a supervisor and the personnel that is needed. If that is what it is to be. If it is to be a school as the other retarded schools are, then they are run with private money operated on a private basis, and we will be giving the state's money to those people to run their school which perhaps we should, but then we do legitimately owe it to every other school in the state to do the same because if we give one kind of a program to retarded children in one area of the state, it seems to me that it would be only fair that we should do it in another area of the state. If this is a school; if it's an institution, then this is not perhaps the proper procedure to bring it in, and on this basis, this bill was reported out with the majority "Ought not to pass." I only want this to be clearly understood as to the reasons.

The SPEAKER: The Chair recognizes the gentleman from Jonesboro, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: To get away from the money angle, we are faced with the problem of a service which we are going to continue. Now, I'm interested in the method. Some states have incorporated the retarded children in their school systems as a stepchild of their educational department. Others have kept them under separate

identity, also in their own environment and people who understand them. The reason I'm in favor of this bill is not the money involved, it's the method in which we proceed to take care of this particular problem which is going to be with us for several years. I am in favor of a separate identity and the people who understand them. Thank you.

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

Mr. McGEE: Mr. Speaker, Members of the House: When we bring Pineland into this argument concerning a school for retarded children, we must remember that retarded children and the children who go to Pineland are in an entirely different category. We have a school for retarded children in Auburn and there aren't any in that school who would be entered or accepted in Pineland. Now, the cost of carrying on that school is the same per pupil as in any of the other elementary grades. It doesn't run into any money like this thing — this one has proposed. It is my contention that a school for retarded children like that, wherever they are all over the state, and there should be many of them, there's children who are only backward in learning, it is better to keep them there and sometimes they catch up with the others and in a certain sense they will be taught something if they are in a class by themselves. I will repeat that it is my opinion that these schools for retarded children in the towns should be carried on by the school department under their own appropriation, and what subsidies they have in the state for the regular school subsidies just the same as any other grade of school. If we're going to have another institution similar to Pineland, then we must build and make an appropriation for that kind of an institution.

Mr. Bragdon of Perham asked for a division.

The SPEAKER: The question before the House is the motion of the gentleman from Raymond, Mr. Edwards, that the House accept the Minority "Ought to pass" Report on

Resolve Authorizing the Establishment of a Residential and Day School for the Mentally Retarded in Northern Maine, L. D. 569, House Paper 416. A division has been requested. All those in favor of accepting the Minority "Ought to pass" Report will please rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had. Seventy-six having voted in the affirmative and fifty-one having voted in the negative, the motion did prevail, the Minority Report was accepted.

Mr. RUST: Mr. Speaker.

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

Mr. RUST: Mr. Speaker. I would inquire of the Chair if the public address system is working this morning?

The SPEAKER: So far as the Chair knows the PA system is in operation. Did the gentleman have a point of inquiry as to why he thinks it might not be working?

Mr. RUST: I addressed the Chair but he brought the hammer down before recognizing me.

The SPEAKER: The Chair is very sorry and apologizes to the gentleman.

Thereupon, the Resolve was given its first reading.

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

COMMITTEE AMENDMENT "A" to H. P. 416, L. D. 569, Resolve, Authorizing the Establishment of a Residential and Day School for the Mentally Retarded in Northern Maine.

Amend said Resolve in the 6th paragraph by striking out in the 3rd line the figure "\$179,852" and inserting in place thereof the figure "\$127,185;" and by striking out in the 4th line the figure "\$156,830" and inserting in place thereof the figure "\$104,900"

Further amend said Resolve by striking out all of that part designated the schedule and inserting in place thereof the following schedule:

	1963-64	1964-65
Personal		
Services (17)	\$ 62,185	(17) \$ 64,900
All Other	35,000	35,000

#### Capital

Expenditures	30,000	5,000
Total	\$127,185	\$104,900'

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

The SPEAKER: The Chair at this time will recognize in the balcony of the House sixteen pupils from the seventh grade of the Stratton Elementary School accompanied by their teacher, Mr. Shorey, and two parents, Mrs. Scribner and Mrs. Tibbetts. These are the special guests of Representative Hutchins of Kingfield.

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

#### Divided Report

Majority Report of the Committee on Education on Bill "An Act to Provide for the Dissolution of School Administrative District No. 3" (H. P. 437) (L. D. 642) reporting same in a new draft (H. P. 1101) (L. D. 1579) under title of "An Act to Provide for the Reorganization of School Administrative District No. 3" and that it "Ought to pass"

Report was signed by the following members:

Mr. WHITTAKER of Penobscot  
—of the Senate.

Messrs. McGEE of Auburn  
TREWORY of Gorham  
LEVESQUE of Madawaska  
CURTIS of Bowdoinham  
BRADEEN of Waterboro  
EASTON of Winterport  
SNOW of Jonesboro  
—of the House.

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

Report was signed by the following members:

Messrs. BROOKS of Cumberland  
HICHBORN of Piscataquis  
—of the Senate.

Reports were read.

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

Mr. CURTIS: Mr. Speaker, I move the "Ought to pass" Report be accepted.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, moves the acceptance of the Majority "Ought to pass" in New Draft Report. Is this the pleasure of the House?

The motion prevailed, and the New Draft was read twice.

The SPEAKER: The Chair recognizes the gentleman from Montville, Mr. Mathieson.

Mr. MATHIESON: Mr. Speaker, this takes up a district of my constituents, and I think with the passing of such bills as Pineland and so forth, that it would seem that there were other uses for the money rather than to be put in there. They have had a chance to get their money and haven't voted on it, so I think that the best thing for this is to indefinitely postpone the bill and all its accompanying papers.

The SPEAKER: The gentleman from Montville, Mr. Mathieson, moves the indefinite postponement of the Bill and the accompanying Reports.

The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: This bill provides for the correction of one of the mistakes that has been made in organizing school districts. This district has been in existence now for about five years. It is a strife-torn district. The people have been at each others' throats continually. There are three towns in this district that have asked to be removed from the district; they have many, many reasons why they shouldn't be in the district. This district is one of the largest districts, or the largest district, that has been formed in the state. It is over 320 square miles and nearly 40 miles long. These towns that have asked to be removed from the district feel that the district is not what they desire. It is not good for the education of the children in that district. We have tried several times to get out of the district; we have been opposed by

factions in the towns that we are now giving the district to.

We are providing in this bill the things that the remaining towns have asked to be provided for. The people in those towns have told us many times that they would be satisfied to let these three towns out if they could remain a district, but they were afraid if these towns were removed that they would have to come back to the Legislature two years hence and ask to be reorganized. This bill satisfies them because it provides for just that. We believe, and the people in the Towns of Liberty, Brooks and Monroe that are asking to be removed from the district, believe that injustices have been done by forcing these towns for so long a time to remain in the district that is not suited to their educational needs, and does not provide for them what they want for their children. They have been forced to stay in the district merely because the other towns involved our school district commission has not been willing to recognize the mistakes that have been made and bend a little mite to correct the wrong that has been done in this district.

We have a bill before us that will correct that, and give eight towns a district that they may go ahead and provide for the education of their children as they want to do. It will remove these three towns and let the people in those towns set up a school system that they can live with, that those people want. I believe that this is morally wrong, to force upon the citizens of three towns, keep them by force in something that they don't want when there is a better alternative, and I hope, ladies and gentlemen of the House, that you will defeat this movement to indefinitely postpone this bill and show that there is a little democracy left in the State of Maine.

The SPEAKER: Is the House ready for the question?

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the

House: I was a Member of the Legislature when the Sinclair Bill was proposed and I took an active part in its enactment, and like all other human endeavors perhaps there were some mistakes made, and this is a chance to correct one that was made.

Now School Administrative District No. 3 has never been—the people there concerned have never been too happy with this setup and they in the last Legislature came before the Committee on Education and the Committee made an extensive study and brought out a measure which was finally passed, but because of technical reasons it was unable to do the trick that the people in S.A.D. 3 thought they would like to have done, so this is a measure to correct some of the things and to correct the mistake that was made.

Now your Committee on Education has made a very extensive study of this and it has been sent back and brought out in a new form, and it is such that I believe that it will be satisfactory to all concerned. I believe it will be a great step forward for the Educational Department and the people of the State of Maine, and it will be a great step forward in the forming of School Administrative Districts, and I trust that the move to indefinitely postpone does not prevail.

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

Mr. EASTON: Mr. Speaker, I would like to point out just one or two facts to the Members of this House. We are dealing here with an eleven-town district. Three of these towns now seek and have been seeking for years to get out of this district. They have continually voted to get out, but unfortunately for them the other eight towns can and have consistently quite easily outvoted them. I suggest that the remarks of my good friend, the gentleman from Brooks, are worthy of consideration when he states that "is this democracy in action?"

I further suggest that another reason that a large majority of the Education Committee, all the

House Members, voted for this redraft, is that especially in this area, Waldo, Knox and Lincoln Counties, the cancerous existence of S.A.D. 3 is imperiling all efforts to form school districts in that area. The voters in these various towns look at the situation there and say to themselves, this is not for us. I suggest that the cause of education will be well served by giving freedom to Liberty, Brooks and Monroe.

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

Mr. BRADEEN: Mr. Speaker, Ladies and Gentlemen of the House: As one of the seven Members of this House on your Committee on Education who signed this report "Ought to pass" I have just a few comments to make, very few indeed, because the situation has been admirably covered by our friend from Winterport, Mr. Easton, and the other two or three speakers.

This bill is one of the bills that you have for consideration in this session that does deserve your sympathetic understanding. S.A.D. 3 has written a sad record. The record is sad because there are two or three towns in that district who want out, o-u-t as they say on the air. In my judgment they are entitled to that privilege. It is part of the democratic principle to which we all subscribe.

This is something like Banquo's ghost that we mentioned in this chamber two years ago, the ghost who hovered over Macbeth's banquet table and made him very uneasy because he reflected in his nebulous form a guilty conscience. Let us clear this conscience today. Bury the ghost and give these people an opportunity to get out of S.A.D. 3 and set up shop on their own. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Montville, Mr. Mathieson.

Mr. MATHIESON: Mr. Speaker, there is no question but what there has been plenty of confusion in regard to this, but we are — we have the problem before us of saving money for the state, and whereas this does not save any great amount, it does save money,

and that money would amount to considerable over a period of years. At least it would help such institutions as Pineland, and those I think are more worthy.

Now it has been said that we haven't anything to effect a real reason for having those people in there. I would say this, that the only way you will ever get a school down there is by just some situation like this. I think you can find that out by taking it up with the Department of Education or any other Department that has any knowledge of the district. We are there confronted with the idea of never having anything unless something like this takes effect. And I think those seven or eight hundred high school youngsters account for as much as any of them. We would like — we have voted on this a number of times and they have always hollered that there was something wrong with it, and yet the people there don't think so, and that is the people — and the vote that they did take wasn't large enough to let them out, and that was the agreement that they made themselves. They wanted a bill which would let them out and we agreed to that bill and we supposed they were all through, which was not the fact. As a matter of fact they have had two run-ins on that bill and both came out the same way, and I don't know where the idea comes from that says that they have done all they could. We are attempting there, and I think we have one of the best high schools in the state. I think if there is anything to waste our sympathy on, it should be some other place than at that point.

We have used a lot of effort and time seeing if we could not get this thing straightened out and due to the legislative procedure we have not been able to, but I think, and this is the only bill that I have in any way talked about and I guess I shouldn't have, but it is the only one that I was interested enough in to want to keep on its own keel, and I think it is a good school; it is doing good work and we have got as good probably as any place in the state,

a teacher who is really interested in schools, and we don't want to lose him.

I don't know as there is much more than I can say. It is a case of making up your own minds in your own way and tell us whether we haven't done what they wanted done or not. We know that they have hollered pretty hard about there not being fair play, and I think the person that made that knows who he is and what has been said, and I move when the vote is taken, it be taken by the yeas and nays.

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

Mr. RICHARDSON: Mr. Speaker, I would like to pose a question through the Chair to any member of the Education Committee that could answer; and that is, if the towns of Brooks, Liberty and Monroe are nearly unanimous in their desire to withdraw?

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

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

Mr. MCGEE: Mr. Speaker, as far as I could determine in the hearings, the people in those three towns are practically unanimous and wanted to dissolve the district.

And going over this hearing it reminded me of the condition of a man who was talking to a friend. He said he had lived with this woman who was his wife for thirty years and he had never had a kind word or an understanding for thirty years, and the friend says why in the world didn't you leave her? He says I couldn't stomach to kiss her goodbye. So this Education Committee has given these three towns permission by a good majority to kiss these other towns goodbye no matter how painful it may be.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a local affair and I



shouldn't get mixed up in it, but I do so because I don't think that people should be forced to do something they do not want to do. I certainly hope that democracy prevails.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Montville, Mr. Mathieson, that Bill "An Act to Provide for the Reorganization of School Administrative District No. 3," House Paper 1101, Legislative Document 1579 be indefinitely postponed. 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 membership present. Those members desiring a roll call, will please rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER: Obviously, not a sufficient number arising, the Chair will not order a roll call, but will order a division. All those in favor of indefinite postponement of this Bill, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, the Bill was assigned for third reading tomorrow.

The SPEAKER: The Chair at this time would recognize in the balcony of the House, thirty-four students from St. Theresa's Grammar School of Mexico, accompanied by Father Cyr, Father LaPlante and Sister Louise. These are the special guests of Representative O'Leary of Mexico.

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

### Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act to Consolidate the Maine Unitarian Association with Northeast District of the Unitarian Universalist Association" (H. P. 295) (L. D. 389) which was recommitted, reporting that it be referred to the 102nd Legislature.

Report was signed by the following members:

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

Messrs. GILBERT of Eddington  
COTE of Lewiston  
BOISSONNEAU  
of Westbrook

FOSTER  
of Mechanic Falls  
Mrs. WHITE of Guilford  
—of the House.

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

Report was signed by the following members:

Messrs. WELLMAN of Bangor  
COPE of Portland  
—of the House.

Reports were read.

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

Mr. WELLMAN: Mr. Speaker, I move the acceptance of the Minority "Ought to pass" Report.

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

(Cries of "No")

The SPEAKER: All those in favor of accepting the Minority "Ought to pass" Report—

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: If I may, I would like to take a moment of time to read portions of a letter which explains my position in signing this bill.

The SPEAKER: The gentleman may proceed.

Mr. WELLMAN: Mr. Speaker, as you can easily see, both item three on page six as well as item four in effect are one and the same bill, dealing one with the Unitarian Association of Maine and one with the Universalist Church of Maine.

Near the middle of the previous century, the Legislature incorporated both the Universalist Church and the Maine Unitarian Association. Of course, nowadays such incorporations are formed under the General Laws of the state. The Northeast District or the Universalist Unitarian Association was incorporated also under the laws of the State of Maine fairly recently. These two bills are proposals to consolidate the three corporations into one governed by the General Laws of the State of Maine. Now both churches have met in conventions, the Universalist Church in Augusta in October of 1961 and again in May, 1962. Votes were taken at that time in both meetings to present these bills to this Legislature. Notices were handed to all members of the corporation and there were apparently no dissenting votes at the meeting of the Universalist Church. I am not aware whether any votes were dissenting at the Unitarian meeting.

These bills are merely permissive. They do not become effective unless and until they are ratified by a subsequent meeting of each corporation. Any churches or persons who are not in accord with the procedure authorized, will have an opportunity to debate and to vote on the questions at their own corporation meetings. It seems to me that this Legislature has been called to grant permission to two corporations to conduct their affairs as they shall deem best. It is my personal feeling that we cannot stand in their way. We should give them the opportunity under this permissive legislation to conduct their own business as they shall deem best. Thank you.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Caribou, Mr. Norton.

Mr. NORTON: Mr. Speaker and Members of the Legislature: I can assure you that I have had as-

surance from the Universalist Church at home hoping that this bill would pass. That assurance was unanimous.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, to accept the Minority "Ought to pass" Report. All those in favor will say yes, those opposed, no.

A viva voce vote being taken, the motion prevailed.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

The SPEAKER: The Chair at this time would recognize in the balcony, pupils from the Eighth Grade of Madison Junior High School, accompanied by their teacher, Mrs. McGee. These young people are the special guests of Representative Hendsbee of Madison.

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

### Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act to Consolidate The Universalist Church of Maine with Northeast District of the Unitarian Universalist Association" (H. P. 296) (L. D. 390) which was recommitted, reporting that it be referred to the 102nd Legislature.

Report was signed by the following members:

Mr.	STITHAM of Somerset
Mrs.	SPROUL of Lincoln
Mr.	ATHERTON of Penobscot
	— of the Senate.
Messrs.	COTE of Lewiston
	BOISSONNEAU of Westbrook
	GILBERT of Eddington
	FOSTER of Mechanic Falls
Mrs.	WHITE of Guilford
	— of the House.

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

Report was signed by the following members:

Messrs. WELLMAN of Bangor  
COPE of Portland  
— of the House.

Reports were read.

On motion of Mr. Mendes of Topsham, the Minority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

### **Amended Bills Passed to Be Engrossed**

Bill "An Act Providing for a Full-time Chairman of the Liquor Commission and Increasing the Compensation" (S. P. 157) (L. D. 433)

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" as amended by Senate Amendment "A" thereto and sent to the Senate.

### **Third Reader Tabled Until Later in Today's Session**

Bill "An Act to Expand Powers of Soil Conservation Districts" (S. P. 603) (L. D. 1570)

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

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

Mr. MINSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to ask a question relative to item two. I have no particular feeling on the bill except that one thing had occurred to me. Under the provisions of this bill, a dam can be built on land — assuming that the dam were to break or for any negligent or non-negligent reason were to let the water go, and the water coming from the dam damaged adjacent property, would anyone be responsible for the damage done to the adjacent property owner? The only question I have is, who is responsible for these dams and who is responsible for the damage that they cause to adjacent landowners if they break or let loose? If someone could answer that question, I would appreciate it.

The SPEAKER: The gentleman from Bangor, Mr. Minsky, poses a question through the Chair to any

member who may answer if he chooses.

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

Mr. MOWER: Mr. Speaker, I don't know as I can answer it exactly, but this adjacent land that this dam might possibly be on is through the cooperation of adjoining farmers or owners of land. The district in which they are under would be taking care of all responsibilities.

The SPEAKER: Does the gentleman consider his question answered?

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

Mr. MINSKY: Mr. Speaker, to a degree. I don't read that in the statute. I won't press the point any further.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I'd be very brief, and I would like to remind the gentleman from Bangor who posed a question that many years ago one of the great cases coming down from the House of Lords was Ryland v. Fletcher. I would suggest that a reading of that case from the House of Lords may solve Mr. Minsky's problem.

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

Mr. PEASE: Mr. Speaker, I would ask that when the vote is taken, it be taken by a division. The reason that I ask this is that although I realize that this bill has very wide interest among many of the legislators here, I would like to express my opposition to the bill. One particular point in the bill in that having heard this informally as a member of the Judiciary Committee jointly with the Committee on Agriculture, it sets up a system of government by supervisors or district representatives. And these district representatives are elected by only those who are interested in this particular field. Under the present statute that is being amended by this bill, the Governor has the authority to appoint certain individuals who may be interested in this field, but who may have a certain leveling influence. It would seem to me that

this particular provision of the bill is not at least from my point of view a valid provision, I would request a division when the vote is taken.

The SPEAKER: Does the gentleman make a motion?

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

Mr. TYNDALE: Mr. Speaker, I am not too familiar with this bill, but I would like to pose a question through the Chair to any member of the Agricultural Committee how this bill was voted on and what the vote was by the Committee.

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

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

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: This bill was voted on unanimously by the Agriculture Committee through the help of outside interests, and we had a young lawyer working on this bill with us. I would appreciate it if some member of the Agriculture Committee would table this until later in today's session that we might go over it again with this young lawyer to answer some of these technical questions that have been asked.

Thereupon, on motion of Mr. Tyndale of Kennebunkport, the Bill was tabled pending passage to be engrossed and specially assigned for later in today's session.

### Finally Passed

Resolve Discharging Town of Liberty from Part of the Indebtedness to Maine School District Commission for Preparation of Agreement for Dissolution of School Administrative District No. 3 (S. P. 278) (L. D. 792)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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 of Unfinished Business:

SENATE MAJORITY REPORT (8)—Ought to pass in New Draft (S. P. 607) (L. D. 1571)—MINORITY REPORT (2)—Ought not to pass—Committee on Judiciary on Bill "An Act relating to Percentage by Weight of Alcohol of Blood of Operators of Motor Vehicles." (S. P. 275) (L. D. 789)

Tabled—May 28, by Mr. Rust of York.

Pending—Acceptance of Either Report.

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

Mr. SMITH: Mr. Speaker, I move acceptance of the "Ought to pass" Majority Report.

The SPEAKER: The gentleman from Bar Harbor, Mr. Smith, moves that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1571 before us here this morning is a redraft of L. D. 789, "An Act relating to Percentage by Weight of Alcohol of Blood of Operators of Motor Vehicles." This bill is a substantial change in the so-called blood alcohol law, and I am opposed to the motion of the gentleman from Bar Harbor, Mr. Smith, that the Majority Report be accepted.

This bill comes very late in this session of the Legislature. In my opinion, it is a new bill which has been resurrected from the ashes of L. D. 789 without the benefit of a public hearing. If you are a so-called "dry" here in the Legislature, the reduction of the blood alcohol limit from 15 percent down to 12 might please you. If you are a so-called "wet" here in the House, the permission to apply for a license after six months if your blood alcohol test is 18 percent or less might also please you. However, to me as a member of the Judiciary Committee which heard the original L. D. 789, this is a very poor bill. The carrot dangles before the jackass just

to make him bite for the bill, but don't be fooled and bite for the carrot. The old expression that "all that glitters is not gold" is very applicable to this piece of legislation. This bill makes six changes in the existing drunk-driving statute. The first change, it removes the phrase "intoxicated" and leaves "or if at all under the influence in one type of drunk-driving offense." In another type of drunk-driving offense, it removes the phrase "or if at all under the influence" and leaves the word "intoxicated." In addition to this, it reduces the penalty from sixty days down to thirty days, and from two years down to eleven months. In a third type of offense which was in the drunk-driving bill, it has been completely removed, and this is the case of a high and aggravated nature of drunk-driving. This has been completely removed from the law. In another type of drunk-driving offense which is the second offense of the same nature, the penalty is reduced from ninety days to sixty days, and from three years down to two years. That's the fourth change in the law. The fifth change in the law, it reduces the percentage of blood alcohol where you are presumed to be guilty of drunk-driving from 15 percent down to 12 percent.

The sixth change, it allows a convicted person to apply for a license to operate a motor vehicle after six months instead of twelve months if he took a blood test within four hours of the time he was arrested, and his blood alcohol test was 18 percent or less. In my humble opinion, this bill offers the average citizen nothing, but will substantially increase the problem of law enforcement in the state.

The so-called blood alcohol test law is a very nebulous test. There are no standards, the technicians are not licensed or supervised, and the results vary widely depending upon the type of test that may be used by the technician, the technicians themselves, and the individual who takes the test. I know of two situations where blood alcohol samples were taken from the same individual and sent to

three different technicians to test, and the reports came back with three different results of a substantial varying nature. In another situation which I am aware of, they took the blood of a perfectly sober individual and sent it to a technician for testing, and that blood alcohol test came back indicating that that person would be drunk as far as the courts were concerned. I know of another technician where the police officers come from as far around as fifty miles to bring blood alcohol samples to that individual for testing. Why? There can be only one reason, because the results are wonderful for the law enforcement officers.

Now these are some of the problems involved in the blood alcohol law. In my humble opinion, any average citizen would be foolhardy, under any conditions, to submit to a blood alcohol test, because of the circumstances involving him, and because of the uncertainty of the results. There is no uniformity in them whatsoever.

Usually it is only the fellow who is loaded, and I mean loaded, who doesn't have the presence of mind to decline taking a blood alcohol test. Under this type of a bill, this individual has everything to gain, because if he's loaded and he's fortunate enough to come up with a blood test of something under 18 percent, he can get his license back in six months; but the average citizen who might be involved in a routine drunk-driving violation who has the presence of mind not to submit to a blood alcohol test law, can't get his back for at least twelve months.

Now, the police officers would have a great deal of difficulty working with this particular piece of legislation. They are going to find it very difficult to get the old borderline arrest case to take a test under this law where you have reduced the 15 percent down to 12. Also I can see an increase in the number of contested court cases as a result of the 12 percent limit. This is extensive law enforcement both to the police officials of the state level and to our local communities where these

officers must take the time and spend it in court when they would be doing a better job out enforcing the laws on the road. Also it is going to be time consuming to our court systems.

In addition to that, this bill came out of the Committee on Judiciary of which I am a member; I have heard the bill. I didn't pay too much attention to the technicalities of the bill in the committee because I was not in favor of it. However, there are a number of technical problems with the bill in relation to the appeals to the Secretary of State for filing of the blood laws and I understand it would be very difficult and most unworkable as far as his department is concerned. This bill, in my opinion, will help no one but the fellow who is loaded and is a real drunk driver, since the great percentage of blood alcohol test laws run in the twelve to eighteen percent category. Therefore, I now move the indefinite postponement of this bill and all its accompanying reports, and when the vote is taken, I request a division.

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

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I think it's only proper that the views of the majority of the Judiciary Committee be explained briefly. The present drunken driving law, I think all will agree, is not perfect. It has many unsatisfactory aspects. This bill is designed to aid somewhat in improving the present law without claiming to be a final solution to the problem involved in drunken-driving. The comments of the gentleman from York, Mr. Rust, concerning the accuracy of blood alcohol tests are interesting, but this bill does not propose to remove from the law or change the law with respect to whether or not any test shall be made. The old law contains a provision that blood alcohol tests may be taken with the consent of the respondent, the accused; and the proposed law leaves

in the statutes this right of the accused to have a blood test taken. It may be that some tests are not accurate, but they are not accurate under either the old law or under the new law, if passed. So it seems to me while those comments may point out some of the weaknesses of the blood alcohol test system, they are not pertinent to this particular bill.

Now I am going to only point out two portions of the statute which appealed to me, and led to my signing the Majority "Ought to pass" Report. One is the reduction from .15 to .12 per cent of content, of weight alcohol content to blood by weight, and the prima facie evidence that the operator of a car may be under the influence of liquor. That would indicate to me some progress in seeking to determine whether or not a driver is at all under the influence. Of course, any test is taken only by consent of the driver. Secondly, there is a provision which might induce more drivers to take the test, and that is the reduction from one year to six months as the period after which one convicted of drunken driving may re-apply for a license if he has taken the test, and if the test shows that the alcoholic content to be less than .18. The majority of the Committee apparently felt that and it was my thought that these changes might be an improvement in the present drunk-driving law.

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

Mr. BERMAN: Mr. Speaker, as a member of the Judiciary Committee, I rise to support my colleague from York with whom I joined in opposing this bill when it was before us. Now, as a lawyer myself for more than a decade, I've come to the considered conclusion that there are probably too many attempts to change complicated existing laws because some well-intentioned people have an urge to tinker. I suggest that the problem of drinking drivers is not one of changing existing laws. It is a problem of exercising moderation, self-restraint, and just good common sense.

The present law under which we are now operating is well established. It has proved workable. This L. D. which is before you this morning, without the benefit of any public hearing, has absolutely no experience to guide it. I also suggest that our law enforcement is difficult enough today when we keep our feet on the ground and try to maintain a sense of proportion which is guided by some experience. Therefore, this bill which has had no public hearing should not pass.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Blouin.

Mr. BLOUIN: Mr. Speaker, I rise to support Mr. Rust for indefinite postponement of this bill and all its accompanying papers.

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

Mr. DENNETT: Mr. Speaker, Members of the House: I rise in support of the gentleman from York, Mr. Rust, which in itself is an unusual occurrence. However, I believe in this instance that he is entirely correct. I am not an attorney. I know but little of the technical aspects of this bill, but I am aware of one thing which I think is all important. I have discussed this matter with those who are charged under our laws with the administration of the motor vehicle acts. They feel that this bill, if it ever should become a law, would be literally impossible to administer. They feel that the results would be chaotic. The Secretary of State has signified that he is inalterably opposed to this bill, and he told me that he did not mind being quoted.

I think there are instances where we, as individuals who are not too learned in these things, have to yield to those whose experience and knowledge of the matter is far greater, and in this instance, I yield to those who are charged with the administration of this law, and I certainly hope that the motion by the gentleman from York, Mr. Rust, will prevail.

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

Mr. KNIGHT: Mr. Speaker, I would direct your attention ladies and gentlemen to an amendment that I have prepared. Today doctors are very reluctant to take blood tests. Doctors in my county feel that a man who is under the influence, even though he asked a doctor to take the test, can later on say that he didn't have the free knowledge or the free will required to give consent, and later on the man can turn around and sue the doctor for assault and battery. There may be some merit to this argument.

Now, the amendment which is filing 401 would be the good Samaritan law, and would be used on this bill, or this bill would be used as a vehicle for this amendment, whereby that if a man while "in his cups" so to speak had asked the doctor to take a blood test, he later on could not turn around and say to that doctor, "I didn't know what I was doing, and now I'm going to sue you for assault and battery." This is the good Samaritan rule applying to doctors so that they can in turn protect the man's right by taking blood and having it analyzed. It is my understanding that the blood test law was put through with the idea in mind of protecting the innocent.

Now if you kill this bill today, this amendment cannot be put on, and I would like to see the bill pass for the purpose of this amendment going on and then Mr. Rust could perform surgery if he so desired, and possibly everyone would come out of the operating room a little bit happier.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I would make two final comments before you decide on this bill. The statistics as far as the effects of drunk-driving in recent years is definitely on the decline. There are fewer and fewer charges of drunk-driving, and fewer and fewer convictions each year. Therefore, I presume and I cer-

tainly feel that the present law on the books is working satisfactorily.

The second thing that I am inalterably opposed to in this particular bill this morning is that it removes from the present law the offense of drunk-driving which is of a high and aggravated nature, and I think that is a good law and should stay on the books.

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

Mr. JALBERT: Mr. Speaker, I would like to ask the gentleman from Rockland, Mr. Knight, one or two questions. Who can state that doctors are reluctant to give blood tests? One, who gives blood tests; secondly, what is the fee?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question to the gentleman from Rockland, Mr. Knight, who may answer if he chooses.

Mr. KNIGHT: I am not sure I understood the question fully, but a man when arrested must request the blood test. The county pays the fee.

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

Mr. JALBERT: My question has not been answered. However, if the doctors are reluctant to give blood tests, and insofar as the fee is concerned, if the gentleman from Rockland, Mr. Knight, will look at the county expenditures that come out every day that the county commissioners meet I should be that reluctant.

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

Mr. SMITH: Mr. Speaker, I think I should point out that statistics don't always tell the truth. One reason that there may have been fewer arrests as noted by the gentleman from York, Mr. Rust, is the increasing difficulty to get convictions in our courts. Secondly, the offense which has been removed under this draft, that is the high and aggravated nature, is practically a non-existent offense insofar as arrests

and prosecutions under it in the present law are concerned.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from York, Mr. Rust, that both Reports and Bill "An Act relating to Percentage by Weight of Alcohol of Blood of Operators of Motor Vehicles," Senate Paper 275, Legislative Document 789, be indefinitely postponed.

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

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

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

On motion of Mr. Wellman of Bangor,

Recessed until 1:15 p.m. this afternoon.

#### After Recess

1:15 p. m.

The House was called to order by the Speaker.

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

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

Tabled—May 28, by Mr. Jalbert of Lewiston.

Pending—Acceptance of Report.

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

Mr. LITTLEFIELD: Mr. Speaker, I move this be tabled unassigned.

The SPEAKER: The gentleman from Hampden, Mr. Littlefield, moves that item two be tabled unassigned.

The Chair would inform the gentleman that we have a House Order that allows tabling for two days.



Thereupon, on motion of Mr. Jalbert of Lewiston, item two was retabled pending acceptance of the Committee "Ought not to pass" Report and specially assigned for Thursday, June 6.

The Chair laid before the House the first 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 23, by Mr. Libby of Portland.

Pending — Motion of Mr. Childs of Portland to Indefinitely Postpone both Reports and Bill.

Thereupon, on motion of Mr. Libby of Portland, retabled pending the motion of Mr. Childs of Portland to indefinitely postpone both Reports and Bill and specially assigned for Thursday, June 6.

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

Bill "An Act relating to Operating Business on Sunday and Certain Holidays." (H. P. 930) (L. D. 1364) — In House, House "C" (H-352) adopted and Bill subsequently Indefinitely Postponed.

In Senate, Engrossed with Senate "A" (S-240) in Non-concurrence.

Tabled — May 23, by Mr. Pease of Wiscasset.

Pending—Motion of Mr. Wellman of Bangor to Recede and Concur.

Thereupon, on motion of Mr. Pease of Wiscasset, retabled pending the motion of Mr. Wellman of Bangor to recede and concur and specially assigned for Thursday, June 6.

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

SENATE MAJORITY REPORT (6) — Ought to pass in New

Draft (S. P. 596) (L. D. 1563) — Minority Report (4) — Ought not to pass — Committee on Judiciary on Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure." (S. P. 298) (L. D. 871)

Tabled — May 29, by Mr. Smith of Bar Harbor.

Pending — Acceptance of Either Report.

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

Mr. SMITH: Mr. Speaker, I move acceptance of the "Ought to pass" in New Draft Majority Report.

The SPEAKER: The gentleman from Bar Harbor, Mr. Smith, moves the acceptance of the Majority "Ought to pass" in New Draft Report. Is that the pleasure of the House?

(Cries of "No")

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

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I have looked over this situation very seriously and I am much disturbed about what it proposes to do. Now it is said, and probably true, that it would be of some assistance to the bank to sell mortgaged property, bonds, or whatever you call them, out of state. But I am sure if each and every one of you looks around your own communities and where your banks are located, you will be brought to the conclusion that the banks are gaining control very fast, that they are consolidating, and are fast moving into position like happened over in Germany before World War Two, and probably was the cause of World War Two—it surely was the cause of the hatred that was put out for the monied people there that controlled the clientele, and I am in terrible fear of what could happen.

So I would move the indefinite postponement of the bill and all its accompanying papers.

The SPEAKER: The question before the House now is the motion of the gentleman from Bowdoinham, Mr. Curtis, that both

Reports and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Brownville, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I hesitate to differ with my seatmate, the gentleman from Bowdoinham, Mr. Curtis; but he is speaking only of banks. Now individuals hold mortgages too. I have had a little personal experience in this. When you give a mortgagor one year, he pays no taxes, he pays no insurance, he pays you no interest; and during that year property can go downhill to beat the band, and I have seen it happen several times. They lose interest in it; they won't even fix a leak in the roof. And I say six months is long enough time to give them.

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

Mr. JONES: Mr. Speaker and Ladies and Gentlemen of the House: I arise in support of this measure. Experience has been such in the past, as my good colleague Mr. Ross has explained, we have not only banking businesses loaning money and having mortgages but we also have the individuals. And if I recall correctly and I am somewhere near right, statistics show that on redemption of property when foreclosures have been issued, a very small percentage of those who have mortgages redeem them if they have gone over six months. Usually those mortgages are kissed goodbye. A very small percentage of them redeem them.

Your banking institutions and your individuals in large part I think have a heart and would operate in that manner when we have situations where illness and sicknesses and drastic misfortune have beset these people that have these mortgages which prevent them from making their payments and clearing the title. Those people the banks are willing to go along with I am sure and would hesitate to make a foreclosure notice even though the situation might call for it, because the

banks and the individuals would realize that these people are doing the best they can and will pull out. However, those who don't pull out or aren't in that category, as has been stated, they will stay on the property and they will fail to pay their taxes, they will fail to keep their property insured. I know of instances where they have broken down the stairway railing that goes to upstairs and burned them for fuel. So they will really tear a place apart. I hope the motion to indefinitely postpone does not prevail. Thank you.

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

Mr. PIERCE: Mr. Speaker, when the vote is taken, I request a division.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Our economy is based on seasonal occupations, potatoes, blueberries, hotels, motels, restaurants and dozens of others. I feel that six months redemption period is not enough if they should get into financial difficulties. I go along with indefinite postponement.

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

Mr. AYOOB: Mr. Speaker, Ladies and Gentlemen of the House: Aroostook County at this particular time is going through one of the greatest economic depressions that it has had to witness over the years. And it is a seasonal product, potatoes. At the present time, our weekly papers are filled with foreclosure notices, and it is impossible for any man that has a foreclosure on his farm to redeem it in six months. The income from the potatoes that he will be putting in this coming spring will not be completed until next spring. I would like to have you consider that, and I am in favor of the indefinite postponement.

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

Mr. COPE: Mr. Speaker and Members of the House: Among the many various civic duties I have as a citizen, I am also a member of the Voluntary Home Mortgage Credit Program of Region I, which comprises all the New England States, New York, Puerto Rico and the Virgin Islands. It is an affiliate of the Home and House Finance Agency of the Federal Government. It comprises private lending institutions, real estate men and builders. Its function is to assist in the funneling of private mortgage funds in remote and isolated areas in the various communities of under 25,000 people.

Down in Washington and in New York, there is one county that stands out in all this area of this Region and that is Aroostook County, and also Washington County takes second. That is the greatest problem that they have to provide funds. It is also parts of the state in coastal areas and all such towns as Millinocket and Lincoln. The present redemption period of one year is recognized as a major deterrent to provide private lending funds in these areas. It results in higher interest rates and larger cash payments to those people that need it and to the disadvantage of the property owner. If this redemption period was cut down to six months, it would be a great asset to the State of Maine.

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 this bill as I feel that the shortening of the foreclosure period on real estate will be a tremendous benefit to the property owners of Maine. I do not believe that it will create any undue hardship on the buyer's part because within the six months period, as it has already been brought out, sufficient time would have been available for the redemption of this property. And I certainly hope that this bill will receive favorable passage. I thank you.

The SPEAKER: The Chair recog-

nizes the gentleman from Kingfield, Mr. Hutchins.

Mr. HUTCHINS: Mr. Speaker, Ladies and Gentlemen: I believe this bill is of considerable importance. I think it takes care of a situation that needs our careful consideration. Banks don't foreclose on the premise of making extra money. That would be the worst possible business that I could think of. They make money by making loans at fair rates of interest, and to foreclose before it was absolutely necessary, would be the worst possible publicity for the banks.

One other thing to remember I believe is this is your money that the banks are loaning. Savings Banks in particular and Building and Loan Associations do not have one cent of capital stock. There is no money there except the money that you have deposited and put in there. So that when you vote in favor of this bill, you are voting to protect your own money. I believe you should bear that in mind when you vote. Thank you.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion of the gentleman from Bar Harbor, Mr. Smith, and in opposition of the motion of the gentleman from Bowdoinham, Mr. Curtis. I feel that this bill "An Act Shortening the Period of Mortgage Foreclosure" is an important piece of legislation and is long overdue in the State of Maine. At every session of the Legislature we enact new laws. We change and amend old ones, and we even go so far as to amend laws in this session which have already been passed in this session. We do this for a variety of reasons to help certain business interests and to help certain other groups.

This afternoon we have before us a bill of general interest to the banking interests of this state and also to the depositors in those banks. This is a bill which has been on the statute books of the State of Maine since Maine became a state and the last time it was amended was over fifty years ago, back in 1907. Now, some of you

would say that that must be a good law if it hasn't been amended in all that period of time. However, I must differ with you and beg your indulgence, and would say that the reason that this law has not been changed in all this period of time is not because there is not a need for the change, but simply because we legislators have not seen fit to give any consideration to the banking interests of this state and to the depositors of those banks. Nor have we taken any time to think and to seek, and to realize that bank mortgaging under today's conditions is not what it was over fifty years ago.

However, today we have an opportunity to give this problem some sober consideration. The bill before you this afternoon simply provides that once a foreclosure is taken, that the person shall have only six months instead of twelve months in which to redeem on a foreclosure. It makes no other changes in the existing mortgage law. Now, why is it time for a change? Because times have changed in over fifty years. This bill, in my opinion, will aid our banks who, after all, are us, the depositors of those banks. It will stimulate lending, and promote recreational and industrial building. Maine, the old agrarian state of fifty years ago, is fast moving into the industrial stage, and in the recreational activities field. These conditions require new laws for banks to operate under and laws which are realistic on today's conditions. Things move very rapidly today, and a person who borrows money on a mortgage or to buy a mortgaged house today usually only puts in five per cent down, ten per cent down, in some cases twenty per cent down, as opposed to over fifty years ago when we had to put fifty per cent down.

The attitude of people today has changed from what it was fifty years ago. Today people don't consider that they are buying a house; they are merely paying rent. Instead of paying rent to the landlord, they pay it to the banker. And today there are more than twenty-eight other states who have mortgage foreclosure laws which are shorter than what we presently have on the books, and even short-

er than what this law proposes to do today. So this is nothing really new and it's not really far-reaching, but it is something that is needed in the State of Maine.

Banks, like other businesses, frequently run short of cash with which to loan out on new mortgage construction. When they do this, their lending capacity is severely restricted. To raise cash, banks must frequently sell or discount mortgages to other institutions who deal in this type of a bank transaction. Mortgages of this type, or the type that we now have on our books, are not very acceptable to these mortgage discount houses, but this type as we propose here this afternoon would increase the discounting of mortgages, and encourage the flow of new money through our banks for new construction activities.

Our recreational industry, both at the ocean and the lakes, and the ski resorts, would benefit through an increased bank lending activity in these areas. We all know that our banks are not much interested in these areas of lending. They have very restrictive lending practices because of the time it takes them to get out their investment. However, with a shorter period of foreclosure, they would be a little bit more free in investing in these activities because they could get out of a sour deal if they run across one. The same reasons and circumstances that apply to our recreational industry also applies, of course, to our industrial development activities. New businesses coming into the State of Maine need large financing, and without the co-operation of our banks, we cannot provide those services to these industries.

Many of us here come from summer resort areas both on the coast and at the lakes. We know of many summer people who are interested in building in our areas. They build substantial summer homes, and they would build more so, if there was more mortgage money available to them. A lot of people who come here from out-of-state on a seasonal basis, find it very difficult to get money from our local banks. However, these peo-

ple do have sources of private lending in their own areas that would come down here and lend money on real estate of a seasonal nature if we had some up-to-date mortgage laws with which to operate. In my humble opinion, lending activity in all areas would be increased, and increased mortgage lending activity means increased construction and building programs, which naturally in turn mean increased wages and money flowing into every community and area of the state.

Mr. Speaker, ladies and gentlemen of the House, this bill will, I feel, do something for the State of Maine. It will help the borrowers; it will help the banks. It will help our resort industrial activities. It will help our Maine business people, and building industries, and I cannot urge you too strongly this afternoon to vote for this bill, and vote for a modest step in progress, even though you may feel from a personal nature, that this is not something that you personally desire because of a personal interest. Think of the overall benefit and picture to the State of Maine in these areas. Mr. Speaker when the vote is taken, I would request a division.

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

Mr. BERMAN: Mr. Speaker, I really don't agree with my eloquent friend from York, Mr. Rust. I don't think that this is a proper bill for the State of Maine. Now when each of us comes to the Legislature, we are given a set of laws of the State of Maine and the pocket book. And while I am frank to confess, I don't read the statutes as much as I would like, I would like to call the attention to this House before we vote on the question to those who are concerned with the mortgagors remaining in possession for a year and deteriorations setting in, under Chapter 177, Section 3, there are provisions for a mortgagee who feels that a mortgagor may allow the property to deteriorate within the year to take steps to obtain possession of the premises. So any mortgagee who is really worrying about the premises deteriorating,

can take steps under our existing law.

Now I think that we should be trying to conserve the excellent year of grace which our forefathers allowed the unfortunate people whose farms and homes were being foreclosed. I hope that this House this afternoon will not remove the ancient landmark which our forefathers have set.

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

Mr. SMITH: Mr. Speaker, lest there be any misapprehension in the minds of various members of the House, I should point out that this legislation would not apply to existing mortgages. It would only apply in fact to mortgages contracted in the future.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: Inasmuch as great money and interest is for this bill, I wonder if you will bear in mind what it stands for and what you should stand for. Now this twelve months of grace to redeem a home, which has been on our statutes for so many years and which has done a good work, I should hate to see it removed, and it is up to you folks whether it is going to be removed or not. I would like to tell you just one or two instances about these wonderful bank people, how wonderful they are and how they wouldn't do anything to gain any money. But first I would like to draw your attention to the fact that if — just appraised as though you haven't got enough money because as a real estate broker, I have sold things this way, they can give a bond for a deed. In fact not too long ago, I sold a place several years ago and they didn't have too much to pay down so they took a bond for a deed and when they found that they got twenty-five per cent or thirty per cent of value, why they got a deed. The banks have plenty of room to do that.

I would like to tell you another instance a man had had his place foreclosed on and he had it up for sale, and I sold it. If he had told

me that it had been foreclosed on and was about to lapse the twelve months, why perhaps we could have done something about it. But I sold it for cash, and he and I went over to the people who held the bank mortgage and it was a federal bank, and he got \$3,500 for the place. There was \$1,500 unpaid, and you know what they did, they kept the whole \$3,500, they didn't give him back his extra \$2,000. I pleaded with him and I went to a lawyer. I said is there anything we can do about it; and he said, there is nothing that can be done about it. That is law. In other words, if he had paid a day sooner, he could have saved his equity in the place. Now that is how wonderfully the bank looks after your affairs.

Now this is just simply a money-making scheme, and if you want to sell your home-owners down the river, then you will vote for this bill. If you want to protect them, why you will vote for indefinite postponement.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: In my opinion there are ample provisions in the law as now written. I do not think that this law is equitable at this time or probably not for quite some time to come.

Let's please just look at what has been happening to some of these foreclosures around the state. In some instances, a man is foreclosed upon by the bank or told that he must vacate his property and he immediately goes to a lawyer to ascertain his rights. With this type of legislation, it is quite possible that some lawyers may take advantage and this man only having six months may not be able to do much in the State of Maine, the seasonal business as it is. It seems to me that we in the House should protect the man as much as possible that is trying to build a home for himself and his family. I see no reason why this bill should be passed. Thank you.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: It seems to me that banks want to continue doing business with a good risk, I mean people that mean well. It doesn't seem to me that they want to get people into their clutches and then just take your property away. This would present a problem for them. And I don't see anything in the bill that says a bank has to foreclose in the six months. If they feel that this person deserves a little more time, they can give it to them. I think this is just a plan to get rid of some of the dead-beats and prevent some of the property from being destroyed the way it has been.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that the House indefinitely postpone both Reports and Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure," Senate Paper 298, Legislative Document 871. 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.

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

Mr. RUST: Mr. Speaker, I request that the vote be taken by the yeas and the nays.

The SPEAKER: A request has been made for the yeas and nays.

Mr. COPE of Portland: A point of parliamentary inquiry, sir, did I hear the gentleman from York, Mr. Rust, withdraw his motion?

The SPEAKER: The gentleman from York, Mr. Rust, is recognized.

Mr. RUST of York: I withdraw my motion for the yeas and nays.

The SPEAKER: The gentleman withdraws his motion.

Sixty-five having voted in the affirmative and seventy-two having voted in the negative — the Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, I move that the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, requests that the vote be taken by the yeas and nays.

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

Mr. RUST: I rise to a question of parliamentary inquiry.

The SPEAKER: The gentleman may state his parliamentary inquiry.

Mr. RUST: After a vote has been taken by a division and the vote is declared, is it still possible to ask for the yeas and the nays?

The SPEAKER: The Chair will advise the gentleman that the vote had not been declared.

For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All of 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 arisen, a roll call is ordered.

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

Mr. JONES: Mr. Speaker, would it be possible to have the record read back. I understood that the vote had been declared.

The SPEAKER: The vote has not been declared.

For the information of the House and the gentleman, that relative to the vote being declared, had it been declared, it is still the constitutional right of any member to ask for a roll call vote before other business has been taken up.

Is the House ready for the question? The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that the House indefinitely postpone both Reports and the Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure," Legislative Document 871. All those in favor of indefinite postponement, will answer "yes" when his name is called. All those opposed to indefinite postponement, will answer "no" when his name is called. The Clerk will call the roll.

## ROLL CALL

YEA: Anderson, Ellsworth; Anderson, Orono; Ayoub, Bedard, Bernan, Bernard, Birt, Blouin, Boothby, Bourgoin, Bradeen, Brown, So. Portland; Bussiere, Carter, Cartier, Childs, Cookson, Cote, Coulthard, Crommett, Curtis, Davis, Denbow, Dostie, Dudley, Dunn, Edwards, Finley, Foster, Gallant, Gilbert, Gill, Giroux, Hammond, Hardy, Hawkes, Henry, Hobbs, Jalbert, Jewell, Jobin, Karkos, Knight, Loughton, Levesque, Lowery, MacGregor, Maddox, Mathieson, Nadeau, Norton, O'Leary, Osborn, Pierce, Pitts, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Reynolds, Ricker, Shaw, Snow, Thaanum, Thornton, Townsend, Vaughn, Viles, Ward, Welch, Whitney, Williams, Wood, Young.

NAY: Albair, Baldic, Benson, Berry, Binnette, Boissonneau, Bragdon, Brewer, Burns, Chapman, Choate, Cope, Cottrell, Cressey, Crockett, Dennett, Easton, Ewer, Gustafson, Hanson, Harrington, Hendricks, Hendsbee, Humphrey, Hutchins, Jameson, Jones, Kilroy, Lebel, Libby, Lincoln, Linnekin, Littlefield, MacLeod, MacPhail, McGee, Meisner, Mendes, Minsky, Mower, Noel, Oakes, Oberg, Osgood, Pease, Philbrick, Rand, Rankin, Richardson, Roberts, Ross, Augusta; Ross, Brownville; Roy, Rust, Sahagian, Scott, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Taylor Treworgy, Turner, Tyndale, Wade, Waltz, Waterman, Watkins, Wellman, White, Guilford; Wight, Presque Isle.

ABSENT: Brown, Fairfield; Drake, Gifford, Kent, Susi, Tardiff.

Yes, 74; No, 70; Absent, 6.

The SPEAKER: Seventy-four having voted in the affirmative; seventy having voted in the negative, with six being absent, the motion to indefinitely postpone does prevail.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

SENATE MAJORITY REPORT (6)—Ought to pass with Committee Amendment "A" (S-212)—Minority Report (4)—Ought not to pass—Committee on Legal Affairs on Bill "An Act relating to Enforcement of Certain Codes in Municipalities." (S. P. 117) (L. D. 345)

Tabled—May 29, by Mr. Gilbert of Eddington.

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers, and would like to speak on it.

The SPEAKER: The gentleman from Eddington, Mr. Gilbert, moves the indefinite postponement of both Reports and the Bill.

The Chair recognizes the same gentleman.

Mr. GILBERT: Mr. Speaker, Members of the House: Under existing legislation, past legislatures have delegated to the towns the authority to pass certain ordinances lying within the police powers so-called. These ordinances reflect electrical housing plumbing codes and things of this nature. Now under delegation of authority under the existing statute, the legislatures in the past have said to the towns that they can enforce these ordinances either by a criminal warrant or by civil collection of fines. This proposed bill and its amendment would wipe out the criminal sanction for these various codes. In doing so, in my opinion, it would effectively hamstring any municipality that wanted to enforce a health or housing or plumbing code. I do not feel that this proposal is good legislation. I am aware that the Attorney General or Deputy Attorney General has written a letter to the effect that the civil sanction is "enforceable." Of course it is enforceable, but it may take many a moon to enforce it. The criminal sanction in these codes is the weapon that the municipality has to get quick effective relief. If you take it away from them, as I say, they are going to be ham-

strung. And when the vote is taken, I ask for a division.

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

Mr. LIBBY: Mr. Speaker, I have in my hand two letters relative to this L.D. 345. I think it is of great interest to everyone here. The first one is signed by Howard U. Heller, who is the Executive Director of the Portland Renewal Authority; and in part, I will read:

"L.D. 345 is of tremendous concern to the Portland Renewal Authority as well as to the community as a whole. If this piece of legislation should be enacted, efficient code enforcement would become virtually impossible. Without adequate code enforcement blight and slums can be expected to increase. Not only could there be this increase in slums but the State of Maine and all of its cities and towns would most probably become ineligible for Federal assistance in fighting such blight.

"As you undoubtedly know, each community receiving Federal assistance for Public Housing or Urban Renewal must each year have its Workable Program recertified by the Federal Government. One of the requirements of the Workable Program is that the community applying for assistance must have an enforceable code and enforcement program. We have received indications from the New York Regional Office of the Urban Renewal Administration, as well as from Washington, that it is highly unlikely that Maine communities could continue to meet the requirements of the Workable Program if L.D. 345 is adopted.

"Aside from Federal assistance being in jeopardy, an even more important issue is what the result of this law would be to the communities of Maine which have no Federal programs. Certainly code enforcement is as vital to them as it is to the larger cities."

The second letter is from the Corporation Counsel of Portland, Mr. Shur, and it is about like this first one. Again, I will read one paragraph:

"When L.D. 345 was brought to the attention of the Renewal Agency



in New York, we were advised by telegram that the passage of this bill would make it virtually impossible for Maine communities to qualify for the certification or recertification of workable programs since their ordinances would lack penalty clauses."

I think these two letters speak for themselves. I think that the damage caused by the passage of this bill, 345, would be immeasurable. Therefore, I hope that the bill will be defeated. Thank you.

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

Mr. COPE: Mr. Speaker, Members of the House: This bill has been debated quite well not only in the press, but in the other body. The material you just heard has been repeated over and over again. But I think as one of the signers of the "Ought to pass," I think the purpose of the majority has been a useful purpose. I think it pointed out to the communities that the threat of arrest does not solve the problem. In answer to some of these legal inquiries by several of the municipalities' legal counsel, the question was put, as the gentleman from Eddington, Mr. Gilbert, has said to the Attorney General's office whether this would be enforceable. And I just, for the record, I wanted to present this. He said as follows: "this proposed act is enforceable. It is not necessary that a fine or forfeiture be imposed through criminal process to make a law or ordinance enforceable. Imposition of a penalty is a criterion by which is determined whether or not a law or ordinance is enforceable." I submit with that statement, any federal agency will support the ruling of the Attorney General over any other legal officer. However, since the purpose of this bill has been served, I would support the Minority "Ought not to pass."

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: Coming from a city that has been engaged in slum clearance and urban renewal now for some time, I know

quite a bit about the problem. I urge you to kill this bill if you wish us to help find decent, safe and sanitary housing for families that will be displaced in urban renewal programs.

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

Mr. BIRT: Mr. Speaker, I have just one short comment. In the Bangor Daily News today, the lead editorial, Housing Counts Too. I think they felt just as strongly as the comments that have been made from the Floor.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in wholehearted support of the motion of the gentleman from Eddington, Mr. Gilbert. This bill which removes the criminal penalties from building codes and ordinances established by municipalities is a worthless bill, and I hope the motion prevails.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Eddington, Mr. Gilbert, that both Reports and Bill be indefinitely postponed. All those in favor will say yes; those opposed, no.

A viva voce vote being taken, the motion prevailed.

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

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

SENATE REPORT "A" (5) — Ought to pass in New Draft (S. P. 581) (L. D. 1534)—Senate Report "B" (5) — Ought Not to Pass — Committee on Natural Resources on Bill "An Act Creating an Allagash River Authority for State of Maine." (S. P. 65) (L. D. 115)

Tabled—May 29, by Mr. Wellman of Bangor.

Pending—Motion of Mr. Williams of Hodgdon to Accept Report "A" OTP.

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

Mr. WILLIAMS: Mr. Speaker, I now move that this matter lay on the table until tomorrow, June 5.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, moves this matter be retabled until tomorrow, June 5 pending the acceptance of Report "A" "Ought to pass." Is this the pleasure of the House?

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

Mr. DUDLEY: Mr. Speaker, I would like to move that it be tabled until later in today's session.

The SPEAKER: The pending motion is that it be tabled until the next legislative day. All those in favor say yes; those opposed, no.

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

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

AN ACT relating to Exempting from Property Tax Pleasure Boats in the State for Storage. (H. P. 1092) (L. D. 1567)

Tabled—May 29, by Mr. Waterman of Auburn.

Pending—Passage to be Enacted.

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

Mr. MacPHAIL: Mr. Speaker, pending the receipt of further important information, I would respectfully request that this matter be tabled until Thursday, June 6, pending passage to be enacted.

Thereupon, on motion of Mr. Wellman of Bangor, retabled pending passage to be enacted and specially assigned for Thursday, June 6.

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

AN ACT Providing for Life Preservers for Boats for Hire. (H. P. 35) (L. D. 58)

Tabled—May 29, by Mr. Oberg of Bridgton.

Pending—Passage to be Enacted.

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

Mr. OBERG: Mr. Speaker, I move the indefinite postponement of L. D. 58 and would like to speak briefly on it.

The SPEAKER: The gentleman may proceed.

Mr. OBERG: Mr. Speaker, this bill simply states that all vessels for hire shall have on board at all times a United States Coast Guard approved life preserver, ring buoy or buoyant cushion in good serviceable condition for each person on board. Now it is hard to argue against the — let me say I am in sympathy with the safety feature involved here, and it is hard to argue the economics involved against the safety, but I do come from an area, as I stated here the other day, that has a very high concentration of housekeeping cottages, with which are many row-boats, and if this particular piece of legislation were passed, it could mean upwards to an investment of \$400 or \$500 for owners of these housekeeping cottage colonies. But I think my major objection to this L. D. is perhaps not the economic, but it is the feature that puts the boat owner in possible violation. For instance, I might say that these waterfronts and these housekeeping cottages are not closely supervised and if a party for instance of children came down to the waterfront, say five of them, and there were just four life preservers in the boat, of course the boat owner would be in violation, and I think this puts an unnecessary burden on the owners of these boats for hire. I therefore move the indefinite postponement of this L. D.

The SPEAKER: The gentleman from Bridgton, Mr. Oberg, now moves the indefinite postponement of this bill.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I am very happy this afternoon to be able to support this bill with all my heart as well as with my head. It is a bill to protect human life at a very small cost. It is a very simple and straightforward bill, and this is all that it says: "All vessels for hire shall have on board at all times a United States Coast Guard approved life preserver, ring buoy or buoyant

cushion in good serviceable condition for each person on board."

And now at the last minute, after no previous debate, after a wonderful committee report by the Committee on Fish and Game, there is this attempt to kill the bill because of the cost of a life preserver. I hope you will let it live and protect the innocent children who are taken aboard a vessel for which there is a money charge. I ask you to think of the children which this bill would protect and whose lives it can save. I think what I am saying to you now is very reasonable and very fair. Can you measure the life of a child or anyone else against the cost of a Coast Guard approved life preserver, ring buoy or buoyant cushion? I urge you to support this bill and help save the innocent. Therefore, I hope you will not let this bill die.

The SPEAKER: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker and Members of the Legislature: I would like to rise in support of the gentleman from Houlton, my good friend, Mr. Berman. We spent a lot of time on this bill in the Committee and after seeing so many accidents and so many lives being lost, we felt that something should be done, and so we sent this bill out "ought to pass" and I hope you will go along and help us pass it.

The SPEAKER: The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker, I would like to go along with the gentleman from Bridgton, Mr. Oberg, in his remarks. I am one of a group of cottage owners who have these boats, and in sympathy with the safety feature, I don't know—we have talked this over at some length amongst ourselves and we have wondered how we were going to be able to handle this and keep within the law. All I can say at this time is that I hope the penalty will be light, because the boats will be on the

lake in violation nearly every day in the week.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Noel.

Mr. NOEL: Point of information, what is the difference between a vessel and a boat? Mr. Berman from Houlton says that applies to vessels.

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

The Chair recognizes the gentleman from Mexico, Mr. O'Leary.

Mr. O'Leary: Mr. Speaker, in my two years in the Navy they always told me that a vessel was something you put a boat on.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: Somebody here today asked what price you put on human lives. I think that is what this is all about. Probably not too many of you here can recall that great unsinkable boat which came out from England and was not supplied with life belts and not supplied with boats because they felt it never could be sunk, but it struck an iceberg and 1500 people lost their lives. Had there been lifeboats or belts there, perhaps none would have been lost. I think this is a fine bill and I trust you will not indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Pitts.

Mr. PITTS: Mr. Speaker, I happen to be one that has been in this resort business for quite a while and years ago, six or eight years ago, we fitted out all of our boats with life preservers, and inside of a week they were all thrown overboard, so that was the end of our life preservers at our place there. I don't think you can keep these in a boat, not the ordinary rowboat that you let kids and fishermen, the kids just throw them overboard and that is the end of

them. I would be opposed to this bill.

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

Mr. ANDERSON: Mr. Speaker, I don't want to belabor the question any longer, but this came out of the Fish and Game Committee unanimous "Ought to pass." I think it is very cheap life insurance, and I certainly hope that the motion to indefinitely postpone does not prevail.

Mr. Curtis of Bowdoinham requested a division.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bridgton, Mr. Oberg, that "An Act Providing for Life Preservers for Boats for Hire," L. D. 58, be indefinitely postponed. A division has been requested. All those in favor of the indefinite postponement will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-seven having voted in the affirmative and eighty-one having voted in the negative, the motion did not prevail.

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

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

HOUSE DIVIDED REPORT—Majority (7) Ought to pass—Minority (3) Ought not to pass—Committee on Taxation on Bill "An Act Increasing Sales Tax." (H. P. 313) (L. D. 406)

Tabled—May 29, by Mr. Wellman of Bangor.

Pending—Acceptance of Either Report.

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

Mr. ALBAIR: Mr. Speaker, I move acceptance of the Majority "Ought to pass" Report and wish to speak briefly.

The SPEAKER: The gentleman may proceed.

Mr. ALBAIR: Mr. Speaker, Ladies and Gentlemen of the House:

To better understand the need for this revenue measure, I am of the opinion that we first should examine action taken by previous Legislatures.

Several years ago the Legislature gave Maine education a new boost with passage of the Sinclair Act. This act provides new incentives for improved quality through subsidies for a foundation program and consolidated school districts; therefore, better quality education programs have been realized at the local level.

Due to the flood of new pupils, products of the booming war and post-war births, also inflation and constant rise in construction, operating and maintenance costs, the cities and towns have constantly faced the need for more money to hold their own and meet additional expansion expenditures.

Today, we face the need of a 15 million dollar increase in State funds for the next biennium, to continue existing services.

Seven million dollars of this total is needed to close the big gap between current expenditures and the educational needs of Maine as due to the towns and cities under the statutes through general purpose aid subsidies. Undoubtedly this is the number one problem of the current session.

Approximately 3 million dollars is needed to carry on our present responsibilities for obligated operations of the University of Maine, and to meet increased state retirement costs for teachers' pensions.

More than 3 million dollars of the increase is earmarked for wage adjustments and pension contributions for States employees, as a result of the Jacobs pay plan, approved by the 100th session.

The remaining 2 million dollars is spread among other departments and reflects a minimum required to carry on present services, placed on the State's books by previous legislatures.

To repeat for emphasis, the brief resume that I have given to you outlines the cost factor involved to continue the present level of State services.

Now let's turn our attention to the supplemental budget requests.

It is my firm belief that a tax increase is necessary, if we are to continue our State's economic growth, however gradual. To achieve this growth, we, as Legislators and citizens, must be willing to finance the necessary programs.

Certainly, none will argue that we should stand still in Maine, and no one can argue that our statewide economy should stand still, or that we would allow it to become stagnant, or decline.

The price tag on the proposed supplemental budget is approximately 5 million dollars. Where would it go?

Much of the total is earmarked for education and career State employees. Six items in the supplemental recommendations make up the greater portion and here they are, in round figures:

Education, \$1 million; Health and Welfare, \$625,000; University of Maine, \$500,000; \$1 million, Longevity for Career Personnel and a more equitable mileage allowance for state employees; \$500,000 for Mental Health and Corrections; and Bond Interest, \$500,000.

These six items total approximately 4 million dollars.

You undoubtedly have noted that I previously listed the total of the Supplemental Budget requests as approximately 5 million dollars. The remaining \$500,000 to 1 million has been assigned to other departments for well deserved program improvements. I firmly believe that the six major areas of State government, to which I referred, deserve our most serious consideration, are truly justified, and have earned almost unquestioned priority.

Now to financing these programs.

Whenever discussions arise over the sales tax, there are those who argue that removal of the present food exemption would bring in approximately as much additional revenue as could be realized by a one percent increase in the tax with its present exemptions.

I definitely am opposed to the taxing of such basic necessities as food for home consumption. I not

only concur with the appraisal of this particular exemption as given by Dr. Sly when he analyzed Maine's tax structure, but will quote him directly for clarity and understanding:

"The purpose of this exemption, (referring to food used in home consumption) is to reduce the regressive effect of the Sales Tax. The theory is, that since the percentage of personal income spent for food, declines as income increases, the lower income groups will pay less sales taxes in proportion to income than those in slightly higher income groups. This tends to make the tax less regressive. To raise the same amount of money, a higher rate will be required when food is exempt, but the tax impact will fall a little more heavily on the higher income groups because the ratio of food to total expenditures in these groups is less than in the lower income brackets."

Our present sales tax went into effect on July 1, 1951. Its rate then was two percent. On July 1, 1957, because of the continuing budgetary demands, it was increased to three percent. Some of the present exemptions are: Food for human consumption, seed, feed, fertilizer, motor vehicle fuel, amusements, and the full purchase price of automobiles, cigarettes and liquor.

I am convinced that our predecessors recognized the sales tax as an equitable means of funding the major portion of our general fund demands.

It has been estimated that the additional per capita cost of an additional one percent of the tax would be about \$9.00.

I think there are three questions that I believe should be resolved in our minds:

**Question One.** Do we need the additional revenue?

**Answer.** If we are to keep faith and fulfill previous commitments of our predecessors and at the same time provide a reasonable, moderate degree of progress, the answer is 'Yes.'

**Question Two.** Is the Sales Tax a fair tax?

**Answer.** I believe that a careful review of the history of the tax also provides a 'Yes' answer, provided that food for home consumption continues to be exempted.

**Question Three.** Should we discourage an attempt to include food for human consumption as a taxable commodity?

**Answer.** I believe we should, due to the fact that such action would definitely create an undue additional burden on the lower income groups. Therefore, the answer, again is 'Yes.'

I believe the need for additional revenue is necessary if we are to keep faith and fulfill previous commitments of our predecessors and at the same time provide a reasonable moderate degree of progress.

The rate would not place Maine at a competitive disadvantage. Seven states, including D. C., now have state, or combined state and local rates of 4%. Presumably many others will have rates of 4% after current legislative sessions. Two of these states, Illinois and Washington, like Maine, have no income tax; the others have personal or corporate income taxes or both.

The tax places a reasonable share of the cost of government on non-residents of importance because of a large summer population. This relieves residents to this extent, and yet does not discriminate against non-resident. Florida also relies on sales, and not income taxes.

The increased rate would not unduly burden Maine citizens. Maine is one of a minority, one quarter of sales tax states exempting food for home consumption. Of states with 4% state or combined rates, four, Illinois, Michigan, Mississippi, and Washington, tax food. Two, California and Pennsylvania do not.

With existing exemptions, regressive features of the sales tax are to a great extent offset, and we should discourage any attempt to include food for home consumption as this would definitely create an undue additional bur-

den on the lower income groups.

In conclusion I'd like to point out that previous Legislatures recognized this measure as a fair means of deriving revenue for financing over 50 percent of our general fund budget. Maine is a Sales Tax state, and has been for the past eleven years. I would request a division when the vote is taken.

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

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

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

Mr. DENNETT: Mr. Speaker, I have no intention at the present of engaging in any lengthy debate as far as the sales tax is concerned. There is one thing, however, I think I would like to make clear after listening to the remarks by my seatmate, the gentleman from Caribou, Mr. Albair. I do not think that the opponents of the increase in the sales tax have any intention of including food in any proposed substitute. However, at this time I now move that this bill and its two reports be indefinitely postponed.

The SPEAKER: Is the House ready for the question?

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: I will not take much of your time. I naturally of course rise to oppose the motion of the gentleman from Kittery, Mr. Dennett. I can add very little to what the gentleman from Caribou, Mr. Albair, has said. I can give you no great speeches. I can give you no great philosophical discussions on taxes, sales taxes against any other kind of tax or the sales tax against no tax.

I know that we have passed the current services budget. I know the current services budget has called for an increase in the state spending. I know and I believe with Mr. Albair, that this should come from the sales tax. There-

fore, on these grounds, I would urge you to vote against the motion for indefinite postponement.

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

Mr. PEASE: Hoping that I may have a chance to have my vote recorded as in favor of the motion to indefinitely postpone, I would respectfully request that the vote be taken by roll call.

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

Mr. BRADEEN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to belabor this issue today. I am going to wait for a later time which I am positive will come.

My purpose in making these comments is simple, merely this. Two years ago I served on the Legislative Committee on Taxation. Two of my colleagues at that time are serving in the House today. My friend the gentleman from Auburn, Mr. Waterman, and my good friend, the gentleman from Caribou, Mr. Albair. It is a matter of common knowledge of all the so-called re-treads present today from the 100th Maine, I was a vocal, vigorous opponent of the increase in sales tax at that time. I opposed the increase because I was satisfied in my own mind, after a careful appraisal of the situation, that we could find other means through which money might be raised to maintain the essential services of the state at that time and also keep its credit intact.

Today I see no such other means available. I sense that the day is not far distant, however, when Maine will become an income tax state as well as a sales tax state. I am glad to say that I do not think that that day has yet arrived, and I am convinced that the way and manner in which the state's cost of maintenance should be defrayed for the next biennium is through a one cent increase in the sales tax. Therefore, as of now, I support that means of raising our income. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Bernard.

Mr. BERNARD: Mr. Speaker, I don't want to debate this question very long, but I would like to bring up the problem that Mr. Jalbert brought up this morning, Representative Jalbert from Lewiston. He pointed out this morning that we needed advertising. Now over there in York County we don't need advertising. He talked to us this morning that we needed \$200,000 for advertising. Ladies and gentlemen of the House, you can go over to Wells Beach and you can go over to Ogunquit, you can go over to York Beach; if you don't get there at eight o'clock in the morning on Sunday or a holiday you are not going to get a place to park. We don't need advertising. But if you put this sales tax through, you aren't going to get any people over there, you are going to have plenty of places to park.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I do not wish to belabor this debate any further. I simply want to remind you of a very few simple facts. You and I have been sitting here for three or four months, and I have heard of vote after vote, including two this morning, to spend money for various items, and these include some gentlemen who will vote against the means to get them today. I must remind you that you have a fiscal responsibility. You have already passed the general services fund by a substantial majority of over 101 votes. This is a time for wrestling with yourself whether you want to sacrifice fiscal responsibility for political expediency. I don't want to remind you any further that we are here for a two-fold purpose, to enact legislation for the benefit of the State of Maine. You will be reminded that you voted together as a unit for the furtherance of education for our institution and the further general needs of the people which is our general housekeeping funds. This is the point that I am giving to you today. This is your hour of fiscal responsibility. It is deserving of your careful delibera-

tion and meditation with yourself. Thank you.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Kittery, Mr. Dennett, to indefinitely postpone this bill. However, I am not, in reality, opposed to the sales tax, I feel that I am like many of you here, it looks like it is the inevitable. However, I would like to state my position at this time.

In campaigning for the Legislature I ran on a platform of no increase in the sales tax, but I did tell my constituents that it was obvious that some new forms of taxation were going to be necessary to take care of the increased costs in state government, which were already built in. We have passed the current services budget and we are going to have to have some kind of new money to take care of these. Some among us feel that the 4 per cent sales tax is the easiest and the simplest way to raise it. There are others amongst us who feel that there are other alternatives.

Now, coming from York County, which is a border state—a border county I should say, I honestly don't feel that the average citizen in York County is too concerned over a 4 per cent sales tax. They are more or less resigned to it, and this is my understanding of their particular attitude. However, a 4 per cent sales tax does substantially affect the business interests in the border areas in York County. A 4 per cent sales tax will mean one per cent less profit for them once it goes into law. As I have already stated, it looks like a 4 per cent sales tax is inevitable, and if that is so, I would be happy to support it; but until that picture is clear and clear cut, I would oppose the increase at this time since I would favor a broadening of the tax base.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that Bill "An Act Increas-

ing Sales Tax" Legislative Document 406, House Paper 313, and both Reports be indefinitely postponed. 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 in favor of a roll call will please rise and be counted.

A sufficient number arose.

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

The Chair will restate the question. The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House indefinitely postpone both Reports and Bill "An Act Increasing Sales Tax." All those in favor of indefinite postponement of the Reports and Bill will answer "yes" when his name is called; all those opposed to indefinite postponement will answer "no" when his name is called. The Clerk will call the roll.

#### ROLL CALL

YEA: Anderson, Ellsworth; Anderson, Orono; Ayoob, Baldic, Bedard, Berman, Bernard, Binnette, Blouin, Boissonneau, Bourgoin, Burns, Bussiere, Cartier, Chapman, Childs, Cote, Cottrell, Cressey, Crommett, Davis, Denbow, Dennett, Dostie, Dudley, Edwards, Finley, Foster, Gallant, Giroux, Hammond, Harrington, Hendricks, Hendsbee, Hobbs, Humphrey, Jalbert, Jameson, Jewell, Jobin, Karkos, Kilroy, Laughton, Lebel, Levesque, Linnekin, Lowery, MacGregor, MacLeod, Mathieson, Nadeau, Noel, O'Leary, Osgood, Pease, Philbrick, Pitts, Plante, Poirier, Prince, Oakfield; Reynolds, Roberts, Roy, Sahagian, Smith, Strong; Snow, Townsend, Turner, Viles, Williams, Young.

NAY: Albair, Benson, Berry, Birt, Boothby, Bradeen, Bragdon, Brewer, Brown, So. Portland; Carter, Choate, Cookson, Cope, Coulthard, Crockett, Curtis, Dunn, Easton, Ewer, Gilbert, Gill, Gustafson, Hanson, Hardy, Hawkes, Henry, Hutchins, Jones, Knight, Libby, Lincoln, Littlefield, MacPhail, Maddox, McGee, Meisner, Mendes,



Minsky, Mower, Norton, Oakes, Oberg, Osborn, Pierce, Prince, Harpswell; Rand, Rankin, Richardson, Ricker, Ross, Augusta; Ross, Brownville; Rust, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Taylor, Thaanum, Thornton, Treworgy, Tyndale, Vaughn, Wade, Waltz, Ward, Waterman, Watkins, Welch, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Wood, Speaker.

**ABSENT:** Brown, Fairfield; Drake, Gifford, Kent, Susi, Tardiff.

Yes, 71; No, 74; Absent, 6.

**THE SPEAKER:** The Chair will declare the vote. Seventy-one having voted in the affirmative, seventy-four having voted in the negative with six absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

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

**HOUSE JOINT ORDER — ORDERED,** the Senate concurring, that Bill, "An Act relating to a net Income Tax Law for the State of Maine." (H. P. 945) (L. D. 1295) be recalled from the Legislative Files to the House for the purpose of further consideration.

Tabled — May 29, by Mr. Wellman of Bangor.

Pending — His motion to Indefinitely Postpone.

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

**MR. WELLMAN:** Mr. Speaker, Ladies and Gentleman of the House: This particular matter we have under discussion in this item has been discussed at least three times that I can think of. I can hardly find anything to add. I simply would now urge your adoption of the pending motion.

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

**MR. CHILDS:** Mr. Speaker and Members of the House: May I first say to the gentleman from Bangor,

Mr. Wellman, that I certainly think there is something to add right now. I notice there were only seventy-four votes in favor of the sales tax and it is my understanding that there are a hundred and one votes needed to pass it. So I say there is a great deal to add to this.

Some weeks ago the gentleman from Bangor took the position that we should take one item at a time. At that time I felt that taxes and spending go hand in hand, and it was my hope that before we could decide on the current services budget that we should decide how we were going to pay for it. The gentleman from Bangor disagreed with me and felt that we should vote on current services and we then should vote on our means on how to pay for it. I yielded to his thinking and I voted for current services a week or so ago.

Now I realize that I have a responsibility to live up to, that I certainly am not going to vote for spending bills and then not vote for taxation. I just voted against the sales tax for I feel that a sales tax is not a fair and just tax. I feel that a tax should be based upon ability to pay.

There are many worthy leaders in this state who have commented just recently that Maine is coming to an income tax, and I don't think there is any question about it. I say that it is going to be that much more difficult to come to an income tax if we continue to increase the sales tax, for the sales tax undoubtedly is the easy way of doing things.

At the present time, all I am asking for is an order for the income tax bill to be recalled back from the legislative files. I am hoping at this time you will vote for that particular measure, for then it will be back here in case that the sales tax does not receive enactment. And assuming that the sales tax does not receive enactment, we may have a committee of conference and come up with a combined sales tax and income tax together, which could be a justified and reasonable tax. So therefore I hope at this time that you will vote to have recalled from the legislative files the net income tax bill.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I don't think that the question before you now is whether to just recall this income tax bill from the legislative files, and the point in question is whether you want to vote on it. No one brings back a bill to have it defeated. Now prior to the One Hundredth Session, we spent some \$50,000 for Dr. Sly to study the tax methods of the State of Maine. He brought out a very comprehensive report which was accepted by the Members of this House, showing that Maine was not an income tax state. We have, during the last several years, been fortunate enough to have a great many people come to the State of Maine to live for that one very purpose, that we have stayed away from an income tax.

Another thing that you have to bear in mind is this, the income tax must produce enough revenue to cover the cost of your general service fund and your supplemental fund if you accept them. This would mean, that your income tax would have to be confined to a few, because of the fact that your standard of income in the State of Maine is not high enough to warrant an income tax to bring the necessary revenue in. It is a simple mathematical problem. I don't think it would work. Dr. Sly didn't think it would work. And I think it would be just lengthening this session to bring this bill back from the legislative files at this time. And I hope that you will go along with the move to indefinitely postpone and vote the pending question.

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

Mr. PLANTE: Mr. Speaker and Members of the House: I would like to emphasize that the Sly Report was not a study concerning the feasibility of an income tax. The Sly Report was not an incident study concerning the impact of any tax. It was simply an analysis of our present tax structure — and I might add, a poor one.

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

Mr. EASTON: Mr. Speaker, having over my own dead body voted for a budget I didn't much care for and thus being forced to vote for a sales tax that I didn't much care for, it is with some glee that I arise to oppose bitterly an attempt to bring back before this House an inequitable income tax. I suggest that the Federal Government has shown us that an income tax lends itself far too easily to demagogic manipulation of the rates. It is a simple thing to vote for spending and then say, we will soak the rich and let them pay for it. I reiterate my opposition to this proposal and I would move that when the vote is taken that it be by the yeas and nays.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: In voting to bring back before this House L. D. 1295, you are voting to bring back for consideration a bill which incorporates by reference a very substantial part of the federal income tax, and the federal regulations. I think you should consider what you are doing if you vote to bring back this bill and go through the consideration again of what has once been voted down. Now, I call to your attention, this is most vital to the State of Maine. Internal Revenue Code means, as referred to in this statute which is L. D. 1295, the Internal Revenue Code of the United States as hereafter amended. You are adopting by reference in this bill, if this bill should receive favorable consideration, a portion of the Internal Revenue Code of the United States over which we have no control. You are also adopting, if this bill were passed, the following and I quote: "Whenever any portion of the Internal Revenue Code incorporated by reference refers to rules and regulations promulgated by the United States Commissioner of Internal Revenue or hereafter so promulgated, they shall be regarded as regulations promulgated

by the Tax Assessor." That's the Tax Assessor of the State of Maine. Now I urge you to kill this Order now, and let's not get into any consideration of that type of bill.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen: I don't like to hold you on this hot afternoon and perhaps prolong debate which will continue through other long hot afternoons, but I do think the House of Representatives is the place to discuss taxation, and I don't believe in the course of this Legislature, this House of Representatives has discussed taxation more than one half hour. Now, I will vote for the sales tax—here's Sunday's Times, they just instituted a four percent sales tax Saturday and it didn't seem to have any perceptible effect on business. The sales tax is one of the great tools of taxation, but I think it's time maybe for us to consider and seriously, after the vote just indicated, other alternatives in our securing revenue, and so I am very briefly going to try to maybe bring a little light on some of the objections that have been raised to an income tax in the State of Maine, and I know Mr. Child's bill could be amended to read something like this, and if you have pencil and papers, you might be able to figure out your own income tax on this basis, and this type of an income tax will produce \$12,000,000 in the biennium, six million dollars a year.

The taxpayer that has an adjustable gross income of \$6,000 is permitted an exemption for himself and his spouse of \$1,500 apiece. If he has three children, he is permitted \$1,000 exemption for each one of those children. That's a total of \$6,000. So that a \$6,000 taxpayer pays no tax at all. Now if you just keep in mind those basic figures, you will see that it doesn't dig deep into the pockets of the little fellow, and it will not either dig deeply into the pockets of the more fortunate individual. We'll take a man who

has a taxable income of \$16,000. He's in the 50 percent bracket. On this state income tax, his tax would be \$600. and his total net tax liability would only be increased from \$8,000 to \$8,300. He would have an additional tax liability of \$300 but the state would get \$600. That's because our state income tax would be deductible.

Now, there are many, many things that I would like to talk about, but I'm not going to. I would have hoped that everybody had read this little handbook put out by the League of Women Voters on the total tax structure of all states, and we would not be subjected to so much misinformation.

For instance, I heard on the floor of the House that only a few states that are in the sales tax picture, and there are thirty-eight of them, that tax food, but we look at the record here and we see that thirty-two of the sales tax states tax food, and the sales tax rate runs from from 44 hundredths of one percent up to four percent on food. Now I'm not suggesting that we broaden our tax on food at all. I think we're too high now, but I know that there are other alternatives. I'm not going to speak long, but I'm going to suggest one. It seems to me—I've learned that at a closing session of the Legislature last year, the legislative body here put a sales tax on recreational hotels and motels, sort of a recreational rental tax. Now, just combining that with what I read in the New York Times. Here's the New York State—New York City wants \$300,000,000 of additional revenue this year, and they are going to get it by increasing their sales tax from three to four percent, one percent; their cigarette tax from two to four percent; and they are going to include commercial rentals. Now to get that \$300,000,000 budget, they need \$205,000,000; \$68,000,000 of that is coming from commercial rentals, about one-third. The rest is coming from their cigarette tax and their one cent increase in their sales tax.

Now, I say this, I am not going to talk a long time, but I say this, and I sometimes get a little disturbed when I stand here—sit here like this morning, we have ten "Ought to pass" Majority Reports ranging from eight to two, seven to three, eight to two, eight to two, six to four, six to four; some of them involving our very life's blood; the creation of more wealth, the creation of more industry, and we sit here, maybe we are overcome by the heat, and we let them go by the board. Now, I think in this matter of taxation, we owe our consciences—I know I owe mine, I owe myself the duty and maybe it's a privilege to get up here and fight for alternatives and to exploit the whole tax situation. I will vote for the sales tax if that's the only one we can get, but who knows that it is. Who knows that we shouldn't drop back to two per cent at this time and broaden the base. I have not the answers, but I would like to hear some discussion. I am sorry and I thank you.

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

Mr. BERMAN: Mr. Speaker, since the question has just been brought up about this unfortunate increase in the sales tax in New York City, I would like to address a question through the Chair to the gentleman from Portland, Mr. Cottrell, and ask him to tell us, if he would, the many million dollars that the Board in New York has raised their estimates.

The SPEAKER: The gentleman from Houlton, M. Berman, poses a question through the Chair to the gentleman from Portland, Mr. Cottrell, who may answer if he chooses.

Mr. COTTRELL: I really don't know. I think if I read this a little further I'll get the answer, but I do know this. I'm not afraid to admit it. I'm not against the sales tax. I do know this, that they are getting more complaints about the two cent rise in the cigarette tax than anything else in New York City, and they promise to go across the Washington Bridge or the Holland Tunnel into New Jersey and get their cigarettes. I understand the sales tax does not include sales

sold out of the city. There's a lot to it. I wish we would exploit this. They said that the sales tax is the most feasible. It is. It's painless; it's expedient. But feasible does not mean it's the wisest course, and I don't think it's the right tax at the right time now.

The SPEAKER: The Chair will interrupt debate at this time to recognize in the balcony of the House twenty pupils from the Denmark Grammar School accompanied by their teacher, Mrs. Smith. These are the special guests of Representative Dunn of Denmark.

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

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion to indefinitely postpone this bill. We had this bill for consideration in the House a while ago, and it was indefinitely postponed; but like a cat with nine lives, here we have it again. Why this Legislature is so persistent in considering a state income tax at this time is beyond my understanding. Maine has only one million people. Our pay scale is low. We do not have the population or the wealth of some of the larger states, and Dr. Sly who made our tax survey told us that a state income tax in Maine would reach down to those in the low income brackets where it would be harmful. It would require another tax bureau for the Legislatures to appropriate money for. Probably such a tax would start at a low rate, but it would be an easy matter to raise the rate each time the Legislature convened, and in a short time the rate would be up to twenty cents like the federal income tax. This Legislature decided by defeating two income tax bills that it does not want a state income tax. If the future Legislatures want a state income tax, why can't we let them consider the matter?

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, —

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

Mr. COTTRELL: Mr. Speaker, I think I spoke twice but one of them was —

The SPEAKER: The gentleman may proceed.

Mr. COTTRELL: Maybe I forgot what I was going to say now, but I think the name of Dr. Sly was brought up very frequently and very reverently, and I have reverence for Dr. Sly. I've read his three reports, and there's a great deal of valuable information in it. I think at the turn of the century our budget was around \$1,000,000. I think at the same time the budget of the federal government was \$1,000,000,000, and it was criticized. Whereupon, Thomas B. Reed who was Speaker in that era said: "A billion dollar budget? Well, we're a billion dollar country!" I have a great deal of respect for Dr. Sly and his information. He is a political science professor at Princeton University. But on the other hand I have a lot of respect for Dr. George Elliot who is a political science doctor, a professor, and has been in our universities, at the University of Maine. He has gone on and gone into practical activities. He is now the President of the Federal Reserve Board Bank of Boston, and it's very difficult for me to accept Dr. Sly's total analysis of our situation and disregard the analysis of our situation by a man right here in our own midst, who has grown up here and who knows our economy as well as anyone. I guess that's all.

The SPEAKER: Is the House ready for the pending question?

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

Mr. JONES: Mr. Speaker and Ladies and Gentlemen of the House: I would like to refer to our good colleague, Mr. Cottrell's reference to comparison of judgment between Dr. Elliot and Sly, that I think that Elliot informed

us he got his thinking because he was educated at Harvard. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that this Order be indefinitely postponed. The yeas and nays have 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 who desire a roll call will please rise and be counted.

A sufficient number arose.

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

The pending question is the motion of the gentleman from Bangor, Mr. Wellman that the House Joint Order on Bill "An Act relating to a Net Income Tax Law for the State of Maine," Legislative Document 1295, be recalled from the Legislative Files to the House for the purpose of further consideration be indefinitely postponed. Those in favor of indefinite postponement will answer "yes" when their name is called; those opposed to indefinite postponement will answer "no" when their name is called. The Clerk will call the roll.

#### ROLL CALL

YEA: Albair, Anderson, Ellsworth; Benson, Berman, Berry, Birt, Boothby, Bradeen, Bragdon, Brewer, Brown, So. Portland; Carter, Chapman, Choate, Cookson, Cope, Coulthard, Cressey, Crockett, Curtis, Davis, Dennett, Dunn, Easton, Ewer, Finley, Foster, Gifford, Gilbert, Gill, Gustafson, Hammond, Hanson, Hardy, Hawkes, Hendsbee, Henry, Hobbs, Humphrey, Hutchins, Jones, Knight, Laughton, Libby, Lincoln, Linnekin, Littlefield, MacGregor, MacLeod, MacPhail, Maddox, Mathieson, McGee, Meisner, Mendes, Minsky, Mower, Norton, Oakes, Oberg, Osborn, Pease, Philbrick, Pierce, Prince, Harpswell; Rand, Rankin, Richardson, Ricker, Ross, Augusta; Ross, Brownville; Sahagian, Scott, Shaw,

Smith, Bar Harbor; Smith, Fal-mouth; Smith, Strong; Taylor, Thaanum, Thornton, Townsend, Treworgy, Turner, Tyndale, Viles, Wade, Waltz, Ward, Waterman, Watkins, Welch, Wellman, White, Guilford; Whitney, Wight, Presque, Isle; Young.

NAY: Anderson, Orono; Ayoob, Baldic, Bedard, Bernard, Binnette, Blouin, Boissonneau, Bourgoin, Burns, Bussiere, Cartier, Childs, Cote, Cottrell, Crommett, Denbow, Dostie, Dudley, Edwards, Gallant, Giroux, Harrington, Hendricks, Jalbert, Jameson, Jewell, Jobin, Karkos, Kilroy, Lebel, Levesque, Lowery, Nadeau, Noel, O'Leary, Osgood, Pitts, Plante, Poirier, Prince, Oakfield; Reynolds, Roberts, Rust, Snow, Williams, Wood.

ABSENT: Brown, Fairfield; Drake, Kent, Roy, Susi, Tardiff, Vaughn.

Yes, 96; No, 47, Absent, 7.

The SPEAKER: The Chair will announce the vote. Ninety-six having voted in the affirmative, forty-seven in the negative, with seven being

absent, the motion to indefinitely postpone does prevail.

Mr. Berry of Cape Elizabeth was granted unanimous consent to address the House briefly.

Mr. BERRY: In the year 1881, Angelo Giuseppe Roncalli was born on a humble farm in Italy. Yesterday, as Pope John XXIII, to use his words, he passed to the other side, at the age of eighty-one.

Born one of a family of thirteen children, at the age of eleven he entered religious life, and as we all know, rose to the highest position in the Catholic Church.

In an all too brief tenure of office of four and one-half years, this man made his impact felt on the entire world, and we shall all be the better for him having lived. Let us hope that his successor, when chosen, will have the ability, the courage and the inspiration to carry on the good work of this wonderful man.

On motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.