

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, June 10, 1963

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

Prayer by the Rev. Mr. Robert Smith of Augusta.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

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

Mr. PLANTE: Mr. Speaker, I rise to a parliamentary inquiry. Are we operating with a quorum?

The SPEAKER: Does the gentleman raise the question of a quorum?

Mr. PLANTE: I would like to inquire through the Chair if seventy-five is a quorum.

The SPEAKER: Does the gentleman raise the question of a quorum?

Mr. PLANTE: I do.

The SPEAKER: The monitors will count the members in their seats.

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

Mr. WELLMAN: Would it be possible for you to ring the bell to advise the members in the Hall that we are in session now?

Seventy-seven members arose.

The SPEAKER: A quorum is present for business.

**Papers from the Senate
Conference Committees Report**

Report on the Committees of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Revise the Boating Law and Extend Boat Registration and Safety Law to Cover Coastal Waters" (S. P. 585) (L. D. 1542) reporting that the Senate accept the Conference Committee Report; that the House recede and concur with the Senate and pass the Bill to be engrossed as amended by Senate Amendments "A" and "B".

(Signed)

ATHERTON of Penobscot

STITHAM of Somerset

CAMPBELL of Kennebec

— Committee on part of Senate.

LOWERY of Brunswick

PRINCE of Harpswell

CROCKETT of Freeport

— 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.

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

SENATE AMENDMENT "A" to S. P. 585, L. D. 1542, Bill, "An Act to Revise the Boating Law and Extend Boat Registration and Safety Law to Cover Coastal Waters."

Amend said Bill in that part designated "Sec. 4." of section 1 by adding at the end of paragraph D of subsection II, before the period, the following underlined punctuation and words 'provided that this paragraph shall not apply to motorboats 26 feet in length or over'

Senate Amendment "A" was adopted in concurrence. Senate Amendment "B" was read by the Clerk as follows:

SENATE AMENDMENT "B" to S. P. 585, L. D. 1542, Bill, "An Act to Revise the Boating Law and Extend Boat Registration and Safety Law to Cover Coastal Waters."

Amend said Bill in that part designated "Sec. 7." of section 1 by adding at the end of the first paragraph the following underlined sentence:

'This section shall not apply to motorboats for hire which have satisfactorily passed an annual examination by the United States Coast Guard Auxiliary.'

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

Conference Committees Report

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on Resolve Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens

(S. P. 255) (L. D. 629) reporting that they are unable to agree.

(Signed)

SPROUL of Lincoln
 ATHERTON of Penobscot
 BOISVERT of Androscoggin
 — Committee on part of Senate.
 WADE of Skowhegan
 ROSS of Brownville
 JALBERT of Lewiston
 — Committee on part of House.

Came from the Senate with the Report rejected and that body voting to further insist and asking for another Committee of Conference, with the following Conferees appointed on its part:

Mrs. HARRINGTON of Penobscot
 Mr. BOISVERT of Androscoggin
 Mrs. SPROUL of Lincoln

In the House: Report was read.

On motion of Mr. Wade of Skowhegan, the Conference Committees Report was accepted in non-concurrence and sent up for concurrence.

Joint Resolution

Joint Resolution Memorializing Congress to Exempt Certain Carriers from Minimum Rate Regulation in the Transportation of Bulk Commodities, Agricultural and Fish Products, and for Other Purposes (S. P. 618)

Came from the Senate read and adopted.

In the House, the Resolution was adopted in concurrence.

Senate Reports of Committees Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Reactivate Maine Committee on Problems of the Mentally Retarded" (S. P. 203) (L. D. 513) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 203, L. D. 513, Bill, "An Act to Reactivate Maine Committee on Problems of the Mentally Retarded."

Amend said Bill in the 2nd line of section 5 by striking out the figure "\$14,303" and inserting in place thereof the figure "\$13,836"; and by striking out in the 3rd line the figure "\$15,613" and inserting in place thereof the figure "\$14,444"

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

Divided Report

Report "A" of the Committee on Election Laws reporting "Ought to pass" on Bill "An Act Permitting Selectmen of Certain Municipalities to Act as Voting Registrars" (S. P. 472) (L. D. 1324)

Report was signed by the following members:

Messrs. BROOKS of Cumberland
 STITHAM of Somerset
 — of the Senate.

Messrs. BROWN of Fairfield
 VILES of Anson
 HARRINGTON of Dexter
 MATHIESON of Montville
 CROCKETT of Freeport
 GILL of South Portland
 — of the House.

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

Report was signed by the following member:

Mr. FARRIS of Kennebec
 — of the Senate.

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

Report was signed by the following member:

Mr. BINNETTE of Old Town
 — of the House.

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

In the House: Reports were read.

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

Mr. JALBERT: Mr. Speaker, I move this item lie on the table until Wednesday.

Mr. Tyndale of Kennebunkport then requested a division.

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

A division of the House was had.

Twenty-five having voted in the affirmative and fifty having voted in the negative, the tabling motion did not prevail.

Thereupon, Report "A" "Ought to pass" was accepted in concurrence and the Bill read twice.

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

SENATE AMENDMENT "B" to S. P. 472, L. D. 1324, Bill, "An Act Permitting Selectmen of Certain Municipalities to Act as Voting Registrars."

Amend said Bill by striking out the Title and inserting in place thereof the following Title: 'An Act Relating to Appeals from Registrars of Voters.'

Further amend said Bill in the 5th and 6th lines by striking out the underlined words and figure "of more than 2,500 population"

Further amend said Bill by striking out all of the underlined last sentence and inserting in place thereof the following underlined sentences: 'If any person is aggrieved by the decision of a registrar of voters, he may appeal in writing to the municipal officers of a municipality by filing a complaint therefor. The municipal officers shall forthwith fix a time and place for immediate hearing. After hearing, the municipal officers may affirm, modify or reverse the decision of the registrar of voters. Appeal by such aggrieved person from the decision of the municipal officers to the District Court may be taken in accordance with the rules of civil procedure.'

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

Non-Concurrent Matter

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) which was indefinitely postponed in non-concurrence in the House on June 6.

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

Messrs. LOVELL of York
JACQUES of Androscoggin
NOYES of Franklin

In the House:

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

Mrs. SMITH: Mr. Speaker, I move that we insist and join in a Committee of Conference.

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

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

Mr. LITTLEFIELD: Mr. Speaker, I move that we adhere and oppose the motion to insist and ask for a Committee of Conference. May I speak on the bill a moment?

The SPEAKER: The gentleman may proceed.

Mr. LITTLEFIELD: Mr. Speaker, this bill calls for an appropriation of \$400,000. It came from the Appropriations Committee with an "Ought not to pass" Report. It was indefinitely postponed in this House on June 6 by a vote of 117 to 18. I move that we adhere.

The SPEAKER: The motion of precedence is the motion of the gentlewoman from Falmouth, Mrs. Smith, that the House insist and join in a Committee of Conference.

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

Mr. BRAGDON: Mr. Speaker, I rise to support the motion of the lady from Falmouth, Mrs. Smith. I feel that it is only a courteous move, and I feel that we should join in a Committee of Conference.

The SPEAKER: Is the House ready for the question? All those in favor of the House insisting and

joining in a Committee of Conference, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-three having voted in the affirmative and thirty-three having voted in the negative, the motion to insist and join in a Committee of Conference did prevail.

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

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Authorizing the Maine Port Authority to Establish Foreign Trade Zones in Maine" (H. P. 978) (L. D. 1417) which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 22.

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

In the House:

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

Mr. LITTLEFIELD: Mr. Speaker, this bill was heard before the Committee on Industrial and Recreational Development and received an "Ought to pass" Report. It is a bill authorizing the Maine Port Authority to establish foreign trade zones in Maine. It was passed to be engrossed as amended by Committee Amendment "A" in the House on March 22. Since that time, it has been on the table in the other body until today when it comes to us with Senate Amendment "B" in non-concurrence. I am not sure just what the bill means with these amendments which change it to some extent. If agricultural commodities are to be exempted so far as this legislation is concerned, there may be other products that should be exempted. I am not sure. This phase of the bill was not brought out at the hearing.

When a bill to establish a division of foreign trade in the Department of Economic Development was heard, Commissioner Allen testified

that the Department's minimum estimate for a program of this type would require a budget of \$150,000 for the biennium and the establishment of one new position to handle the in-state end of this marketing development procedure. I have no idea what the out-state cost would be. I tell you these things because no Authority has yet been established for foreign trade zones in the State of Maine; and when the vote is taken I request a division.

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

Mr. BIRT: Mr. Speaker, Mr. Madrox was quite interested in this bill. This is a bill that he introduced, and I feel, out of courtesy to him, that it would be a good thing to leave this until he would get a chance to be here and discuss the bill. I would hope that somebody would table this bill until tomorrow or the next day.

Thereupon, on motion of Mr. Bragdon of Perham, the Bill was tabled pending further consideration and specially assigned for Wednesday, June 12.

Non-Concurrent Matter

Bill "An Act relating to the Definition of Aid to Dependent Children" (H. P. 958) (L. D. 1392) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in the House on May 1.

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

In the House:

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: Last Friday we had a long and serious debate about discrimination in public housing or in housing period. This amendment that the Senate indefinitely postponed had to do with discrimination too. This was an amendment that was the unanimous decision of the Welfare Committee that we try and add to this bill.

This is the one that would have prohibited the boy friend living with the mother of an aid to dependent children grant. We found out that the federal government agrees with our own Health and Welfare Department in that boy friends living in the house are not necessarily bad, and that we might lose our federal money. So this amendment cannot be added. They wouldn't come out and say that we would lose it, but they proposed a threat, so we felt that we should go along with them. So I now move we recede and concur with the Senate.

Thereupon, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

An Act relating to Expending Aroostook County Funds for Renovating the Terminal at Presque Isle Municipal Airport (S. P. 194) (L. D. 493) which was indefinitely postponed on passage to be enacted in non-concurrence in the House on May 29.

Came from the Senate recommitted to the Committee on Towns and Counties in non-concurrence.

In the House:

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

Mr. BERMAN: Mr. Speaker, I suggest that it is very, very late in the session, and I move that the House adhere to its former action.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves that the House adhere to its former action.

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

Mr. OSBORN: Mr. Speaker, I move we recede and concur with the Senate if for no other purpose than allowing this bill to be withdrawn by the sponsor as she now finds out it is covered by other legislation.

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

Mrs. SHAW: Mr. Speaker, the Towns and Counties Committee is having a public hearing tomorrow, and this bill could be recommitted very conveniently, and I so move that we recede and concur.

The SPEAKER: The Chair recog-

nizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, ordinarily, I would have no objection to a bill being recommitted so that it could be withdrawn, but we should consider very carefully what we are doing here. We have had the unhappy task of debating this bill three previous times. Now frankly, I am afraid of this bill going back to Towns and Counties Committee. Unfortunately, the budget situations are very complicated, and it could very well be that if this bill is withdrawn, that some people from the City of Presque Isle may get the impression that they have the authority to go ahead and spend our taxpayers' money because there happens to be enough money in our treasury. Now that is why I am against receding and concurring. If we can defeat this motion to recede and concur, and then my motion to adhere would be in order, I think we would be doing the taxpayers a great service and we wouldn't have to keep on debating this bill time and time again. I request a division.

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

Mr. MCGEE: Mr. Speaker, Members of the House: I hate to debate this bill that is about county funds in other counties, but if we keep on letting these bills float back and forth between the two houses and recommitting them, we will never get through here. This bill has had a good hearing. It has got a good decision, and I want to support the motion of the gentleman from Houlton, Mr. Berman, and I hope we can take care of it now.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Presque Isle, Mr. Osborn, that the House recede and concur. 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.

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

Thereupon, on motion of Mr. Ber-
man of Houlton, the House voted to
adhere to its former action.

Non-Concurrent Matter

An Act Amending the Charter of
the City of Portland Concerning
Election Districts (H. P. 541) (L.
D. 758) which was passed to be
enacted in the House on March 14
and passed to be engrossed on
March 6.

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

In the House: The House voted
to recede and concur with the Sen-
ate.

Messages and Documents

The following Communication:

STATE OF MAINE
SUPREME JUDICIAL COURT
Portland

June 5, 1963

Honorable Harvey R. Pease
Clerk, House of Representatives
State House
Augusta, Maine

Dear Mr. Pease:

There are enclosed the Answers of
the Justices to the Questions of May
23, 1963 relating to "AN ACT Relat-
ing to Operating Business on Sun-
day and Certain Holidays" (L. D.
1364).

Respectfully yours,

(Signed)

ROBERT B. WILLIAMSON
Chief Justice

ANSWERS OF THE JUSTICES

To the Honorable
House of Representatives
of the State of Maine:

In compliance with the provisions
of Section 3 of Article VI of the
Constitution of Maine, we, the un-
dersigned Justices of the Supreme
Judicial Court, have the honor to
submit the following answers to the
questions propounded on May 23,
1963.

QUESTION (1): Is a classification
based on the size of a store as
set forth in Bill "An Act Relating
to Operating Business on Sunday
and Certain Holidays" Constitutional?

QUESTION (2): Is a classification
based on the number of employees

as set forth in Bill "An Act Relat-
ing to Operating Business on Sun-
day and Certain Holidays" Constitu-
tional?

ANSWER: We answer both ques-
tions in the affirmative. It is ap-
parent that the proposed bill, as
amended by Senate Amendment A,
is intended to provide an exception
for what might be termed "small
stores." The merchant would quali-
fy for the exemption if his enter-
prise satisfied either or both of two
clearly defined criteria, one related
to the size of the premises and the
other related to the number of em-
ployees "employed in the usual and
regular conduct of business." The
standards for reasonable classifica-
tion have been fully set forth in
State v Karmil Merchandising Corp.,
158 Me. 450, 186 A 2d 352; McGow-
an v State of Maryland, (1961) 366
U. S. 420, 81 S. Ct. 1101; Gallagher
v Crown Kasher Super Mkt., (1961)
366 U. S. 617, 81 S. Ct. 1122; Two
Guys v McGinley, (1961) 366 U. S.
582, 81 S. Ct. 1135; Braunfeld v
Brown, (1961) 366 U. S. 599, 81 S.
Ct. 1144.

Sunday closing laws, so-called, are
recognized as being intended to pro-
vide one day of rest and recrea-
tion in each week for the greatest
possible number of our citizens. One
purpose thereof is the elimination of
concentrations of traffic and the
hustle and bustle on Sundays caused
by the business operations of large
merchandising concerns which tend
to create unreasonable interference
with the efforts of the vast major-
ity of citizens to find rest and lei-
sure on those days. See *Vornado Inc.*
v R. H. Macy, (1963) 78 N. J.
Super. 102; 187 A 2d 620. The lan-
guage employed in *Two Guys from*
Harrison-Allentown v McGinley (su-
pra) at page 1140 of 81 S. Ct. seems
pertinent. "It was within the power
of the legislature to have concluded
that these (substantial suburban re-
tail) businesses were particularly
disrupting the intended atmosphere
of the day because of the great
volume of motor traffic attracted,
the danger of their competitors al-
so opening on Sunday and their
large number of employees."

The Legislature might conclude
that these adverse effects would be
kept to a minimum if only small

stores as defined were permitted to open and that the public interest would be best served by excepting as a class the proprietors of small stores. The Legislature could properly take into account the economy of the State and the dependency of many small stores and shops on the patronage of vacationers and tourists.

That classes based on number of employees may be created without violation of constitutional limitations is evidenced by statutes which have long stood unchallenged. The Workmen's Compensation Law (R. S. Ch. 31, Sec. 4) is not applicable to employers of fewer than six employees. The Employment Security Law (R. S. Ch. 29, Sec. 3, Subsec. IX A) is not applicable to employers of fewer than eight employees. See *Unemployment Com. v Androscoggin*, 137 Me. 154, 163.

In our view the proposed classification for exemption would stand the test of clarity and would not be so illusory, arbitrary or capricious or so unrelated to the purposes to be accomplished as to violate the requirements of due process and equal protection of the law.

In so answering we assume that the words "5000 feet" as used in the third paragraph of Senate Amendment A is intended to refer to "square feet" as used in the third paragraph of Sec. 1 of the bill as originally proposed. Since the phrase in its context may reasonably be so construed, we do not find the language so vague and ambiguous as to violate constitutional requirements. Nevertheless, the Legislature might properly consider the possibility of further amendment to remove even a possible doubt as to its intention.

The foregoing answers must be clearly understood as relating only to the specific inquiries addressed to us. As was stated in the Opinion of the Justices, 155 Me. 30, 49: "We cannot well anticipate all of the questions that could arise under the Act in its present form." Dated at Portland, Maine, this fifth day of June, 1963.

Respectfully submitted:

ROBERT B. WILLIAMSON

DONALD W. WEBBER
WALTER M. TAPLEY, Jr.
FRANCIS W. SULLIVAN
CECIL J. SIDDALL
HAROLD C. MARDEN

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE
SUPREME JUDICIAL COURT
Portland

June 5, 1963

Honorable Harvey R. Pease
Clerk, House of Representatives
State House
Augusta, Maine

Dear Mr. Pease:

There are enclosed the Answers of the Justices to the Questions of May 23, 1963 relating to "AN ACT Amending the Charter of the City of Portland Relating to Imposition of a General Business and Occupation Tax" (L. D. 1569)

Respectfully yours,

(Signed)

ROBERT B. WILLIAMSON
Chief Justice

ANSWERS OF THE JUSTICES

To the Honorable
House of Representatives
of the State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on May 23, 1963.

QUESTION (1): May the Legislature grant the right to one municipality to levy a tax by ordinance when such right is not granted at the same time to all other municipalities in the State?

ANSWER: The subject matter of question 1 is complex and not amenable to a summary answer.

(a). The Legislature may not constitutionally grant to one sole municipality the right to levy by ordinance a tax upon real or personal property. The dictates of Section 8 of Article IX of the Constitution of Maine do not require the Legisla-

ture to impose taxes upon all property within the State but:

“Subject to the right to levy taxes for municipal and county purposes and to exceptions of the nature of those considered in **Hamilton v. Portland Pier Site District**, 120 Me. 15, and **Inhabitants of Sandy River Plantation v. Lewis and Maxcy**, 109 Me. 472 (Maine Forestry District Tax) permitting the assessment of special local taxes for special local purposes based upon local benefits, any and all taxes assessed upon real and personal property by the State must be assessed on all of the property in the State on an equal basis while that provision of the Constitution remains unchanged.” **Opinion of the Justices**, 146 Me. 239, 248.

By constitutional exception taxes upon **intangible personal property** need not be levied at the same rate as that applied to tangible personal property and to real property.

Opinion of the Justices, 102 Me. 527, 528; 133 Me. 525, 527; 141 Me. 442, 446.

Portland v. Water Company, 67 Me. 135, 136.

Shawmut Manuf. Co. v. Benton, 123 Me. 121, 129.

(b) The Legislature may constitutionally grant the right to one sole municipality to levy by ordinance reasonable and unoppressive **excise, business, occupational, gross receipts and gross business income taxes** when such right is not granted at the same time to all other municipalities in the State.

“--- But our Constitution contains no provision limiting the legislative imposition of excise taxes or, to use the language of the Court: ‘Our Constitution imposes no restriction upon the Legislature in imposing taxes upon business.’ **State v. Telegraph Co.**, 73 Maine 518, 531. **Opinion of Justices**, 123 Me. 576, 577, 578. See also, **State v. Vahlsing**, 147 Me. 417.” **Opinion of the Justices**, 155 Me. 30, 46.

“Further, the legislature can adopt such mode, or measure or rule as it deems best for determining the amount of an excise or license tax to be imposed, so that it applies equally to all persons and corporations subject to the tax. It may make the amount depend on the capital employed, the gross earn-

ings, or the net earnings, or upon some other element.”

Opinions of the Justices, 102 Me. 527, 529.

“The position that the power of taxation belongs exclusively to the legislative branch of the government, no one will controvert. Under our system it is lodged nowhere else. But it is a power that may be delegated by the legislature to municipal corporations, which are merely instrumentalities of the State for the better administration of the government in matters of local concern ---”

United States v. New Orleans, 98 U. S. 381, 392.

“--- It must be conceded, on the other hand, that these constitutional provisions do not prevent a State diversifying its legislation or other action to meet diversities in situations and conditions within its borders. There is no inhibition against a State making different regulations for different localities, for different kinds of business and occupations, for different rates and modes of taxation upon different kinds of occupations, and generally for different matters affecting differently the welfare of the people. Such different regulations of different matters are not discriminations between persons but only between things or situations. They make no discriminations for or against anyone as an individual, or as one of a class of individuals, but only for or against his locality, his business or occupation, the nature of his property, etc. He can avoid discrimination by varying his location, business, property, etc.”

State v. Mitchell, 97 Me. 66, 71.

“Whenever the law operates alike upon all persons and property, similarly situated, equal protection cannot be said to be denied. **Walston v. Mavin**, 128 U. S. 578.” **Leavitt v. C. & P. Railway Co.**, 90 Me. 153, 159.

“---- And when legislation applies to particular bodies or associations, imposing upon them additional liabilities, it is not open to the objection that it denies to them the equal protection of the laws, if all persons brought under its influence

are treated alike under the same conditions-----”

Missouri Railway Co. v. Mackey, 127 U. S. 205, 209.

QUESTION (2): If the answer to Question 1 is in the affirmative, may the Legislature grant the right to a municipality to levy a tax upon persons carrying on or exercising within such municipality any trade, business, profession, vocation or commercial activity measured by the gross receipts or gross income from such activities?

ANSWER: It will be noted that Question 1 necessitated a twofold answer, affirmative as to one element or phase and negative as to the other.

In response to Question 2 we answer that the Legislature may constitutionally grant the right to a municipality to levy a tax upon persons carrying on or exercising within such municipality any trade, business, profession, vocation or commercial activity measured by the gross receipts or gross income from such activities.

“It is a fundamental principle of constitutional law that the legislative power over taxation for public purposes, including all questions of what shall be taxed or exempted from taxation and all questions of kinds, forms and modes of taxation, is limited only by the positive requirements or prohibitions of the Constitution. It is also a fundamental principle that no act of the legislature shall be adjudged unconstitutional unless it is plainly forbidden by some plain provision of the Constitution.

The only provision of the Constitution of this State relating to the exercise of legislative power of taxation is that in sect. 8 of Art. IX -----This provision simply requires that any tax which shall be lawfully imposed upon any kind or class of real or personal property shall be apportioned and assessed upon all such property equally, etc. *Portland v. Water Co.* 67 Maine 135 -----”

Opinions of the Justices, 102 Me. 527, 528.

Cooley, Taxation, 4th ed., Vol. 1, Sec. 75.

Henderson Bridge Co. v. Henderson City, 173 U. S. 614, 43 L. Ed. 823 (a local purpose tax)

McQuillin, Municipal Corporations, Vol. 16, Sec. 44.07.

QUESTION (3): If the answers to the two foregoing Questions are in the affirmative, may the Legislature grant the right to such municipality to determine the rate of such tax upon selected types or classes of those persons subject to it, such tax not to exceed, however, one per cent of such gross receipts, in view of the provisions of the Constitution of Maine, Article IX, Section 8?

ANSWER: We answer in the affirmative.

The establishment of selected types or classes by ordinance must of course satisfy constitutional requirements and may not be arbitrary, unreasonable, capricious or unrelated to the purposes to be served.

There is no State constitutional limitation upon the authority of the Legislature to levy a gross receipts or excise tax for governmental or public purposes, or to delegate such authority to a municipality. (See authorities under Answer 1 b)

QUESTION (4): If the answers to the first two Questions are in the affirmative, may the Legislature grant the right to a municipality to specify exemptions from such tax?

ANSWER: We answer in the affirmative. The Legislature may grant the right to a municipality to specify by reasonable classifications exemptions from such tax.

“Subject to constitutional restrictions, the legislature may delegate to municipalities the power to exempt certain property from municipal taxation, or it may itself exempt certain property from municipal taxation -----” **McQuillin, Municipal Corporation**, 3d ed., Vol. 16, Sec. 44.65, P. 172.

QUESTION (5): If the answer to Question 1 is in the affirmative, would said Bill, if enacted into law and carried out by an ordinance of the City of Portland enacted thereunder, be constitutional?

ANSWER: We are here concerned only with the constitutionality of a proposed enabling act.

We can hazard no opinion as to the constitutional validity of an un-

seen and unenacted ordinance of the City of Portland.

The last sentence of **Sec. 1 of the Bill, H. P. 1094 - L. D. 1569**, reads as follows:

"----- Such tax, when imposed, shall be in place of all taxation, except excise taxes, levied by the City of Portland on the personal property of persons subject to such tax."

The provisions of that sentence exonerating from all personal property tax, — except excise taxes, — taxpayers subjected to gross receipt taxes is unconstitutional and violative of the mandate of **Section 8 of Article IX of the Constitution of Maine** enjoining that:

"All taxes upon real and personal estate, assessed by authority of this state, shall be apportioned and assessed equally according to the just value thereof; -----"

This Bill thus proposes a total tax exemption for all of a taxpayer's personal property. The Bill ignores such factors as how much of that personalty may have been employed in that taxpayer's business or calling, what may be the value of the personal property so utilized in such business or calling and how much additional taxable property may be owned by the taxpayer or its value. There is no attempt to resort to any rationalized, equitable and equalizing formula such as can be found in **R. S. c. 16, Secs. 115, 125, 127, 128 and 132**, all as amended, acts taxing railroads, telephone, telegraph companies, or to such formulae as have been approved in **State v. Western Union Telegraph Co.**, 73 Me. 518 and in **State v. Maine Central R. R. Co.**, 74 Me. 376, 384, 385.

See, also, **Sears, Roebuck v. Presque Isle**, 150 Me. 181, 185.

With the elimination of the last sentence of **Sec. 1**, as quoted above, the Bill proposed is constitutional. Dated at Portland, Maine, this fifth day of June, 1963.

Respectfully submitted:

ROBERT B. WILLIAMSON
DONALD W. WEBBER
WALTER M. TAPLEY, Jr.
FRANCIS W. SULLIVAN

CECIL J. SIDDALL
HAROLD C. MARDEN

The Communication was read and ordered placed on file.

Orders Tabled and Assigned

Mr. Libby of Portland presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the municipal tax structure of the State to determine the most equitable tax sources which can be utilized to finance expenditures of municipalities including, but not limited to, taxation of real estate and gross receipts taxes; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature.

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

Mr. LIBBY: Mr. Speaker, Ladies and Gentlemen: Last January the City Council of Portland asked me to sponsor this so-called bill, the general business and occupation tax. Our presentation was made before the Taxation Committee and, feeling that the committee was not thoroughly convinced or in favor of a general bill, a redraft was offered so that it would apply solely to the City of Portland. This would be done by amending our charter. In both the original bill and the redraft, a city referendum would be required. The report of the Taxation Committee was divided five to five.

When first reported, the question of constitutionality was raised. To answer this, I asked this House to ask the Supreme Court for a ruling. The Justices' Decision came before us last Friday, and held the bill constitutional provided that the gross receipts tax is not applied in lieu of the present personal property tax.

I would like to point out that one of our basic reasons for asking for permission to have a gross receipts tax was the firm conviction that the present personal property tax was unfair and too narrow. Not to be able to abolish this tax is a severe blow — again, I repeat — it defeats one of our main purposes.

An amendment has been suggested by our City Manager, Mr. Watt, which would, in effect, result in double taxation in many instances, since both personal property and receipts from services would be subject to taxation. To apply the gross receipts tax and not eliminate the inventory and machinery tax, as now applied, would be unfair, unsound, poor legislation and contrary to a general understanding we had with many supporters of this measure.

I do not remember the time when I have worked so long or as diligently on one problem as I have on this one. I am at a loss to express my true disappointment and concern. The City of Portland is in a financial dilemma. I hope the Legislative Research Committee can successfully resolve this complex matter for presentation to the 102nd Legislature in a form acceptable to both the State and the City of Portland, Thank you.

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

Mr. COPE: Mr. Speaker and Members of the House: It is diminishing to me to learn of the proposal of my fellow colleague from Portland, Mr. Libby. I defer to his judgment. It could be and would be a noble experience and exercise in the development of a new tax program for our municipality that would broaden its tax base. I hope that the House would concur with the gentleman from Portland.

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

Mr. CHILDS: Mr. Speaker, I move this Order lie upon the table, assigned for tomorrow, and request that it be reproduced.

Thereupon, the motion prevailed and the Order was tabled pending passage, ordered reproduced and specially assigned for tomorrow.

House Reports of Committees Referred to 102nd Legislature Tabled and Assigned

Mr. Pease from the Committee on Judiciary on Bill "An Act relating to Civil Liability of Legal Entities and Certain State Agencies" (H. P.

909) (L. D. 1316) reported that it be referred to the 102nd Legislature. Report was read.

(On motion of Mr. Plante of Old Orchard Beach, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.)

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to By-lines for Editorials in Maine Newspapers" (H. P. 470) (L. D. 674)

Report was signed by the following members:

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

Mr. COPE of Portland
Mrs. WHITE of Guilford
Messrs. COTE of Lewiston
WELLMAN of Bangor
FOSTER of Mechanic Falls
BOISSONNEAU

of Westbrook
— of the House.

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

Report was signed by the following member:

Mr. GILBERT of Eddington
— of the House.

Reports were read.

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

Mr. BUSSIÈRE: Mr. Speaker, I move we accept the Minority Report.

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

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

Mr. TYNDALE: Mr. Speaker, I now move that this motion be indefinitely postponed with all its papers and its accompanying notes and ask for a division.

The SPEAKER: The gentleman from Kennebunkport, Mr. Tyndale, moves that both Reports and Bill be indefinitely postponed.

All those in favor of indefinite postponement, will please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Thereupon, both Reports and Bill were indefinitely postponed and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mrs. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965." (H. P. 266) (L. D. 360) reported same in a new draft (H. P. 1105) (L. D. 1586) under same title and that it "Ought to pass"

Report was read.

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

Mrs. SMITH: Mr. Speaker, I move the "Ought to pass" Committee Report be accepted.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith, moves that the House accept the "Ought to pass" Report.

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

Mr. WELLMAN: Mr. Speaker, I would urge you to accept the unanimous report of the Committee. This will mean that we will then have this before us as a Third Reader tomorrow at which time further discussion and further consideration may be had of it. If you, on the other hand, don't feel that this is going to be enough time, then perhaps you want to do something different; but certainly I would hope that nobody would wish to table this for more than a day.

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

Mr. MacLEOD: Mr. Speaker, I agree wholeheartedly with the gentleman from Bangor, but I just would like to ask for a division on accepting the Report.

The SPEAKER: A division has been requested on the acceptance of the unanimous "Ought to pass" Re-

port. Is the House ready for the question? All those in favor of accepting the "Ought to pass" in New Draft Report, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty having voted in the affirmative and twenty-one having voted in the negative, the "Ought to pass" in New Draft Report was accepted, the New Draft given its two several readings and tomorrow assigned for third reading.

Third Reader Tabled and Assigned

Bill "An Act Creating an Allagash River Authority for State of Maine" (S. P. 581) (L. D. 1534)

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

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I understand that relative to item one, that there are some amendments which may be offered to this bill and I also note the absence of the House Chairman of the Public Utilities Committee, and for these reasons, I would hope that someone would table this bill until later in the week.

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

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

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, moves that item one be tabled until the next legislative day.

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

Mr. LITTLEFIELD: I would move that this item be tabled until Wednesday, June 12.

Thereupon, the Bill was so tabled pending passage to be engrossed and specially assigned for Wednesday, June 12

Passed to Be Engrossed

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)

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

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, I move that item two lay on the table until tomorrow.

Mr. Prince of Harpswell then requested a division.

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

A division of the House was had.

Twenty-four having voted in the affirmative and fifty-eight having voted in the negative, the tabling motion did not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

Bill "An Act relating to Weight of Commercial Vehicles" (H. P. 1103) (L. D. 1583)

Resolve Authorizing Newtuck Corporation of Portland to Bring Civil Action Against the State of Maine (H. P. 1104) (L. D. 1584)

Were reported by the Committee on Bills in the Third Reading, Bill read the third time, Resolve read the second time, both passed to be engrossed and sent to the Senate.

Amended Bills Third Reader

Tabled and Assigned

Bill "An Act relating to Procuring Liquor for Certain Persons" (S. P. 328) (L. D. 993)

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

(On motion of Mrs. Kilroy of Portland, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Third Reader Tabled and Assigned

Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure" (S. P. 596) (L. D. 1563)

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

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

Mr. KNIGHT: Mr. Speaker, I notice another amendment for this item which is a lower number than mine and I will withdraw it at the present time. I am referring to the amendment of the gentleman from Perham, Mr. Bragdon.

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

Mr. ANDERSON: Mr. Speaker, I also asked to have number six laid aside, and I would like to speak on it briefly.

The SPEAKER: The gentleman may continue. It's before the House.

Mr. ANDERSON: This bill, L. D. 1563, is a bad bill. I think it may well place undue hardship on a great many people in the State of Maine. Outside of a few industrial centers, our occupations are strictly seasonal. There is an amendment exempting fishermen and farmers from this, but it would still leave about sixty percent of our occupations and industries seasonal. I don't think that six months redemption period is enough if the managers of businesses should get into financial difficulties. I would like to go on public record as opposing this bill and I ask for indefinite postponement of all accompanying papers; and when the vote is taken, I request that it be taken by the yeas and nays.

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

Mr. RUST: Mr. Speaker, I move that this matter lie on the table until tomorrow.

Mr. Anderson of Ellsworth asked for a division on the tabling motion.

The SPEAKER: The gentleman from York, Mr. Rust, moves that item six be tabled until tomorrow pending the motion of the gentleman from Ellsworth, Mr. Anderson, to indefinitely postpone the bill and accompanying papers. A division has been requested on the tabling motion. All those in favor of tabling this matter until the next legislative day, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-four having voted in the affirmative and twenty-seven having voted in the negative, the motion to table did prevail.

Bill "An Act Revising Laws Relating to Pineland Hospital and Training Center" (S. P. 418) (L. D. 1161)

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

Third Reader Tabled and Assigned

Bill "An Act relating to Establishment, Maintenance and Operation of Regional Technical and Vocational Centers" (S. P. 383) (L. D. 1086)

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

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

Mrs. SMITH: Mr. Speaker and Members of the House: I would not move again against this bill, Senate Paper 383, L. D. 1086, except that the impact is so far-reaching in this bill. This is another Sinclair Act. As much was said about this the other day, I doubt if anyone in this room is against vocational education. But we will have to remember that we are simply stepping into another Sinclair Act. I would be against this bill without any appropriation on it, because once you write this language in, you are unable to limit the amount of money you will spend. Now this could run to three or four million dollars per year. Because in common fairness, you could not limit one town that wanted to set up a vocational school against another town that wanted to set up a vocational school. If we have state-operated schools, then we can limit them by saying where and when they could be and what courses they will have and what we will pay for. But if we set this up, there is no provision on how many shall be in a district — or any of those safeguards that would allow you to limit your money. We really ought to get our regular courses into shape

in our other technical and vocational schools and perhaps develop one or two more before we get into a program of this magnitude.

As I told you the other day, we have been somewhat interested — some of us, in one in the Portland area, but I understand that this could be much better handled under perhaps the Community School Act or some other way; but this is a very expensive program. The matching funds are much greater than they are in the Sinclair Act and I hope you will seriously consider what you are doing before you put this legislation on the books, regardless of the price tag. The price tag is not the important issue here now. And I would move the indefinite postponement of this bill and all its accompanying papers. I am not sure what state this is in though. And I would ask for a division.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith, now moves the indefinite postponement of item eight.

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

Mr. THAANUM: Mr. Speaker and Members of the House: I think we had quite a debate about this on Friday last week, and I am perhaps repeating myself to say that I am very much in favor of a program of this kind, as I said Friday, because I feel there is a gap in our educational program in regard to vocational training. I think this is a good start and a good bill, and I think it is about time for the State of Maine to pay a little more attention to vocational training. It is badly needed in the State of Maine. We heard the gentleman from Boston up in Orono at our pre-legislative conference emphasize the need for the training and skills and to bring the skills up to date; and I think this thing would be of immense value to our boys and girls in the State of Maine if it was incorporated in our educational program here in Maine. Thank you very much.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I again

join with the gentlewoman from Falmouth, Mrs. Smith, in opposition to this bill. To begin with, I am extremely doubtful whether this is the right approach to this vocational problem; but if I felt that it were the right approach, I would advise this Legislature against venturing in this field until they have more thoroughly studied it and know what they are getting into, at least until they are ready to appropriate a sufficient amount of money to make this experiment operational. This amendment brings this bill down much further than the original bill in the matter of appropriation. Certainly I think we will be ill-advised if we venture on this program, until some legislature has more thoroughly studied it and perhaps ready to completely accept it and come up with enough money to finance it and give it a good showing.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I think perhaps that the thought behind this is sincere, but still I don't think it is a good bill for this reason. I have made quite a study of technical vocation centers and I find that perhaps a great many who go there and do not make the grade it is because they do not get sufficient education in mathematics and some of the other studies which the high schools teach. I think four years in high school is cutting it short enough and plenty to teach these youngsters these fundamentals that they must have if they are going to make a success in school of technical and vocational education. For that reason and not really on account of money, I am opposed to this bill.

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

Mr. EASTON: Mr. Speaker and Members of the House: One point that should be brought out to the members of this House in respect to this bill, in addition to the seventy-five percent construction subsidy, is the possible — I would say probable cost to the individual

towns on their own property taxes. This bill provides, in effect, that any youngster under the age of twenty-one who does not have a high school diploma may go to any school in the State of Maine under this program, any one of these vocational schools, and take any course there not offered in his own high school; and if he does, the town foots the bill for the tuition.

Now we are all aware of the existing law which provides that, in effect, a youngster may get free tuition in a neighboring town if his own high school does not offer two vocational courses. If his own town does offer two vocational courses, then the youngster may attend another school, but at his own expense. I suggest that we are perhaps opening the door to great abuse even as the existing system is abused. I know that we all realize what has happened under the present law and with this widening of the area I suggest that we may be getting ourselves into considerable difficulty.

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

Mr. MCGEE: Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. MCGEE: Would it be in order now — a motion to refer this to the Legislative Research Committee?

The SPEAKER: That motion is not in order.

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

Mr. JALBERT: Mr. Speaker, I stated my position on this measure rather strongly on Friday and I am sure that I have not changed my position. I think it is a good bill. I think if we embark on another program in this direction, so be it; and I think it would be a step in the proper direction.

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

Mr. RUST: Mr. Speaker and Ladies and Gentlemen of the House: I am happy to arise this afternoon in support of the remarks of the gentleman from

Winthrop, Mr. Thaanum. The area of education which this piece of legislation proposes to cover is one of the worst in the State of Maine. There is a big deficit in vocational training in all areas of our state. Now it has been said that this bill is a starter and maybe we should wait until we could do something more. Well, I think it is better to start now and at least get a pilot program going; and I would hope that the motion to kill the bill does not prevail so that the bill will receive passage.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: This is the first time that I have ever asked your indulgence to speak on anything concerning education, but to me I think this could possibly be the most important bill to be passed by this Legislature. We have all read the remarks of Secretary L. Willard Wirtz of the Federal Labor Department. We know that there are millions of high school students graduating from high school without any hope of immediate or maybe future employment. We have seen in Kennebunk the beginning of—through the internal pressure and the demand, we have seen the beginning of starting a vocational school on their own—I think you have all read about it, where the students spend part of their time in school and then spend several hours a day learning to be a cook or learning to be a garage mechanic while they are going through high school. They had a call in Portland High School, I think the latter part of last week, for those to sign up on a similar program to be started in Portland High School.

Now we as teachers have very little difficulty with the A and B and C students. It is the D student that we are worried about; and we have to spend quite a lot of our energy and time in entertaining him, simply to keep him in school from becoming a dropout. And I think that it is this group of students and human beings that we should be concerned about. They have got to

make a living. They're here; we can't pass them off into a pasture. And I think this should be given most serious consideration. I don't know the situation as to finances and appropriations that might be available for this, but I do think it is one of the most pressing needs in our educational system. And I repeat again, don't worry about the A, B and C students. They will take care of themselves in huts, if you give them books. Thank you.

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

Mr. CROCKETT: Mr. Speaker and Members of the House: I have listened to both sides of this but nobody has ever come out with the price tag on the thing. As I understand it, there is a price tag of \$800,000 in my area. Are we ready for it at this session? Is money so loose that we can use this \$800,000? Now I don't want to deny any boy or girl going to a vocational training school and polish them up for some position to make a living, but are we in a position to pay for it at this session?

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

Mr. PIERCE: Mr. Speaker and Members of the House: The gentleman from Freeport, Mr. Crockett, has referred to filing—Senate Amendment 282, the figures will be \$100,000 for the first year and \$221,000 for the second. Those figures are down from a quarter of a million and a half a million.

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

Mr. CROCKETT: Mr. Speaker, the bill actually calls for \$800,000, a biennium.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I wouldn't be able to quarrel with most of the remarks that have been made around here either for or against this bill. I think we have a void in vocational technical education. I certainly am not going to try to go back. I can agree with the Rep-

representative from York, Mr. Rust, and the Representative from Portland, Mr. Cottrell, but I also will answer the gentleman from Freeport, Mr. Crockett, that this bill did have this \$800,000 on it. It was simply cut down to make it more palatable. This has gone on and is going on it seems as though on almost every bill we have brought out; if it doesn't receive a favorable report in the committee it is amended down.

Now in some instances it doesn't do perhaps any great damage. If you lower the money you won't get as much, but it does make a difference with some of these bills, especially those that have been—that this has been happening to, because it puts legislation on the books which commits this state to a program. Now this is a very expensive program. No one knows how expensive it will be any more than they knew how expensive the Sinclair Act would be. In fact I'm not so sure that this has as many safeguards or definitions in it as the Sinclair Act did. I would suggest seriously that you read this bill. You could read into it, I think, a variety of things. This certainly is not going to produce this good vocational school that we are talking about. You probably can produce vocational education by setting up your area vocational schools, at least you have a program for that, but this, anyone can form one of these districts. It doesn't say how many towns shall be in it or how large the school will be. It sets up 90% of the cost of instruction for the part time, 75% for the regular students. As you say, they can move from one area to another. It is a rather complicated bill and you are putting onto your books legislation which I really don't think you have thought enough about. They spoke about these courses such as Portland High School and Kennebunk, this doesn't do that. That may be a way to do it right there, but this doesn't do it. I do hope you will think seriously before you put this legislation on the books.

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

Mr. EWER: Mr. Speaker, it has been suggested in the debate on this bill that we consider what we are letting ourselves in for if we accept this legislation. I would suggest, Mr. Speaker, Ladies and Gentlemen of the House, that we also should consider what we are letting ourselves in for if we do not pass it. The question of employment for unskilled, untrained labor is becoming a very serious one in the nation and also in our state. The question of drop-outs in schools because the high schools presently are oriented to a college degree course of instruction is becoming more and more outdated it seems to me. I think we have got to realize we have got to give our boys and girls, particularly our boys, training in something that is essential for their future chances of employment. It may be that this thing has its faults. I don't know of any bill that we could pass that some fault could not be found with it, but I do feel that this is a step in the right direction and I think that we should consider very seriously before we turn this bill down finally.

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

Mr. HAMMOND: Mr. Speaker, Ladies and Gentlemen: I arise in support of this bill. I contend there are a lot of subjects covered by this bill that are of far more value than subjects that are now being taught, and I also contend that there is a lot of money in the Department of Education that could be directed to the support of this bill.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I have always been in favor of vocational schools, and very much in sympathy with drop-outs from high schools. Many students get nothing from books, but they can be very apt in picking up a trade, some of the lesser skills, plumbers, electricians and automobile mechanics. But I don't think this is the right bill at this time. I think we should give it much more thought and come up

with a different program. Thank you.

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

Mr. BERRY: Mr. Speaker, I think when the two members of the Appropriations Committee, the gentlewoman from Falmouth, Mrs. Smith, and the gentleman from Perham, Mr. Bragdon, say that they are in favor of doing something for vocational education and yet they see in this bill perhaps dangers, that we should perhaps do something to keep this alive. This well may be the last vehicle we have got to do something on this certainly very important subject.

The papers today carry an Associated Press report on Secretary of Labor Wirtz's talk, and he uses some rather plain language and startling figures, and I think perhaps many members of the House have read it, but he says very briefly, "There will be a growing slag heap of human beings," that's an awful expression, "most of whom started as school drop-outs, unless more jobs are found for teenagers. Skilled jobs are available, but take education and training. Machines have reduced unskilled jobs but create more skilled jobs. To solve the problem we need to spur the economy to higher levels of activity and revise our educational training systems to prepare enough people for jobs which are available." And here are some interesting figures. It cost between \$1,000 and \$1,500 to train a youngster to earn a living, just about the annual cost of carrying him through life on some sort of federal aid program. I would hope that this measure could be kept alive and not indefinitely postponed and perhaps we can come up with something here.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am certainly for this bill. At least once a week the gentleman from Cape Elizabeth, Mr. Berry, in the wind-up, he is going to be responsible for me having a heart attack. I

assure you that in that I am for this bill, there is another vehicle coming that involves vocational training. I am, however, for this bill.

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 Bill "An Act relating to Establishment, Maintenance and Operation of Regional Technical and Vocational Center," Senate Paper 383, Legislative Document 1086, be indefinitely postponed, and 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.

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

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

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

Mr. BERRY: Mr. Speaker, I request this lie on the table until the next legislative —

The SPEAKER: The Chair understands the gentleman from Cape Elizabeth, Mr. Berry, moves the House reconsider its action whereby this bill was just passed to be engrossed. Is this the pleasure of the House?

The motion prevailed.

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

Mr. BERRY: Mr. Speaker, in explanation, may I say to the members of the House that the engrossment of a bill takes a little time and costs some money, and if there is anything we can do from now to adjournment to cut down on passing engrossed bills and then calling them back, it is going to help everybody.

Thereupon, on motion of Mr. Bragdon of Perham, the Bill was tabled pending passage to be engrossed and specially assigned for Wednesday, June 12.

Third Reader Tabled and Assigned

Bill "An Act relating to Discrimination in Rental Housing" (S. P. 426) (L. D. 1169)

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

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

Mr. RUST: Mr. Speaker, I move this item lie on the table until June 12.

The SPEAKER: The gentleman from York, Mr. Rust, moves that this bill be tabled until June 12.

Mr. Berman of Houlton requested a division.

The SPEAKER: A division has been requested. All those in favor of this matter being tabled until June 12 please rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had.

Forty-three having voted in the affirmative and forty-four having voted in the negative, the motion did not prevail.

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

Mr. RUST: Mr. Speaker and Members of the House: I hoped I would not have to debate this particular item today and it could be tabled until Wednesday next because there were so many people absent Friday and there is pretty near half the House absent here today.

I still feel that despite the oratory that went on Friday and some of the comments that were made that particularly had nothing directly to do with relation to this particular legislation, this legislation provides that you and your neighbor shall have no choice in the renting of your private residence or your summer camp; and I think that is a serious and a substantial right to give up and to give up very lightly. And for that reason I move that this bill and all accompanying reports be indefinitely postponed and request a division.

The SPEAKER: The gentleman from York, Mr. Rust, now moves

that this bill be indefinitely postponed and requests a division.

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

Mr. BERMAN: Mr. Speaker, I strenuously oppose this motion to indefinitely postpone. With respect to this comment on absentees, there certainly are many of us here today who would have preferred to wait another day, but we are here. Those of us who were here last Friday debated this bill and debated it very thoroughly. It was certainly well known that this bill would be coming up for third reading today, so I can't see just on the basis of absenteeism that this bill should be delayed. Furthermore, as I recall the vote last Friday, it was overwhelmingly in favor of the passage of this bill with thirty-four being absent, and even I suggest if the thirty-four absentees had been present and had voted for the indefinite postponement the bill still should have lived. Now I say let this bill live today. Let's not have any more fooling around.

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

Mr. RANKIN: Mr. Speaker, I move this bill lie upon the table until Thursday next.

The SPEAKER: That motion is not in order.

Mr. RANKIN: I move this lie on the table, Mr. Speaker, until tomorrow.

The SPEAKER: The gentleman from Southport, Mr. Rankin, now moves this bill be tabled until tomorrow.

Mr. Anderson of Ellsworth requested a division.

The SPEAKER: A division has been requested. All those in favor of this Bill "An Act relating to Discrimination in Rental Housing" being tabled until tomorrow will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: The Chair has reminded the membership several times in the preceding week to remain standing until the monitor returns the count.

Forty-four having voted in the affirmative and forty-three having

voted in the negative, the tabling motion did prevail.

**Emergency Measure
Tabled and Assigned**

An Act Appropriating Funds for Sewage Treatment Plant and Purchase of Equipment at Gorham State Teachers College (H.P. 410) (L.D. 563)

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

(On motion of Mr. Wellman of Bangor, tabled pending passage to be enacted and specially assigned for tomorrow).

**Enactor
Indefinitely Postponed**

An Act relating to Investigation of Motor Vehicle Accidents by Highway Safety Committee (S.P. 492) (L.D. 1344)

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

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

Mr. PEASE: Mr. Speaker, I move this matter be indefinitely postponed. The reason for my motion is that the bill now in its entirety is represented by Senate Amendment "B" which is filing S-256.

I have read and reread this amendment which, as I indicated, is the full bill at the present time. It gives certain powers to the Highway Safety Committee whereas the original bill had to do with the Department of Health and Welfare and research studies. It indicates that the Highway Safety Committee may investigate motor vehicle accidents by itself in cooperation with any persons or agencies or organizations it may select. This in and of itself seems to be quite broad authority to give any agency, particularly with relation to the investigation of motor vehicle accidents. I would have assumed that the state police handled this quite well at this time. It also goes on to state that any information, records or other data obtained through such investigation shall not be admissible in evidence in any action of any kind in any court or before any other

administrative agency or person. I wonder what would happen in the case where the Highway Safety Committee or the group or agency it selected found something which tended to indicate that perhaps a homicide was involved, and I don't think this is beyond the realm of possibility. This information could not be communicated to any person under the last sentence except for statistical purposes and the information, if discovered or obtained through these investigations, any of this evidence could not be received in any court in the homicide action.

Frankly, ladies and gentlemen of the House, I am a little disturbed at the approach which has been taken to salvage something from the original bill which was relating to research studies of the Department of Health and Welfare. Hence, my motion to indefinitely postpone.

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

Mr. RUST: Mr. Speaker and Members of the House; I heartily support the gentleman from Wiscasset, Mr. Pease, on his motion to indefinitely postpone this bill. It is a new piece of legislation which has not had the benefit of a public hearing and it is a piece of legislation which I can see no use for and I think the bill would prove harmful in allowing people to indiscriminately make investigations of accidents. I hope the motion prevails.

The SPEAKER: The question before the House is the motion of the gentleman from Wiscasset, Mr. Pease that this Bill be indefinitely postponed. All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion did prevail, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

**Enactor
Tabled and Assigned**

An Act Providing for Holding District Court for Western Aroostook at Fort Kent (H. P. 52) (L. D. 75)

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

(On motion of Mr. Wellman of Bangor, tabled pending passage to be enacted and specially assigned for Wednesday, June 12.)

Passed to Be Enacted

An Act relating to the Excise Tax on House Trailers (H. P. 1099) (L. D. 1576)

Finally Passed

Resolve Appropriating Moneys to Construct a Car Ferry Ramp at Peaks Island (S. P. 91) (L. D. 228)

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

Enactor

Indefinitely Postponed

Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry (S. P. 95) (L. D. 232)

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

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: Since the Department of Economic Development has substantial sums of money already in the current services budget for advertising, and since the Appropriations Committee has come out with an additional \$50,000 for purely recreational advertising in the supplemental document which we had the two readings on today, I therefore move that L. D. 232, item 6, Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry be indefinitely postponed; and I might also add that a lot of you in this House have some money bills lying on that table over there on the other side of the hallway. This is \$200,000 in this one item for additional recreational advertising in addition to the \$50,000 in the supplemental and in addition to the money that is already in the current

services budget; there is about three million dollars lying over there on the table. If you want your private L. D's passed, I think you might help support this motion.

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

Mrs. SMITH: Mr. Speaker, this is exactly why the Appropriations Committee members had to turn some of these bills down, there just isn't money enough for them and this does seem one that, though it may be a good bill, there isn't really money enough for it.

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

Mr. BROWN: Mr. Speaker, I would like to pose a question through the Chair to anyone on the Appropriations Committee who may choose to answer.

The SPEAKER: The gentleman may state his question.

Mr. BROWN: How much money is appropriated in any bills or in any appropriation for recreational advertising for the Department of Economic Development?

The SPEAKER: The gentleman from South Portland, Mr. Brown, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I don't think I can give you an exact figure without going back through our different bills. There are some bills that are laying around; there is money in the current services, there is \$50,000 in the supplemental and so forth, there is half a million dollars for the World's Fair. I don't know whether you would count this in. Last session we increased this by \$125,000 each year of the biennium in this particular budget which was double what it had been before, and I felt at least that this money, though very desirable, well you just couldn't find it in addition to all these others, and I also tell you that the advertising for this year of the biennium has already been placed.

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

Mr. MINSKY: Mr. Speaker, I can only say that I am going to speak on this so that the bill will at least have one defender on the Floor of the House, although I don't think it is going to be particularly effective.

As I said when the bill first came up on Committee Report, I do believe that we must take some affirmative stand in our advertising and recreational development program. I think we have seen the states around us, the Provinces of Canada and others surpass us. I think that we have got to fight fire with fire if you want to go to speak. We have a wonderful opportunity. I think our strongest area of development is not industrial development as we may wish it to be, but recreational development, and if we are going to attract the people that we want to attract then I think we have got to display our wares; we have got to advertise, and we have got to show people that we want them here. I think this is a bill that would increase our advertising. I realize there is some in the supplemental budget, but the amount in the supplemental budget is not substantial. I think this is truly expending money with hopes of making a lot more money.

I can only close with somewhat the same story that I closed with last week, with the little money we have, and seeing all the signs that Canada has put on the road and in the magazines, if we don't spend a little more money than we have, our best advertising gimmick is going to be "Come to Maine, the best route to Vacationland."

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I think this is a desirable bill and I voted for it in the Appropriations Committee, and of course this House passed it the other day. Certainly if sufficient money is not provided, a bill like this will readily and easily die in the last hours of the session. I feel and I would hope that we would go

along with the original vote and see what happens.

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

Mr. COTTRELL: Mr. Speaker, I don't like to get the reputation of jumping up here and speaking, but we aren't in the great host state, the recreational state, and I spent quite a lot of time yesterday going over two sections, they had so much advertising they had to come out with two sections in the Sunday New York Times. Now maybe some of us up here think with very limited air transportation and no railroad transportation, some very good highways though, maybe we think that we offer the great attraction of the Country and of the world for the resort seeker, but I can only hope that each one of you here in Maine could study carefully the advertisements from this Country, from Europe, from Canada, from New Zealand, from every section of the world except the communist countries, advertising their wares. Florida, for instance, even in the summertime, had probably ten pages of advertising. New Zealand is advertising skiing; Chile is advertising skiing for the skier in the summertime. You can go to Europe on an installment plan and buy your car there without paying the tariff and use your car to travel around in Europe and then come home and pay up the money for your car and your vacation. Probably this bill will be defeated, but I would certainly hope that it might have as much life as possible until the final day.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, I have here the June 1st issue of the New Yorker and in it are several ads, Puerto Rico is in here, Bermuda is in here, but the one that I wanted to point out to you House Members today was this one put out by the Canadian Government Travel Bureau from Ottawa, it is not a Provincial ad, it is the Canadian Government ad, and it is headed: "Canada, the Wonderful World at your Doorstep." Usually these magazines, Mr. Speaker, Ladies and

Gentlemen, carry not only the Dominion ad but they also carry the Provincial ads, and I think this bill before us is only a drop in the bucket in the right direction to combat some of this advertising from our neighbors to the north.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This is not asking for money which the various motels and things do not collect. I remind you that they do collect from the sales tax in the upward of \$600,000. If we are to be ostriches and place our heads below the ground and not see our opportunities, I think that we should need an injection of something that will start us running around a little bit and seeing what is going on.

This type of a motion reminds me of a story that I heard many years ago whereby a man running a hot dog and hamburg stand was doing a tremendous business. He did not notice around him that many businesses were closing earlier, some closing completely. He did not read the newspapers and find — he was so busy tending to his business, and find that there was a depression, but his son came to visit him from out of state, and reminded him of the depression that they were having. He stopped putting so much piccalilli on his hot dogs; he started closing a little earlier, and finally his business went down. Is this what the State of Maine should do with the thing that they know is the positive thing, the recreation business? Not in my mind, gentlemen, I think we should know what we are doing and realize. I hope this motion is defeated.

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

Mr. LITTLEFIELD: Mr. Speaker, I am opposed to this bill because I think there is a limit to how much money the taxpayers of the State of Maine can afford to pay for advertising the recreational business.

Last summer I worked as a night operator at the telephone exchange at Hampden, Maine, and every night I received calls from motels in Bangor wanting a place for the people to stay in other motels, and then I would have to call Hampden and Winterport and some other place. Now if we have advertised to the point that we are getting tourists in here where they fill our places and use up all the food that we can provide for them, why do we need to spend \$200,000 more for some other kind of advertising? We are exhibiting at the shows throughout the Country; we have voted \$500,000 for the New York Fair show which will reach some 72,000,000 and it would seem to me that this should be a limit to the advertising.

Now the bills that have come in from the Department of Development had many duplicates. Now one of them was \$30,000 to promote new industrial plant locations. I presume there was a duplicate similar to that one. One was \$100,000 for additional space ads, and \$20,000 for specialized in-state industrial development, all of these bills call for tremendous sums of money. I just think there is a limit to what we can do, and I support the motion of my friend, Mr. MacLeod from Brewer, to indefinitely postpone the bill.

Mrs. Smith of Falmouth was granted permission to speak a third time.

Mrs. SMITH: Mr. Speaker, I would only like — I think I would like to make my position perhaps a little clearer. I just can't understand some of these things. It is true what the gentleman from Brewer, Mr. MacLeod said, that there are many money bills on the table over on the other end, and apparently some of us feel we should send as many as possible over there to be sort of dealt with that last night. Then I hear another gentleman, and I don't recall which one, say we ought to have a planned program and know where we are going. I can't help but agree; I couldn't agree more. I heard quite a few a while ago discuss whether we should spend a half a million dol-

lars for the World's Fair, but here was a planned program. At least we knew what we were supposed to get for it. This bill came in with \$200,000 each year of the biennium. It was cut to \$100,000. This has been the usual rule also with many of these bills. There were fifty or sixty of these bills and I have all the lists and the numbers here if you would care to check them out. I had them checked out the other day. Now did all fifty or sixty of these have good planning? This is one of them.

Now we have spent quite a lot of money, and I think we have put into this program about all of the planned money that we can afford. I agree with the gentleman from South Portland, Mr. Brown, that we ought to have things in balance, and I could turn his little story around and say to you, do you just spend money on advertising and then provide nothing for the people when they get here? We have \$100,000 plus for Mt. Battie. Do we need more parks? Do we need more vocational schools? This is a matter of balance, and I still am against the bill because I think it puts the situation out of balance, and I am all for spending our money or distributing it the best that we can and I don't think this is doing it in these unplanned programs.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: I have been very much interested in the debate relative to progressive advertising for the recreational industry. As you may recall, I supported the appropriation for the World's Fair at New York.

Now I don't know whether I qualify as a person who is familiar with recreational promotion or not, but for the record may I say that starting back in 1932 when the State of Maine used to have a so-called Sportsmens Show in Hartford, Connecticut, then Boston and then New York and then Cleveland, it was my privilege to be in attendance at these shows annually, and I followed them

very closely naturally. Time went on and the Maine Development Commission of that era decided that perhaps Hartford was too close to Boston and New York, so we dropped Hartford, and continued on at Cleveland. One year we went out to Chicago, the only time the State of Maine ever exhibited in Chicago, and it was done without any cost to the state that particular year.

Now I don't know whether that qualifies me to speak with some degree of intelligence relative to recreational promotion or not, I'll let you be the judge.

Listening to the debate I am wholeheartedly in support of favorable advertising, but I appreciate the gentlewoman from Falmouth, Mrs. Smith very, very much. The gentleman from Bangor, Mr. Minsky, and the gentleman from Portland, Mr. Cottrell, keep referring to Canada, and I may say for the record again I wonder how familiar they are with what is being done and how it is being done in the Dominion of Canada. Let's start with the Dominion itself, it has a total population as of 1960 of 18,085,000 people. Now these programs of advertising are handled through a federal, or Dominion as they term it, budget, not through the Provincial system. There is a Provincial system budget and I think Nova Scotia leads the east if I am not mistaken with a million plus for outdoor advertising or advertising through any medium they may select. Now Nova Scotia has a population of 730,000 people as compared to our own, we call it a million. The Province of New Brunswick has 608,000 people as compared again to Maine's population in round figures of a million.

Now here, as I see it, I was in New Brunswick over the Memorial weekend and had an opportunity to visit the Capitol and was disappointed. I went up thinking that Parliament would be in session; I missed it by one day, but in conversation there I found that their problem was their budget the same as we are having the budgetary problem here. Their budget was \$71,000,000, a total budget ladies and gentlemen, \$71,000,000. I said to Mrs. Wade who

was with me, I said: Well, I don't see why they're worrying too god-darn much, we're worrying about twice that amount, so with just a couple of hundred thousand more people. But then I began to delve into the thing a little bit, we've just had a debate here on vocational training—and if you have an opportunity any time and you want to see a real vocational training school, stop into Moncton, Moncton New Brunswick, and there you will see, I believe, the finest technical or vocational school that you will experience in the eastern part of the Country, both the United States or Canada, and that is financed by the government entirely, and the students not only receive tuition but they receive certain amounts of money to defray their living costs.

But that is beside the point. My point is this: that we have here in the State of Maine so much money to spend. Now where are we going to spend it? That is our problem; and like the gentle lady said, we only have so much, and it is up to this Legislature to determine where to put it. Now if you want to put it in advertising, why debate it, go ahead and put it. But if you want to spend it for this, that and the other thing, then we have \$143,000,000 plus whatever we come out with in the supplemental and that is the amount of money we have and it is up to this Legislature to disperse it. It's as simple as that, ladies and gentlemen. Thank you for listening.

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 item 6, Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry, Senate Paper 95, L. D. 232, be indefinitely postponed. All those in favor will say yes, those opposed, no.

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

Fifty-two having voted in the affirmative and thirty-three having voted in the negative, the motion did prevail, the Resolve was indefi-

nately postponed in nonconcurrence and sent up for concurrence.

Finally Passed

Resolve Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers (H. P. 324) (L. D. 451)

Resolve Appropriating Moneys to Match Federal Funds Provided under Title VIII of the National Defense Education Act (H. P. 412) (L. D. 565)

Passed to Be Enacted

An Act Increasing Salary of Forest Commissioner (S. P. 374) (L. D. 1040)

An Act Increasing Working Capital of Liquor Commission (H. P. 262) (L. D. 356)

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

Orders of the Day

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

Mr. BERRY: Mr. Speaker and Members of the House: I would like to read a letter received from Mr. Michael J. Maroon, who is President of the National Association of Internal Revenue Employees. This was addressed to our Speaker.

"To the Honorable David Kennedy, Speaker
Maine House of Representatives
Augusta, Maine.

Dear Mr. Kennedy:

On behalf of the 224 Internal Revenue Service employees in the State of Maine, I wish to express our sincerest gratitude to you and the members of the House for your assistance recently in urging the cancellation of the proposed reorganization of the Internal Revenue Service.

The Resolution that was adopted and forwarded to the Secretary of the Treasury by the House of Representatives, was an important factor in the favorable decision to abandon the plan for Maine and

New England. This will continue to give direct taxpayer service in the State of Maine.

Please convey our warmest appreciation to the House members for their courteous attention." (Applause)

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

Bill "An Act relating to Effective Date for Salary Increase for County Officers." (S. P. 543) (L. D. 1467)

Tabled—June 5, by Mr. Karkos of Lisbon.

Pending—Motion of Mr. Crommett of Millinocket to Reconsider Receding and Concurring.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: My interest in this document is to defend the action of the Town and Counties Committee, and I am opposed to the Senate Amendment "B" and I have an amendment for Legislative Document 1575 which I don't expect to use because the bill has been recommitted to the Towns and Counties Committee. I could have quite a bit to say about this, but I think I will save it for the Towns and Counties Committee; and I will now withdraw my motion to reconsider receding and concurring.

The SPEAKER: The gentleman from Millinocket, Mr. Crommett, now withdraws his motion to reconsider receding and concurring. Is that the pleasure of the House?

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

Mr. RUST: Mr. Speaker, I rise to ask a question.

The SPEAKER: The gentleman may state his question.

Mr. RUST: I will ask a question through the Chair of anyone on the Towns and Counties Committee that as this bill presently stands, what is the effective date of salary increases?

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

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

Mr. CROMMETT: Mr. Speaker, this effective date was thoroughly discussed in the Towns and Counties Committee, and by vote of nine to one, it was decided that the effective date should be January 1, 1964. I was opposed. It is my intention now to defend the actions of that Committee and that nine to one decision. Many of these bills from the various counties asking for an increase, asked for the effective date to be retroactive to January 1, 1963. It was my conviction then and it is now that any increase granted by this Legislature should take effect in 1965; well, I was overruled, nine to one, and I accepted that compromise. I know that many counties have anticipated increases in their budgets. I can't see anything wrong with a little surplus. They tell me this is a custom and shouldn't be interfered with. Even though it is a custom, I don't say it is necessarily good. The officeholders today who, as candidates, offered themselves to elective office without any twisting of the arm, campaigned to the best of their ability and successfully so. Immediately after the election and now, go before the county delegation, the county commissioners and ask for an increase. I am not talking about the merits of the increase, but the timing. They asked it to be retroactive to 1963. This, ladies and gentlemen, is not good legislation. I say to you that it is morally wrong.

Furthermore, this document 1575 has section three and it says: "the salaries as set forth in section 1 shall become effective October 1, 1963." This section was never taken up in the Towns and Counties Committee. Now as I said if I am correct in the parliamentary procedure, I will withdraw my motion and then I will ask for indefinite postponement of this bill.

The SPEAKER: The gentleman from Millinocket, Mr. Crommett, wishes to withdraw his motion to reconsider. Is this the pleasure of the House?

The motion prevailed.

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

Mrs. SHAW: Mr. Speaker, I would like to answer the question asked by the gentleman from York, Mr. Rust. The bill as it now stands has an amendment on it which would make the entire act effective in 1965. So that salary increases considered by the next Legislature would not go into effect until January 1 of the year following adjournment.

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

Mr. CROMMETT: Mr. Speaker, the statement of the gentlewoman from Chelsea is correct insofar as I understand that this Senate Amendment "B" is sort of a declaration of policy that is not necessarily binding on the 102nd Legislature or the Towns and Counties Committee of that Legislature, although it would have the effect today of nullifying the intent and purpose of the Towns and Counties Committee of this Legislature. So with this Legislative Document 1575, and I have a question here from someone that says is there other legislation. It is combined in 1575 with all the salaries as recommended by the Towns and Counties Committee and in Section C. Effective Date, the salaries as set forth in Section 1 shall become effective October 1, 1963. I am violently opposed to that.

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

Mr. COTE: Mr. Speaker, I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves that item one Bill "An Act relating to Effective Date for Salary Increase for County Officers," Legislative Document 1467, be indefinitely postponed.

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

Mrs. SHAW: Mr. Speaker, in answer to the question posed by the gentleman from Millinocket, the proposed January 1, 1964 date could not be incorporated into this present salary bill because it had

not been accepted by the Legislature. It is still in a state of flux here, and until we can pass the bill and get a principle on our books, we could not incorporate it into the bill. And the date in the salary bill was used because it was the beginning of the fourth quarter. Normally, salaries go into effect ninety days after the adjournment of Legislature, but because it would be so near to the beginning of the fourth quarter, it was thought advisable that this date be set rather than to leave it to the ninety days after adjournment.

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

Mr. CROMMETT: Mr. Speaker, may I speak a third time? I understand exactly what the gentlewoman from Chelsea has said, but I don't agree with her. It is possible here that this document 1575 with this section—

The SPEAKER: The Chair would inform the gentleman that the bill before us is 1467.

Mr. CROMMETT: I understand that. In speaking of 1467, I find it necessary to refer to 1575 in regards to the effective date. In 1467, the effective date would be January 1, 1964, according to the agreement of the Towns and Counties Committee. Now I did agree to it, but I wasn't in favor of it. Now I am trying to defend the action of these nine people on the Towns and Counties Committee. Senate Amendment "B" would nullify the act of the Towns and Counties Committee. I got that from the authority of the Attorney General's Department. I also got some good information from a good friend parliamentarian that it could be very well taken care of by the amendment which I have prepared for Legislative Document 1575.

The SPEAKER: Is the House ready for the question?

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

Mrs. SMITH: Mr. Speaker, I would like to make a statement and if anyone disagrees with it, I wished they would correct me. As I understand this, this legislation if killed now, kills all the intent of this bill.

Now I am in favor of county salaries not being allowed for those people who had just recently been elected, and that they should apply to county officers as they do to members of the Legislature. That is, as I understand it, what this bill does. I also understand correctly, I believe, that the bill did refer to both years of this biennium and now it would only refer to one. If you do not approve and wish an officer to be elected and then apply for a salary increase, then, as I understand it, you should kill this bill. But if you believe that their salaries should only apply to those elected the following two years, you should keep this bill alive.

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

Mr. PRINCE: Mr. Speaker, I move this bill lie on the table until tomorrow.

The SPEAKER: The gentleman from Harpswell, Mr. Prince, moves that item one, Bill "An Act relating to Effective Date for Salary Increase for County Officers," Senate Paper 543, Legislative Document 1467, be tabled until tomorrow. Is this the pleasure of the House? All those in favor of tabling, will say aye; those opposed, no.

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

Thereupon, the Bill was tabled pending the motion of Mr. Cote of Lewiston to indefinitely postpone and specially assigned for tomorrow.

On motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.