

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, June 6, 1963

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

Prayer by the Rev. Mr. William Dunstan of Gardiner.

The Journal of yesterday was read and approved.

Conference Committees Report

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Create a Mount Desert Island Regional School District" (H. P. 475) (L. D. 678) reporting that the House reconsider its action whereby it passed the Bill to be engrossed, adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by House Amendment "A" and Conference Committee Amendment "A"; that the Senate recede from its action whereby it passed the Bill to be engrossed, indefinitely postpone Committee Amendment "A", adopt House Amendment "A", adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by House Amendment "A" and Conference Committee Amendment "A" in concurrence.

(Signed)

BENSON

of Southwest Harbor

BREWSTER of Bath

GILBERT of Eddington

— Committee on part of House.

BROWN of Hancock

WHITTAKER of Penobscot

COLE of Waldo

— Committee on part of Senate.

In the House, the Report was read and accepted. 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 H. P. 475, L. D. 678, Bill, "An Act to Create a Mount Desert Island Regional School District."

Amend said Bill in section 16 by striking out all of the 2nd and 3rd

paragraphs and inserting in place thereof the following:

'When originally submitted, if only 3 of the 4 above-named towns accept this act, then this act may again be submitted for acceptance in such 3 towns prior to 2 years from the effective date of this act; and said act shall take effect for all purposes in said 3 towns upon acceptance in all of said 3 towns. The question shall include only the names of the 3 towns in which the act is then being submitted for acceptance. The town which may fail to accept the act when originally submitted shall not become a part of the district.

When originally submitted, if only 2 of the 4 above-named towns accept this act, then this act may again be submitted for acceptance in such 2 towns prior to 2 years from the effective date of this act; and said act shall take effect for all purposes in said 2 towns upon acceptance in the said 2 towns. The question shall include only the names of the 2 towns in which the act is then being submitted for acceptance. The towns which may fail to accept the act when originally submitted shall not become a part of the district.'

Further amend said Bill in section 16 by striking out everything after the words "Secretary of State" in the 4th line of the last paragraph and inserting in place thereof the following:

'; if the act is resubmitted to 3 of the 4 above-named towns or resubmitted to 2 of the 4 above-named towns, the results shall be declared and returns filed in similar manner.'

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

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 relating to Penalty for Furnishing Liquor to Certain Persons" (S. P. 328) (L.

D. 993) reporting that the House recede from its action whereby the Report was indefinitely postponed and concur with the Senate in accepting the Report, adopt Committee Amendment "A" and Senate Amendment "A" and pass the Bill to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in concurrence; that the Senate accept the Conference Committee report.

(Signed)

KIMBALL of Hancock
ATHERTON of Penobscot
BROWN of Hancock

— Committee on part of Senate.

CHAPMAN of Norway
MEISNER of Dover-Foxcroft

ANDERSON of Ellsworth

— Committee on part of House.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence. The House receded from its action whereby the Report was indefinitely postponed and concurred with the Senate in acceptance of the Report. The Bill was read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 328, L. D. 993, Bill, "An Act Relating to Penalty for Furnishing Liquor to Certain Persons."

Amend said Bill by adding after the word "liquor" in the 6th line the underlined word "for"

Further amend said Bill in the 11th line by striking out the underlined words "less than \$50 nor"

Further amend said Bill in the 11th and 12th lines by striking out the underlined words "which fine shall not be suspended"

Committee Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 328, L. D. 993, Bill, "An Act Relating to Penalty for Furnishing Liquor to Certain Persons."

Amend said Bill by striking out the title and inserting in place thereof the following title:

'An Act Relating to Procuring Liquor for Certain Persons.'

Senate Amendment "A" was adopted in concurrence and the Bill

assigned for third reading tomorrow.

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Constitutional Amendments and Legislative Reapportionment reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Relating to the Apportionment, Election and Powers of the Senate (S. P. 557) (L. D. 1493)

Came from the Senate read and accepted.

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

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act relating to Matching State Funds with Local Chambers of Commerce to Obtain New and Aid Expansion of Present Industries" (S. P. 47) (L. D. 97)

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

In the House, the Report was read.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I move that we concur with the Senate.

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

Mr. LITTLEFIELD: Mr. Speaker, I would move that we accept the "Ought not to pass" Report. Mr. Speaker, Ladies and Gentlemen of the House: The purposes of this bill are good. It has a money tag of \$400,000 for the biennium, and I don't believe we can afford all these \$100,000 bills that DED wants. This one comes from the Appropriations Committee with an "Ought not to pass" Report, and I move that we accept that "Ought not to pass" Report.

The SPEAKER: The motion of precedence is the motion of the gentleman from Perham, Mr. Bragdon, that we concur with the Senate in substituting the Bill for the Report.

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

Mrs. SMITH: Mr. Speaker and Members of the House: This bill came from the Appropriations Committee with a unanimous "Ought not to pass" Report. This bill, L. D. 97, relates to matching state funds with local Chambers of Commerce. Its price tag is \$400,000. It is to use DED funds to match the local Chambers of Commerce and Boards of Trade in obtaining new industry. The Committee's unanimous "Ought not to pass" Report was based on the fact that state money should be spent by the state, not by non-governmental agencies. This is a shotgun approach. If development is attempted at the town level, the program will suffer or fail because of the provincialism existing and the competition between towns. The amendment took out the words "Chambers of Commerce and municipalities" in an effort to cure the legal objections, and substituted the word "municipalities," I think, for the other original words in the bill; and if you think I'm a little hesitant about knowing what this bill says, I will only remind you that we have four bills almost identical to this one. We have this L. D. 97. We have L. D. 496, which does essentially the same thing. We have L. D. 511, which was before you in a new redraft 15 something the other day. I tried to keep those bills here in front of me so that I could sort of compare them for you, but if you feel that some of us are here killing many bills, I only would remind you that we have them in duplicate, triplicate, and quadruplicate, and there has to be something done about them.

I hope that you will adhere to the position of the House on this bill previously, bearing in mind that we passed the other day something like \$600,000 here. I have been trying this morning to get the figures of the amount of money that is now on the appropriations table, and I certainly hope you will go along with my motion to adhere to our previous action.

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

Mr. TURNER: Mr. Speaker, I don't know much about this bill,

but I'm wondering whether it was set up so that each county got a certain percent or whether it was sort of a grab bag deal. If anybody could answer me, I would like to have it answered.

The SPEAKER: The gentleman from Auburn, Mr. Turner, poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Falmouth, Mrs. Smith, who will answer the gentleman's question.

Mrs. SMITH: Mr. Speaker, the bill says that there be appropriated the sum of \$200,000 for each year of the biennium for the purpose of matching funds made available by local Chambers of Commerce or Boards of Trade to foster, encourage, and assist in obtaining new industrial and manufacturing enterprises in the state, and in aiding the expansion of industrial and manufacturing enterprises now located in the state.

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

Mr. CHILDS: Mr. Speaker, Members of the House: If I am reading the calendar correctly, this is not a bill that has been before this House before. It was mentioned that we should adhere to our former position. We have taken no position on this bill at this present time. Therefore, I hope that the motion to concur with the Senate will prevail.

The SPEAKER: The Chair recognizes the gentleman from South-west Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Ladies and Gentlemen of the House: I think that we have got to become a little bit concerned about our industrial problem here in this state. I'm not too familiar with this bill, but on the surface of it, it seems to have commendable features. I think that our present situation whereby we try to attract industry into the state through the one medium, the Department of Economic Development, is good but, if we can improve upon that, I think that it would be even better, and I think that this bill calling for matching funds to go along with local Chambers of Commerce

to enhance the industry of the state, I think it has many commendable features, and I certainly hope that we will concur with the Senate action.

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

Mrs. SMITH: Mr. Speaker, I answered a question, I believe, before. I would like to apologize to the House. This is true. This bill has not been before you before. The other bill that was before you was 511, which was reproduced into 15 maybe 73. I'm sorry, there are so many of these that they can become terrifically confusing. This is the bill though that came from the Committee with a unanimous "Ought not to pass" on it, and this bill does call for \$400,000. It is a matching program. Now, you have all kinds of problems with matching money over in the department. I was over only yesterday, and people call in for the simplest little things to match money to. Little promotions that they are going to do. If you're going to keep frittering your money away in projects that anyone can think up, you're really going to have a tremendous problem, and actually of the two bills, if you have to make a choice, then one of the other bills is a better bill. But this does call for \$400,000 in matching funds in this state. I hope you understand what that means.

I would like to call to your attention, which may not be generally known, that we have to find \$600,000 extra, some way, to match our sewer funds for the City of Saco, and that the Planning Division of the DED cannot at the present time match its planning funds to your cities and towns, which is a matter of statute now, and which they have gone along legitimately and made their plans and raised their money, and they haven't enough money for that, and how on earth do you think you could get into another matching program to the tune of \$400,000.

I move that this bill and all its papers be indefinitely postponed, and I would ask for a division when the vote is taken.

The SPEAKER: The Chair would interrupt debate for just a moment to recognize in the gallery of the House twenty-six pupils of the third and fourth grades from the Prescott Memorial School at Washington. They are accompanied by their teacher, Mrs. Whittier, and several mothers. These are the special guests this morning of Representative Finley of Washington.

And also in the balcony of the House twenty-nine students from the fifth grade of the Dike School of Bath accompanied by their teacher, Miss Lopez, and four mothers acting as chaperones. These are the special guests this morning of Representatives Brewer of Bath, and Drake of Bath.

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

The SPEAKER: The question before the House now is the motion of the gentleman from Falmouth, Mrs. Smith, that the Report and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Ladies and Gentlemen: I am not so naive as to believe that there is any such thing as a magic money tree, but I think that we must realize in order to make money, we must spend it, and we must spend it on advertising. We must spend it in inducing new industries into the state, and also we must spend it to enhance the industries we already have in the state. Now the mere fact that a bill comes before us with a dollar sign in front of it doesn't mean that we should shudder and come all unglued. I think that we must face up to the realization that in order for us to get back into the industrial race, we have got to do something, in some way, to become competitive, and the only way that we can get industry into this state is to go out after it, and I think that this is a step in the right direction. Now, I hope that the motion of the gentleman from Falmouth, Mrs. Smith, to indefinitely postpone this bill does not prevail.

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

Mr. LITTLEFIELD: Mr. Speaker, I think the House better be informed of some of the things that's going on. Here in the first of this session, some forty bills for the DED were presented here, and referred to the different committees throughout the halls of this State House. There were forty of them. We heard some of them at the Recreational and Industrial Committee. Others were heard at the Appropriations Committee, and I fought some of them there. Some were heard before the Towns and Counties Committee. Now, some twenty of the bills have been taken care of. They have been sent down the sewers, you would say, and the money tags on those bills amounted to \$707,000. Now I ask you, how are we on the committee going to know how many dollars the DED wants? These bills come in here, everyone of them, carrying an amount from \$400,000 to a million dollars, and we don't know whether they have been duplicated or not. They're all mixed up. Now, this bill calls for \$400,000. They have a lot of money over to the DED to expend. They're exhibiting at the shows throughout the country, and I think that this bill should be indefinitely postponed.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentlewoman from Falmouth, Mrs. Smith, that the Report and Bill "An Act relating to Matching State Funds with Local Chambers of Commerce to Obtain New and Aid Expansion of Present Industries," L. D. 97, be indefinitely postponed, and a division has been requested. All those in favor of indefinite postponement will please rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

One hundred seventeen having voted in the affirmative and eighteen having voted in the negative, the motion to indefinitely postpone did prevail.

Thereupon, the Report and Bill were indefinitely postponed in non-

concurrence and sent up for concurrence.

Ought to Pass Recommitted

Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act relating to Salaries of County Officials and Municipal Court Judges and Recorders" (S. P. 609) (L. D. 1575)

Came from the Senate with the Report read and accepted and the Bill recommitted to the Committee on Towns and Counties.

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, as new information has come to the members of this Committee, I move that we concur with the Senate and recommit this bill to the Towns and Counties Committee.

Thereupon, the Report was accepted and the Bill recommitted to the Committee on Towns and Counties in concurrence.

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.

Divided Report

Majority Report of the Committee on Constitutional Amendments and Legislative Reapportionment reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions (S. P. 3) (L. D. 3)

Report was signed by the following members:

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

Messrs. SMITH of Bar Harbor
SMITH of Strong
DENNETT of Kittery
BERMAN of Houlton
VILES of Anson
PEASE of Wiscasset
WATKINS of Windham

— 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:

Messrs. FARRIS of Kennebec
NOYES of Franklin
JACQUES of Androscoggin
— of the Senate.

Messrs. CARTIER of Biddeford
PLANTE
of Old Orchard Beach
COTTRELL of Portland
— of the House.

Came from the Senate with the Reports and Resolve indefinitely postponed.

In the House: Reports were read.

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

Mr. BERMAN: Mr. Speaker, I move that we concur with the Senate on this matter.

The SPEAKER: The Chair understands that the gentleman from Houlton, Mr. Berman, moves that the House concur with the Senate in indefinitely postponing the Reports and Resolve. Is this the pleasure of the House?

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

Mr. PLANTE: Mr. Speaker, I rise in opposition to the motion of accepting the Majority Report, and I would like to very briefly state my reasons why.

When this bill first came up, I felt that it would be wise to find out why, after once having had annual sessions, that it was the desire of the Legislature to revert back to a two-year term. I found that this was a trend throughout the United States between 1828 and 1860, the so-called Jacksonian Period. It was at this time that the state executives' role became strengthened, the term of the governors were lengthened, provisions restraining re-election were relaxed, more executive officers were elected, popular election of judges, and I add the two-year term for Legislatures from the one-year term. Now the combination here is important. The very reason why the trend to revert back to a two-year term was because the public feared Legislatures, but perhaps today they should. But nevertheless, I feel that if the au-

thority and impact of state legislatures have been reduced measurably, one of the reasons is that we have two-year terms. Some of you here, and I hear this almost daily, complain that we have government by department heads; but what other government will you have if you are not here to look after state affairs? Others of you claim that you have lost control. Naturally you have lost control, because you simply are not here.

Part-time legislators or biennial legislators cannot do the research, the planning, and cannot prepare as they should. All of us here have been frustrated at one time or another when we have had legislative documents before us because we have two views that we can listen to. One, that of a department head and two, that of a lobbyist. It is sometimes physically impossible to do the homework that we should concerning these legislative documents and, if for no other reason, this is why I favor an annual session, so more legislators on an annual basis will roll up their sleeves and do their homework.

Thereupon, both Reports and Resolve were indefinitely postponed in concurrence.

Non-Concurrent Matter

Bill "An Act relating to Establishment of a Personnel Law for Certain Employees of the City of Lewiston" (H. P. 544) (L. D. 801) which was passed to be engrossed in the House on June 3.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Berry of Cape Elizabeth, the House voted to insist on its former action and request a Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. JALBERT of Lewiston
WELLMAN of Bangor
HARDY of Hope

Non-Concurrent Matter

Bill "An Act Establishing a Division of Foreign Trade in the Department of Economic Development" (H. P. 907) (L. D. 1315) on which the House accepted Report

"B" reporting "Ought not to pass" of the Committee on Industrial and Recreational Development on April 2.

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

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

Non-Concurrent Matter

Bill "An Act to Reorganize the Department of Economic Development" (H. P. 1089) (L. D. 1561) which was passed to be engrossed as amended by House Amendment "A" in the House on June 3.

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

In the House:

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

Mrs. SMITH: Mr. Speaker, I move that we now maintain our former position and ask for a Committee of Conference.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith moves that the House insist and ask for a Committee of Conference.

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

Mr. BERRY: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The question before the House now is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that the House recede from its former action and concur with the Senate.

Mr. Pease of Wiscasset then requested a division on the motion to recede and concur with the Senate.

The SPEAKER: A division has been requested. Is the House ready for the question? All those in favor of receding from our former action and concurring with the Senate, will please rise and remain standing until the monitors have made and returned the count.

The question now before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that the House recede from its former action and concur with the Senate.

The result will be in passing the Bill to be engrossed without the House Amendment "A."

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

Mr. LITTLEFIELD: Mr. Speaker, I wish to state that I would be in favor of insisting and asking for a Committee of Conference.

Thereupon, a division of the House was had.

Thirty-five having voted in the affirmative and ninety having voted in the negative, the motion to recede and concur did not prevail.

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

Non-Concurrent Matter

Bill "An Act relating to Deficiency Appropriation for Division of Veterans Affairs" (H. P. 407) (L. D. 560) which was passed to be engrossed in the House on June 3.

Came from the Senate with the "Ought not to pass" Report of the Committee on Appropriations and Financial Affairs accepted in non-concurrence.

In the House:

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

Mr. MacGREGOR: Mr. Speaker, I move that the House insist and request a Committee of Conference.

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

Mr. MacLEOD: Mr. Speaker, I move that the House recede and concur in accepting the "Ought not to pass" Report of the Appropriations Committee.

The SPEAKER: The question now before the House is the motion of the gentleman from Brewer, Mr. MacLeod, that the House recede from its former action and concur with the Senate. Is the House ready for the question? All those in favor of receding and concurring with the Senate, will say yes; those opposed, no.

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

Forty-nine having voted in the affirmative and seventy having voted in the negative, the motion to recede and concur did not prevail.

The SPEAKER: Is it now the pleasure of the House to insist and ask for a Committee of Conference?

Mrs. SMITH of Falmouth: I move that we adhere to our former action.

The SPEAKER: The motion to insist has precedence over adhering. Is it the pleasure of the House to insist? All those in favor will say yes; those opposed, no.

A viva voce vote being taken, the motion prevailed.

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

Non-Concurrent Matter

Bill "An Act to Create the Maine Recreational Facilities Authority Act" (S. P. 102) (L. D. 239) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Industrial and Recreational Development in non-concurrence on June 4.

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

Messrs. NOYES of Franklin
LOVELL of York
PORTEOUS of Cumberland

In the House: On motion of Mr. Littlefield of Hampden, on a viva voce vote, the House voted to adhere to its former action.

Non-Concurrent Matter

Bill "An Act Providing for County Industrial and Recreational Development Personnel" (S. P. 126) (L. D. 443) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Towns and Counties in non-concurrence on June 4.

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 Committee Amendment "A" and Senate Amendments "A" and "B" and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. LOVELL of York

WYMAN of Washington
JACQUES of Androscoggin

In the House: On motion of Mr. Littlefield of Hampden, on a viva voce vote, the House voted to adhere to its former action.

Non-Concurrent Matter

Joint Resolution Ratifying the Proposed Amendment to the Constitution of the United States Relating to the Qualification of Electors (S. P. 381) which was indefinitely postponed in non-concurrence in the House on June 3.

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

Messrs. CAMPBELL of Kennebec
REED of Sagadahoc
EDMUNDS of Aroostook

In the House:

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

Mr. DENNETT: Mr. Speaker, I move that we insist on our former action and join in a Committee of Conference.

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

Mr. PEASE: Mr. Speaker, I would urge that the House defeat the motion to insist so that someone may make a motion to adhere.

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

Mr. PLANTE: Mr. Speaker, I feel now that we have given item 12 some serious thought so I heartily concur with the gentleman from Kittery, Mr. Dennett that we should join the Senate in a Committee of Conference.

Thereupon, on a viva voce vote, the House voted to insist on its former action and join the Senate in a Committee of Conference.

Non-Concurrent Matter

Bill "An Act relating to Percentage by Weight of Alcohol of Blood of Operators of Motor Vehicles" (S. P. 607) (L. D. 1571) which was indefinitely postponed in non-concurrence in the House on June 4.

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

Messrs. FARRIS of Kennebec
JOHNSON of Somerset
BOARDMAN of Washington

In the House:

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

Mr. DENNETT: Mr. Speaker, I move that we now adhere.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the House adhere to its former action. Is this the pleasure of the House?

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

Mr. CHILDS: Mr. Speaker, I move we recede and concur with the Senate.

The SPEAKER: The question before the House now is the motion of the gentleman from Portland, Mr. Childs, that the House recede from its former action of indefinite postponement of the Report and Bill, and to concur with the Senate in accepting the Majority "Ought to pass" in New Draft Report.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: For the purposes of the record, I would like to state here this morning that I was in no way lobbied by any state official in regards to my viewpoint on this particular piece of legislation. I oppose the motion of the gentleman from Portland, Mr. Childs, and I request a division.

The SPEAKER: Is the House ready for the question? The question before the House is receding and concurring. All those in favor, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eleven having voted in the affirmative and one hundred three having voted in the negative, the motion to recede and concur did not prevail.

The SPEAKER: The Chair recog-

nizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I now move we insist and request a Committee of Conference.

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

Mr. Rust of York then requested a division on the motion to insist.

The SPEAKER: Is the House ready for the question? All those in favor of insisting, will please rise and remain standing until the monitors have made and returned the count.

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

Mr. CHILDS: May I at this time debate the matter?

The SPEAKER: A vote has been ordered.

Thereupon, a division of the House was had.

Eleven having voted in the affirmative and ninety-eight having voted in the negative, the motion to insist did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Childs, and the question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House adhere to its former action.

The gentleman may proceed.

Mr. CHILDS: Mr. Speaker, Members of the House: As the gentleman from York last week stated that this bill which is now before you was not the original draft. It is very true that there was no public hearing on this particular legislation. The majority of the committee felt that there should be some changes in our present driving under the influence statute. All the committee did was to place into the law, the law which is in a great many other states. As you undoubtedly know, there are degrees of driving under the influence in most of our states. In the State of Maine if you are convicted of driving under the influence on the first occasion, there is a mandatory two-year suspension with the right to petition for restoration after a year.

The majority of the committee felt that there is a distinction be-

tween a person who has had possibly two drinks and is driving on the highway, and he might be somewhat under the influence. In other words, his reflexes might be somewhat impaired. And the statute reads under the influence at all. We felt that there certainly is a distinction between the man who possibly goes to a cocktail party and has two drinks and on the way home he is stopped and he automatically loses his license for two years, and the man who, as the gentleman from York, Mr. Rust, pointed out, is stoned. We feel that a person who is stoned should receive the highest penalty available which is the suspension for the two-year period.

We also changed the degrees of the alcoholic blood content which would mean that if—under the present law in this particular bill and taking into consideration the comparative measures, that if you had two drinks, you would therefore be prima facie under the influence or the alcoholic content I believe was five one hundredths per cent.

Now I think that if we had a committee of conference, that this could be worked out which would be agreeable to both branches. I think that the committee of conference could come out with a bill that would take care of the objections that Mr. Rust had. I remember one objection he had was the business of — I can't recall just what the wording in the statute is — but the business of being so violently under the influence or words to that effect, I feel that could be put back in there.

I do think that this legislation is needed in Maine. I think that as you realize that there is a terrific penalty on driving under the influence; not only do you have the fine, but you also have the mandatory suspension for two years. Now that suspension may not mean a great deal to one particular person who has had two drinks. If I was arrested for driving under the influence, certainly if I lost my license for two years it would be an inconvenience to me. My status in life would not change, I could still continue to practice law and I could carry on a living. But let's

take into consideration the man who is a truck driver or the man who is a salesman, and he has had two drinks; he certainly is not actually under the influence, but he is somewhat under the influence and the statute says, at all. He therefore is not only fined \$125 or \$150, this particular man loses his livelihood for two years, but he does have the right to petition after a year, but he loses his livelihood for a year and he is out of business. So I think that there are distinctions that can be made, and I think a Committee of Conference could work something out which would be agreeable to all of you. I hope that the motion to adhere will not pass, so I can ask again for a Committee of Conference.

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

Mr. KNIGHT: Mr. Speaker, I am not arguing the merits of this bill, I am only saying that what can we lose by having a Committee of Conference; if this House would remember that on the Committee of Conference you would not be represented by the minority, say the gentleman from Portland, Mr. Childs, or myself, but you would most likely be represented by the gentleman from York, Mr. Rust, and the gentleman from Kittery, Mr. Dennett. I would say that they are reasonable men. They could go into this conference and the worst that could happen from my standpoint would be that it would come out that they were unable to agree, and the best that could happen is they could come out with a compromise whereby everybody could benefit. So I do hope that you would go along with the sentiments of the gentleman from Portland, Mr. Childs, and defeat the motion to adhere so that a Committee of Conference could be set up and we could sit down and discuss this with the idea of an agreement that would be to the benefit of all.

Mr. Dennett of Kittery then requested a division.

The SPEAKER: A division has been requested, and the question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House adhere to

its former action on L. D. 1571, Bill "An Act relating to Percentage by Weight of Alcohol of Blood of Operators of Motor Vehicles." All those in favor will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-one having voted in the affirmative and thirty-eight having voted in the negative, the motion to adhere did prevail.

Non-Concurrent Matter

Bill "An Act Providing Funds to Establish Area-Wide or County-Wide Planning and Economic Development Programs" (S. P. 614) (L. D. 1577) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Appropriations and Financial Affairs in non-concurrence on June 4.

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

Messrs. EDMUNDS of Aroostook
CAMPBELL of Kennebec
PORTEOUS of Cumberland

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

Non-Concurrent Matter

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

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

In the House:

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

Mr. BERMAN: Mr. Speaker, I move we adhere to our former action.

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

Mr. COPE: Mr. Speaker, I move that we insist on our former action and ask for a Committee of Conference.

The SPEAKER: The gentleman from Portland, Mr. Cope, moves that

the House insist on its former action and ask for a Committee of Conference.

Mr. Berman of Houlton then requested a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Portland, Mr. Cope, that the House insist on its former action and ask for a Committee of Conference. All those in favor, will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, on a viva voce vote, the House voted to adhere to its former action.

Orders

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

Mr. MacLEOD: I would like to inquire of the Chair if the House has in its possession Senate Paper 581, Legislative Document 1534, "An Act Creating an Allagash River Authority?"

The SPEAKER: The Chair would inform the gentleman that the House is in possession of both Report "A" and Report "B" on Bill "An Act Creating an Allagash River Authority for State of Maine." Senate Paper 65, Legislative Document 115, and both Reports and that bill were indefinitely postponed as of yesterday.

Mr. MacLEOD: Mr. Speaker, having voted on the prevailing side yesterday whereby this bill was indefinitely postponed, I now move that the House reconsider its action.

The SPEAKER: The gentleman from Brewer, Mr. MacLeod, having voted on the prevailing side, now moves that the House reconsider its action whereby it indefinitely postponed both reports and bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Only yesterday we heard this bill and I was quite satisfied with the decision and it was quite unanimous, and I

hope we don't have to go into this long debate again on this hot June day, June 6, I might add, it is a beautiful day, today. I don't want to go into any great discussion at this time but I do hope that we will say that we did a good job yesterday, you made a very wise decision. I hope we don't have to listen to two hours of debate again today. I was cut short yesterday by about two hours of my debate by the way by it being noon hour. So please let us not reconsider this morning.

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

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: I believe this measure has merit. There might be some factors about the bill presently that are objectionable. I feel if you will go along with us and let us reconsider this bill, amendments will be offered to take care of these objections, and I hope that you will go along with the motion to reconsider. Thank you.

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

Mr. LITTLEFIELD: Mr. Speaker, we discussed this matter yesterday and I think it will — the argument will be just the same today. We won't get anywhere with it, and when the vote is taken I request a division.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: You all very well remember the debate on this measure yesterday, and there is nothing better that has been added to it today, or will there be anything added to it that will make it better. The bill is there to establish a committee that will have the power to do nothing, that is not going to be an authority because it is very plain in the bill that it creates no entity, it creates no power of any kind to raise anything for the Allagash Authority. It is very plain that this is just another trip around the Allagash for two years for doing nothing. And certainly the Allagash as has been pointed out yesterday is one

of the great areas that needs to be looked into and developed to the best advantage.

Right now the only thing that we have got in the Allagash now is about 4,000 Canadian lumbermen that go in there every year, and the word selective cutting has been used and I would like to have some of you people go up in the Allagash to see how selective those Canadian lumbermen are cutting the lumber in the Allagash region. Certainly eighty percent or eighty-seven percent of the hardwood that they are cutting in the heart of the State of Maine is not even staying in the State of Maine, it is going into Canada, and thirty-seven percent of the softwood that is being cut in the Allagash area is going into Canada, so just what are we doing? Are we supporting the Canadian Provinces of Quebec or New Brunswick or are we trying to help the State of Maine and its economic betterment? Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker, Ladies and Gentlemen: The gentleman from Enfield, Mr. Dudley, said that he was cut short two hours because of the hour yesterday. I was cut out completely yesterday because of the hour to say that I am in favor of this bill, because I feel that it is good to have the matters pertaining to the Allagash region under the control of our State Legislature, and I call to your attention an article, a short article from the last Down East Magazine. The last paragraph, which says: "A federal take-over may still be a long way from an accomplished fact. But we remember only a few years back when the Department of the Interior pointed publicly at the Province Lands of Massachusetts and said, 'we'd like that for a park,' and the tip end of Cape Cod was 'preserved' despite all protestations. It makes us uneasy to have Mr. Udall quietly stake his interest in the Allagash, which Maine and Mainers have preserved thus far without any federal interference." Thank you.

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

Mr. McGEE: Mr. Speaker and Members of the House: I didn't enter into this discussion yesterday at all, and don't intend to debate it today because I don't know how you could possibly think of anything else to say that wasn't said yesterday, but this is an important measure; perhaps hasn't been given consideration enough, and due to what may happen here in the House in the future, I think it is no more than fair and just that we have reconsideration, and I favor a vote favorable to reconsideration.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I don't think that this session I can be accused of jumping from one side of the fence too often, I think I have been fairly consistent, usually on the losing side. Yesterday I was on the winning side and after thinking over my vote and asking some further questions about this bill, I was convinced that I was wrong and that is why I moved for reconsideration this morning.

This bill will have all the safeguards in it as far as constructing future power stations, be they state, private, local or federal when it is amended on the third reading; so that removes one big objection I had to it. Also I believe that having this authority in existence, admittedly without too much power and admittedly until the next Legislature convenes without too much authority, it is there, the framework is there and the next Legislature can decide what they should or should not do with it; but certainly I can see no harm at this time in creating this authority, particularly, if it will help keep the control of that region in the State Legislature rather than in federal hands. Thank you.

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

Mr. CROMMETT: Mr. Speaker, I am rather confused. There is a motion before the House to reconsider. It seems to me they are discussing the bill.

The SPEAKER: The motion to reconsider opens the entire question.

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

Mr. LITTLEFIELD: Mr. Speaker, this act is to create another authority, and these authorities in the State of Maine all cost plenty of money after they get agoing. This L.D. 1534 has a number of sections. To me, some of them are a little ambiguous. Section 3: "There is created the Allagash River Authority to administer this chapter. The authority shall consist of 5 members, namely; the Forest Commissioner, the Director of State Parks and Recreation, the Commissioner of Inland Fisheries and Game, the Director of the School of Forestry at the University of Maine and the Attorney General.**" The members of the authority shall serve without compensation." I am wondering how many years they will serve without compensation. Section 4, There shall be an Advisory Committee consisting of 7 members and they shall receive no compensation. Paragraph III of Section 5: "Consultation. Consult with and seek the advice of conservation and naturalist groups in the planning and development of the watercourse." This is the one to think about, there may be a little ambiguity here. It does not say that this group is going to serve without pay. Usually this is the group that makes the report that appears on our desks from these studies.

At this point, I could not help but be reminded of an incident that happened when I attended school many years ago. The teacher lined us up and had us stand at attention while she explained the word ambiguous, a word meaning doubtful or uncertain. Over in the front right hand seat was little Jimmy Loring. Jimmy was one of these fellows who always knew the lessons of the upper grade better than he did his own. He sat there listening, so the teacher began by explaining the word ambiguous by using the senses of the human body, that the eyes were made to see with, the ears were for hearing and listening, the tongue was for tasting and talking and the nose was made to smell with and

the feet to run with, and at this point little Jimmy raised his hand and stared up and said to his teacher, "Teacher I guess I must be made wrong, because my nose runs and my feet smells." Well, I think we feel like Jimmy Fowler sometimes when we get to discussing these bills—Jimmy Loring.

Another section, three, of the bill says if the next Legislature does not take action to approve the tentative agreements referred to in this act, then this act shall terminate June 30, 1965, unless otherwise extended by legislative action. If we terminate the bill now, it will save the 102nd Legislature some trouble, and we can then attend to the problems at hand in this session. I hope that we do not reconsider. I'm opposed to the reconsideration of this bill.

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I move that the 101st Session of the Legislature be adjourned.

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: In listening to the debate yesterday and this morning, I think it points in one direction, whether we want federal control of the Allagash or whether we want state control. And Mr. Udall recently at Colby College made it clear that about July 1, 1963, he proposes to make public three proposals, which will include Quoddy, a dam at Dickey on the St. John above the point where the Allagash enters the river, and finally some type of federal control of the Allagash watershed. Now it's squarely up to you whether you want federal control or state control. If this bill is passed, we will control—the State of Maine will control the Allagash, and I, for one, feel that we should retain this control.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoïn.

Mr. BOURGOÏN: Mr. Speaker, this bill has been drafted and re-drafted, amended, and amended again, and they expect to amend it

some more, but we certainly do not need this bill, and we defeated it soundly yesterday and I certainly hope that the reconsideration motion will be soundly defeated.

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

Mr. PRINCE: Mr. Speaker, I do not care to go over or to belabor this subject again today. I feel that yesterday it was well taken care of. Now I can only ask that when the vote is taken, it be taken by the "yeas" and "nays."

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

Mr. BERRY: Mr. Speaker and Members of the House: I find myself in accord on many respects with some of the people who have been attempting to kill the bill. So far, I think that we haven't heard from anybody against the bill, with one exception, except members of the Democratic Party, and to those people who are members of the Democratic Party, I would like to read a sentence from May Craig's column. "President John F. Kennedy may enjoy the most lasting love from the people of this Country because he foresees the need to save play places for the people before it is too late rather than for any political accomplishment." Yesterday, I think a little prematurely, we dug a grave, and I think we tried to bury the so-called sleeping giant with a little breath left in him, and I concur with the request for the roll call because I think that the people who want to sell this State of Maine short should have their names written on this tombstone if, as I hope it is not, it is successful.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I think this morning you have more or less heard the remarks made that nobody wants control, nobody wants federal control. I have heard previously some of the comments that were made from the different corners of this State Capitol, and now they

have been confirmed. This is not anything for rhyme or reason. This is, to my estimation, something of political expediency to be used solely for the State of Maine. Do we want control, as was said here today, by the federal government, and I say, do we want control of the old Allagash region or do we want progress. We cannot have the same control that we have got now of allowing the Canadian Government, both the Quebec and New Brunswick Provinces controlling now the Allagash and all that's coming in and out of the Allagash to a foreign government.

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

Mr. BERMAN: Mr. Speaker, I have to take issue this morning with my good friend from Cape Elizabeth, Mr. Berry. I agree with my good friend, Mr. Littlefield, from Hampden on this question, and I certainly know that both Mr. Littlefield and myself are good Republicans.

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 the House reconsider its action of yesterday whereby both reports and bill were 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 membership present. All those in favor of a roll call will please stand and be counted.

A sufficient number arose.

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

The question before the House is the motion to reconsider its action whereby both Reports and Bill "An Act Creating an Allagash River Authority for State of Maine" were indefinitely postponed. All those in favor of reconsideration will answer "yes" when their name is called; those opposed will answer "no" when their name is called. The Clerk will call the roll.

ROLL CALL

YEA — Albair, Benson, Berry, Birt, Boissonneau, Boothby, Bragdon, Brewer, Carter, Chapman, Choate, Coulthard, Cressey, Crockett, Curtis, Davis, Dennett, Drake, Dunn, Easton, Ewer, Finley, Foster, Gifford, Gilbert, Gill, Gustafson, Hammond, Hanson, Hardy, Henry, Humphrey, Hutchins, Jameson, Jones, Kent, Laughton, Libby, Lincoln, MacLeod, MacPhail, Maddox, Mathieson, McGee, Meisner, Minsky, Mower, Norton, Oakes, Oberg, Osborn, Pease, Philbrick, Rand, Rankin, Richardson, Roberts, Ross, Augusta; Ross, Brownville; Sahagian, Scott, Shaw, Smith, Falmouth; Smith, Strong; Thornton, Townsend, Treworgy, Turner, Vaughn, Viles, Wade, Waterman, Watkins, Welch, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Williams, Young.

NAY — Anderson, Ellsworth; Anderson, Orono; Ayoob, Baldic, Bedard, Berman, Bernard, Binnette, Blouin, Bourgoin, Bradeen, Brown, So. Portland; Bussiere, Cartier, Childs, Cope, Cote, Cottrell, Crommett, Denbow, Dostie, Dudley, Edwards, Gallant, Giroux, Harrington, Hawkes, Hendricks, Hendsbee, Hobbs, Jalbert, Jewell, Karkos, Kilroy, Knight, Lebel, Levesque, Linnekin, Littlefield, Lowery, MacGregor, Mendes, Noel, O'Leary, Osgood, Pierce, Pitts, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Reynolds, Ricker, Roy, Rust, Susi, Taylor, Thaanum, Tyndale, Waltz, Ward, Wood.

ABSENT — Brown, Fairfield; Burns, Cookson, Jobin, Nadeau, Smith, Bar Harbor; Snow, Tardiff.

Yes, 80; No, 62; Absent, 8.

The SPEAKER: The Chair will announce the vote. Eighty having voted in the affirmative, sixty-two in the negative, with eight being absent, the motion to reconsider does prevail.

The SPEAKER: The question now before the House is the indefinite postponement of both Reports and Bill. All those in favor say aye; those opposed, no.

The motion failed on a viva voce vote.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I had sincerely hoped that we wouldn't have to debate this long issue again. I'm surprised, more than surprised, amazed that men of vision, after only one night, may decide to change their decision on such an important item. I wonder what it was? The cries from the forest, or their owners? Now what we are talking about here today, back into the same old discussion as yesterday, 4,800,000 acres of Maine, one-fourth, more than one-fourth of the State of Maine, as I said yesterday, more than six times the size of Rhode Island. Certainly in a piece of ground this big, there must be such a thing as coexistence, a chance for the nature boys, a chance for power, a chance for everybody in a piece of ground this big. We're not talking about a lot of ground like you commonly know in the City of Augusta? We're talking about a big piece of ground; mind you, I'll say it again, 4,800,000 acres. Certainly coexistence could be had on a piece of ground this size. Men of vision, don't you have any vision of the future? Can't you look into something, let's say, like a crystal ball? Can't you see what the future would bring if this were developed? I tried to bring forth these yesterday. I will try to say something a little different today.

If we did have a park there, well and good. I think there's room for power also. If you'd look into the crystal ball and we see this big lake after it's made, and wood being transported by boat right to a nice paper mill, and I know there's at least two companies very interested in some long, hard fibre like we have here in the State of Maine. Would make an ideal chance. Can't you visualize a nice canal made into the St. Lawrence so we could have commerce come from the St. Lawrence? I can almost visualize the heavy traffic going up and down the St. Lawrence and right into our back door. I can almost visualize this canal. It should be called the Cyr Canal because Senator Cyr has worked so hard for these projects.

The park, if we had a park, it could be a hundred times the size of the Acadia National Park, or more and still not affect nobody, and still make room for nature boys.

Now the Interior Department, it has been referred to that the federal government wants to do such and such. I can tell you up to this point that the way I see this, this is not substantiated by facts. The Interior Department on June 5, 1963, Washington, D.C., and there's an article in yesterday's paper because that was June 5th; I'll read you just a short piece of it:

"The Interior Department intends to release its Quoddy Allagash report of a two-year study later this month. Advance word indicates the study group will recommend use of Quoddy tidal powers for peak and purpose in conjunction with the St. John's hydro-electric development at Dickey, eliminating the flood threats to the Allagash." This was in yesterday's paper. So they have made no reports. They intend to make them available this month, and I am sure that some people can't see the forests for the trees; and let me remind you that some of the best things in life are still free.

What does this Authority create? In my opinion — and don't forget that I was on this committee, and I feel quite sure it will create nothing except a group of people who can reach in to the current services budget next year for a \$25,000 appropriation. Now these reports — I am convinced as to how much they amount to. I have several on my desk. Here is an example on my seatmate's desk — reports, and underneath his desk, more reports. I don't see as these reports are getting us too far. And so what do you want? The more reports that are costing \$25,000 to the State of Maine; we're loaded with them now.

Here is a new one that just came out, Fish and Game Department, there is a nice article in here about the Allagash. It says — I'll read you just a little bit of it. "In an area rich in hydro-electric potentiality, how

this area will serve citizens is yet to be determined. Intelligent thought and action is needed." I say it is needed today. This is in the report of the Fish and Game Department. Some nice pictures in it; maybe you would be interested in them too. They are more interesting than these reports, many of them.

Now don't let them tell you that these reports don't cost money, because I haven't found anybody around here in any of these departments that work for nothing; and I doubt if you have. I don't know, I seem to be reminded of some old Chinese proverb, one that goes something like this, "he says that he would rather light one small candle than stumble in the dark." I submit to you that after these many reports we've had, somebody is stumbling in the dark, and I don't think it's me because I want to get out of the dark and out of the forests.

I want to see this state developed and I want to see jobs made for these children that are graduating this year and the ones that are going to graduate next year. And if California, in 1849, had had the same attitude and passed the same kind of a bill as you are trying to pass here this morning, there would be no such state as California today. It would still be in forests, for the nature boys. I'm sure that a vote this morning for the passage of this bill is a vote against progress. I don't think I will belabor this question any longer; I think everybody knows where they stand. Thank you.

The SPEAKER: The pending question is the motion of the gentleman from Hodgdon, Mr. Williams, that the House accept Report "A" "Ought to pass" in New Draft on Bill "An Act Creating an Allagash River Authority for State of Maine," Senate Paper 581, Legislative Document 1534. Is that the pleasure of the House?

The motion prevailed.

Thereupon, the New Draft was read twice and assigned for third reading tomorrow.

The SPEAKER: The House is proceeding under orders.

On motion of Mr. Sahagian of Belgrade, it was

ORDERED, that the Director of Public Improvements be directed to permit members of the 101st Legislature to park at their pleasure in any parking area at the State Capitol.

On motion of Mr. Brewer of Bath, it was

ORDERED, that Mr. Smith of Bar Harbor be excused from attendance today and tomorrow because of business.

On motion of Mr. Mendes of Topsham, it was

ORDERED, that Mr. Burns of Westbrook be excused from attendance for the duration of his illness.

House Reports of Committees Leave to Withdraw

Mr. Pease from the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Clarifying the Manner of Authorizing the Issuance of Bonds on Behalf of the State (H. P. 994) (L. D. 1441) reported Leave to Withdraw.

Mr. Smith from same Committee reported same on Resolve Proposing an Amendment to the Constitution Relating to Power of Governor to Nominate and Appoint Civil and Judicial Officers (H. P. 989) (L. D. 1432)

Reports were read and accepted and sent up for concurrence.

Leave to Withdraw Covered by Other Legislation

Mr. Berman from the Committee on Constitutional Amendments and Legislative Reapportionment reported "Leave to Withdraw" on Resolve Proposing an Amendment to the Constitution Relating to the Apportionment, Election and Powers of the House of Representatives (H. P. 1029) (L. D. 1494) as it is covered by other legislation.

Report was read.

The SPEAKER: Is it the pleasure of the House to accept the Committee Report?

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

Mr. BERRY: Mr. Speaker, while I don't want to go against the Committee Report here, I do wish to call the attention of the House to a newspaper comment in one of the morning papers which indicated that the 101st Legislature might not face up to its responsibility in reapportioning the House of Representatives, and I for one will do everything possible to see that an equitable apportionment is made as rapidly as possible. And I hope that we can all join and work to this end.

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

Mr. WELLMAN: Mr. Speaker, I want to agree with the gentleman from Cape Elizabeth, Mr. Berry. I would like to add that I, as majority floor leader of this House, will work to that same end.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I have great respect for the Press and I do read their comments. Our committee is concerned with a very difficult, very complicated task. It is not a task on which we can work in a hurry. We want to work carefully, we want to come out with a good report. And I assure the members of this House that progress is being made.

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

Mr. PLANTE: Mr. Speaker, as minority floor leader I wish to concur with the chairman of our committee, the gentleman from Houlton, Mr. Berman. I will admit that there have been several formulas presented and that we may not agree in total in each and every instance, but we are trying to come to some understanding; and whatever the final answer is, I think that it will be a product indicative of real efforts made by the members of this committee.

Thereupon, the Leave to Withdraw Committee Report was accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Turner from the Committee on Highways on Bill "An Act relating to Weight of Commercial Vehicles" (H. P. 866) (L. D. 1253) which was recommitted, reported same in a new draft (H. P. 1103) (L. D. 1583) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

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.

Divided Report

Majority Report of the Committee on Highways reporting "Ought not to pass" on Bill "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island" (H. P. 275) (L. D. 369)

Report was signed by the following members:

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

Messrs. TURNER of Auburn
ROSS of Brownville
CARTER of Etna
NADEAU of Biddeford
DRAKE of Bath
— of the House.

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

Report was signed by the following members:

Messrs. CROCKETT of Freeport
DENBOW of Lubec
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

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

House: It is with some humility that I support this Legislative Document 369. As you all know, this bill has been kicked around plenty. This Legislative Document 369 briefly is an act to authorize the people of Maine to vote in a referendum election on the construction of a causeway and toll bridge connecting Chebeague Island with the mainland. This Legislative Document is exactly the same, word for word, as a petitioning act that this Legislature earlier approved, after 42,000 signatures had been inspected and filed with the Secretary of State. It is my responsibility, as the Representative of the Town of Cumberland to this body, to inform you of the action on the proposed Chebeague toll bridge issue, and review briefly former action, and bring you up to date of action taken by this Legislature and other moves that have and are continuing to take place.

We are not appropriating money in this bill. We are merely allowing the people of the State of Maine, in a referendum election, to accept or to reject this issue. If you will permit me to remind you in the 100th Legislature approximately 55,000 signatures were filed with the Secretary of State. Due to minute technicalities, such as one petitioner using a rubber stamp as a facsimile for his name, other petitioners who used the seal and neglected to use their names and vice versa, made it such that the 34,000 plus required legal signatures out of the 55,000 they still fell short 700 legal signatures. You can appreciate the disappointment from the hard work and the cost of the petitioning teams of Chebeague and Cumberland that had been over the state to secure this many signatures.

In the last Legislature, I had a companion bill the same as this one that we are talking about. It came out of Committee the same as this, eight to two "Ought not to pass." The House accepted the Minority Report and we enacted that bill in this House, and it lost its momentum in the closing hours of the Legislature in the other body. The members of this House

felt then that they should show respect to 55,000 voters of the State of Maine who signed petitions for the right for this act to come before them in a referendum election. This time the petitioning teams would not give up, and they came to their State Capitol to get the advice from the Attorney General and their Secretary of State to make sure that this petition would be flawless. As you remember, the petitions were filed with the Secretary of State. The Secretary of State informed this Legislature of its holdings. The House and the other body accepted it, an order was sent to the Committee on Judiciary with the petitions. The Committee on Judiciary sent the petitions back to the Secretary of State for inspection, and based upon ten percent of the gubernatorial election, it was necessary to have 29,000 plus valid signatures. After the inspection, there were 34,600 more than the necessary amount needed.

You can remember that the Committee on Judiciary unanimously reported the order out, and it was further ordered that the Secretary of State would print this issue on the referendum ballot. Seven or eight weeks later, there was a question as to the constitutionality whereby the people of the State of Maine could not initiate a bond issue, and after several orders had been killed in both branches, finally an order was sent to the Supreme Court for a report, and the Supreme Court ruled that the people of the State of Maine could not initiate a bond issue.

Not being an attorney and not being conversant with technicalities of law, the petitioning act that we worked on is exactly the same as this Legislative Document. The preamble is the same. We treated it as an Order, and not as a Resolve. With this Legislative Document 369, if the members of this House will show their respect to the 42,000 people who have signed the petitions, we can more or less clear the way, and allow this to go to the people in referendum.

This is a warm day and I have a long speech, but I am not going to take the time. But in conclusion, remember this, that we are not voting for money. We are allowing this to go to the people in a referendum election. We all know that the Communist philosophy and conviction is that the masses of people cannot be trusted to govern themselves. We are not that way in this great State of Maine, and our responsibility as legislators of this great state is to see that this issue gets to the people of Maine, or we will cease to be a representative government for the people, and by the people. 42,000 voters of this state signed petitions for the toll bridge issue to come before the voters of Maine in a referendum election. And Mr. Speaker, I move that we accept the "Ought to pass" Report.

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

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

Mr. TURNER: Mr. Speaker, Ladies and Gentlemen of the House: Being a signer of the "Ought not to pass" Report, I feel as if I should explain my position. I think this is the third time I have voted against the construction of a bridge and causeway to Chebeague Island. This act calls for a bond issue of about \$3,000,000 for construction. There have been surveys made as to the cost of construction by two engineering firms at different times. There is a big difference in the estimates of their cost. Tolls would be about \$2.50 round trip. I feel the revenue will not be enough to pay for the bond, and the state would eventually have to pay for the bridge.

What will happen if the bonding money, and if approved by the voters, is not enough to do the job? I tell you it is a long way between these two islands, over 4,000 feet. One firm says 16 feet is enough for high causeway, and another outfit says 20 feet deep is enough. I say, who is who and what is what? I can see a lot of confusion and dif-

ference of opinion in this deal. I do not think we should go into the venture unless the state is prepared to pay the bill, which could be up to \$6,000,000. The Committee voted eight to two "Ought not to pass," and I hope that you will back up the Committee.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, I hold a great deal of respect for my worthy colleague and friend, Mr. Turner. However, I feel that some of the remarks that he has just made are fundamentally unsound. The 42,000 people who signed the petition signed for a \$3,000,000 bond issue. We know of a construction company that would be very happy to build this bridge for \$3,000,000, but as this would go to the people—the voters of the state, it would go to them as a \$3,000,000 bond issue. If there isn't anyone that can build a bridge for \$3,000,000 then they don't get a bridge. As far as I'm concerned, it is as simple as that.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, Ladies and Gentlemen of the House: This is the third time that I have had the pleasure to sign the Minority Report on this particular bill. I say the people of Casco Bay should receive as much consideration on transportation to these islands that we do in the eastern part of our state which we have provided transportation for these people. Here you have a proposition that will bring one of the most beautiful spots in the State of Maine to the public. And I do hope that you will go along with the Minority Report, "Ought to pass."

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Harpswell, Mr. Prince, that the House accept the Minority "Ought to pass" Report on Bill "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island," House

Paper 275, Legislative Document 369.

Mr. Lowery of Brunswick then requested a division on the motion.

The SPEAKER: A division has been requested. All those in favor of accepting the Minority "Ought 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.

Ninety-five having voted in the affirmative and twenty-four having voted in the negative, the motion to accept the Minority "Ought to pass" Report did prevail.

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

Divided Report

Majority Report of the Committee on Judiciary on Resolve in favor of Newtuck Corporation of Portland (H. P. 421) (L. D. 574) reporting same in a new draft (H. P. 1104) (L. D. 1584) under title of "Resolve Authorizing Newtuck Corporation of Portland to Bring Civil Action Against the State of Maine" and that it "Ought to pass"

Report was signed by the following members:

Mr. BOARDMAN of Washington
—of the Senate.

Messrs. CHILDS of Portland
SMITH of Bar Harbor
PEASE of Wiscasset
KNIGHT of Rockland
RUST of York
BERMAN of Houlton
—of the House.

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

Report was signed by the following members:

Messrs. FARRIS of Kennebec
CAMPBELL of Kennebec
—of the Senate.

Mr. THORNTON of Belfast
—of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Portland, Mr. Libby, moves that the House accept the Minority "Ought not to pass" Report.

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

Mr. CHILDS: Mr. Speaker, may I only say that this is a Resolve at this time to give a person a right to bring suit against the State of Maine. At the present time, there is no money involved, it is not a claim, it is only giving a person a right to bring suit. At that time, they will have to prove their cause of action in a court of law. I hope that his motion will not prevail.

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

Mr. RUST: Mr. Speaker, I rise in opposition to the motion of the gentleman from Portland, Mr. Libby, and in support of my colleague from Portland, Mr. Childs. The Committee on Judiciary which heard this bill, at least a majority of them, felt that there was sufficient facts and grounds upon which the persons petitioning the Legislature ought to have the right to bring suit against the state. I hope the bill receives passage.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: At last I have a chance to rise in support of the good gentleman from York, Mr. Rust, and concur with his remarks and hope that you do not go along with the motion to accept the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Hutchins.

Mr. HUTCHINS: Mr. Speaker, as a member of that same committee, I can't seem to agree with the findings of the Judiciary Committee. The Claims Committee heard this bill. Apparently the factors given to us in the first place at least were erroneous. We were not told that there had been a fire. Apparently a good deal of the damage done was negligence on the part of the owners, a certain amount of vandalism which occurred because children were allowed to get in there. The claim was made that some of the parents

were unable to get back and forth, but that wasn't proved to be the case afterwards. I think there is no reason to waste the state's money or time or cause inconvenience to our courts for hearing this bill. I don't think they should be allowed to bring suit, and I think we should accept the "Ought not to pass" Report.

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

Mr. LIBBY: Mr. Speaker, I realize this is past the Claims Committee, but to bear out what Mr. Hutchins has said, it was the unanimous judgment of the Claims Committee that this should not pass, and I do realize that it has gone beyond that committee, but as Mr. Hutchins has said, we believed that this was a waste of time for the courts. Where it was unanimous in the Claims Committee, that is why I rise to object to it. I hope that the Report "Ought not to pass" will prevail. Thank you.

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

Mr. CHILDS: Mr. Speaker and Members of the House: What was said about a fire being on the premises is correct, and it was also correct that the party who was asking permission to sue the State of Maine was negligent in letting the property run down. But may I say in a court of law that that is a duty on them to mitigate their damages. I am not talking now what the damages should be on this matter. This is just a question where a person has a cause of action. It was the majority feeling of the Judiciary Committee that the moving party here did have a cause of action. Now it will be up to them in a court of law to determine how much they should recover, if anything. There is no question about it, there was a fire there and all the damage was not caused through the negligence of the state, but that is a matter that the court should determine how much was caused through the negligence of the state.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: If I were a member of the Claims Committee judging this as a claim, I could find no other way than to deny it, but by the test that is used by the Judiciary Committee, we do not judge the merits, we do not judge the facts; those are things that are left for the courts to determine. We only determine whether or not there is a basis or a foundation, no matter how bare it may be, to go before the courts. And if there is that, then we determine or decide if the person should be allowed their day in court, but we make no attempt to prejudge the matter. The Claims Committee must judge the facts, because under the Claims Committee, the Legislature would be paying out the money. Here, the burden is shifted and placed upon the claimant, and all the claimant is given the right to do, is go before a court of law and prove his case if he can.

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

Mr. EASTON: Mr. Speaker, I would like to ask a question through the Chair of any member of the Judiciary Committee, and I speak admittedly from sheer ignorance. Whether or not the reference in this proposed statute to any judgment being paid from the general highway fund, whether or not the question of the constitutionality of that particular provision was considered and what the answer might be.

The SPEAKER: The gentleman from Winterport, Mr. Easton, poses a question through the Chair to any member of the Judiciary Committee who may answer if he chooses.

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

Mr. CHILDS: Mr. Speaker, yes, that particular matter was considered by the Judiciary Committee, and I know what the gentleman from Winterport, Mr. Easton, is referring to. We do have a Maine case which says it is unconstitutional for money to come out of the general highway fund as a result of a claim, but they do not say so if this money is to come as a result of a judgment against

the state. There is a distinction between the two.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Portland, Mr. Libby, that the House accept the Minority "Ought not to pass" Report on Resolve Authorizing Newtuck Corporation of Portland to Bring Civil Action Against the State of Maine, House Paper 1104, Legislative Document 1584. All those in favor, will please say yes, those opposed, no.

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

Forty-nine having voted in the affirmative and eighty having voted in the negative, the motion did not prevail.

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

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Reorganize the Department of Economic Development" (H. P. 1089) (L. D. 1561) the Speaker appointed the following Conferees on the part of the House:
Mr. SAHAGIAN of Belgrade
Mrs. SMITH of Falmouth
Mr. PLANTE

of Old Orchard Beach

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Deficiency Appropriation for Division of Veterans Affairs" (H. P. 407) (L. D. 560) the Speaker appointed the following Conferees on the part of the House:

Messrs. MacGREGOR of Eastport
WADE of Skowhegan
PRINCE of Oakfield

On the disagreeing action of the two branches of the Legislature on Joint Resolution Ratifying the Proposed Amendment to the Constitution of the United States Relating to the Qualification of Electors (S. P. 381) the Speaker appointed the following Conferees on the part of the House:
Messrs. DENNETT of Kittery

BIRT of East Millinocket
PEASE of Wiscasset

Passed to Be Enacted Emergency Measure

An Act Reactivating the State Committee on Children and Youth (H. P. 1098) (L. D. 1574)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 125 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

An Act Providing for Area Directional Signs on Maine Turnpike for Andover-Rumford and Washington County Areas (S. P. 360) (L. D. 1026)

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

Orders of the Day

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

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) — Indefinite Postponement Reconsidered.

Tabled — June 5, by Mr. Childs of Portland.

Pending — Indefinite Postponement of Reports and Bill.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: We had quite a lengthy debate on

this item the other day, and I notice that there are several amendments which have been proposed because they are lying on our desks here this afternoon. Apparently, some of those who were opposed to the bill the day before yesterday, would now favor this bill; therefore, I move the pending question which is indefinite postponement, which I hope will not prevail so that we may have a first reading on the bill upon acceptance of the Majority "Ought to pass" Report of the Committee.

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

Mr. ANDERSON: Mr. Speaker, as I said before, the economy of the State of Maine is based on seasonal things. This amendment is just a vehicle for the bankers to get a foot in the door, and undoubtedly you will see another bill come in at the next session to do away with these exemptions. Aside from exempting farming and fishing, we have many other seasonal occupations: restaurants, motels, summer hotels, rooming houses, gift shops, roadside stands, recreational activities and many others. Mr. Speaker, I move the pending question, indefinite postponement.

The SPEAKER: Is the House ready for the question?

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

Mr. BROWN: Mr. Speaker, it seems to me that some of the lessons that have been learned by a country across the sea are now being attempted in this House. That is, if you cannot win, divide and conquer. I certainly hope that this measure does not pass.

The SPEAKER: The pending question is indefinite postponement.

Mr. Rust of York then requested a division.

The SPEAKER: 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.

Fifty-nine having voted in the affirmative and seventy having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, on motion of Mr. Rust of York, the Majority "Ought to pass" in New Draft Report was accepted in concurrence, and the New Draft read twice.

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

SENATE AMENDMENT "A" to S. P. 596, L. D. 1563, Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure."

Amend said Bill in the last line by striking out the underlined figure "1963" and inserting in place thereof the underlined figure '1964'

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

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

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

Tabled—June 4, by Mr. Jalbert of Lewiston.

Pending—Acceptance of Report.

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

Mr. CURTIS: Mr. Speaker, I move that we retable this until Tuesday next.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, moves that item 1 be tabled until Tuesday next. Is that the pleasure of the House?

(Cries of "No")

The SPEAKER: All those in favor, will please say yes; those opposed, no.

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

The SPEAKER: All those in favor of tabling item 1 until Tuesday next, will please rise and remain standing until the monitors have made and returned the count.

Mr. RUST of York: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. RUST: I rise to inquire if the two day rule is still in effect?

The SPEAKER: The Chair will inform the members of the House that he understands that the Senate is adjourning tomorrow until the following Tuesday. Whether the House will do this, is your decision.

Does the gentleman care to change his motion to a second legislative day?

The Chair understands that the gentleman from Bowdoinham, Mr. Curtis, moves that item 1 be tabled until the second legislative day. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Report and Bill were tabled pending acceptance of the "Ought not to pass" Report and specially assigned for the second legislative day.

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

HOUSE REPORT "A" (5) — Ought to pass in New Draft under new title of "An Act Amending the Charter of the City of Portland Relating to Imposition of a General Business and Occupation Tax." (H. P. 1094) (L. D. 1569)—Report "B" (5)—Ought not to pass—Committee on Taxation on Bill "An Act to Enable Municipalities to Impose a General Business and Occupation Tax." (H. P. 846) (L. D. 1233)

Tabled—June 4, by Mr. Libby of Portland.

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

On motion of Mr. Libby of Portland, retabled pending the motion of Mr. Childs of Portland that the Reports and Bill be indefinitely postponed and specially assigned for the second legislative day.

The Chair laid before the House the third 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—June 4, by Mr. Pease of Wiscasset.

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

On motion of Mr. Pease of Wiscasset, the Bill was retabled pending the motion of Mr. Wellman of Bangor to recede and concur with the Senate and specially assigned for the second legislative day.

The Chair laid before the House the fourth 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—June 4, by Mr. Wellman of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Oberg of Bridgton, retabled pending passage to be enacted and specially assigned for the second legislative day.

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

HOUSE JOINT ORDER Recalling from the Legislative Files Bill "An Act Eliminating Certain Exemptions under Sales Tax Law." (H. P. 513) (L. D. 715)

Tabled—June 5, by Mr. Wellman of Bangor.

Pending—Passage.

On motion of Mr. MacLeod of Brewer, retabled pending passage and specially assigned for later in today's session.

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

Bill "An Act Increasing Sales Tax." (H. P. 313) (L. D. 406)

Tabled—June 5, by Mr. Wellman of Bangor.

Pending—Passage to be Engrossed.

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

Mr. SMITH: Mr. Speaker, in regard to this bill "An Act Increasing the Sales Tax," probably it

would be good if we tabled that along with the rest of them. I will present House Amendment "E" and move its adoption.

Thereupon, House Amendment "E," being Legislative Document 1582, was read by the Clerk.

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

Mr. SMITH: Mr. Speaker, I wish to speak on this amendment. A few days ago this House adopted a Current Services Budget of \$143,500,000. Although some of us were opposed to that budget, yet we must face up to the reality that now that we have adopted this, we must pay for it. Now, in paying for this budget, it will create and make necessary new taxation. It is impossible to pay for a budget this large without having it hurt somewhere. We have been told that the only way to pay for this budget would be with a four percent sales tax. The four percent sales tax has been given to us in such a way that many of us thought for a while that we had no alternative but to adopt the four percent. That is why that we have presented this amendment to you which in effect gets us out of the corner, and for any of you who may have wished the services that are presented to us and given to us under the Current Services Budget but who are opposed to the four percent sales tax, this will offer you an alternative.

This amendment that we have before us answers all the questions the same way that the proponents of the four percent sales tax have answered them. The other day when the gentleman from Caribou, Mr. Albair, spoke on the four percent sales tax he asked three questions, and answered them all in the affirmative. His first question: Do we need additional revenue? His answer was yes, and our answer would certainly be yes since we passed the Current Services Budget. His second question was: Is the sales tax a fair tax? He answered it yes; and if you have read over this amendment, we also would answer it yes. This amendment broadens the base of the sales tax,

by taking out some of the exemptions that already exist. His third question was: Should we continue to exclude food from sales tax? He said we ought to do that, and we say also that the answer is yes. And under this amendment there is no tax on food.

The sales tax will not and cannot pass, the four percent sales tax. It is headed for defeat in the enactment stage anyway, and with the defeat of the sales tax, we will be up against it as to what we're going to do in regard to financing this huge budget we have. Many of you may not agree with the fact that it's going to be defeated. I think we will just have to wait and see. It will be defeated because of several reasons. First, it is bad politically. Let's face it. This sales tax adds a burden onto the people of Maine, this four percent that will create a repercussion at the next vote. While the people of Maine did not rebel when the two percent sales tax went in, and they did not rebel when the three percent sales tax went on, let me tell you that history has proven that there comes a time in excessive oppression when people of other nations have rebelled even though they accepted it for many years.

Let's take just a little illustration from a book from the life of a gentleman that maybe all of us are well acquainted with in history. Old King Solomon oppressed the people of his nation quite greatly in building a great temple, and in causing all of his people to contribute to that beautiful thing, and yet he died eventually. His son Rehoboam became king and he called his young councilors around him and he said: "What is the method that I should use in governing these people." And his young councilors told him something like this. They said King Rehoboam, your father has oppressed the people, but you prove to them that you are a strong man; prove to them that you are the leader, the king; and where your father has oppressed them with heavy taxation, you oppress them with heavier taxation; let

them know who's boss. Rehoboam did that. While Solomon could get away with it, Rehoboam couldn't, and within a couple of years his kingdom was split and he had only one-sixth of it remaining to him. I predict the party that passes the four percent sales tax will so have the people in rebellion against such an unholy thing, that we will find them leaving that party by the scores, by the thousands.

If I were an executive and had presented a four percent program such as this, feeling that there was no way out, and being in an honest dilemma, I would welcome an amendment that would buy all of my program, and this amendment will do that, and get me out of the dilemma that I would be in with a four percent sales tax that the people object to. Were I the promoter of the four percent sales tax in the Legislature, and yet we're really trying only to buy the full program that has been presented to us, I would welcome a chance to buy that full program without the stigma of the four percent sales tax.

This amendment has five sections to it. It takes from the unappropriated surplus \$3,000,000. Now, I understand that that is being kept—they want to keep it for bonds and so forth, and if anyone amends that out and has something to put in its place, I would welcome that. The second part, it raises four million dollars by putting a one percent tax on real estate transfers. This is nothing new; seventeen other states have it. Pennsylvania, which is one of the states that has gone to the four per cent bracket, before it went to the four per cent bracket put a one percent sales tax on real estate transfers from which they gather today \$21,000,000 a year. This one percent on real estate transfers probably will be explained out in detail a little more. We have a long program in here. It's the only part of the amendment that carries with it any appropriation.

The other three parts of this amendment remove these three things from the exempted list of the present three percent sales tax. It

would in effect put a three percent sales tax on fuel, on liquor, hard liquor, and on the trade-in of motor vehicles. Now some have objected to different parts of those three. As far as fuel is concerned, some have said it would put a hardship on the little person. I want more than anything to guard the pocketbooks of the little person in the State of Maine; and while this fuel would seem to be a hardship, with most homes it would put a tax on that would range from \$3.00 to \$9.00 a year. A family of seven or a family of two living in the same home do not require any difference in heat, whereas with food, a tax on food, there would be a difference there.

A sales tax on automobile trade-ins, some have said that this would hurt the little man. It will not hurt him the way you would think it would. The little fellow did not object too strongly, as I recall, did not write too many letters, when the Current Services Budget increased, probably thinking it was going to be killed but sadly mistaken; so therefore by his lack of objection, he helped buy an \$18,000,000 program. Therefore, every person has got to help pay for this including the little man. The average automobile probably that's purchased in the State of Maine costs \$3,000; probably the average person keeps that automobile three years; probably the average allowance at the end of that time is \$1,000. Under the present setup, when he goes to trade in that automobile and get another \$3,000 job, he's got to pay a three per cent sales tax on \$2,000 or \$60.00. That's what it costs him now. If the four per cent sales tax goes in, he will pay a four per cent sales tax on the \$2,000 or \$80.00. If this amendment goes in, he will pay a three per cent sales tax on the full \$3,000 or \$90.00. The increase is \$90.00. The average little man trades about once every three years; therefore, that would mean an increase in his sales tax on this particular item of about \$3.33 a year. It's not going to hit him too hard.

The liquor tax is one I did not really want to get into so I felt that some would feel that we were just oppressing liquor a little hard, but if that tax goes on you have there

\$1,500,000 on a sales tax on liquor. Altogether you have here better than \$13,000,000. If you wish, you can get an extra \$2,000,000 from cutting down on the Supplemental Budget. You can get an extra \$5,000,000 for putting a sales tax on advertising. You can get another \$1,000,000 from wildlands by increasing the eleven mills to seventeen mills. There are plenty of cushions here if you want to tackle this. But don't let anybody tell you that you're in a corner, and there is no other way out, therefore, you must buy the four per cent sales tax. This is just untrue.

I would like to close in making a brief comparison of Maine with other states. There are three other states now with a four percent sales tax; I believe they're Michigan, Pennsylvania and Washington. But in each instance where these states have a four percent sales tax, we might further emphasize that they have a per capita income either above the national average or equal to the national average; whereas the State of Maine's per capita net income is well below the national average, the lowest in New England and the thirty-sixth in all the states of the Union. To add a four percent on to make it equal to those three others would be a drastic hardship on the people of the State of Maine.

With this explanation of this amendment, I would trust that it would pass. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to take this amendment from its beginning. I had myself for a while toyed with the thought of presenting an amendment that might include some of these items. First I would talk on the moneys that would be transferred from the Unappropriated Surplus to the General Fund in the amount of \$3,000,000. The gentleman from Strong, Mr. Smith, in his explanation discusses that this money, I believe I made a note, "that we wanted to use this for bonds." I didn't quite follow his thinking. However, for those of you who have your budget books, if you would turn to page 493,

you would see the explanation of where the surplus money is going. Two years ago we started a crash program, so-called, which we thought would relieve the unemployment situation by immediately going in to repair items so that it might be able to put some people to work. The thing worked out very well. In this biennium the program is carried on, and there are from one department down through Adjutant General, down through to the University of Maine, a breakdown as to where this money is going, all the way from fire detection and fire prevention down to equipment for the various departments and repairs in various sheds, and all of these items. This program will cost \$3,999,900.

In talking yesterday with two members of the Appropriations Committee, we were discussing this very program, and in view of legislation that's already been introduced and passed, this body by individual L. D.'s, we agreed that this must be cut down at least \$1,000,000. So, I assure you, and certainly I am merely explaining and I don't question the thorough sincerity of the gentleman from Strong, Mr. Smith; but I assure you of one thing, forget this one because there will be no more surplus. There'll be no surplus left. And as I said, I repeat myself, even this will have to be cut down before we can enjoy this program which is in this book.

The other items that I would like to speak on are the items wherein it concerns the various taxes that would be imposed, and this is what disturbs me in even thinking of presenting an amendment. You are placing a tax on real estate transfers, a major tax. You are placing a tax on automobile trade-ins, a major tax; a tax on fuel, another major tax. A tax on liquor, it's been done here, and I think this is not hitting off at an industry that we haven't done so before. And this places a tax on liquor and it means that we have no distilleries—one or two distilleries here in the state, it doesn't affect too, too much. However, the other items are taxes of a major nature. Now the automobile trade-in tax was imposed

upon the people after a threatened public hearing. It was then taken off after a public hearing and full debate by the people who have a right to be here. The same thing goes for the real estate people. The same thing goes as far as fuel is concerned.

These people here are being harpooned with a tax that they've got to buy because we say you've got to buy it, period. No public hearing, no word on the matter other than just talking over with us; and I would assure you that I don't think there's too, too many people who are now not aware of some of these purported amendments, and are now wondering when is their day in court. They are entitled to their day in court. For that purpose and with that explanation, I would like to bring back one thing about the thought of raising estimates. We have on one or two occasions asked the Commissioner of Taxation how he felt about raising the estimates. I called him up yesterday and I asked him how he felt about it. He said, "I haven't changed my position one bit; I will not do it. I will not raise the estimates one cent." These are quotes from Commissioner Johnson, and certainly no one can question his integrity, his honesty and his work. For that reason and with that explanation, Mr. Speaker, I now move the indefinite postponement of House Amendment "E".

The SPEAKER: The question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the House indefinitely postpone House Amendment "E."

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

Mr. DENNETT: Mr. Speaker and Members of the House: I arise in opposition to the motion made by the gentleman from Lewiston, Mr. Jalbert, and in support of the gentleman from Strong, Mr. Smith. I suppose that I would be very remiss in my duties if I didn't rise to the support of the gentleman from Strong, Mr. Smith. For all purposes we are practically co-authors of this amendment. He has preceded me and, to a great

extent, has stolen what little thunder I had left. However, I believe the die was cast and the Rubicon was crossed when we passed the Current Services Budget.

But now is before this House a need to raise some \$143,000,000 for the Current Services Budget. What has been proposed to this Legislature, as we are all very much aware, is a one percent increase in the sales tax. This I and a number of my colleagues take issue. We feel strongly, and I say this in danger of repeating what already has been said, that this will be disastrous to the State of Maine and will put the State of Maine in a very unfavorable light. It will be one of the states in the United States that has the highest sales tax rate. This in itself is not good.

We feel that the only answer, the only plausible answer to this solution, is to use the sales tax as a vehicle. It is a vehicle to which I now believe the State of Maine has committed itself. I would not, under any other circumstances, wish to go into other methods of taxation. Now, I was a member of the 95th Legislature that originally passed the sales tax. At that time it was strongly stated that with the passage of the sales tax and the dropping of the mill tax, the woes and the ills of the State of Maine would be forever cured. At that time with two percent, it was foreseen that the sales tax would produce such an abundance of money for the State of Maine, that it would be at least a half a century before we would ever have to worry about a thing. Such has proved not to be the case.

Now at that time it was considered adopting a tax on real estate, but it was ruled out because it was felt it was not needed. There was a super abundance of money available for the Legislature. That is the reason why that was never included. Some states include real property. There is no sound reason why it should be excluded. The tax varies. In some states the lowest imposes one-tenth of one percent. The highest, which is not a state but rather the

Federal District of Columbia, imposes a tax of five percent on all real estate transactions. This bill calls for one percent which is an amount that several of the states also impose. This is not drastic. This would work no hardship. This is a field that the State of Maine could well afford to go into.

I would turn next to the fuel tax. Many raise their hands and they say this is unjust. Well, let's face it. All taxation perhaps is unjust, but we have to have the money. I well recall the original bill that called for fuel right across the board, and for reasons of political expediency at the time, coal and wood and oil were exempted, and thereby I assure you that it was for reasons of political expediency only. If you're going to tax bottled gas and electricity, there's no simple reason why coal, wood and oil should not be taxed. And we all pay it; there's no one in the State of Maine who avoids paying taxes on fuel.

Secondly, there's the tax on spirituous liquors. We do not hesitate to impose a sales tax upon malt beverages, and I've heard it repeated so many times in this House, that malt beverages are the poor man's drink. They can't afford to buy hard liquor. If such is the case, why is the poor man taxed on malt beverages and those who can afford it not taxed on hard liquor, such as is sold in the state liquor stores? There is no reason for it on earth. That too should share the burden.

The next is the repeal of the tax on the trade-ins on automobiles. I believe the gentleman from Strong, Mr. Smith, has gone over it very thoroughly with you. There is no real reason why trade-ins on automobiles should be exempted. You don't exempt the trade-in on boats. You don't exempt the trade-in on refrigerators, television or what have you. This industry, the automobile industry, has been singled out for special favors; and there is no sound and real reason for it.

Well, enough of this ladies and gentlemen, I don't intend to belabor the question in mind, but this document was presented to you today for one real purpose, to

show you that there is and is available to you several, if not many, opportunities to raise the necessary money; and I will be the first to agree that we must have this money for the Current Services Budget. I did not support the Current Services Budget. I was a member of the economy bloc. This amendment is not introduced by the economy bloc. The gentleman from Strong, Mr. Smith, and myself, we will take upon ourselves the full responsibility for it; but it is to show you that there is a way. Taxes can be imposed within ability to pay without increasing the sales tax one percent. I sincerely hope that the motion by the gentleman from Lewiston, Mr. Jalbert, will not prevail.

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

Mr. MCGEE: Mr. Speaker, to clear a matter in my mind, I would like to ask a question through the Chair to the gentleman from Strong, Mr. Smith, or anyone who cares to answer. This proposed amendment practically covers the Current Services Budget. Have they anything in mind what method we will prepare ourselves to pay for some of the money bills we've sent out of here that's not in the Current Services Budget or the extra school subsidies and all those matters that people are expecting in Maine that the Current Services Budget does not cover, and I would like to have that matter cleared if anyone would care to answer.

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

Mr. SMITH: Mr. Speaker, to the gentleman from Auburn, Mr. McGee, I would try to answer this. We have left in this bill here a great cushion. You can see here that this will raise approximately enough to cover the full Current Services Budget unless you adopt the five and a half million Supplemental, and I'm not acquainted yet as to whether this may have come out of the Appropriations

Committee on that. If you wish to amend this to add in advertising, you would have there a \$5,000,000 advertising, such as through newspapers and radio and so forth, you would find that you could raise \$5,000,000 which would take care of anything that may come up in the Supplemental or leave a million or so for L. D.'s if you wish to do that. That is up to this Legislature. This particular bill here will cover all the Current Services Budget, and with the thought in mind of cutting the Supplemental.

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

Mr. ALBAIR: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to House Amendment "E." I believe that the adoption of this amendment would definitely impose a heavier tax burden upon our lower income groups. The theory is that under our present exemptions as we now have, the sales tax is a less regressive, and further broadening of the base will definitely work against our lower income group than those with higher incomes. I think I have several questions probably that should be answered.

On the auto trade-in, as you've probably noticed there are farm tractors and vehicles also that are included in this. This would apply to these vehicles. The Taxation Committee has not had any public hearing relative to this proposed broadening of the base.

On your deed transfers, I believe to institute a program such as this would probably take at least six weeks and possibly longer, and we have problems that could arise if this was adopted. Also this would tend to discourage industry from coming into the State of Maine, and no one industry would transfer to another or sell their properties to another. You can see what one percent would do on a sale such as this. Now, I believe that most of the states that do have such a deed transfer tax have a one-tenth of one percent rate. Now, your local registers of deeds in your local—in your counties would have to take care of this. They would have to set up machines to take care of

the issued stamps. I don't know how they would receive this. There might be a little resentment there. These registers would have to be bonded. It would mean new bondings. The present bonds they have wouldn't be sufficient, so they would have to have new bonds.

Also I believe this would be very regressive as far as the local taxpayer. As you know now, the local taxpayer at the local level home is probably taxed almost as heavy as he can go on the real estate tax. This is just another burden.

Then you have a lot of home contractors, a lot of people that are building buildings for resale. You get another one percent on this.

As far as fuel for home consumption, I believe it's very regressive. There's no question about it that your lower income groups will be bearing the brunt of this.

Your liquor tax last year went up from 61 to 65 percent, four mills. If you add another three percent tax, the consumer is asked to bear more. The people who are the beneficiaries of this item, they again would be the people bearing a great portion of your new taxes.

Your automobiles presently are the largest single items that are purchased by our Maine people. This definitely will not assist our people that are trading cars, the users.

For this, Mr. Speaker, I would also like to go along with the motion of indefinite postponement.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am one of those people that opposed the Current Services Budget. I thought I had a very good reason. I still think so. However, I don't ever intend to vote to increase the sales tax, but I do feel as though I ought to help some of these people out that did vote for this Current Services Budget, and it seems that if I want to be a little helpful, I would be willing to support the able Representative from Strong, Mr. Smith, in his endeavor to try to raise some money other than increase the

sales tax. Therefore, I would like to endorse Mr. Smith's amendment.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: In looking over this L. D. in section one, the first part—I'm looking it over, it was the first thought that hit me is to just how far we can go with the Unappropriated Surplus. In wanting to investigate that, I talked with the Controller's Department this morning, and he told me the present surplus was about \$2,000,000 with a possible estimate of \$4,000,000. But of that we have already allocated \$1,484,315, which would leave about \$2,500,000 as a present surplus that could be acquired. This L. D. proposes to take \$3,000,000 from the Unappropriated Surplus when we only have a possible \$2,500,000 according to their estimates available. A reduction in the state surplus is to me a matter that we should give the greatest consideration, especially when it is tied to an increase in the estimate of the state's income.

From my limited knowledge of business operation, I have been told many times that it is good practice to maintain a cash balance of at least five percent. I asked the Controller this morning if he felt that was a reasonable figure, and he said he felt that the State should maintain somewhere in that neighborhood of a five percent cash balance. The present biggest business in the state is our own state government. Even if we figure this five percent on the basis of one year's expenditure, we would need at least \$4,000,000 to maintain a satisfactory balance or cash surplus to take care of the fluctuation of money flow when there would be periods of greater outgo than income. This is also assuming that the economy remains stable and has no dips.

The state controller needs to maintain an adequate flow of cash at all times. If we cut the surplus to the point where we cannot, we may be faced with having to enact legislation whereby he could borrow money in anticipation of taxes.

This could well be the first step in the state's going into deficit financing. And I would certainly endorse the motion to indefinitely postpone.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: Back in early January of this year the Chief Executive of this state was talking to a Joint Convention and the lights went out at the time he was presenting his program which called for a four percent sales tax. A couple of weeks ago, we were at the enactment stage of a current services budget of \$24,000,000 over what it was two years ago, and the gentleman from Wiscasset, Mr. Pease, called attention to the thunder clouds that were gathering. He called your attention to the opinion of the fellow up there. Today while the gentleman from Caribou was presenting his defense of the four percent sales tax, we have both thunder clouds and the lights going out. I suggest it is about time we took heed to some of these warnings.

I rise today to support very strongly the amendment offered by the gentleman from Strong, Mr. Smith, and another amendment which I understand is going to be offered that will add another \$5,000,000 in advertising. Thank you.

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

Mr. BERMAN: Mr. Speaker, I am glad to hear this afternoon that the sponsor of this sales tax bill is concerned about the poor people in this state. About 100 years ago, perhaps the greatest man this country ever produced and the first Republican President said that the Almighty must have loved the poor people because He had made so many of them.

Now for the life of me, I can't understand how a thirty-three and one third percent increase in the sales tax is going to help the poor people of this state. And for that reason, I will go along with the amendment proposed by the gentleman from Strong, Mr. Smith.

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

Mr. EWER: Mr. Speaker, Ladies and Gentlemen of the House: Since this amendment became public yesterday afternoon, I have done considerable figuring basing my figures on my own financial affairs. As most of you know, I am retired and living on a pension from the Railroad Retirement Board. My pension is \$176.70 a month or \$2,120.40 a year. This year of course I will receive \$1600 extra. I have two big items of expense: my taxes in Bangor for this coming year will be approximately \$500; my fuel bill over the last two years has averaged \$450. That makes \$950 to come out of my \$2120 or \$1170 for my wife and I to live on the rest of the year. May I say at this point, that we haven't done it yet. I am ashamed to tell you what my checking balance is and my savings account balance is because you wouldn't believe me if I did tell you. So I think I can qualify myself as one of these little people about whom we have heard so much. It is because I feel that I am qualified to speak for them, that I wish to bring out a few points in my own case.

Take for instance the matter of fuel. Now it has been figured that the average increase to a person by the one cent increase in sales tax will be \$9 a year. We have a million people, that brings a nine million dollar increase; therefore, \$9 a year per person. For my wife and I, that would be \$18. Now the tax on fuel at three percent would be \$13.50 to me, leaving \$4.50 that I would have to raise for other purposes to make my \$18. By my very conservative means of figuring, 25 percent at least of our sales tax comes from out of the state people, tourists, summer people and vacationists. Since the sales tax also combines with the use tax, I think it is safe to say that another twenty-five percent of this comes from the various business sources in the state. For instance, if a new addition to a paper mill is constructed, there is a use tax on material. We realize quite a lot from that. So that the \$9 figure

per person I think will be cut down considerably.

Now on the tax on liquor, I have no quarrel with any increase on that. In fact, that is the only part of this amendment that I might buy. And I don't buy it for the reason to bring in money. I buy it because I think it would help our unemployment situation of Maine. We would have a good many people running stills, and we would have a good many bootleggers more than we have today, so I think perhaps we can relieve our unemployment situation by this means.

Now when we come down to the tax on difference between trade-ins on automobiles, I know something about Aroostook and Washington Counties, and down there in those two counties, they have a seasonal trade-in period. In Washington County at the end of the sardine canning season, they buy another old jalopy to take them through the winter. And in Aroostook County at the end of the potato-picking season, they do the same thing. Now let's take these figures. One of those people there buys an old car for \$300—now at the old three percent sales tax, that would be \$9. If he gets a trade-in difference of \$100, that would leave a difference of \$200 on which under the present law, with the increase of one cent of a sales tax, he would be taxed at four percent, would be \$8. At three percent on the full investment of \$300, it would be \$9. In other words, he is penalized a dollar more. This is the so-called help to the little fellow.

Now let's revert to the Ewer family again. I have a Ford Falcon that I bought in 1960. If the thing holds together, I don't plan to trade before the five-year period is up. But let's say that I spent \$2400 and I get an \$800 allowance when I trade in, which I think is a very generous estimate on my part. I hope I do get that much. But at four percent, the tax on the difference would be \$64. Now if we do away with this trade-in allowance, the tax at three percent on the \$2400 would be \$72. In other words, the

little fellow has benefited again by being soaked \$8 more.

Now three percent over five years would be \$14.50 a year on my investment of \$2400. That would be \$10 a year more than what I would owe on my \$18 allowance for myself and my wife as to what this extra one cent would cost us.

Now the question has been raised that possibly advertising on a national basis, through national publications, will bring in a considerable amount of income for the state. I ask you this question, Mr. Speaker, ladies and gentlemen, just how can this tax be collected? It seems to me if you are going to count the number of out-of-state publications that are sold in Maine, whether by subscription or newsstand sales or by newsboys or by any means whatever, you are going to run into quite a bit of expense to collect this. It seems to me it is more or less of a pie in the sky so to speak. I don't think it makes too much sense.

I think it is safe to say that the little people's income goes at least eighty percent for the things which are exempt under our present law. That is, food, fuel, and medicine. I think that the other twenty percent with the various other sources of income to which I have pointed, that under this present request and this unamended L.D. for a one cent increase in the sales tax, I think we can honestly vote for it, and know that we are not going to hurt the little fellow. I know that my conscience is clear on the matter. I feel that if and when I vote for this, I am doing the right thing for the little people of Maine. And I hope that the motion of the gentleman from Lewiston to indefinitely postpone this amendment will prevail.

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

Mr. HAMMOND: Mr. Speaker, Ladies and Gentlemen: I rise in opposition to indefinite postponement of this amendment and in support of the amendment. Since the beginning of this session, I

have been opposed to an increase in the sales tax and I still am. At this time, I would like to divert just a moment from this present debate to do one thing. I would like to pay tribute to the 100th Legislature which absolutely refused any increase in the sales tax. They were told that there was no other way but an increase in the sales tax, but I refer to you ladies and gentlemen that a way was found. I repeat that a way can be found by this Legislature. This sales tax has a questionable history. It will have a far more questionable future if every two years we receive requests, demands, that it must be raised. I submit to you ladies and gentlemen that the increase in taxation is far in excess of the increase in income, whether it be a businessman, a professional man, that large and respected class referred to as ordinary working men and women, and the person who is living on some sort of pension or retirement. I say that none of these groups will have an increase which will compare with the increase in taxation which we are asked to pass. A way was found in the past two years not to increase the sales tax. We have already been shown a way where that same thing can be accomplished this year, and there are other methods and other sources and other avenues where the surface has been scarcely scratched. By all means, we must raise extra money this year. Everyone knew that. Everyone realized that when this session commenced, but I respectfully submit to you ladies and gentlemen that an increase in the sales tax is not the way to accomplish this increase in taxation, and I most heartily support the amendments which have been offered here this afternoon and earnestly urge their adoption. I thank you.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the few who plans to do my talking after the sales tax is defeated. However,

there is one statistic that disturbs me. As a student of economics, I would like to ask anyone through the Chair who has used the \$9 a person tax impact—that is, if there is a penny increase in the sales tax, if they would please tell me how that \$9 per person was determined.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, poses a question through the Chair to any member who may answer if they choose.

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

Mr. ALBAIR: Mr. Speaker, the population of the State of Maine is approximately 1,000,000 people. The revenue from the tax will bring in \$9,000,000 a year.

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker, Ladies and Gentlemen of the House: In the area that I come from, I am very sure that the people would rather accept the four percent sales tax than to accept this package. There are several garages in town and they are trading cars all the time, and I know that the impact of taking away the credit of the trade-in, would be a material thing. As far as the agricultural people in my same area are concerned, we are pretty conversant with that, because we, at the moment, don't have the credit for the trade-in on farm machinery. So we would like to have that. But when you take it away from our trucks and our tractors, it would create an impact I would hate to see. Therefore, I would be in favor of the motion to indefinitely postpone this amendment.

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

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: It would be my best guess that at this point I would be not in order to offer an amendment to the existing amendment because of the presence of a motion to indefinitely postpone.

The SPEAKER: The Chair will inform the gentleman that an

amendment to an amendment has priority over a motion to indefinitely postpone.

Mr. PEASE: Based on that decision, Mr. Speaker, I would offer House Amendment "A" to House Amendment "E" which has been reproduced and distributed under Filing number H-421.

Thereupon, House Amendment "A" to House Amendment "E" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "E" to H. P. 313, L. D. 406, Bill, "An Act Increasing Sales Tax."

Amend said Amendment by striking out all of section 1 and inserting in place thereof the following sections:

'Sec. 1. R. S., c. 17, sec. 2, amended. The 12th paragraph of section 2 of chapter 17 of the Revised Statutes, which relates to the definition of "Retail sale" or "Sale at retail," as amended, is further amended by adding after the first sentence a new sentence to read as follows:

"Retail sale" or "sale at retail" also means any sale of advertising space by outdoor advertising and by radio and television stations, and by publications regularly issued at average intervals not exceeding 3 months.'

Sec. 1-A. R. S., c. 17, sec. 3-A, additional. Chapter 17 of the Revised Statutes is amended by adding a new section 3-A, to read as follows:

'Sec. 3-A. Sales Tax on advertising space. On and after July 1, 1963, a tax is also imposed at the rate of 3% on the sales of all advertising space by outdoor advertising and by radio and television stations and by any publication regularly issued at average intervals not exceeding 3 months. The State Tax Assessor shall pay over all receipts collected under this section to the Treasurer of State daily.'

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

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: As the gentleman from Kittery, Mr. Dennett, pointed out, Legislative Document 1582 which is House Amendment "E" was not the work of the so-called—or per-

haps we might refer to it after this morning's Portland Press Herald, the so-called 'Efficiency Bloc.' It was the work of dedicated individuals with, I believe, a purpose for which we can be greatly appreciative. I would suggest, however, and did suggest after the preparation of this amendment, that in order to avoid the necessity of going into the bond market for money to take care of some of the capital improvements that may be necessary, it would be wise to strike from this amendment the three million dollar appropriation from the Unappropriated Surplus. For this reason, I have prepared an amendment which will more than take care of the \$3,000,000 which might have been gained from the Unappropriated Surplus which will provide more than the amount of money estimated in the package by the gentleman from Strong, Mr. Smith, which will make it possible, as much as I dislike admitting it, for the program so-called to be passed in practically its entirety.

I know that there will be a hue and cry from certain areas which I have publicly criticized for my presentation of this amendment. I would say at this time, however, that it is practically verbatim to an amendment that was suggested by another Representative, the gentleman from Auburn, Mr. Turner. I have prepared it in the form in which you see it as a part of the so-called package deal to avoid the imposition of a selective four percent sales tax at this session of the Legislature.

Some mention has been made of the second section of House Amendment "E" which concerns itself with the state tax on deed transfers in which House Amendment "E" is amended by the amendment I have just presented. I would only make one or two observations regarding this. Our municipalities and our counties are now financed almost one hundred percent by a tax on real estate, and you and I, as individuals, well know that in a great percentage of the instances of cases that exist where property is held in ownership by one family or one individual for a long period, that

that property is not revalued. Not revalued until it is sold and the assessors pick up the supposed value according to the revenue stamps that have been affixed to it. So for this long period of time, the municipalities and the counties have received a tax on the value of this property, not, I would submit, at its true value.

The federal income tax recognizes this factor, and we pay an ordinary income tax or a tax on ordinary income from the sale of certain types of real estate and the capital gains tax on the sale of certain other types. This, I would submit, would be a means whereby the state could realize some tax revenue from the accretion in value because of inflation, because of varying shifts in the state's economy over the period of years. It would seem to me that a one percent tax on real estate would not be burdensome when viewed in this light.

As before in this legislative session, I rise this afternoon in a spirit of compromise because my own personal feelings would suggest that I present to you another alternative package as it were. I would suggest, however, that this is the time to consider all the people of the state, all the vacationing public that comes to our state, that considers coming to our state knowing that we have a four percent sales tax. We have heard reference to the public image of individuals and the State of Maine. I submit that our public image to the rest of the Nation would be that much greater if we found a method of raising revenue to finance the tremendous increase in spending with which we are faced at this session, if we found a method other than raising the sales tax from three to four percent.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I would ask a question through the Chair.

The SPEAKER: The gentleman may state his question.

Mr. RANKIN: If my understanding is correct, L. D. 1582, House Amendment "E" is no longer on the Floor before the House? We are

now discussing House Amendment "A" to House Amendment "E," is that correct?

The SPEAKER: The matter before the House now is House Amendment "A" to House Amendment "E."

Mr. RANKIN: Mr. Speaker, may I continue.

Mr. Speaker, Ladies and Gentlemen: As Mr. Jalbert has pointed out, in Legislative Document 1582, you have legislation without the benefit of a public hearing. Now very few of the public ever comes up here, but I don't believe that any of us want to pass legislation that the people of Maine haven't had a chance to talk about before a Committee on Taxation.

House Amendment "A" to House Amendment "E," quite confusing, is another example of legislation without giving the people of this state the opportunity to express their views. I now move that House Amendment "A" to House Amendment "E" be indefinitely postponed.

The SPEAKER: The gentleman from Southport, Mr. Rankin, now moves the indefinite postponement of House Amendment "A" to House Amendment "E."

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: You will excuse me, in the ruffle of debate yesterday my glasses bounced and as you see, I am in need of repair. This Amendment "A" to Amendment "E" is a facsimile of an L. D. 965 introduced in the 99th Legislature which had a unanimous "Ought not to pass" Report from the Committee on Taxation. The Report was accepted by the Senate, twenty to four. The Bill was rejected by the House, one hundred two to eight. This taxation proposal was rejected overwhelmingly. Similar legislation in Baltimore was declared unconstitutional and there were many other federal cases. It is an unfair proposition, could tax Maine advertising needs but could not tax those out-of-state competitors which carry advertising into Maine. It would very definitely penalize a large Maine industry. Very definitely it would af-

fect Maine's largest industry, the pulp and paper industry. You can see, as you have heard these remarks, what it would mean across the board in all your economy. That is a rise in your newspaper print and that other federal cases that might be involved of selling magazines into the State of Maine, it is a most complex amendment.

This piece of legislation should have been heard before the Taxation Committee, and I assure you the opponents to this measure would have been many. You have heard other debate today very amply covered on one taxation versus another. What you are being offered here is the merits of one basis of taxation against another. That is the point of decision. On an overall basis you have heard the little man covered very carefully by my distinguished colleague from Bangor, Mr. Ewer. You have heard the real estate tax covered. Now you are extending into a broad taxation that I would say you would need a department so voluminous that you wouldn't be able to count the help.

The point you must arrive at is this, you have got to furnish funds for a budget you passed by the most generalized nature that would not affect the most people. Now you figure for yourself in your own mind which is the best tax of equality. That is a point for your consideration. And when you figure the income bracket of the people in the State of Maine, when you figure all your industries, you figure out the income tax, the final analysis always comes back to you, how do we do it? Then we go into recess and then we try to do it again. And I dare say if we stayed here long enough, the snow would be falling out, as an ominous warning that winter was here and we still would be figuring it out.

This was analyzed by some of the greatest experts in the country. Dr. Sly explained to you very carefully this is a sales tax state. That is our simplest form of sales tax. I don't like it any better than you do because I come from a county where our retail merchants on the border are affected immensely.

We have got the figures, as legislators, which is the best and most

equitable tax to offer to the State of Maine. If you think that this conglomeration of complicated taxes that would take five attorney generals and a few other lawyers to figure them out and fight the federal cases that would result in the form of taxation as presented here this afternoon, then I would be very much surprised at the result.

Gentlemen, this is the old story how do we do it again, spent two months in coming up with a \$1,700,000 cut in the budget which could have been figured out in one afternoon because you just take a figure out of the air. Now you are figuring out how to get the money in the same method. Gentlemen, I leave the decision to you. It is in your mind and certainly after listening to debate this afternoon, there can be only one action. I go along with the motion of my distinguished friend and colleague Mr. Rankin that this be indefinitely postponed.

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

Mr. GILL: Mr. Speaker, I would like to ask a question in regard to this House Amendment "A" to House Amendment "E." The figure of \$5 million has been mentioned. I would like to know just where you got that information. I would like to address this to the gentleman from Strong, my good friend Mr. Smith.

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

Mr. SMITH of Strong: I don't know why he posed that to me, but I think probably there is a gentleman here today far more capable of answering this than I am. I do not wish to put him on the spot, however. But if the gentleman that speaks about five or six men running for Governor would care to answer this, I think he could do it.

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

Mr. GILBERT: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Wiscasset, Mr. Pease, as to whether or not in his opinion House

Amendment "A" to House Amendment "E" is constitutional under the U. S. Federal Constitution which has the provision in it under the Interstate Commerce clause which bars action by a state of putting an undue burden on interstate commerce.

The SPEAKER: The gentleman from Eddington, Mr. Gilbert, poses a question through the Chair to the gentleman from Wiscasset, Mr. Pease, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. PEASE: Mr. Speaker, I would be very pleased to answer the gentleman from Eddington, Mr. Gilbert. If he will read our present sales tax law, he will find I believe the first exemption listed are those sales or a tax on those sales which is prohibited by the Constitution of the United States. I don't think any further answer need be given. Except to say that the amendment itself would be constitutional, its effect or its application in certain instances would under our own statute be inapplicable and because of the unconstitutionality of the application. This is no different than the sales tax or the use tax which we now have where there are sales crossing the state line.

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

Mr. GILL: Mr. Speaker, I don't believe that I received an answer to my question. So therefore, it may be possible that you gentlemen would like to know an answer which is quite authoritative. According to the Legislative Finance Officer, this type of tax would bring \$1.5 million rather than \$5 million, and right there we have lost \$3,500,000.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Following up the arguments of the gentleman from Southport, Mr. Rankin, I would like to state that this tax in my opinion would be one of discrimination. In effect, it would place a tax burden on the present newspaper, radio, and

television media in Maine, but it would exclude the out-of-state newspapers and periodicals and all of those media. So that out-of-staters, tax free, could bring their sales message to us, but our State of Maine media would have to pay for the same privilege. So that places, in my opinion, an unjust tax and can only result in serious loss to the economy of those industries. And I certainly go along with the motion to indefinitely postpone.

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: There is very little I can add at this stage of the debate. I would like to make clear, Mr. Speaker, what course we will take in our voting. As I understand it, we will soon only vote on House Amendment "A" to House Amendment "E," and the pending motion is to indefinitely postpone. Therefore, if you are opposed to the acceptance of this amendment to House Amendment "E," you will wish to vote no. Do I understand correctly, Mr. Speaker?

The SPEAKER: All those opposed to House Amendment "A" will vote "Yes."

Mr. WELLMAN: All those opposed to House Amendment "A" will vote "Yes." I urge you all to vote "Yes."

The SPEAKER: The question before the House is the indefinite postponement of House Amendment "A" to House Amendment "E". All of those opposed to this Amendment, will vote "Yes" on indefinite postponement. Is that clear?

The Chair will restate the question after debate.

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

Mr. TURNER: Mr. Speaker, Ladies and Gentlemen of the House: This advertising amendment touches a spot in our society that hasn't had a chance to give us a real financial lift, but a lot of free advice. We hear from the press quite often that the Legislature is dragging its feet in not

living up to its responsibility, in spending more money for education, institutions, advertising, etc. This amendment would give them the chance to help collect some of this badly needed money, of which I am sure they would be glad to do if given a chance.

This amendment would bring in around \$5 million for the biennium, and I got some of my information from the same gentleman that this gentleman here got some of his. A lot of businesses set aside money for advertising, rather than give it to Uncle Sam in the form of taxes. At one time, I was in the machinery retail business and the companies which I represented put in a lot of money in helping me to advertise their product.

This source of revenue would not take food from the table or clothing off the backs of our low income group. Nobody would be hurt. We are in a real depression now. It is no time to join the four percenters. As you know, I am not a candidate. I would go along with broadening the base at three percent and using the money we have on hand. This could be done very nicely if the four percenters would listen and show some interest in the people we represent.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: The Honorable Robert Marden made a stirring speech recently in which he likened Maine to a sleeping giant. I heartily agree with the honorable gentleman that Maine has great potential in the recreational field. I know, we all know, we must have tax money to promote this program of activity. I believe, in all sincerity, that we can do it on our present tax base if we stop spending money like a drunken sailor. Stop spending huge sums of money for out-of-state experts to tell us what we already know. Stop catering to the wide-awake department head giants who are continually expanding and showing no visible increase in services to the taxpayer.

There's no use crying over spilled milk, but I wish we had the money we have thrown away in ill considered moments. ETV, which in my opinion is worthless as a medium of education. The Sinclair Act, which well may bankrupt the state. The senseless expenditure of fabulous sums for Civilian Defense. The half a million dollars which we voted for the World's Fair, which could have been used to much better advantage right here in the borders of our state.

The Chief Executive stated in a recent press conference that he did not anticipate a major tax increase in two years. I say to you if there is no need of a major tax increase in two years there is no need for one now any more than there was need for one two years ago. It is my honest conviction that if we, and by we I mean the Legislature and all functioning departments of state government, strive to conduct the business of state as we would operate our own businesses, we can still promote a recreational program without any increase in sales tax.

As I have said before, a sales tax increase will stimulate an exodus of people from the state and will discourage tourists as well as retired citizens moving into the state. If we accept an increase in sales tax, we are voting against our recreational potential. Rip Van Winkle will be a piker compared to the sleeping giant.

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

Mr. ALBAIR: I request a division on the vote.

The SPEAKER: A division will be ordered.

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

Mr. COTTRELL: Mr. Speaker, I am going to be very brief, but this has been a very interesting debate and it has proved one point, that we could get along in this state with a three percent sales tax. We might even get along with a two and one-half or a three and one-half percent or we might even go back to two percent. When

Sputnik took its flight and the educational system became very panicky and put in crash programs in mathematics and language, our mathematics' professors had to go to college in the summertime and learn how to teach the new math, and one of the things that they concentrate on in their studies is combinations and permutations, and some of my advanced math friends have for instance told me, Coach, you can take ten football plays and arrange from them one million different sequences in the order in which those plays were played.

Now we have a two percent sales tax, a two and one-half percent sales tax, a three percent sales tax, a three and a half percent sales tax; we could arrange many, many combinations with all the commodities that we have to tax. This debate this afternoon has shown that there are some real fighters on the Floor of this House who are exploiting or trying to, in the very limited time. Now I know that if those who are responsible in the first place for coming out with a four percent sales tax had endeavored to exploit these permutations and combinations, this thing might well have not reached the point of almost inevitability, and the coaches of athletics never use that word inevitability, at least until the game is over. As you recall, in the Rose Bowl game when Wisconsin was so far behind and then almost won the game. I hate to see it approaching inevitability, but I guess it is, but I am going to vote for these boys who have fought so hard.

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

Mr. SMITH: Mr. Speaker, I am speaking now only on House Amendment "A" to House Amendment "E." I want to just mention in answer to the gentleman from Kennebunkport, Mr. Tyndale, he is urging us today to vote for the best tax of equality, and that is exactly what we want to do. When we do vote on this House Amendment "A", let us remember that we are voting on whether or not to exempt a great section, a great enterprise from taxation or permit them to stay under exemption.

In other words, permitting advertising that is probably the most influential thing we have in the State of Maine, permitting them to stay on the exempt list or not to stay on it. Therefore, I feel that probably in speaking of the best tax of equality, if we really mean that, we will vote in favor of this amendment and against the indefinite postponement.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I am certainly going to stay with my group as far as House Amendment "E" is concerned, but House Amendment "A" to House Amendment "E" bothers me a great deal, because it involves a tax on advertising in publications regularly issued at average intervals not exceeding three months. Now some of these are going to be newspapers, and I remember as a lawyer, that in our Federal Constitution there is a prohibition against doing anything inhibiting freedom of the press, and as a lawyer, I cannot vote for House Amendment "A" to House Amendment "E."

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

Mr. JALBERT: Mr. Speaker, I have just this moment contacted the Taxation Commissioner. The tax would yield \$500,000 the first year; \$750,000 the second year. The cost of administration would be the first year \$16,373 and the second year \$13,077, so let's get away from these five million dollar figures.

And while I am on my feet, I would like to state this, and I believe, and it is certainly not my intention to chastise anyone, but this has been the failure in talking about the good gentleman who congratulated the 100th Legislature, the failure of the economy group at this session as compared with the last session, that we had a program in the 100th based on facts.

The SPEAKER: The Chair will restate the question. The question before the House is the motion of the gentleman from Southport,

Mr. Rankin, that the House indefinitely postpone House Amendment "A" to House Amendment "E" to Bill "An Act Increasing Sales Tax." A division has been requested. All those in favor of indefinite postponement 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.

Eighty-eight having voted in the affirmative and forty-five having voted in the negative, the motion did prevail.

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

Mr. JONES: Mr. Speaker, on the action on House Amendment "E" I move that the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Farmington, Mr. Jones, requests a roll call vote. For the Chair to entertain the motion for a roll call, it must have the expressed desire of one-fifth of the membership present. All those desiring a roll call on the indefinite postponement of House Amendment "E" will please rise and be counted.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having arisen, a roll call is not ordered.

The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, Ladies and Gentlemen: I know a great deal of work has gone into L. D. 1582, but it is somewhat loosely constructed, and I am sure that if Noah had built his Ark as this amendment has been constructed that that good vessel would have foundered on the first night out.

I want to call your attention to a new departure in the application of the sales tax. I ran across it by accident. Chapter 16-a provides for a tax on deed transfers. Now at the present time our sales tax applies only to transactions involving the sale of tangible personal property. Even electricity is tangible. You can't see it, but if you put your finger in an electric light socket, you'll know it's

there. In 1959 the Legislature enacted the transient rental amendment to the tax law, and this was an extension of the tax to certain services, so we have a sales tax at the present for the large part on personal property. We also have that small extension on services. Now Chapter 16-a would apply the sales tax to real estate, and real estate, ladies and gentlemen, is real property, the opposite of personal property, and I just arose to call your attention to the fact that if you vote for this amendment, you are placing the sales tax or putting it on a different road.

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

Mr. JALBERT: Mr. Speaker, the figure of one per cent on the real estate transfers has been given to us at two million dollars per year or four million dollars for the biennium. The accurate figures are three million five hundred thousand dollars, so knock off another half a million there, and I assure you that if I had the time, and we did have the time to break it all down, coupled with the fact that one gentleman who spoke said that — admitted that we would not have any surplus and if we substituted the real estate — the advertising money instead of the surplus, you could knock off another three million dollars there, that brings us far short; but actually the reason I am on my feet is to state that the figure of four million dollars is not an accurate figure, the figure of one percent is three and one-half million dollars.

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

Mr. DENNETT: Mr. Speaker, I have no intention of prolonging this, ladies and gentlemen of the House, but I must take issue with the gentleman from Lewiston, Mr. Jalbert, on this one point, and that is the point of the \$500,000. \$3,500,000 vs. \$4,000,000. Now on the basis of the actual stamps sold, he is correct, it would come out to \$3,500,000, but after investigating this situation thoroughly, particularly with the Tax Commissioner of the State of

Maine, and it is readily admitted in some of the counties of the State of Maine, they are not affixing tax stamps despite the law, and this is particularly prevalent in the County of Androscoggin, and they feel that there are millions of transactions in tax stamps that—not in tax stamps, but in sales that are occurring in this state, and in some counties in particular, and this information comes from the Commissioner of Taxation.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The remarks made concerning Androscoggin County, I assure you, doesn't phase me in the least, because if we are going to go away from this and talk about Androscoggin County, I would inform the gentleman from Kittery, Mr. Dennett, that Androscoggin County in the last twelve years has not raised its county tax, it is a model county, we have one of the best and finest Registers of Deeds in New England, and it so happens that I am not particularly on sleeping terms with him either, and he probably feels the same way about me, but I am going to be fair with him because I wouldn't clobber him because he couldn't defend himself. Now I don't care what Androscoggin does or did not do. Based on 0.11 and \$1.10 per thousand on the tax of 1962 we derived \$194,000; multiplying that by 27 brings us to a figure of \$5,250,000 for a three percent sales tax; dividing that by three gives us the figure that I mentioned, and I don't care how you wallow it, you are still half a million dollars short, and believe me brothers and sisters, that's a lot of dough.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This amendment 1582 has been likened to an Ark that would go under if that Ark had been as loosely constructed as this, and undoubtedly Noah's Ark did have a lot of good construction, it took 120 years to build it; but I wish to submit this, that if we are to liken what we are doing to

day to the past, if you are going to build a sales tax structure constantly higher and higher on a flimsy foundation and a narrow base, you will not only have a leaning Tower of Pisa, you will have a collapsed tower, and that is what the proponents of the four percent sales tax are doing, they are building another leaning Tower of Pisa.

What this amendment tries to do is to put a good foundation under the sales tax structure, so that it will not collapse of its own weight; so that if Maine does progress economically that it will have more money coming in from a broader base and will not have to in the future increase our sales tax from four to five or six percent. That is the attempt of this amendment, broaden the base, use all people equally. If we are to tax, for instance, as has already been said, gas, why not coal and oil? Now I would like to answer one or two questions that have been raised this afternoon. Mr. McGee, the gentleman from Auburn, asked a question that I think should be answered about the LD's, money for the LD's; and I would answer it that this amendment brings in exactly the same as the one per cent increase would, and if the one per cent increase has a million dollars for LD's somewhere along there, then this would do the same thing, same amount of money. Mr. Albair, the gentleman from Caribou, has said that it would discourage industry from coming into the state, but there is nothing that will discourage people from coming into the state any more than a four percent sales tax will discourage them.

As far as going into a period of regression on putting a one per cent tax on real estate transfers and likening that to the heavy burden that the low income people have on their real estate taxes today, there is no comparison at all. The low income individual will make maybe one or two real estate transactions in a lifetime. This has nothing to do with his real estate taxes.

Mr. Ewer, the gentleman from Bangor, has brought up a lot of things, told us his life story in regard to his personal finance; and he got me so floundered

through there that the only thing I could think of was that his drastic circumstances reminded me of my own, and I was about to weep over that situation. I live close enough to the Town of Livermore to know that the people down there might favor a four percent sales tax as has been said this afternoon, over this program that we are trying to present, but I would have to be shown that, for while a few garages may object to this tax on auto trade-ins and a few salesmen of fuel may object to it, yet I would submit that all the people out there would be objecting quite strenuously when they get slapped with a four percent sales tax. I cannot believe that those people are favoring a four percent sales tax at this time.

I think the people spoke out as to their desire for a four percent sales tax in the last election and while the Legislature turned down a four percent sales tax, those people that turned it down on the whole or a great majority were reelected. Those that advocated the four percent sales tax in an office higher than this one in the State of Maine nearly was defeated. I wish to submit to you friends that this is the salvation of the State, this Legislative Document 1582.

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: Your vote to pass any tax is not an easy vote to be taken. I don't like taxes any more than any of the rest of you do. Many of you have already made up your minds how you are about to vote on this amendment. I know I have made mine up on what I honestly believe. I think it is time for us to come to take that vote and see where the chips lie. I personally urge you to vote for the indefinite postponement of this amendment so that we may get on with the main business before us.

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

Mr. JALBERT: Mr. Speaker, I move when the vote is taken it be taken by the yeas and nays.

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

Mr. HARRINGTON: Mr. Speaker and Members of this House: It grieves me deeply today to rise in opposition to 1582, but unfortunately I do not feel that any broadening of the tax base should be fostered upon the people, especially in the coal, oil or wood category.

Now sitting here through the months listening to many debates, it is pretty obvious to me that sometime in a very few years we are going to have whether we like it or whether we don't, an income tax in the State of Maine, and I fail to see why broadening the base serves anything except in a few more years the same people that are caught in this broadening of the base will be caught in an income tax. It is indeed unfortunate that we can't keep a wider top so that we can get a little more money which some people naturally object to from the out-of-staters, summer tourists, and leave a little hope, a little salvation for the poor people that are going to be caught with this very wide broadening of the base. Therefore, I am going to vote against 1582.

The SPEAKER: The Chair will restate the question. The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "E" be indefinitely postponed. For the Chair to order a roll call it must have the expressed desire of one-fifth of the membership present. All those desiring a roll call will please rise and be counted.

Obviously, less than one-fifth having arisen, a roll call is not ordered.

Mr. JALBERT: Mr. Speaker?

The SPEAKER: The Chair will stand corrected and make the count. Will the monitors return the count.

The Chair would remind the membership once more as it reminded it this morning, that if you wish to be recorded, you must stand until counted.

29 members arose.

The SPEAKER: A sufficient number not desiring a roll call, a roll call is not ordered. The Chair will order a division.

All those in favor of the indefinite postponement of House Amendment "E" to Bill "An Act Increasing Sales Tax" will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-two having voted in the affirmative and forty-two having voted in the negative, the motion did prevail.

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

Mr. PEASE: Mr. Speaker, now that we are at the engrossing stage of a very vital document, it would seem to me that if any amendments are going to be offered, they might be offered at this time. I have done some of the preliminary work as an individual, not as a member of any group, but as an individual to seek to find a method of raising a part of the money which I sincerely do not want to raise. I would take issue with a statement made earlier by the gentleman from Strong, Mr. Smith, and by that of the gentleman from Kittery, Mr. Dennett, that now that we have voted the Current Services Budget, we must vote the money to go with it.

I would call to the attention of each of the new members here at this session that the next to the last section of the last Private and Special Law passed by the 100th Legislature amended the previously passed, so-called, Current Services Budget. As an individual legislator, I refuse to resign myself to the fact that because we have spent the money, we must raise it, hoping against hope that as the weather waxes warmer that we will realize what we have done and perhaps take some action to rectify what I consider to be a wrong to the people of the State of Maine.

I indicated that I had done some leg work concerning another alternate program. The motion that I am going to make at this time is to indefinitely postpone the matter before us. I'm

going to ask you to vote on that motion, not as to the merits of a four percent sales tax itself but rather on the basis of giving yourselves a brief period of time in which to consider whether there is any possible alternative program that might be acceptable.

I have not prepared an amendment for the reason that was made obvious just a few seconds or a few minutes ago. I am somewhat convinced that had we been able to give more study to the amendment that has been before us we might have reacted somewhat differently.

I would suggest to each of you, ladies and gentlemen of the House, that in the executive budget which we have approved in essence, in place of some \$60,000,000 in sales tax money we have been requested to provide some \$78,000,000. No suggestion has been made that other taxes be increased. Hence, the entire \$18,000,000 extra that has been requested has been requested in the form of a sales tax increase. I probably will leave today being the most unpopular man in the House, but it is my firm conviction that by broadening the base even further than was just suggested that we can equitably distribute the tax burden to all the people of the state.

I would remind you that even in the process of state government, we are now taxed on the ability to pay. Why do I say this? Because very simply we, based on the ability to pay, respond in dollars and cents to the federal government. A small percentage of that, granted, comes back to the State of Maine in various and sundry ways. So it is the people of the State of Maine that contribute through the income tax to our state government. It is those people who have that ability to pay as measured by our graduated income tax, both individual and corporate tax.

I mentioned that I will leave being somewhat unpopular. Perhaps this is true, but I think you have learned by this time that although I'm six feet tall, a lot of me curled up and my size elevens when they're planted are some-

times difficult to move. I think that I have the respect for every other member of this House for I feel that each of you has this same sincere feeling. I am willing to listen, however, and consider the arguments that others make; and it's obvious that I am willing to compromise.

I would suggest that the people who receive the services of the State of Maine, to a great extent, are those people who are not now carrying their share of the tax burden. I have no intention of presenting those individuals with a tax bill which is inequitable to them as individuals. It does seem to me that we are providing, however, funds, for example, for many state colleges and universities to which some of those less fortunate financially than others may go, and that those services are paid for by the present selective three percent sales tax. I would suggest to you that we have many, many programs throughout our state government which provide services for those who, as I have indicated, have not responded on an equitable basis for those services.

My suggestion, therefore, is somewhat brief and presented for your consideration only. My immediate reaction is that I will probably be, as the expression goes, "drummed out of the regiment," but I feel that it is my responsibility to make these remarks and suggest this as an alternative program that might be considered. I would suggest to you that instead of increasing our sales tax or carrying it on at the same three percent rate, we might lower the rate of the sales tax from three percent to two and one-half percent. Your eyebrows may be lifted slightly because we mention one-half of one percent. It seems to have worked in other places. In the State of Connecticut we have a three and one-half percent. In Kansas and in Utah we have a two and one-half percent. We have not heard—or those states have not heard great hues and cries from the merchants that the one-half percent was so hard to administer that it was burdensome. These

things are presented to the merchants on small cards which tell them exactly how much to withhold, or how much to add in sales tax, and it would be done the same in this case.

On the basis of a two and one-half percent sales tax, we might expect annually, based on the estimates which are in our budget document, some \$25,000,000 annually in the next two years from the present sales tax. By applying a two and one-half percent sales tax to food, we would secure then approximately \$7,500,000 annually. This figure I have taken from the document prepared by the League of Women Voters and presented to each member of the Legislature. By applying a two and one-half percent sales tax over and above the regular markup on liquor—and why shouldn't it be, we tax water, it would give us some \$600,000 annually. And I have no particular difficulty in feeling that the two and one-half percent sales tax should apply to fuel. We apply it now at three percent to gas which is used by many homes for cooking purposes. Two and one-half percent on fuel would bring us approximately \$600,000 annually.

We might then go either to the, unacceptable at this point, tax on advertising, or perhaps to the auto trade-in at two and one-half percent rather than three, and this would bring us between—somewhere in the neighborhood of \$1,000,000; and again, perhaps at this point totally unacceptable, we might apply rather than a one percent tax to real estate, we might apply a two percent tax to real estate, not a sales tax. A sales tax is a tax on the right to purchase; a use tax is a tax on the right to use. The real estate tax would be a seller's tax, a right to sell that property. Hence, it would be somewhat different. I would suggest that rather than put all of this two percent into the coffers of the general fund that we recognize the inequality that has existed over periods of years where that property has been held in one name or one family, and we distribute to the community in which

that real estate is located one percent of that tax or half of that tax.

This would bring again approximately \$2,000,000 plus the tax on—the extra one percent tax on sales in the unorganized territories. This would give the State of Maine, if we realistically looked at estimates as the 100th Legislature did in its closing hours, this would bring the State of Maine somewhere in the neighborhood in the biennium of 77½ millions of dollars. This is only some \$700,000 less I believe than what Governor Reed has requested to finance his entire program, exclusive of the money to be secured by bonding.

I am under the impression at this point that we will not be called upon to spend all of the eighteen million dollars that has been requested because of some areas which may be cut or may be suggested as having to be cut from the supplemental budget. These figures I am sure are, or at least to my knowledge, are not definite, but there may be some saving there. It would seem to me that if that were the case it would give us funds enough to finance a million or a million and a half of the individual legislative documents with which I am sure so many of you have a vital interest.

Mr. Speaker, for the purpose of determining whether this House is willing to consider at all any alternative tax program, either as I have suggested or any other that might be worked out, rather than the imposition of a four per cent sales tax, extremely good publicity for our public image and this sleeping giant of ours, I would suggest and move at this time that the sales tax bill before us be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis, for what purpose does the gentleman arise?

Mr. CURTIS: To ask a question. The gentleman from Wiscasset, does he contend that the State of Maine pays the Federal Government more money than we receive from them?

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, poses a question through the Chair

of the gentleman from Wiscasset, Mr. Pease, who may answer if he chooses.

Mr. PEASE: Mr. Speaker, I did not know my remarks could be interpreted as contending that we receive more from the federal government than we pay. I think that seems to be a practical impossibility with the cost of administration the way it is. I would suggest, however, that we are paying according to our ability to pay through the income tax for various programs which the federal government is financing in this state.

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

Mr. RUST: Mr. Speaker, I rise to pose a parliamentary question to the Chair, and would inquire if it is possible to present another amendment pending the motion of the gentleman from Wiscasset?

The SPEAKER: An amendment has precedence over indefinite postponement and if the gentleman has an amendment it may be introduced or offered at this time.

Thereupon, Mr. Rust of York offered House Amendment "D" and moved its adoption.

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

HOUSE AMENDMENT "D" to H. P. 313, L. D. 406, Bill, "An Act Increasing Sales Tax."

Amend said Bill in section 1 by striking out the 6th, 7th and 8th lines and inserting in place thereof the following: 'personal property, sold at retail in this State on and after July 1, 1963 and upon the rental charged for living quarters in hotels, rooming houses, tourist or trailer camps, measured by the sale price, except as in this'

Further amend said Bill by inserting after section 3 a new section to read as follows:

'Sec. 3-A. Repeal. All acts and parts of acts inconsistent with this act are hereby repealed or amended to conform thereto.'

Further amend said Bill by inserting after section 4 a new section to read as follows:

'Sec. 4-A. Further effective date. The provisions of this act as they relate to the repeal of the tax on

rentals shall become effective January 1, 1964.'

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: As we linger here in the halls of this Legislature the last week or ten days and as we will linger here a few days longer, I think it is increasingly obvious to realistic legislators that we will go out from the 101st session with a four percent sales tax. However, this afternoon I stand here as a reluctant groom to a four per cent sales tax. Like the good soldier who will take his medicine if and when the time comes, I would like a little sugar or a little sweetening to go along with the medicine, and for that purpose I proposed House Amendment "D" which is a repealer to the so-called transient rental tax.

Now I represent an area in the resort industry of this state where the sales tax is a very important aspect of business. It substantially affects that industry. From my own knowledge and experience I know that most of the people who are involved in the transient rental tax absorb that tax and pay it out of their profits, and if we are going to have an increase in the tax to four per cent, that means one more per cent less profit we are going to have. In addition to that, the people who are engaged in the resort industry are also citizens of this state and as individuals they pay their share of the present sales tax, and they will pay their share of any increase in the sales tax. We encourage people to come in from other areas to enjoy our fine state and the recreational opportunities that we offer them. The transient rental tax has not been a popular tax, it has not produced what the people anticipated when it went on the books. Someone has mentioned this afternoon this went on in 1959, and I believe the estimates at that time were that this would produce something in excess of a million dollars each year or something in excess of two million for the biennium. As it stands now, this tax is producing \$500,000 a year

or less. In my opinion, it is a nuisance tax. The good people who come to our state to enjoy our resort areas and facilities bring a lot of money with them. They spend a great deal on gifts, knickknacks and other things and they pay a substantial share of our tax, and I feel that the transient rental tax is an undue burden on those people and on the resort industry, and for that reason I have proposed this repealer. From the attitude of this House this afternoon, I perhaps will not get very far, but in all good conscience to the people in my area and to the resort and recreation industry throughout the state, I make this as a sincere proposal and a sincere amendment and when the vote is taken I request a division.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: If I live to survive this Legislature, I am going to take a trip to a four per cent sales tax state, and I am going to stop several times before I get there, and I am going to pay a rental tax, and I am not going to be troubled about it at all because I expect to spend some money going there and if I didn't have it to spend I wouldn't go. If I stay here long enough, I won't have; so I move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, moves the indefinite postponement of House Amendment "D". Is the House ready for the question?

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

Mr. ALBAIR: Mr. Speaker, for the information of the House, the Taxation Committee heard this bill, and it was reported out and it was defeated here in this House, it is a dead issue. I hope the motion to indefinitely postpone does prevail.

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

Mr. RUST: Mr. Speaker, I am in possession of an amendment from the State Tax Assessor's office this afternoon, and the net loss of revenue in the next biennium as a re-

sult of this amendment will be something approximately \$65,000, and I request a division on the motion of the gentleman from Bowdoinham, Mr. Curtis.

The SPEAKER: The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that House Amendment "D" be indefinitely postponed. All those in favor of the indefinite postponement of House Amendment "D" please rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had. Ninety-seven having voted in the affirmative and thirty having voted in the negative, the motion did prevail.

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

Mr. PEASE: Mr. Speaker, I request a roll call on the pending motion, sir.

The SPEAKER: The pending motion being the motion of the gentleman from Wiscasset, Mr. Pease, to indefinitely postpone Bill "An Act Increasing Sales Tax," Legislative Document 406, a roll call is requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All those in favor of a roll call will rise and remain standing until counted.

Forty-eight members arose.

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

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

Mr. RUST: I would inquire if the motion is debatable?

The SPEAKER: The motion is still debatable.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: My position at the present time may seem a little bit inconsistent to some of the people here in the House. However, as a person who I personally feel I am a realistic legislator and we are fighting off the inevitable. We have heard many proposals this afternoon for amending the sales tax, alternative tax proposals et cetera.

It would seem to me that the simplest tax for the Legislature to enact and to pass is the one which

is going to involve or upset the least number of people or the least number of interests.

Now in increasing the sales tax from three to four per cent, we are, in my humble opinion, affecting the least number of people and the least number of interests. That, I believe, is one of the problems of so many of the amendments which have been proposed. We are attacking and bringing tax burdens on new interests and new groups. Many of them, I feel, might have produced more burdens to the people.

Now when we talk about the effect of a four percent sales tax on the people, I would like to say this to you people here in the House, ladies and gentlemen, and you can apply it very easily to your own situation. The United States Internal Revenue Service has set up a tax deduction allowance for the Maine sales tax, and it is roughly one per cent of your gross income. Now if you have a gross income of \$5,000, the federal government estimates that your sales tax each year is \$50, and they will allow you a deduction for that amount without any question. Now if that is what we have been paying and Uncle Sam is willing to accept it, if we raise that one-third that means that the average family on a four per cent sales tax will be paying an increase of \$16. If you are down in the \$6,000, it is \$60 or a \$20 or a \$10 increase. If you are up in the \$6,000, it is \$60 or a \$20 increase. I hope you will bear that in mind when you vote on the motion of the gentleman from Wiscasset, Mr. Pease, to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, Ladies and Gentlemen: There are something over 1,000 ways that you could adjust this tax to do the job that must be done, but if you are going to extract \$15 from me, I don't see that it makes a bit of difference whether you do it at the rate of 4 per cent on certain items or you do it at the rate of 2 per cent on all items. I say let's pass this four cent tax and get to thunder home.

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

Mr. PEASE: Mr. Speaker, I unfortunately omitted one point which the gentleman has just brought to my attention. That is the future of the state. We know now that as our economy changes, in a selective sales tax at four per cent, we are going to get a slight increase. By broadening the base as our economy increases at a two and one-half per cent tax, the increase in revenue to the State of Maine will be greater than it would be at four per cent on a selective basis. This is one of the arguments which I did intend to point out. I would remind the members of the House that the motion to indefinitely postpone was made not so much in favor of my own program which I presented, but in favor of still seeking some substitute for imposing a thirty-three and one third percent increase in the rate of sales tax on the citizens of Maine.

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

Mr. WELLMAN: Mr. Speaker and Members of the House: I urge you all to vote "no" on the pending question.

The SPEAKER: The Chair will restate the question. A roll call has been ordered. All those in favor of indefinite postponement of "An Act Increasing the Sales Tax," will answer "yes" when their names are called. All those opposed to indefinite postponement, will answer "no" when their names are called. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Ellsworth; Anderson, Orono; Ayoob, Baldic, Bedard, Berman, Bernard, Binnette, Blouin, Boissonneau, Bourgoin, Cartier, Chapman, Childs, Cote, Cottrell, Cressey, Crommett, Davis, Denbow, Dennett, Dostie, Dudley, Dunn, Edwards, Finley, Foster, Gallant, Giroux, Hammond, Harrington, Hendricks, Hendsbee, Hobbs, Humphrey, Jalbert, Jameson, Jewell, Jobin, Karkos, Kent, Kilroy, Laughton, Lebel, Levesque, Linnekin, Lowery, MacGregor, MacLeod, Noel, O'Leary, Osgood, Pease, Phil-

brick, Pitts, Plante, Poirier, Prince, Oakfield; Reynolds, Roberts, Roy, Sahagian, Smith, Strong; Taylor, Townsend, Turner, Viles, Waltz, Williams.

NAY — Albair, Benson, Berry, Birt, Boothby, Bradeen, Bragdon, Brewer, Brown, So. Portland; Carter, Choate, Cope, Coulthard, Crockett, Curtis, Drake, Easton, Ewer, Gifford, Gilbert, Gill, Gustafson, Hanson, Hardy, Hawkes, Henry, Hutchins, Jones, Knight, Libby, Lincoln, Littlefield, MacPhail, Maddox, Mathieson, 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; Susi, Thaanum, Thornton, Treworgy, Tyndale, Vaughn, Wade, Ward, Waterman, Watkins, Welch, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Wood, Young, SPEAKER.

ABSENT—Brown, Fairfield; Burns, Bussiere, Cookson, Nadeau, Snow, Tardiff.

Yes, 69; No, 75; Absent, 7.

The SPEAKER: Sixty-nine having voted in the affirmative, seventy-five in the negative, with seven being absent, the motion to indefinitely postpone does not prevail.

Thereupon, on motion of Mr. Wellman of Bangor, the Bill was passed to be engrossed and sent to the Senate.

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

Mr. COPE: Mr. Speaker, I move that we reconsider our previous action regarding Senate Paper 434, Legislative Document 1177, whereby the House adhered to its former action.

The SPEAKER: The gentleman from Portland, Mr. Cope, moves that the House reconsider its action whereby it adhered to its former action in failing to pass this Bill to be enacted. The Bill is on page 5 of your Calendar, item 15, Non-Concurrent Matter, "An Act relating to Taxpayers Furnishing List of Property to Assessors," Senate Paper 434, Legislative Document 1177.

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

Mr. SMITH: Mr. Speaker, I rise in support of the motion of the gentleman from Portland, Mr. Cope, and urge the House to grant the motion.

The SPEAKER: Is it the pleasure of the House to reconsider its action?

(Cries of "No")

The SPEAKER: All those in favor, will say aye; those opposed, no.

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

On motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.