

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Wednesday, May 31, 1967

Senate called to order by the President.

Prayer by Rev. Roger S. Smith of Augusta.

Reading of the Journal of Yesterday.

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

Bill "An Act to Appropriate Funds and Provide Staff for Alcoholism Services." (S. P. 9) (L. D. 15)

In Senate, May 18, Passed to be Engrossed As Amended by Senate Amendment "A" (S-140) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-140) and by HOUSE Amendment "A" (H-361) in non-concurrence.

On motion by Mr. Ross of Piscataquis, the Senate voted to recede and Concur with the House.

Resolve, Proposing an amendment to the Constitution Pledging Credit of State for Maine School Building Authority Bonds. (S. P. 622) (L. D. 1624)

In Senate, May 12, Passed to be Engrossed.

Comes from the House, Indefinitely Postponed in non-concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Insist and ask for a Committee of Conference.

House Paper

JOINT RESOLUTION COMMENDING MAINE RECIPIENTS OF FREEDOMS FOUNDATION AWARDS.

WHEREAS, Freedom is mankind's most cherished possession and the foundation upon which our great Nation was built; and

WHEREAS, Freedoms Foundation honors organizations, schools and individuals for outstanding contributions toward a better understanding and greater appreciation of the American Way of Life; and

WHEREAS, the State of Maine shares this moment of high honor and recognition with those of its

citizenry selected as recipients in the foundation's 18th National and School Awards Program at the Freedoms Foundation, Valley Forge; now, therefore, be it

RESOLVED: That the members of the House and Senate of the One Hundred and Third Legislature extend to the participants a message of commendation for such worthy and patriotic accomplishments; and be it further

RESOLVED: That copies of this resolution, duly authenticated by the Clerk of the House, be transmitted to the following award recipients:

Donald C. Lauberstein
Capt. David F. Purinton
Airman First Class, Clifton L. Taulbert

Major William W. Owen
Lt. Col. W. S. Tulloch
Roger W. Remington
Diane L. LeBlond

Mrs. Margaret B. Todd
Central Maine Power Company
(H. P. 1183)

Comes from the House, Read and Adopted.

Which was read and Adopted in concurrence.

**Committee Reports
Refer to 104th Legislature**

The Committee on State Government on Resolve, Proposing an Amendment to the Constitution to Provide for Municipal Home Rule. (H. P. 120) (L. D. 146)

The Committee reported that the same should be

Referred to the 104th Legislature.

Comes from the House, report Read and Accepted.

Which Report was Read and Accepted in concurrence.

Leave to Withdraw

The Committee on Election Laws on Bill "An Act to Hold the Primary Election on the Second Monday of September. (H. P. 15) (L. D. 27)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House report Read and Accepted.

The Committee on State Government on Bill "An Act Providing for a Full-Time At-

torney General and Relating to His Salary," (H. P. 159) (L. D. 222)

Reported that the same should be granted Leave to Withdraw.

Comes from the House report Read and Accepted.

The Committee on State Government on Bill "An Act Increasing Salary of State Auditor." (S. P. 283) (L. D. 403)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on State Government on Bill "An Act Increasing Salaries of the Public Utilities Commissioners." (H. P. 550) (L. D. 782)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on State Government on Bill "An Act Increasing Salary of Treasurer of State." (H. P. 596) (L. D. 825)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House report Read and Accepted.

The Committee on State Government on Bill "An Act Increasing Salaries of Boxing Commissioners." (H. P. 643) (L. D. 898)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House report Read and Accepted.

The Committee on State Government on Bill "An Act Increasing Compensation of State Personnel Board." (H. P. 765) (L. D. 1112)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House report Read and Accepted.

The Committee on State Government on Bill "An Act Increasing Salary of Commissioner of Labor and Industry." (H. P. 862) (L. D. 1275)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on State Government on Bill "An Act Increasing Salary of Director of Legislative Research." (H. P. 915) (L. D. 1324)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on State Government on Bill "An Act Increasing Compensation of Members of Employment Security Commission." (H. P. 917) (L. D. 1326)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on State Government on Bill "An Act Increasing the Salary of the Commissioner of Education." (H. P. 1025) (L. D. 1491)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on State Government on Bill "An Act Relating to Temporary Loans by State." (H. P. 1026) (L. D. 1492)

Reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

On motion by Mr. Wyman of Washington, referred back to the Committee on State Government.

The Committee on State Government on Bill "An Act Increasing Salaries of and Relating to Expenses of State Liquor Commission." (H. P. 1032) (L. D. 1498)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Which reports were Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Judiciary on Bill "An Act Relating to Payment of Bank Deposits and Interest and Loan and Building Shares When Payable to Two or More Names." (H. P. 873) (L. D. 1285)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Judiciary on Bill "An Act Relating to Custody of Children in Divorce Actions." (H. P. 589) (L. D. 820)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass in New Draft

The Committee on Health and Institutional Services on Bill "An Act Revising the Drug, Narcotic and Pharmacy Laws." (H. P. 265) (L. D. 386)

Reported that the same Ought to Pass in New Draft, under the same title: (H. P. 1176) (L. D. 1674)

Comes from the House, report Read and Accepted and the Bill passed to be Engrossed.

(On motion by Mr. Greeley of Waldo, tabled and specially assigned for Thursday, June 1st, pending Acceptance of the Committee Report.)

Divided Report

The Majority of the Committee on Inland Fisheries and Game on Bill "An Act Revising the Law Relating to Guides Under Fish and Game Laws." (H. P. 356) (L. D. 503)

Reported that the same Ought Not to Pass.

Signed: Senators:

HOFFSES of Knox
FARLEY of York

Representatives:

COOKSON of Glenburn
RACKLIFF of Easton
GAUDREAU of Lewiston
LEWIN of Augusta
THOMPSON of Belfast
CHAMPAGNE of Fairfield

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

Signed: Senator:

ANDERSON of Hancock

Representative:

HAYNES of Camden

Comes from the House, Minority Report Ought to Pass, Accepted,

and the Bill Passed to be Engrossed.

(On motion by Mr. Hoffses of Knox, tabled and specially assigned for Thursday, June 1st, pending Acceptance of Either Report.)

Senate

Ought to Pass As Amended

The Committee on Judiciary on Bill "An Act Relating to Appeals from Juvenile Court Proceedings." (S. P. 319) (L. D. 842)

Reported that the same Ought to Pass As Amended by Committee Amendment "A".

Which Report was Read and Accepted and the Bill read once. Committee Amendment "A", Filing S-196, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 319, L. D. 842, Bill "An Act Relating to Appeals from Juvenile Court Proceedings."

Amend said Bill in the 6th line (5th line in L. D. 842) by inserting before the underlined word "forthwith" the underlined words 'upon the written request of the juvenile or guardian ad litem or attorney'

Committee Amendment "A" was Adopted, and the Bill, as Amended, tomorrow assigned for second reading.

The Committee on Judiciary on Bill "An Act Relating to Dividends and Stock Held by Unknown Stockholders." (S. P. 503) (L. D. 1218)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-197)

Which report was read and Accepted and the Bill read once. Committee Amendment "A", Filing S-197) was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 503, L. D. 1218, Bill "An Act Relating to Dividends and Stock Held by Unknown Stockholders."

Amend said Bill by striking out in the 7th line (5th line of L. D. 1218) the underlined figure "5" and inserting in place thereof the underlined figure '20'; and by inserting after the underlined word "dividend" in the 11th line (8th line of L. D. 1218) the underlined words 'or dividends'; and by strik-

ing out in the 15th line (11th line of L. D. 1218) the underlined word "was" and inserting in place thereof the underlined words 'or dividends were'; and by inserting after the underlined "dividend" in the 7th line of the 2nd paragraph (6th line of 2nd paragraph of L. D. 1218) the underlined words 'or dividends'; and by inserting after the underlined word "dividend" in the first line of the 3rd paragraph (same in L. D. 1218) the underlined words 'or dividends'

Committee Amendment "A" was Adopted, and the Bill, As Amended, tomorrow assigned for second reading.

Second Readers

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

House

Bill "An Act Appropriating Funds for Time and a Half Overtime Payment for State Employees." (H. P. 51) (L. D. 76)

Bill "An Act Revising the Laws Relating to Physical Therapists." (H. P. 1177) (L. D. 1675)

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

Bill "An Act Creating the Maine Board of Auctioneers." (H. P. 1021) (L. D. 1509)

(On motion by Mr. Katz of Kennebec, tabled and specially assigned for Thursday, June 1st, pending passage to be engrossed.)

House — As Amended

Bill "An Act Increasing Indebtedness of Baileyville School District." (H. P. 1142) (L. D. 1628)

Which was Read a Second Time and Passed to be Engrossed, As Amended, in concurrence.

Senate

Bill "An Act Relating to Appointment of the Deputy Secretary of State." (S. P. 142) (L. D. 270)

Bill "An Act Authorizing Joint Rates Between Certain Transportation Carriers." (S. P. 609) (L. D. 1603).

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President, I offer Senate Amendment "A" to L. D. 1603 and would move its adoption.

Senate Amendment "A", Filing S-200, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 609, L. D. 1603, Bill, "An Act Authorizing Joint Rates Between Certain Transportation Carriers"

Amend said Bill by adding at the end the following underlined sentence:

'Within 30 days after the effective date of such through routes and joint rates, charges and classifications, the commission, upon compliant and after reasonable notice to interested parties, shall hold a public hearing and make investigation as to whether such through routes, and joint rates, charges and classifications are in the public interest, and issue its order and findings within 90 days therefrom.'

Senate Amendment "A" was Adopted.

(On motion by Mr. Johnson of Somerset, tabled and specially assigned for Thursday, June 1st, pending Passage to be Engrossed.

Bill "An Act Placing State Highway Department Employees on The Merit Service Step System." (S. P. 662) (L. D. 1680)

Bill "An Act Providing Funds for Rebuilding the Dam on Ebeeme Lake in Piscataquis County." (S. P. 661) (L. D. 1679)

Which were Read a Second time and Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill "An Act Defining Industrial Project Under Industrial Building Authority Law." (S. P. 34) (L. D. 33)

Which was Read a Second Time.

(On motion by Mr. Hildreth of Cumberland, tabled and specially assigned for Wednesday, June 7, pending Passage to be Engrossed).

Enactors

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

An Act Providing for a Coordinator of Apprenticeship in the

Department of Education." (S. P. 199) (L. D. 430)

(On motion by Mr. Berry of Cumberland. Placed on the Special Appropriations Table.)

An Act Providing for a State Government Internship Program (S. P. 200) (L. D. 431)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to County Funds for Buildings for Education Programs for Retarded Children." (S. P. 201) (L. D. 432)

An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements. (S. P. 251) (L. D. 611)

An Act Relating to Review of Projects Under Housing Authority Law. (S. P. 354) (L. D. 938)

An Act Relating to Transportation and Possession of Liquor by Minors. (S. P. 407) (L. D. 1038)

An Act to Authorize Lincoln County to Raise Money for Court House Capital Improvements. (S. P. 485) (L. D. 1206)

An Act Creating a Council-Manager Form of Government for the City of Saco." (S. P. 552) (L. D. 1505)

An Act Relating to Expenditure of Assessment for Fire Protection Tax in Certain Townships." (S. P. 571) (L. D. 1441)

An Act Relating to Transportation of Disabled, Collision Damaged, Wrecked or Repossessed Highway Motor Vehicles. (H. P. 59) (L. D. 84)

An Act Relating to Certificate of Organization of Non-profit Corporations Organized Prior to 1911. (H. P. 150) (L. D. 214)

An Act Relating to Tax Collector's Resignation. (H. P. 297) (L. D. 417)

An Act Providing for Paid Holidays for Municipal Employees of the City of Lewiston. (H. P. 392) (L. D. 539)

(On motion by Mr. Johnson of Somerset, tabled, unassigned, pending Enactment.)

An Act Relating to Buildings for Education Programs for Retarded Children No Longer Used for the Purpose. (H. P. 431) (L. D. 595)

An Act Relating to Fees for Handling Insurance Papers by

Those Who Loan on Property. (H. P. 470) (L. D. 683)

An Act Authorizing Department of Health and Welfare to Make Grants to Municipalities. (H. P. 490) (L. D. 703)

An Act Relating to Complaints and Violations Under Motor Vehicle Sales Finance Act. (H. P. 511) (L. D. 724)

(On motion by Mr. Hildreth of Cumberland, tabled and specially assigned for Friday, June 2, pending Enactment.)

An Act to Allow the Use of Certain Government Bonds in Place of Retention of Payments Due Contractor in State Contracts. (H. P. 631) (L. D. 887)

(On motion by Mr. Ferguson of Oxford, placed on the Special Highway Appropriations Table.)

An Act Relating to Fees, Compensation, Trust Accounts and Criminal Offenses Under Real Estate Law. (H. P. 714) (L. D. 1009)

An Act Providing for the Official Observance of the 150th Anniversary of the Formation of the State of Maine. (H. P. 723) (L. D. 1018)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to Legislative Research Committee Printing. (H. P. 916) (L. D. 1325)

An Act Relating to Care of Indigent Adult Males at Jefferson Men's Camp. (H. P. 951) (L. D. 1382)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to Acceptance of State and Federal Grants. (H. P. 1046) (L. D. 1518)

An Act Increasing Fees for Sheriffs and Deputies. (H. P. 1047) (L. D. 1519)

(On motion by Mr. Ferguson of Oxford, tabled and specially assigned for Monday, June 5, pending Enactment.)

An Act Providing for Retirement Allowance for Widows of Governors. (H. P. 1050) (L. D. 1522)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Requiring Constructed Public Buildings be Made

Accessible to the Physically Handicapped. (H. P. 1114) (L. D. 1583)

(On motion by Mr. Johnson of Somerset, tabled, unassigned, pending Enactment.)

An Act Relating to Weight Violations of Trucks. (H. P. 1122) (L. D. 1594)

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: I move that Item 8-27 lie on the Special Highway Appropriations Table.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, with reference to Item 8-27, I see no reason for this item to lie on the Special Highway Appropriations Table. It has come to my attention on Bill "An Act Relating to Weight Violations of Trucks," if it were put on the appropriations table, the loss in fines will affect the amount of the appropriations. I would like to correct this impression. I understand that Mr. Stevens has stated that this loss will amount to about \$50,000. I have done a little research on this project and I find that in the year 1966 the total fines collected were a little better than \$88,000. 85 per cent of them were from the Kittery Court. This is because of the weighing station in Kittery. I also find that the total cost of operating the weighing station in Kittery is better than \$63,000, so even if the total fines are collected next year that were collected in the past, we are breaking even with about a \$25,000 profit.

Further research shows that the average fine for violation is about \$100. L. D. 1594 lowers the fine, but it still keeps the maximum fine at \$200, so based on this, the loss of revenue from fines to the State of Maine will be nothing. The only loss would be of the excessive fines in the \$500 area which we are trying to eliminate anyway because they are not realistic. Furthermore, this is a weight violation law and the fact that the State of Maine is making money on it should be incidental and should in no way control a part

of this law. We should not be depending on revenue for our highways by fining motor vehicle operators. I would request a division on the tabling motion.

The PRESIDENT: The pending question is on the motion of the Senator from Oxford, Senator Ferguson, that we place on the Special Highway Appropriations Table Item 8-27 Bill "An Act Relating to Weight Violations of Trucks."

As many as are in favor of placing this measure on the Special Highway Appropriations Table will stand and remain standing until counted.

The Chair recognizes the Senator From Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I see that the Chairman of Transportation, Senator Johnson of Somerset, has come well prepared. I thought it more or less routine on things that are going to cost the Highway money that they automatically went on the Appropriations Table. The report that I had from the very able Chairman, David Stevens, is that this is a \$50,000 item, and as you know we are scraping the bottom of the barrel for money for the highways. We had hoped that this bill would go on the Appropriations Table until we get ironed out on the matters of appropriations.

You must remember that if this bill become law that three-axle trucks work as well as the five-axle. This is something that I wanted to further check out, but it is my opinion that this is certainly one that is going to cost the Highway some money. We are not talking only of fines, now we are talking about some people who would get under this bill not to pay the fee for carrying certain loads over your highways. This is the difference why we don't lose a large part of the fees for the highways, so you people who are thinking about what we've got to do for the highways—very, very many forget what the Highway Commission has slated for the next two years, we're going to start whittling at the other revenue, then certainly a good many of the plans for construction, supplemental pro-

grams and others that will go down the drain. I would hope that you people would go along and put this on the Highway Appropriations Table until such time as we will see what we are going to have left.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: This is a good bill. We heard it before the Transportation Committee and it came out unanimously Ought to Pass. I want to call your attention to the fact that in my opinion that this is just a maneuver to kill this bill, and I hope you will not vote to support the tabling motion. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President, may I inquire if there was a misprint on the calendar on Item 8-27? It seems to have the same H. P. number and L. D. number as the next item.

The PRESIDENT: I would advise the Senator that on the journal before me the number is H. P. 1122, L. D. 1594.

Mr. LUND: Mr. President, may I inquire which item that is?

The PRESIDENT: Item 8-27, "An Act Relating to Weight Violations of Trucks" is in fact H. P. 1122, L. D. 1594, so it is a misprint on the journal.

Mr. LUND: Mr. President, I had an amendment which I intended to offer today which would have resolved some of the problems that developed in debate the other day. I would hope that someone would table this item until the next legislative day.

Thereupon, on motion by Mr. Johnson of Somerset, tabled and specially assigned for Monday, June 5, pending Enactment.

An Act Providing State Scholarships for Higher Education. (H. P. 1155) (L. D. 1652)

(On motion by Mr. Johnson of Somerset, tabled, unassigned, pending Enactment.)

Which were Passed to be Enacted, and having been signed by the President, were by the

Secretary presented to the Governor for his approval.

Emergency

Resolve Regulating Fishing on Part of Moose River, Somerset County. (S. P. 604) (L. D. 1587)

(On motion by Mr. Johnson of Somerset, tabled, unassigned pending Final Passage.)

Orders of the Day

The President laid before the Senate the first tabled and today assigned matter (H. P. 1118) (L. D. 1595) House Report Ought Not to Pass from the Committee on Legal Affairs on Bill, "An Act Clarifying the Location of Town Line Between China and Winslow." Tabled May 23 by Senator Johnson of Somerset pending Acceptance of Report.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President, I move the Senate Accept the Committee Report Ought Not to Pass.

On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Acceptance of the Committee Report.

The President laid before the Senate the second tabled and today assigned matter (H. P. 769) (L. D. 1116) House Report Ought Not to Pass from the Committee on Taxation on Bill, "An Act Providing for a Credit Against Sales and Use Tax on Industrial Machinery and Equipment." Tabled May 24 by Senator Hildreth of Cumberland pending Acceptance of Report.

On motion by Hildreth of Cumberland, retabled and specially assigned for Thursday, June 1st, pending Acceptance of Report.

The President laid before the Senate the third tabled and today assigned matter (H. P. 875) (L. D. 1287) House Reports from the Committee on Business Legislation on Bill, "An Act Relating to Countersigning Fees for Insurance Agents and Brokers," Majority Report, Ought Not to Pass; Minority Report, Ought to Pass. Tabled May 25 by Senator Mac-

Leod of Penobscot pending Acceptance of Either Report.

On motion by Mr. MacLeod of Penobscot, the Senate voted to Accept the Minority Ought to Pass Report of the Committee and the bill was read once. House Amendment "B" was Read and Adopted, and the Bill, As Amended, tomorrow assigned for Second Reading.

The President laid before the Senate the fourth tabled and today assigned matter (S. P. 632) (L. D. 1633) Bill, "An Act Relating to Eligibility for Office of Bank Commissioner." Tabled May 25 by Senator Johnson of Somerset Pending Enactment.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, May I ask the nature of any amendments on this bill now?

The PRESIDENT: The Chair will advise the Senator that the Bill is in New Draft without amendment.

On motion by Mr. Johnson of Somerset, the Senate voted to pass the Bill to be Enacted.

Which was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the fifth tabled and today assigned matter (S. P. 599) (L. D. 1580) Resolve, Proposing an Amendment to the Constitution to Grant Adult Rights to Persons Twenty Years of Age and to Reduce the Voting Age to Twenty Years. Tabled May 25 by Senator Hildreth of Cumberland, Pending Motion by Senator Anderson of Hancock to Indefinitely Postpone.

On motion by Mr. Johnson of Somerset, retabled until later in today's session pending the Motion to Indefinitely Postpone.

The President laid before the Senate the sixth tabled and today assigned matter (H. P. 901) (L. D. 1314) House Report Ought Not to Pass from the Committee on Legal Affairs on Bill, "An Act to

Provide for a Lien for Hospital Services on Recoveries from Third Person." Tabled May 25 by Senator Hildreth of Cumberland, Pending Adoption of Senate Amendment "A", Filing S-189.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: This bill was debated at length in the House of Representatives and was passed to be enacted in that body. It was debated at length here in the Senate and was one step short of being passed to be enacted in this body. The other day the Senator from Penobscot, Senator Stern, offered a small amendment to this bill at this stage of the proceedings after the bill has been engrossed in both branches. He debated the merits of the amendment that he had offered. I am opposed to the amendment as offered by Senator Stern largely because I feel it is an effort to get the bill in non-concurrence in the hope that in the confusion of the next two or three weeks, there would be a better chance of killing this bill. I don't think the amendment is worth trying to unengross this bill and send it back to the House in non-concurrence and, therefore, I would move that the Senate Amendment "A" be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Hildreth, moves that the Senate now indefinitely postpone Senate Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President, Fellow Members of the Senate: I am very sensitive. These unkind words made by Senator Hildreth have cut me to the quick. You know what this amendment says, and if you remember the long and lengthy debate which we had on it, one of the objections that I made was that when we had a doubtful or disputed case and I went to the hospital and says to the hospital, "We have a \$3,000 bill here, you have lien on it, you have a claim, if you don't compromise it, you are likely not to get anything and the patient, my

client, is apt to get nothing and incidentally I myself may get nothing."

Now what this amendment proposed to do — you see I'm for the hospital. If passed it is to protect the hospital and this protects the hospital. All this amendment says, and I stand ready to be contradicted if it says anything else, it says, "In the event of a disputed or doubtful claim." Now I don't want the hospital to control my case, and this would apply usually in a case where a man might be a pauper or have nothing and have a very bad case. In the event of a doubtful or disputed claim, the court could determine or establish the amount we should be paid by the third person or the insurance carrier, for the purpose of listing the lien, all this would mean is that the patient or the client who is apt to get nothing and it was disputed, the court could say to the hospital, "Well, I am going to establish you have a claim there for \$200, I would order an amount paid to you of \$150." This would not forbid or release the hospital's claim against the patient for the other \$50. This in no way affects the debt. This is an unusual situation and it calls for an unusual amendment.

All I am asking for is this amendment which would only release the man in accordance with the amount established by the judge, and I'm sure that the judge would think first of the hospital and not for the lawyer or the patient. I don't feel that the hospital should control. They know nothing about liability. They know nothing about the issues of the law. All they know is that they have got a lien on the amount and they are not only killing themselves, but they are killing the patient and they are killing perhaps a chance of realizing something that they would not have realized before. As I say, and I have said it before, it does not kill the debt. It only releases the lien up to the amount that a judge who would have the best interest of the hospital at heart in the amount that he would set, so I'm not trying to kill this bill because there is no lawyer, and I say no lawyer and I'm cover-

ing the ground, no lawyer in the State of Maine, in my humble opinion, that has held out for the hospital as much as I have throughout the years and who would protect the hospital, and I say that sincerely, but somehow some order got into this aspect of this case that there is that one chance that the hospital may be deprived of a fee, so I'm for them. This bill is not hindering them in any way. This amendment is not hurting them in any way. It's helping them. This amendment is solely for the purpose of giving them something against their better judgment protected by a judge who would know whether or not they should have something solely for the purpose of releasing the lien, so I beg of you and I urge you that this amendment is not hurting the hospitals. This amendment is helping the hospitals and nothing else, so I urge you to vote for this amendment.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Cumberland, Senator Hildreth, that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President, I request a division.

The PRESIDENT: The Senator from Cumberland, Senator Hildreth, has requested a division.

As many as are in favor of the motion to indefinitely postpone Senate Amendment "A" will stand and remain standing until counted. Those opposed to the motion will stand and remain standing until counted.

A division was had, 18 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to indefinitely postpone Senate Amendment "A" prevailed.

The President laid before the Senate the seventh tabled and today assigned matter (S. P. 568) (L. D. 1438) Bill, "An Act Relating to Retirement Benefits for Policemen and Firemen of the Lewiston Police and Fire Departments Un-

der the State Retirement System." Tabled May 25 by Senator Couturier of Androscoggin, pending Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COUTURIER of Androscoggin: Mr. President and Members of the Senate: Finally I have a little more information about this bill, and I find that I must oppose this bill. Therefore, I will make a motion to indefinitely postpone the bill and all accompanying papers, and I would like to speak to my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Couturier, moves that the Senate now indefinitely postpone item seven.

The Chair recognizes that Senator.

Mr. COUTURIER: Mr. President and Members of the Senate: My reasons for being opposed to this bill at this time are that first, these benefits could be voted by the Board of Aldermen and the Board of Finance of the City of Lewiston at any time. Secondly, that the State employees now get their pension at age 55, from the information I have received, and there is no provision in this bill to give the individuals their pension at age 55 but it simply states that they shall receive it at any time after having worked for 25 years. The cost of this bill to the City of Lewiston for the first year would be \$18,104 or, if it's an adjusted assessment, approximately \$19,000. With the increases in salaries, the anticipated cost in the next ten years would be one quarter of a million dollars. There would be no additional contribution by the individual. The cost would be borne entirely by the city.

The State Police at the present time contribute eight to nine per cent of their salaries to a retirement benefit, whereas city employees now contribute five per cent and this figure would remain the same. We also feel that this would open the door to all municipal employees to retire after twenty-five years. Therefore, those are my reasons for objecting to this bill.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Boisvert.

Mr. BOISVERT of Androscoggin: Mr. President, Members of the Senate: I sponsored this bill and I do believe it is a good bill. This bill has been lying on the table since the middle of April. I knew what it would cost the City of Lewiston when this bill was presented before the Legal Affairs Committee. The report was unanimously Ought to Pass. There was no opposition at the hearing. The Mayor of the City of Lewiston appeared and supported the bill, and as a matter of fact, Senator Couturier, my good friend from Androscoggin, also supported the bill. I know that a man has a right to change his mind.

Last night I received a call from the Mayor telling me that the Controller wanted to see me this morning at 8:30, so at quarter of nine I called and they were still figuring. Now, the question is how come we wait so late in the session before coming up with figures which were already known and mentioned before the hearing. I know it will cost \$18,000 a year to the City of Lewiston. We cannot compare the law enforcement officers and the fire fighters to the rest of the employees of a community. During the past three or four years thirteen members have resigned from the Police Department, and the only reason given was that they were leaving for better wages. This bill will certainly give an incentive to keep men on the police force and probably to get better qualified men.

I know that the bill doesn't mention a limit as far as age for retirement. It only calls for twenty-five years of service. Today it is twenty-five years or 55. If a man wants to join the force, he cannot join it beyond the age of twenty-four. This is the ruling by the Commission, and I do believe that between the ages of 24 and 30, we could find fairly qualified men to serve in a growing city like the City of Lewiston, so lady and gentlemen of the Senate, I would urge you to vote against the motion by the good Senator from Androscoggin, Senator Couturier.

The President: Is the Senate ready for the question. The pending question is the motion of the Senator from Androscoggin, Senator Couturier, that this bill and its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I'm asking this question only as a State Senator. We've heard from two of the Senators from Androscoggin. We haven't heard from the third one, Senator Girard, and I wonder if he would like to enlighten the Senate as to his feelings on this measure.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Girard.

Mr. GIRARD of Androscoggin: Mr. President and Members of the Senate: I do feel the same way as Senator Boisvert. I have to go against my good friend, Senator Couturier, but through my experience with the City of Lewiston and municipal government, I think they do need better fringe benefits, and it would encourage the young people to join our forces of the police and fire departments because this is a professional job and it is a kind of a vocation, so this would be an incentive that they would have better fringe benefits for retirement, so I hope you will go along with Senator Boisvert and not indefinitely postpone the bill.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the indefinite postponement of the bill will say "Yes." Those opposed "No."

A viva voce vote being had, the motion to indefinitely postpone the bill and accompanying papers did not prevail.

Thereupon, the Senate voted to pass the bill to be engrossed.

The President laid before the Senate the eighth tabled and today assigned matter (S. P. 157) (L. D. 328) Senate Reports from the Committee on Highways on Bill, "An Act Relating to Tandem Trailers." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass in New Draft. Tabled May 25 by Senator Mills

of Franklin, pending Motion by Senator Ferguson of Oxford to Accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Brewer.

Mr. BREWER of Sagadahoc: Mr. President and Members of The Senate: This bill has been tabled quite some time off and on and, as the sponsor, I would like to make a few comments. I know there are other people who want to speak for the bill and I would assume against the bill, so I will be brief. When I introduced the original bill, I had some misgivings as to double bottoms on our two-lane controlled access highways. However, since the redraft has been out, I am most happy with it, that would restrict double bottoms just to four-lane highways. I feel it would improve our transportation system for materials coming and in commerce going out of the State, and as we are located in the remote northeast corner of the United States, we have to look for improved transportation facilities, both from service and from cost.

There has been a lot of controversy about this bill even before it came on the floor of the Senate for debate, but I would submit to the Senate that most of the smoke and fire was generated by the opposition to motor transportation. I have a number of editorials clipped during the last winter which are favorable to the tandem axle bill. There is one in particular which was published in the Kennebec Journal March 15 of this year and I would just quote briefly from it, not fully, but it does point out where the opposition came from and one of the lobbyists for the railroad people at the hearing, when he was asked why he was opposed to the double-bottom bill, he said, "You know we have a comparative interest," he said, "if the truckers can carry more freight then it will be less for us to carry." And that is about the size of it. 90 per cent of the heat in the double-bottom caucuses is the production of business competition and nothing else.

Certainly no one will blame the railroads for fighting in their own interests, but in the final accounting, shippers will employ the transportation system with the best service and the lowest cost. That is a challenge competitors must meet, and it is not achieved by trying to restrain an adversary.

Now, in these United States, there are 34 states that have passed double-bottom bills, some over 100 feet in length, and in my investigation into the 60 angle, and I would like to remind the Senate that one of my pet interests, of course, is highway safety, I have not had any evidence shown me that these are unsafe units. As a matter of fact during the winter months, we have had some correspondence from some of the other states that do have this type of legislation on their books, and I will just briefly quote from two or three of them. Here is the Wyoming State Highway Commission, "In 1955 Wyoming law provided for three units and a maximum length of 60 feet. In 1965 for a combination of two or three units with a maximum length of 65 feet. The operation of these combinations have not caused any serious traffic or accident problems." That is from the State of Wyoming.

The State of Missouri Highway Patrol: "The operation of double-bottom units is restricted to the Interstate Highway System and a few other routes approved by the State Highway Commission. We have had no reports of any congestion or traffic hazards created by the operation of these units in the State of Missouri." They have other routes that are approved other than the Interstate Highway System.

This bill before us just calls for 4-lane controlled access highways. Still another from the Montana Highway Patrol, the Captain of the Patrol: "Concerning the 65-foot combination which is now being operated on our Montana highways, we can assure you from a safety standpoint that the additional length has not increased the accident rate. As a matter of record, our truck accident rate involving these combinations has improved

considerably enough to encourage the issuance of permits granting an overall length of 65 feet. This statement is true not only as to 65-foot double-bottoms, but also as to 65-foot auto transport tractors."

I would submit to this Senate this morning that we are not talking weights or weight tolerance; we are talking volume and with the technical advances and materials, manufacturing materials, they are getting lighter which necessitates us looking towards improving our transportation system in this state, and I feel that this is the bill that would help in that respect. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I would like to at this time speak in opposition to the motion of the good Senator from Oxford, Senator Ferguson, to Accept the Ought Not to Pass Report.

I would like at this time to speak to you on L. D. 1573, the tandem trailer bill, popularly called double-bottoms. Before I proceed to discuss this bill I would like to call to your attention that this is a new draft of L. D. 328. As you will notice, this bill came out of the Highway Committee in an unusual manner. Eight of the Committee members voted against the original draft, and two of them voted for the new draft. I am speaking in favor of the new draft, L. D. 1573.

I have had occasion to become familiar with the trucking industry in the State of Maine, and I would like to call to the attention of the Senate how important this industry is to our State. To start with, it employs 50,000 people, and has an annual payroll of two and a quarter million dollars. These employees are in the highest paid industry in the State. The average pay is approximately \$7,000 per year, as compared to the next average pay of approximately \$4,800 for people in the manufacturing industries. This industry operates as of 1965 over 81,000 trucks. It pays a lot of taxes to the State. To show you how much it pays, one out of every three miles of highway in the state

is paid for by this industry. In other words, 38.5 per cent of all highway revenue comes from the trucking industry. It is the largest industry in the State of Maine.

I would also like to call to your attention that there are 957 communities in the State and of that number 729 are served by trucks alone. They have no other method of freight transportation. These people are completely dependent upon the trucking industry for their daily needs such as food, medicine, clothing, etc.

Now I am talking about tandem trailer trucks, a new, progressive method of transporting freight which has been currently adopted by 34 states in the United States and since we have been in session this year two more states have adopted tandem trailers: Arkansas and Maryland.

In view of the fact that we are talking about the larger trucks, let me just state that 4-axle vehicles and 5-axle vehicles currently are paying more than their fair share of taxes. These are the vehicles that we normally consider the commercial vehicles on the highway. The average such vehicle having an annual mileage of 100,000 miles is paying per year per truck \$3,500 in taxes. So we are not talking about an industry or a vehicle that is freeloading on the State, but is more than paying its fair share.

Now I would like to discuss the tandem trailer bill specifically. As I have previously said, 34 states have been operating them for years, and as you all have noticed from letters that have been passed out to you from various chiefs of police, and highway departments throughout the United States, they are considered a safe vehicle. As a matter of fact, they are considered the safest vehicle on the highway by virtue of their accident record. They have been operating on the Massachusetts Turnpike for over 7 years and to my knowledge have had no accidents. Let me also call to your attention that these double-bottoms in Massachusetts are 98 feet long. We here in Maine are talking about a 65-foot doubles unit. There has been much

misinformation about this vehicle. Let me tell you what the 65-foot double bottom consists of. It consists of the present tractor that you see normally every day plus two 27-foot trailer boxes. The current trailer box you see is a 40-foot trailer.

Now this bill specifically limits the operation of these vehicles to 4-lane divided highways, which would mean that they would operate on the Interstate Highway from Bangor south, and on the Maine Turnpike. They are allowed to operate on the Federal Interstate Highway as there are no length restrictions on the Federal Highway. So as soon as Maine passes this law they will be allowed to operate on this Highway.

The bill is also a little more restricted in that they will not be allowed to travel off these highways unless the municipal officers in a particular town so permit, and only to a trucking terminal. These two restrictions immediately remove 90 per cent of the objections to double bottoms. They will not be travelling through congested areas and they will not be travelling on the normal highways of the State of Maine.

The safety factor has been blown all out of proportion on these vehicles by their opponents. They go to great lengths to state how long it takes to pass them and what a difficult job it is to maneuver them around corners. Well, in the first place, they won't be maneuvering around many corners as they are restricted to 4-lane divided highways which have very few corners. Even if there were, these vehicles handle corners much better than the present semi-trailer truck because they are split in the middle and as a result they track very well; that is, the trailers follow the tractor around the corner and they do not cut the corner off.

I would like to call to your attention at this point that once these vehicles leave the 4-lane divided highways they will be broken up and we will then have one 27-foot trailer that will proceed to make its deliveries in the community where it is going. This is 13 feet shorter than the present vehicle do-

ing this type of work. These vehicles will not be allowed to carry any more weight. The maximum weight of present law is 73,280 pounds will apply to them. As a result and because the cargo is spread out a little more, and the axles are spread out, there will actually be less weight on the highways than there currently is.

The advantages of a double-bottom to industry are multiple. The chief advantage of course is the fact that they can carry one-third more cargo due to the space in these vehicles. This the railroads object to, and one would expect them to object because it is a competitive problem. However, I think they are probably over-concerned about this problem. You might say, if trucks can carry one-third more cargo, what good is the vehicle if they have no increase in weight? Today's cargoes are becoming lighter and lighter. The television sets, refrigerators, etc., are made lighter and can be loaded onto these vehicles without overloading them. There will be two separate units in this new tandem trailer rig, which means one can be a refrigeration unit and another can be a dry cargo unit. This will be a tremendous aid in the hauling of food products to grocery stores. It is also possible that one could be for petroleum products and the other for dry cargo.

It is also a good vehicle as the trailers can be interchanged at various spots. On a trip from Bangor through to Kittery, one can be unloaded at Portland and another substituted and the vehicle can continue on in a short period of time without the necessity of unloading and reloading. The freight rates can be reduced, and the industry quotes cheaper rates for full truck loads. At the present time, they are based on the 40-foot trailer. If this bill passes they will be based on a 27-foot trailer, which would help the small industries.

One could proceed on with the advantages of this vehicle at length. In order for the trucking industry in Maine to operate these vehicles they must purchase new ones, as there are very few 27-foot boxes today, so the equipment will be new

Now there has been much comment that if we do pass this bill they will not be able to leave the State of Maine. At the present time this is correct. The State of New Hampshire allows 55-foot tandem trailers; Massachusetts allows 98-foot tandems on its Turnpike which travels from Boston completely across the state and connects up with the New York Thruway, which also allows 98-foot units. The State of Connecticut has a similar bill in the legislature at the present time, and it is certainly hoped that within the next two or three years all states in New England will allow tandem trailers on 4-lane divided highways. The industry would like to be ready to use these units just as soon as the other states will allow them, and it would like to use them in our own state currently.

From my past experience with trucking legislation, and having been Chairman of the Transportation Committee for two sessions, I have observed that all the legislation requested by the trucking industry has been good legislation which has been extremely helpful to the State of Maine. For these reasons I would hope that the motion of the good Senator from Oxford, Senator Ferguson, would not prevail.

The PRESIDENT: The pending question is on the motion of the Senator from Oxford, Senator Ferguson, that we accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I would like to speak briefly in favor of the pending motion to accept the Ought Not to Pass Report. As has been referred to in debate, this bill of course carefully limits the weight, the length and where these double-tandem rigs will be able to operate. However, if you will look at the list of states which has been furnished us by the proponents of this legislation, you will see that in many states the limitations are not as we see here in Maine, and if we were to adopt this it would only be a matter of time before

again the truckers would be nibbling away changing the length, changing the weight and legalizing the operating radius of these trucks. It seems to have been the history here in Maine that once the camels nose is in the tent, there is no keeping them out. I do resent some of the implication that the only people who are concerned about this legislation is the railroads. It seems to me that each and every person who drives and uses the roads has a vital interest in having a reasonable right to use these unencumbered by vehicles that are not suitable for our Maine roads.

I question whether these vehicles in the proposed form or what I expect to be the ultimate form would be suitable for our roads here in Maine, many of which are now covered with snow a good deal of the time. I am also a little bit curious about the editorial support that suddenly sprang up for this legislation. I think if you have noticed the editorials all seem to have come forth at just about the same time and have the earmarks of what might be considered a concerted campaign, and I wonder sometime whether the editorial writers are always completely free to divorce their advertising possibilities with the editorial policy of the paper. I do think that Maine citizens have a vital interest in the use of their roads and I think the passage of this bill would be against the public interest at this time.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: Senator Johnson from Somerset made mention that this came out of Committee in a rather unusual way. I have a new draft by the Minority of the Committee. To this I agree, but we did want to give the minority people as much show on this matter as possible. This bill had a good hearing and certainly the majority members of the Committee were guided by the people who appeared at the hearing. In opposing this

bill, I will run over briefly who did oppose the bill, Robert Marden, Legislative Agent for the Automobile Association — Maine Automobile Association, Mr. Barnett of the Maine Automobile Association, Malcolm Stevenson of the Maine Good Roads Association, and there were many others who opposed it. Of course, the railroads did oppose the bill. This we could expect, but certainly I will say that they have not lobbied me. The Maine Municipal Association had their legislative agent there also and several others who appeared before the Committee and a great deal of mail was received from people all over the State, all the way from Steuben down in Hancock County to Kittery and referring to the editorials, I had letters from editors. I had quite a number of them that double-bottom shouldn't pass, double-bottoms on crowded interstate highways and other things. We had a tremendous amount of support in opposition to this bill, and I am sure that if we go to work and enact this bill, we are going to hear from some of those constituents.

Speaking of the New England states, how are we going to get to the toll road of Massachusetts? You can't go across New Hampshire. You can't go through Vermont. You can't go on any highway in Massachusetts, only the toll roads, and the only place that you could possibly use these double-bottoms is from Bangor to Kittery. I don't see that it would do us very much good at this time. In fact, I spoke to one of the men who is interested in this bill and the only answer he had for me was that it wouldn't do any harm.

I must remind you that we are not operating in Montana. We are not in Arizona and two of those western states defeated a bill this last week in Iowa and, I guess, Wisconsin. It came up before the legislature again, and as far as I know, there is no rates on the second tandem trailer. We hear a great deal about reduction in rates. I haven't seen any of the truckers coming forward to give us a scale of rates that might be fair. This is pre-election talk on this one.

Certainly this bill has been lobbied hard. I wouldn't have any objections, when the other states will accept the 65 or over, that we should join with them in Maine. This will only confuse the issue, and I certainly hope that the Senate will go along with my motion to accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: I am in no way connected with the Maine Truckers' Association in the State of Maine, nor do we own any trailers, but I have had experience in the trucking business for the last 50 years. I have been associated with the Boston and Maine Railroad with a contract where the term is pick-up and delivery. I have seen the trucking business go from the horses to where we are today with the trucks. Years ago when I first started, freight came from Portland, mostly groceries, to the City of Biddeford and we delivered them. Also from Lawrence, Mass. A very few years after that, we accepted a contract which was sanctioned by the Public Utilities of the State of Maine and the ICC in Washington, the terms of which was a pick-up and delivery service. We held that contract for over 25 years, and overnight the contract went out. The railroads practically threw out the company. The company would not pick-up and delivery for less than carload. In my own community, I saw them build the trucks up. Every truck of freight that was transported from the Saco-Lowell Textile Machinery Company was turned over to the trucks. They built the trucks up, and since then they have been in business. They came into the big large truck trailers. I know there has been a lot in the newspapers in regards to the truck trailers on the road, but it is pretty nearly time for the people in the State of Maine to realize that no freight can be delivered less than carload in the State of Maine unless it comes by truck. If you purchase a stove in

Wisconsin, you have to have it delivered by truck. There is no other way.

I have now a small contract with the Pepperell Manufacturing Company and the Boston and Maine Railroad, but the shipments have got to be up to ten to twelve thousands pounds or the railroads don't accept them. There are some roads that will not haul eight thousand weight over their lines in this country for the Pepperell Manufacturing Company. Many trucks are loaded at the Pepperell. When they have a truck today, they load it. If they have four ton on there, they have got a lot of weight because blankets are light, and I understand that most of these truckmen, large truckers, transport them to Portland and then instead of sending their load clear to Boston or to New York, the blankets are laid on top of a lot of heavy freight. In other words, it takes two or three trips because there is no money in it.

When it comes to these double-bottoms, I have letters from industries in the City of Biddeford and the City of Saco. I don't see any harm in the double-bottoms. I think they have got to compete. They have got to get in on the money line and make something for themselves. The union truck drivers get a lot of money, and they have to. They should be allowed to go into that competition, and I for one don't think that the double-bottoms are going to hurt anybody over the roads, but it is going to give the people in the State of Maine a far better service than now exists. I would much rather see a 27 foot tractor in the City of Biddeford delivering freight than I do these large ones today that tie the whole main street up, plus house trailers coming in from the west, 80 feet long. Some of them can't get on our bridges in Biddeford and have to tie us up on the main street and have to have a police officer to lead them through. I oppose the motion of the Senator from Oxford County all in fair play to those who are in competition.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: With reference to the remarks of the good Senator from Kennebec, I can assure you that they will never be seen on these narrow roads. They would not be practical on a narrow road, and as far as the gentleman from Oxford, Senator Ferguson, his remarks that we couldn't get into New Hampshire, New Hampshire does have double-bottoms up to 55 feet, and I understand that it's not very difficult to get special permission to run these on those highways to get up to Massachusetts. If we've got them, we can arrange that particular part of it.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Boisvert.

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: I rise in support of those who spoke against the motion of Senator Ferguson from Oxford. I feel this is a progressive piece of legislation. I've yet to hear by members of this Senate the dangers on the highway that these double-bottoms would cause to us drivers. I'm certainly in favor of the remarks made by Senator Farley. He's been in the business for a number of years and you've heard him speak many times, and this man speaks what he thinks, and when he spoke that this would mean better service for the people of the State of Maine, I believe the gentleman, so I will support those who are against that motion. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Oxford, Senator Ferguson, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

As many as are in favor of the motion will rise and remain standing until counted. Those opposed to the motion will stand and remain standing until counted.

A division was had.

19 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to accept the Majority Ought Not to Pass Report of the Committee prevailed.

The President laid before the Senate the ninth tabled and today assigned matter, (H. P. 124) (L. D. 150) Bill, "An Act Relating to Use of Dealer Registration Plates." Tabled May 25 by Senator Remy of York, pending consideration.

(In Senate—May 28, 1967 Passed to be Engrossed as Amended by House Amendment "A" Filing H-75.)

(In House — April 21, 1967 Indefinitely Postponed in Non-Concurrence.)

The PRESIDENT: The Chair recognizes the Senator from York, Senator Remy.

Mr. Remy of York: Mr. President and members of the Senate: I am awaiting action on 1665 which is a companion bill to this bill, and it is in the Senate today. So, I would like to table this until Friday, and I so move.

Thereupon, retabled and specially assigned for Friday, June 2, pending consideration.

The President laid before the Senate the tenth tabled and today assigned matter (H. P. 89) (L. D. 186) House Report — Ought to Pass from the Committee on Indian Affairs on Bill, "An Act Relating to Compensation and Allowances for Members of the Indian Tribes at the Legislature." Tabled May 25 by Senator Norris of Oxford, pending Acceptance of Report.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS of Penobscot: Mr. President, I note the absence of Senator Norris at this particular moment, and I would like to defer this until a little later in today's session.

Thereupon, retabled until later in today's session, pending Acceptance of Report.

The President laid before the Senate the 11th tabled and today assigned matter, (H. P. 908) (L. D. 1318) House Reports — from the Committee on Liquor Control on Bill, "An Act Relating to Sunday Sales of Liquor." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass in

New Draft under same title (H. P. 1158) (L. D. 1655). Tabled May 25 by Senator Johnson of Somerset, pending motion by Senator Boisvert of Androscoggin to Reconsider Acceptance of the Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Boisvert.

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: Last week this redraft was debated, and at this time I would like to move the pending question.

The PRESIDENT: The pending question is on the reconsideration of the acceptance of the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Washington, Senator Beckett.

Mr. BECKETT of Washington: Mr. President and Members of the Senate: This bill was well debated last week and I think all angles were covered very well and it had a good full day in court. I think a vote today might have the same results, and I would ask a division on the vote.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and fellow members of the Senate: I rise to point out again — I don't know whether or not it was brought out clearly, but apparently it was not, because there seems to be a misconception as to what this bill aims to do. This bill is nothing more or less than a request to present to the voters via a referendum the right to sell liquor in Class A restaurants or hotels from 1:00 p.m. until 9:00 p.m. on Sundays. Of course, attached to this bill is a local option clause which gives the people the right to vote if they do not want Sunday sales in their community.

Now, there have been some arguments made to the effect that this is a slap in the face to the people who voted it down. This is not the same bill. Out of this is taken the right to sell beer from stores. This merely permits the people in their particular communities to say whether or not the restaurants and hotels in their communities should

be given the right to sell liquor on Sunday from 1:00 p.m. until 9:00 p.m. I don't think it is fair, I don't think it is just — you see, I can get up and argue for a liquor bill because no one can accuse me of having any particular interest. No one has asked me to speak, but I am impressed by the harshness, the unfairness, the inequity that lies inherent when some section of the State that may be dry can say "Well, we don't want Sunday liquor and, therefore, you people down in York County or Androscoggin should not have the right to sell liquor in your communities on Sunday."

I shouldn't get involved in this. I don't know why I get involved in these matters. It means nothing to me, but I am interested in justice and I am interested in fairness, and I am opposed to any argument that smacks of unfairness. I have no interest in these matters. The only interest I have is in law bills apparently. But when anyone gets up here and argues to me that it is a slap in the face to the people of the State of Maine, that they voted it down narrowly, they never had any vote at all on this particular proposition.

Should we in Washington County — and I respect the friendship and good wishes of my good friend, Senator Beckett — should Washington County tell York County or Androscoggin County, or Penobscot County—we have some good Class A restaurants there, and good class hotels — should you people tell us whether or not we should have the right to sell liquor in our communities? If you don't want to sell it, don't sell it. Vote against it, and I respect your wishes, and I respect your feelings, and no matter what you do, I won't drink on Sunday in Washington County, and I won't drink in the communities that permit it to be sold on Sundays.

Now, I am up here arguing for what I consider justice, for what I consider fair play, and I don't believe — and I repeat again — that no one, no county or no community, should tell any other community what to do. And if these other communities, like York

County or Androscoggin County, want to sell liquor on Sunday, let them sell liquor on Sunday, and I am sure it will not affect the good people of Washington County or any other county that does not want to drink or does not vote to sell liquor in their communities.

I urge you to let the people of each particular community vote whether or not it wants to permit its Class A restaurants and its hotels to sell liquor on Sunday, something that would help the economy of the State of Maine, something I am sure couldn't hurt tourism; it would promote tourism and something which I have always stood for, fair play. I say what harm can it do? It can do no harm. Let the people have their say on an entirely new issue. Let the people vote on whether or not they want to sell liquor in their communities.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Beckett.

Mr. BECKETT of Washington: Mr. President, when the vote is taken, I move it be taken by a division.

The PRESIDENT: The pending question is on the motion of the Senator from Androscoggin, Senator Boisvert, that the Senate reconsider its action whereby it accepted the Ought Not to Pass Report of the Committee. As many as are in favor of reconsideration will stand and remain standing until counted.

A division was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to reconsider did not prevail.

The President laid before the Senate the 12th tabled and today assigned matter, (S. P. 299) (L. D. 738) Senate Report — Ought Not to Pass from the Committee on Inland Fisheries and Game on Bill, "An Act Increasing all Resident Fish and Game Licenses." Tabled May 25 by Senator Hoffses of Knox, pending Acceptance of Report.

On motion by Mr. Hoffses of Knox, the Senate voted to accept the Ought Not to Pass Report of the Committee.

The President laid before the Senate the 13th tabled and today assigned matter, (S. P. 300) (L. D. 739) Senate Report — Ought Not to Pass from the Committee on Inland Fisheries and Game on Bill, "An Act to Increase Resident Hunting and Fishing Licenses." Tabled May 25 by Senator Hoffses of Knox, pending Acceptance of Report.

On motion by Mr. Hoffses of Knox, the Senate voted to accept the Ought Not to Pass Report of the Committee.

The President laid before the Senate the 14th tabled and today assigned matter, (S. P. 373) (L. D. 986) Senate Report — Ought to Pass as Amended by Committee Amendment "A" Filing S-159 from the Committee on Business Legislation on Bill, "An Act Reducing Maximum Amount and Duration of Small Loans and Establishing Equitable Rates for Small Loan Agencies." Tabled May 25 by Senator Johnson of Somerset, pending Acceptance of Report.

On motion by Mr. Albair of Aroostook, retabled and specially assigned for Friday, June 2, pending Acceptance of Report.

The President laid before the Senate the 15th tabled and today assigned matter, (H. P. 1053) (L. D. 1527) House Report — Ought to Pass in New Draft (H. P. 1161) (L. D. 1662) from the Committee on Legal Affairs on Bill, "An Act to Create a Hospital Administrative District in Washington County." Tabled May 25 by Senator Wyman of Washington, pending Acceptance of Report.

On motion by Mr. Wyman of Washington, the Ought to Pass in New Draft Report of the Committee was accepted and the Bill read once.

Mr. Wyman of Washington presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-204, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 1161, L. D. 1662, Bill, "An Act to Create Down East Community Hospital District No. 1."

Amend said Bill in section 1 by striking out in the 5th line (4th and 5th lines in L. D. 1662) the punctuation and words “, Cherryfield, Milbridge”

Senate Amendment “A” was adopted and, under suspension of the rules, the Bill, as Amended, was given its Second Reading and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the 16th tabled and today assigned matter (H. P. 345) (L. D. 493) House Report — Ought to Pass as Amended by Committee Amendment “A”, Filing H-317, from the Committee on Business Legislation on Bill, “An Act Establishing Maximum Legal Interest Rate on Personal Loans in Excess of One Thousand Dollars.” Tabled May 25 by Senator Johnson of Somerset, pending Acceptance of Report.

On motion by Mr. Albair of Aroostook, retabled and specially assigned for Friday, June 2, pending acceptance of Report.

The President laid before the Senate the 17th tabled and today assigned matter, (S. P. 642) (L. D. 1647) Bill, “An Act Relating to Interest on Judgments.” Tabled May 26 by Senator Brewer of Sagadahoc, pending motion by Senator Berry of Cumberland to Adhere.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President, may I inquire whether a motion to adhere takes precedence over a motion to amend?

The PRESIDENT: The Chair will advise that this, being a non-concurrent matter, the motions that are in order, and the only ones in order, are to recede, to concur, to insist and to adhere.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, for the purpose of allowing the presentation of an amendment, I would move that the Senate at this point recede from its former action.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that the Senate now recede.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: I would oppose this motion, Mr. President, and request a division.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: Since, if this motion does not pass, there will not be an opportunity to explain the amendment which I propose to offer. I would like to explain at this time the amendment which I propose to offer, and it is under Filing No. S-194.

The other day during debate on this legislation I pointed out several inequities it seemed to me were inherent in the bill as it was drafted, namely: that it would draw a distinction between some kinds of actions and other kinds of actions, and that it would make interest run from the time suit was brought thus possibly promoting the premature bringing of an action. The amendment which I would offer, if this motion prevails, will resolve the difficulties which I raised in debate the other day.

The PRESIDENT: The pending question is on the motion of the Senator from Franklin, Senator Mills, that the Senate now recede from its former action.

The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and fellow members of the Senate: I usually find that what Senator Lund usually proposed I happen to be opposed to. On this one here I am heartily in accord with what he proposes to do and I want to support him in his motion.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the motion of the Senator from Franklin, Senator Mills, that the Senate recede from its former action, will stand and remain standing until counted. Those opposed?

A division was had. Eight Senators having voted in the

affirmative, and 23 Senators having voted in the negative, the motion to recede did not prevail.

Thereupon, the Senate voted to adhere.

Sent down for concurrence.

The President laid before the Senate the 18th tabled and today assigned matter, (H. P. 290) (L. D. 410) House Reports—from the Committee on Taxation on Bill “An Act Providing for a State Income Tax.” Majority Report, Ought Not to Pass; Minority Report, Ought to Pass. Tabled May 26 by Senator Snow of Cumberland, pending Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I move that we accept the Majority Ought Not to Pass Report on this Bill.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that the Senate now accept the Majority Ought Not to Pass Report.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate:

The proponents of this bill will tell you that it is the ultimate in taxation, the fairest, the most convenient to collect and a near perfect tax while on the other hand, they will cite the evils of a Sales Tax. They will tell you that if we increase the Sales Tax, Maine will be one of the few states with a five cent Sales Tax which, of course, is true; but there they will let their voices fall. They will not tell you that Maine enjoys the distinction of being one of the few states without an Income Tax; and make no mistake about it, this is an attraction to those living on retirement incomes. It is also attractive to young executives. Recently, the machine tool industry in Vermont reported that it was having trouble in recruiting qualified executives and that one of the objections was the Vermont State Income Tax.

Never have I heard a summer visitor complain about the Sales Tax. Nor when visiting other states from Maine to Florida have I

heard complaints about the Sales Tax. Certainly there is no indication that it keeps people from coming to Maine. Certainly there are indications that the lack of an Income Tax does attract people to this State and is a very definite selling point for the State of Maine.

The proponents will tell you of the comparatively small amount of the proposed tax as applied to most people. But the Federal Income Tax was a small tax at the beginning. Does anyone think that once the Income Tax is law that the rates will not rise and continue to rise? And once you have a State Income Tax, then a Corporation Income Tax is sure to follow; and that surely would be a drawback to attracting new business to this corner of the nation.

Again there is the fallacy that it relieves the low income group. An Income Tax is a cost of doing business, and it is and must be reflected in the cost of goods and services for which all pay. There is no relief from taxation other than to reduce spending.

It is said that we need progressive taxation; and, to an extent, that is desirable. But we now have a very progressive Federal Income Tax which takes care of this argument nicely. We should continue to leave that field to the Federal Government.

Actually, the higher income groups can and do many times employ accountants and attorneys skilled in tax law to enable them to take every legal advantage of the Income Tax. The lower income groups do not have this advantage.

It is claimed that our Sales Tax is regressive; and were it our only tax and without exemptions, it would be. However, in looking at a tax, we must look at the whole tax picture. And with the exemptions provided by our Sales Tax including in particular food and services and with a balance provided by our progressive Federal Income Tax, our tax program cannot be considered regressive.

Now a State Income Tax would be paid 100 percent by Maine citizens. Not so with a Sales Tax. The best estimate possible indicates that in the summer months our visitors from out of state will

contribute \$639,000 per year toward our Sales Tax. And this does not include the Sales Tax collected from our visitors during the hunting season nor our fast growing winter sports season.

To provide the machinery and personnel to collect an Income Tax, it is estimated that it will cost the Maine taxpayer \$175,000 per year. To collect another cent on the Sales tax, no additional cost is estimated.

Thus, for the privilege of having an Income Tax, it is estimated that we would dip into the pockets of Maine taxpayers to the extent of \$1,628,000 each biennium. While on the other hand, if we continue to follow the Sales Tax route along with Florida, a very successful and tourist-minded state, we can save this \$1,628,000 for our Maine taxpayers.

I certainly hope you will support the Majority "Ought Not to Pass" report of the Committee on State Government.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: I rise to urge you to defeat the motion of the Senator from Washington, Senator Wyman.

It seems to me that two years ago, when I spoke on the same subject in the Senate, that there were, at that time, three of us in support of a state income tax. It will be interesting to see what the score is this time. I do hope that support will be greater for it seems to me that the thrust for major taxation is much greater this year than it was two years ago.

I do not intend to talk at length on this subject; I do want to make those points which have convinced me that we should give more serious thought to enactment of this tax now than we have given in the past, or than has been given elsewhere in this Legislature.

The majority party in this Legislature has taken the posture that this is the year when the State must pick up a larger share of the rapidly rising costs of public elementary and secondary education — not only to assure

continued improvement, but also to limit the ever increasing burden of the property tax at the local level. I would be insincere and untrue to my remarks on this subject before were I to disagree in principle. The subsidy bill which this Legislature is seriously considering is the fruit of a lot of hard work by a subcommittee of the Legislative Research Committee — a subcommittee of which I was chairman.

I believe, in short, that the principle of greater state involvement is sound. We all know that Maine falls well short of the national average of about 40 percent and that payment of a greater percentage is well within the national pattern. We all know that local property taxes are among the highest in the nation and need relief. We all know that real estate is just one form of wealth, but that it is also the only major source of revenue open to our towns and cities to meet the enormous costs of public education. Additionally, some of you may not be aware that close to forty of our towns and cities are making more than a fifty mill effort on their tax base — and just for public education.

How many of us personally know the impact of these costs — these property taxes on people of limited income whose strongest desire may be to hold onto their land and their home?

I do not believe personally that we should put off greater involvement at the state level in meeting these costs. And I believe this involvement should be as great as we can make it, while keeping a balance with our other programs and future commitments.

The Legislative Research Committee Bill, taken on and sponsored with some modifications by the good Senator from Kennebec, Senator Katz, calls for an increase in the second year of the coming biennium of some \$10,000,000. The Governor has proposed a figure of approximately \$4,000,000. I do not stand here to argue for either figure. I should like to see us meet one-third of the costs of public education in the second year of the coming biennium and so arrange for the future that we

would maintain this percentage in the second biennium forthcoming.

This would mean something on the order of \$6,500,000, according to my own estimates, to provide from state tax resources. If we meet this, I, for one, will go home with the feeling that we have accomplished a great deal, and that both Republicans and Democrats can derive satisfaction from such an accomplishment.

Now, before I get onto the subject of the income tax as a vehicle to provide such a sum, I would like to discuss very briefly the soundness of the legislation, the subsidy bill, the means, if you will, by which we propose to spend much of this sum.

I am sure that no member of the Education Committee, no member of the Legislative Research Committee, feels it to be a perfect vehicle. In fact, Senator Katz and I — and the governor of our state, would like to see a continuing and expert study of the theories and practices behind it — and I hope you will support us in this effort, for what we are talking about is the vehicle by which we will spend close to \$70,000,000 in the next two years, or close to one-third of our budget.

But while this document is not perfect, neither is it as bad as some would have you believe. In my judgment it is a good document, containing, to be sure, some compromises, but still basically sound. In fact, I would go so far as to challenge the critics I have heard so far, to justify publicly their statements. If any Senator here would wish today to ask any question based on criticisms so far expressed I would assure him that there is a most logical answer — and I will not hesitate to give that answer, if asked. For example, the unfavorable comparisons made between the proposed subsidies for Senator Berry's home town, Cape Elizabeth, and Senator Hildreth's and my home town, Falmouth, with the city of Biddeford have upset me and they have upset the people of Falmouth and, no doubt, also the people of Cape Elizabeth. They have no validity whatsoever, unless we adopt the principle that we will subsidize our towns and

cities for pupils whom they are not educating.

I am certain you have noticed that I am reading my remarks on this subject. I am doing so only to assure brevity and to assure that I can remain reasonably diplomatic.

Now returning to the subject of taxation, it seems to me, and it probably is even more apparent to those of you who are more familiar with the entire budget than I am, that we cannot add \$6,500,000 or more to the budget for the biennium without considering major taxation.

This income tax measure appeals to me — and, I believe, to a substantial number of Maine citizens. I believe it may appeal to a substantial number more than a one cent increase in the sales tax, a bill waiting in the wings to come on when this one is defeated.

The income tax — I don't think any of us would like to say that it appeals to us, but I think we can say that it appeals to us more because it bears more upon those who can afford to pay than would a one-cent increase in the sales tax. I also believe we should be mindful of the effect any increase in the sales tax would have on the residents and businessmen of York County, contiguous as it is to New Hampshire, which has no sales tax — and which if it should enact one, as suggested, will certainly come up with one that is smaller than Maine's.

The sales tax bears upon most everything we must buy, with the exception of food and fuel oil and a few other items. An income tax, patterned on the federal tax, as this one would be, takes into account personal misfortune. Those who earn more, pay more. It is almost simply and irrefutably logical that any increase in the sales tax would bear more heavily upon the less fortunate and the less able to pay.

If the needs of the times and of this year demand major new taxation, then I should unhesitatingly favor the personal income tax. What convincing argument can be raised at this time for the sales tax by comparison? The tourist trade? Ease of collec-

tion, administrative costs? I think all these beg the question?

Let's examine the income tax briefly and more closely —

As I understand it, and as you will learn from reading the documents placed upon your desks this morning, a family of four with a taxable income of \$4,200, or about \$80 per week, would pay tax of about \$50 a year; a family with a \$6,000 income, about \$100, and one with a \$10,000 income, \$220.

Dr. Ralph Chance's compendium, the Maine Economy and its tax resources which all of you have had, notes that the \$4,000 to \$7,000 income group represented, in 1965, 30.7 per cent of the families in the State, which is the largest group, numerically.

Thus this group would bear in important part of any personal income tax. Dr. Chance also describes this group as having adequate or about adequate family income.

It is probably fair to say that lower income families must spend a larger portion of their income on items subject to sales tax than higher income families. Doctor Chance's research bears this out. Just how much greater portion is arguable.

It is not arguable that income taxes patterned on the federal tax make allowances which sales taxes do not make for such things as interest payments, bad debts, illnesses and other misfortunes.

I believe we must conclude, therefore, that a State Income Tax would be fairer in some degree to lower income families.

It seems to me that we must inevitably come to this conclusion if we believe that the alternative is further extension of the sales tax.

Not only is there an element of fairness to those with low incomes; there is also to be considered the impact of an increase in the sales tax.

The Maine Sales Tax is already among the highest in the nation — its 4 per cent rate is exceeded by only a few states. What might the effect be of increasing it, not only on our own people, but also upon our tourist business? What might the effect be on retail sales?

What might the increased use tax do to our industries by comparison with those elsewhere?

Frankly, I would like to see us embark upon an experiment with the income tax.

Mr. President, I would move that when the vote is taken it be taken by division.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley

Mr. FARLEY of York: Mr. Speaker and Members of the Senate: As a signer of the Minority Ought to Pass Report, I would like to let the members know just really what did happen at that hearing that day.

The League of Women Voters presented a very fine case in the interests of a graduated income tax, that it would bring in \$13,000,000 each year for two years, which would be \$26,000,000.

Also, a former State Senator from Bangor, Penobscot County, approved of the graduated income tax along with other organizations that he was associated with.

In 1951 I voted against a sales tax in the other branch, but voted for a graduated income tax. At that time we only received 18 votes for and 17 against, so it didn't get much of an approval there. But, during the discussion at the hearing, it seems to me to be odd every time we come down here — and this is my first trip on Taxation — people are going to leave the State of Maine if we place an income tax on them. That is an old headache to me. Also, industry doesn't care about coming into the State of Maine and paying a sales tax. Now, sitting on the Committee you have got to come up with something.

I am awful sorry that the sponsor of the bill who represented those women, and a fine group of women, the League of Voters in the State of Maine, would take a tumblesault and practically throw his bill out the window after he had supported them and had the bill.

I would like to give you a little illustration of what I have tried to find out in my community in the last four or five weeks. We have an organization there, a tex-

tile mill. The average pay yearly of a married man with four or five children in the City of Biddeford is about \$3750 a year. A sales tax would hit them right plump in the eye, and it hits them now, but a graduated income tax would help that little fellow who is behind the frames, sweeping the cotton and taking the dust. We have a valuation in the City of Biddeford of 100 per cent. Just imagine a man coming home in the City of Biddeford from the textile mill with about \$58 to \$60, with four children, and he has got to pay \$20 a week for rent, besides heating the house. Just figure the circumstances he has got. Now, he is not telling anybody he is leaving the State of Maine. He has got to stay there because he has a family of children, and he is not retired.

When the vote is taken I shall vote with the Senator from Cumberland County, Senator Snow.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Snow, is absolutely right when he says that those of us who favor expenditures must favor a method to pay for them. In this particular case I have taken the child that was created by the Legislative Research Committee under the Chairmanship of Senator Snow and sponsored it into its present form as an increase in State subsidy for education, and I think that I have a responsibility, as the sponsor of this legislation, to vote for a method of funding it. But I shall vote against the income tax, and the reason I shall vote is very, very clear: that within the State of Maine today there is presently no wide-spread interest in utilizing a state income tax as a method of funding state expenditures. I think that this is a fact, as I have interpreted it and, because the people of the State of Maine don't want this tax, I think we should look elsewhere.

I think that a state income tax probably will be coming to Maine, and it will come exactly at that time when the people of the State

are anxious enough for programs that they are willing to bear the burden of a state income tax. During this session of the Legislature there has been no such expression of desire. Consequently, I shall vote against it.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and Members of the Senate: I am taking a calculated risk when I rise in support of the state income tax. This might become a shock to my family to whom I have been pleading poverty, but it shows that I can rise above everything, even though it might affect my pocketbook.

I want to say, first, that naturally I was in favor of the Governor's tax program but, apparently, we are not going to be able to do that, so I fully feel that the state income tax is our next best bet. Those of us who can afford to pay should pay. Therefore, I am going to support the state income tax.

Before I sit down I just want to tell you all that I say this, assuring myself of the fact that everything that I seem to be for this morning everyone is opposed to, and I hope that this trend continues.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I am speaking on this only as a State Senator from Aroostook County. During the last campaign and in other campaigns in the county I have come to the conclusion that the people in our area are very much opposed to the income tax. I feel, however, that the merits as to the fairness of it, there is no question in my mind that the state income tax would be a much fairer tax to the people of Maine than would the sales tax. But you have to face the practicalities of the situation.

I am convinced of this, that there is no such thing as a really fair tax. What you resolve it to is a question of what tax people will tolerate. I am convinced the people of Maine will not at this time tolerate an income tax, and I don't

believe that they want to tolerate an income tax in 1968 either. So, my votes are going to be consistent on this. I am going to vote against this income tax, and I am also going to vote against any proposal which would make an income tax inevitable in 1968.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I would like to concur with the remarks of the good Senator from Cumberland, Senator Snow, and Senator Katz from Kennebec County. I think that we all agree that we have got to come up with some money for education, and there is no doubt in my mind that the only difference between both of us is the fact and the method of what we propose to pay for it with. As the old saying goes—and I guess it was Gertrude Stein who said it—"A rose is a rose is a rose," and as far as I am concerned, a tax is a tax is a tax. We have got to raise the money somehow.

We have a present set-up whereby we can collect the sales tax equitably and fairly with no diffusion or loss of the percentage that we get. The costs remain the same in the collection. The out-of-state people are very generously contributing about 22 per cent to 23 per cent, which perhaps we should be paying, and if we had an income tax we certainly would be paying.

It would seem to me that we are agreed we have got to dig up some money. As I recall the report that was issued in 1963, the Sly Report, did call for a sale tax, and I have seen nothing to change that at the present time, and I would oppose the income tax at the present time.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As a member of the 102nd Legislature, and one who voted against the state income tax at that time, I feel compelled to make a very few brief statements at this time.

I am very definitely opposed to a state income tax. As has been pointed out, the Sly Report did not recommend a state income tax. The economy of the State of Maine, in my opinion, does not warrant a state income tax.

One group of people in the State have termed a sales tax as a regressive tax and an income tax as a progressive tax. Now, if that is the case, the thought comes to my mind: Why are so many states in the Union which now have this so-called progressive income tax on their books resorting to such a horrible regressive tax as adopting a sales tax? I cannot quite fathom this reasoning out.

Another fact which I believe has been avoided—I don't know whether it has been intentional or otherwise—is the matter of state inheritance tax. For the benefit of any of you who are not familiar with it, let me say that for the last six years the inheritance tax, which the State of Maine has derived has been on a very steady increase to the point where it is now, I believe, double what it was six years ago. This is a matter which I believe the proponents of a state income tax should take into consideration as a possible reduction of the state income tax. Now, the people who would be paying the substantial inheritance tax upon death do have the money and facilities to remove themselves from this state to some other state that does not have a state income tax, where those of us who are not able to remove ourselves from the state must stay here and must pay a state income tax because those of us who are receiving only a moderate income each year are eventually going to be taxed.

Now, the programs which have been submitted, not only today by the good Senator from Cumberland, Senator Snow, but other programs in the past, have indicated that we do not have to pay any income tax until our income reaches a reasonably substantial gross income. None of the proponents of a state income tax have offered any guaranty that this limit will stay where it is. I envision that these figures and these exemptions will, when necessity warrants, be low-

ered to the point where it is going to include practically every wage earner in the State of Maine. It has been pointed out that the mechanics are available for a state sales tax; they are not available for a state income tax. I do not believe that the people in the State of Maine, those who have expressed opinions to me, are prepared for a state income tax. And I will again this time, as in the past, vote against a state income tax.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President, many have been speaking here about educational money. I, for one, will vote for educational money if it is above the board, but I would like to take you members back to 1951 when I declared I voted for the graduated income tax, and the sales tax was victorious. An honorable gentleman from the City of Portland, who now has passed, was the leader of the House. There was a difference between the two branches, and that is how we got the graduated income tax. But if any of you were there in 1951 when the sales tax was passed, by legal opinion of the Attorney General of the State of Maine, Alex LaFleur, on automobiles it was the net value of the car. The able leader of the House during his discussions throughout the day, said that the sales tax was for educational purposes for the State of Maine. He became victorious, but in 1953, and I wasn't a member of the House at the time, they took the tax off cigars—and I smoke a lot and I never got scared of paying a tax on a cigar—and they also took it off the automobiles. Now, that was projected revenue for the next ten or twelve years on the educational program in the State of Maine, and anybody can look up the records and find out who the gentleman is I am speaking about, and you will come to the same conclusion that I did: that if there was no exemptions the State of Maine today possibly wouldn't be looking for any money for education. Thank you.

The PRESIDENT: The pending question is on the motion of the

Senator from Washington, Senator Wyman, that we now accept the Majority Ought Not to Pass Report of the Committee. Those in favor of the motion to accept the Majority Report, Ought Not to Pass, will stand and remain standing until counted. Those opposed to the motion will stand and be counted.

A division was had. 25 Senators having voted in the affirmative, and four Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Mr. Harding of Aroostook was granted unanimous consent to address the Senate.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: Last week you will recall that we were the beneficiaries of a very fine bag of potatoes from the good Senator from Cumberland, Senator Berry. I want the members of the Senate to know that those potatoes were taken home and we partook of them over the weekend, a family of eleven of us.

I want to tell you, after polling all the members of the family, that I think I can extend the greatest compliment that is possible for a person of Aroostook County to extend to other's potatoes. As far as we were concerned, these were the best potatoes, either foreign or imported, new or old, that you could find anywhere in the world, except for those grown in Aroostook. (Applause)

Mr. Good of Cumberland was granted unanimous consent to address the Senate.

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: Yesterday was Memorial Day, and I am sure that it was observed throughout the State of Maine and that many of you participated. I believe that Memorial Day, in substance, means the same to all of us, and some of us, of course, with special interests and special memories on that day. I would like to at this time pay a tribute to the young people of this state, both on the high school and the college level, who have defended the freedom of this coun-

try by the supreme sacrifice on foreign lands, and particularly to the athletes from our high schools and from our colleges. When I speak of these athletes I speak of all of our young people in the State of Maine, and in doing so, I would like to read a poem written by Leland C. Bickford, in which he states, and here he speaks of the athletes who have died on foreign soil:

"They sleep today in other fields,
 their greatest battle won,
 Once an end zone was their beach-
 head, once a baseball bat their
 gun,
 And on this day of memories we
 bless their hallowed name,
 They fought and died that all of
 us might still enjoy the game."

(Off record remarks)

On motion by Mr. Ross of Piscataquis,

Recessed until three o'clock this afternoon.

(After Recess)

Called to order by the President.

The President laid before the Senate the 19th tabled and today assigned matter (H. P. 335) (L. D. 469) House Report—from the Committee on Towns and Counties on Bill, "An Act relating to Joint State and Municipal Purchasing." Majority Report, Ought to Pass as Amended; Minority Report, Ought Not to Pass. Tabled May 26 by Senator Ross of Piscataquis, pending motion by Senator Sproul of Lincoln to accept the Minority Ought Not to Pass Report.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for Thursday, June 1, pending motion by Senator Sproul of Lincoln to accept the Minority Ought Not to Pass Report.

The President laid before the Senate the 20th tabled and today assigned matter, (H. P. 349) (L. D. 497) Bill, "An Act Removing Tolls from Augusta Memorial Bridge." Tabled May 26 by Senator MacLeod of Penobscot, pending passage to be Engrossed.

On motion by Mr. MacLeod of Penobscot, Passed to be Engrossed in Concurrence.

The President laid before the Senate the 21st tabled and today assigned matter, (H. P. 215) (L. D. 305) Bill, "An Act Relating to Applications for and Marking of Absentee Ballots." Tabled May 26 by Senator Ferguson of Oxford, pending the motion of Senator Anderson of Hancock that Senate Amendment "B" be indefinitely postponed.

On motion of Mr. Anderson of Hancock, Senate Amendment "B" was indefinitely postponed.

Mr. Ferguson of Oxford presented Senate Amendment "C" and moved its adoption.

Senate Amendment "C", Filing No. S-207, was read by the Secretary as follows:

SENATE AMENDMENT "C" to H. P. 215, L. D. 305, Bill, "An Act Relating to Applications for and Marking of Absentee Ballots."

Amend said Bill in the Title by striking out the words "and Marking of"

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'Sec. 1. R. S., T. 21, §1, sub-§1, amended. Subsection 1 of section 1 of Title 21 of the Revised Statutes is amended to read as follows:

1. **Absentee voter.** "Absentee voter" means a person who is unable to cast his ballot in the municipality in which he is registered to vote, for one of the following reasons: absence from the municipality during the time the polls are open on election day; physical incapacity not adversely affecting his soundness of mind; religious belief which prohibits his doing so; a person who is serving a sentence in a jail or penal institution is not an absentee voter.

Sec. 2. R. S., T. 21, §1253, sub-§1, repealed and replaced. Subsection 1 of section 1253 of Title 21 of the Revised Statutes is repealed and the following enacted in place thereof:

1. **Applications available.** On the oral or written request of any registered voter, the clerk of the

municipality in which said voter is registered, shall furnish a ballot application to said person, or to a 3rd person designated by the voter, on which said clerk shall first plainly write in ink the name of said applicant in full.

Sec. 3. R. S. T. 21, §1253, sub-§2, amended. The first sentence of subsection 2 of section 1253 of Title 21 of the Revised Statutes is amended to read as follows:

On receipt of a completed application or a request for an absentee ballot signed by the applicant, the clerk shall mail or issue an absentee ballot and return envelope forthwith to him or to a 3rd person designated in the application or request. **Requests for absentee ballots may be honored only by the town or city clerk in the municipality involved.**

Senate Amendment "C" was adopted and, under suspension of the rules, the Bill, as Amended, was given its Second Reading and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the 22nd tabled and today assigned matter, (S. P. 13) L. D. 29) Bill, "An Act Relating to Application of State Aid for School Construction." Tabled May 26 by Senator Snow of Cumberland, pending Enactment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President, I would move the pending question and would speak briefly to my motion. As the Senate knows, I have opposed this legislation which lowers the number of pupils from 700 to 500 in a high school to make it eligible for state construction aid. There is no doubt in my mind but that many worthy communities will benefit from the passage and enactment of this legislation. In this I feel comforted. I think the Senate should know, however, that by removing the incentive to form school districts this perhaps is bringing a few years closer a head-on collision, if you will, with the necessity for mandating school

districts within two to four years. I would move enactment, Mr. President.

Thereupon, the bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the 23rd tabled and today assigned matter, (H. P. 1162) (L. D. 1663) Bill, "An Act Relating to Realty Subdivisions in Municipalities and Unorganized Territory." Tabled May 26 by Senator Viles of Somerset, pending Passage to be Engrossed.

On motion by Mr. Hildreth of Cumberland, retabled and specially assigned for Thursday, June 1, pending Passage to be Engrossed.

The President laid before the Senate the 24th tabled and today assigned matter, (S. P. 475) (L. D. 1208) Bill, "An Act Establishing the Maine Medical Laboratory Act." Tabled May 26 by Senator Berry of Cumberland, pending Enactment.

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action whereby the bill was Passed to be Engrossed.

The same Senator presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-203, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 475, L. D. 1208, Bill, "An Act Establishing the Maine Medical Laboratory Act."

Amend said Bill in that part designated "§2014" by striking out all of subsection 5 (same in L. D. 1208) and inserting in place thereof the following:

'5. Person. "Person" means any individual, corporation, partnership or association.'

Further amend said Bill in that part designated "§2018" by striking out all of the last underlined sentence (same in L. D. 1208) and inserting in place thereof the following underlined sentence: **'A new license, for the unexpired length of**

time of the original license, may be secured, without the payment of any additional fee, for the new location, director or owner prior to the actual change, provided that the contemplated change is in compliance with this Act and regulations pertaining thereto.'

Further amend said Bill in that part designated "§2026" by striking out all of the 5th sentence of the first paragraph (same in L. D. 1208) and inserting in place thereof the following: 'The remaining 4 members of the commission shall be appointed by the Governor; 3 of these members shall be certified by the American Board of Pathology, and the remaining member shall be certified by the American Osteopathic Board of Pathology.'

Further amend said Bill in that part designated "§2026" by striking out in the 3rd line of the 2nd paragraph (same in L. D. 1208) the underlined words and figure "one for 2" and inserting in place thereof the word and figures '2 for 2'

Further amend said Bill in that part designated "§2029" by striking out in the last line (same in L. D. 1208) the underlined word "board" and inserting in place thereof the underlined word 'commission'

Further amend said Bill in that part designated "§2040" by striking out in the 2nd line (first line in L. D. 1208) the underlined word "board" and inserting in place thereof the underlined word 'commission'

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, this amendment incorporates changes suggested by the office of the Attorney General to technically correct the bill, and I move its adoption.

Thereupon, Senate Amendment "A" was adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the 25 tabled and today assigned matter, (H. P. 853) (L. D. 1386) Bill, "An Act Relating to Enactment of Municipal Zoning."

Tabled May 26 by Senator MacLeod of Penobscot, pending Enactment.

Thereupon, the Bill was passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the 26th tabled and today assigned matter, (H. P. 611) (L. D. 854) Bill, "An Act Relating to Charging Fees for Services to Persons Acting as Subjects for Student Instruction and Training in Beauty Schools." Tabled on May 26 by Senator Stern of Penobscot, pending motion by Senator Hoffses of Knox to adopt Senate Amendment "A".

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and Members of the Senate: I move for the indefinite postponement of Senate Amendment "A". I would like to speak on the motion briefly.

As you recall, we debated this at quite some length last week.

I just want to say that this amendment does nothing to change my mind in connection with the bill. All it does is try to say in other words or in another way that a school may make reasonable charges and they have got to post at least annually whatever their maximum charge might be. Now, to me this is ridiculous because, as I understand this amendment, there is nothing in that amendment that makes it compulsory for the school to do this. It serves no useful purpose. It is just another way or another method for the hairdressers to mix into somebody else's business. There may be some of them here—I don't know—but it is just like me wanting to know what my good friend, Senator Sewall, charges for his surveying services. Even though I can't do anything about it, I would like to know what he charges. It is none of my business. The same as though I would like to know what some of you may charge as a maximum for some of your business. What kind of a foolish or

ridiculous amendment is that? It is none of our business. There is nothing there that was presented on my desk there by the F.T.C.—and I don't know what this is; probably some excerpt from some paper published and put out by the hairdressers' association — I don't know. In fact some of the things in it only supports my contention. It says something in there about "where the public is charged for beauty services performed by unskilled, unlicensed and unpaid student labor." If they are unskilled and unlicensed I am sure this is no competition for the hairdressers. You and I or our wives are not going to go to these schools.

Now, what business is it of the hairdressers to want to know what the schools are going to charge as a maximum when, if they didn't do anything about it, or they did do anything about it, it wouldn't make any difference, except they are nosey, and they want to know what the school is doing and what they propose to do.

I don't know why I get involved in this, but I just want to point out that by proposing this amendment you are stirring this up all over again, and the hairdressers have to get their foot in the door. I haven't changed and I don't propose to change my mind about this bill. I think it ought to pass. Nor do I propose to change my mind with respect to the color of my hair. In fact, I wouldn't dare to. But I just want to say briefly that this bill, with the proposed amendment by whoever proposed it, is another way—and I am repeating—for the hairdressers to know what is going on in these schools. And I say for the last time, the fault is not with anybody but the State Board of Hairdressers, who have the duty to perform, and I say that they have sadly neglected to fulfill their duty. If these hairdressers come in here and say "These students are unskilled; they don't know what they are doing. They come in and they go into hairdressing and they still don't know what they are doing." This is what they are saying. Read it. Why are they coming in here with this amendment? Get a new board, the State Board of

Hairdressers, or get them to regulate these schools so that they will turn out students who will be properly qualified, who will then graduate into becoming a hairdresser and doing properly qualified work.

I repeat, I move for indefinite postponement of the amendment.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I certainly hope that the good Senator's batting average from Penobscot continues this afternoon the same as it has this morning, and that you vote against his motion for indefinite postponement.

As a word of explanation to the good Senator from Penobscot, who perhaps may be a little bit disturbed by all of these variations of the letters of the alphabet, the F.T.C. may not be a familiar grouping of letters because this does not particularly fall in his particular legal category, but for his information the letters F.T.C. in this particular circular which was passed around refers to the Federal Trade Commission, a small commission we hear from quite frequently, I believe, the Federal Trade Commission.

Now, this proposed amendment does exactly what the good Senator from Penobscot was so strenuously complaining about the other day, and that was the Supreme Court's action as to the constitutionality, and I am amazed that the good Senator does not recognize this and accept this proposed amendment. The circular which was passed around is excerpts from a very recent publication of Modern Beauty Shop Magazine. Perhaps the good Senator doesn't include that in his list of reading material for his clients. However, I will not endeavor to read all of this to you, but I would only want to point out on the second page, under Rule 11, and I will quote: "It was discussed at the greatest length at all hearings. It is the contention of the N.H.C.A." — and for the benefit of the good Senator from Penobscot, the N.H.C.A. means the National Hairdressers

and Cosmetologists Association — “and of B.B.S.I.”—and I will also explain that, if he so desires — “that many beauty school clinics are in direct competition to beauty salons.” I could sum it up by saying that very definitely explains the interest of the hairdressers to the activities of the beauty schools. They are in direct competition when they go out into the open market and solicit the trade to work on as subjects for their students.

When the vote is taken I ask that it be by division.

The PRESIDENT: The pending question is on the motion of the Senator from Penobscot, Senator Stern, that Senate Amendment “A” be indefinitely postponed. As many as are in favor of the motion will stand and remain standing until counted. Those opposed will stand and remain standing until counted.

A division was had. 21 Senators voted in the affirmative, and eight Senators having voted in the negative, the motion to indefinitely postpone Senate Amendment “A” prevailed.

Thereupon, under suspension of the rules the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

The President laid before the Senate the 27th tabled and today assigned matter, (S. P. 597) (L. D. 1575) Bill, “An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969.” Tabled May 26 by Senator Mills of Franklin, pending adoption of Senate Amendment “A”.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I now move the pending question.

The PRESIDENT: The Senator from Somerset, Senator Johnson, now moves that the Senate adopt Senate Amendment “A”.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Sen-

ate: First of all I would like to express to you my very sincere appreciation for granting me the courtesy, and the other members of the Senate, for this bill to be considered over the weekend. I think there is no piece of legislation certainly that is so important as this appropriations package we are talking about.

The pastor of my church once told me that if you really wanted to understand a man and his motives and what he considered important to him, you look at his checkbook and see to whom he writes checks. As far as the State of Maine is concerned, that certainly is true, because no matter how noble our objectives, without money those objectives fail.

Now, I have heard it discussed here in the Senate, slighting remarks have been made about campaign issues and campaign promises. As far as I am concerned, there is nothing any more sacred to me than a campaign promise which I have made. I think that is the essence of democracy because if we have gone to the people, we have told them of our program, we have told them what we will do if we are elected, I think that we break faith with them when we do not keep those promises.

If I may go back a very short time, after the 102nd Legislature adjourned, I heard from a great many people that we had spent too much money. I heard this from the State Chairman of the other party, from several releases, I heard this at the beginning of this session from the good Senator from Hancock, Senator Anderson. I think I also heard it from the good Senator from Cumberland, Senator Good. In fact, I think that during the campaign one of the most persistent criticisms that I heard of the 102nd Legislature was that we spent too much money. Now, the 102nd Legislature in its regular session spent approximately \$183,000,000. At the special session we spent slightly in excess of \$7,000,000, for a total expenditure by the 102nd at its regular and special sessions of \$190,000,000. This was \$39,000,000 more than the previous legislature had spent. After all of

this criticism by the State Chairman of the other party, and in campaign speeches, back in my own county, with all due respect, I would say that this was a campaign issue there, that the 102nd Legislature had spent too much money.

I had thought that the issue before this Legislature would be perhaps cutting back some of the expenditures of the 102nd Legislature, but the proposal which is before us is that we will spend all of the money which the 102nd Legislature spent, plus approximately \$37,000,000, which is recommended by the Governor, plus approximately \$15,000,000, which is recommended by this package, plus approximately another \$15,000,000, which is a built-in increase for the 104th Legislature. Now, whether we like it or whether we don't, if this piece of legislation which is before us, if this amendment is passed, the next general fund budget of this State will be approximately \$300,000,000. Some have said "Well, that may not be so," or "We doubt it," and so on. I wish that this Legislature had the people, the computers and the information so that we could rely upon our own information as to what our projections would be. But we don't. We have to rely upon the Executive. I would say in fairness that the projections of the Budget Office and our State Tax Assessor over the years have been quite accurate. It may be that they have underestimated by perhaps 2% our projected revenues. But this is 2%, and according to the projections they have made as to what our revenues will be, and what our expenditures will be, we will have a \$46,000,000 deficit, which we will have to make up in the 104th Legislature, either by increased revenues or by a major tax, or by both. We believe that, because of the projected revenues of what we have had over the years, that the only actual thing that we could rely on in the 104th Legislature would be a major tax.

I did campaign against an income tax. I spoke here this morning against an income tax. I think most everybody else in the Senate did, except for four or five very

noble soles. So when you vote for this package you are doing two things. One, if you approve this, you are making certain of the increase of our sales tax to 5%. You are also making inevitable and absolutely necessary an income tax for the next legislature, unless you believe that we should go to 6% as far as the sales tax is concerned.

Let's get back to educational subsidies for just a minute and see how badly they have been treated. Last session we granted a very substantial increase to school subsidies and brought it up to \$46,000,000. The Governor proposes another \$15,000,000 in his current services budget to bring this up to \$61,000,000. Now, I believe it is true that they can be given more money so that at this session of the Legislature we would not only be giving them the largest dollar increase and the biggest percentage increase, but we could increase the State's share to the largest amount in the history of the State.

I would also call to your attention that on the projections, if this amendment were passed, that at the next biennium the educational subsidies alone will be more than the general fund budget was ten years ago.

The proponents will tell you the benefits of this bill. Of course, we need this bill. There is no question about that. There is a need in education, the towns could use this money. There is no doubt about it. This \$10,000,000 that we would have for an increase in this biennium has built into it a \$15,000,000 increase in addition to that for the next biennium. So, when you talk about any department of this State of Maine, and you think of what an extra \$25,000,000 could do for that department, of course it could do a lot of good. I think of our Department of Health and Welfare. We know the pitiful existence that our aged, our blind and our disabled have to rely upon. Think what \$25,000,000 could do for them, and you could make a very touching case for them. Think of our Highway Department, the roads that we need, and the improvements, what \$25,000,000 there in the next biennium would bring. As

far as our law enforcement is concerned, we know the great need that we have here, all the way from the county attorney system right down to our state police officers and our local police officers, we know that they need more money, we know that they need more training, we know that another \$25,000,000, if we were to dump it into there, could certainly be very well used. I think of our Institutional Services, and I think this is one of the most touching areas in all of our State Government because within our institutions are confined approximately 3000 to 4000 people, and if we had the money to put in there 80% of those people could be free and they could be productive, and actually it would be a saving to the State over a long period of time. We need more help for our mentally defective children at Pineland and institutions like it. But I pointed out these other needs, and the proponents tell me "That is true. We will get our share and let them come in for their share."

It reminds me of when I was a boy on the farm in a very poor area during the depression, we used to go to visit this family some, and there were eleven in the family. What they had for dinner was beans. The oldest boy had the first call on the big bowl of beans. He used to take about half of all the beans that were there. And his mother would comment on it, she would say "Jack, you are being very unfair," and he said "Well, I have got my share; let the others take their share." But the point is that there are only so many beans in the bowl. There are only so many dollars in this State for us to use, and we have to use discretion as to how they will be distributed.

Now, it is important too as far as the State's economic growth is concerned. We are trying to attract people to come to live in this State, we are trying to attract industries to come here, and this is what we have to consider today when we are voting upon this particular issue. If we have the 5% sales tax we will have the

highest sales tax of any state in the Nation. I think there are two or three other states that will be tied with us for this honor. But right back to back with that the next time you are either going to have a 6% sales tax or you are going to have an income tax. So this is the problem which you must consider: How are you going to sell the State of Maine to people coming to Maine to live here, to bring industry here when you have that kind of a deterrent which is facing them?

So, my plea today is one of common sense and moderation. We want to do right but we want to do what is sensible. I know it has been pleaded here that if we pass this measure that the property tax rates will be reduced. I suggest to you that that will not be the case if it is the case in any of the towns in this State. When you pass out this extra money it will be used by these towns for educational purposes, for increases in salaries, for supplies and so on. So, your property tax rates are not going down. You may be able to maintain them or they will go up. But there are very few, if any, of the towns in this State that are going to lower the taxes if this measure is passed.

Now, next year — and I can tell you this from experience — this same group will be back to the 104th Legislature and they will ask you to do as well by them as the 103rd Legislature did. And I am not kidding you about that. So the issue then today is not whether or not this proposal is worthy. Of course it is worthy. It is something which we ought to do and it is a noble objective, and we perhaps can attain it, not this year or this biennium, perhaps some the next biennium and some the additional biennium. But the issue today is whether or not we are going to foister upon the people of Maine a 1% increase in the sales tax this year with the almost certain increase of a major tax at the next biennium, either being an income tax or a 6% sales tax, to make up this \$46,000,000 deficit. So, my fight today is to try to keep two major tax increases from

being levied upon the people of Maine, what I would call back to back. I think that the people of Maine feel that this would be extravagant and this would be unnecessary. So, this is why I oppose this amendment in its present form.

I would say in all fairness that I believe that this amendment could be reduced insofar as the expenditures attached to it so that it would be acceptable to all parties in this Legislature. Mr. President, when the vote is taken, I ask that it be taken by division.

The PRESIDENT: The pending question is on the motion of the Senator from Somerset, Senator Johnson, that we accept Senate Amendment "A".

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: One of the most effective spokesmen the State of Maine has nationally today is Senator Muskie. Senator Muskie has established a position of great eminence in the inter-governmental relations field, and he points out very properly, I think, around the United States on his speaking engagements that one of the reasons the Federal Government has grown so rapidly is because of the vacuum that has been established by legislatures around the states not living up to their responsibilities. I agree with Senator Muskie.

This weekend Congressman Kyros speaking, I think, before a Memorial Day group said that the problems of the cities cannot wait until tomorrow; they must be taken care of as they come up. I agree with Congressman Kyros.

Governor Curtis says, and I quote: "We must increase our state subsidies to cities and towns eventually to 35 to 40%," and I agree with Governor Curtis. Where then is the disagreement? The disagreement is in time. In his special message to this Legislature in January Governor Curtis said, and I quote: "I encourage this Legislature to give every consideration to further increasing the State's aid to cities and towns for the 1969-1971 biennium." As I said before, this confused me at that time, and

it confuses me now, as to how we can be expected to live up to our responsibilities to the problems facing the communities in the State today by doing something in the next biennium.

I have seen our subsidy program attacked. And when that wasn't successful, I have seen our tax program attacked. It is interesting to me to notice that the legislation on which our subsidy is based is almost standard legislation proposed nationally by the Inter-Governmental Relations Commission, which I have in front of me here. It is not a perfect formula on which we base our school subsidies, but it is a good formula and it is a formula that is emulated nationally. I have seen the tax attacked, and I understand now that we are being compared to the pot of beans which leads me to believe that in many respects the treatment that this proposed aid to the cities and towns is getting sounds to me more like the shell game.

The fact of the matter is that, as a result of the actions of this Legislature, and as a result of the actions of previous legislatures, the cost to the towns and cities around Maine are going up \$10,000,000 in the second year of the biennium, and you can't editorialize this out of the picture, no matter how fast you talk or no matter how much you wave your arms.

There are only two places for this money to come from. It comes from the towns and cities or it comes from the State. And no matter how much you wave your arms you can't get away from this fact. The whole decision here must be based upon the answer to the question: "Where do you want the increase to come from?" Well, how much of an increase is it? And how much is the State doing presently for education in the State? Governor Curtis has said that he has recommended record amounts of increases, some \$13,000,000. Although, even though I have been involved in educational matters all session, I must admit I get confused by the conflicting statements and the comparing of apples and pears that has been going on all session.

The Governor's recommended increase for a general subsidy has been some \$13,000,000. What he doesn't say, and what you must realize, is that at the same time we are acting with great largesse and giving \$13,000,000 to the towns and cities is that their costs are going up \$31,000,000 for this same period, for the same biennium. And it is not enough to say that if you survive the fiscal crises that is hitting towns and cities around the State, if you survive it this biennium, and if you are good people, and if you are still here in two years, we will come back and help you in the next biennium, this is not my idea, and I hope it is not yours, of living up to your sense of responsibility.

Now, we are going to hear, and we have heard, all kinds of figures, all kinds of comparisons. Just to make the lie a little bit more interesting we toss in school construction subsidies with general subsidies, and compare apples and pears and get some real beauties of comparisons. But the fact remains that this package which we are talking about here takes \$10,000,000 in increased educational costs to communities and almost a million dollars in aid to dependent children costs, and it says that the towns and the cities have had it insofar as increased costs are concerned, and it is about time that the State stepped in and lived up to its responsibilities.

Now, I say to you that there is a very, very big difference, there is a very big difference in transferring costs of education and creating new costs of government and increasing new costs of government. When the Senator from Aroostook stands up and says that there are other State needs, he is right. But we are not creating new costs by transferring this program; we are just changing the method of sharing the burden. When you talk about increased programs you are talking about new tax revenues that must be raised in addition. I suggest to you that there is a whale of a lot of difference between the State assuming some of the costs and creating more costs. I am going to be very interested in seeing how some of you who voted for a teachers' salary bill

earlier in the session vote on this, because when you voted for the teachers' salary bill you increased the cost to the towns and cities. And gentlemen, you can slice the pie no matter how you want, but when you vote for increased programs, justice indicates you vote for methods to finance it.

Now, somewhere along the line too we have to take a look at the impact on the elderly. In the City of Augusta, and I think we are probably no different than many other communities in the State, every time somebody gets a great idea for local expenditures, or a great idea for education, the cost on the home of the retired person goes up. And where you and I are still in our productive years, and we can stand another \$35 a year if we have to on tax on our homes, somewhere along the line the extra cost to the retired person, and Maine is famous for them, we love them, the cost on their home goes up and up and up. And somewhere along the line the dignity of ownership departs and the ability to own property departs, and you have away and pretty effectively destroyed the retirement plans of these older people in our midst. And every time somebody like me who is so interested in education stands up and talks about education we must realize the impact on the older people. I subscribe to you that if there is one area the older people get hurt the most it is in the traditional area of home ownership.

I have spoken too long, but I hope that you take fact and separate it from fancy, and if you have been voting for increases in costs be responsible and vote for the method of funding them.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr President and Members of the Senate: I believe that the Senator from Aroostook, Senator Harding, stated that I criticized the last session of the legislature for spending too much money. I don't believe that I have ever said that, or for any projects that they financed. I think what I said it was the method of raising the money that I ob-

jected to. I felt that it was not fiscally responsible.

I wasn't prepared to debate this today, but I do have a few figures here. It is very interesting to note that on this 31st day of May, 1967 we find a current services budget which exceeds estimates by over \$15,000,000. Now, let's compare that with prior years. The Governor's current services budget exceeds estimates by over \$15,000,000; \$15,000,000 not available. I won't go into the exact figures. What was the situation in the 97th Legislature? The current services budget enacted by that session was about \$100,000 more than the amount of money available. The 98th Legislature, the current services budget was less by about \$400,000 than the money available. The 99th Legislature, there was available about \$200,000 more than the current services budget. The 100th Legislature, the current services budget exceeded the amount of money available by about \$700,000. The 101st Legislature, the current services budget exceeded the amount of money available by about \$13,000,000. But that Legislature faced the issue and increased the sales tax from 3% to 4% to take care of the deficit. The 102nd Legislature, the current services budget was less than the amount of money that was available by about \$4,000,000.

I haven't criticized the amount of money that was spent by the last session of the Legislature; just the fiscal policy that was followed. Why do we at this time find ourselves \$15,000,000 less the money available than the Governor's current services budget? Something must have happened. Briefly, here is what happened: The last session of the Legislature appropriated \$190,000,000. That was an increase of \$39,560,320.46 more than had been appropriated by the previous Legislature. Now, where did the money come from? Well, being brief, only \$8,000,000 of it came from taxation. Most of the rest of it came from increasing the estimates, without further taxation. I don't need to go into it any further. Thank you.

The PRESIDENT: The Chair rec-

ognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I think perhaps that one of the remarks made by the good Senator from Aroostook, Senator Harding, was the fact that he felt that in the next biennium there would be a need for another major tax. I would like to say this: that the Governor's projection, or the Democratic Party's projection of \$46,000,000 out of balance is not so. A check with the department heads shows that approximately just the increase in the subsidy percentage-wise will be the normal increase in the next biennium.

I would like to say this: The 100th Legislature—we are talking about not dollars exactly, but percentages. The 100th Legislature—I heard this from a reliable source which he said was a very conservative legislature, increased the subsidies 27%. This Legislature is only asking to increase the subsidies 25%.

Getting into the area of taxes, and how they compare with other states, let's start off with New York State—the Governor there is asking for a 27% rise in New York University's budget. John Connally of Texas, a 92% rise. Even our friend in Georgia, Lester Maddox, is calling for an increase of 39% in the next year, and 70% the following year. Now, many of these states already have sales taxes; they have income taxes. California is calling for increases in cigarettes, liquor, bank and corporation taxes, an increase from 4% to 5% in the sales tax, an increase in the State income tax, which they already have, and an elimination of the personal exemptions. Now, effective tomorrow, the State of Rhode Island will have a 5% sales tax.

We are faced up with the problem here of supplying the towns with some share of a general revenue that will help them continue promoting the education in this State at a time when it is sorely needed. And we hear that the rich property owner will be the one who will benefit from this reduction in the property tax; I ask anyone here if he knows of any

very wealthy people in this State who own property? There may be a few, but the average person, the average salaried citizen in this State, owns his own home and pays his taxes, and they have been going up every year. This is one area perhaps where we could help these people, and at the same time help the education, and we are willing to pay for it. As far as I could see, there would be no major tax in the next biennium.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: Everyone in the Legislature may feel that he is an expert on what the needs of the next Legislature will be, but the projections which have been made, Mr. Majority Leader, are not the Democratic Party's projections; they are the projections of the Budget Office, which I suggest to you is not a Democratic institution.

I would also suggest to you that over the years their projections as to our actual expenditures have been very accurate. And anyone who will stand up here and say that those projections of the Budget Office are not correct, without having some detailed knowledge of it, of going through those expenditures line by line and item by item, I think they have a heavy responsibility to this Senate and the people of Maine in making that statement.

As far as the current services budget is concerned, in relation to the remarks of the Senator from Cumberland, Senator Good, I must confess that I am confused at this point as to what you call the current services budget, because the current services budget and the supplemental budget of the Governor have been combined into one item, which has been reported out, which is before us. But as I recall the Governor's current services budget, it was that we had adequate revenues to meet the current services budget as proposed by the Governor. Now the supplemental budget, of course, required additional revenues, but it has always been thus. I would also suggest that at the end of this biennium we will have approximately a

\$7,000,000 surplus, which is one of the largest surpluses that the State has had.

I agree with the suggestion of the Senator from Kennebec, Senator Katz, that the states should live up to their responsibilities. Part of those responsibilities, however, are the institution of efficiencies in government and government reforms so that the taxpayer gets the best buy out of his tax dollar. We had inefficiencies in this government of our State of Maine overlapping which this Legislature has not seen fit to correct. As far as the legislative reforms, to me it is one of the great disappointments that we have a committee in this Legislature which has the immense responsibilities that our Educational Committee has with a lack of staff which they have to make these projections. Now, I am not pointing any fingers or accusing anybody, because we do the best we can do. I only cite this example of something which shows the problems that we face, and that the Education Committee and the Education Department faces.

At the last session there was a discussion as to whether or not we should go onto the lump sum payment as far as construction costs were concerned, subsidies to the towns. The Education Department, the Education Committee, made their projections as to what those costs would be. They came up with a figure before the Appropriations Committee which I am sure was an honest figure, the best in their judgment, that it was going to cost \$10,000,000, and this was their proposal. The Appropriations Committee, which I might mention consisted of six members of the then majority party and four members of the minority party, felt that this was not solid enough, that we did not have information enough to tell the people of Maine that this is all it is going to cost you, \$10,000,000. One short year went by and we found that their projections were off by approximately \$10,000,000. It would cost \$20,000,000 for the bond issue to go under the lump sum payment instead of the installment payment as we had.

Now, I am not pointing any fingers at this, but just to tell you that the Education Committee which has these immense responsibilities of projecting these figures and saying what the needs of the State are, they don't have the personnel, the data, the computers, to do the job which we ought to be doing. So, in this regard the states have not lived up to their responsibilities. But if I must choose between the figures of the Education Committee, or any legislative committee, and the figures of the budget office, I have to choose the figures of the budget office because they are the ones who have the information, the staff, and they have been accurate over the years.

But, again, no matter how we argue it, the issue still comes down to this: We are faced here with two major taxes back to back, and this, I feel, is a hazard to the State of Maine, and this is why I oppose this appropriation in this amount at this time.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: It has been stated that the surplus that will be on hand on July 1st, 1967 at the end of the two years of this biennium will be approximately \$7,000,000 and that will be one of the largest surpluses we've had. Due to the raising of the estimates by the last session of the Legislature and spending it and not providing taxes, we had a surplus on the first year of this biennium June 30, 1966 of \$906,000. How does that compare with the first year of the previous biennium? Well, they had a surplus at that time of over \$4,000,000. At the end of the first year of this biennium on June 30, 1966, I believe it would be, actual receipts only exceeded estimates by one-eighth of one per cent. Now what has been the surplus in the previous years? That is backed up against that seven million figure. Back in the 97th Legislature, they had handed to them \$6,900,000 so the \$7,000,000 stacked up pretty well with that, but not one of the largest in recent years. The 98th Legislature had

handed to them \$11,755,000 in surplus. The 99th Legislature had handed to them \$10,302,000. The 100th Legislature had handed to them \$8,515,000 and the 101st Legislature only had handed to them \$3,300,000, but they faced up to the issue and increased the sales tax. What did the last session of the Legislature, the 102nd, have handed to them? By a shrewd handling of funds by the 101st Legislature \$14,772,000. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, during the course of this debate, a matter of school construction subsidies has been brought up. I know that every member of this Senate knows that this has been one of the thorns in the side of the 103rd. This is a problem which was inherited from the 102nd. When the statement is made that when some school construction subsidy totalled \$20,000,000 I feel incumbent upon me to tell you that the figure which totals the one lump school construction subsidy is \$15,363,342.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President, Fellow Members of the Senate: Despite the fact of the unfavorable climate created by the opposition of my good friend, Senator Harding, to my emotional efforts to reconsider the liquor bill this morning, I feel that he has overcome my feelings by his persuasive arguments, and I want to go on record as supporting him fully and completely in everything that he stated before this Senate.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Somerset, Senator Johnson, that we now adopt Senate Amendment "A".

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President, the Senator from Cumberland County, Senator Good, has referred to the administrations when I was here as a State Sen-

ator, and I can agree with him that the leadership was in the interest of being a conservative leadership, but today I find myself amongst a different kind of leadership which has changed from conservative to liberalism. It is true in 1957 with a non-partisan group in this Senate that the Sinclair Bill was passed. It was true that the members of that Committee also knew that they were going to run into some difficulties. As I listened here this afternoon, I never thought the difficulties were going to be that the majority group was going to take care of my taxes in the City of Biddeford that has 100 per cent valuation and the City of Saco will be the same is a short while, it would seem to me that the bill in itself the \$10,000,000 is really too much money to put into the act. If the towns are going to be saved, they themselves should also raise their taxation up to some of us to get by. \$10,000,000 is a lot of money. I don't believe that any who were here with me in 1957 or 1959 would be thinking in those terms today of the Sinclair Bill costing that amount of money. The Sinclair Bill in itself was for the interest of the towns, to get into a district, not for the wealthy towns one way or the other and that was the conservative leadership that followed through here in 1957 and 1959. You are taking the Sinclair Bill today and you are wacking it, and the Lord knows where, with the next administration that comes in here, where that bill that was passed in the interest of districts so that the small towns would gain and the children could get a better education or equal education to those in the large cities.

Figures are way out of my existence. I got to go into the millions and millions, but I am happy to say here that Senator Good has spoken relative to the sessions that I was here. I was happy to be a member of this body that was conservative. You might say I am a Democrat liberal, but I'm not. You have noticed it when I have been here and I have followed the leadership of the party. Now I am going to say this in hon-

esty and straight out. A lot of blame is being put on the leadership of the party of two years ago. I wasn't here, but you had a Republican Governor who could have vetoed bills, and I thought myself that he was going to veto bills when he came to South Portland and was for getting some money for the department. I surely stand with the Senator from Aroostook County in opposing the enactment of the bill.

The PRESIDENT: Is the Senate ready for the question?

As many as are in favor of the motion by the Senator from Somerset, Senator Johnson, that we adopt Senate Amendment "A" will stand and remain standing until counted. Those opposed to the motion will stand and remain standing until counted.

A division was had. 23 Senators having voted in the affirmative, and 9 Senators having voted in the negative, the motion to adopt Senate Amendment "A" prevailed, and the Bill was Passed to be Engrossed.

On motion by Mr. Johnson of Somerset, and under suspension of the rules, the bill was sent down forthwith to the House.

The President laid before the Senate the twenty-eighth tabled and today assigned matter (H. P. 1168) (L. D. 1669) Bill, "An Act to Grant Public Utilities Commission Control Over Cooperatives." Tabled May 26 by Senator Johnson of Somerset, pending Adoption of Senate Amendment "A", Filing S-195.

On motion by Mr. Johnson of Somerset, Senate Amendment "A" was adopted and the bill Passed to be Engrossed.

The PRESIDENT: The Chair will inform the Senate that the Senate has in its possession (H. P. 945) (L. D. 1385) "An Act Providing for a New Charter for the City of Waterville." This measure having been recalled from the Engrossing Department pursuant to a Joint Order.

The Chair recognizes the Senator from Kennebec, Senator Lund.

On motion by Mr. Lund of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby this bill was Passed to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President, I now offer Senate Amendment "A" under Filing S-202 and move its adoption.

Senate Amendment "A", Filing S-202, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 945, L. D. 1385, Bill, "An Act Providing for a new Charter for the City of Waterville."

Amend said Bill in Article IV by striking out in the last line of section 10 (same in L. D. 1385) the figure "\$1,000" and inserting in place thereof the figure "\$500"

Senate Amendment "A" was Adopted, and the Bill, As Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the first tabled and unassigned matter, (S. P. 638) (L. D. 1642) Bill, "An Act Changing the Foundation Program per Pupil Allowances." Tabled May 22 by Senator Johnson of Somerset, pending Enactment.

On motion by Mr. Johnson of Somerset, retabled and specially assigned for Thursday, June 1, pending Enactment.

The President laid before the Senate the second tabled and unassigned matter, (H. P. 457) (L. D. 631) Bill, "An Act Creating County Commissioner Districts." Tabled May 25 by Senator Johnson of Somerset, pending Assignment for Second Reading.

On motion by Mr. Hildreth of Cumberland, retabled and specially assigned for Wednesday, June 7, pending Assignment for Second Reading.

The President laid before the Senate the ninth tabled and un-

signed matter, (H. P. 192) (L. D. 281) House Report—Ought Not to Pass from the Committee on Judiciary on Bill, "An Act Prohibiting the Destruction of Political Posters and Signs." Tabled May 26 by Senator Johnson of Somerset, pending Acceptance of Report.

On motion by Mr. Johnson of Somerset, retabled, pending Acceptance of Report.

The President laid before the Senate (H. P. 1118) (L. D. 1595) House Report "An Act Clarifying the Location of Town Line Between China and Winslow", tabled earlier in today's session.

On motion by Mr. Katz of Kennebec the Senate voted to accept the Ought Not to Pass Report of the Committee.

The President laid before the Senate another matter tabled earlier in today's session (S. P. 599) (L. D. 1580) Resolve, Proposing an Amendment to the Constitution to Grant Adult Rights to Persons Twenty Years of Age and to Reduce the Voting Age to Twenty Years, tabled by the Senator from Somerset, Senator Johnson.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, may I ask the status of this bill?

The PRESIDENT: The Chair will advise the Senator that this measure failed of Final Passage in the House and it is now pending the motion of the Senator from Hancock, Senator Anderson, that we indefinitely postpone the bill and its accompanying papers.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This bill has generated considerable interest both within and outside this building. I would speak in opposition to the motion of Senator Anderson and hope that the prevailing opinion of this body would be that the bill as it now exists should be passed and, failing that, that a compromise acceptable to everybody could be

worked out. I think when we realize the tremendous pressure of the population which is upon us, when we realize there are literally hoards of young people attaining the age of 20, when we realize the educational benefits that these people have, I think we will realize the vital need for positive action in this field. The original proposal you may recall was for voting at age 18 and this was a compromise to begin with to vote at age 20. It is rather interesting to realize that by the end of 1967, there will be more people in the United States under age 26 than there will be over age 26, and I think this will explain perhaps to you what is meant when we say there is pressure to have the voting age changed.

We have heard here today several statements about the money we are spending to improve our educational system. Certainly this has resulted in some benefits. Certainly we have a better informed youth, we have a more responsible youth. These people are clamoring for recognition. I certainly hope that the Senate will do it and vote against the motion of Senator Anderson, and I would request a division.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD: Mr. President, a parliamentary inquiry?

The PRESIDENT: Yes.

Mr. MacLEOD: Mr. President, is this a Constitutional Amendment?

The PRESIDENT: The Chair advises the Senator that it is, so it should have had an enactment as a Constitutional Amendment, and those require a standing vote.

This is a Constitutional Amendment and requires the affirmative vote of two thirds of those present for passage.

The Senator from Kennebec, Senator Katz, has requested that the vote be taken by the "yeas" and "nays."

In order for the vote to be taken by the "yeas" and "nays" there

must be the expressed desire of at least one fifth of the members present.

Those Senators in favor of the vote to be taken by the "Yeas" and "Nays" will stand and remain standing until counted. Obviously a sufficient number having arisen, the vote will be taken by the "yeas" and "nays."

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President, when the Senator from Cumberland, Senator Berry, arose in opposition to the motion to indefinitely postpone the bill, I understood him to say that he thought if the motion to indefinitely postpone did not prevail that then the bill would be in a position for some kind of a compromise to be reached. I have reservations about the bill as drafted, and I have had the impression that there were others who did too. If I'm correct, I would be very happy if someone would table for a day or two so that a compromise could be worked out.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I move this matter lie on the table pending enactment and be specially assigned for Thursday, June 1st.

The PRESIDENT: The Senator from Hancock, Senator Anderson, has requested a division on the tabling motion.

As many as are in favor of this Resolve laying on the table and being specially assigned for Thursday, June 1st, pending enactment, will stand and remain standing until counted. Those opposed to the motion?

A division was had. 23 Senators having voted in the affirmative, and 5 Senators having voted in the negative, the motion to table the Resolve prevailed.

The President laid before the Senate a third matter tabled and

pecially assigned for today (H. P. 89) (L. D. 186) Bill, "An Act Relating to Compensation and Allowances for Members of the Indian Tribes at the Legislature," tabled by the Senator from Oxford, Senator Norris.

On motion by Mr. Johnson of Somerset, retabled and specially

assigned for Thursday, June 1st pending Acceptance of the Committee Report.

On motion by Mr. Ross of Piscataquis,

Adjourned until 10 o'clock tomorrow morning.