

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 29, 1967

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

Prayer by the Rev. Mr. Ondon P. Stairs of Augusta.

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
Conference Committee Report**

Report of the Committee of Conference 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) reporting that the Senate recede and concur with the House in passing the Bill to be engrossed. (Signed)

WYMAN of Washington
LUND of Kennebec
STERN of Penobscot

—Committee on part of Senate.

DENNETT of Kittery
PHILBROOK
of South Portland
STARBIRD

of Kingman Township
—Committee on part of House.

Came from the Senate read and accepted.

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

Non-Concurrent Matter

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

which was passed to be engrossed as amended by Committee Amendment "A" and House Amendments "B" and "D" in non-concurrence in the House on June 23.

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

In the House: The House voted to recede and concur with the Senate.

Non-Concurrent Matter

An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1968 and June 30, 1969 (H. P. 82) (L. D. 112) which was passed to be enacted in the House on June 7 and passed to be engrossed as amended by Senate Amendment "A" on June 5.

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

In the House: The House voted to recede and concur with the Senate.

Orders

On motion of Mr. Richardson of Cumberland, it was

ORDERED, that the Clerk of the House mail to each member of the House of Representatives the balance of the proof of the record of the House not received before final adjournment.

On motion of Mr. Conley of Portland, it was

ORDERED, that William Danton of Old Orchard Beach and Kenneth Kerr of Hialeah, Florida be appointed to serve as Honorary Pages for today.

On motion of Mr. Bernard of Auburn, it was

ORDERED, that Sandra Berube of Lewiston be appointed to serve as Honorary Page for today.

At this point, Miss Sandra Berube was escorted to the well of the Hall of the House by the Sergeant-at-Arms.

The SPEAKER: Miss Berube, our young honorary page this

morning, lives at 74 Rosedale Street, Lewiston. She is the daughter of Mr. and Mrs. Raymond Berube and she is fourteen years old and will be a ninth grader this fall. Miss Berube enjoys all sports including baseball, football and swimming. On June 15, 1967 she rescued seven-year old Larry Pettengill from a swimming pool and gave the young boy mouth to mouth resuscitation and brought the boy back to life. It is such young people as this that the Maine House of Representatives and the citizens of Maine can be justly proud. (Applause, the Members rising)

On motion of Mr. Benson of Southwest Harbor, it was

ORDERED, that the uniforms procured for the House Officers become their property at the end of their terms of office.

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

ORDERED, the Senate concurring, that Joint Rule 9 be amended by deleting the last 26 words so that said rule shall read as follows:

"9. Public Notice. The Clerk of the House shall cause the substance of the Joint Rules relating to pre-filing (No. 6) and cloture (No. 8) to be published in all daily papers in the State at least twice monthly and in all weekly papers in the State at least once monthly for the two months immediately preceding the convening of the Legislature in regular session." (H. P. 1236)

The SPEAKER: Is it the pleasure of the House that the rules be suspended? Is there objection? The Chair hears none, the rules are suspended. For this Order to receive passage it requires a two-thirds vote. All those in favor of this Order receiving passage will vote yes; those opposed will vote no, and the Chair opens the vote.

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

Mr. LEVESQUE: Mr. Speaker, may I request through the Chair that the gentleman from Cumberland, Mr. Richardson give a brief

explanation of this pre-filing and public notices.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Under our present rules we have an unnecessary publication which requires an expenditure of \$800, because of our present rule with respect to cloture. This recommended streamlining of our procedure regarding the publication of notices is brought to us as a result of the diligent efforts of our lovely Clerk. It is a good administrative procedure for us to take because it cuts down on a publication which is unnecessary.

The SPEAKER: Is the House ready for the question? All those in favor of this Order being passed will vote yes; those opposed will vote no. The Chair opens the vote.

126 having voted in the affirmative and none in the negative, 126 being more than two thirds, the Order received passage and was sent up for concurrence.

On motion of Mr. Birt of East Millinocket, it was

ORDERED, that the Chaplains of the House be paid in accordance with a payroll list submitted by the Clerk of the House.

Tabled Until Later in Today's Session

Mr. Waltz of Waldoboro presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the financial policies, methods of dispersing funds, revenues and expenditures of the State Highway Commission, and be it further

ORDERED, that the committee be directed to report the results of such study, together with any necessary recommendations, to the next regular session of the Legislature.

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

Passed to Be Enacted Emergency Measure

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)

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. 125 voted in favor of same and none 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 Improving Payment of Benefits under the Maine State Retirement System Law (H. P. 1156) (L. D. 1653)

Was 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

Mrs. Carswell of Portland was granted unanimous consent to address the House.

Mrs. CARSWELL: Mr. Speaker and Members of the House: Last week the 40th wedding anniversary of Representative Ethel Baker and her husband Victor was celebrated—they were celebrating their 40th wedding anniversary, and this went by unnoticed, so I think that perhaps today is an appropriate time to notice that. (Applause)

The Chair laid before the House the following Non-Concurrent items, numbers 1 to 30, which were tabled June 28 by Mr. Richardson of Cumberland pending further consideration, and which came from the Senate indefinitely postponed in non-concurrence:

An Act to Provide Funds for Blind Children's Education, Inc. (H. P. 1) (L. D. 1)

(In House, enacted.)

An Act Providing Funds to Assist the Casco Bay Island Development Association to Create an International Vacation and Conference Center on Peaks Island (S. P. 327) (L. D. 862)

(In House, enacted.)

An Act relating to Housing and Meal Expenses for Legislators (S. P. 586) (L. D. 1551)

(In House, enacted.)

Resolve in favor of the City of Augusta (H. P. 7) (L. D. 19)

(In House, finally passed.)

An Act relating to Exceptional Children (H. P. 56) (L. D. 81)

(In House, enacted.)

Resolve Providing Funds for the Narraguagus River Water Control Program (H. P. 90) (L. D. 119)

(In House, finally passed.)

An Act relating to Payment of Funeral Expenses of Recipients of Aid to the Aged, Blind or Disabled (H. P. 461) (L. D. 674)

(In House, enacted.)

Resolve Providing Funds for Fisheries Instruction and Literature Publication and Dissemination (H. P. 641) (L. D. 896)

(In House, enacted.)

An Act Appropriating Funds to Expand Services for Eye Care and Special Services Division, Department of Health and Welfare (H. P. 687) (L. D. 982)

(In House, enacted.)

Resolve relating to Retirement and Pension of Stephen A. Regina of Saco (H. P. 697) (L. D. 978)

(In House, finally passed.)

Resolve Providing for a Retirement Allowance for Lois Blackwell Goodwin (H. P. 721) (L. D. 1016)

(In House, finally passed.)

An Act relating to Law Clerks for the Judiciary (H. P. 929) (L. D. 1345)

(In House, enacted.)

An Act Providing Funds for Support of Civil Air Patrol (S. P. 295) (L. D. 734)

(In House, enacted.)

An Act Revising the Law Relating to Dealers in Securities (S. P. 389) (L. D. 1069)

(In House, enacted.)

An Act Authorizing Use of Electronic Voting Systems in

Elections and Granting Rule -
making Authority (S. P. 425) (L.
D. 1079)

(In House, enacted.)

An Act relating to Fall out
Shelters in Public School Buildings
(S. P. 607) (L. D. 1589)

(In House, enacted.)

An Act Creating the Pest Control
Compact (S. P. 630) (L. D. 1631)

(In House, enacted.)

An Act Repealing the Law
Requiring Assessment of
Municipalities in Aid to Dependent
Children Grants (H. P. 12) (L. D.
24)

(In House, enacted.)

An Act Reactivating the Gov-
ernor's Committee on Children and
Youth (H. P. 261) (L. D. 382)

(In House, enacted.)

An Act relating to the
Reimbursement of Board for
Secondary School Pupils (H. P.
303) (L. D. 437)

(In House, enacted.)

Resolve to Authorize a
Professional Review and Analysis
of Maine's World Trade Potential
(H. P. 495) (L. D. 708)

(In House, finally passed.)

An Act Providing Funds for a
Redevelopment Plan of the
Portland and South Portland
Waterfront (H. P. 657) (L. D. 912)

(In House, enacted.)

Resolve for Construction and
Erection of Statue to "The Maine
Lobsterman" in Washington, D. C.
(H. P. 661) (L. D. 916)

(In House, finally passed.)

An Act relating to the
Administration of the Aid to
Dependent Children Program, and
Authorizing Work Experience and
Training for Recipients of Aid to
Dependent Children (H. P. 707) (L.
D. 1002)

(In House, enacted.)

An Act Providing Vocational
Education Loan Funds (H. P. 882)
(L. D. 1294)

(In House, enacted.)

An Act Establishing a Con-
sumer's Council (H. P. 1004) (L.
D. 1471)

(In House, enacted.)

An Act Appropriating Funds to
County of Lincoln, Town of Wis-
casset and Town of Westport for
Reimbursement of Funds Expended
on Westport-Wiscasset Bridge Span
(H. P. 1181) (L. D. 1683)

(In House, enacted.)

An Act to Establish the Division
of Municipal Affairs in the Execu-
tive Department (H. P. 1184) (L.
D. 1686)

(In House, enacted.)

An Act relating to Restoration
of Service under State Retirement
Law (H. P. 1187) (L. D. 1688)

(In House, enacted.)

An Act Creating the Maine Ocean
Science Council (H. P. 1210) (L.
D. 1722)

(In House, enacted.)

Thereupon, on motion of Mr.
Richardson of Cumberland, tabled
until later in today's session.

Thereupon, on motion of Mr.
Richardson of Cumberland,

Recessed for ten minutes or un-
til the sounding of the gong.

After Recess

Called to order by the Speaker.

The SPEAKER: The Chair rec-
ognizes the gentleman from Cum-
berland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speak-
er and Members of the House: The
other body has had an extended
caucus this morning. They have
not convened in order to send us
forthwith the matters on their cal-
endar. The delay, I wish to assure
you, is occasioned by the fact that
they have no bills to send down to
us. I am therefore requesting that
some member of the House recess
the House until two o'clock and
before it's recessed I would like
to make a statement off the record,
Mr. Speaker.

The SPEAKER: The gentleman
may proceed off the record.

(Off Record Remarks)

Thereupon, on motion of Mr.
Benson of Southwest Harbor,

Recessed until two o'clock this
afternoon.

After Recess

2:00 P.M.

The House was called to order
by the Speaker.

The SPEAKER: The House is
proceeding under Order of the Day
and the Chair recognizes the gen-
tleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, may I ask if we are in possession of Senate Paper 543, L. D. 1444?

The SPEAKER: The answer is in the affirmative.

Thereupon, on motion of the same gentleman, the House voted to reconsider its action whereby earlier in the day it receded and concurred on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws."

On further motion of the same gentleman, the House voted to recede.

Senate Amendment "A" was read by the Clerk.

Mr. Nadeau of Sanford then moved indefinite postponement of Senate Amendment "A".

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, now moves the indefinite postponement of Senate Amendment "A".

The Chair recognizes the same gentleman.

Mr. NADEAU: Mr. Speaker and Members of the House: For the benefit of those of you who may not have Senate Amendment "A" in front of you, personally I don't think it is germane to the bill but secondly, what it's doing it's going around the back door again and it's making the County Commissioners responsible for establishing salaries. Now, I thought that was our job and if we open the door and allow the County Commissioners to establish salaries for the Deputy Clerk of Courts, in the next session or special session they will do it for the sheriffs and every job that they have in there, and this is why I'm all for indefinite postponement of Senate Amendment "A".

Thereupon Senate Amendment "A" was indefinitely postponed in non-concurrence.

Senate Amendment "B" was then read by the Clerk.

Mr. Nadeau of Sanford then moved indefinite postponement of Senate Amendment "B".

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, now moves the indefinite postponement of Senate Amendment "B".

The Chair recognizes the same gentleman.

Mr. NADEAU: Mr. Speaker and Members of the House: Senate

Amendment "B", again, I don't feel is germane to this bill, but what it does again, it raises the pay of certain people in Washington County. These had a fair hearing and I don't believe that at this time we should come about and insert them under this bill L. D. 1444. That's why I therefore move we indefinitely postpone this amendment.

Mr. Watts of Machias then requested a division.

The SPEAKER: A vote has been requested. All those in favor of indefinite postponement of Senate Amendment "B" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

76 having voted in the affirmative and 35 having voted in the negative, Senate Amendment "B" was indefinitely postponed in non-concurrence.

Mr. Harriman of Hollis then offered House Amendment "E" and moved its adoption.

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

HOUSE AMENDMENT "E" 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 21 the following new sections:

'Sec. 21-A. R. S., T. 26, §1081, sub-§2, amended. Subsection 2 of section 1081 of Title 26 of the Revised Statutes, as amended by chapter 328 of the public laws of 1965, is further amended to read as follows:

2. Salaries. The chairman of the commission shall receive a fixed weekly salary, at the rate of \$13,000 ~~\$13,650~~ per year, and each of the other members shall receive a fixed weekly salary, at the rate of ~~\$12,500~~ \$13,125 per year, and shall be paid from the Employment Security Administration Fund.

Sec. 21-B. Effective date. Section 21-A shall become effective July 2, 1968.'

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

Mr. RICHARDSON: Mr. Speaker: I would request the gentleman from Hollis, Mr. Harriman to ex-

plain the basic purpose of this amendment.

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

Mr. HARRIMAN: Mr. Speaker and Members of the House: In the Committee Report which we accepted, there was an error. It was intended to give the Chairman of the Unemployment Commission a 5% raise and his members a 5% raise. It was an error in arithmetic — rather than the members of the Commission getting 13,125, it was set up as 12,625 which gives both of them a 5% raise which we agreed on in the Conference?

House Amendment "E" was adopted and the Bill passed to be engrossed as amended by Committee Amendment "A" and House Amendments "B", "D" and "E" in non-concurrence and sent up for concurrence.

Order Out of Order

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

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation is directed to forthwith report out a Bill which will provide for a one cent increase on the present sales tax. (H. P. 1237)

The Order received passage and was sent up for concurrence. By unanimous consent sent forthwith.

The following Conference Committee Reports appearing on Supplement No. 1:

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Mental Illness as a Ground for Divorce" (H. P. 319) (L. D. 453) reporting that they are unable to agree.

(Signed) QUINN of Bangor
 BELIVEAU of Rumford
 MEISNER
 of Dover-Foxcroft
 —Committee on part of House.
 SEWALL of Penobscot

HILDRETH of Cumberland
 VILES of Somerset

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing the Terms of Trustees for the Maine Maritime Academy" (H. P. 1220) (L. D. 1736) reporting that the House recede and concur in passing the Bill to be engrossed as amended by Senate Amendment "A" (S. "A" - No. S-289)

(Signed) DENNETT of Kittery
 TRUMAN of Biddeford
 TRASK of Milo

—Committee on part of House.

WYMAN of Washington
 ROSS of Piscataquis
 VILES of Somerset

—Committee on part of Senate.

Report was read and accepted. The House voted to recede and concur in passing the Bill to be engrossed as amended by Senate Amendment "A".

Mr. Jameson of Bangor was granted unanimous consent to address the House.

Mr. JAMESON: Mr. Speaker and Members of the House: Six weeks we've been here, ladies and gentlemen, without pay. I hope that blanket up there will quote me right this time!

Ladies and gentlemen, when a member of this House is chastised, I think he should be chastised before the whole House, not twelve or fourteen members! I found this on my desk this morning — I couldn't find anybody else with one — only the members of the Penobscot delegation. I'm not going to read it to you, I'm a slow reader, it would take an hour and a half for me to read it, unless you request I read it — one gentleman says yes.

What I say I will not say to vindicate myself in one way, one word or anything else, for anything that I have said to the press, the great free press. I'm not looking for mercy; I'm not looking for anything, but this chastisement, but I want everybody in this House to

know that I was chastised, not only by the great free press, by this dairy farm which has already now lost a 25-year customer—Grant's Dairy of Bangor. This has been three sessions, ladies and gentlemen, I've been here. I've asked the same question each time. I ask the same question now of the great free press and the power of the press should convince this House of anything that it wants, that this House the last two I attended, none of them have ever dared to mention the word economy or economize. Why is that such a dirty word amongst this great conservative party? Let the department heads spend the money, the taxpayers' money, throw it away any way they want to?

The gentleman over here from Sanford, Mr. Nadeau, when that gentleman gets up to speak they laugh at him, pick up the papers and start to read and everything else. He's representing the people just as I am, ladies and gentlemen. Over 5,000 people elected me here, November the 8th, I'm representing them—no party, no governor, nor any group of people, I want you to understand that. Economy! I'd like to know what economy there is here in this House or any other House that I have attended in three sessions. I have been criticized, ladies and gentlemen, because I've associated with a Democrat. I hope there's nobody here thinks for one minute I'd apologize for associating with any Democrat. But this particular gentleman happens to be a friend of mine, grew up with me when I was a kid, I love that boy just as much as I'd love any Republican and—I'd better be careful what I say here, hadn't I, I'm getting worked up.

I'll have to rephrase that I guess. How will I start? All over again now I guess. No, ladies and gentlemen, I've known this boy ever since I was a little kid, he was one of the most wonderful football players we had in high school. I've always admired him. He comes from one of the best families in the City of Bangor, believe it or not. I wouldn't turn my back on him any more than I would my

wife, and I wouldn't dare to do that.

Here I'm trying to be serious.

Now, again this afternoon we're going to be called upon to reconsider 1575. I know there's a great group in here that are going to say the reason we're here for six weeks without pay is because some of us are too thick-headed to go along with the sales tax. What I'd like to do, as we have reconsidered on this House, L. D. 1500, a unicameral system of government, and I'm going to get moved off the Floor pretty quick now anyway so I might as well say it. This House will stay here six more weeks if we leave it up to the obstructionists at the other end of the building. I am starting to get peeved again—I guess I'd better quit.

You heard me, ladies and gentlemen, I make no apologies for anything you've seen in the paper or in the press or anything else. I'll repeat it if they want me to, what I said was the truth, the whole truth and nothing but the truth, and I'll say it again! And I will hope that the great free press all over the State will sometime demand economy of this government. Thank you.

The following papers from the Senate, appearing on Supplement No. 3, were taken up by unanimous consent:

Conference Committee Reports

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing Compensation of Court Justices and Certain Department Heads" (S. P. 695) (L. D. 1731) and Bill "An Act relating to Pay Increases for Department Heads and Court Justices" (S. P. 696) (L. D. 1732) reporting that the House recede from its action whereby it accepted the Minority Report and recede from its action whereby the Bill (S. P. 696) (L. D. 1732) was passed to be engrossed; that the House concur with the Senate in accepting the Majority Report (S. P. 695) (L. D. 1731); that the House adopt Conference Committee Amendment "A", submitted here-

with, and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede from its action whereby it passed the Bill (S. P. 695) (L. D. 1731) to be engrossed, adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A".

(Signed)

WYMAN of Washington

KATZ of Kennebec

STERN of Penobscot

—Committee on part of Senate.

PHILBROOK

of South Portland

HARRIMAN of Hollis

STARBIRD

of Kingman Township

—Committee on part of House.

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

In the House, the Report was read and accepted in concurrence. The House voted to recede from its action whereby the Minority Report was accepted and from its action whereby the Bill was passed to be engrossed, and concurred with the Senate in accepting the Majority Report. The Bill was read twice. Conference Committee Amendment "A" was read by the Clerk and adopted. Under suspension of the rules, the Bill was given its third reading and passed to be engrossed as amended by Conference Committee Amendment "A" in concurrence and sent up for concurrence.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act Providing for Action in Aid to Dependent Children Cases Involving Fraud" (H. P. 672) (L. D. 944) reporting that the House recede and concur with the Senate in passing the Bill to be engrossed as amended by Committee Amendment "A".

(Signed)

GOOD of Cumberland

SPROUL of Lincoln

RENY of York
—Committee on part of Senate.

CUSHING of Bucksport

HUBER of Rockland

HENNESSEY

of West Bath

—Committee on part of House.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence and the House voted to recede and concur in passing the Bill to be engrossed as amended by Committee Amendment "A".

The following Bills on their passage to be enacted, appearing on Supplement No. 2, were next taken up:

Passed to Be Enacted Emergency Measure

An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1968 and June 30, 1969 (H. P. 1173) (L. D. 1672)

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. 129 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Bond Issue

Tabled and Assigned

An Act to Authorize Bond Issue in the Amount of Four Hundred and Fifteen Thousand Dollars for Construction of a Multi-Purpose Building at Fort Kent State College (H. P. 1232) (L. D. 1739)

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

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

Enactor

Tabled and Assigned

An Act Providing for Paid Holidays for Municipal Employees and Relating to Duties of Department

of Public Works of the City of Lewiston (H. P. 392) (L. D. 539)

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

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

Passed to Be Enacted

An Act relating to the Water and Air Environmental Improvement Commission (S. P. 635) (L. D. 1635)

Was 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.

Order out of Order

Mr. Farrington of China presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study and review the methods or procedures employed by the State Bureau of Taxation in determining property values of each municipality for the purpose of establishing the state valuation; and be it further

ORDERED, that a report of such study, together with any recommendations deemed necessary, be made to the 104th Legislature. (H. P. 1238)

The Order received passage and was sent up for concurrence.

Mr. Richardson of Cumberland was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker and Members of the House: The leadership of both parties in an effort to give to the Democratic leadership an opportunity to present for consideration an amendment to the basic document L. D. 1575 have agreed that because of the reproduction of this amendment, which is going to take about an hour and a half—or an hour, that it would be to the best interests of everyone concerned that we recess until 7:00 P. M. in order to give everybody an opportunity to get dinner. The House will not

continue in session past nine o'clock.

Thereupon, on motion of Mr. Richardson of Cumberland,

Recessed until seven o'clock in the evening.

After Recess 7:00 P. M.

The House was called to order by the Speaker.

Mr. Soulas of Bangor was granted unanimous consent to address the House.

Mr. SOULAS: Mr. Speaker and Members of the House: I would like to say a few words at this time in behalf of my dear friend the gentleman from Bangor, Mr. Jameson. I feel I am qualified to speak at this time because I have been associated with him very intimately for the past few years. Now, I'd like to clarify one point, in particular the sales tax. This gentleman, if you will check the record, has never voted in favor of a tax increase with a Republican or Democratic Governor. He acted in regard to this tax increase the same way he has in any other tax increase. And this, I assure you, is his own doings and I feel he is entitled to such.

Now, in regards to fraternizing with a Democrat, if this is held against him then I too am guilty of this. The gentleman that he refers to from Bangor is Mr. Curran. Now, I have known Mr. Curran and he has been a very close friend of mine and I can honestly say that during our pleasant relationship never once have I been influenced or persuaded to vote in favor or against any bills brought forth in this House, not alone just the tax bill. And I must honestly say I have regarded the two gentlemen from Bangor, Mr. Jameson and Mr. Curran as friends and I have respected them as I would my own parents; and I will say it now, I will continue to do and be friendly with them, not only now but also in the future. Thank you very much.

The following papers from the Senate, appearing on Supplement No. 5:

Non-Concurrent Matters

An Act relating to Eligibility for School Construction Aid (S. P. 395) (L. D. 1028) which was passed to be enacted in the House on May 16 and passed to be engrossed as amended by Committee Amendment "A" on May 11.

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

In the House: The House voted to recede and concur with the Senate.

An Act to Authorize Bond Issue in the Amount of \$15,755,000 for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings (S. P. 691) (L. D. 1726) which was passed to be enacted in the House on June 27 and passed to be engrossed on June 23.

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

In the House:

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

Mr. BRAGDON: Mr. Speaker and Members of the House: You will recall that this General Fund bond issue came to the House signed by all of the Republican members of the Appropriations Committee. We felt that the amount of \$15,755,000 was as high as we would like to go in the light of the bond issues that were appearing from all areas. At this time I would move that we insist on our former action and ask for a Committee of Conference.

Thereupon, the House voted to insist on their former action and ask for a Committee of Conference.

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

Messrs. RIDEOUT of Manchester
BRAGDON of Perham
RICHARDSON
of Cumberland

An Act Revising the Laws Relating to Support at State Institutions

(H. P. 149) (L. D. 213) which was passed to be enacted in the House on April 11 and passed to be engrossed as amended by Committee Amendment "A" on April 4.

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

In the House: The House voted to recede and concur with the Senate.

An Act relating to Town's Matching Funds for Reconstructing State Aid Highways (S. P. 359) (L. D. 956) which was passed to be enacted in the House on April 4 and passed to be engrossed on March 30.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. QUINN: Mr. Speaker and Members of the House: This is a good Act. This has to do with State Aid money and it permits towns to accumulate their units of State Aid money until they have four to six units, and then the State matches those units and they build a sizeable piece of road. It's a good economical way of constructing roads instead of building little small units at a time. Therefore, I move that we insist and ask for a Committee of Conference.

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

From the Senate: The following Joint Resolution:

WHEREAS, it has been learned that the Town of Mars Hill will celebrate its One Hundredth Anniversary on July 4, 1967; and

WHEREAS, this historic event will usher in a new era of progress and achievement to this typical Aroostook town that has already greatly advanced in its community facilities, services and general economy; and

WHEREAS, its agricultural products, particularly potatoes, are not only of significant benefit to the economy of the State of Maine but are well known to foreign

countries and the Nation as well; and

WHEREAS, Mars Hill ideally provides a four-season vacationland for the hunter, fisherman, skier or camper, which has developed our tourist industry through its picturesque beauty and natural setting; and

WHEREAS, the citizens of this community have contributed with pride their full share to help earn for themselves and the county the distinction of being "The Potato Empire of the World"; now, therefore, be it

RESOLVED: That the Members of the Senate and House of Representatives of the 103rd Maine Legislature unite in commending the Town of Mars Hill and its citizens for an excellent record of achievement during the past One Hundred years and extend their continued support and encouragement for the future; and be it further

RESOLVED: That engrossed copies of this Resolution, duly authenticated by the Secretary of the Senate, be transmitted forthwith by the Secretary of the Senate to the Honorable Kenneth Irvine, the Town Manager, and members of the board of selectmen in token of this event. (S. P. 711)

In the House, the Joint Resolution was adopted in concurrence. Came from the Senate read and adopted.

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

Mr. ROBERTSON: Mr. Speaker: I would like to inquire if Senate Paper 543, L. D. 1444, Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" is in the possession of the House?

The SPEAKER: The Chair would inform the gentleman in the affirmative.

Mr. ROBERTSON: Mr. Speaker: I would request that we reconsider our action on L. D. 1444 of this afternoon whereby it was passed to be engrossed.

The SPEAKER: The gentleman from Brewer, Mr. Robertson, moves that the House reconsider its action whereby L. D. 1444 was passed to be engrossed.

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

Mr. NADEAU: Mr. Speaker: May I ask why the reconsideration, please?

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, poses a question through the Chair to any member who may answer if they desire.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: The reason for this reconsideration probably should be better answered by the House Chairman of the Towns and Counties Committee; however, I assumed this obligation so I will go through with it. Apparently, at the time the Towns and Counties considered the Washington County Commissioners salaries, a bill was submitted by a member of the other body requesting that the Chairman be increased from \$1800 to \$2400, and in talking with the Chairman of the other body on this Committee I find that apparently the particular bill became misplaced — it was not withdrawn, and we did not in our bill which we put out on salaries, make any change whatsoever.

Now, this change was requested for the Chairman only and the reason being that the Chairman in Washington County, and I guess it's true in the other larger counties, has to travel a considerable distance to cover the territory and works pretty much on a full time basis, particularly the gentleman from Washington County because he is on a semi-retired basis and worked quite a bit of time for the County. Following this, this matter was brought to the attention of the Committee and the Chairman polled the members of the Committee and they would not go along as I understand for the full \$2400 but compromised on a figure of \$2100 for the Chairman, and that's the reason that I wish to reconsider our action of this afternoon is to get this amendment back before this body.

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

Mr. BERMAN: Mr. Speaker: This is the Judiciary bill which is known as the Omnibus Bill. I un-

derstand the problem that was raised with respect to Washington County and I hope that the House will go along with the gentleman from Brewer, Mr. Robertson, and the Washington County delegation. This seems to be a perfectly respectable amendment.

The SPEAKER: Is the House ready for the question? Is it the pleasure of the House to reconsider?

The motion prevailed.

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

Mr. ROBERTSON: Mr. Speaker: I now move that we reconsider our action whereby Senate Amendment "B" was indefinitely postponed.

Thereupon, the House voted to reconsider its action whereby Senate Amendment "B" was indefinitely postponed.

The SPEAKER: The pending question is on the indefinite postponement of Senate Amendment "B".

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I note that this is quite a lot more than the big County of Penobscot pays their Commissioners and I will say to you other counties that when you raise it in Washington County, invariably you will raise it next year in your own county, because they'll soon say that we deserve the same pay that little Washington is paying and in Penobscot County it is considerable less, and I had one question I would like to ask of the gentleman from Brewer—isn't it true that these County Commissioners get paid mileage for all the travel they do? They do in Penobscot and I think they do in Washington. Thank you.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, poses a question through the Chair to any member who may answer if they desire, and the Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: Due to the fact that I'm down in Washington County quite a bit, I can tell you that I've been informed a good many times that the Washington County Commissioners collect no

mileage and that was one reason for this small raise that was requested. I think that can be confirmed by Representative Watts.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I might state that by statutory law, no mileage can be collected by any County Commissioner unless he is on official county business. This is statutory law and it pertains to Washington County or any other county in this State.

The SPEAKER: The pending question is the indefinite postponement of Senate Amendment "B".

Mr. Starbird of Kingman Township then requested a division.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: I would like to clarify the situation as it stands at the moment. This Senate Amendment "B" was indefinitely postponed. To indicate that we desired to have the Chairman get the sum of \$2,100 we would have to vote against the indefinite postponement of this Senate Amendment "B".

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

Mr. NADEAU: Mr. Speaker, in answer to Mr. Robertson, I happen to be a member of that Committee, and I kept notes and I made notes on every bill that was heard, and there was an error there, and because of that error and because I admit that there must have been an error, but if my memory is correct and my handwriting, the agreed figure was \$2,000, gentlemen, not \$2,100. Somebody, somehow is getting a hundred dollars. I don't care — but let's be fair now. I don't like for us to say that the Committee agreed to this when we didn't. Thank God somebody knows how to make notes. I just wanted that clarified — but I'll go for the two.

The SPEAKER: Is the House ready for the question? The pending question is the indefinite postponement of Senate Amendment "B." All those in favor will vote

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

A vote of the House was taken.

8 having voted in the affirmative and 106 having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "B" was adopted in concurrence, the Bill passed to be engrossed as amended by Committee Amendment "A" and House Amendments "B," "D," "E," and Senate Amendment "B" in non-concurrence and sent up for concurrence.

The SPEAKER: The House will be in recess to the sound of the gong.

After Recess

Called to order by the Speaker.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Town's Matching Funds for Reconstructing State Aid Highways" (S. P. 359) (L. D. 956) the Speaker appointed the following Conferees on the part of the House:

Messrs. QUINN	of Bangor
WOOD	of Brooks
WALTZ	of Waldoboro

The SPEAKER: The Chair would call the attention of the House to Supplement No. 4.

The following matter was taken up by unanimous consent:

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) which failed on passage to be enacted in the House on June 28.

Came from the Senate with House Amendment "A" to Senate Amendment "A" indefinitely postponed, Conference Committee Amendment "A" to Senate Amendment "A" indefinitely postponed, Senate Amendment "A" indefinitely postponed, Conference Committee Amendment "A" to House Amendment "B" indefinitely postponed, House Amendment "B" indefinitely postponed, Conference Committee Amendment "A" in-

definitely postponed, and the Bill passed to be engrossed in non-concurrence.

(S. "A" is L. D. 1682) (H. "A" to S. "A" H-381) (Conference Committee Amendment "A" to S. "A" S-294) (H. "B" is L. D. 1689) (Conference Committee Amendment "A" to H. "B" S-295,) (Conference Committee Amendment "A" S-293)

On motion of Mr. Levesque of Madawaska, the House voted to recede from passage to be engrossed.

Thereupon, the same gentleman offered House Amendment "H" and moved its adoption.

House Amendment "H" was read by the Clerk.

(For reference to House Amendment "H" refer to filing H-477 on file in the Office of the Secretary of State re: L. D. 1575)

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I shall try to be as brief as is humanly possible, recognizing the hour on the clock and certainly respecting each and every member of this House for being here this evening. And, before I continue, I certainly want to extend my sincere thanks to the Clerk and all of her staff that have labored so strenuously to get this amendment before us, fully recognizing that this amendment carries fifty pages.

So, briefly, ladies and gentlemen of the House, what this amendment is doing I will try to explain as briefly as possible. This does exactly what the Republican proposal has been before this House with two exceptions, basically, exception one, it defers the Foundation Program Allowance; two, it defers the A. D. C. money and both are for the second year of the biennium.

Now, fully recognizing up to this date, that the biggest part of the controversy in our deadlock has been relatively these two areas, so in order to try to unlock this deadlock that we are in, it is my purpose in offering this amendment and this is with the assurance of the Governor's office that these two separate items, after they have

been studied between now and a special session by the Department of Education and by possibly many other people in the State of Maine, that these two problem areas can be resolved at a special session whereby we will know approximately how much money we have in the surplus, approximately what the answer to the problem is, thereby possibly arriving at a solution to the problem. The Governor has assured me as he has assured the leaders of the Majority party, that these two items will be given his top priority in a special session. Plus the fact that this amendment carries no five percent increase in the sales tax, it will not create the crisis that may be at our door on a referendum issue.

As you are probably aware in the history of the State of Maine, twice have money referendums been taken to the people, once in 1937 for the Old Age Assistance Program and at that time when the referendum was made, it was made for a one percent sales tax to fund this Old Age Assistance Program and school subsidies. The end result of that special election on referendum was 80,449 to 41,482, so this referendum of trying to raise money at a referendum went in defeat almost two to one. The next referendum question which faced the State of Maine regarding money was in 1947 when the State referred to the people the possibility of offering a bonus to our war veterans.

Now, you will very well recall that 1947 was not so very far away from the end of the Second World War. To pay for this bonus, it was suggested in the referendum, a tax on tobacco, a tax on liquor and wines, jewelry and so forth. This went to the people in support of the \$150 bonus to all the veterans. This went to defeat by the amount of 109,450 to 60,544. This represented 85% of the previous year gubernatorial vote, so there again this tax measure before the people for the cause of the bonus to the Veterans went down in defeat, by almost two to one. So, it is fair for us to assume then, that another referendum for the purpose of raising school subsidies

might receive the same treatment although conditions may be different, we can only speculate. So, therefore, I offer this amendment with the hope that we may be able to arrive at a fair solution to our problem.

This amendment, General Fund Appropriation, L. D. 1575, I will only read you the totals, the total is \$226,786,789 less Bond Retirement of \$3,845,000 and this I must remind—these sheets were all distributed on your desks if you would care to follow through. The interest on Bonds total \$338,437, Credit Subsidies \$125,000, General Purpose Subsidies Construction \$2 million, Contribution and Transfer State Police \$55,604, Superintendent of Town School Unions \$168,750, General Fund Capital Expenditures \$1,369,501, Student Scholarship Administration, \$137,821, the last two items are further carried on the back page. We have Legislative Document 1737 Section A, \$233,235, interest on Bonds to be used \$700,000; University of Maine \$1,500,000, Oceanographic L. D. 1722, \$128,500; State Employees Pay Plan L. D. 877 \$1.1 million giving a total of \$222,408,411.

Now to fund this program it is here suggested that undedicated revenues, Budget Document, the total is \$201,537,750, Adjustment net \$1,754,813. Increase the estimates to \$6 million. Cigarettes 2c, \$5 million; a tobacco tax \$2 million; a liquor markup of 10%, \$6,373,200; real estate transfer tax, \$375,000 making a total of \$223,040,763. If you will take the previous figure of \$222,408,411, subtract from the \$223 million, you will get a balance for L. D.'s of \$632,352. From the surplus, the estimate available on June 30, 1967 of \$7,200,000, repairs and improvement BPI \$400,000, L. D. 1737, Section B, \$292,813; General Fund Capital Expenditures \$1,369,501; General Fund Bond Majority \$3,475,000; L. D.'s already enacted, \$392,294, a balance left for L. D.'s \$1,270,392; add to this L. D. balance \$632,352 and you'll get a balance for L. D.'s of \$1,902,744.

So, ladies and gentlemen, this brings this total package for your consideration of \$229,608,411. I

shall not try to give to you in detail because of the hour, but I am sure that any of you who have looked at these figures or that will concentrate sometime in looking at these figures that they were checked with the Bureau of the Budget and they are proven and given to us as being a very sound program. If there may be some exceptions as to the form of taxation on tobacco or any other areas, I am very sure that in a very short amount of time that this could be resolved into a substitute minor tax. This will provide for the continuation of the operation of state government, will unlock the deadlock that we are presently in as being unable to agree on the financial package or packages that have been before us and certainly hope that the representative members of this House will certainly give this document that has been received from the Bureau of the Budget as being very sound and as the Governor has expressed late this afternoon, meets his entire approval. So thereby, ladies and gentlemen, I submit this program to you in the light and in the hope that we here in the operation of state government will not be faced with the possibilities of relinquishing some of our powers of taxation, of facing the possibilities of putting something before the people that may in the end jeopardize the entire bond issue for school construction, for highway construction and also jeopardize the possibility of putting a temporary patchword taxation before the public that may well be faced with a complete rejection of the whole package.

So, therefore, ladies and gentlemen, in all due sincerity, I give this to you for your deep and thoughtful consideration. Thank you.

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

Mr. BENSON: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the gentleman from Madawaska, Mr. Levesque. The question is, does this plan contain any money at all for the Foundation Program?

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, poses a question through the Chair to the gentleman from Madawaska, Mr. Levesque, who may answer if he desires.

The Chair recognizes that gentleman.

Mr. LEVESQUE: Mr. Speaker and Members of the House: In answer to the question from the gentleman from Southwest Harbor, Mr. Benson, as I explained at the beginning of my discussion here with you, that this takes out from the Republican proposals, two basic items that we have been unable to agree on; one, the Foundation Program Allowances, and there is no provision here for the Foundation Program Allowances, or two, the ADC program as I have explained that these could very well be that they could be discussed at a Special Session of the Legislature where the minds are a little bit cooler, where better studies could have been made as to the financing part of the Foundation program and ADC, the possibility that the Education Department can come up with some further solution to the problem to unlock the deadlock and also that they can possibly be made in time for the second year of the biennium.

But this package takes out these two items with the hope that it can be arrived at a later date.

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

Mr. JALBERT; Mr. Speaker: The hour of nine having arrived, I now move that we suspend that part of Rule 22 which states that no business of this House shall be transacted beyond the hour of 9 P.M.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that that part of Rule 22 relative to the hour of nine o'clock be suspended. Is this the pleasure of the House?

The motion prevailed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Very

briefly, the Legislative Research Committee did a careful analysis of the Foundation Program and indeed the Foundation Program has been a subject of legitimate concern to everyone interested in Education for many years, so I must most respectfully reject the suggestion that we abandon the Foundation Program. The same is true, I feel, with respect to ADC, contributions by our municipalities. This bill, the ADC contribution problem was studied very carefully by the 102nd Maine Legislature and I believe in previous sessions. It must come as somewhat of a disappointment to the hundreds of people all over the State who are committed to this program and to many members of this House who I am sure are convinced of the necessity for a Foundation Program and a real substantial effort in that area, to hear what I would suggest is a rather unenthusiastic comment that we could look forward to treating this a top priority in the next special session. This is the time for us to take this action, not to consider bringing it up at a special session. I am opposed to the adoption of House Amendment "H", L. D. 1575, and when the vote is taken I request that it be taken by a roll call, Mr. Speaker.

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

Mr. GILL: Mr. Speaker, may I direct a question to the gentleman from Madawaska? It's a two-part question. The first part—has there been a public hearing held on the cigar and tobacco tax? And number two—am I correct in interpreting the rate of tax upon this product as 40 percent of the retail, which in simple figures I believe would be a five cent for a cigar, for a hundred would be five dollars and the tax would amount in the two dollars and five dollars. Am I correct?

The SPEAKER: The gentleman from South Portland, Mr. Gill, poses a question through the Chair to the gentleman from Madawaska, Mr. Levesque, who may answer if he desires and the Chair recognizes that gentleman.

Mr. LEVESQUE: Mr. Speaker and Members of the House: In answer to the question posed by the gentleman from South Portland, Mr. Gill, the first question regarding the tobacco tax, if it had received a public hearing. I am assuming, and in my fourth term year here as a member of this branch, I have seen many documents that in the final hour have received passage without an official public hearing, and namely I would point out to the members of this House as of recently that the Senate Reapportionment measure that was before us hadn't received a public hearing and I am sure that if I would dig into our present legislative files a number of other documents that have been expressed before this House have not received an official public hearing.

The tobacco tax as figured in this document is on the same percentage basis as the cigarette tax; so therefore the tax that would be imposed on tobacco would be on the same percentage mills as it is on the cigarette tax.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First I would like to commend the gentleman from Madawaska, Mr. Levesque, for his work all day today concerning this program. I have had several discussions with him and I know the amount of work involved from yesterday and through today on this project. I am happy that, through some work done over the few weeks, I have been able to contribute to some degree figures that were easily accessible through the amendment as I have submitted yesterday which in my opinion possibly facilitated the gentleman's work in preparing this long and self-explanatory amendment.

I think that basically there are a number of items as found on page 2 which can be identified directly with the program as I submitted yesterday.

The tax that I think stands out in my mind, and I have discussed

this with the gentleman from Madawaska, Mr. Levesque, refers itself to the questions of the gentleman from South Portland, Mr. Gill—namely the tobacco tax. The gentleman from Madawaska, Mr. Levesque, answers correctly when he states that we have imposed taxation without public hearing. This in the last few years has been done on more than one occasion. However, I can remember very distinctly when the tobacco tax was first imposed by a session of the legislature many sessions ago. It would then have imposed and did impose upon the people a twenty percent tax on cigars and tobacco as this measure does. It had had no hearing. I can well remember the repercussion from one end of the State to the other. I can well remember the fact that many years later it contributed to a great effect in my opinion to the defeat of a candidate for Governor when his refusal to hold a public hearing upon this tax by him came home really to haunt him. It's certainly a fine gentleman he was, in his previous tenure as Governor of our fine State.

This tax did call for a twenty percent levy on tobacco products. From the time it was imposed until the time it was taken off the books of law in Maine, it became a dreadfully regressive tax based on only twenty percent, although a twenty percent markup is quite high. It went from some \$850,000 smack down to about \$400,000. Consequently without too much ado a subsequent session of the legislature saw fit in their wisdom to remove this tax. This present package would double that levy from twenty to forty percent. True, it would be based on the same percentage as cigarettes should we impose the two cents, but the fact of the matter is this—that it would raise the levy from twenty to forty percent and it would absolutely put a levy of five cents per cigar and five dollars for a box of cigars.

I think frankly that is the real fallacy in this program as outlined so well by the good gentleman from Madawaska, Mr. Levesque. I talked to him as early

as this morning and as late as a few minutes before we convened, to inform him of my personal feeling insofar as this part of the program is concerned.

Now I know what we are faced with tomorrow night, and certainly I'm not going to stand on my feet at length to make a passionate plea. However, I must before I sit down ask that the legislators please think about how easily we could get out of this present dilemma by having the gentleman from Madawaska, Mr. Levesque, and the gentleman from Cumberland, Mr. Richardson, join hands and present an amendment that I have been told by enough members of this body and the other body today, is the sound program I speak about—is the sound program I have been told by enough members of both branches today, men of both parties, enough of them to pass this program. Amend it slightly so that you would raise the Foundation Program \$8 million and we could well go on about our business and two years from now we could almost have the identical program, because I think frankly that anyone would have to admit that somewhere along the line there was a fallacy and is a fallacy that exists in that high-priced gap as indicated to us by the front office, by the front office itself's willingness to raise its own estimates—his own estimates from \$4 million to \$6 million.

I offer this suggestion as a compromise, again suggestion, and I happen to know that the Maine Teachers Association leaders are strongly thinking of looking into such a possibility; I know that other areas are thinking of such a possibility.

I urge you very sincerely to bear in mind the fact that there is no such a word as never. I'm sorry that I've deviated from the proposal as submitted by the gentleman from Madawaska, Mr. Levesque, but I have been talked to and I have talked to so many people who would like to go into this program that I felt that I would be remiss if I did not mention it.

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

Mr. HINDS: Mr. Speaker and Members of the House: Looking this program over briefly, it certainly is not the worst program we have had before us during this legislative session by any means. However, I could not in good conscience go back to the City of South Portland without increasing our educational subsidies. Under this proposal many towns and cities and districts throughout the State of Maine are going to receive less income during the next year from the State, or less subsidy I should say, than they received the year before. I know they're having a hard enough time as it is and I'd at least like to see the State contribute so that no one receives less, but this proposal doesn't do that.

I have two questions I'd like to ask through the Chair to the gentleman from Madawaska, Mr. Levesque. Number one. Is on this two-page sheet that was passed out with Mr. Levesque's name on it, there is a section called "Superintendents of Towns Comprising School Unions" and you've reduced that — you've taken that out of the document \$168,750. It's my understanding that this amount of money may not be reduced from this document unless we increase the educational subsidies, and I checked this out a short time ago and I find this to be the case and I was wondering if Mr. Levesque could explain to me if there is some other situation that exists on this particular item.

My second question is: How many millions of dollars worth of capital construction is allowed in this budget under your General Fund bond maturities or under your interest payments — how many millions of dollars worth of bonds would this budget finance?

The SPEAKER: The gentleman from South Portland, Mr. Hinds, poses a question through the Chair to the gentleman from Madawaska, Mr. Levesque, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. LEVESQUE: Mr. Speaker and Members of the House: In

answer to the questions of the gentleman from South Portland, Mr. Hinds, that part of the Superintendents of Schools unions taking out \$168,750, this was taken out with the hope that this can possibly be implemented under other than this type of document. We didn't feel that it was necessary that it be in this document and other L. D.'s could provide for this. In the amount of bond issues that could be issued in the \$700,000 under this proposal that could fund a total of \$20 million in bonds at the rate of three and a quarter or three and a half per cent.

The SPEAKER: The pending question is the adoption of House Amendment "H." The yeas and nays have been requested.

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

Mr. LEVESQUE: Mr. Speaker, may I further point out a few items that have been brought before the House?

The SPEAKER: The gentleman may proceed.

Mr. LEVESQUE: As a matter of course the position that we are in now, as the gentleman from South Portland has pointed out, that he does not want to go back to South Portland and advising his people that they are not providing the Foundation Program allowances as he has directed, I would like to remind the members of this House that it could very well be possible that if this Foundation Program is put before the people for funding, that even then they may not receive this Foundation Program allowance, and with the sincere possibility that under this program and in the special session of the Legislature where there will be fewer documents and probably further studies and probably better concentration as to what this will do to each and every individual town, we may be able to arrive at a solution that will not deadlock completely the House of Representatives.

In the remarks made by the gentleman from Lewiston, Mr. J. Albert, I find that in this House as in any other branch of the Legislature, there is no such thing as a sacred tax for anybody. Now, whether we

should deny the cigarette smokers the tax that is presently on cigarettes or whether we should let the cigar smokers or the tobacco smokers go tax free is probably academic. I think probably the cigar smokers themselves will admit that if I can afford a cigar, and this is what my wife probably doesn't like the most, but this is what I am smoking, I will not object any more to paying a tax on cigars than the one that his wife would like him to smoke a cigarette.

There is a possibility, naturally, there is always a possibility that there are a lot of people that are disappointed. In a session of the legislature, there are always a number of people that are disappointed, not only in members of this House, but also members of the general public. If you will recall not too long ago on the Floor of this august body, it was pointed out that the Constitution of the United States, when it was finally put together, pleased absolutely no one that had put that Constitution together, but was probably the fairest and the best that they could arrive at as a compromise that could be sold to all. And relatively the same was accomplished here in these same halls in 1957 when the school administrative districts were sold to the Legislature and became enacted. It was only by a compromise of the small towns and the big cities that the school administrative districts as we now know it in the State of Maine has become enacted.

So, my feeling here tonight, ladies and gentlemen, is that we must take some action and we must take some action now. In my way of looking at it, the action that we must take will have to be a compromise and certainly to refer these worthy items back to a referendum for the people to vote on does not seem to be a logical one. But, we may be able to arrive at some compromise before we go home and I must tell this little story of not too many years ago when the youngest boy of my family was only two and a half years old and would only speak to strangers after looking at his Mother. And a person came into the house,

came in and the Mother was not at the door, so the youngster looked at the gentleman at the door, went to see where his Mother was, and came back to the door and he says, "My Father will be back shortly."

The SPEAKER: The Chair recognizes the gentleman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker and Members of the House: As Chairman of the Legislative Committee on Education, I cannot possibly endorse this amendment without a provision in it for school subsidies.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: In response to the remarks made by the gentleman from South Portland, Mr. Hinds, even though I am not a member of the Appropriations Committee, nor a member of the Education Committee, after looking at the present Republican Program as we knew it as L. D. 1682, it is my understanding that both the ADC Program and the Foundation Program were to become effective the first of July, not of 1967 but of 1968, and as I understand the gentleman from Madawaska, Mr. Levesque, he has made it quite clear to the members of the House that if and when, and I am sure we will have, a special session, the Governor would make it a portion of his Call to the Legislature so that both of these items would be included in the Call to the Legislature and at that time, assuming that this special session would be held before the first of July of 1968, it is my personal opinion that there is no reason why both of these programs could not be implemented and still go along with what the Republican Leadership desires. The question here is quite simple, do we want to compromise or don't we, and if we don't, may I remind the members of the House that it is 9:22, June 29 and what does the Republican Leadership plan to offer, what are we supposed to do? If this is defeated, where are we going, ladies and gentlemen of the House? Will they make their program known, or won't they?

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I sit here this evening and listen to this debate and I think it is just about time that we faced up to our responsibilities. I think Mr. Levesque has offered a sound proposal, I think he has offered proposals that are generally acceptable to most of us if we will think them over. I don't think there is any violent opposition to cigar, cigarette or tobacco tax and, instead of a bare bones budget, he has offered us a budget with some meat on it, he has offered us a way to accept our responsibilities as legislators and our responsibility as representatives of the people. I think, if we put the sales tax, the Foundation Program, or any other proposal of this type in a package and send it out to the people, that we are admitting that we have failed as a Legislature. The leadership of both parties, if they will not compromise will have admitted that they have failed in their duty to the people. They will be throwing up their hands and admitting utter failure and throwing the responsibility on the people themselves. Though it is quite apparent from what we have heard tonight that the people are not going to vote for a tax, no matter how many goodies they may or may not receive from that tax in return. And, tonight, as the gentleman from Eagle Lake has reminded you, is the night of June 29, tomorrow night at this time we will be something less than three hours from midnight. At midnight the wheels will grind to a halt and where do we go from there?

Now, Mr. Levesque has in good conscience offered this massive fifty page document as an amendment. I haven't looked it over thoroughly, but I am familiar in general with its provisions. I think he has done it in good conscience as a compromise. I think we should accept it. I think then, as he has suggested, if we want to discuss Foundation Programs, sales taxes, or whatever have you that are very important, I will ad-

mit they are, we have time to do it in a special session and let's take this now, wind up our business as good legislators and go home.

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

Mr. HINDS: Mr. Speaker and Members of the House: I would just like to state in answer to some of the remarks made from the gentleman from Eagle Lake, Mr. Martin, that personally, I, since my four terms in the Maine Legislature, I recall very few taxes that we have enacted during special sessions. I have always felt it was the responsibility of the Legislature to enact the taxes that were necessary during our regular session. And, I think we have several taxes here we are talking about and I hope we don't get started on a program where we are going to start enacting taxes every year so that the people will have to expect an increase in some kind of a tax every time they turn around. I didn't come down here for that, I want to finance the program now and only come back in a special session to take care of the bond problems and any other emergencies that might have arisen during that time, or any other reason the Governor should see fit to call us down here. I don't feel that we should hold off and enact two or three taxes now and come back in January and enact two or three more taxes, or one or two taxes or whatever you have, I think we should face up to our responsibilities and do it now as have past Maine Legislatures.

Number two, I would just like to mention that I asked the question a short time ago about the amount of bonds included in this program and there was approximately \$20 million was the answer. Well, I would just like to say that we have a General Fund bond issue that amounts to close to \$16 million, we have an Airport Bond Issue, we have Building Subsidies for Education Bond Issue over \$6 million, and we have a Graduate Building for Portland University of Maine Campus for \$1.8 million, Fort Kent Multi-purpose Building for \$415,000, Augusta University of

Maine Building for \$1.1 million, Mentally Retarded Building for Bangor for \$350,000, Loans to Students for \$1 million and several other bond issues which total way over \$30 million and I am sure these things that I have mentioned many members of this House feel are quite important and should be passed, in fact many members are working quite hard to see that their individual buildings are passed and I say that the \$20 million figure doesn't seem to me to be adequate.

Mr. Levesque of Madawaska was granted permission to speak a third time.

Mr. LEVESQUE: Mr. Speaker and Members of the House: I certainly don't wish to belabor this document any longer than it is absolutely necessary, but I would like to point out to the gentleman from South Portland, Mr. Hinds, that the \$20 million suggested here was the figure that the Budget Bureau thought would be adequate to finance the bond issues, or pay for the bond issues interest as they come up. It is understood, I believe, that there is many a measure passed at this session of the Legislature that might alleviate some of the problems in the future as far as paying interest on bonds issued after this session of the Legislature.

The SPEAKER: 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the adoption of House Amendment "H" to L. D. 1575. All those in favor of the adoption of House Amendment "H" will vote yes and those opposed will vote no and the Chair opens the vote.

ROLL CALL

YEA — Bedard, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Bradstreet, Brennan, Burnham, Carrier, Carroll, Carswell, Champagne, Conley, Cottrell,

Crommett, Curran, D'Alfonso, Driogotas, Dudley, Eustis, Fecteau, Fraser, Gaudreau, Gauthier, Giroux, Harnois, Harvey, Healy, Hennessey, Hunter, Jameson, Keyte, Kilroy, Lebel, Levesque, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Quimby, Rocheleau, Sawyer, Scribner, Starbird, Sullivan, Wheeler.

NAY — Allen, Baker, E. B.; Benson, Berman, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cookson, Cornell, Cote, Crockett, Crosby, Cushing, Dickinson, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Farrington, Gill, Hall, Hanson, B. B.; Hanson, P. K.; Harriman, Hawes, Haynes, Henley, Hewes, Hichens, Hinds, Hodgkins, Hoover, Huber, Immonen, Jalbert, Kyes, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Pendergast, Philbrook, Porter, Prince, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Ross, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Susi, Tanguay, Thompson, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

ABSENT — Baker, R. E.; Belanger, Carey, Couture, Danton, Darey, Dennett, Fortier, Foster, Fuller, Hanson, H. L.; Humphrey, Jannelle, Jewell, Noyes, Payson, Pike, Roy, Sahagian, Townsend, Truman.

Yes, 47; No, 82; Absent, 21.

The SPEAKER: The Chair will announce the vote. Forty-seven having voted in the affirmative and eighty-two having voted in the affirmative and eighty-two having voted in the negative, House Amendment "H" fails of adoption.

Thereupon, on motion of Mr. Richardson of Cumberland, the Bill was tabled pending concurring with the Senate and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.