

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 First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, April 18, 1963

The Senate was called to order by the President.

Prayer by Rev. Clement Thibodeau of Springvale.

On motion by Mr. Ferguson of Oxford, the journal of yesterday was read and approved.

House Papers

Non-concurrent matter

Bill, "An Act Relating to Purchase of Lands by Atlantic Sea Run Salmon Commission." (H. P. 63) (L. D. 87)

In House, March 26, passed to be engrossed as amended by Committee Amendment A (H-132)

In Senate, April 10, passed to be engrossed as amended by Committee Amendment A and by Senate Amendment A (S-143) in non-concurrence.

Comes from the House, that body having voted to insist and ask for a Committee of Conference.

In the Senate, on motion by Mr. Atherton of Penobscot, tabled pending consideration and especially assigned for tomorrow.

Bill, "An Act Relating to Salaries Fixed by Governor and Council." (S. P. 462) (L. D. 1289)

In Senate, April 10, Indefinitely Postponed.

Comes from the House, passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Johnson of Somerset, tabled pending consideration and especially assigned for Wednesday next.

Order

Mr. Cole of Waldo presented the following Order:

WHEREAS, on January 8, 1963, certain petitions were presented to the Secretary of State under the provisions of Article IV, Part 3, Section 18 of the Constitution of the State, to initiate an Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island and a Bridge and Causeway Connecting Littlejohns with Chebeague Island at an estimated cost of \$3,000,000. A true copy

of said petition is attached hereto, marked Exhibit A, and incorporated herein; and

WHEREAS, after due consideration of said petitions and the signatures thereon the Committee on Judiciary reported that there were 34,183 valid signatures on said petitions and that a total of 29,273 valid signatures were required under the provisions of the Constitution, and, therefore, there were a sufficient number of valid signatures and that the proposed Act be submitted to the electors of the State at the next regular or special election; and

WHEREAS, both branches of the 101st Legislature have accepted report of said Committee and the Secretary of State has been instructed as aforesaid; and

WHEREAS, doubts now exist and questions have arisen as to the constitutionality of the initiation of a bond issue as proposed in said petitions; and

WHEREAS, the Maine State Highway Commission has caused a study to be made of the estimated cost of erecting and constructing the bridge and necessary approaches thereto which it would be required to construct under the initiated Act; and

WHEREAS, the State Highway Commission has communicated these estimates to the President of the Senate and the Senate adopts these figures as true and correct for the purposes of these questions and finds them to be true and accurate estimates (see Exhibit B and B-1 attached hereto and made a part hereof); and

WHEREAS, it appears to the Senate of the 101st Legislature that the following are important questions of law and that the occasion is a solemn one, be it therefore

ORDERED, that in accordance with the provisions of the Constitution of the State that the Justices of the Supreme Judicial Court are hereby respectfully requested to give the Senate their opinion on the following questions:

1. Is Article IX, Section 14 of the Constitution of Maine an exclusive method of issuing bonds?
2. Is it constitutional to initiate a bond issue under the provisions of

Article IV, Part 3, Section 18 of the Constitution of Maine?

3. If the answer to question 2 is in the affirmative, may an Act be constitutionally initiated and sent to the electors of this State for ratification where the Senate has found as a fact that the proposed structure or project in said Act cannot possibly be constructed within the amount of money to be made available under the initiated Act through the issuance of bonds, the proceeds of which are the sole source of funds for the construction of the structure or project?

4. If the answer to question one is in the affirmative, or the answer to 2 or 3 is in the negative, may the Legislature pass either a bill, resolve or joint order specifically prohibiting the Secretary of State from sending the proposed initiated Act to the electors?

On motion by Mr. Cole of Waldo, tabled pending passage, and especially assigned for tomorrow.

Bill for reference

Bill, "An Act Clarifying the Labeling of Canned Food." (H. P. 1050) (L. D. 1517)

Referred to the Committee on Agriculture in concurrence.

The PRESIDENT: The Chair is happy to recognize in the Senate Chamber seven girls from the Teen Age 4-H Club from Bath, Maine, accompanied by Mrs. Bernice Colby, their local leader.

We are happy indeed to have you here today and we would like to introduce to you the Senator from your area, the good Senator from Sagadahoc, Senator Reed. (Applause)

Committee Reports — House

Referred to the 102nd Legislature

The Committee on Judiciary on Bill, "An Act Relating to the Uniform Disposition of Unclaimed Property Act." (H. P. 921) (L. D. 1355) reported that the same should be referred to the 102nd Legislature.

The Committee on Appropriations and Financial Affairs reported that the following Bills and Resolves should be granted Leave to Withdraw, as Covered by Other Legislation.

Resolve, Appropriating Money for Full-Time Urban Renewal Director, Department of Economic Development. (H. P. 413) (L. D. 566)

Resolve, Appropriating Money for Establishing a Boston Informational Office and Relocating the New York Office of the Department of Economic Development. (H. P. 415) (L. D. 568)

Bill, "An Act Providing Matching Funds for Development of Comprehensive Regional Development Plans." (H. P. 520) (L. D. 737)

Resolve, Appropriating Money for New Position in Department of Economic Development to Specialize on In-State Industrial Development. (H. P. 566) (L. D. 805)

Resolve, Appropriating Money for Addition of Photographer I, Department of Economic Development. (H. P. 567) (L. D. 806)

Bill, "An Act Providing a Full-Time Economist for the Department of Economic Development." (H. P. 893) (L. D. 1298)

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Resolve, to Provide Funds for Matching Funds for Training in Machine Design at the Maine Vocational Technical Institute. (H. P. 521) (L. D. 738) reported that the same Ought not to pass.

(On motion by Mr. Hinds of Cumberland, tabled pending acceptance of the report, and especially assigned for Wednesday next.)

The Committee on Judiciary on Bill, "An Act Relating to Trial Terms of Superior Court in Washington County." (H. P. 970) (L. D. 1409) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Repealing the Administrative Code." (H. P. 910) (L. D. 1317) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Transferring Duties of Liquor Hearing Examiner to the District Court." (H. P. 923) (L. D. 1357) reported that the same Ought not to pass.

The Committee on State Government on Bill, "An Act Relating to Election of Certain Officers of the

House of Representatives." (H. P. 1010) (L. D. 1461) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

Ought to Pass, As Amended

The Committee on Health and Institutional Services on Bill, "An Act Relating to License Fee for Boarding Homes." (H. P. 865) (L. D. 1252) reported that the same Ought to pass as amended by Committee Amendment A (H-244)

The Committee on Health and Institutional Services on Bill, "An Act Providing for the New England Health Services and Facilities Compact." (H. P. 906) (L. D. 1314) reported that the same Ought to pass as amended by Committee Amendment A (H-245)

The Committee on Public Utilities on Bill, "An Act to Incorporate the Sugarloaf Narrow Gauge Railroad Company." (H. P. 551) (L. D. 766) reported that the same Ought to pass, as amended by Committee Amendment A (H-250)

The same Committee on Bill, "An Act to Create the Waldoboro Sewer District." (H. P. 993) (L. D. 1440) reported that the same Ought to pass as amended by Committee Amendment A (H-247)

The same Committee on Bill, "An Act Increasing the Indebtedness of the Veazie Sewer District." (H. P. 1009) (L. D. 1460) reported that the same Ought to pass as amended by Committee Amendment A (H-248)

Which reports were read and accepted in concurrence; Committee Amendments A were read and adopted in concurrence, and the Bills, as amended, read once and tomorrow assigned for second reading.

**Majority — Ought Not to Pass
Minority — Ought to Pass As Amended**

The Majority of the Committee on Judiciary on Bill, "An Act to Create the Office of Public Defender." (H. P. 869) (L. D. 1256) reported that the same Ought not to pass. (Signed)

Senators:

BOARDMAN of Washington

FARRIS of Kennebec
CAMPBELL of Kennebec

Representatives:

BERMAN of Houlton
RUST of York
SMITH of Bar Harbor
THORNTON of Belfast
KNIGHT of Rockland
PEASE of Wiscasset

The Minority of the same Committee on the same subject matter reported that the same Ought to pass, as amended by Committee Amendment A (H-222)

(Signed)

Representative:

CHILDS of Portland

Comes from the House, Majority—Ought not to pass report read and accepted.

In the Senate, on motion by Mr. Campbell of Kennebec, the Majority Ought Not to Pass Report was accepted in concurrence.

**Report A — Ought to Pass
Report B — Ought Not to Pass**

Five members of the Committee on Legal Affairs on Bill, "An Act Repealing Laws Permitting and Prohibiting Certain Business on Sunday and Holidays." (H. P. 600) (L. D. 859) reported that the same Ought to pass.

(Signed)

Senator:

STITHAM of Somerset

Representatives:

WHITE of Guilford
GILBERT of Eddington
COPE of Portland
BOISSONNEAU

of Westbrook

Five members of the same Committee on the same subject matter, reported that the same Ought not to pass.

(Signed)

Senators:

SPROUL of Lincoln
ATHERTON of Penobscot

Representatives:

COTE of Lewiston
WELLMAN of Bangor
FOSTER of Mechanic Falls

Comes from the House Indefinitely Postponed.

Mr. ATHERTON of Penobscot: Mr. President and members of the Senate: I want to take just a few

moments to explain these so-called Sunday bills that we had before the Committee on Legal Affairs. My motion, however, will be to accept Report "B", "Ought not to pass."

The committee had eight Sunday bills before them. One of them, however, was one relating to hunting on Sunday in unorganized territory. I believe that long since has been reported out "Ought not to pass" and the report accepted. But we had before us seven bills, and they were somewhat confusing, particularly when you read the titles. As a matter of fact, I know it was a little confusing to the committee that afternoon, and we had to look up the specific statutes referred to to be sure of what we were considering, and we felt if we dumped all seven of them on the House or the Senate at one time the members would be confused also.

Now this particular bill, L. D. 859, provides that there will be no restriction whatsoever on businesses or stores being open on Sunday. We have another bill, which is L. D. 857, which is still in committee, which provides that everything be closed on Sunday, with the exception, I believe, of works of necessity and charity. The third bill is L. D. 858, which provides that everything be closed on Sunday—I say "Sunday," but it includes certain holidays which are enumerated also — but it provides a local option. In other words, if a community or a locality votes for something different they have the privilege to do so under L. D. 858. The other bill, L. D. 918, merely adds to the list of exemptions under the present law — roadside stands to sell farm fertilizer and seed. L. D. 919 also adds another exemption to the present law, for hardware stores. And the final two bills we have are L. D. 1364, which you may have heard about through the provision in it that in addition to the other exceptions stores having a certain amount of floor space will be allowed to remain open on Sunday and certain designated holidays. Finally, there is L. D. 1365, which is very similar to L. D. 1364 except it provides that such stores be open from 1:00 to 6:00

P.M. in the afternoon and also provides for double time for employees working on Sunday.

That, I think, briefly explains all the bills we have before us. Of course it is probably obvious that if this bill, L. D. 859 on the calendar this morning should be passed then there would be nothing left for the committee to do but to report all the other bills "Ought not to pass," and this would take care of the situation.

I might say that I signed the report according to my own personal convictions, not believing in this, but there was some feeling by some members that there was quite a little feeling in the legislature for this particular bill. We did not know at the time. As I say, we tried to avoid some confusion and perhaps to try to find out what the feeling was we passed this one out by itself before we passed out the others.

May I add one more thing. We refer to these bills as Sunday bills primarily, but I do not think we should overlook the fact that they include certain other holidays nor overlook the fact that these holidays were established for certain purposes. Therefore, Mr. President, I move that we accept the "Ought not to pass" report of the committee.

Thereupon, on motion by Mr. Stitham of Somerset, the bill was tabled pending motion by Mr. Atherton of Penobscot to accept the Ought Not to Pass Report.

The PRESIDENT: The Chair is honored to recognize in the Senate Chambers Former Governor of the State of Maine, Burton M. Cross.

Former GOVERNOR CROSS: Mr. President and gentlemen, I am glad to be here. (Applause)

Committee Reports — Senate

Ought Not to Pass

Mr. Atherton from the Committee on Legal Affairs on Bill, "An Act Relating to Enforcement of Laws Relating to Litter." (S. P. 430) (L. D. 1173) reported that the same Ought not to pass, Covered by Other Legislation.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass — As Amended

The same Senator from the same Committee on Resolve Discharging Town of Liberty from Indebtedness to Maine School District Commission for Preparation of Agreement for Dissolution of School Administration District No. 3. (S. P. 278) (L. D. 792) reported that the same Ought to pass as amended by Committee Amendment A (S-165)

On motion by Mr. Brooks of Cumberland, tabled pending acceptance of the report.

Mr. Whittaker from the Committee on State Government on Bill, "An Act Revising the Laws Relating to Registration of Physicians and Surgeons, and Medical Education." (S. P. 461) (L. D. 1288) reported that the same Ought to pass, as amended by Committee Amendment A (S-162)

Which report was read and accepted; Committee Amendment A read and adopted, and the Bill as amended, read once and tomorrow assigned for second reading.

**Majority — Ought not to Pass
Minority — Ought to pass in New Draft**

The Majority of the Committee on Legal Affairs on Bill, "An Act to Authorize Private Game Preserves." (S. P. 452) (L. D. 1280) reported that the same Ought not to pass. (Signed)

Senators:

STITHAM of Somerset
SPOUL of Lincoln
ATHERTON of Penobscot

Representatives:

COTE of Lewiston
WHITE of Guilford
FOSTER of Mechanic Falls
BOISSONNEAU
of Westbrook
COPE of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to pass in New Draft (S. P. 573) (Signed)

Representative:

GILBERT of Eddington

On motion by Mr. Atherton of Penobscot, the Majority Ought Not to Pass Report was accepted.

Sent down for concurrence.

Report A — Ought to Pass in New Draft — New Title

Report B — Ought Not to Pass

Five members of the Committee on Sea and Shore Fisheries on Bill, "An Act Relating to the Manufacture of Foreign Lobster Meat for Newburgs and Stews by Wholesale Dealers." (S. P. 481) (L. D. 1333) reported in Report A that the same Ought to pass in New Draft under New Title: Act Relating to a Permit for Processing of Imported Lobster Meat Under Bond. (S. P. 574) (Signed)

Senators:

CRAM of Cumberland
REED of Sagadahoc

Representatives:

LOWERY of Brunswick
MacGREGOR of Eastport
RANKIN of Southport

Five members of the same Committee on the same subject matter reported in Report B that the same Ought not to pass.

(Signed)

Senator:

BREWSTER of York

Representatives:

MADDOX of Vinalhaven
PRINCE of Harpswell
RICHARDSON of Stonington
YOUNG of Gouldsboro

On motion by Mr. Cram of Cumberland, Report A, Ought to Pass in New Draft was accepted and the bill read once.

Thereupon, on motion by Mr. Wyman of Washington, the bill was tabled pending assignment for second reading.

Second Readers

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

House

Bill, "An Act to Provide for a Legislative Conference Prior to the Convening of the 102nd Legislature." (H. P. 411) (L. D. 564)

Resolve, Authorizing a Review of Maine Highway User Tax Study. (H. P. 369) (L. D. 542)

Bill, "An Act Providing for the Driver License Compact." (H. P. 464) (L. D. 668)

Bill, "An Act to Extend the Charter of the Eliot Water District." (H. P. 998) (L. D. 1446)

Which were read a second time and passed to be engrossed, in concurrence.

As Amended

Bill, "An Act Appropriating Funds to the Unorganized Territory Capital Working Fund." (H. P. 961) (L. D. 1400)

Bill, "An Act Reimbursing Bay Ferry Corporation for Loss of its Business." (H. P. 92) (L. D. 136)

Bill, "An Act Relating to Penalty for Furnishing Liquor to Minors and Others." (H. P. 463) (L. D. 667)

Bill, "An Act Authorizing Certain Minors to Contract and Discharge for Life and Health Insurance." (H. P. 659) (L. D. 915)

Bill, "An Act to Grant a Charter to the City of Brunswick." (H. P. 343) (L. D. 556)

Bill, "An Act Relating to Number of Names Required on Petitions for Nomination to Public Office in City of Biddeford." (H. P. 547) (L. D. 763)

Bill, "An Act Relating to Registration Fee for Semi-trailers." (H. P. 386) (L. D. 1271)

Bill, "An Act Relating to Optometric Services Under Aid to the Blind and Non-profit Hospital Organizations Laws." (H. P. 904) (L. D. 1312)

Bill, "An Act Prohibiting Throwing of Rocks at any Public or Private Transportation Conveyance." (H. P. 1046) (L. D. 1516)

Which were read a second time and passed to be engrossed, as amended, in concurrence.

Bill, "An Act Relating to Transportation to Islands in Casco Bay." (H. P. 611) (L. D. 846)

Comes from the House Indefinitely Postponed.

In Senate, read a second time.

On motion by Mr. Brooks of Cumberland, the Senate voted to reconsider its former action whereby it adopted Committee Amendment A. The same Senator presented Senate Amendment A to Committee Amendment A and moved its adop-

tion. Which amendment was adopted, Committee Amendment A as amended was adopted and the bill was passed to be engrossed in non-concurrence. Sent down for concurrence.

Bill, "An Act Relating to Registration of Sanitarians." (H. P. 833) (L. D. 1220)

Comes from the House Indefinitely Postponed.

In Senate, read a second time.

On motion by Mr. Farris of Kennebec, tabled pending consideration and especially assigned for Tuesday next.

Bill, "An Act Relating to the Educational Foundation Program Allowances." (H. P. 862) (L. D. 1249)

Comes from the House, passed to be engrossed as amended by Committee Amendment A.

In Senate, read a second time.

Mr. BROOKS of Cumberland: Mr. President, I would like to make a motion to have Item 7-16 be passed to be engrossed, and, with your permission, may I speak a few words?

The PRESIDENT: The Senator may proceed.

Mr. BROOKS: The bill before us, ladies and gentlemen of the Senate, is the Educational Foundation Program Subsidy Bill. The State, as we all know, is now subsidizing the towns and the cities to a great extent and this legislature must increase the subsidies in order that the towns and cities in the State of Maine receive 100 per cent of their subsidy. That is to say, we must keep faith with the towns and cities under the law and give them the moneys which past legislatures have promised.

Now this bill in its original form would raise for the second biennium approximately \$700,000 to accomplish this purpose. The amendment which was placed on the bill in the other body would eliminate what is known as footnotes to the tables which determine the amount of subsidies the towns and cities are to receive. The additional cost to the State if these footnotes are removed will be approximately \$600,000 for the next biennium or \$300,000 per year.

The past legislatures have already accepted the principle involved here this morning, and the footnotes were placed into the laws as a result of the Jacobs study and as a result of the recommendations of the Legislative Research Committee of the 98th Legislature, and actions of the 98th, 99th and 100th Legislatures have sustained this action.

As I have said, to remove these footnotes which the other body has approved would cost the state a great deal of extra money. Maine is not a rich state, there is a limit to our financial resources, and we must make the best use of the available revenues we have. We are all aware today of the responsibility we have to try to make what moneys we have go where they will do the most good. The footnotes were put in in order that the state not pour large sums of money into smaller, unproductive high school programs. It is our responsibility here in Augusta, I believe, to join with the several towns and cities in the state to provide the most efficient public school system possible with the revenues available. Records indicate that it costs 35 per cent more to educate a pupil in a small high school than it does in a larger high school of adequate size.

My plea this morning, gentlemen, is simply to allow this bill to have its second reading, be engrossed, and go forth without removing the footnotes, and I urge you to heed my plea in allowing this action. Thank you.

Mr. CRAM of Cumberland: Mr. President and members of the Senate: I would ask that this motion be defeated and I request a division, for the purpose of making a motion for reconsideration of our action of yesterday whereby we accepted the "Ought to pass" report of the committee and rejected the "Ought to pass" report of the bill as amended, which was accepted in the House.

Every new program must be tested. When the Sinclair Act program came into being six years ago it was something brand new, and now it has been tested for nearly six years. It seems to me that

valid arguments for consolidation of schools and the formation of school districts must be based on improvement in education and that is strong argument.

The Sinclair Act has set up bonuses and subsidies. There are three different ways in which bonuses are given to Sinclair Act districts. One is under this section which we are talking about, Chapter 41, Section 237-C, the foundation program. The act provides that subsidies will be paid on a percentage of the cost of education based on this foundation program, and the footnotes provide that if schools are too small or too close together they shall be penalized simply on the basis of distance and no other consideration. Then the Sinclair Act also provides a ten per cent bonus for a unit going into a district and it also provides another bonus in the building subsidies which are available to Sinclair Act districts and municipalities with at least 700 pupils in their high school.

I think these bonuses have clouded the issue in many cases where school districts are considered. People look at the extra money they are going to get and do not analyze the program sufficiently.

Many people who are in district towns have told me that the cost of schools have gone up considerably after the district was formed. This is partly because of the increased cost of transportation which does not seem to be offset by the bonuses received. Costs still go up just the same. I admit, and it is certainly true, that larger high schools are more efficient than small high schools, but there are many cases where it is almost impossible to form a district even though there are other small high schools nearby. For instance, in my own town of Cumberland we have been talking about founding districts ever since the Sinclair Act was first adopted. We are in the middle. Between Falmouth and Cumberland and Yarmouth. There are two small towns inland from us, North Yarmouth and Pownal. It seems impractical to try to form a district in Falmouth because Falmouth is growing too fast and their debt was too heavy. It was impos-

sible to form a district with Yarmouth because of their great wealth. We have tried once to form a district with two inland towns, and in this case Cumberland is the wealthy town and the two inland towns are poor, and this seems to be the argument against the district. The amount of money involved seems to be the principal argument, not the benefits that could be gained in education by consolidating schools, or at least consolidating the high school. In fact, the Sinclair Act provides for a complete consolidation. It does not allow consolidation of the upper grades alone, which in some cases I think could be much better. I therefore hope that you will vote against this motion.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate: I rise to support the motion of the Senator from Cumberland, Senator Brooks. I would like to make two comments.

It seems to me that the State of Maine has responsibilities in two areas with regard to this legislation. It has the responsibility to expend the taxpayers' money wisely in the field of education. In spending this money I am convinced that it is best spent in those units of education which meet the tests of the Sinclair Act, so-called. I think we should continue to support the thesis that good education requires at least 300 pupils at the secondary level and 200 pupils at the elementary level. This is what this bill would do with the footnotes. I think we should continue to support the thesis that schools within ten miles of each other in the case of elementary schools and within fifteen miles of each other in the case of secondary schools should form districts for the support of good education.

Secondly, I feel that we have a responsibility to those communities which have already established districts under the Sinclair Act. If we now remove the provisions whereby they were given certain incentives for this action it would be highly unfair to them, it seems to me. I hope that the motion of Senator Brooks may prevail.

Mr. HICHBORN of Piscataquis: Mr. President, probably there is no

one here who is any more interested in getting more money for education than I am, however I wholeheartedly agree with the Senator from Penobscot, Senator Whittaker, that we should spend these dollars wisely.

Ten years ago we were paying state subsidy on a straight percentage basis on all school operational costs. There was no effort made whatever to rate the quality of the program and it was just a subsidy according to the quality of the program. Previous legislatures were disturbed by that fact and they requested that a study be made, and a study was made. The result of that study indicated that millions of dollars were being poured out in support of programs that were grossly inefficient in many cases, and an effort was made, as a result of that recommendation, to correct that situation.

No one would argue the point that we do not yet have a perfect method for rating the quality of school programs and their efficiency, but at least we have made a step in the right direction. We have been going in that direction for six years. It would appear that considerable progress has been made. Sometimes we become impatient when we don't progress as fast as some people would like to have us progress, but I think that when we come to a point where we are thinking of going back ten years and removing incentives for improving programs that we should stop and give this a good second look.

To remove these footnotes on the tables, so-called, would cost the state nearly three-quarters of a million dollars for a biennium and defeat the purpose of the original act, which was to reward those who did make an effort. No penalties are applied at the present time. We are looking at it backwards. The rewards are given to those who do rather than taking something away from those who do not. The removal of the footnotes would cost this state another three-quarters of a million in a biennium and would do little, if anything, to improve the quality of the program. I think that whatever we do we should try to relate subsidies in some way to the quality

of the programs that would be the result of our efforts, and I certainly hope that the motion of the Senator from Cumberland will prevail.

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate: I try to be interested in the State of Maine as a whole, but as far as education is concerned I have a hard enough time trying to keep track of my own county. Under L. D. 1249, the bill as originally presented, I took the trouble to go to the Education Department and get a complete list of the towns and plantations in the county and I found they were doing all right under the bill as originally presented. As I understood yesterday, there was an amendment proposed, and I would like to know if some member of the committee can explain to me exactly where that would leave my county under the bill as presented and under the amendment. If it cannot be explained today I would like to have the bill on the table until I can study it.

The PRESIDENT: The Senator from Lincoln, Senator Sproul, poses a question through the Chair to any member on the Education Committee, who may answer if they choose.

Mr. BROOKS of Cumberland: Mr. President, I am not able at this time to state the facts expressed by Senator Sproul.

Mrs. SPROUL of Lincoln: Mr. President, I move that this bill lie on the table until Tuesday next.

The PRESIDENT: The Senator from Lincoln, Senator Sproul, moves that Item 7-16 lie on the table and be specially assigned for Tuesday next, pending action on the motion of the Senator from Cumberland, Senator Brooks, that the bill be passed to be engrossed. A division has been requested.

Mr. FARRIS of Kennebec: Mr. President, might I inquire as a rule of procedure: if this does lie on the table until Tuesday next would a motion to reconsider our action still be in order.

The PRESIDENT: The Senate may be at ease.

At Ease

Called to order by the President.

The PRESIDENT: There is no pending motion before the Senate for reconsideration to which the Senator from Kennebec, Senator Farris has referred. The only reference to a motion for reconsideration has come in the debate from the Senator from Cumberland, Senator Cram. The Chair would in addition, however, reply to the Senator from Kennebec, Senator Farris, that the motion to reconsider is a privileged motion and would take precedence over the motion of the Senator from Cumberland, Senator Brooks, which was to pass the bill to be engrossed, and would have been in order in today's debate. Therefore the Chair has no matter to rule on and is not sure whether or not the motion to reconsider will in fact be presented.

Mr. FARRIS of Kennebec: Mr. President, then I certainly would not oppose a tabling motion in the event this motion is carried, but at this time I would move that we reconsider our action whereby this bill was passed to be engrossed.

The PRESIDENT: The Chair will reply to the Senator that we have not passed this bill to be engrossed, and that is the pending motion, so that there is nothing to reconsider from. The Senate has just tabled this bill until Tuesday next, pending the motion of the Senator from Cumberland, Senator Brooks, that we pass it to be engrossed.

Mr. STILPHEN of Knox: Mr. President, may I inquire if the record show that we voted on the tabling motion?

The PRESIDENT: The Senator's point is well taken. The question now before the Senate is on the motion of the Senator from Lincoln, Senator Sproul, that this matter lie on the table and be specially assigned for Tuesday next. Is this the pleasure of the Senate?

The motion prevailed and the bill was so tabled.

Bill, "An Act Relating to Operation of Farm Trailers Without Registration." (H. P. 620) (L. D. 855)

Came from the House passed to be engrossed.

In Senate, read a second time and passed to be engrossed, as

amended by Committee Amendment A (H-208) in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act Relating to Non-lapsing Funds for Armory Expansion." (S. P. 89) (L. D. 226)

Which was read a second time and passed to be engrossed, as amended by Committee Amendment A (S-159)

Sent down for concurrence.

On motion by Mr. Brooks of Cumberland, the Senate voted to reconsider its action taken earlier in today's session whereby it passed to be engrossed Item 7-14 Bill, "An Act Relating to Transportation to Islands in Casco Bay" (H. P. 611) (L. D. 846); and on further motion by the same Senator, the bill was tabled pending passage to be engrossed.

Enactors

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

Bill, "An Act Relating to Definition of Industrial Project under Maine Industrial Building Authority Act." (H. P. 104) (L. D. 148)

Bill, "An Act Relating to Payments to Sagadahoc County Law Library." (H. P. 755) (L. D. 1084)

Bill, "An Act to Revise the Civil Defense and Public Safety Council Law." (H. P. 832) (L. D. 1219)

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

Bill, "An Act Clarifying the Inland Fish and Game Laws." (H. P. 1022) (L. D. 1478)

(On motion by Mr. Stitham of Somerset, tabled pending enactment and especially assigned for Wednesday next.)

Bill, "An Act Relating to Unexpended Excise Taxes on Sardines." (S. P. 335) (L. D. 1000)

Bill, "An Act Relating to Group Credit Insurance." (S. P. 447) (L. D. 1276)

Resolve, Increasing Retirement Benefit of Irving W. Small of Milbridge. (S. P. 256) (L. D. 630)

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

Resolve, Increasing Pension of Maurice Albert of Madawaska. (H. P. 348) (L. D. 502)

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

Which Bills were passed to be enacted and the Resolves finally passed.

Orders of the Day

On motion by Mr. Campbell of Kennebec, the Senate voted to take from the table Bill, "An Act Relating to Disposition of Security Under Financial Responsibility Law"; that Senator on February 21 pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

The President laid before the Senate the 1st tabled and today assigned item (H. P. 272) (L. D. 366) House Report, Ought to Pass as Amended by Committee Amendment A, from the Committee on Education on Bill, "An Act to Reconstitute School Administrative District No. 17"; tabled on April 12 by Senator Whittaker of Penobscot pending acceptance of the report.

Mr. WHITTAKER: Mr. President, there happens to be a newly discovered discrepancy in an amendment on this bill and I therefore request that it be retabled until the amendment can be corrected.

The motion to retable prevailed.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 137) (L. D. 414) Resolve Appropriating Moneys for Stocking Baxter State Park with Caribou; tabled on April 12 by Senator Edmunds of Aroostook pending motion by Senator Stilphen of Knox to indefinitely postpone Committee Amendment A.

Thereupon, on motion by Mrs. Christie of Aroostook, the bill was retabled and especially assigned for Wednesday next.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 1015) (L. D.

1469) Bill, "An Act Authorizing Forest Commissioner to Permit and Regulate Dredging in Great Ponds"; tabled on April 13 by Senator Ferguson of Oxford pending motion by Senator Stitham of Somerset to indefinitely postpone bill and reports; and on motion by Mr. Ferguson of Oxford, the bill was retabled and especially assigned for Thursday, April 25.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 384) (L. D. 583) Bill, "An Act Relating to Appointment of Chief Engineer of Fire Department of City of Westbrook"; tabled on April 16 by Senator Brooks of Cumberland pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

The President laid before the Senate the 5th tabled and today assigned item (H. P. 435) (L. D. 640) Bill, "An Act to Authorize the Municipalities of Detroit, Etna, Plymouth and Stetson to Form a School Administrative District"; tabled on April 17 by Senator Brooks of Cumberland pending passage to be engrossed; and that Senator yielded to the Senator from Piscataquis, Senator Hichborn.

Mr. Hichborn of Piscataquis presented Senate Amendment A and moved its adoption.

Thereupon, on further motion by Mr. Hichborn of Piscataquis, the bill was tabled pending that Senator's motion to adopt Senate Amendment A and the bill was especially assigned for tomorrow.

On motion by Mr. Cram of Cumberland, the Senate voted to take from the table the 40th tabled and unassigned item, (H. P. 689) (L. D. 945) House Report, Ought to Pass from the Committee on Taxation on Bill, "An Act Relating to County Taxes in Places Not Incorporated"; tabled by that Senator on April 5 pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mrs. Christie of Aroostook, the Senate voted to take from the table the 26th tabled and unassigned item (H. P. 297) (L. D. 391) Bill, "An Act Relating to Hours for Dancing and Entertainment in Public Places"; tabled by that Senator on March 27 pending assignment for second reading; and that Senator moved indefinite postponement of this bill and all accompanying papers.

Mr. LOVELL of York: Mr. President, may we have a short recess to examine this bill a little more fully?

The Chair declared a five minute recess.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie that the bill and all accompanying papers be indefinitely postponed.

Mr. LOVELL of York: Mr. President and members of the Senate, in looking this bill over I note that it would mean that in the summertime our tourists resorts would have to close as far as entertainment and dancing is concerned, at twelve midnight on daylight saving time. Consequently this bill would allow them on Saturday night to stay open until twelve o'clock standard time or one o'clock fast time. In the summer time the days are long and our tourists — well in most cases our Maine people go home at eleven or eleven thirty, naturally — but I think that our tourists coming in to the state, particularly in my area and in Cumberland County, if they drop in to Scarborough Downs, then they like to drop in somewhere else after. If Scarborough Downs doesn't close until 11:30 or quarter to twelve, they like to drop out after that and they spend a good deal of money in the Old Orchard area and the Portland area and it seems to me that we should stick to the Lord's Day starting on Standard Time.

The fact that Maine has decided that they would like to increase things an hour, I still think that the

Lord's Day should start on Standard Time and I hope that the motion is defeated and I request a division.

Mr. s. CHRISTIE of Aroostook: Mr. President and members of the Senate, this simply would mean if this bill goes through that the dance halls would be operated an hour into Sunday morning according to the prevailing time. The prevailing time in the summer is Daylight Saving Time and if we permit them to go on Standard Time they will be permitted to operate Saturday night and until one A.M. Sunday morning, the prevailing time.

I see no reason why they should operate on other than the prevailing time.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, as a so-called theologian, it is difficult for me to state here whether the Lord's Day begins on Standard or Daylight Saving Time but I do suggest that perhaps our tourists might be tired by twelve o'clock daylight time.

Mr. CYR of Aroostook: Mr. President, I am a little confused, — of course I am always confused — but if I have the right interpretation on this, wouldn't this be in conflict with the liquor laws that we have now, where they are allowed to serve liquor on standard time in the summer? I would like to have someone explain that to me if it is possible.

The PRESIDENT: The Senator from Aroostook, Senator Cyr poses a question to any member of the Senate who may answer if they choose.

Mrs. CHRISTIE of Aroostook: Mr. President, if I may have the floor for the third time, I would like simply to say that the liquor people do offer it on standard time, much to my disapproval. We weren't able to stop that, but I would like to stop this if I can.

Mr. LOVELL of York: Mr. President, I hate to disagree with the Senator from Penobscot, Senator Whittaker but it has been my impression that a good many of our tourists don't get tired at twelve o'clock. They come into Maine from

Massachusetts and New York and other states much later.

Now if the liquor operation is on standard time that means these places will not have dancing and entertainment but they still will serve liquor until one o'clock, because it is twelve o'clock prevailing time. Now I don't know too many people who care to dance after midnight. I know I probably wouldn't be able to myself but some tourists might like to. I certainly feel that we should cater to a certain extent to our tourist trade which means so much to the State of Maine and so I hope this motion will be defeated.

Mr. PORTEOUS of Cumberland: Mr. President, I don't know whether or not everybody is as confused as it sounds here but if I understand the problem correctly, I would like to make an appeal against the motion of the Senator from Aroostook, Senator Christie on two bases. One, there are certain of the club parties and privately organized parties where a dance band and groups get together and chip in to buy the band, and these are forced to close earlier than some of the people would like. During summer time, people don't get in from tennis or golf or sailing in the afternoon until relatively late and dinner is rather late and then dancing doesn't get underway until 9:30 or ten o'clock and if they are closing at twelve or even one, people really haven't had a chance to enjoy the music as much as possible, especially if a rather expensive band has been hired. And if you happen to be a politician and someone gets you off in a corner and talks to you for a half hour or an hour you are liable to miss most of it.

So this is appealing for an extra hour on that particular reason.

The other is, and I think it is a practical one, that if in a place where there is both liquor served and dancing, if the liquor were to be shut off an hour before the dancing ended, it would give people a little time to work off some of the inebriation they might have acquired during the period of drinking time and they would be in better shape to drive home. On those

two bases I appeal to you to vote against the motion for indefinite postponement.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie, that the bill be indefinitely postponed. A division has been requested.

A division of the Seante was had.

Nine having voted in the affirmative and twenty-one opposed, the motion did not prevail.

Thereupon the bill was tomorrow assigned for second reading.

On motion by Mr. Brooks of Cumberland

Adjourned until tomorrow morning at nine-thirty.