

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third  
Legislature*

OF THE

STATE OF MAINE

Volume III

June 16 to July 8, 1967

Index

1st Special Session

October 2 and October 3, 1967

2nd Special Session

January 9 to January 26, 1968

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, June 22, 1967

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

Prayer by the Rev. Mr. John S. Noffle of Gardiner.

The journal of yesterday was read and approved.

On request of Mr. Benson of Southwest Harbor, by unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence, and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

**Papers from the Senate  
Committee of Conference Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Establishing the Policemen's Arbitration Law" (S. P. 342) (L. D. 926) reporting that the Senate recede and concur with the House in passing the Bill to be engrossed as amended by House Amendment "A".

(Signed)

STERN of Penobscot  
SEWALL of Penobscot  
MacLEOD of Penobscot  
—Committee on part of Senate.  
DRUMMOND of Sidney  
HARRIMAN of Hollis  
HUBER of Rockland  
—Committee on part of House.

Came from the Senate read and accepted.

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

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

From the Senate: The following Order:

ORDERED, the House concurring, that Legislative Document No. 1700, An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County, House Paper 1197, be recalled from the Governor to the Senate (S. P. 702)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Richardson of Cumberland, tabled pending passage in concurrence and assigned for later in today's session.)

**Divided Report  
Tabled Until Later in  
Today's Session**

Majority Report of the Committee on Judiciary on Bill "An Act to Clarify Authority of Complaint Justices and District Court Judges" (S. P. 378) (L. D. 990) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. MILLS of Franklin  
—of the Senate.  
Messrs. HEWES of Cape Elizabeth  
DANTON  
of Old Orchard Beach  
DAREY  
of Livermore Falls  
BRENNAN of Portland  
BERMAN of Houlton  
FOSTER  
of Mechanic Falls  
—of the House.

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

Report was signed by the following member:

Mr. HILDRETH of Cumberland  
—of the Senate.

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

Report was signed by the following members:

Mr. HARDING of Aroostook  
—of the Senate.  
Mr. QUINN of Bangor  
—of the House.

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

In the House: Reports were read.

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

Mr. QUINN: Mr. Speaker, I move that we concur with the Senate in the acceptance of Report "A" as amended by Senate Amendment "A" set forth in S-285; and for the information of the House that is a bill pertaining to the Complaint Justices. Under the present law Complaint Justices only can function within their own county. This amendment allows them to function in the adjoining county as well as in their own, if in the adjoining county there are no Complaint Justices.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, moves that the House accept Minority Report "A" in concurrence.

Thereupon, on motion of Mr. Berman of Houlton, tabled pending the motion of Mr. Quinn of Bangor to accept Minority Report "A" in concurrence and assigned for later in today's session.

#### Non-Concurrent Matter

Joint Order relative to Interim Committee Study of Highway Revenues and Requirements (H. P. 1223) which was passed in the House on June 20.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Sidney, Mr. Drummond.

Mr. DRUMMOND: Mr. Speaker and Members of the House: I make a motion that we recede and concur with the Senate.

The SPEAKER: The gentleman from Sidney, Mr. Drummond, moves that the House recede from its former action and concur with the Senate.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: As a

proponent of this Order and in my individual capacity, I would speak against receding and concurring in order that we may insist and join in a Committee of Conference.

This session of the legislature is confronted with a very serious problem as to how to properly finance our highway program. I think we are just deferring the day of judgment if we think that we are not going to be confronted with some sort of revenue increase either in existing revenues or in a new form of tax in order to pay for our highway system. Now, the trucking interests have successfully persuaded a majority of the members of the Senate that this action should not be taken. I suggest to you that a review of the technical data that has already been accumulated at virtually no cost to the State of Maine by members of this Legislature who are not going to be compensated except for their reasonable travel expenses to and from the Committee, I submit to you that this is a worthwhile project. I very much regret that the one particular vested interest has taken a position in opposition to this. I put this in because I as a legislator am troubled by the fact that we insist that we will not bond current services or general fund expenditures, yet in this area we are perfectly willing to talk about a bond issue of \$16,800,000, and I think we've got to face up to reality. That's the reason I would ask the members of the House to go along with me on insisting and asking for a Committee of Conference and defeating a recede and concur.

And I might say that I would hope to serve on this Committee and I can assure you that I have no personal axe to grind. I am not serving the interest of the railroad lobby or the trucking lobby or anybody else. I want to see us put our highway system on a sound financial basis and I ask you to join me in that effort.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker and Members of the House: It's hard for me to understand why at this

time we need more money to make a study of studies which have already been made. I have here a copy of the Wilbur Smith Associates Maine Highway User Tax Study, which cost \$40,000 in 1960. I have here a copy of the Jorgensen Report prepared in 1965 at a cost of \$35,910. For that reason I hope that you will go along with the motion to recede and concur.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: Somehow or other I feel this morning that in view of the studies that have been made as pointed out by Mr. Crosby, and the amount of money that has been spent for the study, that the remarks made by the gentleman from Cumberland, Mr. Richardson, that he feels that we should face reality. I fail to see at this late hour of the game where we should start facing reality and not having started way back in January.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. BELIVEAU: Mr. Speaker and Members of the House: Very briefly I rise in support of the comments of my good friend from Cumberland, Mr. Richardson, and would urge you strongly to vote against the pending motion to concur with the Senate. I think in this area there is a very real need for a realistic approach to try and assess this area of financing highways and so forth, and I do believe that there is a great deal of merit to the amendment or the proposal by the gentleman from Cumberland, so again I strongly urge you members of the House to vote against the pending motion so that a subsequent motion to insist and ask for a Committee of Conference can be made.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: There have been so many surveys that just like Representative Crosby brought out—\$76,000 already surveyed. You know I sometimes wonder if some of those in the legal profession,

I wonder if sometimes if they know what it's all about here. That proposal is absolutely so ridiculous and fantastic and I am amazed, I am amazed that the former County Attorney of Oxford County comes up with any such sickening idea. Of course, I can excuse him, he's young, inexperienced in many phases of life. I am very serious about this. I don't think he's had very much experience in trying to raise a family with very little pay. Incidentally, that is absolutely ridiculous for another survey and again suggesting a waste of the taxpayers' money. Thank you.

The SPEAKER: Will the gentleman from Portland defer for just a moment.

Mr. EWER of Bangor: Mr. Speaker, point of order. Is there any necessity of personalities being introduced in this debate?

The SPEAKER: The gentleman is in order, otherwise the Chair would have ruled him out of order.

Mr. SULLIVAN: Mr. Speaker, of course I'm not as fortunate as some people with their nice easy relaxed manner. I am sorry if I disturb anybody but when these kind of things come up here, I wish they would go out and tell some of the taxpayers or some of the families who have hard work getting enough money to support their families in decent fashion. And generally it appears to me that it is those individuals who fortunately seem to be well taken care of with this world's goods. Thank you.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I rise to concur with the remarks of the gentleman from Cumberland, Mr. Richardson, as supported by the gentleman from Rumford, Mr. Beliveau. I have been very disappointed that this session of the legislature has not seen fit to face up to a responsible highway financing program. I believe that this study is completely in order and I hope that we go along with the suggestion of these gentlemen.

Mr. Crosby of Kennebunk requested a division.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Sidney, Mr. Drummond, that the House recede from its former action and concur with the Senate.

Mr. Crosby of Kennebunk then requested a division.

The SPEAKER: A vote has been requested. All those in favor of receding and concurring will vote yes and those opposed will vote no. The Chair opens the vote.

47 having voted in the affirmative and 72 having voted in the negative, the motion to recede and concur did not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

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

Messrs. RICHARDSON

of Cumberland

BRAGDON of Perham

BELIVEAU of Rumford

#### Non-Concurrent Matter

Report of the Committee on State Government on Bill "An Act Creating a Second Assistant County Attorney for York County" (S. P. 280) (L. D. 660) reporting Leave to Withdraw, which Report and Bill were indefinitely postponed in non-concurrence in the House on June 21.

Came from the Senate with that body voting to insist on its former action whereby the Bill was substituted for the Report and passed to be engrossed, and asking for a Committee of Conference.

In the House:

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Fuller.

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

The SPEAKER: The gentleman from York, Mrs. Fuller, moves that the House insist on its former action and join in the Committee of Conference.

The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker and Members of the House: Today's June 22. Because of that I will ask for a division. I don't think

there's any need of a conference on this. I also live in York County.

The SPEAKER: All those in favor of insisting and joining in the Committee of Conference will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

78 having voted in the affirmative and 37 having voted in the negative, the motion to insist did prevail.

#### Non-Concurrent Matter

Bill "An Act to Abolish Imprisonment for Debt and to Revise the Laws Relating to Disclosures of Debtors" (S. P. 680) (L. D. 1710), which was indefinitely postponed in non-concurrence in the House on June 21.

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

In the House:

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

Mr. BRENNAN: Mr. Speaker, I move that we insist and join the Committee of Conference.

The SPEAKER: The gentleman from Portland, Mr. Brennan, moves that the House insist on its former action and join in a Committee of Conference.

Mr. Quinn of Bangor requested a division.

The SPEAKER: A vote has been requested. All those in favor of insisting and joining the Committee of Conference will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

79 having voted in the affirmative and 41 having voted in the negative, the motion to insist did prevail.

#### Non-Concurrent Matter

Bill "An Act relating to Method of Fixing Salary of Commissioner of Inland Fisheries and Game" (S. P. 250) (L. D. 610), on which the House accepted Report "A" of the Committee on State Government reporting same in a new draft (S. P. 697) (L. D. 1733) under title of "An Act relating to Method of Fixing Salaries of Certain State

Officials" and passed the Bill to be engrossed in non-concurrence on June 21.

Came from the Senate with that body voting to insist on its former action whereby Report "B" reporting "Ought not to pass" was accepted, and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. WYMAN of Washington  
LUND of Kennebec  
STERN of Penobscot

In the House: On motion of Mr. Starbird of Kingman Township, the House voted to insist and join in the Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act relating to Boat Registration" (H. P. 1212) (L. D. 1724) which was indefinitely postponed in the House on June 20.

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

In the House:

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

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

The SPEAKER: The gentleman from Gardiner, Mr. Hanson, moves that the House recede from its former action and concur with the Senate.

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

Mr. ROSS: Mr. Speaker and Members of the House: This is the boat tax situation. First of all, I'd like the House to know that I don't own a boat and I am on the Committee on Taxation but I am against the motion to recede and concur.

This sounds very simple, you get a certificate every three years proving that your taxes are paid on your boat in order to get the boat registered. I will admit that this will help assessors in most cases except those that might have to journey to distant towns to appraise a boat at the insistence of an irate owner. But I don't believe it is that simple. I think there are two or three problems.

First of all I believe that we are putting the cart before the

horse. There is absolutely no uniformity in our procedure on taxing boats. And to have the boat registration depend on this mixed up system I think would only be compounding confusion. I will admit that the Maine Municipal Association favors this. I believe that they feel that it would be easier to collect boat taxes, but this would help I point out, would help only every three years and if they feel it's so good, why don't they want it done every year?

But aside from this, I have one other objection. In debate, persons have stated that this would not hurt the persons who sell boats in the slightest bit. Now, here in the State of Maine there is a new promotional endeavor going on along our coast, all up and down the coast. They are trying to build up marina businesses and substantial persons bring fairly large boats in there, they live on them for the summertime, they spend a great deal of money in these places, not just for materials for their boats, gas, oil, and so forth, but for food, clothing, recreation and others. Now this would be very unfavorable publicity for these cities and towns who are trying to create this favorable climate. I refer of course to such places as Wells, Kennebunkport, Biddeford Pool, the entire Portland area, Boothbay Harbor, Camden, Northeast Harbor and, I am sure, many other places.

Now, how would this affect sales and publicity? Now, these boats at these marinas are exempt from the tax and many persons would like to register their boats here in the State of Maine. If they were residents of the State of Maine, they would then have to pay a tax if that community assessed taxes. But here is an even more difficult one—if they were not residents of the State of Maine, they would have to get one of these certificates from their own town out of State and I am sure that the officials in that town wouldn't have any idea what they were talking about. So, I claim this would only tend to discourage the persons trying to build up businesses now.

I will be the first to admit that the entire problem is complicated

and confusing and that something should be done. It has been talked about for the last six or eight years, but here we have something, there has been no concerted study bringing together all of the interested persons. So I would hope that this motion to recede and concur would fail, that we would make a motion to insist and have a Committee of Conference, and that that report could report out an order referring this to the Research Committee.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: This bill L. D. 1724 is a far cry from the original drafting of the bill which was an attempt to provide an equality in the taxation of boats throughout the State by enacting a tax that would be equalized throughout the State. I live in a town that taxes motor boats, every motor boat that we can find we tax, and that includes pleasure craft, fishermen's boats with which they make a living. It seems to me that there is a definite attempt on the part of some individuals to eliminate the tax on boats altogether.

Now this to me does not seem justified. We are taxing fishermen's boats, they use those boats to make a living. Why should we eliminate from taxation boats that are valuable pleasure boats? The people who own those boats are able to invest a tremendous amount of money in them and in my opinion they are much more able to pay a tax on their boats than those fishermen who are using boats to make their livelihood with. Now, it seems to me that this attempt on the part of the Committee to come up with some form of identification of boats is a good one. I want to commend Mr. Hanson, my seatmate, for the excellent dissertation that he gave on this problem day before yesterday. It shows that he and his committee spent a tremendous amount of time in trying to come up with something whereby boats can be identified.

This is not mandatory legislation; it is permissive. Towns who

wish to tax boats may do so; those that aren't taxing boats have that same question in mind. So it would seem to me that this bill in its present form is a bona fide attempt to get boats registered and thereby give assessors in these towns some kind of a record on which to go, and those towns who do not wish to tax the boats are not obligated in any way to do so.

I would hope that Mr. Hanson's motion to recede and concur would pass.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Dickinson.

Mr. DICKINSON: Mr. Speaker and Members of the House: I would not take up a lot of time to further discuss this item. I think it received a lot of discussion the other day. However, I do want to concur with the thinking of the gentleman from Bath, Mr. Ross. You will recall in my remarks the other day I pointed out that there was discrimination to the extent that any boats which are not required to be registered would not be required to submit a certificate. Only boats powered with over 10 horse power motor are required to be registered.

Then too, there is another angle that occurred to me since we discussed this the other day. We have a situation in our area where residents of Houlton base their boats in the Town of Orient, and owners of camps in this particular town pay about ninety per cent of the tax in this Town of Orient where all of the facilities are for the use of their boats. The official residence or legal residence of these people is Houlton, which would be entitled to the tax, and that doesn't seem right to me. Thank you.

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

Mr. HANSON: Mr. Speaker and Members of the House: I would like to rise in support of Mr. Hanson's motion. I feel that the very able gentleman from Bath, Mr. Ross, has made some serious errors in his presentation. He is very knowledgeable in some fields, but I feel he is perhaps not so



knowledgeable in the assessing and collection of taxes.

I have served as tax collector for a number of years, as I pointed out previously, and I can't imagine that this proposal would create any such hardship as he envisages. I do feel that those persons who own boats who now get away with it without having to pay taxes by hiding the boat in some remote area or some other town that doesn't collect taxes would have to make known the fact that they do own a boat and it would be subject to tax. I feel that this is a tax that fits very well with the ability to pay concept in taxes; these people, particularly pleasure boat owners, certainly if they can afford to buy a boat they can pay the tax.

Mr. Ross indicated that it would be a problem with out-of-state owners. I would suggest that currently in our tax structure we have several instances where persons who live without the state and have to do business with the state have to show that they aren't liable for taxes within the state. One very good case in point is in the registration of a motor vehicle. If you've lived out of state prior to this current year and you're not required to pay a poll tax in that state, why you have to indicate that the poll tax is not required, and this is very easy to do — just indicate residency in a state that doesn't require a poll tax. There are several instances such as this. As far as the comment of Mr. Dickinson that those boats that were not required to be registered would not have to submit a certificate, I'd like to point out that we currently have a great number of instances of various types of equipment which fit in that category today. Any motor vehicle which is not registered, farm tractors, logging equipment, farm trucks — things of this nature — which aren't required to be registered, don't have to file a certificate. If the assessors in the community find these vehicles they are then subject to a personal property tax. There is an incentive actually to pay the excise tax, because it generally is lower than a personal property tax.

But I trust we can find nothing wrong or unworkable about this bill; I think it's a worthwhile step in the right direction. It certainly isn't a panacea or the answer to everything, but it certainly will prevent a lot of the abuses under this present structure where some communities tax and others don't, and some living in these communities are taxed get away with it by having their boat in a community that doesn't tax; and I would feel very strongly that we should go along with the gentleman from Gardiner, Mr. Hanson. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Haynes.

Mr. HAYNES: Mr. Speaker and Members of the House: I wish to speak in support of Mr. Hanson's motion. The gentleman from Bath, Mr. Ross, spoke of my town — Camden, and I would like to have him know that Camden does tax boats, and being one of the assessors I assure you we have no difficulty at all in ascertaining the value of boats. I think that this is a step in the right direction and I can't conceive of taxing a man owning a home of say \$10,000 and then exempting a boat that may cost anywhere from twenty to a hundred thousand dollars. The boat tax is a very important part of our town income, and I see no reason for any tax shelter for people owning boats or a special exemption for people in the boat business.

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

Mr. COOKSON: Mr. Speaker and Members of the House: I too wish to concur with the gentleman from Gardiner, Mr. Hanson. This is the best bill that I have yet seen regarding boat registration or taxing, and I certainly think it should pass. It would be of tremendous help to the assessors of these towns and cities. It certainly won't be anywhere near as discriminatory as the situation that now exists. Thank you.

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

Mr. HANSON: Mr. Speaker and Members of the House: I think this was well discussed the other day, it's such a minor bill I'm sorry it's taking up so much time.

At the time this came out of Committee it came out unanimous "ought to pass." I have been contacted, or I have contacted boat dealers; I have contacted the presidents of some of the boating clubs and so forth, and in general they are opposed to this. Now the mention has been made of boats that have been tied up at the piers on the coast and so on where they were opposed to paying any tax any way whatsoever. I just paid my taxes on my camp which is located in wildlands territory and everybody that has a camp pays their taxes on it, and I can assure you that there are many that own boats which in my opinion it would do them no harm to pay a small tax on it — but that is not what this bill does.

This bill in fact does not affect the dealer. The only thing that it does require is for the gentleman that wants to register his boat to go down to the tax collector once every three years and have a form made out. One of those forms goes to the assessors so that they have a record of what the boat is and where it is located, and for once, if this bill passes the assessors would know where to tax a boat if they were taxing the boats. Now there are many communities in the state that are not taxing the boats, and this does not change the law in any way whatsoever in regards to that.

I will say this, in all fairness to the head of the Watercraft Division, Mr. Bob Johnson. I have talked with him on this as well as in regards to excise tax and annual registration and so forth. I won't get into that, but if this bill does pass it's going to mean that he would probably have to have one extra girl in his office to take care of the added correspondence, because it is their policy, and I think it is a fine policy, to send out the application at least a month in advance of the expiration of the old registration. And to these boats which are stored in the State of Maine, and

the owner resides out of state such as in New Jersey, Massachusetts, and I do know that there are some from there that do own boats which are stored in the State of Maine, because it is the only inconvenience of writing to the tax collector in the town where the boat is stored and receiving from that tax collector or whoever the person might be a receipt that the tax has been paid. Now this can be a small added cost to the Department of Watercraft.

I think the Committee has put in a great deal of time. I think this is a very much watered-down bill and as far as I can see it does not affect the dealer, and if they want to pull their boats out and store them in another community where they do not tax boats, it's their privilege to do so — they can do so like they have been over the past several years.

I think that this has been discussed at length. I would ask for a division on this, and I would hope we can get on with more important business.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: This is almost getting hysterical on this taxation on boats. I think that there's a great deal of discussion by people that are not too aware of what a boat even is.

If the taxation were equal in the various communities in the State of Maine I don't think that there would be any problem with this, but I can take you to communities where two boats of equal value and equal type are taxed three times as much in one community as they are in another community. This law isn't going to help that and until he has an assessment situation one bit.

I would like to pose a question through the Chair to the gentleman from Solon, Mr. Hanson, who as a tax collector perhaps could answer this. It is my understanding that at the present time the law provides that on the first of April you report all of your taxable property and the valuation of it to the assessors. Now if you don't, you are liable to any amount that

the assessors wish to tax it for. is that true?

The SPEAKER: The gentleman from Stonington, Mr. Richardson, poses a question through the Chair to the gentleman from Solon, Mr. Hanson, who may answer if he desires. The Chair recognizes that gentleman.

Mr. HANSON: Mr. Speaker, this is very true. I would, however, make the point that very, very few people take advantage of this opportunity. Business people knowledgeable in tax matters do, the average citizen does not unless and until he has an assessment problem. Then he finds to his dismay that when he goes to Court or appeals that he has waived his right of appeal because he hasn't made this statement — and from then on perhaps he will, but the vast majority of the people do not. There's no legal requirement that they must.

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

Mr. ROSS: Mr. Speaker and Members of the House: Just to answer a few very brief questions. The gentleman from Bristol, Mr. Lewis, said this was a far cry from the original bill — well it certainly is. He said he commended the Committee for doing a tremendous amount of work on this. The Committee didn't even see this until just a week or two ago. He was afraid that certain people wanted to eliminate the tax on boats. That's not so, and this is not the proper step I don't think, the proper first step. It is a step that should come after we have made the others, but I think this is the last step in our journey.

The gentleman from Solon, Mr. Hanson, said that I certainly wasn't knowledgeable in the field of tax collection. At least I was knowledgeable enough in the field of tax collection to admit that this would help certain tax collectors.

The gentleman from Gardiner, Mr. Hanson, mentioned that he had just paid his camp taxes, and I'm sure that that is so and many persons have; but these people I'm talking about are transients who already pay substantial dockage fees, and this would be like taxing

a person who rented property for personal property.

All of the speakers have admitted that we have serious problems, and that this is just a watered-down solution, and these are the only reasons that I believe it should have a competent study.

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

Mr. HANSON: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Bath, Mr. Ross, who may answer if he chooses.

It occurs to me that these transient owners, the owners of these transient boats pay these dockage fees on our coast. Is it a requirement of this state that they be registered in this state or can they use our facilities and be registered in another state? If they're not registered in this state, according to this bill they wouldn't have to file this statement, would they?

The SPEAKER: The gentleman from Solon, Mr. Hanson, poses a question through the Chair to the gentleman from Bath, Mr. Ross, who may answer if he desires. The Chair recognizes that gentleman.

Mr. ROSS: Mr. Speaker, the answer to that is of course in the affirmative, but there are many of these persons who would like to register their boat in the state, and my debate mentioned those.

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

Mr. BERNARD: Mr. Speaker and Members of the House: I support the views of the gentleman from Bath, Mr. Ross, and I personally feel that the tax situation on boats is very unfair. Why should we force our citizens to hide their boats in a neighboring town just so they can get out of paying the tax? And when the vote is taken I would request a roll call.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: This is not a boat taxation bill, this is a boat registration bill, and that should be emphasized. I think we've heard a great many things

that aren't so regarding to this bill. Thank you.

The SPEAKER: The pending question is the motion of the gentleman from Gardiner, Mr. Hanson, that the House recede from its former action and concur with the Senate. The yeas and nays have been requested. For the Chair to order the yeas and nays it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes, those opposed will vote no, the Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Gardiner, Mr. Hanson, that the House recede from its former action and concur with the Senate on House Paper 1212, L. D. 1724, Bill "An Act relating to Boat Registration." All in favor of receding and concurring will vote yes, those opposed will vote no, and the Chair opens the vote.

### ROLL CALL

YEA — Allen, Baker, R. E.; Bedard, Binnette, Boudreau, Bragdon, Brennan, Bunker, Burnham, Carey, Carroll, Champagne, Clark, Cookson, Cottrell, Crockett, Crommett, Curran, Cushing, Danton, Dunn, Eustis, Ewer, Farrington, Fecteau, Fortier, Fraser, Gauthier, Gill, Giroux, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Haynes, Healy, Henley, Hewes, Hichens, Hoover, Huber, Hunter, Jalbert, Jannelle, Keyte, Kilroy, Label, Levesque, Lewin, Lewis, Lincoln, Littlefield, Maddox, Martin, Meisner, Mosher, Noyes, Philbrook, Pike, Porter, Prince, Quimby, Richardson, H. L.; Robinson, Sahagian, Sawyer, Scott, C. F.; Scribner, Shaw, Shute, Snow, P. J.; Starbird, Sullivan, Susi, Thompson, Trask, Truman, Waltz, Watts, Wheeler, White, Wood.

NAY — Baker, E. B.; Belanger, Benson, Berman, Bernard, Birt, Bourgoïn, Bradstreet, Brown, Buck, Carswell, Cornell, Cote, Crosby,

Darey, Dickinson, Drigotas, Drummond, Dudley, Durgin, Foster, Fuller, Gaudreau, Harnois, Harvey, Hennessey, Hinds, Hodgkins, Humphrey, Immonen, Jameson, Kyes, Lycette, McMann, McNally, Miliano, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Quinn, Richardson, G. A.; Rideout, Robertson, Rocheleau, Ross, Scott, G. W.; Snowe, P.; Soulas, Townsend, Wight, Williams.

ABSENT — Beliveau, Carrier, Conley, Couture, D'Alfonso, Dennett, Edwards, Evans, Jewell, Payson, Pendergast, Rackliff, Roy, Tanguay.

Yes, 84; No, 51; Absent, 14.

The SPEAKER: Eighty-four having voted in the affirmative and fifty-one having voted in the negative, the motion to recede and concur does prevail.

The following Communication:

THE SENATE OF MAINE  
AUGUSTA, MAINE

June 21, 1967

Honorable Bertha W. Johnson

Clerk of the House of

Representatives  
103rd Legislature

Dear Madam:

The President of the Senate today appointed the following members of the Senate to the Committees of Conference on the following subject matters:

Bill An Act relating to Highway Commission Land Taking. (H. P. 1196) (L. D. 1699).

Senators:

ROSS of Piscataquis  
FERGUSON of Oxford  
BERRY of Cumberland

Bill An Act Providing for a Tax on Real Estate Transfers. (H. P. 1143) (L. D. 1627).

Senators:

MILLS of Franklin  
YOUNG of Hancock  
GIRARD of Androscoggin

Joint Order, H. P. 1213, relative to recalling from legislative files, Bill "An Act Granting Complimentary Fishing Licenses for Certain Maine Residents in Armed Forces."

Senators:

HOFFSES of Knox

ROSS of Piscataquis  
SEWALL of Penobscot

Sincerely,

(Signed)

JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The SPEAKER: The House is honored this morning by the presence of Miss Mary K. Gonya of Millinocket. Miss Gonya is Miss Maine of 1966. Miss Maine is accompanied by her business manager, Stanley Godes. Miss Gonya represented Maine in the Miss America Pageant last year. She has been travelling throughout the State and New England for the last year representing the State of Maine. She will enter the University of Maine at Orono for her Senior year and plans to work for a Law Degree.

She would like to make a short address to the House, and this being in the province of the Speaker it will be granted. She is the guest this morning of the Representative from her home town, Representative Crommett of Millinocket and the Chair would request that Mr. Crommett escort Miss Maine to the rostrum.

Thereupon the gentleman from Millinocket, Mr. Crommett, escorted Miss Mary K. Gonya to the rostrum, amid prolonged applause, the members rising.

The SPEAKER: Miss Gonya, Miss Maine of 1966, and you may address this honorable body.

Miss MARY K. GONYA: Thank you, Mr. Speaker, and it certainly is an honorable body and I must say it is kind of an imposing kind of feeling to be in front of so many distinguished people at one time. It is my pleasure and my sincere honor to be here among you today, and thank you for such a lovely welcome.

I just want to say a few very short words since I am representing you in a not unofficial capacity but in perhaps a more casual atmosphere greeting people from all over the country. I see bus tours arranged through travel bureaus and that sort of thing and

to many people I am the only Mainiac they ever get to see, so I feel I have a slight responsibility to you to extend to them all the hospitality and all the genuine sincere feelings that we have of people coming up to visit us, and I don't think it is your feeling that Expo '67 has hurt us this summer, but I am very anxious to extend every courtesy to the people that come for the summer and I think it is our job all over, and I would like to say as Mary K. Gonya and not Miss Maine, that I appreciate your efforts, it's a humid day, and I know you are awfully anxious to get home. I am a political science major incidentally so I can understand you are all anxious to get your business over with and get home, and I appreciate your letting me come here today and very simply and very humbly thank you for your efforts for the State of Maine. Goodby now.

Whereupon, Miss Mary K. Gonya retired from the Hall of the House amid prolonged applause, the members rising.

#### Orders

Mr. Richardson of Cumberland presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the joint standing committee on Appropriations and Financial Affairs be ordered to report a bill to implement vocational training facilities in Northern Kennebec County, said committee to carefully review the alternatives of what direction vocational training in Northern Kennebec County should take in order to conform to the over-all interests and needs of the area under the various programs available by statute or through administration of the Department of Education, recognizing that the school of practical nursing in Waterville should be expanded as an integral part of any program proposed for the area, and that, in its discretion, the committee can suggest to the legislature the feasibility of how best to fund such alternatives as they propose. (H. P. 1230)

The Order received passage and was sent up for concurrence.

Mr. Hichens of Eliot was granted unanimous consent to address the House.

Mr. HICHENS: Mr. Speaker, I would inform the Members of the House of the accidental drowning of the father of the Assistant Attorney General, John Benoit, and request an expression of sympathy from Members of the House be recorded and a copy sent to Attorney Benoit.

#### Passed to Be Engrossed

Bill "An Act to Authorize the Construction of a Research and Advanced Study Building for the University of Maine at Portland and the Issuance of Not Exceeding One Million Eight Hundred Thousand Dollar Bonds of the State of Maine for Financing Thereof" (S. P. 468) (L. D. 1160)

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

#### Third Reader Indefinitely Postponed

Bill "An Act to Establish Thirty-three Districts for the Election of Senators in the State of Maine and Report in Support Thereof" (S. P. 676) (L. D. 1709)

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

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

Mr. PRINCE: Mr. Speaker and Members of the House: I hate to belabor this bill. I spoke on it yesterday. I had many telephone calls last night from people of my town that are tremendously upset, so I am going to make another pitch on this bill in hopes that it does not become engrossed.

People of Maine think of each other as family, as a big family, due perhaps to a tradition born in early days of our provincial existence; steeped in tradition, we respect each other of the various cities and towns of our great State, we respect each other religiously and politically and like to challenge each other as municipalities in sports, politics and education, in a spirit of fun and seriousness.

Maine people love their municipalities, their county as well as their great state, and they will not stand for shenanigans. They become actively concerned when their state, county and municipal government is affected in any capacity. This part of the bill of Senatorial Districting in Cumberland County will not be an exception to this rule. The people will accept, however, what they consider is fair even though they won't like disturbing county lines any more than necessary. With this thought in mind and knowing townspeople as I do, and as you do, that this situation that I speak of that involves three counties to make this District 11, or the 33rd District, will create great turmoil in all the towns affected with this ridiculous and unscrupulous plan. I urge you to vote against this bill.

Yesterday I reminded this House of a situation pertaining to Senate Districting that involved Cumberland County whereby in the Majority Plan they import approximately 8,000 population from York County into Cumberland County to make District 5, by going the whole length of Cumberland County on its western boundary, and export the population of Brunswick and Harpswell in the east side of Cumberland County in the seven towns of Sagadahoc County. The population of Harpswell and Brunswick is approximately 18,000.

I reminded you that Harpswell and Brunswick, Freeport, Yarmouth, Cumberland, Falmouth, Portland and Cape Elizabeth were contiguous with each other and formed the entire coastal region of Cumberland County and Casco Bay. I reminded you of the fact that District 11 set up in this Majority Plan included Harpswell and Brunswick with a population of approximately 18,000, with Topsham, Bowdoin, Bowdoinham, Richmond, West Bath, Phippsburg and Arrowsic, and how Arrowsic was not contiguous with the rest of the District. I reminded you how this made the 33rd District even though they call it District 11.

I reminded you of the turmoil and confusion that has started to present itself in the towns of this

proposed district. I reminded you of what I thought was poor planning in carving up Cumberland County and driving it down the throats of the citizens that cannot be blamed because they happen to live and work in the heaviest populated county in the State of Maine. Why should they be penalized for this? I reminded you that we were legislatively classed with the Town of Yarmouth, and that we should still be classified with them in the Senatorial Districting. Why should we in Harpswell have to be separated from this classification?

I reminded you that I thought this Majority Plan was bad political strategy when you kick out 18,000 population in one sense of the word, and elect a Senator from Brunswick because of its population of 16,000 within the county lines of Cumberland County, making the 33rd District proposed. It would be much fairer for Brunswick and Harpswell along with Freeport, Yarmouth, Cumberland and North Yarmouth all of Cumberland County, to be classed as they should be within the county lines of Cumberland County, making the six districts and allow Sagadahoc to set up its own Senatorial District.

I urge you to accept this Commission plan because this plan was made up of members of both parties and nonpartisan members. This plan follows the absolute mandate of following county lines as closely as possible. This plan might be a better plan for the citizens of our State than the plan that the Court will finally come up with.

I conclude my remarks by informing you that there isn't two nicer towns in Cumberland County than Brunswick and Harpswell or any towns that have contributed more financially or politically. Please favor these two towns of Cumberland County by keeping them contiguous with each other and I hope that this bill does not become engrossed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would certainly hope that today we

would vindicate our action of yesterday and pass this bill to be engrossed and I would request that when the vote is taken it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: I would like to call to the attention of this House what the so-called experts who were on the Commission did to Lincoln County, the county in which I reside. They really threw us to the wolves. They split us down the middle, dividing us by the Damariscotta River, throwing half of the county in with Sagadahoc and half of the county into Waldo. Now, if you don't think I was pressurized as a result of this action, you've got another guess coming because Lincoln County was up in arms as a result of the report of the Commission and being the third oldest county in the State, at one time being the only county east of the Kennebec River, we feel that we were certainly done in by the Commission Report, and I would like at this time to support the bill before us at the present time.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I would like to concur with the gentleman from Harpswell in all of his statements and I would like to say that I deeply regret the fact that Lincoln County is split. I also deeply regret the situation that was arrived at in Piscataquis County in the Commission plan whereby Piscataquis was joined with Northern Aroostook. This is probably one of the most far out parts of the plan. Overall, however, following the reasoning that the members of the Commission followed in the booklets that were distributed to you, the report the early part of this session, they could hardly have arrived at any other conclusion.

They tried as near as may be, as the amendment to the Constitution states, to keep within county lines. They tried as near as may be to the best of their ability to

keep within town and city lines. In some places they had to deviate; they deviated only where they felt it was necessary. In the Majority Plan it is my feeling that the deviation was not only where it was necessary, it was sometimes done for expediency.

Now, this whole business of carving up the State of Maine into thirty-two or thirty-three districts, between thirty and forty, did not sit well on my stomach in the first place. Those of you who were here in the last session know that I argued for a straight county line system, if such could be done. Only when I found that this could not be attained did I try to attempt to get at least some system of Senate reapportionment into our Constitution in order that the courts would not be shoving something we disliked even worse down our throats. And so we have the system that we have here today.

Perhaps I shouldn't say that I told you so, but if the plan of the Majority of the Interim Committee on Senatorial Reapportionment of the 102nd Legislature had been adopted, we would not now be in the situation that we are in. I hope that you will make the best of a bad bargain and that the report that is finally adopted will be the Commission Plan, and if there can be perhaps, reasonable compromises made in the two areas that are quite ridiculous probably, in the Commission Plan, if there can be compromises made in those areas I believe there can be. I know I should try to work in that direction as I did in the Committee; however, a majority of the committee did not see fit to work in that direction so I had no recourse but to adopt what I considered the better plan.

I hope that you will go along with Mr. Prince in due time in accepting the minority plan and for the present, I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, now moves that L. D. 1709 be indefinitely postponed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would strenuously oppose this motion to indefinitely postpone and I would ask that when the vote is taken, it be taken by a roll call.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: All of you from whatever county that you object to what's been done, I hope you know who to blame and the blame for all this rests on the shoulders of the Majority Leader of this House from Cumberland County, Harrison Richardson, and anybody that knows what's going on and I believe you all do, know this. But, it is well to go back to your counties and your people and tell them this fact. I am amazed, I really am amazed, he professes that in the legal profession and if he gets to be a judge which I hope he does, is he going to be guided by what he's done here, to judge things on a very purely selfish, greedy scandalous basis? I hope not. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: This document has been very well debated yesterday and anything I will say today most likely will not change any one single vote, but I just like to remind the distinguished members of this House that it is not my feeling that the people of the State of Maine will go along with the Republican Leadership of this House or the other branch in further trying to gerrymander the different districts of our own State into what we would call political expediency. So it is my sincere feeling this morning that this House would do well in defeating this measure and adopting the nonpolitical Commission Plan that has been presented before you. Thank you.



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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would like to remind the members of the House that we have no other report before us. We have this report and this report only. This is the only thing that we are discussing, the other report has been turned down and is done. Thank you.

THE SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I just want to speak for a moment on this, as being a signer of the Majority Report. I do wish to state as far as the people back home are concerned, either they do not consider me very important or they do not trust me, I have not heard one single word for or against either of these plans from one single person in my county aside from the political leadership here in Augusta. So, and I have not been pressured by any group, politically or otherwise, any decision I made I made on my own and I felt that this plan is the lesser of two evils. I urge the membership to vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: If I am any judge from the orders to recall bills from the legislative files that have passed across our desks in the last few days, I think practically anything can be resurrected, so I would not say that the majority report was absolutely dead yet but may yet rise from the grave.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Kingman Township, Mr. Starbird, that L. D. 1709 be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call

will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kingman Township, Mr. Starbird, that Senate Paper 676, L. D. 1709, Bill "An Act to Establish Thirty-three Districts for the Election of Senators in the State of Maine and Report in Support Thereof" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no. The Chair opens the vote.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I request permission to change my vote from no to yes.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, requests that his vote be changed from no to yes, and the Clerk will so record it.

### ROLL CALL

YEA — Bedard, Belanger, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Bradstreet, Brennan, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Conley, Cookson, Cote, Cottrell, Couture, Crockett, Crommett, Curran, Cushing, D'Alfonso, Danton, Drigotas, Dudley, Durgin, Eustis, Farington, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Gill, Giroux, Hall, Harnois, Harvey, Haynes, Healy, Hennessey, Hewes, Hoover, Hunter, Jalbert, Jameson, Keyte, Kilroy, Kyes, Lebel, Levesque, Martin, McNally, Meisner, Milliano, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L., Prince, Quimby, Richardson, H. L.; Rocheleau, Roy, Sawyer, Scott, C. F.; Scribner, Shute, Starbird, Sullivan, Tanguay, Townsend, Truman, Wheeler.

NAY—Allen, Baker, E. B.; Baker, R. E.; Benson, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cornell, Crosby, Darey, Dickinson, Drummond, Dunn, Evans, Ewer, Foster, Fuller, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.;

Harriman, Hawes, Healy, Hichens, Hinds, Hodgkins, Huber, Humphrey, Immonen, Jannelle, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, Mosher, Noyes, Philbrook, Pike, Porter, Quinn, Rackliff, Richardson, G. A.; Rideout, Robertson, Robinson, Ross, Sahagian, Scott, G. W.; Shaw, Snow, P. J.; Snowe, P.; Soulas, Susi, Thompson, Trask, Waltz, Watts, White, Wight, Williams, Wood.

ABSENT—Berman, D e n n e t t , Edwards, Jewell, M c M a n n , Payson, Pendergast.

Yes, 76; No, 66; Absent, 7.

The S P E A K E R : Seventy-six having voted in the affirmative and sixty-six in the negative, the Bill is indefinitely postponed in non-concurrence and sent up for concurrence.

The S P E A K E R : The hour of eleven o'clock having arrived, the Chair lays before the House the following special order of the day:

An Act to Appropriate and Provide Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969 (S. P. 597) (L. D. 1575)

(In House, failed on passage to be enacted)

(In Senate, enacted)

Pending question—further consideration.

The S P E A K E R : The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I move that the House recede and concur with the Senate in the enactment of this L. D.

The S P E A K E R : The gentleman from Cumberland, Mr. Richardson, moves that the House recede from its former action and concur with the Senate in the enactment of this L. D., and the pending question is the enactment of L. D. 1575.

The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker and Ladies and Gentlemen of the House: Maine is not a rich state;

it is a struggling state. Our economic resources, industrial resources, and population are not characteristic of the affluence attributable to so many of our sister states. Our per capita personal income is the lowest in New England and below the national average. Our per capita percentage of tax collections to personal income is the highest in New England and higher than the national average. We do not enjoy those economic advantages that would enable us to think and act like an affluent state. Therefore our thinking must be realistic, our programs must be realistic, our proposed spending must be realistic. Our first order of business must be realism as it pertains to state financial responsibility, and we should act forthwith to approve on a compromise basis the business of our State for the 1967-1969 biennium.

On January 5, 1967, our Governor stated the task of this Legislature and his Administration in an appropriate, unfeigned manner. "We cannot remake Maine in two years, even if we wanted to. But we can select the long-range objectives toward which our State should be moving. We can point the way toward those objectives, and we must take the first few steps in what will be a long, difficult journey to reach those objectives."

Has the majority party acted realistically in the proposal and presentation of their program? Definitely not! A one percent increase in the sales tax is not realistic! Objections to school construction bonding is not realistic! A very huge deficit that would be imposed on the 104th Legislature is not and would not be realistic! A \$65.00 increase in the Foundation Program is too much too soon. But I am certain a compromise increase could be agreed upon. And who among the educators have preached the undesirability of bonding brick and mortar projects? Bonding is a fact of our times. You have all read the editorials in the Bangor Daily News, the Portland Express, the Sunday Telegram, and others. They all agree that the sales tax increase

proposed by the Majority Party is unnecessary and unwarranted at this time. They agree, I agree, you should agree that a compromise is absolutely in order.

I admire the tenacity of the Republican Party. You certainly admire and respect the tenacity of the Governor and the Democratic Party. The Republican Program is not going to win approval! That's a fact! A compromise program is going to win approval! That's also a fact! If the Governor were Republican and we were the Majority Party, your position would be just as adamant. And it would be just as responsive to compromise. Longfellow in "A Psalm of Life" stated our position and the realistic position of the Governor's program:

"Not enjoyment, and not sorrow  
Is our destined end or way;  
But to act, that each tomorrow  
Brings us farther than today."

And I conclude by paraphrasing a statement by Adlai Stevenson: "I yield to no man in my belief in the principle of party debate. The sound of tireless voices is the price we pay for the right to hear the music of our own opinions. But there is also a moment at which a party must prove its capacity to act. Every party has a right to be heard, but no party has the right to strangle a state with a single set of vocal cords."

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: This is possibly a third or fourth time that this document has been before us in different forms and I have often wondered where the image of the Republican Party has been doing at this session of the Legislature. Most of the people of the State of Maine have been under the impression that the image of the Republican Party has always been of economy and responsibility in state government. At this session of the Legislature, I have failed to see in many areas where this had been pursued at this session of the Legislature by the Republican Leadership of this Legislature. The Leadership of both branches

has made absolutely no effort whatsoever in trying to arrive at a fair compromise or at trying to arrive at a compromise at all. The Governor in turn has made numerous efforts either through his weekly newscast or by personal letters to the leadership from May 18th, personal letters to the leadership on May 22nd, invited and met with President Campbell and the Speaker of this House, on May 26th a letter by Governor Curtis to President Campbell and Speaker Kennedy, on June 7th at the Governor's invitation, President Campbell and Speaker Kennedy, and as I have indicated almost weekly in his newscast. To this date the Republican leadership has not made any attempt or even any approach to arriving at what we think a compromise can be made. And this morning, ladies and gentlemen, there must be a compromise.

Let us not try and kid ourselves here in the august body, nor the rest of the people of the State of Maine, that this sales tax measure and the package will receive passage this morning. It is not so. This morning we find in a column from a Portland paper, a distinguished writer for that paper has predicted that the Majority Party had been able to sway eight members of the Democrat Minority in this House. It leads me to wonder this morning that if the prediction of this writer that the Majority Party has received eight votes from the Democrats, that if this prediction is not by chance the same prediction last November that Governor John H. Reed would then win by a considerable margin. As you can very well see, predictions can be made but they are not always very well received.

At this session of the Legislature as you have seen, you members that have been here in previous sessions of the Legislature, the leadership of this House and of the other branch have not tried to conciliate any of the differences between the two parties. At every turn of events the Republican leadership has tried to alien-

ate each and every Democrat in this House and in many instances members of their own political party. They have used devious means of arm twisting, cajoling and threats for important legislation that is not going to be passed by their merits, but this legislation they were assured were going to be passed only if they voted the way they wanted them to vote. And this, ladies and gentlemen of this House, I fail to see where the Republican leadership at this day on June 22, 1967, one day short of the longest session of the legislature in the last quarter century, that we failed to be able to reach any compromise by this kind of expediency of killing good legislation just because you don't vote with the Majority Party.

So this morning, ladies and gentlemen, this document is before us with the tax measure and as it has been previously stated, it is impossible for the Democratic leadership and the present Governor of this State that this document is the best thing for the State of Maine. So, therefore, I move that when the vote is taken it be taken by the yeas and nays.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I have no intention of going all through the program nor do I have any intention of engaging in a backbiting partisan dispute with the gentleman from Madawaska, Mr. Levesque, or any other member of this House.

It has been suggested, however, on this matter of compromise, that somehow the Republican Leadership is responsible for the lateness of the hour and the crisis that confronts us. I must most respectfully reject this statement. Yesterday, or the day before, the Democratic leadership came forward with a program, the essentials which apparently are that we remove the exemption on the present sales tax for such items as fuel, including wood, coal and oil, school lunches, bibles, funerals, medicines, ex-

empting only the food and sales to governmental institutions. This, if it's being offered in the guise of a compromise for public consumption, is completely and totally unacceptable to the Republican Party and I believe it is completely and totally unacceptable to many Democratic members of this House.

Now, the Republican leadership has responded to every request from the Chief Executive of this State and from the members of the Minority leadership to sit down and discuss our problems anytime. That situation has existed right from the outset and it always will exist. I don't want there to be any impression in anyone's mind here that the Republican leadership has not been ready, willing and able to sit down with the Governor anytime that he has called them and every time he has called them they have gone and discussed the matter with him.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: In view of the remarks by the gentleman from Cumberland, Mr. Richardson, that presently he is not in a position or he is not willing to engage in a backbiting battle. This is relatively new to us because from January 5th to this day, it has always been a backbiting engagement, and to the possibility that the Democrat minority have gone into a research and study of the feasibility of broadening the base and that is exactly what we have done, research and study. We have made no proposal nor has the Chief Executive made that proposal known to this House or the other branch. And fully recognizing that the leadership has agreed to sit with the Governor I think probably every newspaper in this State has carried what the reactions were. We are going to pass our package and that is the end of it. We are going to pass our package and if that should fall then we'll probably sit and talk.

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

Mr. QUINN: Mr. Speaker and Members of the House: I would like to support the motion of the gentleman from Cumberland, Mr. Richardson and make a few comments concerning this L. D. 1575. This pertains to our government functions and the government functions for the benefit of all of its citizens. All of our people can participate in the service and benefits rendered by the government and these services have to be paid for and they have to be paid for by taxation. And it is my belief and opinion that all should participate in a method of taxation that all can participate in. I am against patchwork taxation. I do not want somebody else to carry my burden, I want to pay my fair share of the costs of government. I do not want the man that drinks liquor to carry the burden; I don't drink liquor. I don't want the man that smokes tobacco to carry my burden; I don't smoke tobacco. I want to pay my fair share and if you are good citizens you also would want to pay your fair share. If you loved your State of Maine you would want to participate in it and do those things that would benefit it.

Now, why trade horse, why have these differences, why not get down to basic facts and realize that we want to do those things that our State needs? And we want to provide those things that our State needs. We want to help the poor. We want to help their retarded children. We have a lot of good programs for which we discussed and debated before this Legislature. Are we going to wash them all out because we can't be reasonable. Because we can't be sensible? Now, let's stop the foolishness. A one cent tax will not hurt anybody, it will not hurt anybody, and it will give everybody an opportunity to participate in their government of their State and the benefits that will be derived to their State from this good legislation that is in on the other body's taxation table. Now, the only way we can put those good measures into effect is to appropriate the required amount of money. And in appropriating the required amount of money, let's do it so everybody

participates in government. By everybody participating in government, everyone will appreciate government better and more.

Just as a hypothetical case to see how this thing might work out. If an employee takes home say a payroll of \$80.00 a week and spends \$30.00 a week for food, which is nontaxable, plus \$20.00 a week for rent, which is nontaxable, that leaves him \$30.00 a week. Now if he spends all of that \$30.00 a week on taxable items, 1 percent increase in the sales tax will only amount to 30 cents a week. So that the most that he can spend by the one percent increase in sales tax being 30 cents a week it would amount to \$15.60 a year. Now that isn't going to hurt anyone of that pay scale; of course anyone getting more than that would pay their proportionate share, and that would be a small proportion of the overall fifteen million dollars to be raised, necessary to be raised by a tax.

Tourists and other people visiting our state would participate in this type of tax. And in my way of thinking it is the proper kind of tax and the kind of tax we need for all of our people to get the results, as I said before, which we need.

I'm not going to bore you any more with a long dissertation. You've heard enough about this, but the fact remains we should have a uniform tax that everyone will participate in. We don't want somebody else to carry our load and when you have a roll call you'll indicate whether you want to pay your fair share or whether you want "John Brown" to carry the load. I thank you.

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

Mr. HEALEY: Mr. Speaker and Members of the House: Sitting in here under the, or beneath rather, the heavy gun of the Republican Party, I find myself in a position to challenge the jurist. He made the point that it is an increase of one percent. This is an increase of 25 percent.

The Press Herald, or rather the Evening Express, Sunday's Evening Express spoke about the pres-

sure tactics of the MTA, that's the Maine Teachers' Association, and to speak against the Maine Teachers' Association is a sacrilege probably the same as speaking against the Parent-Teachers Association. This tax increase is more for an increase in pay. What do they want, blood?

The people of the State of Maine will assume the greatest burden of this tax increase. To be sure the tourists participate in it for about two months of the year—July and August. I would hope that you folks would have compassion upon the people of the State of Maine and defeat this motion. Thank you.

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

Mr. SHUTE: Mr. Speaker and Members of the House: I don't believe that what I say here this morning is going to change many votes, but the gentleman from Portland, Mr. Healy, the gentleman from Portland, Mr. D'Alfonso have mentioned education. Since I've been deeply involved in education in this, my freshman year as a legislator, I feel that I should mention something about a portion of 1575 this morning.

Conceived in the womb of the 102nd Legislative Research Committee, born to members of the 103rd Education Committee and displayed on public view before a packed gallery of well and ill-wishers in Room 105 — its midwives were Hope — hope springing from the breasts of Maine communities who see at long last a meaningful additional attempt on the part of the Father — the State — to reimburse school units for a substantial education effort. And Faith — faith on the part of a public, now overburdened with one of the highest in the nation, that ever-increasing property tax burden.

I do agree with Mr. D'Alfonso in that Maine is not a rich state and our taxes are heavy, but here at long last we have a Legislature which would provide local units with tax relief. This is where it is needed — this is L. D. 636, first named — in puberty to become L. D. 1642 and now part of a family in L. D. 1575.

Let us speak of this education bill of which we have been privileged to be one of the godfathers. Let us speak of its meaning to our constituents, from Ellsworth to Eliot — Kittery to Calais, Vassalboro to Van Buren and Farmington to Fort Fairfield. Here in these towns, in your town, your city, government costs almost unbridled by inflation are rising. Needed sewers go unbuilt, sidewalks go unconstructed or unpaved. Police beats go unwalked. It becomes more of a burden on our local taxpayer to build these needed new streets for the onrushing populations of many of our communities. Those whose years are dwindling also find incomes dwindling under the demands of increasing property taxes. Fixed income and retired persons groan under burdensome school and local taxes. They ask for relief now. As an example, the National Education Association figures just released reveal that Maine is nineteenth ranking state in property tax effort to support education, but forty-first ranking in general support of education, the conclusion obviously is that the burden is exceptionally heavy on the property tax. It has been said that up to 80 percent of State monies received under this bill would go to meet teachers' salaries. This is the objection the gentleman from Portland, Mr. Healy has made.

Those of us who have served on school committees and school district boards of directors are fully cognizant that teachers' salaries represent the lion's share of any school budget. This will not change. Personal services in any local school unit's budget will continue to take the biggest slice.

School units must plan ahead. They must arrange teacher salary schedules to conform to the X factor in education. . . the competition for teachers from neighboring communities and around the State and out of State. It is a fact of life. Time was, ladies and gentlemen, when teachers, having graduated from 2 or 3-year institutions, commanded pitifully small salaries. Most of you remember those days. Their pres-

tige was as low as their paychecks. Following World War II, happily, things began to change, not only here but all over the country. Now the situation is different. As with other professions, teachers have raised their sights and standards. Now they stand, as they should, with others who have earned their standing through 4 or more years of intensified training. Requirements for post graduate work have increased. Maine is getting a better trained teacher to meet the demands of the modern world in which more technological changes have taken place in the last 30 years than since Time began.

Our local school units adopt salary schedules to keep them in a competitive position. They desire to keep their good teachers, not to see them leave after tenure has been achieved. L. D. 636, now a grown child in 1575 would help your local communities, your school districts to meet these salary commitments. There is a shortage of teachers, we all recognize. At the moment, as of June 2nd, 873 vacancies exist. For the past five years an average of 521 graduates of our state colleges and the University of Maine have stayed in Maine to teach. By August 15th there will be a shortage estimated at 700 teachers.

The State Department of Education tells us that in 1969. . . a year for which we are funding. . . local school units will see their education costs rise 8 million dollars. All school districts, all school units, in city and in town, will see their total school costs increase by \$8 million in 1969.

What if we do nothing about this burden? Shall we permit the folks at home to assume it. . . this \$8 million? I tell you my friends, this would be the hoax, the true and cruel hoax. Assume for a moment this legislature is a do-nothing, garrulous Legislature, as I have heard some refer to it, and this is my first experience, I wouldn't be able to determine that. What happens if we ignore the burden of the local property taxpayer? What occurs if we do nothing more than we are now

doing? This has been suggested by those in high office. I'll tell you what happens! The State's percentage of increase in General Purpose Aid will disappear to the minus level for the first time since subsidies began. Our contribution to the school units around this State will be \$300,000 less than they are right now. Is this what you want to show by your vote today? Not only will school units receive less money, they will offer a poorer quality education. There are three factors involved in this educational scheme right now—inflation, enrollments, increased costs that must be considered by this Legislature.

Mr. Speaker, Ladies and Gentlemen, let us pass this measure and by it, promote a family of progress for our people. Let us say yes, we want our own local school units to share in this fruitful and fair tax increase of a penny. We want our retired and fixed income citizens to be relieved of their heavy burden, which must be diverted to other needed local services. Let us say yes, we intend to join other states who vow that Education is the State responsibility. Let us say yes, we shall give our school units 320-dollars per year per pupil allowance and not leave it as it is for another two years or four years. Let us all, Republicans, Democrats, Independent thinkers, join hands to pass this measure now for the good of all our people. Let us say yes, we know the catalyst to a better Maine economy is a better Maine educational opportunity.

Let us take that giant step in Education, a giant step forward as has been promised, this way, now!

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

Mr. COUTURE: Mr. Speaker and Members of the House: I certainly stand up here to be on record of paying my fair share of taxes in this State. What I do call a fair share tax is not trying to pass a tax to save myself a few dollars at the end of the year and have those that cannot afford to pay for me. Now may I ask this question to the House here. Can the

unfortunate people on the old age assistance only receiving old age assistance can they afford to pay this tax? Can the totally disabled with their State pension afford to pay this sales tax? Can the aid for the blind in this State afford to pay this tax? This woman on ABC with four, five or six children with what they receive from the State can they afford to pay this sales tax? The fact this is only 1 cent sales tax, in my book when it started it was only two, went up, then up again to 4, now all you want on this one is 5, this is a 5 percent sales tax that these people that cannot afford to pay will be forced to do so.

Also, I will not be telling the truth if I stand on my feet here and say that I want to pay my fair share of taxes in the State and at the age that I am and my family is raised and I am alone with my wife and I am putting myself next to a person, a man and his wife and six and eight children in the State would I pay my fair sales tax toward eight persons? I say this, that if every man in this House would place themselves on paying a fair sales tax and a fair tax to be equal in the state the first move we will have to do is dump the sales tax out, out completely as far as the tax is concerned, and then tax people who can afford to pay. They have brought out the fact about the taxes on cars, they have brought out the fact about the taxes exempts on other exemptions we have. Let me assure you that the people earning some eighty dollars a week and there was mention, it was mentioned a thirty dollar a week grocery store, with only my wife and I at home, my store runs twenty-eight to thirty-five weekly. I would like to know how high that the store runs for a married man with five or six children at home if he could eat with thirty dollars a week. I'll challenge any member of this House to prove to me that a man with a family from four to eight, and I'll even go down to four dependents at home can live with thirty dollars a week as far as food is concerned. You just go out

and buy a quart of milk you pay thirty cents. If there are four children at home milk is going to cost you, the least it is going to cost you is \$1.20 a day for milk alone, one quart for each of their children. Is it too much? Which they should have two quarts of milk.

If I wanted to be unfair to my people that I represent here in this Maine Legislature all I have to do is vote for a 5 percent sale tax, then I'll have these people sending me to elect me over here to represent them to pay the burden of the taxes that I should be paying myself. That I would call an unfair tax. I am hoping when this vote is taken that those that have an idea to go along with this completely unfair taxes will try to change their mind if they want to vote a fair taxes to the people.

Again let me inform you that if I can afford to exchange my car every year, I can afford to pay the taxes, more than the burden that you're trying to shove onto the people that cannot afford to pay. If I can afford to buy myself five or six suits a year to put on my back and three or four pairs of shoes or five, maybe I can afford to do it. Do you have a thought about the children going to school up to the age that they are forced to go to school today how much it costs a parent to dress these children to go to school? I went over and bought a pair of shoes for my grandson the other day and I had him with me and he just loved the shoes, I bought them for \$13.95. If I had to dress four or five like this to go to school besides the rest, where would I be? I'd be in a position of having to pay an unfair tax to support those that can afford to pay. And when this fair tax that is mentioned here in this House is mentioned I just don't like it because it is an unfair one, and otherwise I wouldn't even get up here, but it kind of burns me; otherwise I would sit. Many of you the other day was under the impression that I was for the sales tax and some way or another that my vote was yes, but I was going to change it but I waited until such



a time as I would be able; I don't know how it happened to get in there "yes". I went home and I even dreamed about it, I couldn't even have a decent night's sleep over it.

Why don't we get together here and start working toward fair and let's forget sales tax? Now, we'll go along with anybody. If you want a tax on car I'll even go with it, as long as you take this out I will go with any type of taxes and I will go into the fact that I can afford to pay, but I will not vote a tax and deprive any children in this state of a . . . . Now Mr. Quinn came out and said this would only cost them so much per day, amounting to nothing. Even if it only cost them 30 cents a week and if that 30 cents is needed for a glass of milk I wouldn't even take it, but it seems so someone don't care about this, so I do care about the cripple, I do care about the blind, I do care about the ADC and these unfortunate children that live that way; these are the people that I turn my eyes to. The low bracket that the wages are eighty dollars a week, let's come down to sixty-five in many of the jobs and I'll say at least thirty percent, what would they do? Sorry that I took that much time. Even though I am very surprised there hasn't been any debate on this because a little more debate I assume that the fact will come out about this so unfair called taxes and maybe everybody will change their mind and go against it. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Members of the House: As I sit here in the seat of the year, '67, I am reminded that the year of '67 is much different than that year of '60 or even the year of two years ago when I also served in this House.

On the offset I would like to make two statements, one regarding the time consumed in this House and the reason for the length of this session. I think the records will speak for themselves.

You, as I, must have possessed one attribute which is tolerance towards others, because certainly we have had very long debates and some debates that were far from the issue.

Having been in the retail clothing business for some years, you would naturally assume that I would be opposed to such a tax as the sales tax. I want to remind the House that we here in the 103rd have not caused the situation that we are now in. Our predecessors in these halls have seen fit to escalate to stay abreast of the going economy, the escalation of the cost of education, the changing of programs mandated by the Federal government affecting not only the State, but local government. I think that we must in all sincerity gear ourselves to the year 1967 to recognize the needs of the State and to talk about the issues. To talk about a compromise, we need to talk about issues. In the package which is now before us, I have a bill that was introduced two years ago and is now on the Appropriations Table calling for the relief of 18 percent payment now made by the municipalities towards ADC grants. Now this is a program where local government officials have absolutely no control over the funds being spent, derived from local taxes. You can truly say that this is taxation without representation, the tax coming directly from the property owners who are truly being overburdened and if they are overburdened now, what will they be in '69 if we leave the cost where it certainly will be unless we shift the burden? Whether we in our wisdom decide to bond or whatever, we're going to have to face up to the facts of paying the bills.

To say a little further on this ADC question. The Federal Government supports this program at 75 percent, municipalities eighteen percent and the State you can see pays very little, but they have the entire control. Due to the fact that the contract between the State and the Federal Government is such that there is no—and I emphasize, there is no op-

portunity whatsoever for local government officials to direct, to even suggest what sums of money these cases will get. I think it is a thorn in the side of every municipal officer in the State. I think the mileage that we would get for the money and I am sure that people of the State of Maine are concerned more with the mileage of their money than they are in the progress per se, because even though we are in the Northeastern part of the country, the State of Maine certainly — as proud as the people are here in the State of Maine, feel that they must supply the needs comparable to those in other states.

Even though this sales tax looks like a sizeable jump at this time, I assure that in fields of economy, you can look at your grocery list, you can look at any list of purchases you want and you'll see that the cost of living has gone up substantially as the cost of government has gone up. I think today, it would be rather awkward to stand here and admit that I care for taxes of any sort. I think that most of you would prefer not to have any tax, I am sure that the people of the State of Maine don't care for taxes. But, we must face up to the fact that property tax owners are not going to be able to own property, you will find people living in trailers, you will find that the general property holder will be driven out of his home because of taxes. If taxes have doubled in the last ten years, and we continue to leave the burdens as they are on the property tax bearer you can be sure they will double in another ten years. I hope you will see that there is a lot of merit in shifting the burden this time and doing away with some of these programs that are a direct burden to the property taxpayer. Thank you.

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

Mr. HINDS: Mr. Speaker and Members of the House: Before I give my two reasons for voting for this package today, I would like to say that I feel the one

cent increase in the sales tax is much more acceptable to our Maine citizens than the proposal released by the Democratic Party a couple of days ago. I have already had about six or eight phone calls and some from doctors, asking if this would mean that doctors fees and professional fees of this type would be taxed and I told them that they would be. And I am sure the people that the gentleman from Lewiston described earlier, the blind, disabled, and old age people would find that a lowering of the tax from four percent to three percent and being placed on all these things where they actually spend their money, would be of much more cost to them over the period of a year than this one cent increase in the sales tax.

Now, my two reasons for voting for this program are, number one, that as serving as a member of the Appropriations Committee, I have seen many worthwhile L. D.'s come before us; a number of these have been killed and a number of them are still alive. I would be unable to estimate how many citizens travel from all parts of the State to attend our hearings, but I know I would like to have a dollar for each one of them. These people encouraged us to pass this different type of legislation. I know we cannot enact it all, but presently this House has voted for over \$8 million worth of L. D.'s that are presently sitting on the Appropriations Table, and there was some debate on some of these items, some of them were killed here in the House, but on many of them there was no debate raised nor objection to any of these at all. Everybody sat right here and they voted for these and now some people are thinking about voting against the tax to pay for them. That's number one.

My number two reason is that I am a municipal officer in the City of South Portland. I am Chairman of the present City Council. In this package the City of South Portland will gain in the vicinity of \$259,000 a year, directly, and indirectly other amounts. In our City we have presently, this

year, there will be a \$35 tax rate on an assessment of ninety per cent, so this means \$2.50 a thousand to have on their home assessment to every taxpayer in the City and if this doesn't relieve the local tax, I'd like to know what does and I support this package 100 percent.

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

Mr. ROSS: Mr. Speaker and Members of the House: The gentleman from Portland, Mr. D'Alfonso started this out by saying that we are not an affluent state. I certainly concur with that. He stated that we must be realistic and in his opinion it was not realistic to support the sales tax, to object to bonding, and it was also not realistic to have this education subsidy which he feels is too high. I feel that the Democrat program is not realistic. The Governor campaigned on some sort of an emotional vote-getting title called the "Maine Action Plan" accompanied by a sure vote getter a no-tax promise qualified, to say the least, "major". After the heat of the election was over and the facts had to be faced, the Maine Action Plan was primarily watered down platitudes, the tax situation was not no taxes, but a whole parcel of burdensome taxes that I certainly consider major, such as the auto trade-in, repairs and rentals which nobody understood, additional fees for restaurants and places selling certain beverages and so forth and so forth. And, recently, now they would like to include but lower the rate on such things as medicines, doctors, legal fees, school lunches, et cetera.

I stated once before that I was very happy in 1955 to support Governor Muskie's Democrat Proposal to increase the sales tax against my party's wishes. I am now very happy to be consistent and vote for the fairest tax to help assure a Republican Action Plan now.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: It is

needless to say that all of us here in the Legislature have been under great pressures. Personally, I have had to seek higher wisdom than my own to resolve my own stand in this matter. And I sought the comfort maybe in the lessons of history to support my position.

I do not think that it's a simple question of being for education or against education. I know that we do stand low in many educational categories, but I know too, that we stand very high in our State in the tax effort that we are presently making. There are only twelve other states that make a greater effort by its citizens individually in paying taxes per capita per income. Enough for taxes.

I have waited to feel the sweet breath of compromise in the halls of this House and I do hear faint breezes. I have not heard any responsible compromise plan put forth on either side. But, speaking of compromise, we go to the dictionary and it says that a compromise is an agreement or arrangement for the settlement of a controversy or the adjustment of conflicting views by mutual concessions involving a partial surrender of purposes and principles. The famous Edmund Burke born in Dublin Ireland, later moving to England becoming a great lawyer and for thirty years serving in the House of Parliament, achieved the reputation of being one of the greatest orators and humanitarians of all times. And his famous speech supporting America in 1775, his speech on conciliation with the American colonies, he said this "All government, indeed every human benefit, and enjoyment, every virtue and every human act is founded on compromise and barter."

I have here two volumes, very precious volumes, which contain the only authoritative work or report of what went on in the Constitutional Convention of May 1787; James Madison's notes. If you browse through those books, you realize that every sentence, every paragraph, of our Constitution is the result of a compromise, so that scholars call our Consti-

tution a bundle of compromises. Benjamin Franklin after the Convention said, no one is wholly pleased with this document, but they finished their work, they didn't quit. They were only in session five months and they came up with one of the greatest documents in human history. Maine itself was born in a compromise in 1820. In the 1830's a severe disruption of our Nation was saved by the compromise on the tariff. In 1850 the Civil War was postponed by the Compromise of 1850. And, strange as it may seem, but it is a fact, Lincoln himself offered a compromise to the South two years before the war ended in his Emancipation Proclamation, which in truth and effect said this: "Southerners, lay down your arms by January 1st, 1863 and you may keep your slaves. My paramount object is not whether half the slaves are free, all of them or none, my paramount object is to save the Union." I am waiting for a sound compromise.

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

Mr. NADEAU: Mr. Speaker and Members of the House: Just the other day we had a gentleman here in this House, a fellow by the name of Mr. Dennett, who is known as Mr. Dirkson of the House. I would like to quote you a few of the things he said: "I am wondering how many members of this House are aware of the fact that a resident of Maine can go across the border into the State of New Hampshire" but this could hold true in any other state, some of the other comments of the gentleman and then he says "buying beverages such as this and consequently the State of Maine is already losing quite a revenue and with this increase in tax it would cause it to lose more." Further on he also stated "but there is an interest in revenue in the State of Maine and by increasing constantly we not only lose revenue by the law of diminishing returns, but the merchants within twenty-five or thirty-five miles of our border would literally have to go out of business because they could not com-

pete with the neighboring State of New Hampshire," "but on top of that they have to pay a sales tax and this sales tax is not effective in our neighboring states."

There is only one thing I want to comment on briefly, this newspaper article says: "Fixed Income Folks Periled, Banker Says, A top Boston banker expressed deep concern over the wellbeing of people who are now or will be living on fixed incomes provided by insurance and pensions." Another notation which was brought out by a previous speaker. It is said that we have passed many fine bills. I say to you and in reference to this same speaker, how many foolish L. D.'s have we had to, and some of them were passed. Again, how many foolish pay raises, some to the tune of \$5,000 were requested. Are we really thinking of fair tax when we are passing things such as this? Again, I have an article here, I clipped this, I had no intention of speaking but I believe this newspaper was correct, it says "Watchdogs for tax dollars". It says here "the 103rd Legislature may achieve only the honor of being the biggest spender in Maine's history. Our Representatives and Senators in Augusta have a wider financial duty than to tax and spend their constituents money. We believe they are duty bound to watchdog our money. An important part of their responsibility is surely to see that State funds are spent exactly for the purpose for which they are appropriated; to eliminate waste; to keep a lid on mushrooming payrolls;" and I would like to see that underlined, "to evaluate results being achieved; to encourage programs which are succeeding in the jobs assigned to them and to axe those programs which are spending too much and achieving too little."

Now again sometime ago I read an editorial and I would like to quote, this has appeared in many fine newspapers, but this one here came out of a Republican newspaper which is in my town, the Town of Sanford, but this appeared in the Portland paper, the

Bangor paper. "Where has the money gone? For instance — a few years ago our State budget was in the 60 million range. Less than the total increase asked for. Now, the budget is \$191 million. Let us ask the taxpayer how much his taxes have gone down since they increased the budget by \$130 million," and you tell me this is going to reduce the taxes. I can't believe it. And continuing it says, "Over 300 percent increase. How much relief have we really had? In other words, just where in blue blazes has all the money gone?" In closing, all we hear and all I've heard here today and many days in this session of the 103rd, all we hear about is expenditures. All we can think about is spend, spend, spend. Have we forgotten the words, Be wise and save a penny for a rainy day. I personally think that many of these expenditures are like a fat man and you're now looking at one. I think it's time to go on a diet. I think it's time to tighten up your belts, and I think it's time for good control of expenditures within State government. Do you give your own sons and daughters everything they ask you for? Well then why in blue blazes do we give State government everything they ask for? I know some of you, we chopped off here, we chopped off there, but I don't think we did it enough and I beg of you today to think of all the people who voted for you and not just a few who may be opposing this. I think this sales tax is by far the unfairness of them all. We haven't heard a person mention it today and I would personally love to look at your tax return and compare it with the people back home, the poor people, and see if the income tax wouldn't be the fairest of them all.

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

Mr. SHUTE: Mr. Speaker and Members of the House: I must rise to make comment concerning the gentleman from Sanford, Mr. Nadeau. Since January he has liberally quoted editors from his favorite newspaper and I don't object to this at all, I think that our side

can show as many editorials in favor of our position as he can. As one who has more than a passing knowledge of editors, I can say this, that they are misguided human beings depending upon whose cause is being espoused.

And, I have noted too that Mr. Nadeau has taken upon himself to visit many of the hearings throughout our session, has commented upon the fact that he has appeared there, represented his constituency in good faith and I give him due credit for that, and now I know why I voted against an Ombudsman. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I think I can agree with Mr. Nadeau that it is time to take up our belts but I wonder, we look around and we talk about taxing this and taxing that and taxing something else, relief for the property tax; who pays the property tax, it's the person who has the property. And usually the person who has the property is by that very fact alone the one best able to pay it. I own property. Does it make any difference to me if I take a dollar out of this pocket and give to you or a dollar out of that pocket and give to you? I don't think you people if you will stop and rationalize this thing, you will see that our property tax is not going to be lowered if our sales tax goes up. Where is the relief coming from? We'll be just paying more tax. Now, we've talked about an hour and ten minutes on this thing, but I'm going to make a few remarks concerning length of sessions, and concerning taxes. 94 days was the longest session that we ever had, 94 days, and this session adjourned on April 26th, not June the 22nd, 23rd, 24th, 26th, but April 26th, 1852. The practice of working a full week according to the Maine Register, the dates the sessions started and stopped apparently was continued into the early forties. If we had come here and worked a full week we probably could have ironed out our differences a long time ago, and have been paid for it incidentally.

The sales tax; the sales tax is a scheme of taxation that has been with us since 1951. Now, I opposed that tax then with all the vigor I had as a private citizen. I opposed it when Governor Muskie proposed it and if he were here now I would still oppose it. I oppose it not because it's a Democrat that proposes it or a Republican that proposes it, but because it's a bad tax. But the truth is that the Republican Party did conceive this tax and even yet, in 1951 with a much more than two-thirds majority of this House, they were barely able to scrape together the bare minimum of 101 votes to pass it and this was only two cents. Since then it's gone up to three cents during Muskie's administration. In 1963 it went up to four cents; now we are proposing a five cents. Gentlemen when we started, and Ladies of this House, this tax was very similar to the crown of thorns that was pressed down on our Lord's forehead. It drew along with the sweat, it drew the blood from the working man. Now, by the unholy alliance of the Maine Teachers Association and the Maine Municipal Association, we have formed a cross upon which to crucify the people of Maine, and I think you are beginning to see the analogy to William Jennings Bryan. I drew it directly from his speech. This unholy alliance does form a cross today, and if you vote for this tax today, everyone of you, you will be like the Roman soldier that pushed in the spear into the side of our Lord and drew forth the last drop of blood and water.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker and Members of the House: I have a few words here today. Educational standards have improved substantially during the last ten years in Maine. Further improvement within our means will always be in order. But average salaries for teachers in our public schools are up substantially, 64 School Districts have been formed, over \$60 million has been committed to new school building construction. We have advanced farther and faster on this

front than any other. We have accomplished this under an incentive system embodied in the Sinclair Law under the State Constitution.

Whether we agree with the Sinclair Law or not we have to agree with its accomplishments.

Before we allow that already complicated law to be changed by these seven pages of amendments, we should thoroughly understand how it would be improved by such changes and more important still, we should make sure that under the disguise of improvement it is not actually being perverted by these changes.

Was the law so bad that a certain City would deserve a 100 percent increase under the original draft of L. D. 636 and 1682 except that the revision would limit this to a cumulative 95 percent in the last year of the next biennium?

John F. Kennedy once said "That good faith is always subject to proof." Yet certain questions have been termed "irresponsible" because they were embarrassing to the establishment.

At the risk of being labelled "irresponsible" let me ask this question: Simple arithmetic shows that the increased cost of this L. D. for school subsidy alone will be up 218 percent in the biennium following over the one under consideration, using the lowest estimates provided in the six memorandums from the Department of Education since May 18, 1967. If you use their high estimates that increase will be 260 percent of the new money provided by the first two years of this tax and spend, then tax, then spend then tax again. My question: Where will the 12 to 16 million dollars more than two years of a five cent sales tax will provide come from just to cover school subsidy alone?

Let me ask you my dear beloved Republican friends, what would you have said last January of our Governor if he had proposed a program which the State Budget Office immediately stated would create a \$46 million gap for your successors to finance?

What we really have here is a "credibility gap" between the State

Budget Office and the political mathamagicians.

I ask you, if the shoe were on the other foot and it was Governor Curtis who challenged the Budget office, whom would you believe?

I say that your school subsidy formula which was designed to help the less able is being perverted contrary to your true intention.

Item: School District transportation and tuition were being financed by the State at 110 percent of local expenditures after the last Legislature got done tinkering with it. L. D. 1682 would have raised this to 198 percent if one of our irresponsible questions hadn't pinpointed it.

Item: Only seven communities including not one single school district earned full credit toward a \$320 Foundation Program according to next December's subsidy computation work sheets. Yet, 140 units will be penalized, even if this bill passes, because they did not fully meet the present \$255 figure.

Item: Under present law a wealthy unit which expends over \$255 receives a four percent reward only from the State toward that expenditure. Under L. D. 1682 these towns would receive not four percent, not eighteen percent to sixty-four percent but one hundred percent of that increase up to \$320 and four percent beyond. Less than 1.5 percent of the expenditures shown on December 1967 subsidy computation worksheets e x c e e d \$320 per pupil.

I don't believe that a majority of this body intends to raise the wealthier towns from four percent to a hundred percent at the top of their expenditures but that is what this bill would do. In fact, I think that there is a consensus here that we are not certain that we fully understand this formula even before these seven pages of amendments.

Let me caution you of Edmund Burke's comments two hundred years ago, "Where mystery begins justice ends."

The mystery began when the key paragraph stating legislative intent was inadvertently omitted from the Department of Education's copy of our laws. The mystery continues

when we have a Table II entitled "Percentage of State Support of Foundation Program" removed to the building aid sections but retaining the same title. I don't say we have been the victims of legislative trickery, but I'd hate to have to certify that we have not.

If you understand this bill and intend to reverse the Sinclair Law principles, vote for it. If you are prepared to come back here two years from now and find that a 6 percent sales tax or an income tax is needed, vote for it. That is exactly what you would be doing according to your Budget Office.

But don't do it under the delusion that it would be doing something for our children, because you would be doing something to our children that they never could outlive. They would inherit the legacy of the highest taxes in the country and the outmigration that goes with it while their teachers take home the proceeds of the average of \$1,000 each in state funds for a raise in one year!

At this time I would like to bring out the fact that I received a telephone call, I received several last Sunday evening, it so happened it was some teachers. Now I have a great deal of respect for our people in the teaching profession in the State of Maine, and they were quite disturbed about the fact that the President of the Maine Teachers Association came out and became involved in this fight between two parties. They informed me that he should never have been involved in this dispute, that he should have kept out of it. That this was not his domain, that this was the domain of the Legislature to settle their differences. They also advised me to continue my fight; they do not want any salary increases at an increase in the sales tax. They want to be proud, they want to walk among the big families, they want to walk among their people and they don't want all this hard feeling that is going to come from a 5 percent sales tax. They just don't want it.

Remember too, that these funds cannot be used to replace weak teachers because they cannot be dismissed under their continuing

contracts after two years. You know you cannot get rid of a teacher after she has taught two years, the union has seen to that. Now, I don't want to call it a union, I'll call it the Maine Teachers Association, but it's either one.

By passing this bill we would only be aggravating a sore spot in our system that make it such that we not only cannot keep a good teacher in Maine, but we cannot get rid of a poor one. Raising their pay \$1,000 isn't going to make them quit.

A thorough study of this problem is planned and long overdue. In the meantime, in the name of our children, including those going into the teaching profession only to leave the State for a job, don't be taken in by a political mathamagician playing for the grandstand.

In the final analysis neither the Democrats nor the Republicans can spend themselves into prosperity! We can't tax ourselves into economic growth! The power to tax is still the power to destroy and we could very easily and very comfortably sit here and press the button that exercises that very power and vote away our children's heritage under the disguise of helping them.

Getting away from the script, I would like to say to the Majority Party that you have been invited to sit down to a compromise. You stated here today, your Majority Leader stated, that you have always been ready to compromise. I say to you, the art of compromise is the art of both sides giving, not the art of you saying we will compromise on our terms and this is what you have been saying, I say to you, I had a responsibility to the former Governor of the State of Maine to vote for his program, which I did. You came here and you had a responsibility to vote for Governor Curtis' Program, he was elected by all of the people of the State of Maine. Therefore, I say to you, irregardless of how you vote here today, I consider each and every one of you a friend. I will smile when I meet you, I will not be harsh to you and I assure you, never in my life have I called you "dirty, dirty Repub-

licans" as they did in the Mock Session because in my heart, ladies and gentlemen, I believe that you are all sincere. In my heart I also believe that you have concern for the man who takes home \$60 a week. I know what I'm talking about, my wife works in a grocery store in winter times. Each week he comes in and signs his check and throws it down on the counter and he pays for last week's groceries. He has six children. Do you realize this one percent sale tax can be the milestone that he will say to his wife, "Goodnight dear, I am going away, I'll visit you a couple of times a week, you apply for ADC, I can't carry this weight any longer." I assure you that five percent is too much. Let's stay where we are. The State of New Hampshire just passed the sales tax on rooms and meals, they will soon increase their taxes. We will stop all these people running across the border and spending. Our income will increase. We now have a \$3 million surplus and I think if we walked over and looked the thing over very well, we'd have a \$5 million surplus. Thank you.

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

Mr. CONLEY: Mr. Speaker and Members of the House: I am highly amused as I sit here today, and listen to the Majority Party members of this House get up and speak for passage of this tax measure. His Excellency, Governor Curtis, campaigned last fall on the promise of no new major tax in this coming session. If my memory serves me correctly, his opponent the former Governor John H. Reed also made a statement that no new major tax increase was needed. And I wonder how many members of the Majority Party here today would be filling these seats had they made it known to their constituents then that they would favor a five percent sales tax in this State. The people in my area are greatly opposed to this increase and ladies and gentlemen of this House, I will rot in my seat before I vote for it.

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



Mr. GILL: Mr. Speaker and Members of the House: I shall be brief, I shall simply remind the Minority Party of this House that if all members of the Governor's Party had supported this trade-in tax on the full purchase price of cars, chances are we would have been home by now. This was defeated because there were defectors from the Governor's Party.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I come from a poverty ridden City of Portland. We are engaged in slum clearance and urban renewal. I fought for years for public housing for the low income families and the large families so that they wouldn't have to live in rat traps. We took television cameras around and showed what these people were living in in order to get public housing for them. We are now trying to get housing for the elderly and I believe we will have a high rise apartment for these people. The population of the City of Portland is approximately 72,500. It consists of 26,944 families, 10,645 people over the age of 65; according to the figures that were furnished to me, 838 families on relief, 579 families with earnings under \$1,000, 1,119 families earning between one and two thousand dollars; 1,526 families earning between two and three thousand dollars; 2,120 families earning between three and four thousand and 2,761 families with earnings between four and five thousand dollars. Now, in good conscience after reading these figures and after knowing from on the spot investigations of the poverty existing in our City, I cannot vote for a raise in the sales tax. Now, I am a property owner and I pay a pretty good-sized property tax and when I vote no against this tax, people can't say that I'm not paying my share because I have no chick nor child in school. Now, the Blind Children's Resource Center is on the table in the unmentionable branch, asking for \$200,000. The organizer of the Blind Children's Resource Center in good conscience said that no, she couldn't

ask the Portland delegation to raise the sales tax because she knows, like I do, she knows poverty too well. And this is one of her reasons for organizing the Blind Children's Resource Center so that we wouldn't have more poverty, so that the blind people, the blind children could get out and earn their own way in life. These are my reasons for voting against the sales tax. Now, I understand that both parties have supported the Blind Children's Resource Center. It has a good chance of passing because it is a priority item and I do hope that just because I vote against the sales tax that they won't take it out on the Blind Children's Resource Center. I'm in favor of a compromise.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I just want to say, "amen" to what was just said by that smart, beautiful Representative from Portland.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: I believe I come from as poor a district as anybody in this House, fact is, probably I'm as poor as anyone in this House. Fact is, if the Representative from Portland, Mrs. Carswell, would care to see poverty, she can come up in our county. I could show it to her. I haven't been able to paint my buildings in twenty years, but, I have no objections to paying another cent on the sales tax and I have had no complaints about it except three or four in all of the time that we have been talking about this and those same three and four can go down and buy a case of beer, but they can't pay one cent more on the sales tax.

Now, I think, Mr. Speaker, that this sales tax is what we need for our schools. Two years ago we had \$14 million worth of surplus and it was spent for the schools and I didn't hear any arguments that the schools were all right then. We spent it for the schools. Now, what's wrong with a little help on the schools right now? I'm in a

district where it's going to cost this town of mine, \$7,000 more in the next two or three years because the costs of building are going up and some of that is coming from what was passed two years ago, not now. I also have a bill on the Appropriations Table and I would like to see it go through, and if I vote for this it will go through. There are a lot of people that live out in the outlying districts in my district, we have no cities in my district whatsoever, I represent eleven towns and one island. Everybody has to have a car and two-thirds of those cars are cheap cars that they buy second-hand probably every year, perhaps they shouldn't but they do. When they trade in they are allowed a hundred to a hundred and fifty to two hundred on their old car. If they are allowed \$200 against a \$500 purchase they only pay 5 percent on \$300, if they took off the trade-in value, they would pay 4 percent on it, they would be paying more money than they are with the 5 percent sales tax. It would be the same with services. If I have my TV repaired, say I need one tube, \$2.50. I have to pay \$11.00 for the time he travels down there and including the mileage, so if we had a sales tax on that, see the sales tax you would pay and two-thirds of your poor people have TV's and radios that have to be repaired. And as far as setting here about voting for the sales tax, I will sit here until Christmas or a year from Christmas before I'll vote for a trade-in or a tax on services.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker and Members of the House: I have heard a great many statements lately that Maine if we pass this bill, that Maine will have the highest sales tax in the Nation. So I went and did a little checking. The City of New York now has a 5 percent sales tax and when I'm in New York I pay a tax rather than going across to Newark to evade the tax. The State of Rhode Island has just passed the 5 percent sales tax effective three weeks ago, the first of June. A

number of other states in the Nation have a 5 percent sales tax, I understand one has just passed a 6 percent sales tax. I think our exemptions are as liberal as most of those in the country and with a 5 percent sales tax we won't be paying as much as most of those that are already in.

About three weeks ago a Letter to the Editor in the Kennebec Journal requested the Legislature to treat its citizens in business as Montreal is treating business to Expo 67. I really can't go along with that as far as the sales tax is concerned. The combined sales tax in Montreal is 8 percent and I don't think we really need that. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: In listening to this debate, a lot of it is quite emotional, we have heard a lot of quotes of newspapers, it seems that like debates sometimes on religion, one can find almost anything they want in print. I have something here in the newspaper which influenced me, along with other things. We come down here to Legislature, it seems, with multiple purposes. We are usually, supposedly, elected to represent the people of our districts and as best we can to represent their wishes and their desires. We also are supposed to use reasonable judgement in the association with our fellows. We have Committees which hold hearings. We try to partly abide by the findings of the hearings, sometimes we upset them. We have debates on the Floor. We have to use, along with the dictates of our constituents, our own judgements, our own experiences, our own feelings. Sometimes we are partly swayed by debate, more often our decisions are all made before hand. But, if we do not get up and debate our convictions, then we are presumed perhaps to be weak and to not be willing to state those convictions. Since this item has been of paramount interest all over our State, I have tried to get a reasonable reaction from back home. This very last weekend I contacted

merchants in my leading town, which is also my residential town, Norway, on Main Street. I contacted several merchants who definitely stated they felt that the sales tax would not hurt their business any, they thought that if we had to raise money, that was about the best way to do it, because we already had the administrative structure.

Several people have been in favor, if we had the structure established, of an income tax. They claimed that it would be fair, but it's quite a problem to build it, also the people are not yet ready for it. It may come eventually. But the sales tax is there. We are already using and have for years 4 percent. We have our method of collection. It does not cost an extra cent to raise this extra cent. Now, again I had one merchant that I talked to that objected and it so happened that in addition to being - his wife had a small business on the street - he himself was of the opposite party and was a strong worker for the opposite party. But, nevertheless, he took me to task on it.

In mentioning letters and phone calls, regardless of whether they were from teachers or educators, all the letters that I have received on the tax, every one of them were in favor of the increase in the sales tax. I had one person from an adjoining town, which is not even in my district, that took me to task in the newspaper, in the local paper because of my stand. He insisted that I would not dare to face my constituents in 1968 if I voted for this tax. I was pretty busy. I didn't bother to answer him, because I had stated it, he answered my letter rather than me to answer his. But, as I stated to the Editor and told him he could quote it if he so chose, that anything that I did down here I was not the least bit interested in the 1968 elections and that is true.

Now, as to newspaper publicity, the Town Manager of my town, in a feature in the Portland Press Herald of June 13th stated and the headlines are "McAllister For Plan to Raise Sales Tax"

"Norway — Town Manager Donald F. McAllister went on record

Monday as favoring a Republican — sponsored bill to increase the state sales tax by one per cent and urged area town officials to contact legislative representatives and do the same.

A vociferous spokesman on municipal matters, McAllister pointed to sharply increased property taxes as the spur for his favoring a sales tax increase.

'Gov. (Kenneth M.) Curtis and a few members of the state legislature have voiced a negative opinion as to the feasibility of increasing the state sales tax from four to five per cent,' McAllister said.

'But,' he continued 'as a municipal official, I would favor the increase as a deterrent to the big jumps we're experiencing every year in real estate taxes.

'Those who oppose the idea should foresee real estate taxpayers can no longer shoulder the ever-increasing costs of education and welfare.'

Now, some speakers here today have painted the sales tax as a terrible monster. We have been living with it since 1951. We have lived with it and other states have lived with it for a long time and consequently I feel that it isn't a terrible monster that it is made out to be. It seems to be, as the debate shows, purely a political issue, but as far as my constituents are concerned, I am not at all afraid to go back home and tell them as I have already told them over the radio and in the papers, that I am voting for the one cent sales tax increase.

The SPEAKER: The pending question is the motion of the gentleman from Cumberland, Mr. Richardson, that the House recede from its former action and concur with the Senate in the enactment of L. D. 1575. This being an emergency measure, under the Constitution it requires for its enactment a two-thirds vote of the elected membership of the House. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. Those desiring a roll call will vote

yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson, that the House recede from its former action and concur with the Senate in the enactment of An Act to Appropriate and Provide Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969, S. P. 597, L. D. 1575. If you are in favor of enactment you will vote yes, those opposed will vote no and the Chair opens the vote.

#### ROLL CALL

YEA—Allen, Baker, E. B.; Baker, R. E.; Benson, Birt, Bragdon, Brown, Buck, Buker, Clark, Cookson, Cornell, Crockett, Crosby, Cushing, Darey, Dickinson, Dunn, Durgin, Edwards, Evans, Ewer, Farrington, Foster, Fuller, Gill, Hall, Hanson, B. B.; Hanson, P. K.; Harriman, Hawes, Haynes, Henley, Hewes, Hichens, Hinds, Hodgkins, Hoover, Humphrey, Immonen, Jannelle, Kyes, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Noyes, Philbrook, Pike, Porter, Prince, Quimby, Quinn, Rackliff, Richardson, G. A.; Rideout, Robertson, Robinson, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Susi, Thompson, Townsend, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

NAY—Bedard, Belanger, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Bradstreet, Brennan, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Couture, Crommett, Curran, D'Alfonso, Danton, Drigotas, Drummond, Dudley, Eustis, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Giroux, Hanson, H. J.; Harnois, Harvey, Healy, Hennessey, Huber, Hunter, Jalbert, Jameson, Keyte, Kilroy,

Lebel, Levesque, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Richardson, H. L.; Rocheleau, Roy, Sawyer, Scribner, Starbird, Sullivan, Tanguay, Truman, Wheeler.

ABSENT—Berman, Dennett, Jewell, Payson, Pendergast.

Yes, 85; No, 60; Absent, 5.

The SPEAKER: The Chair will announce the vote. Eighty-five having voted in the affirmative and 60 in the negative, the bill fails enactment.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I now move reconsideration of our action whereby we failed to recede and concur with the Senate in the enactment of this legislative document and I now move we recess until three o'clock this afternoon pending reconsideration.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, now moves that the House reconsider its action and that this motion be tabled until three o'clock this afternoon. Is it now the pleasure of the House that we stand in recess until 3:00 P.M.?

The motion prevailed.

#### After Recess

3:00 P.M.

Called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Cumberland Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I request a recess for ten minutes so that there may be a Republican caucus in the Hall of the House.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, requests a ten minute recess for the purpose of a caucus. Is this the pleasure of the House?

The motion prevailed and the House stood in recess.

#### After Recess

Called to order by the Speaker.

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

Mr. RICHARDSON: Mr. Speaker I request permission to withdraw my motion to reconsider.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson requests permission to withdraw his motion to reconsider the failure of enactment on 1575. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. RICHARDSON: Mr. Speaker, I request this matter be transmitted forthwith to the Senate.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, requests this matter be sent forthwith to the Senate by unanimous consent. Is there objection? The Chair hears none and it is so ordered.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: Over the many months that we have been here I have sat quietly and listened to the discussions pro and con as far as the spending and the tax program.

At the very offset I might state that way back several weeks ago the word that I uttered "compromise" was re-echoed throughout the State. Over the period that I was unable to be here a few weeks ago and during the four days of vacation that we had, I brought home with me a great deal of home work. I brought also with me the very many statements that were made by the leaders of both parties and also the statements as made through the Executive Office. I listened to the comments as made wherein it concerned itself, the compromise. I bore in mind that rereading the budget message of the administrative branch, I failed to see in the finance package such items as necessarily should have been in there wherein it concerned interest on bonds, financing of a Maine Action Plan, the location of amortization of bond monies, and also monies to effectuate increases for state employees that we were talking about.

I also saw within the Republican

plan some fallacies. I also realized that there were ninety-five plus members of the Majority Party in this branch and twenty-four in the other branch, and with that in mind I re-introduced some three weeks ago orders as were put in by me that would recall taxes within the administrative branch's program that had been roundly defeated as a member of my party informed me yesterday speaking about another bill. I was told that my action on the Floor — I was told by my party leader — or we were told that my action was premature.

Bearing in mind that I had discussed my action with him and he had told me that it would be all right to put it in. But to my satisfaction and certainly to the satisfaction of others, these programs again went down the drain. I am fully aware of the fact that some forty-five votes were loaned originally toward the program of automobile trade-in. I am certainly mindful of the fact that the best that we could gather for the tax on repairs and services were thirty-nine votes. I am certainly mindful of the fact also that it seems impossible to get the 101 necessary votes wherein it concerns the sales tax increase of one cent.

I brought home with me also correspondence and information that I had wherein it concerned itself with the \$46 million gap concerning two years hence. I used the figure \$46 million as a gap when I addressed some 400 odd teachers at our area meeting concerning the foundation program. After I used the figure \$46 million I was called by an astute finance expert in the state, he told me that I was slipping. Having the normal amount of conceit as any human being would have, I decided to heed those words and the next time I would come up with a figure I would know with facts whereof I speak. I now contend that my figure of \$46 million gap as was used and the figure as has been used widely in the last few weeks is a fallacious figure.

Now I think possibly it could be stated here that both sides either were misunderstood or were not

told, or there was no rapport between both sides, particularly insofar as education is concerned. The question is asked, in my opinion, by the administration to state what the figure would be two years hence. Should we embark on a 320 program, what the figure would be two years hence as far as education is concerned, the entire package of education for the next two years. The figure for that if we would go at the present pace that we are setting now could have been accurate of \$22 million for education. However, upon further looking into I find that the figure as used by the friendly opposition of \$12 million two years from now is an accurate figure.

I have with me a letter dated June 22, 1967, addressed to me by the Deputy Commissioner, Kermit Nickerson, who in my opinion and I know the opinion of others — his integrity certainly could not be questioned, an extremely dedicated official in state government. The subject is the general purpose operating subsidy, and it reads thusly:

"In response to your request for information relating to General Purpose Operating Aid Subsidy and the effect of pending legislation, I am offering the following data:  
I. Appropriation Requested for 1967-69

	\$79,337,578
Decrease due to adjustments in valuations	3,500,000
	<hr/>
Revised Request	\$75,837,578
Less construction aid (lump sum plan)	14,000,000
	<hr/>
Net operating Request	\$61,837,578
Appropriated by 102nd Legislature (1965-1967)	\$51,993,823
Less Construction Aid (Installation Plan)	3,250,000
	<hr/>
Increase requested over 102nd Appro.	\$13,093,755
L. D. No. 636-No. 1642-No. 1682	9,900,000
	<hr/>

Total Operating increase if approved

\$22,993,755"

Now concerning L. D. 1575, I would like to have you pay particular attention to the second paragraph of this memo given to me. It concerns with the budget for the general aid subsidy of two years from now. "Additional operating subsidy aid which will be required in the following biennium if L. D. 636" — which is now 1682, "is passed as estimated for the biennium at \$12 million or a total general operating subsidy for the 1969-71 biennium of approximately \$84, million.

Now the \$12 million is the figure that I arrived at and in my opinion is the accurate figure. Now, staying with the money that is needed two years from now, we would use the \$12 million more than we would need to keep our store open by law wherein it concerns the General Subsidy Aid program two years hence. Taking all the rest of the Department of Education expenditures for the next two years, taking all of the other departments and giving them a 3-½ percent natural hike, again using the comment "to keep the store open" to operate government by law for the next two years, this would come up with an \$8,400,000 figure. You would then leave \$2 million for Legislative Documents, you would then leave a \$4,100,000 for Supplemental Budget, which in my opinion is generous. You would then add \$1,500,000 that we would need for interest on bonds, which would make a sound round total of \$28 million, which in my opinion is what we would need to carry on with improvements the affairs of state for the next biennium. Contending therefore, that no major tax increase would be needed in 1969-71.

Now, insofar as the programs are concerned as we have taken now, I would have to go back over the last few years to pinpoint what the situation is as far as taxation in our own party platform. I quote from the 1956 Platform. "The Democratic Party urges a complete reappraisal of the tax

structure of the State. We commit ourselves to work to bring out the increased services set forth in the foregoing platform and we recognize our responsibility to provide sufficient revenue to meet these needs." The same thing is substantially in order wherein it concerns the 1962 and 1966 Democratic Party Platform. I would state also that in 1957, I personally not only voted for the increase in the sales tax as sponsored by the great Governor Edmund S. Muskie, but also I spoke and went along with the leadership of my party in 1963, both the Democratic Floor Leader and the Assistant Democratic Floor Leader, in the three to four percent program.

It would appear to me, therefore, that from where I am sitting now, we are heading for a Committee of Conference. It would appear to me that the time for compromise on a serious level has arrived. Over the past few weeks, I have been quietly working out a program. It appears to me that in that the one cent package is dead, it also appears to me that the auto trade-in and the repairs and services tax is dead, and I can see where we're getting nowhere with a tax that would involve increasing licenses of all our places where they sell malt beverage or alcohol, whisky or alcoholic beverages. It would appear to me certainly in that possibly trying to walk the middle of the road this afternoon that I might say that possibly at times there could have been a little closer rapport between the Majority Party and the Democratic Party insofar as realizing that a package that they sponsored also would probably not reach the 101 magic figure on the tote board; and I cannot but make comment that in my opinion I would have to agree totally with the Majority that the headlines that stated, "Democrats bid broader base 3 cents Sales Tax Levy." I had to read that over again. I thought I was reading a paper dated back in 1944 when I read this monstrosity, I assure you of this. Where we are going to get \$52 million is beyond me. I think the time has come when we read statements like that to separate

the men from the boys, and I don't consider myself a boy.

Now, insofar as I am concerned, this program I would urge the Conference Committee to look at, would involve itself with a one-half cent on the sales tax. It would unlock the \$2 million from the General Subsidy Construction Program and leave us an extra \$2 million. It would cut the General Purpose Subsidy Foundation Program from the \$10 million figure down to \$5 million. In making a judgment insofar as undedicated revenue is concerned, the budget figure of \$201,537,000 on estimates as to what our revenue is is accurate. Going over all the departments that need to be checked out with the Department of the Budget office, it appears to me that adjustments on a net basis, find us gaining new money to the tune of \$1,754,000. The increase in estimates would be \$14,500,000, the half cent increase in sales tax would be \$13,750,000, and increase on liquor mark up and cigarette tax would do it.

Insofar as surplus is concerned we would have the bond maturity money in surplus, which is a fallacy within the original Republic package, back from the General Fund into Surplus and use the B.P.I. money for repairs, which would give us a balance of \$1,925,000 for L. D.'s and also comparing the General Fund Operation with the Undedicated Revenue would give us a nice cushion of \$1,400,000 in L. D.'s.

My purpose for having made my remarks is the fact that I realize after looking over figures that insofar as my own area is concerned, that we are paying taxes but we receive quite a lot more money, and I am speaking for Lewiston and Androscoggin County, we receive quite a lot more money than we pay in. I am fully aware of the fact that we have to have money to operate State government. I fully realize that any tax would be unpopular. I also fully realize that this morning we indicated by a vote of 85 people that we cannot reach a figure of 101. I also realize that a great many of the taxes on a patchwork that have been brought

to us have gone down the drain as well as a penny on the sales tax. And as for the purpose of—in my honest attempt to try to do the right thing and the proper thing and to be sincere and to want to meet government expenditures with the money that is needed in taxation, that I submit this program to the Committee of Conference when it meets, for their persual.

I am sorry I took so much time, I wanted to explain my position and also explain the position as I see it as to how much money we'll need to operate the affairs of the State two years from now. It appears to me that we would have one cent now, one cent two years from now, raise estimates both bienniums as we will now, and also use a little money for minor taxes, and we could both go home feeling we had done the job. Thank you very much.

Bill "An Act Providing for a Study for the Creation of a Full-time Prosecuting Attorney System for the State of Maine" (S. P. 686) (L. D. 1716)

Bill "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969" (S. P. 700) (L. D. 1737)

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

Bill "An Act Repealing Economic and Recreational Development in Oxford County" (H. P. 1201) (L. D. 1708)

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

On motion of Mrs. Bethel of Lincoln, the House voted to reconsider its action of yesterday whereby it receded and concurred with the Senate.

On further motion of the same gentlewoman, the House voted to adhere to its former action.

Bill "An Act Applying Sales Tax to Charges for Fabricating Tangible Personal Property" (H. P. 1207) (L. D. 1719)

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

### Third Reader Indefinitely Postponed

Bill "An Act to Establish Single Member Districts for Representatives to the House Based upon the Existing Apportionment of the House Pursuant to the Constitution of Maine" (H. P. 1209) (L. D. 1721)

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

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

Mr. EWER: Mr. Speaker and Members of the House: To begin with I want to say that there is nothing personal in my opposition to this. I learned a good many years ago that what happens to Bob Ewer is not an essential thing in the world's affairs. I also want to make it very plain that my opposition is not in any way partisan, because if this bill should by some strange chance be passed I don't believe that in the normal year it will make a difference between the two parties of more than one or two seats.

There are some fifteen towns and cities which are affected by this ranging from those with two representatives to those having like Portland, eleven. My opposition to this is based fully on the quality of membership of the House. As it is right now we can possibly — it may be farfetched, but it's possible that each party in a town with multiple representation will have its best candidates, and this goes for both parties living side by side. That means under this bill that most of them would have to go down the drain.

I think that it is probable that the one man-one vote idea has been overused, overemphasized. In fact in the case of my own City of Bangor where we have five representatives it looks to me as though that at present we have one man-five votes. In other words everybody in Bangor has a right to vote for the delegation at large, and it's my honest feeling that under this method which has existed for



a great many years very satisfactorily, we will get possibly a higher quality of representation in both parties in all towns and cities having multiple representation.

Because of this my opposition—and I felt the same in the 101st when this came up and was defeated—I feel that this is a bad bill, a bill which is not good for either party, a bill which is bad for the State, and I hope that when the vote is taken that we move to indefinitely postpone the bill and its accompanying papers. Thank you.

The SPEAKER: The pending question now is on the motion of the gentleman from Bangor, Mr. Ewer, to indefinitely postpone L. D. 172L.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: As Chairman of the Committee which presented this bill to the Legislature I will have to oppose my very good friend from Bangor, Mr. Ewer. It would seem that the Supreme Court had made a mandate that people should be represented, one man-one vote; and this is the reason that this Legislature in its wisdom instructed the Committee on Senatorial Reapportionment to come out with a bill to apportion the various cities, and therefore I would hope that when the vote is taken that this Legislature will not vote to indefinitely postpone this bill so that it can be passed to be engrossed.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I think briefly the other day I mentioned a few words regarding the districting of the cities now with more than one representative, and my feeling hasn't changed a bit. When the House saw fit to reapportion the House of Representatives a few years ago the subject matter of districting the cities was very well debated in this House, and the result of that Legislature was to leave the representative at large, and certainly I don't want to go into all the debates and ramifica-

tions of having representative districts in the cities; so therefore I am in complete support of the motion of the gentleman from Bangor, Mr. Ewer, that this document be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I would like to remind you that the Supreme Court of the United States has not put a mandate on us to form single member districts in its one man-one vote ruling. It has in many cases throughout this broad land of ours, in many cases brought before it dealing with reapportionment, it has approved of multi-member districts. In our particular case, I believe that there is no valid reason why we should cut up our cities if we do not choose to do so. If we feel we should, then it is within our power to do it; but I might remind you that recent court decisions, as well as statements of Chief Justice Warren himself, have held that multi-member and single member districts might be used in the same legislature to offset inequities in population in various places. This is only one of several things that could be used as he has stated. So, therefore, I believe that this is one thing that now remains that can help us to keep at least a partial check and balance system in our two-house legislative system and therefore, I want to put myself on record as I did in the report of the Committee on this matter, I'll put myself on again as being in favor of the motion of the gentleman from Bangor, Mr. Ewer.

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

Mr. HANSON: Mr. Speaker and Members of the House: I rise in somewhat amazement at the position of the able Minority Leader. I recall that we had several very worthwhile changes in our election laws which would have—one would have eliminated the party ballot at the top of the box, we had another office type ballot; and in the debate on both of these measures the Minority Leadership stressed, in fact they pleaded that

particularly in the larger towns or cities such as Portland and Lewiston, that the voters were required to remain in line for endless hours, or at least an hour in some instances, to vote, and that to remove the party box or to have the office type ballot would lengthen this procedure and would actually disenfranchise these voters. Now we have an excellent opportunity to shorten up this voting period of time by eliminating in the case of Portland, the requirement that these people, voters, have to choose between twenty-two candidates. How much easier it would be, how much faster they could vote if they could vote only for one representative from their particular legislative district. It strikes me as being a little unusual that he would be on two sides of the fence. Thank you.

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

Mr. ROSS: Mr. Speaker and Members of the House: The reasons as stated by the gentleman from Bangor, Mr. Ewer, and as confirmed this afternoon by the Minority Party, are exactly the same reasons that I had on the Old Town Ward situation for school board. This had nothing to do with party politics, I only felt that it was fair and equitable and I am delighted today that the opposition agrees and I certainly support the motion.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Bangor, Mr. Ewer, that item 7, House Paper 1209, L. D. 1721, Bill "An Act to Establish Single Member Districts for Representatives to the House Based upon the Existing Apportionment of the House Pursuant to the Constitution of Maine" be indefinitely postponed.

The Chair will order a vote. All those in favor of indefinite postponement will vote yes and those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

77 having voted in the affirmative and 53 having voted in the

negative, the motion to indefinitely postpone did prevail.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker, I now move that we reconsider our action and I hope that you will all vote against me.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, now moves that the House reconsider its action whereby this matter was just indefinitely postponed.

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

Mr. GILL: Mr. Speaker, I arise simply to make a comment. I was a champion in the single — in the districts of the 101st Legislature. I got browbeaten, set on, pushed and shoved around. Actually you can see it had no effect on my stature. However, I am still pleased to see the same sections of the State opposing it from Bangor and I am pleased to see the gentleman, and I am sorry that my seatmate is not present who opposed me at that time a great deal. Now I would simply ask you to vote against the motion of Mr. Starbird so that this can be put to rest quietly.

Thereupon, on a viva voce vote, the motion to reconsider did not prevail.

Sent up for concurrence.

#### Amended Bills

Bill "An Act Increasing Salaries of Official Court Reporters" (S. P. 58) (L. D. 71)

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

#### Third Reader Tabled and Assigned

Bill "An Act to Conform the Statutes with the Amendments to the Rules of Civil Procedure" (S. P. 428) (L. D. 1082)

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

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: The Director of Legislative Research advises me that this bill is in bad form and I would request some member of the House to table it until the next legislative day.

Thereupon, on motion of Mr. Benson of Southwest Harbor, tabled pending passage to be engrossed and specially assigned for tomorrow.

#### Engrossed in Non-Concurrence

Bill "An Act Creating a District Court Division of Northern Androscoggin and Franklin" (S. P. 544) (L. D. 1392)

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

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. BELIVEAU: Mr. Speaker and Members of the House: I move that this item be indefinitely postponed and I would like to speak briefly to my motion.

The SPEAKER: The gentleman from Rumford, Mr. Beliveau, now moves that item 10, L. D. 1392 be indefinitely postponed.

The gentleman may proceed.

Mr. BELIVEAU: Mr. Speaker and Members of the House: This L. D. 1392 proposes to create a new district court district in northern Androscoggin or Livermore Falls and Franklin County. Now as you know, presently under our district court system we have some fifteen judges and two of which are elected at large. Now this would create an additional district which would require, of course, the appointment of an additional judge.

In this regard I have a letter from the Chief Judge of the District Court, Richard Chapman, who has given us his views on this and also who is strongly against a creation of a new district because, in his opinion, after conferring with the two judges who are presently serving in these two areas, and in reviewing the statistics as to the number of cases involved, that there is no felt need at this time for a new district. Now, I would like to read for the members, portions of his letter that apply to the creation of this new district. It is

dated June 19, 1967 and it reads as follows:

"As to creating a new district, I do not feel this can be justified for the following reasons:

The work load of such a new district would not be great enough to justify another judge. Such a judge would not be carrying his share of the total case load.

Another district would reduce the load of the judge at South Paris, Rumford and Livermore Falls, but I do not feel such a reduction is needed at this time.

Another district would reduce the load of the judge who now covers Farmington and Skowhegan, but I do not feel this is needed at this time.

The new district would remove Newport from the Bangor district and would leave two judges in Bangor with not enough to do.

The new district would do nothing to relieve the excessive load at Lewiston, Brunswick, Augusta and Waterville.

It would create one more judge who would have to be covered in times of vacation or illness.

I might point out that while I am a judge at large, frequently there are times when I am not available to hold court, such as when the budget, the annual allotment, and the annual report are being prepared.

If a new district is created and no additional judge at large provided, I feel I would have no choice but to assign the new judge in Farmington to assume some of the overload in Lewiston and Brunswick and to use the available man power at Bangor to assume some of the overload at Augusta and Waterville. I feel such a make-shift arrangement most undesirable, as it would mean much wasted time and expense spent on travel.

Sincerely yours,

Richard S. Chapman  
Chief Judge"

In addition to this letter I have conferred with Judge John L. Batherson of Rumford who presides at Livermore Falls and who would be relieved of one day a week in Livermore Falls and it is his opinion that the present work load does not warrant his being re-

lieved of this. He can easily do the work there without any effort. It is also my understanding that in Franklin County that the work load of the District Court Judge who presides in that area is such that he doesn't believe this new district should be created; and as you know this new district would require the appointment of a new Judge and probably an additional appropriation of some \$15,000. So I ask all to join with me in this motion for indefinite postponement for it's quite apparent that this would be a wasteful act on our part and it's ill-timed, and certainly it is an unneeded Act.

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

Mr. DAREY: Mr. Speaker and Members of the House: This bill had a full hearing before the Judiciary Committee as well as its companion bill, an Act to appoint another District Judge at large. We took action on the first bill yesterday, which was indefinitely postponed. Now I have a great deal of respect for Justice Chapman. He has done a wonderful job in the creation of these Courts and as Chief Judge of the District Court, and I know of nobody better qualified than this esteemed gentleman to carry on as he has. However, this Committee in the first bill to create a district judge at large after full consideration voted eight to two against the measure.

Now on this present bill, 1392, the Committee voted nine to one for its passage. There is nothing sacred about the divisions of these Courts. There has been substantial changes made from time to time and insofar as the division of northern Androscoggin County is concerned, that's been changed four times. When the Court was first created by the Legislature, northern Androscoggin County was with the southern Androscoggin County with the divisions being in Brunswick, Lewiston and Livermore Falls. Now that was deemed not to be feasible so that another change was proposed. That time northern Androscoggin County was thrown in with Kennebec County with the divisions being Livermore

Falls, Augusta and Waterville. It remained that way for some time, but again that was deemed unfeasible so a third change was made. That time northern Androscoggin County was thrown in with Franklin County and with Oxford County. That not deemed advisable, we are now with Oxford County with court being held only one day a week, one day for northern Androscoggin County which covers all of those towns in that section of the County, namely Turner, Livermore, Leeds and Livermore Falls.

Now there is something else to be considered here other than the convenience of the Court and that is the service to the public. This bill would place the division of northern Androscoggin County with Franklin County. To be sure it would be very convenient for the judge just to sit at Farmington and then the respondents or those coming before the Court having to travel fifty miles from the towns of Eustis, Rangeley, Stratton, Kingfield, Phillips, Madrid. Those towns are present—or have been serviced by Trial Justice Courts, and those, all but one, have now ceased to exist. That means additional case loads in that part of Franklin County, and that Judge's term, the Trial Justice, Judge Wright, his term is about to expire. That increases and keeps increasing the case load in that County.

There's another issue on this question of service, and that has to do with the juveniles. Juveniles play a very important part in the district courts. Title XV of the Revised Statutes, 2501, provide that the care and custody and discipline of the juveniles shall approximate as near as possible that which they should receive from their parents or custodians, and that insofar as practical they shall be treated not as criminals but as young persons in need of aid, encouragement and guidance.

Now I have acted in the capacity of Municipal Judge in Livermore Falls for over twenty-six years — to be exact, from 1935 until January, 1966, with the exception of four years out. Now during that

time and for a period of eighteen years there were only two juveniles sent to the State School for Boys during a period of eighteen years; as far as the girls go, for a period of twenty-six years there were only two girls sent to the Stevens Training Center, that time under a different name. Now this was not accomplished by a Court sitting one day a week. I held court there two and three days a week, at times on Saturdays, especially in connection with the juvenile cases.

Now we have a very good working tool — the Department of Probation and Parole, and it is with the cooperation of that Department that we were able to accomplish these results. Now not once do I feel that we've been let down by granting probation and working with this Board. It's not by following the practice of giving them probation but once and then committing them — yes, I've given them probation twice, three and four times as the circumstances required, and it's working with the very efficient head of that Department Mr. John Shea, Ray Nichols, Hamilton Grant, Ted Hanson and Mrs. Cadwallader, and many times some of those gentlemen would call on the way back in the evening, eight, nine o'clock at night. The state certainly got services rendered from those gentlemen, and it's working with them that we are able to accomplish that purpose.

Now this proposed district that we now have, the proposed district that L. D. 1392, as stated, is a natural geographical district. It's in a community which the International Paper Company has just established, it's an \$80 million plant and is still expanding. The creation of this court would provide a judge who could fill in in crowded Androscoggin County. It would alleviate the Oxford County District and allow that judge to sit in other courts as needed. Eastward the Judge of Somerset County would be free to help out in overcrowded Kennebec County. The District Court was founded on the principle that each judge should have his own base, his own bailiwick, to work from with its several

divisions, and each and every one of them is subject to be transferred and fill in with any other judge in the State. Therein lies the merit of this bill which is now before us.

Now as far as expense goes, the District Court pays for itself, and there is in addition — it not only pays for itself, but a certain amount — and that was presented to us in the Committee, a certain amount is paid back to every County in the State. Therefore, I respectfully urge that we follow the recommendations of the Majority, the nine to one Report, and pass this bill.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I would just like to note that on page 3 of the House Advance Calendar it says here — divided report, comes from the Senate with the Report and Bill indefinitely postponed. I'm talking about this bill. I would like to remind you L. D. 1731, RST 4, 157 amended and so forth; anyway it says here, let's get to the meat of the thing — it says here that "Each judge shall receive an annual salary of \$16,500 and the chief Judge shall receive an annual salary of \$17,500." I just want to remind you gentlemen about this thing — and again I should have started by saying — fellow unpaid legislators, this means another court reporter, court facilities, sheriff's fees, gas mileage, et cetera, and one day — and of course the gentlemen admitted that they spend one day in a county — can you imagine this? We're going to appropriate a pay raise, a new man so he can spend one day in a county, that was excellent. And if service is that bad — if you go in a restaurant and you don't like the service you can leave a tip, but I think leaving a tip of \$16,500 is pretty huge.

And I also wonder why this bill was held until today which is June 22. I don't think we need another one, and I'll go along and move for indefinite postponement.

The SPEAKER: chair recognizes the gentleman from Farmington, Mr. Shute.

Mr. SHUTE: Mr. Speaker and Members of the House: You have listened to Judge Darey, who has served ably and long in the Court of Livermore Falls, explain how this can be done. This does not mean a new court reporter, it does not mean a new staff; apparently there is a staff at Farmington, there is a staff at Livermore Falls.

I'm beginning to wonder, Mr. Speaker and ladies and gentlemen, if Franklin County is still one of the sixteen counties of the State of Maine after what happened yesterday, and here in this legislative document, I'd like to explain to you once again and have you understand that in this District Court setup we have been in and out of Somerset and Oxford and Androscoggin Counties so many times that when people are hailed into court they hardly know which court to report to.

We in Franklin County and particularly attorneys that serve this area would like to have the double court system in Livermore Falls and in Farmington. Now this could very easily be expanded to include the Stratton area. At one time we had three trial justices in this area the last one will be going out of office very shortly. This will leave people in the Stratton, Eustis and Coburn Gore area something like fifty or sixty miles to travel to get to court, if they are summoned into court.

We have a solution which has already been suggested by the gentleman from Rumford, Mr. Beliveau. Since the Justice in Bangor will be unemployed, we'd like to have him sent to Farmington where he will be re-employed at no extra cost to the state. I'm opposed to the indefinite postponement of this measure.

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

Mr. DAREY: Mr. Speaker and Members of the House: In reply to the gentleman from Sanford, Mr. Nadeau, I would like to remind him that, after all, money in the administration of justice is certainly not a prime factor. However, as has been pointed out, the district court pays for itself and more than pays for itself. All

of these courts are self-sustaining with the surplus, in accordance with their formula as to populations of counties going back to the counties, so that that is not a factor. Now, there are two bills here, one for the creation of a district court at large, which was voted "ought not to pass" yesterday, and this bill here. This is the one that we feel, the Committee felt, is the one that should pass, and so voted. And when the vote is taken, I request that the vote be by the yeas and nays.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Rumford, Mr. Beliveau, that L. D. 1392 be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Beliveau, that Senate Paper 544, L. D. 1392, Bill "An Act Creating a District Court Division of Northern Androscoggin and Franklin" be indefinitely postponed. All of those in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA—Allen, Bedard, Beliveau, Benson, Bernard, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brown, Carey, Carrier, Carswell, Champagne, Clark, Cornell, Cottrell, Curran, Drummond, Dunn, Durgin, Eustis, Fecteau, Foster, Fraser, Fuller, Gauthier, Giroux, Hanson, H. L.; Harnois, Harri-man, Harvey, Healy, Hichens, Jannelle, Keyte, Kilroy, Kyes, Lebel, Levesque, McNally, Miliano, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Noyes, Pike, Quimby, Richardson, H. L.; Rocheleau, Roy,

Snow, P. J.; Starbird, Sullivan, Susi, Truman, Wheeler, Williams, Wood.

NAY—Baker, E. B.; Baker, R. E.; Belanger, Berman, Brennan, Buck, Bunker, Burnham, Conley, Cote, Crockett, Crommett, Crosby, Cushing, Danton, Darey, Dickinson, Drigotas, Dudley, Ewer, Farrington, Fortier, Gill, Hall, Hanson, B. B.; Hanson, P. K.; Hawes, Haynes, Henley, Hennessey, Hewes, Hinds, Hodgkins, Hoover, Huber, Hunter, Immonen, Jalbert, Lewin, Lewis, Lincoln, Littlefield, Lyette, Maddox, Martin, McMan, Meisner, Minkowsky, Philbrook, Porter, Prince, Quinn, Rackliff, Richardson, G. A.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Scribner, Shaw, Shute, Soulas, Townsend, Trask, Waltz, Watts, White, Wight.

ABSENT — Bradstreet, Carroll, Cookson, Couture, D'Alfonso, Dennett, Edwards, Evans, Gaudreau, Humphrey, Jameson, Jewell, Payson, Pendergast, Robertson, Robinson, Sawyer, Snowe, P.; Tanguay, Thompson.

Yes, 60; No, 69; Absent, 20.

The SPEAKER: Sixty having voted in the affirmative and sixty-nine in the negative, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was passed to be engrossed in non-concurrence and sent up for concurrence.

Bill "An Act relating to Pay Increases for Department Heads and Court Justices" (S. P. 696) (L. D. 1732)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Creating a Second Assistant County Attorney for York County" (S. P. 280) (L. D. 660) the Speaker appointed the following Conferees on the part of the House:

Mrs. FULLER of York  
Messrs. DENNETT of Kittery  
NADEAU of Sanford

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Abolish Imprisonment for Debt and to Revise the Laws Relating to Disclosures of Debtors" (S. P. 680) (L. D. 1710) the Speaker appointed the following Conferees on the part of the House:

Messrs. BRENNAN of Portland  
BERMAN of Houlton  
HEWES of Cape Elizabeth

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Method of Fixing Salaries of Certain State Officials" (S. P. 697) (L. D. 1733) the Speaker appointed the following Conferees on the part of the House:

Messrs. STARBIRD  
of Kingman Township  
DENNETT of Kittery  
PHILBROOK  
of South Portland

#### Passed to Be Enacted Emergency Measure

An Act Establishing the Maine Planning Commission on Criminal Law Administration (H. P. 583) (L. D. 815)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and 9 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act relating to Publication of Legal Notices (H. P. 1182) (L. D. 1684)

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

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: This question of relating to the publication of legal notices was brought to my attention about four weeks ago by the editor of a well established weekly newspaper in my county.

At that time I was informed that a certain newspaper contrary to present law, was accepting and publishing legal notices. Our chief concern, the editor of the paper that I mentioned, was that they were entered as a third-class paper which is contrary to law at the present time, they had no mailing list and that it was a give away paper. Now, I can understand the editor of a bona fide weekly newspaper being upset in regard to this matter. I have no personal feelings against the Coastal Journal; in fact I get it every week, I enjoy reading it, I find it in my post office box, and it is not mailed to me by name because they have no mailing list. On the other hand, I realize that every bona fide weekly newspaper in the State should be protected. Now, this law or this act—this bill was put in here to legalize a certain newspaper that is already not within the law. It seems to me that instead of pulling down every bona fide weekly newspaper in the State to their level, it seems logical to me that they should make a concerted effort to upgrade their standards so that they would fall in line with the law now in effect and I hope that this does not receive passage.

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

Mr. ROSS: Mr. Speaker and Members of the House: This might be termed a Bath-Brunswick bill. The original L.D. 819 was presented by the gentleman from Brunswick, former Representative Sawyer. It was necessitated by a merger of the Bath Daily Times and the Brunswick Record. This paper was serving two counties but it moved its principal place of business, and under the present law you can only have these notices published in a single county. Now the redraft that the gentleman from Bristol, Mr. Lewis, mentioned did refer to a new Bath publication, the Coastal Journal, because it only had one place of business and that was in Bath in Sagadahoc County. It was a give away sheet, it was a third class newspaper but, this has now been changed. Senate Amendment "C"

which has been adopted by the other body puts it back in the original intent. The Coastal Journal is now out and so now it is no longer local and no longer refers to a third class paper. It can be used state-wide by contiguous counties, so in my mind it is much better than the original bill and it encourages competition between our newspapers, and I hope that the motion does not prevail to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: I realize that the gentleman from Bath, Mr. Ross, has been here much longer than I have and I admire his ability and I think he has explained the situation, and I withdraw my motion.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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#### Bond Issue

An Act to Authorize Bond Issues in the Amount of \$4,380,000 to Provide Funds for School Building Construction Under the Provisions of Section 3457 of Title 20, R. S. (H. P. 300) (L. D. 435)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 119 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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#### Bond Issue

An Act to Authorize Bond Issues in the Amount of \$270,000 to Provide Funds for the Construction of Regional Technical and Vocational Centers under the Provisions of Section 2356-B of Title 20, R. S. (H. P. 399) (L. D. 565)



Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 112 voted in favor of same and 8 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act Adopting the Uniform Arbitration Act (S. P. 263) (L. D. 644)

An Act relating to Public Higher Education (S. P. 497) (L. D. 1256)

An Act relating to Issuing of Parking System Revenue Bonds and Water and Sewer System Revenue Bonds by Municipalities (S. P. 541) (L. D. 1398)

An Act relating to Audits for Judiciary, Legislature and Executive (S. P. 690) (L. D. 1725)

An Act relating to Annual Estimates for County Taxes (H. P. 1217) (L. D. 1730)

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

#### Orders of the Day

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

Joint Order re recall of Bill "An Act Authorizing the Issuance of Bonds in the Amount of One Million Two Hundred Thousand Dollars for a Regional Airport to Service Central Maine" (H. P. 779) (L. D. 1141)

Tabled — June 21, by Mr. Richardson of Cumberland.

Pending — Passage.

Thereupon, on motion of Mr. Richardson of Cumberland, the Joint Order was indefinitely postponed.

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

An Act to Authorize the Issuance of Bonds in the Amount of Sixteen Million Eight Hundred Thousand Dollars on Behalf of the State of

Maine to Build State Highways (H. P. 1174) (L. D. 1673)

Tabled — June 21, by Mr. Richardson of Cumberland.

Pending — Passage to be enacted.

On motion of Mr. Waltz of Waldoboro, the House voted to suspend the rules and to reconsider its action on June 5 whereby the Bill was passed to be engrossed.

Whereupon, the same gentleman offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1174, L. D. 1673, Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Sixteen Million Eight Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways."

Amend said Bill in the Title by striking out the words "Sixteen Million Eight Hundred Thousand Dollars" and inserting in place thereof the words "Ten Million Dollars"

Further amend said Bill in section 1 by striking out in the first line (same in L. D. 1673) the underlined figure "\$16,800,000" and inserting in place thereof the underlined figure "\$10,000,000"; and by striking out in the 6th line (5th line in L. D. 1673) the figure "\$16,800,000" and inserting in place thereof the figure "\$10,000,000."

Further amend said Bill by striking out all of the 2nd paragraph of the referendum (same in L. D. 1673) and inserting in place thereof the following:

"Shall a bond issue be ratified for the purposes set forth in 'An Act to Authorize the Issuance of Bonds in the Amount of Ten Million Dollars on Behalf of the State of Maine to Build State Highways', passed by the 103rd Legislature?"

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Waltz.

Mr. WALTZ: Mr. Speaker and Members of the House: Some few days ago, I presented to the House some figures relative to the bonded indebtedness of the State Highway Department. These figures were of 1-July-1966. Subsequent to that time I have collected from the

Legislative Finance Officer in conjunction with the State Controller, some more recent figures as of 1-June-1967. Here is the situation. Highway bonds issued and outstanding, \$36 million; bridge bonds issued and outstanding, \$7,800,000; highway bonds authorized and unissued, \$17 million; making a total of sixty-one million one hundred odd thousand dollars. Now, we have already approved a bond issue for the Lewiston-Auburn Bridge in the amount of \$4,500,000, a bond issue for Route 6 in the amount of \$3 million, and this one in the amount of \$16,800,000 is presently before us. During this next two-year period, approximately \$9 million worth of bonds that have been issued will be maturing and retire, leaving a total indebtedness of the Highway Department of seventy-five million, nine hundred odd thousand dollars.

I introduced this particular amendment in the interest of economy, mathematics and common sense. It seems to me that the Highway Department, whose current revenue has been increasing every year at the approximate rate of a million to a million and a half dollars each year, should be able to get along without coming in consistently and asking for bond issues. In the past, it has been the custom of the Department to ask for bonds spread over a four-year period. The last issue of which was approved by the 102nd Legislature was in the amount of \$9,500,000, which, spread over a four-year period, would mean approximately \$2,400,000 per year. If this particular bond issue should be passed in the amount of \$16,800,000, it would mean that we would go from \$2,400,000 per year to \$5,600,000 for the three year period upon which this particular bond issue is issued.

Now this amendment of mine, which is I think more or less a middle ground proposition, would provide the Department with an amount of \$3,300,000 each year, an increase of roughly approximately \$1 million a year. Yesterday, we heard a very learned discussion by our good friend from Bangor, Judge Quinn. There are several sheriff and sheriff deputies in the

House and as soon as the Judge started talking I am sure that I, along with the rest, immediately said "dead beats." Well it just seems to me that this Highway Department is rapidly coming into that same particular position. The only possibility that I see to get them out of this particular position—because, frankly, if an individual was in the same position that the Highway Department was in, the Sheriff would be there and the particular individual that owed this money would be in plenty of trouble.

I am not sure that I have convinced or converted any of you here to my way of thinking or, as the lawyers would say, beyond a reasonable doubt. I am satisfied if some of you will start thinking about this particular situation and a remedy therefor. To me, the only out, that is the only eventual out, if we wish to get this particular department on a firm financial basis again, is for some subsequent Legislature to bail them out by means of raising the gasoline tax. I hope that there is some discussion on this thing, and when the final vote is taken I would ask for a division.

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

Mr. BIRT: Mr. Speaker and Members of the House: At the present time there is a companion bill, the Highway Allocation Act, that is in a Committee of Conference, and in order to be able to adequately work out both of these bills which are very closely interdependent on each other, it would seem that we would have to know what the actions of the Conference Committee would be on the Allocation Act; and therefore, it would seem that the appropriate action should be for somebody to table this bill pending adoption of the amendment until we find out what the results of the Allocation Act Committee of Conference is.

Thereupon, on motion of Mr. Benson of Southwest Harbor, tabled pending adoption of House Amendment "A" and specially assigned for tomorrow.

Mr. Brennan of Portland was granted unanimous consent to address the House.

Mr. BRENNAN: Mr. Speaker and Members of the House: A short time ago I was appointed to a Committee of Conference on L. D. 1710, An Act to Abolish Imprisonment for Debt and to Revise the Laws Relating to Disclosures of Debtors. Since I was not on the prevailing side, I would like permission to withdraw from that Committee.

Mr. SPEAKER: The Chair thanks the graciousness of the gentleman from Portland, Mr. Brennan for his very gracious act and at this time the Chair will rescind the other members appointed to that Committee, the gentleman from Houlton, Mr. Berman and the gentleman from Cape Elizabeth, Mr. Hewes.

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

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 543) (L. D. 1444) (In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (S-277))

Tabled—June 21, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Berman of Houlton to Indefinitely Postpone House Amendment "A" (H-457) (Germaneness of amendment questioned)

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would inquire of the gentleman from Kingman Township, Mr. Starbird, to what error or inconsistency in the Public Laws, House Amendment "A" under Filing H-457 relates?

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, poses a question through the Chair to the gentleman from Kingman Township, Mr. Starbird, who may answer if he desires, and the Chair recognizes that gentleman.

Mr. STARBIRD: Mr. Speaker and Members of the House: I will answer the question of Mr. Richardson in the following way.

It is my understanding through my one lone term as a Representative of this body that when amendments were offered they should be germane to the bill. However in each session we have several so-called Omnibus bills—errors and inconsistencies bills. We well know that in these bills some of them are of limited scope such as the one concerning education, such as the one concerning fish and game, and then we have the one that we have before us today—errors and inconsistencies in the public laws.

Now I have seen this bill in the last session laden down with amendments of all types. Some of them were accepted and some were not, according to the merits or demerits of the amendment offered. No one ever questioned whether the amendment referred to an error or an inconsistency in the law, and no one ever attempted to. It was within this spirit that I offered this amendment. I explained the reason yesterday why no member of the Judiciary Committee was warned we might say, that this was coming. It was not my intention to do so. I was up late the night before—I slept late in the morning and therefore I did not have the time to inform any member of the Committee or its Chairman. I did so as soon as I could, and the gentleman informed me that he was going to oppose my amendment. This is completely within his province. I hope though that he will oppose my amendment on the merits of the amendment itself. I think that I have amply explained my position; I hope that the decision will be in favor of the germaneness of the amendment, because I notice that there are three more amendments to follow that deal with widely varying parts of the law.

Now, is my amendment or any of the other three amendments that have been submitted to this law from the House Floor—some of them haven't been offered yet—they've been reproduced, are they germane? Are any of these amendments errors or inconsistencies? I leave it to you to judge. What is an error? It's a mistake—or an oversight? Perhaps my

amendment might deal with an oversight of a previous Legislature. I do not say that it does, because I have no way of knowing whether the original author of the original law that my amendment seeks to change somewhat was, or intended to put the type of penalty that I described in my amendment in the law—I have no way of knowing whether he intended it or whether he did not, or whether before it was written into the law whether someone amended the original bill. I suppose if I were sufficiently concerned and wanted to know I could check the record to find out. However, I offer it in this spirit, and it is my opinion, for what it is worth, that pretty nearly anything dealing with the laws or public statutes of this state or changing them would be germane to an errors and inconsistencies law, and that I offer this amendment in this spirit, that you accept it or you reject it on its own merits and I hope that the final decision will be that it and the others are germane to the bill.

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

Mr. BERMAN: Mr. Speaker and Members of the House: In fairness to everyone in the House including the gentleman from Kingman Township, Mr. Starbird, I would respectfully request that we have a ruling as to whether this particular amendment "A" would be germane to the Judiciary Omnibus Bill.

The SPEAKER: The Chair will rule, under Rule 32, no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, and that as this amendment does not correct an error in the existing law and that it does not correct an inconsistency, the Chair must rule it not germane.

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

Mr. GILL: Mr. Speaker and Members of the House: I wish to offer House Amendment "B" to Legislative Document 1444 and I would speak to it briefly.

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

HOUSE AMENDMENT "B" to S. P. 543, L. D. 1444, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after section 16, the following sections:

'Sec. 16-B. R. S., T. 22, §2375, sub-§1, amended. The last paragraph of subsection 1 of section 2375 of Title 22 of the Revised Statutes, as enacted by section 14 of chapter 390 of the public laws of 1967, is repealed.

Sec. 16-C. Effective date. Section 16-B shall be effective 91 days after the adjournment of the Legislature.'

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

Mr. GILL: Mr. Speaker and Members of the House: House Amendment "B" corrects a mistake in L. D. 1674 which was signed on June 13th by the Governor and is now under Public Law 390 and is "An Act Revising the Drug, Narcotic and Pharmacy Laws."

The SPEAKER: The Chair would inquire from the gentleman, what does the amendment correct?

Mr. GILL: It corrects a provision that was in this law which would enable the investigative staffs of pharmaceutical firms to, as turned out in this bill, obtain drugs in an illegal manner.

The SPEAKER: Will the gentleman explain how it is inconsistent and the correction.

Mr. GILL: The L. D. 1674, which is the bill that was signed, has stated that no person shall obtain or attempt to obtain a narcotic depressant or stimulant drug, et cetera or any other potent medicinal substance and the part that my amendment will remove is this, it says, "this subsection shall not apply to Drug Manufacturers, their agents or employees, when such manufacturers, their agents or employees are authorized to engage in and are actually engaged in investigative activities directed toward the safeguard of said manufacturers' trademarks."

The SPEAKER: The Chair would inquire if this correction is in consistency with the Federal Statutes.

Mr. GILL: Yes, it is in direct violation of the Federal Law.

The SPEAKER: The Chair would rule that the amendment is germane. The pending question is the adoption of House Amendment "B."

Thereupon, House Amendment "B" was adopted.

Mr. Hewes of Cape Elizabeth offered House Amendment "D" and moved its adoption.

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

HOUSE AMENDMENT "D" to S. P. 543, L. D. 1444, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after section 23 the following new sections:

'Sec. 23-A. R. S., T. 30, §2, amended. The 12th paragraph of section 2 of Title 30 of the Revised Statutes, which relates to Piscataquis County, as amended by section 1 of chapter 397 of the public laws of 1965, is further amended to read as follows:

**Piscataquis County:** County commissioners, \$1,000 **\$1,100**; chairman, \$1,100 **\$1,350**; clerk of courts, \$3,600 **\$4,000**; county attorney, \$5,000; county treasurer, \$1,200 **\$1,500**; sheriff, \$4,500 **\$4,800**; register of deeds, \$3,600 **\$4,000**; judge of probate, \$3,200 **\$3,600**; register of probate, \$3,600 **\$4,000**.

'Sec. 23-B. Effective date. Section 23-A shall be effective January 2, 1968.'

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

Mr. HEWES: Mr. Speaker and Members of the House: It is not the intention to sneak something through here. There was a typographical error of \$1,000 in the amount to be paid to the County Treasurer under L. D. 1700. In the L. D. 1700 if you will check, you will note that the present salary is \$1200 and it is typed in \$2500. It was the intent that this be \$1500 and this is the sole purpose of House Amendment "D".

The SPEAKER: Does the gentleman from Kingman Township, challenge the germaneness of this amendment?

Mr. STARBIRD: Mr. Speaker: With all due respect to your decision, I question your ruling and I would appeal to the House.

The SPEAKER: The gentleman from Kingman Township challenges the ruling of the Chair and the Chair will pose the question.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker: A parliamentary inquiry, as to whether or not the question posed by the gentleman from Kingman Township, Mr. Starbird is debatable.

The SPEAKER: It is debatable.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would urge you to vote in support of the ruling of the Speaker on the question of germaneness as to the House Amendment offered by the gentleman from Kingman Township. There is a very important principle of parliamentary procedure and House procedure involved and that is simply this: If I get a little emotional about this you will realize that about this time last year I was very, very upset about a change in our substantive law that was put in the Omnibus Bill because these things don't have a public hearing and this Omnibus Bill is to correct errors and inconsistencies and I feel very strongly that we shouldn't have these things coming through here under the guise of correcting an error when that's not really what they do. Now, I submit to you that the Speaker has adopted a fair and reasonable and correct interpretation. If there is an amendment offered to the errors and inconsistencies bill, it should have something to do with correcting an error or inconsistency in our law.

It is a bill that is brought out by the Director of Legislative Research to the Judiciary Committee to bring our law into harmony, to make sure that the actions which we take here are consistent with one another and that they make sense. This is not the place to put in your pet project or to correct an oversight or omission in the law which in your personal judgment should be corrected. That's not what it's for. Mr. Starbird's amendment doesn't have anything to do with any error or inconsistency. He thinks there ought

to be a three months suspension. I don't know, maybe there should, but the point is that this is not the place to put a change such as this and I urge you to support the Speaker in a fair and just ruling. Thank you.

The SPEAKER: And to further comment on this, the Chair will say this, in justice to the gentleman from Kingman Township, Mr. Starbird, in challenging the ruling of the Chair. The matter was no longer before the House having been adopted.

The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I won't prolong the debate. My opinion differs from that of the ruling given by the Speaker but I withdraw my objections and let's get on with the rest of our business.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, now removes his objections to the ruling of the Chair. Is this the pleasure of the House? It's a vote.

Thereupon, House Amendment "D" was adopted.

Mr. Crommett of Millinocket offered House Amendment "C" which was read by the Clerk.

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

Mr. CROMMETT: Mr. Speaker and Members of the House: This amendment does not correct any errors but it is consistent to correct the inconsistencies. (laughter) This amendment is consistent with the Department policy in the past. With few exceptions, many large lakes are open to ice fishing. It is consistent with the application of the DED supporting the four season vacationland.

I believe that all differences of opinion can be resolved by men of good will. I am not laboring under any delusions, ladies and gentlemen, thinking that this amendment is going to be adopted. I thank the Speaker for allowing me to talk on this amendment and give me an opportunity to say to the members of this House that a little insignificant ice fishing bill

to be made a party issue. And I base my opinion on that when I asked an honorable member of this body why they voted against a similar amendment I had before the House previously, and their response was "Why, Leon, I am a Republican." Ladies and gentlemen, that borders on the ridiculous.

Having sensed that the Democrats have deserted me and the Republicans will not accept me, and with the thought in mind that it is a wise man that retreats so that he may live to fight another day, I am going to withdraw my motion for the adoption of this amendment.

The SPEAKER: The gentleman from Millinocket, Mr. Crommett now withdraws House Amendment "C".

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to make the observation that I couldn't quite understand whether the gentleman from Millinocket, my good friend Mr. Crommett, was talking about the fact that it was ridiculous for the answer he got from the Republican or whether it was ridiculous to be a Republican. However, regardless of how this amendment turns out, I am sure that we all here give the gentleman from Millinocket, Mr. Crommett, the medal of honor for being the most courageous man in the Legislature. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: Whether Mr. Crommett's amendment deals with an error or an inconsistency or not, is not necessarily germane. But however that may be, he sought to correct possibly what he saw as an error in the judgment of the Legislature in the months just gone. I will give him credit though, he is very, very consistent himself whether his amendment dealt with an inconsistency or not.

Thereupon, the Bill was assigned for third reading the next legislative day.

The SPEAKER: The Chair now lays before the House item one on your Supplemental Calendar. There are three Supplemental Calendars out and this is on your Supplemental number one:

JOINT SENATE ORDER (S. P. 702) re recall of L. D. 1700, An Act relating to Salaries of Jury Commissioner and County Officers in the Several Counties of the State and Court Messenger of Cumberland County, from the Governor to the Senate. (In Senate, Order passed)

It was tabled earlier in the day and later today assigned, pending passage in concurrence.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: The reason for the recall of this bill was to correct the mistake that was made in the bill as signed, but the amendment offered by the gentleman from Cape Elizabeth to the errors and inconsistencies bill corrects this error. Therefore there is no need to recall the bill, and I move indefinite postponement of the Joint Order.

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

The Chair laid before the House item two, which was tabled earlier in the day by Mr. Berman of Houlton and later today assigned, pending the motion of the gentleman from Bangor, Mr. Quinn, to accept the Minority Report "A":

SENATE MAJORITY REPORT (7)—Ought to Pass as amended by Committee Amendment "A" (S-276)—Committee on Judiciary on Bill "An Act to Clarify Authority of Complaint Justices and District Court Judges" (S. P. 379) (L. D. 990)—MINORITY REPORT "A" (1)—Ought to Pass—MINORITY REPORT "B" (2)—Ought Not to Pass. (In Senate, Minority Report "A" accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-285))

Thereupon, the Minority Report "A" was accepted in concurrence and the Bill read twice. Senate

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

The following papers appearing on Supplement number two were taken up by unanimous consent:

#### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of Seventeen Million Eight Hundred Two Thousand Dollars for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings" (S. P. 70) (L. D. 152) reporting same in new draft "A" (S. P. 691) (L. D. 1726) under title of "An Act to Authorize Bond Issue in the Amount of \$15,755,000 for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings" and that it "Ought to pass"

Report was signed by the following members:

Mr. ALBAIR of Aroostook  
—of the Senate.  
Messrs. HINDS of South Portland  
BRAGDON of Perham  
BIRT of East Millinocket  
DUNN of Denmark  
HUMPHREY of Augusta  
—of the House.

Minority Report of the same Committee on same Bill reporting same in new draft "B" (S. P. 692) (L. D. 1727) under title of "An Act to Authorize Bond Issue in the Amount of \$21,740,000 for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings" and that it "Ought to pass"

Report was signed by the following members:

Messrs. BERRY of Cumberland  
DUQUETTE of York  
—of the Senate.  
Messrs. JALBERT of Lewiston  
SCRIBNER of Portland  
—of the House.

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

In the House: Reports were read.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I move the acceptance of Majority Report "A" of the Committee.

Thereupon, the Majority Report in new Draft "A" was accepted in concurrence and the New Draft read twice. Assigned for third reading tomorrow.

#### **Ought to Pass with Committee Amendment**

Mr. Birt from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a Bond Issue in Amount of Seven Hundred and Fifty Thousand Dollars for Construction of a Dormitory at Maine Maritime Academy" (H. P. 343) (L. D. 491) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 343, L. D. 491, Bill, "An Act to Authorize a Bond Issue in Amount of Seven Hundred and Fifty Thousand Dollars for Construction of a Dormitory at Maine Maritime Academy."

Amend said Bill in section 1 by adding at the end a new sentence to read as follows: 'Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor and Council.'

Further amend said Bill in section 3 by striking out all of the 3rd sentence.

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

The following paper from the Senate appearing on Supplement number three was taken up by unanimous consent:

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

An Act to Appropriate and Provide Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years

Ending June 30, 1968 and June 30, 1969 (S. P. 597) (L. D. 1575) on which the House earlier in the day failed to recede and concur in passing the Bill to be enacted.

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

Messrs. WYMAN of Washington  
ALBAIR of Aroostook  
MacLEOD of Penobscot

In the House:

The SPEAKER: Is it the pleasure of the House to insist on its former action and join in the Committee of Conference?

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

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

The SPEAKER: The Chair would advise the gentleman that insist has priority over adhering.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I support the House's action in insisting and asking for a Committee of Conference and request a division.

The SPEAKER: A vote has been requested on the insisting motion. All those in favor of insisting on our former action and joining in the Committee of Conference will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 108 having voted in the affirmative and 5 having voted in the negative, the motion prevailed.

The SPEAKER: On the part of the House the Chair will appoint to the Committee of Conference:

Messrs. RICHARDSON  
of Cumberland  
DRUMMOND of Sidney  
ROY of Winslow

Mr. Carroll of Limerick was granted unanimous consent to address the House.

Mr. CARROLL: Mr. Speaker and Members of the House: This afternoon we heard a proposal in which some figures were proposed in regards to a revenue gap and I,



myself, have made statements in regards to revenue gap in proposals that have been before this House. I stand pat on my previous figure of \$22,490,000 according to letters received from the Department of Education, I have received seven of them. I have just received a new one this afternoon which makes eight letters I have received from that Department with figures. I do not wish to become involved in a dispute on figures, but I can only say to you that I, too, have

been receiving letters from the Education Department being a member of the Education Committee. Therefore, I assume the figures they gave to me are correct.

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(Off Record Remarks)

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On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.