

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 17 - JUNE 4, 1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, May 26, 1965

Senate called to order by the President.

Prayer by Rev. Peter Misner of Readfield.

On motion by Mr. Bernard of Penobscot, the Journal of yesterday was Read and Approved.

The PRESIDENT: The Chair would like to recognize in the back of the Senate Chamber the Maine Mother of the Year for 1964, who is also the wife of one of our Senators, Senator Hilton. Would Mrs. Ralph Hilton please stand and be recognized this morning. (Applause)

Papers from the House**Non-concurrent matters**

Bill, "An Act Requiring all Municipalities to Join School Administrative Districts by 1970." (S. P. 349) (L. D. 1115)

In Senate, May 20, Passed to be Engrossed As Amended by Senate Amendment "A" (S-197)

Comes from the House, Indefinitely Postponed, in Non-Concurrence.

In the Senate, on motion by Mr. Snow of Cumberland, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; the same Senator presented Senate Amendment A and moved its adoption. Which amendment was read and adopted and the bill as amended was passed to be engrossed in non-concurrence.

Bill, "An Act Relating to Driving a Vehicle to Endanger." (S. P. 381) (L. D. 1197)

In Senate, April 20, Passed to Be Engrossed As Amended by Committee Amendment "A" (S-118)

Comes from the House Indefinitely Postponed.

In the Senate, on motion by Mr. Violette of Aroostook, the Senate voted to recede and concur.

Communications

STATE OF MAINE
One Hundred and Second
Legislature
Legislative Museum Study
Committee

May 26, 1965

To the Honorable Senate and House
of Representatives
One Hundred and Second
Legislature

Pursuant to a Joint Order, I am pleased to submit herewith a study report by the Legislative Museum Study Committee created by the 102nd Legislature.

Respectfully,

ROGER V. SNOW, JR.
Chairman

Which was read and ordered placed on file with the accompanying report and sent down to the House for concurrence.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
AUGUSTA, MAINE 04330

May 25, 1965

Honorable Edwin H. Pert
Secretary of the Senate
102nd Legislature

Sir:

The Speaker of the House on May 25, appointed the following Conferees on the disagreeing action of the two branches of the Legislature on (S. P. 342) (L. D. 1087), Bill, "An Act Requiring Permits to Dam Waters for Recreational Purposes":

Messrs: COOKSON of Glenburn
ANDERSON of Orono
PALMER of Phillips

Respectfully submitted,
JEROME G. PLANTE
Clerk of the House

Which was read and ordered placed on file.

Mr. O'Leary of Oxford was granted unanimous consent to address the Senate.

Mr. O'LEARY of Oxford: Mr. President, members of the Senate, I wish to state, not too briefly, I'll grant you right here and now, on the battle that took place in one of the fairest textile cities in the

State of Maine last night. This was a fight I did not approve of to begin with. I had my doubts about it and I would like you to go on record as being in concurrence with some of the remarks I am going to have to make. I would like to read to you a few of the letters that appeared in the Lewiston Daily Sun under the letters to the editor. It says "on the fight"

"To the Editor:

Our daughter lives in San Diego, California, but is very loyal to her native state of Maine.

She became very incensed at the enclosed editorial printed in the local San Diego Newspaper. (On the Clay-Liston fight).

We thought you, too, might be interested in our "image" as seen in other states."

That was from a lady here in Augusta, Mrs. R. G. Winslow.

I would like to read another one and then the editor's comment.

"Please find enclosed one clipping from the Chicago Daily News sports page. Part of it might be of interest to you personally. It makes me bristle." That is signed by Seaman David H. McCormick, U. S. Naval Hospital Ward 5-S, Great Lakes, Illinois, and Rumford.

And the Editor's note is: "We resent the Hicksville treatment, too".

Sirs, we have got our one million dollars worth of publicity and I don't believe any of it is any good this morning anywhere in this country. A fight they wouldn't have in Ohio, not allowed in Miami, outlawed in the State of Massachusetts and it comes to the State of Maine. I would like to read to you why District Attorney Byrne chased the Clay-Liston Fight out of Boston. "Pay-offs to state officials? Fixes? Gangland influence? These are among the barroom and street corner rumors being bandied about Boston in the aftermath of the chasing of the Cassius Clay-Sonny Liston heavyweight championship fight from the Boston Garden to the Central Maine Youth Center in Lewiston.

"Cassius, the racist and Sonny, the ex-con" — now I am not going to read this paper in its entirety but it should be put into the record here in the State of Maine that we do not want any more of this. If this is the death of boxing, it is a good thing. I think the people have had it. We have here and have allowed to come into the state one of the Inter-Continental's major share holders in an agent named Sam Margoles, an admitted associate of known hoodlums. That is what we have brought into our state, and I think that if anything good should come from the battle that took place in our fair city of Lewiston last night, it should be the death of boxing.

Mr. President, I have no love for any of the associates of these, to me disreputable boxers who come into this fair State of Maine, and I should have got up and objected to it long ago.

Reports of Committees House

Ought to Pass in New Draft

The Committee on Taxation on Bill, "An Act Relating to Excise Tax on Aircraft." (H. P. 781) (L. D. 1034) reported that the same Ought to Pass in New Draft under the same Title: (H. P. 1135) (L. D. 1554)

Which was Read and Accepted in concurrence, and the Bill, in New Draft, Read Once and, this afternoon assigned for second reading.

The same Committee on Bill, "An Act to Encourage Conservation of Forest Resources Through Uniformity of Tax Assessment." (H. P. 937) (L. D. 1274) reported that the same Ought to Pass in New Draft under same title: (H. P. 1134) (L. D. 1553)

Comes from the House, Passed to be Engrossed As Amended by House Amendment "A" (H-372)

In the Senate, the report was read and accepted, the bill read once, House Amendment A read and adopted and the bill this afternoon assigned for second reading.

The Majority of the Committee on Appropriations and Financial Affairs on

Bill, "An Act to Authorize the Establishment of an Area State Operated Vocational Technical High School in York County and the Issuance of Not Exceeding One Million One Hundred and Fifteen Thousand Dollar Bonds of the State of Maine for the Financing Thereof." (H. P. 673) (L. D. 900) reported that the same Ought Not to Pass.

(Signed)

Senators:

HARDING of Aroostook
BROWN of Hancock

Representatives:

BISHOP of Presque Isle
JALBERT of Lewiston
ANDERSON of Orono
HEALY of Portland
BRAGDON of Perham
BIRT of East Millinocket
DUNN of Denmark

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

(Signed)

Senator:

DUQUETTE of York

Comes from the House Passed to be Engrossed Minority Ought to Pass Report Accepted.

In the Senate:

Mr. LETOURNEAU of York: Mr. President, I move acceptance of the Minority Ought to pass report.

Thereupon, on motion by Mr. Moore of Washington, a division of the Senate was had.

Twenty-three having voted in the affirmative and seven opposed, the motion prevailed, the Minority Ought to pass report was accepted, the bill read once, and on motion by Mr. Letourneau, the rules were suspended, the bill read a second time and passed to be engrossed in concurrence.

The PRESIDENT: The Chair at this time would like to recognize in the Senate gallery a group of 8th grade students from Hermon Elementary School. They are chaperoned by Mrs. Gladys Leland and Mr. David Deering. They are from the town of Hermon.

We welcome you here this morning and hope that you enjoy and benefit from your visit here. Hermon is in the County of Penobscot, and I would like to introduce to you the Senators from Penobscot County: Senator Southard, Senator Faloon, Senator Stern and Senator Bernard. (Applause)

The PRESIDENT: The Chair would also at this time like to recognize a group of seventeen students from the West Bath Elementary School, the 8th grade. They are chaperoned by Mr. Chester Merrifield, Principal, Mrs. Smith and Mrs. Carlton. We welcome you here this morning and hope you enjoy and benefit from your visit here. You are from the County of Sagadahoc, and it says here that someone by the name of Reed is your Senator. We welcome you here this morning. (Applause)

Senate

Divided Report

The Majority of the Committee on Public Utilities on Bill, "An Act Creating the State of Maine Power Authority Act." (S. P. 321) (L. D. 1070) reported that the same be Referred to a Study Committee.

(Signed)

Senators:

LETOURNEAU of York
VIOLETTE of Aroostook
BOISVERT
of Androscoggin

Representatives:

D'ALFONSO of Portland
SEARLES of Bangor
PIKE of Lubec
DOYLE of Caribou

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

(Signed)

Representatives:

ERWIN of York
SAWYER of Brunswick

On motion by Mr. Harding of Aroostook, tabled pending acceptance of either report.

Second Readers

The Committee on Bills in the Second Reading reported the following Bills:

House

Bill, "An Act Relating to Shooting Human Being While Hunting." (H. P. 1133) (L. D. 1552)

Bill, "An Act Authorizing Use of Prisoner Assistance by Charitable Organizations." (H. P. 1115) (L. D. 1522)

Which were Read a Second Time and Passed to Be Engrossed in concurrence.

House — As Amended

Bill, "An Act Authorizing County Commissioners for York County to Make a Loan for Construction of a Sewage Treatment and Disposal System for its Courthouse and Jail." (H. P. 571) (L. D. 741)

Bill, "An Act Permitting Certain Corporations to Hold Stockholder Meetings Outside of State." (H. P. 619) (L. D. 827)

Which were Read a Second Time and Passed to Be Engrossed, As Amended, in concurrence.

Bill, "An Act Relating to Relocation Assistance in State Highway Projects." (H. P. 1139) (L. D. 1559)

Which was Read a Second Time and Passed to Be Engrossed, As Amended by Senate Amendment "A" (S-268) in Non-Concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following Bills and Resolves:

Bill, "An Act Creating a Second Assistant County Attorney for Androscoggin County." (H. P. 867) (L. D. 1164)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending enactment.)

Bill, "An Act to Create a Maine State Board of Human Research and Development." (H. P. 904) (L. D. 1232)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending enactment.)

Bill, "An Act to Provide for Fair Minimum Wages for Construction of Public Improvements." (H. P. 1124) (L. D. 1534)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending enactment.)

Bill, "An Act Creating a Second Assistant County Attorney for Penobscot County." (S. P. 50) (L. D. 221)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending enactment.)

Bill, "An Act Increasing Salaries of Judges of the District Court." (S. P. 55) (L. D. 378)

(On motion by Mr. Harding of Aroostook, tabled pending enactment.)

Bill, "An Act Relating to Definitions of Kidnapping." (S. P. 149) (L. D. 390)

Bill, "An Act Relating to Weight of 3-Axle Trucks." (S. P. 155) (L. D. 395)

Bill, "An Act Relating to Tuition for Students Attending Secondary School Outside of Residence." (S. P. 335) (L. D. 1080)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending enactment.)

Bill, "An Act Regulating Fly Fishing in Certain Portion of Kennebec River." (S. P. 425) (L. D. 1360)

Bill, "An Act Relating to the Change of Name of Association of Historical Societies and Museums." (S. P. 497) (L. D. 1465)

Bill, "An Act Providing for Cost of Living Plan for Retired State Employees, Teachers and Participating District Employees, or Beneficiaries of Same." (S. P. 530) (L. D. 1509)

Bill, "An Act Providing for Appeal of Sentence in Criminal Cases." (S. P. 548) (L. D. 1547)

Which bills were Passed to Be Enacted.

Resolve Repealing Authorization for Disposal of Western Maine Sanatorium. (H. P. 1096) (L. D. 1493)

Which Resolve was Finally Passed.

Orders of the Day

The President laid before the Senate the 1st tabled and today

assigned item (H. P. 211) (L. D. 279) bill, "An Act Relating to Permits by Highway Commission for Trucks in Construction Areas"; tabled on May 25 by Senator Harding of Aroostook pending consideration; and on further motion by the same Senator, the Senate voted to adhere.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 539) (L. D. 1529) Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate; tabled on May 25 by Senator Mendell of Cumberland pending motion by Senator O'Leary of Oxford to recede and concur.

Mr. O'Leary of Oxford was granted permission to withdraw his motion; and on motion by Mr. Harding of Aroostook, the Senate voted to insist.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table the 6th tabled and unassigned item (S. P. 437) (L. D. 1369) Senate Report, Ought not to pass, from the Committee on Taxation on bill, "An Act Eliminating Use of Stamps under Cigarette Law"; tabled on May 19 by Senator Harding of Aroostook pending acceptance of the report.

Mr. HARDING of Aroostook: Mr. President, I yield to the Senator from Kennebec, Senator Carter.

Mr. CARTER of Kennebec: Mr. President, I move that we substitute the bill for the report of the committee.

The PRESIDENT: The Senator from Kennebec, Senator Carter, moves that the bill be substituted for the report of the committee.

Mr. GLASS of Waldo: Mr. President, may the report be read?

The PRESIDENT: The Secretary will read the report.

(The committee report was read by the Secretary)

Mr. CAHILL of Somerset: Mr. President, I would like to inquire through the Chair if the Committee on Taxation believes that the

"Ought not to pass" report should be accepted.

The PRESIDENT: The Senator from Somerset, Senator Cahill, directs a question through the Chair to any member of the Taxation Committee who may answer if he so chooses.

Mr. MAXWELL of Franklin: Mr. President, in answer to the Senator's request, I will say that this is what we felt when we signed the "Ought not to pass" report, and I personally have not changed my mind. I feel that this would be an inducement, very definitely, to bootleg cigarettes in the State of Maine, and for this one reason alone I still support the "Ought not to pass" report.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: A few years back I was in the wholesale business of cigarettes and tobacco. If you were to eliminate the tax stamps at the present time you would save three per cent of whatever the tax is on cigarettes at present. That means the three per cent that you are paying the people to put stamps on cigarettes.

Now they are talking about bootlegging. Massachusetts has this, they have eliminated the stamps and they are saving money. I do not know how much revenue this would bring into the state, but this was mentioned at the committee hearing and I would be anxious to hear it. I have talked to many, many dealers and they have to buy these \$3500 machines plus the stamping machine where they have to go to the state to have it refilled again, and I believe this would mean some extra revenue for our state if we did eliminate that, and the majority of the dealers would want to go along with this. Naturally the tax bureau doesn't want it because it would create more work for them, but we should not look at this. Mr. President and members of the Senate, we should look to see how much money we can save and how much trouble we are going to take away from these people who stamp these cigarettes, and

then pay them two dollars or two dollars and ninety cents an hour to stamp these cigarettes. I still say to you: just think of the three per cent revenue that you will receive and then make up your mind. Thank you, Mr. President.

Mr. CARTER of Kennebec: Mr. President, in answer to Senator Jacques of Androscoggin, if we do adopt this bill it would realize to the State of Maine a saving of \$250,000 a year or a half a million dollars a biennium.

Mr. GLASS of Waldo: Mr. President, I would direct an inquiry through the Chair if I might. I happened to be present during the hearing, or at least part of it, and it is my understanding that the departmental head, Mr. Johnson, appeared in opposition to this particular bill. Would any member of the Taxation Committee explain the opposition of the department?

The PRESIDENT: The Senator from Waldo, Senator Glass, directs a question through the Chair to any member of the Taxation Committee who may answer if they so choose.

Mr. MAXWELL of Franklin: Mr. President, his objection was that it would be very hard to enforce and it would cost quite a lot of money to enforce. I tried to find the memorandum stating exactly how much but I do not seem to have it here on my desk. He is very much afraid that rather than saving a lot of revenue we might be ending up by losing some revenue, and with an eight-cent tax on cigarettes it is quite possible this would happen.

We listened to both sides at the public hearing for a long time and we came out with a unanimous "Ought not to pass" report. Ernest Johnson did speak against this as being unworkable and unenforceable. And I would say that only two of the forty-six cigarette taxing states in the continental United States do not use stamps, and in one of them, Massachusetts, which was just mentioned, Massachusetts at this time is trying to get the stamp

put back on because there is in Massachusetts a lot of bootlegging and many other methods of avoiding tax paying. If we eliminated the stamps on cigarettes it would throw some forty people out of work. This I am not quite as concerned about as I am other areas.

A report from the United States Advisory Commission on Intergovernmental Relations recommends that a nationwide system of collection of state cigarette taxes from cigarette manufacturers as the federal government does. The report states that officials charged with policy-making responsibility at the state level may be assured that the cooperation of Manufacturers and officials of the other states would be forthcoming before embarking on a marked change in administration. No effort has been made to insure such cooperation in connection with this particular bill. I think at this time it is unnecessary, the stamp system has worked, and that was our reason for turning out an "Ought not to pass" report.

Mr. JUTRAS of York: Mr. President, if we have a unanimous "Ought not to pass" report from the Taxation Committee and if we have fiscal experts such as Mr. Roland Berry and Mr. Johnson against the bill I do not see where there is room for an argument this morning.

Mr. LETOURNEAU of York: Mr. President, as a signer of the "Ought not to pass" report I want to concur with Senator Maxwell. If my recollection is correct, I have it marked here that there was only one proponent, and probably that was the sponsor. I want to go along with Senator Maxwell in opposing the bill.

Mr. MOORE of Washington: Mr. President, I have heard a great deal about this piece of legislation in the last few days and one of the major points which to me seems to be involved is the three per cent savings, and I understand this is a percentage paid to the wholesalers for placing the stamp on the cigarette pack. I stand to be corrected if I am wrong, but

I understand in comparison to our sales tax I understand that the retailers have to buy a license, we will call it, for the purpose of collecting sales tax for the State of Maine. Now if this is the case I cannot see why we are paying these wholesalers three per cent interest or whatever you want to call it for the purpose of placing these stamps on the cigarettes. If that seems to be the major point involved, I would suggest that this percentage be taken away from these people and this program carried on as our sales tax system is carried on, and by doing that there would be no class distinction here as far as tax procedures are concerned, everybody would be treated equally and we would be saving \$250,000 a year which I understand we are paying these wholesalers now for the purpose of placing these stamps on the cigarettes. I cannot really see any substantial benefit from this legislation.

Mr. JACQUES of Androscoggin: Mr. President, in regard to what the Senator from Washington, Senator Moore, said I just want to answer this: We have a dealer in Lewiston who spends about \$9000 a week and he has to put that money into a meter. That is his money that is in that meter and he has that amount in there all the time, about \$9000 a week. Now does the State expect him to put in \$9000 and receive nothing for it? And then he has to go and apply those stamps on the cigarettes and he spends between twenty and twenty-nine hours a week for two men working just on stamping cigarettes.

Mr. HARDING of Aroostook: Mr. President and members of the Senate: I would like to pose this question to the Senator from Kennebec, Senator Carter, and I pose the question only as the Senator from Aroostook.

Is the purpose of your desiring this minority report accepted in order that you may offer an amendment, and if that is so could you tell us briefly what the amendment will concern?

The PRESIDENT: The Senator from Aroostook, Senator Harding,

proposes a question through the Chair to the Senator from Kennebec, Senator Carter, who may answer if he so chooses.

Mr. CARTER of Kennebec: Mr. President, in answer to Senator Harding's question, this is my purpose in wanting to substitute the bill for the report, in order that it may be amended, and this amendment, which has been prepared by Mr. Johnson of the Taxation Department, will put the collection of the cigarette tax on the same basis as the sales tax is now being collected.

I would like to bring out a few points that have been mentioned previously by various members here in the Senate. The report that Senator Maxwell referred to, the Intergovernmental Relationship report, had some very interesting facts in it. One thing I would like to bring out to the members of the Senate is the fact that the State of Michigan, which does not use the cigarette tax stamp, is in a somewhat similar situation as the State of Maine geographically. The State of Michigan realizes \$72,000,000 in revenue from cigarette taxation without the use of the stamps. Massachusetts, also in the same situation, realizes \$44,000,000 a year without the use of the cigarette tax stamp.

Someone has referred to the fact that if we abolish the stamps there would be bootlegging. Ladies and gentlemen of the Senate: I submit to you there is a very effective law on the books, it is known as the Jenkins Act, and that act is very well enforced. As a matter of fact, bootlegging has been stopped in Georgia, Missouri, Pennsylvania and Texas. I hope you will go along with me and allow me to substitute the bill for the report.

Mr. MAXWELL of Franklin: Mr. President, I realize I have been up now two or three times but I merely wanted to correct a statement that was made by Senator Moore. He said "three per cent." This bill calls for two and a half per cent. And I would like to say too that this is one of the lowest amounts paid for this work in the whole United States. What is involved here is the fact

that they have to cut each carton of cigarettes open and affix these stamps to the end of each package. This is why the labor is involved and this is why it is necessary to pay them a percentage to do this. If we eliminated the stamps of course the cartons would not then have to be cut open and they would merely report on a reporting basis the same as the sales tax. The sales tax certificate is not bought, it is supplied by the Department of Taxation.

Mr. BERNARD of Penobscot: Mr. President, I do not like to contradict my good friend Senator Maxwell but I have to pay fifty cents for my sales tax certificate.

The PRESIDENT: The question before the Senate is the motion of Senator Carter of Kennebec, that the bill be substituted for the report.

Mr. CAHILL of Somerset: Mr. President, I request a division.

A division of the Senate was had.

Sixteen having voted in the affirmative and seventeen opposed, the motion to substitute the bill for the report did not prevail.

Thereupon, the report of the committee was accepted.

Sent down for concurrence.

The PRESIDENT: The Chair would like to recognize in the Senate balcony, a group of students from North Yarmouth school. We welcome you here this morning and hope you enjoy and benefit from your visit here. Since North Yarmouth is in the County of Cumberland, the Chair would like to introduce to you the Senators from that County, Senator Smith, Senator Snow, Senator Chisholm and Senator Mendell.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table, Bill, "An Act Permitting Legislative Service as Credit for Members of State Retirement" (S. P. 152) (L. D. 393); and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Harding of Aroostook

Recessed until this afternoon at two o'clock.

Additional Papers from the House Non-concurrent Matters

Bill, "An Act Providing for a New Charter for the City of Lewiston." (S. P. 230) (L. D. 767)

In Senate, May 25, Passed to Be Engrossed as amended by Senate Amendment "A" (S-179) as amended by Senate Amendment "A" thereto (S-263)

Comes from the House Indefinitely Postponed in Non-concurrence.

In the Senate, on motion by Mr. Jacques of Androscoggin, the Senate voted to recede and concur.

Bill, "An Act Creating the Investment of State Funds Law." (S. P. 555) (L. D. 1564)

In Senate, May 25, Passed to Be Engrossed As Amended by Senate Amendment "A" (S-264)

Comes from the House, Indefinitely Postponed in Non-Concurrence.

In the Senate, on motion by Mr. Stern of Penobscot, the Senate voted to insist.

Bill, "An Act Relating to Definition of Hotel under Liquor Law." (H. P. 1063) (L. D. 1439)

In House, April 14, Ought Not to Pass report Accepted.

In Senate, May 21, Passed to Be Engrossed in non-concurrence.

Comes from the House, Passed to Be Engrossed as amended by House Amendment "A" (H-375) in non-concurrence.

In the Senate, that body voted to recede and concur.

Reports of Committees

House

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing State Scholarships for Education." (H. P. 769) (L. D. 1013) reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

In the Senate, the report was read and accepted.

Ought Not to Pass

The same Committee on Bill, "An Act to Pay School Subsidies

on the Basis of Uniform Local Effort." (H. P. 729) (L. D. 967) reported that the same Ought Not to Pass.

Comes from the House report Read and Accepted.

In the Senate:

Mr. HARDING of Aroostook: Mr. President, I move that we accept the "Ought not to pass" report and I would like to mention very briefly that there were two uniform local effort bills in. This is the 11 mill effort and this called for something like seventeen and a half million dollars per year expenditure. Now the Appropriations Committee felt that this was just not feasible, so there is another uniform local effort bill that will be passed, I believe, by this legislature which is a 20 mill effort, and later this afternoon we will have occasion, I believe, on our tax revenue to support that 20 mill effort. Lest someone should think that the uniform local effort was going down the drain I thought it might be well to explain to you that this is the 11 mill one and we agreed that it was not feasible at this time to try to finance it.

Thereupon the Senate voted to accept the "Ought not to pass" report of the committee."

Second Readers

The Committee on Bills in the Second Reading reported the following Bills:

Bill, "An Act Relating to Excise Tax on Aircraft." (H. P. 1135) (L. D. 1554)

House—As Amended

Bill, "An Act to Encourage Conservation of Forest Resources Through Uniformity of Tax Assessment." (H. P. 1134) (L. D. 1553)

(On motion by Mr. Harding of Aroostook, the bill was tabled)

Out of order and under suspension of the rules,

The Committee of Conference on the disagreeing action by the two branches of the Legislature, on

Bill, "An Act Relating to Uniforms for Full-time Deputy Sheriffs." (H. P. 260) (L. D. 330)

Reported: that the Senate Reconsider its action whereby it Passed the Bill to be Engrossed; that the Senate Reconsider its Action whereby it adopted Committee Amendment "A" (H-151); that the Senate Adopt Committee of Conference Amendment "A" (S-277) and that the Senate Pass The Bill to be Engrossed, as amended by Committee of Conference Amendment "A".

That the House Recede from its action whereby it Indefinitely Postponed this Bill, and Concur with the Senate in Passing the Bill to be Engrossed as Amended by Conference Committee Amendment "A" (S-277).

Mr. BROWN of Hancock: Mr. President, would it be possible for some member of the conference committee to explain how they picked the number of uniforms on their Committee of Conference amendment?

The PRESIDENT: The Senator from Hancock, Senator Brown, directs an inquiry to any member of the Committee of Conference who may answer if he so chooses.

Mr. SMITH of Cumberland: Mr. President, an agreement was made to have uniforms for five deputies from each county.

Thereupon the Senate voted to accept the report of the Conference Committee; and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, to reconsider its action whereby Committee Amendment A was adopted.

Committee Amendment A was indefinitely postponed, Conference Committee Amendment A was read and adopted, and the bill as amended was passed to be engrossed.

Enactor

Emergency

Bill, "An Act to Extend the Sales Tax to Telephone and Telegraph Service." (H. P. 1152) (L. D. 1584)

Mr. HARDING of Aroostook: Mr. President, I move for enactment at this time and I would like to speak briefly on the motion.

The purpose of this bill, as I mentioned previously, is to provide the revenue with which to

support the uniform local tax effort bill. Now this is the 20 mill uniform local effort bill that I mentioned previously.

Now I know it has been stated sometimes that some legislators like to vote for the benefits but they do not like to vote for the revenue-producing measures. But let no one be mistaken is this: if we do not have this measure here there will be no local uniform effort this year, so how you vote on this will depend on whether or not you have uniform local effort for the respective towns in your counties. So I would ask for the support of not only Democrats but Republicans for this revenue-producing measure because we believe that the uniform local effort bill is very essential because in the State of Maine now we are the second highest in the nation, I believe, in relation to our real estate taxes, and this is an effort on behalf of this legislature to try to do something about that so that the State of Maine can contribute a fairer share to the support of education on the local level. I would appreciate the support of all of the senators for this particular measure.

Mr. GLASS of Waldo: Mr. President, I rise in opposition to the motion of my good friend, the Senator from Aroostook, Senator Harding.

I campaigned and I sincerely believe that it is a mistake to broaden the base of the sales tax. Senator Harding stole some thunder, if I can use that expression, by saying I am one of the people who vote for the benefits and will not accept the consequences on the uniform local effort bill. I support that in its entirety. I believe that it is the responsibility of possibly the majority party in cooperation with the minority party to produce a tax, and I believe this can be done, to support the uniform local effort bill without broadening the tax base. I realize that I am a very weak voice in a strong wind, but when the vote is taken, Mr. President, I would request that it be taken by the yeas and nays.

The PRESIDENT: The motion before the Senate is the motion to

enact L. D. 1584. A roll call vote has been requested. In order to entertain a vote by the yeas and nays the Chair must have the express consent of one-fifth of the membership present. All those in favor of the vote taken by the yeas and nays will please rise and remain standing until counted.

A division was had.

The PRESIDENT: 11 having voted in the affirmative and 20 in the negative and 11 being more than one-fifth of the membership present the vote will be taken by the yeas and nays.

Mr. HOFFSES of Knox: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator may state his point of order.

Mr. HOFFSES: The total, as I understand it, is 31, 20 and 11. How many Senators are present?

The PRESIDENT: The Secretary will make the count. There are 32 Senators present.

Mr. GLASS of Waldo: Mr. President, a discrepancy exists because the Senator from Oxford walked in after the division was requested.

The PRESIDENT: Obviously eleven being more than one-fifth under any circumstance as long as there are thirty-four members here. The vote will be taken by the yeas and nays and the Secretary will now call the roll.

Mr. BROWN of Hancock: Mr. President, would you please state the motion on which we are voting? Is it to pass it or to indefinitely postpone it?

The PRESIDENT: There has been no motion to indefinitely postpone L. D. 1584. The pending motion that we are voting on is the motion of the Senator from Aroostook, Senator Harding, that this bill be passed to be enacted.

The Secretary called the roll, and the Senators answered as follows:

YEA — Bernard, Boisvert, Cahill, Carter, Casey, Chisholm, Dunn, Duquette, Faloan, Girard, Harding, Hilton, Jacques, Jutras, Letourneau, Manuel, Maxwell, McDonald, Mendell, Moore, Norris, O'Leary, Reed, Shiro, Smith, Snow,

Southard, Sproul, Stern, Violette
—30.

NAY — Brown, Glass, Hoffses
—3.

ABSENT — Willey — 1.

Thirty having voted in the affirmative and three opposed, the bill was passed to be enacted.

Order

In House May 26, 1965

ORDERED, the Senate concurring, that the Museum Study Committee be continued as a Legislative Committee for the purpose of making recommendations to the 103rd Legislature to:

1. Effectuate the construction of a State Museum as a part of a museum - archives - library complex to be located near the present Capitol at Augusta.

2. Develop a master plan for utilization by the State of land in the capitol area during the next 50-100 years, such plan to propose a location for a State Museum.

AND BE IT FURTHER ORDERED, that the sum of \$9,500 be appropriated to defray the expenses of the committee including secretarial hire, travel and meals, employment of consultants, and such other expenses as may be necessary. (H. P. 1157)

Comes from the House Read and Passed.

In the Senate, on motion by Mr. Harding of Aroostook, tabled pending passage.

On motion by Mr. O'Leary of Oxford, out of order and under suspension of the rules,

WHEREAS, there is a question as to the bona fide character of the heavyweight championship boxing match held at Lewiston, Maine, on May 25, 1965; and

WHEREAS, the conduct of the match was such as to discredit the reputation of boxing and the good faith of the participants; now, therefore, be it

ORDERED, the House concurring, that a joint special committee, consisting of 2 members of the Senate to be appointed by the President and 3 members of the House of Representatives to be appointed by the Speaker of the

House, is directed to undertake an immediate investigation of the promotion and circumstances surrounding said match, with the assistance of the office of the Attorney General. Said committee shall have the right to administer oaths and issue subpoenas as is granted to the Legislative Research Committee under the Revised Statutes, Title 3 Section 163. (S. P. 577)

On motion by Mr. Harding of Aroostook, tabled pending passage.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table the 13th tabled and unassigned item (H. P. 605) (L. D. 797) bill, "An Act Increasing State Tax in Unorganized Territory"; tabled by that Senator on May 24 pending enactment; and on further motion by the same Senator, the bill was enacted.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table the 7th tabled and unassigned item (S. P. 191) (L. D. 571) bill, "An Act to Eliminate Straight Ballot Voting in Elections and Order of Offices on Ballots"; tabled by that Senator on May 19 pending enactment; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, and the same Senator presented Senate Amendment "A" and moved its adoption.

Mr. JACQUES of Androscoggin: Mr. President, would the Senator from Aroostook explain his amendment?

The PRESIDENT: The Senator from Androscoggin, Senator Jacques, requests that the Senator from Aroostook explain his amendment.

Mr. HARDING of Aroostook: Mr. President and members of the Senate: In answer to the question I will state that in Aroostook in the 1960 election on a write-in candidate there was a question in the minds of some clerks as to whether or not you would count a write-in vote if just the name of the person were written in rather than the residence. I know the clerks were divided on that and they gave

various interpretations, and so it seemed well to put in this amendment to clarify the matter.

Mr. GIRARD of Androscoggin: Mr. President, I move that L. D. 571, the amendment, and all accompanying papers be indefinitely postponed.

Mr. HARDING of Aroostook: Mr. President, I move for a recess of five minutes for the purpose of a caucus of the Majority Party in the Judiciary Room.

The motion prevailed.

After Recess

Senate called to order by the President.

Mr. Girard of Androscoggin was granted permission to withdraw his motion to indefinitely postpone 571, and Senate Amendment A was then adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair at this time would like to recognize in the Senate balcony 24 students from Pemetic Junior High School from the eighth grade. They are chaperoned this morning by Mr. Dwight Perkins. They are from the town of Southwest Harbor. We welcome you here this afternoon and hope that you enjoy and benefit from your stay here. As you look over this group you might think that the Senate is in a rather leisurely state this afternoon but I can assure you that we do generally wear our coats.

I would like to introduce to you the senators from your County of Hancock: Senator Brown and Senator Willey. (Applause)

Mr. CARTER of Kennebec: Mr. President, is the Senate in possession of L. D. 1369?

The PRESIDENT: The Chair would inform the Senator that it is, having been requested by the Senator.

Mr. CARTER: I now move that we reconsider our action whereby we accepted the Ought not to pass report.

The PRESIDENT: The Senator from Kennebec, Senator Carter, moves that the Senate reconsider our action whereby we accepted the Ought not to pass report on

L.D. 1369, An Act Eliminating Use of Stamps under the Cigarette Law".

Mr. BROWN of Hancock: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator may state his point.

Mr. BROWN: On a motion for reconsideration do you not have to vote on the prevailing side.

The PRESIDENT: The Chair would inform Senator Carter that he must have voted on the prevailing side in order to make a motion to reconsider. The Chair asks the Senator from Kennebec whether or not he voted on the prevailing side in the acceptance of the Ought Not to pass report of the committee?

Mr. CARTER: No, I did not, Mr. President, in good conscience.

The PRESIDENT: Then the Senator's motion is out of order.

Thereupon, Mr. Carter of Kennebec was granted unanimous consent to address the Senate.

Mr. CARTER: Mr. President, I would hope that somebody, that somebody who did vote on the prevailing side would be courteous enough to move for reconsideration on this bill because I feel this morning I was rather lulled into complacency on this matter because I felt certainly this illustrious body would grant me the privilege of at least introducing my amendment which was prepared by Mr. Johnson from the Department of Taxation. I have no quarrel with the committee's "Ought not to pass" report simply because I did not have time to prepare the original bill as it should have been because we were at the deadline, and at the suggestion of Mr. Johnson from the Department of Taxation I submitted the original bill which is almost identical to the present Massachusetts law, with the understanding that the necessary amendments would be prepared by Mr. Johnson before we had a public hearing on it. However, at the hearing no amendments were forthcoming and therefore the "Ought not to pass" report. I did not receive the necessary amendments until last Friday and this was only as a result of my prodding the day before. I also discounted the effectiveness of the Third House this morning.

Now it is inconceivable to me that we, both Democrats and Republicans, the representatives of the people of the State of Maine, would close our eyes to a saving of approximately \$250,000 a year if it were possible. Incidentally, with the new cigarette tax bill which is now on the Senate Appropriations Table, this figure will be increased to approximately \$280,000 a year minus the twenty-thousand necessary for administration leaves a sum of \$260,000 per year or \$525,000 per biennium.

I submit to you, ladies and gentlemen of the Senate that it is possible for us to save this amount of money. I firmly believe that we should leave no stone unturned in our attempts to streamline some of our antiquated systems to maximize our tax dollar.

At this point, I would like to ask of any member of the Taxation Committee why the stamps are really so necessary and why we should spend \$250,000 a year to have them put on.

The PRESIDENT: The Chair would ask the Senator a question. The Senator stated that he did not vote on the prevailing side. At

that time the Senator voted for the substitution of the bill for the committee report which failed by one vote. The motion was then to accept the Ought not to pass report of the committee, which went under the hammer. If that is the case, then the Senator did vote on the prevailing side. Does the Senator recall? The Senator did vote on the prevailing side?

Mr. CARTER: Yes, Mr. President.

The PRESIDENT: Then the Senator's motion would be in order. The motion before the Senate is the motion to reconsider the action of the Senate whereby the Ought not to pass report of the committee was accepted.

Mr. GLASS of Oxford: Mr. President, I ask for a division.

A division of the Senate was had.

Twelve having voted in the affirmative and nineteen opposed, the motion to reconsider did not prevail.

On motion by Mr. Harding of Aroostook

Adjourned until tomorrow morning at nine-thirty.