

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

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and

SPECIAL SESSION

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DAILY KENNEBEC JOURNAL  
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**SENATE**

Tuesday, May 21, 1963

Senate called to order by the President.

Prayer by Rev. Joseph E. Le-master of Monmouth.

On motion by Mr. Stilphen of Knox, the Journal of yesterday was read and approved.

**House Papers**

**Non-concurrent matter**

Bill, "An Act to Create Water Conservation Districts and to Expand Powers of Soil Conservation Districts." (S. P. 553) (L. D. 1490)

In Senate, April 17, passed to be engrossed as amended by Senate Amendment "A".

Comes from the House, recommit- ted to the Committee on Agriculture in non-concurrence.

In the Senate, that body voted to recommit the bill in concurrence.

Resolve, Appropriating Moneys to Promote and Advertise Maine's Ski Business. (S. P. 96) (L. D. 233)

In Senate, May 15, passed to be engrossed.

Comes from the House Indefinite- ly Postponed in non-concurrence. Motion to reconsider made and lost.

In the Senate, on motion by Mr. Lovell of York, the Senate voted to insist on its former action and ask for a Committee of Conference.

Mr. Brooks of Cumberland pre- sented the following Order and moved its passage:

ORDERED, that, effective May 22, 1963, the President of the Sen- ate is hereby directed to lay be- fore the Senate on Tuesday, Wed- nesday and Thursday of each week, such tabled matters as appear on the Senate calendar, in the order in which they appear, the exceptions being the Special Highway Approp- riations Table and the Special Ap- propriations Table and a Special Legislative Research Table; further exceptions being such tabled mat- ters as the Majority Floor Leader, the Minority Floor Leader, or the President of the Senate may deem necessary to keep on the table be- cause of extenuating circumstances.

Which Order was read and passed.

Mr. Hichborn of Piscataquis pre- sented the following Order and moved its passage:

ORDERED, the House concurring, that there be created an Interim Joint Committee to consist of 2 Senators, to be appointed by the President of the Senate, and 3 Rep- resentatives, to be appointed by the Speaker of the House of Rep- resentatives, to study the present statutes, regulations and practices relating to State accreditation of secondary schools for such changes, if any, the Committee may find desirable; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature. (S-602)

Mr. HICHBORN of Piscataquis: Mr. President and members of the Senate, last Friday this body be- came engaged in a rather lengthy discussion on a Joint Order pertain- ing to a study which would relate to the certification of teachers. At that time I opposed that Order be- cause I felt it might be taken as an indication that we lack confi- dence in a man who is possibly one of the outstanding Commission- ers of Education in the country, lack of confidence in our State Board of Education and in the spe- cial committees we have set up to study the problems of education and to try to improve the program.

I am convinced at this time, how- ever that such would not be the case. I would like to emphasize that at no time did I have any questions concerning the motives of the gentleman from Kennebec, Sen- ator Farris, who introduced the Or- der. It was my feeling that the reaction, on a statewide basis, might place the Department of Education and its personnel in an unfavorable light. However, I am very sure in my own thinking that a better un- derstanding would result from a joint study and so to go back again last Friday, if I were to vote again, I would vote to support that Joint Order.

The Order that I have introduced at the present time is another Joint Order calling for a joint commit- tee to study another problem which is of considerable interest to people throughout the state, and that per- tains to the accreditation of secon-

dary schools. I hope that this Order may receive the same treatment that Senator Farris' Order did last Friday.

Thereupon the Order was read and passed.

#### Committee Reports — House

##### Ought to Pass in New Draft

The Committee on Taxation on Bill, "An Act Exempting Boats and Motors from Property Tax." (H. P. 948) (L. D. 1382) reported that the same Ought to pass in New Draft under New Title: "An Act Relating to Exempting from Property Tax Pleasure Boats in the State for Storage." (H. P. 1092) (L. D. 1567)

Which report was read and accepted in concurrence, the Bill, in New Draft, read once and tomorrow assigned for second reading.

#### Second Readers

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

##### House

Bill, "An Act Exempting from Sales Tax Sales of Meals Served by Certain Institutions and Homes Licensed by Department of Health and Welfare." (H. P. 949) (L. D. 1383)

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

##### House — As Amended

Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays." (H. P. 930) (L. D. 1364)

Which was read a second time and passed to be engrossed, as amended by Senate Amendment "A" in non-concurrence. (S-240)

(Committee Amendment "A" having been indefinitely postponed)

##### Senate

Resolve, in Favor of Lloyd Talbot of Portland. (S. P. 205) (L. D. 515)

Which was read a second time and passed to be engrossed.

Sent down for concurrence.

##### Senate — As Amended

Resolve, Proposing an Amendment to the Constitution to Increase

Municipal Indebtedness. (S. P. 4) (L. D. 4)

Bill, "An Act Relating to Expanding Aroostook County Funds for Renovating the Terminal at Presque Isle Municipal Airport." (S. P. 194) (L. D. 493)

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

#### Enactors

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

Resolve, Appropriating Funds for the Block House at Fort Kent. (H. P. 141) (L. D. 193)

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

Resolve, Appropriating Funds for Development of Owl's Head Light-house Area. (H. P. 181) (L. D. 250)

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

Bill, "An Act Classifying Certain Tidal Waters in Hancock County." (H. P. 364) (L. D. 501)

Resolve, for Development of Revenue-Producing Park Facilities on Mt. Battie. (H. P. 414) (L. D. 567)

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

Bill, "An Act to Increase the Term of Office of the Mayor, City Council, Board of Police and Board of Education, Warden and Ward Clerk for City of Biddeford." (H. P. 546) (L. D. 762)

Bill, "An Act Relating to Notice to Town of Settlement When Persons Found Destitute." (H. P. 783) (L. D. 1136)

Bill, "An Act Declaring Sheriffs to be Policemen for Purposes of Social Security." (H. P. 796) (L. D. 1149)

Bill, "An Act Relating to Persons Seventy-five Years of Age Taking Examination for Motor Vehicle Driver's License." (H. P. 974) (L. D. 1302)

(On motion by Mr. Campbell of Kennebec, tabled pending enactment.)

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

**Emergency**

Bill, "An Act to Incorporate the Baileyville Water District." (H. P. 972) (L. D. 1411)

Which bill, being an emergency measure and having received the affirmative vote of 28 members, was passed to be enacted.

**Emergency**

Bill, "An Act to Authorize the Municipalities of Detroit, Etna, Plymouth, Dixmont and Stetson to Form a School Administrative District." (H. P. 435) (L. D. 640)

On motion by Mr. Brooks of Cumberland tabled pending enactment and especially assigned for Thursday next.

**Emergency**

Bill, "An Act Appropriating Monies for Maine Civil War Commission." (H. P. 408) (L. D. 561)

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

**Constitutional Amendment**

Resolve, Proposing and Amendment to the Constitution Designating Procedure for Determining the Election of Governor. (S. P. 530) (L. D. 1451)

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

**Emergency**

Bill, "An Act Relating to Loans by Washington County." (S. P. 592) (L. D. 1556)

This Bill comes from the House, having failed of passage as an emergency measure.

In the Senate:

This bill being an emergency measure and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

**Orders of the Day**

The President laid before the Senate the 1st tabled and today assigned item (H. P. 299) (L. D. 393) Bill, "An Act Relating to Definition

of 'Hotel' under Liquor Law"; tabled on May 17 by Senator Lovell of York pending motion by Senator Christie of Aroostook to indefinitely postpone Senate Amendment A.

Mr. LOVELL of York: Mr. President and members of the Senate, the good Senator from Hancock, Senator Kimball, has placed an amendment on this bill which is what we call the "grandfather" clause and I think that with that clause it makes the bill quite acceptable to most of the members of the Senate and so I would hope that the motion to indefinitely postpone the amendment would not prevail and I would ask for a division.

Mrs. CHRISTIE of Aroostook: Mr. President, I just want to repeat what I said the other day, that this amendment simply would nullify the bill because it would defeat the purpose for which the bill was written. The purpose of the bill was to clean up these places which are really not hotels at all but simply barrooms. And the amendment which we were to accept in the Senate would give them until 1965 to qualify as a hotel under this bill. So I hope that the Senators will remember that and not vote for this amendment.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, I was under the impression that the majority of the members of this Senate were in favor of this bill without the amendment, but this remains to be seen.

May I comment very briefly upon the bill. Unless my memory is faulty, this is probably the only piece of legislation we have considered in this session which seeks to tighten the liquor laws to some extent and I hope, therefore, that it will pass in its original form without this amendment.

Actually it does allow any so-called hotels which do not qualify under the bill, two years in which to correct their mode of activity. It seems to me that this is a reasonable bill. It has reference as you will recall, in its original form, to a "reasonable amount" of activity in the area of the renting of rooms and selling of food. The bill as now set before us without the amendment would define that rea-

sonable amount as not less than one-third. I assume that if the bill is passed without the amendment, that this will give definite direction to our law enforcement agencies. I can see, however, that even if it passes with the amendment, it would give some direction to our liquor enforcement laws in that it would state that a reasonable amount is not less than one-third and presumably this might be enforced even upon those hotels which do not now qualify, as well as upon those hotels which would be established in the future.

I think this is good legislation without the amendment. It will, in effect, eliminate some undesirable hotels in the city of Bangor, for example, which is my home town, and for this reason alone I would hope that it may pass without the amendment.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie, that Senate Amendment A be indefinitely postponed.

A division of the Senate was had.

Ten having voted in the affirmative and twenty-two opposed, the motion did not prevail.

Thereupon, Senate Amendment A was adopted, and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 634) (L. D. 890) Bill, "An Act Relating to Minimum Salaries for Teachers"; tabled on May 17 by Senator Reed of Sagadahoc pending motion by Senator Hichborn of Piscataquis to indefinitely postpone House Amendment B; and Mr. Reed of Sagadahoc moved the pending question.

Mr. HICHBORN of Piscataquis: Mr. President, I ask permission to withdraw my motion to indefinitely postpone House Amendment B.

There being no objection, the Senator was granted permission to withdraw said motion.

Mr. HICHBORN of Piscataquis: Mr. President, I now move adoption of House Amendment B.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate, it may seem odd that I rise in opposition to my good friend and

colleague, the Senator from Piscataquis, Senator Hichborn. I would like to make a few points if I may. This is minimum salary pay for teachers and the present scale has 15 steps. House Amendment B which has passed in the other body would drop off all but the first five steps. Now it has been said and I think accurately, that if this amendment is adopted, about two or three percent of the teachers in the state will be affected. The older teachers it would appear to me, under this bill with the proposed amendment, would be penalized. They would not be given their raise in the same degree as the newer teachers.

Today in this state, ladies and gentlemen, we have the problem of keeping within our borders, those teachers who have taught for a number of years and I think you will all agree have the experience behind them to offer to the communities better standards of teaching than the newer teachers. My only opposition to this is based on these facts. It would seem to me that if we were going to pass any minimum salary for teachers bill we should keep it intact as it presently is and increase the fifteen steps in order to have concurrency in the salary of scale for Maine teachers.

For that reason I reluctantly oppose the motion of the Senator from Piscataquis, Senator Hichborn.

Mrs. HARRINGTON of Penobscot: Mr. President and members of the Senate, we are all adhering to the wage scale set up by the districts. There are towns that are paying more salary than the wage scale asks for. They can afford it. There are a lot of towns that cannot afford to pay as much as this bill will call for. I think it is an imposition to the towns to force them into this minimum wage. I know that we are paying more than the wage scale for some of our teachers and we all have teachers living in our own towns who are willing to work for less and they are good teachers. I am not going to make a motion to indefinitely postpone this bill but I wanted you to know how I feel about it.

Mr. WHITTAKER of Penobscot: Mr. President and members of the

Senate, as the third Senate member of the Committee on Education I should like to make my views known on this matter. This is one of the unusual times where there is some difference of opinion among the members of the Education Committee.

I rise to support the position set forth by the Senator from Cumberland, Senator Brooks. We now have a schedule of minimum wages for teachers in various categories and with reference to various lengths of service. The amendment would eliminate all reference to minimum wages for teachers who have served six years or more. This means in effect that we are saying to new teachers and those who have been with us for some time, "We will guarantee you a minimum wage for up to five years, but after that you are on your own". This does not seem to me to be in the interests of improving our educational system and increasing our supply of teachers here in the State of Maine. As a matter of fact, it is those who have served a larger number of years who deserve the higher salary and this is an attempt to guarantee to those who have begun a lifetime of service in the teaching profession that they will receive modest increments based upon the number of years of service and also, of course, based upon their educational background and training. I am convinced that the passage of this bill without the full scale up to fifteen steps in the case of certified teachers and teachers with three years professional study beyond high school, and up to ten steps for teachers with four years and more, that the passage of the bill without these additional steps would be relatively meaningless and would do very little to improve our educational system in the state.

Mr. President, if it is in order to move indefinite postponement at this time, I shall move that House Amendment B be indefinitely postponed.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate, it seems to me that after a teacher has served in a community for five years, her ability or

his is very well known and that there would be a desire on the part of the local people to keep that teacher and I feel that a bill which sets definite salaries — and of course we do have laws like that now — I feel that that is a sort of regimentation to the extent that all teachers having served the same length of time and having the same degrees would be equally considered as far as salary is concerned. My feeling is that it would be better for the communities that the teachers be chosen on the basis of what they are doing for the schools, rather than on the length of time they served.

Mr. LOVELL of York: Mr. President, might I ask a question of some member of the Committee on Education? What would be the cost of this bill to the 494 communities in this state? I know it wouldn't affect us in Sanford particularly because we are way above the minimum, but I wonder if some member would tell me what the cost would be to the communities?

The PRESIDENT: The Senator from York, Senator Lovell, poses a question, through the Chair, to any member of the Committee on Education who may answer if he chooses.

Mr. WHITAKER of Penobscot: Mr. President and members of the Senate, I cannot answer this question and I do not believe that anyone can answer it accurately since there are so many factors involved. The bill does provide that there shall be an increment of no more than \$300 in any one year but it would be virtually impossible to determine who would be qualified for this kind of increase and who would be qualified for other types of increases under the bill. I know of no estimate that has been prepared in this matter and in the very nature of the case it would be impossible to give an accurate figure.

Mrs. HARRINGTON of Penobscot: Mr. President, I would like to ask a question. Do you mean that the raise has to be \$300?

The PRESIDENT: The Senator from Penobscot, Senator Harrington, has posed a question through

the Chair to any Senator who may answer if he chooses.

Mr. WHITTAKER of Penobscot: Mr. President, the bill reads, "Notwithstanding other provisions of this section, no town shall be required to increase the salary of any teacher more than \$300 in any one school year".

Mr. HICHBORN of Piscataquis: Mr. President, I rather dislike to be placed in the position of appearing to oppose increased salaries for teachers because there is no one who has more respect for the hardworking teacher than I do. I am thoroughly in accord with the principle as written into the law as it was originally presented before any amendment was added.

The fifteen steps probably are completely justified. I am thoroughly in accord that the older teachers with perhaps less training, should be rewarded for their many years of service. However, I would like to point out that the House has already accepted this bill as amended and the amended version includes the first five steps only. I would like to call attention to what that does. The change provides for an increase in the minimum of \$800 for teachers with less than three years of training. It provides an upwards revision of \$900 for those with three years of training and \$1000 upwards revision for those with four or five years of training. It also provides that the increments for those first five years should be \$200 instead of \$100 and it would appear to me that this is worthy of support as amended.

Mr. STITHAM of Somerset: Mr. President and members of the Senate, I would first pose a question to the chair. Would a motion to indefinitely postpone the bill and accompanying papers have precedence over the preceding motion?

The PRESIDENT: The Chair replies in the affirmative. The main question is the treatment of the bill itself. We have been dealing with a subsidiary question having to do with the amendment. The Senator would be in order with such a motion.

Mr. STITHAM of Somerset: Mr. President, for the purpose of trying to clear the atmosphere, I would

make the motion that the bill and all accompanying papers be indefinitely postponed and I would like to speak to the motion.

The PRESIDENT: The Senator may proceed.

Mr. STITHAM: Mr. President, one reason for the motion has already been expressed by the good Senator from Penobscot, Senator Harrington. Another reason that I advance in support of this motion is that we have an order which was passed Friday in which certification of teachers shall be studied and presented to the next legislature. Third, in view of the relative disagreement that we have at the opposite end of the hall on measures involving appropriations, it would seem that this bill would increase greatly the cost to individual towns and as the state is paying its proportional share in various quantities to the various towns, this bill I feel, would be much more than the one that the Conference Committee on the general service budget came out with. It would cost the state more than the savings proposed by that committee.

It seems as though we are inconsistent in trying to be economy minded and yet at this time to increase greatly the cost to the Department of Education. I hope that the bill and accompanying papers will be indefinitely postponed at this time.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate, I hesitate to belabor this point further but I would like to make a few points if I may in reply to the Senator from Somerset, Senator Stitham.

In the first place, may I point out that the State of Maine has been losing its well trained, well qualified teachers constantly over the past few years. The minimum wage bill is before us only as an attempt by the state to retain within our state well qualified teachers to train young people for the future. I would also like to state that I believe personally in this particular area we should think of the quality of our education before we think of expense. I am the first to admit, having been associated with this educational problem for



several years, that it is an expensive undertaking but I am one who firmly believes that education is one of the basic problems before us today in the State of Maine. I certainly would think it unwise if we were to completely kill this bill.

Mr. WHITTAKER of Penobscot: Mr. President, I request a division on the motion.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Stitham to indefinitely postpone the bill and all accompanying papers.

A division of the Senate was had. Five having voted in the affirmative and twenty-seven opposed, the motion did not prevail.

The PRESIDENT: The question now pending before the Senate is the motion of the Senator from Penobscot, Senator Whittaker, that House Amendment B be indefinitely postponed.

A division of the Senate was had. Nine having voted in the affirmative and twenty-four opposed, the motion did not prevail.

Thereupon, House Amendment B was adopted, and the bill as amended was tomorrow assigned for second reading.

The PRESIDENT: Before continuing with Orders of the Day, the Chair on behalf of this Senate would like to recognize some grade school students. In the balcony of the Chambers today are 46 grade school children from Appleton and Burkettsville which is in Knox County. They are accompanied by Principal Mr. Day, Principal Mrs. Ford and Mrs. Grace Mink. We are happy to have you grade school children here with us on this beautiful day. We know that you will shortly have an opportunity to enjoy the beautiful Maine weather to come and some of us here are hoping that we may have that same opportunity eventually. May I introduce to you the Senator who represents your area, Senator Carl Stilphen. (Applause)

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table the 1st tabled and unassigned item (S. P. 513) Bill, "An Act to Create Maine Recreational

Facilities Authority Act"; tabled by that Senator on February 26 pending consideration; and on further motion by the same Senator, the Senate voted to accept the suggestion of the Committee that the bill be indefinitely postponed.

On motion by Mr. Boardman of Washington, the Senate voted to take from the table the 2nd tabled and unassigned item (S. P. 79) (L. D. 187) Bill, "An Act Relating to Age in Criminal Offenses"; tabled by that Senator on February 26 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table the 8th tabled and unassigned item (H. P. 55) (L. D. 78) House Report, Ought Not to Pass from the Committee on Judiciary on Bill, "An Act Providing Access Ways to Great Ponds"; tabled by that Senator on March 13 pending acceptance of the report; and on further motion by the same Senator, the report was accepted.

Mr. CRAM of Cumberland: Mr. President, may I inquire if L. D. 1159 "An Act to Pay School Subsidies on the Basis of Uniform Local Effort" is in the possession of the Senate?

The PRESIDENT: The Chair would state that it is, having been held at the request of Senator Cram of Cumberland.

Mr. CRAM: Mr. President, I now move that we reconsider our action of last Friday, whereby this bill, L. D. 1159, was passed to be engrossed, and would like to speak to the motion.

Mr. President and members of the Senate — Several days ago I stated in this Chamber that this was a good bill. I wish to retract the statement. My feeling at the time was that there were two good bills providing for school subsidies to the school districts, towns and cities, and that these were L. D. 1159 and L. D. 1532. I now believe that there is only one good school subsidy bill, and that is L. D. 1532.

This bill, L. D. 1159, restates, with some modifications, the subsidy provisions of what we know as the Sinclair Act. I am in hearty agreement with the aims of the Sinclair Act. The level of high school education can certainly be improved by achieving a minimum size high school of 300 pupils. This allows for a broader curriculum, the building of a capable staff of teachers, the grouping of students according to ability, and many programs to hold the interest of students not possible in small schools. I agree with the "foundation program" of education, which towns must meet in order to receive full subsidy from the State.

However, I disagree with some of the insidious means hidden in the Act, and in this bill, which are intended to coerce towns into forming districts. I cannot agree with the idea that only through the formation of a school administrative district can a satisfactory program of education be achieved, and that only the S.A.D. is entitled to full subsidy. I cannot agree that when a high school is within 15 miles of another high school and has less than 300 pupils, it should be penalized simply because it is within the 15 miles and has less than 300 pupils. I cannot agree with construction subsidies. I cannot agree with a program of "uniform local effort" that increases subsidies to units that have adequate local tax resources. I cannot agree with a system of subsidies that penalizes a town this year for something that it failed to do last year, and gives no credit for improving its program this year until 2 years hence.

State educational subsidies to the school administrative units (towns, cities, plantations and districts) should be based on (1) the educational program achieved in the unit, and (2) on the ability of the unit to finance its program. It should be easily understood and equitable. Let us analyze L. D. 1159 to see how well these objectives are achieved.

Section 1 of the bill re-writes chapter 41, sec. 237-C with little change. This describes the foundation program and I have no quarrel with it. It is incorporated verbatim in L. D. 1532.

Section 2 of the bill amends the 2nd paragraph of c. 41 sec. 237-D. The rest of sec. 237-D is unchanged. This is the portion of the Sinclair Act which contains the so-called "footnote penalties", penalizing schools for existing too close together. Members of the Senate, on April 23rd, by your action on L. D. 1249 you voted to concur with the other body and discontinue these "footnote penalties". If this bill, L. D. 1159 is passed and L. D. 1249 is killed, then the footnote penalties continue, as unrealistic and unjust as before.

Section 3 of the bill amends chapter 41 sec. 237-E, and contains 2 pages of printed matter. It sets forth in detail how subsidies are to be paid. This section now contains Table II, providing for payment of subsidies on a scale ranging from 18 percent to 66 percent of the foundation program, figured for each unit. The bill substitutes for this table the rule that each unit shall receive from the State the entire cost of its foundation program, as figured from Table I in section 237-D, less 18 mills on its State valuation, with the provision that no unit shall receive less than 20 percent of the cost of its foundation program nor more than 82 percent. 94 of our more well-to-do towns, cities and districts now fall in the 18 percent bracket, and at least that many would go to 20 percent.

The paragraph at the bottom of page 3 of the printed bill provides in rather obscure language that if a unit did not meet the "true" net foundation program allowance for the preceding two years "its state subsidy for the next two years shall be decreased accordingly". I submit that this is a poor way to encourage units to come up to the standards of the foundation program.

The next two paragraphs provide a 10 percent bonus to newly formed school administrative districts. This is continued for four years, and thereafter, if the district meets the provisions of sec. 237-G. It should be noted that of the 24 S.A.D.s listed in this red book "Maine School Statistics Jan. 1963" 15 did not meet the foundation program in the biennium 1961-62.

This 10 percent bonus sounds like new money — like a clear gain. It certainly is not. It is necessary to meet certain additional costs of an S.A.D., mainly the transportation of high school pupils.

The next paragraph of the bill provides a subsidy of 4 percent of the amount by which a unit exceeds its foundation program allowance, if it is not a footnote school. No matter how good a job the footnote school is doing it is not "in" until it has joined the club, a district. Many times this is most difficult under present law.

Section 4 of the bill amends chapter 41 sec. 237-H. This concerns school building subsidies.

School building subsidies under present law are paid to S.A.D.s and to units with 700 pupils in high school. Under committee Amendment "B" building subsidies would be paid to towns or cities with an April 1st enrollment of 300 or more in grades 9-12. This is an improvement, but it is not equal treatment.

I consider building subsidies bad for several reasons — 1. The rule is too inflexible. The money available for building aid is given to the S.A.D.s and large towns and cities. A properly set up community high school district can certainly provide as good an education for grades 9-12 or grades 7-12 as an S.A.D., and might be a whole lot easier to form. The community high school district might be formed where it is impossible to form an S.A.D. Community high school districts are provided for under sections 112 to 121 of chapter 41 enacted in 1947. They receive no 10 percent bonus and no building aid.

2. There is also the problem of the small town that cannot get into a district and sends its high school students to a nearby large town. It may be just as important for that town to have building subsidy in order to construct a modern, elementary school as for another town to build a high school. We have several such towns in Cumberland County.

3. I have noted that when school building subsidies are available there is a tendency to build a little more elaborately than when no sub-

sidy is available. Yet towns without building subsidy manage to build when forced to do so, and build a sound economical building.

4. The basic reason for forming an S.A.D. is improvement of education at the high school and junior high school level. If towns lie in good geographic relation to each other, have about the same valuation per pupil, and need a high school, they will form a district whether or not they receive building aid.

I favor increased operating subsidies, leaving buildings to the administrative units, the towns, cities and districts.

Section 5 of the bill is missing. This is the appropriation. My information is that this bill has a price tag of \$2,981,000 for the year ending June 30, 1964 and \$3,022,000 for the year ending June 30, 1965. This would be in addition to the amounts provided for educational subsidies in the current services budget and the supplemental budget.

No one believes more strongly in the necessity of up-grading education in Maine than myself, I ran on a platform of doing something about our high drop-out rate. I cannot see that we have done much about it as yet, we certainly should increase educational subsidies to the towns, and especially to the low value towns or units.

Do you know that the State valuation per pupil varies from \$1,538 per pupil in St. John Plantation to \$620,000 per pupil in Elliotsville Plantation? There are 47 units with a per pupil value of \$20,000. or more. Should we increase subsidies to these units?

School subsidies should be based on (1) the educational program achieved in the unit and (2) on the ability or inability of the unit to finance its own program. I believe a simple, direct approach such as is contained in L. D. 1532 is much better than this bill.

Furthermore, the subsidies, and the amounts of money necessary to meet them, should be under the control of the Legislature. This is more clearly accomplished by L. D. 1532 than by this bill.

If the Legislature wishes to treat all students most equally, it should

by law divide the state into school administrative districts. I do not think we are ready for that. Until then, every legal means available for the creation of larger high schools should be encouraged.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Cram, that the Senate reconsider its action whereby it passed the bill to be engrossed.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate: The Senator from Cumberland, Senator Cram, suggests that there are two bills before us and that he obviously thought that his bill was the better of the two, and he went on to explain why.

The question before us this morning is for reconsideration of L. D. 1159, being the uniform tax effort bill, which was reported out of the Education Committee unanimously "Ought to pass."

Let us, for a moment, discuss the cost of education in the State of Maine. This state — and when I say "state" I speak of the several communities within the state — is not a rich state. Maine is attempting to upgrade its education. As has been said before here, in 1957, after study by qualified committees, it was recommended to the state and the state accepted the so-called Sinclair Act. Now in the Sinclair Act there are certain requirements which must be met by certain towns who wish to district. This was not done to coerce, this was not done to discourage, but this was done in an attempt to upgrade education in the most reasonable and economical manner. The Sinclair Act has worked well. There have been problems; there are problems with all state functions. The Sinclair Act is not perfect. No one would stand here and so state. But I submit to you, ladies and gentlemen, the Sinclair Act is functioning, the school systems in Maine have been improved, and this L.D. 1159 which we have passed to be engrossed is the proper bill if we are going to have any increase in the state support of local school systems, and this is the instrument which would be used.

The committee passed out this bill with Committee Amendment "B", which dropped the minimum of 700 population to 300 population in the high schools. We dropped that number down in order that these schools between 300 and 700 would receive building aid. We think that it is proper and right so to do.

There is nothing insidious in the Sinclair Act, as was stated by the Senator from Cumberland, Senator Cram, as far as I can see. The footnotes which he referred to are there, and properly so, called "penalties." Perhaps that is not a good word; people do not react well to the word "penalty," but here again it was recommended in order to have better education at a minimum cost to the State. When I spoke earlier I said that what we are interested in here in Maine is education, in that money should perhaps not be the foremost question. I restate with emphasis, and I say that so far as the footnotes are concerned I personally think they are most important to maintain equality of education at nominal cost. Again, that is not the question that is here before us this morning because we are talking a new method of state subsidy for the local towns.

Now on the question of the advantages of the Sinclair Act, I do not like to compare two bills when discussing one, but I would simply like to say that presently there are 24 school administrative districts in some 65 or 70 towns in the state, small towns, working under this agreement. They are receiving construction aid, they are receiving a ten percent bonus, they are receiving bus transportation to the high schools and elementary schools, and I submit, ladies and gentlemen, that under L. D. 1532 these advantages would not be appreciated by any of these school administrative districts. I submit that school construction money would not be available for the cities and towns now receiving it. I submit that the bill provides that subsidies be paid on a lower foundation program than the present law provides, and as a result in the future we will have a lower foundation program, we will have a lower state assistance to the

towns, and certainly instead of forging educating ahead, which is the intent of every person in this Senate, I am sure we will be doing harm to an education system that is moving forward. I certainly would hope that the motion of the Senator from Cumberland, Senator Cram, does not prevail.

In closing, I would like to make one further statement. He stated that he was much concerned about drop-outs in the State of Maine, and so am I. Where school administrative districts have been formed, ladies and gentlemen, and where we have larger high schools the drop-out rate is low. Thank you.

Mr. HICHBORN of Piscataquis: Mr. President, I realize that the Sinclair Law is not a perfect law, and I stand here not to speak for or against either of these bills. I would like to point out one fact which I am sure is pretty generally known, and that is that the Education Committee this year has some members who are perhaps definitely on the conservative side. We have been in disagreement on a great many bills. This is one of the few bills which, after several months of study, was reported out unanimously "Ought to pass." For that reason, I hope that we do not vote to reconsider.

Mr. CRAM of Cumberland: Mr. President, as Senator Brooks said, I hesitate to debate the merits of a bill that is not before us, but I assure you that L. D. 1132 bill is not as bad as Senator Brooks says, and I cannot believe that it would help to increase educational benefits in the state. My chief and main objection to the Sinclair Act is that it cannot be uniformly applied across the state. There will always be places that will not form voluntarily into school administrative districts. You just cannot get around it. You just cannot expect a wealthy town to take several smaller towns into a school administrative district with it. There should be some means equally favored in the law for forming high schools without basing the sharing of the cost on the valuation of the different towns. There are many places where it will be impossible to form

districts. You might just as well recognize that now.

Mr. WHITTAKER of Penobscot: Mr. President, when the vote is taken I would request a division.

I simply would like to supplement what the Senator from Piscataquis, Senator Hichborn, has said. This matter of educational subsidies is a most complex one. The Education Committee has carefully considered both of the bills which have been referred to in this debate, and we believe that L. D. 1159 is the one which should have the support of this legislature.

We have been aware in the committee that there are certain defects in the Sinclair Act. We are not attempting to whitewash the act. As a matter of fact L. D. 1159 makes a major change by providing building subsidies to schools having three hundred students and more whereas the present law is at seven hundred. That is just one illustration of ways in which the Education Committee has amended the Sinclair Act.

Since reference has been made to L. D. 1532, I should like to make one point which was discussed within the committee and at the hearing.

There is a vital defect in this bill, in our opinion. I have here the statement prepared concerning L. D. 1532, signed by Representative Mendes and Senator Cram, in which the opening statement is to this effect: "This bill was prepared to provide a school subsidy program of uniform application under control of the legislature but within the principles of the Sinclair Act. That is, 1. that school units least able to pay should receive the most subsidy," and yet under the plan set forth in this bill the City of Bangor — and I speak with some authority here — now receiving under the present law a subsidy of \$277,000 would under this L. D. 1532 receive \$519,000. Now I stand here, even though it may cost me some votes in the City of Bangor, to say that the City of Bangor does not need this extra subsidy and does not qualify under the intent of L. D. 1532 that schools least able to pay should receive the most subsidy. This is a major defect in

this other bill and one reason why it was not considered more favorably by the committee.

Mr. BROOKS of Cumberland: Mr. President, I hesitate to rise again, but the Senator from Cumberland, Senator Cram, in his last statement implied that the method of distributing subsidy in the state was not equalized. That is the reason why we are attempting to have L. D. 1159 made law. Presently we use Table 2, which bases subsidy on the state valuation of a town behind each pupil. Under this L. D. 1159 we will simply request that the towns and cities in the state raise 18 per cent of their state valuation and then the state would make up the difference between that and what is known as the foundation program. The foundation program places so much money behind each pupil in the elementary schools and so much money behind each pupil in the secondary schools. To cite an example, in my county of Cumberland there has been recently an election to go into a school administrative district: the towns of Cumberland, North Yarmouth and Pownal, and many of the citizens in Cumberland have stated to me personally that they certainly hope that the uniform tax effort bill is passed because by passing it Cumberland, which is the richer of the two towns, would not be penalized because of its wealth. Under the uniform tax effort bill each of the three towns would raise 18 per cent of their state valuation, which is a fair way to calculate, and the state would make up the difference. Therefore, I submit, ladies and gentlemen that L. D. 1159 is an equitable and fair way for this state, if it is passed, to distribute subsidies to the several towns.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Cumberland, Senator Cram, that we reconsider our action whereby we passed this bill to be engrossed. A division has been requested. All those in favor of the motion of the Senator from Cumberland, Senator Cram, that the Senate reconsider its action whereby it passed

the bill to be engrossed will rise and stand until counted.

A division was had. 4 having voted in the affirmative and 28 in the negative, the motion to reconsider did not prevail.

On motion by Mr. Boardman of Washington, the Senate voted to take from the table the 11th tabled and unassigned matter, (S. P. 78) (L. D. 186) Bill, "An Act Revising Laws Relating to Benefits for State Employees While in the Armed Forces," which was tabled on March 22nd by that Senator pending enactment.

On motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; the same Senator presented Senate Amendment A and moved its passage.

Mr. BOARDMAN of Washington: Mr. President, I would like to state this is a technical change and merely changes the wording. For that reason, I hope it will be adopted.

Senate Amendment "A" was read and adopted.

Mr. PORTEOUS of Cumberland: Mr. President, I would like to ask Senator Boardman if he would mind explaining just what this bill does in a very few words.

The PRESIDENT: The Senator from Cumberland, Senator Porteous, poses a question through the Chair to the Senator from Washington, Senator Boardman, who may answer if he chooses.

Mr. BOARDMAN: Mr. President, I believe what the Senator would like to have answered is the overall purpose of the bill.

First, I would state that this is a department bill and it was given to me to be presented to the legislature. The purpose of it would be to prevent a person from staying in the service for an extended period of time and then coming back into state service and being allowed all the privileges which they would have accumulated over that period. That is the main purpose of it.

Thereupon the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Ferguson of Oxford, the Senate voted to take

from the table the 51st tabled and unassigned item (S. P. 117) (L. D. 345) Senate Reports from the Committee on Legal Affairs on Bill, "An Act Relating to Enforcement of Certain Codes in Municipalities"; Majority report, Ought to Pass with Committee Amendment A; Minority Report, Ought Not to Pass, tabled on May 8 by that Senator pending motion by Senator Atherton of Penobscot to accept the Majority Ought to Pass as amended report.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I move indefinite postponement of L.D. 345. I would call the attention of the Senate to the fact that this removes all the penalties against anybody who is in violation of the building, electrical and housing codes. It seems to me that any statute should have a penalty for its violation in order that the law may be enforced, but if we pass this piece of legislation any individual or corporation could be in violation of any of the various codes that I mentioned here and it would be impossible to enforce them, and it could cause fires and many other things that we are dealing with in municipalities. I think I have a little qualification to speak because I have been a municipal officer for many years, and I certainly would like to see this poor piece of legislation killed here this morning.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, moves indefinite postponement of the report and accompanying papers.

Mr. ATHERTON of Penobscot: Mr. President and members of the Senate: This is one of three bills, each of which serves the purpose only of restricting the enforcement of various regulations by civil procedure rather than criminal. The other two bills have been enacted and signed by the governor. Thinking of crime, there comes to mind robbing, stealing, assaulting, breaking and entering, and manslaughter or murder, and offenses of a like nature for the committing of which the guilty, whether man or woman, should be arrested and locked up behind bars for the protection of the rest of us.

I have here a news item which appeared in the Bangor Daily News on October 21, 1927, relative to a well-known and prominent clergyman at that time who also served as a probation officer for many years in addition to being pastor of the Universalist Church in Bangor. If you are wondering how I happen to have such an old and yellowed clipping, it is one which was saved by my father, who was also a lawyer and member of the legislature, and in the course of moving about a year and a half ago I came across it and was very impressed by its significance. I would like to take the liberty of reading it. It is not lengthy.

"A very graceful compliment to a distinguished clergyman of Bangor, Rev. Ashley A. Smith, DD., has recently been received from an entirely unexpected and far distant point, no less than London, England, as contained in a very interesting little publication known as Casual Letters, published by James Dunning & Co., Ltd., of 34 Nicholas Lane, Lombard Street.

The publication is unique in being devoted to the publishing of very interesting communications from people in high places on social, political or financial topics. The publishers state they are all the more interesting because they were not written for the public eye and do not always agree with their own opinions, meaning the publishers.

The issue of September, recently received here, has, among other matters, a deeply philosophical discussion of the Sacco-Vanzetti case, now ancient history in this country, with especial reference to the American system of dispensing justice and awarding punishment.

The publication made a very liberal quotation from an able address delivered by Rev. Dr. Smith last August on the occasion of the Maine Association of Municipal Court Judges at Lucerne, on the topic of law and order.

In the course of the article, Casual Letters says:

'One of the most intelligent probation officers in the whole of the United States is said to be Mr. Ashley Smith, who has recently delivered a statement which everyone

in England, in these days of haphazard political thinking, should take to heart. He said: (Then follows an abstract of Rev. Dr. Smith's scholarly address) One paragraph upon which Casual Letters placed great stress was the following:

'As one of the greatest sources of crime in this country, I would place the law. We have gone legislatively mad. We have mad laws to cover all the necessities of social life and then, having exhausted this field, we have passed on into that personal ethics and decorum and even, in our laws against evolution, into the field of scientific knowledge and opinion. What is the result? From the ignoring of stupid and unreasonable laws, we have now passed to the ignoring of laws which are uncomfortable. The dignity of the law has disappeared, but, at the same time, in a futile effort to recover this, we are filling our prisons with men and boys who are not at all criminal of nature and when we put them in, with men and boys who are in their own crude way merely following the general tendencies of the day, but who, having once been given a prison experience, will not likely become and remain criminals.'

Casual Letters adds this comment: 'These are Wise Words and particularly Mr. Smith's last paragraph should be remembered: 'As one of the greatest sources of crime I would like to place the Law'.

The splendid address of Rev. Dr. Smith evidently made a deep impression in England, judging by the liberal quotation of his remarks printed and this high endorsement of Bangcr's noted minister is highly appreciated here by his friends and admirers, which means legion."

And now 35 years later we have five volumes of statutes instead of one, full of criminal penalties for acts which a short time ago were unheard of as crimes. The same holds true for hundreds of bills before us this session, many of which have been killed but many passed. However, you will find that some of these statutes and bills already provide for enforcement of their provisions by civil process rather than criminal.

This particular bill with the committee amendment as favored by the majority of the committee still provides for penalties but they are imposed under civil proceedings instead of criminal, which would give a man or woman a criminal record.

Criminal prosecution begins with the issuing of a warrant which is given to an officer who then arrests the accused and usually locks him or her behind bars. The accused is, of course, entitled to be admitted to bail if he can arrange it. Later he appears before the Court where he or she finally have an opportunity to be heard and defend themselves. Criminal procedure must be this way and should not be changed. I have been told that the City of Portland has found that criminal prosecution of violators of codes does not serve any useful purpose.

Quite recently it has been mentioned that this bill would affect Urban Renewal programs by making such codes unenforceable. Previous to mention of this nothing was further from my mind than Urban Renewal and I do not believe for a moment that this bill does or should affect Urban Renewal.

The committee was shown a communication from some federal agency to the effect that Urban Renewal programs might be affected if, in the opinion of one certain individual who happens to have no legal training, he thinks such codes are unenforceable under this bill.

I would like to point out how these codes are and have always been enforceable even without arresting and locking up any alleged violator — man or woman.

If there is a violation, the official to whom the power is given, can apply immediately to the Court for an injunction or even a temporary restraining order. Under the Rules of Civil Procedure a temporary restraining order can be issued immediately without notice. Such an order is effective for 10 days, which is sufficient time for notice for a preliminary injunction, and the Court as an impartial and disinterested party decides whether the facts warrant the issuing of the order. A preliminary injunction can



be issued upon five days notice at which time the defendant has an opportunity to be heard. A hearing on a permanent injunction can usually be arranged soon after the expiration of twenty days which the defendant has for the filing of an answer. Failure to obey an injunction can mean jail for the violator.

This is not a lengthy procedure and if a condition dangerous to health and safety really does exist, then there are full and complete and adequate civil remedies available to correct them promptly.

But criminal proceedings can be lengthy. They start in a municipal or district court, can be appealed to a Superior Court criminal term which is usually three times a year or less often in most counties and then later an appeal to the Supreme Court can be taken, all of which can take a long time.

As for the penalties or forfeitures provided by the amendment, if judgment is rendered against the violator after he has had his opportunity to be heard, he is still subject to commitment to jail if he fails to pay the judgment and further action called disclosure proceedings are taken against him but he is not adjudged a criminal and does not acquire a criminal record thereby.

These codes also involve inspections and searches about which we have heard this session. The United States Supreme Court has said, and I quote:

"The presence of a search warrant serves a high function. Absent some grave emergency, the Fourth Amendment has interposed a magistrate between the citizen and the police. This was done not to shield criminals nor to make the home a safe haven for illegal activities. It was done so that an objective mind might weigh the need to invade that privacy in order to enforce the law. The right of privacy was deemed too precious to entrust to the discretion of those job is detection of crime and the arrest of criminals. Power is a heady thing and history shows that the police acting on their own cannot be trusted. And so the Constitution requires a magistrate to pass on the desires of the police before they

violate the privacy of the home. We cannot be true to that constitutional requirement and excuse the absence of a search warrant without a showing by those who seek exemption from the constitutional mandate that the exigencies of the situation made that course imperative."

Mr. Justice William Douglas of the Supreme Court of the United States has said, and he quotes in part from the University of Chicago Law Review, and I quote them all together:

"History shows that all officers tend to be officious, and health inspectors making out a case for criminal prosecution of the citizens are no exception. We live in an era when politically controlled officials have grown powerful through an ever-increasing series of minor in-fractions of civil liberties. One invasion of privacy by an official of government can be as oppressive as another. Health inspections are important but they are hardly more important than the search for narcotic peddlers, rapists, kidnapers, murderers and other criminal elements. Searches were once in their heyday when the government was out to suppress non-conformists. Many today would think that the search for subversives was more important than the search for unsanitary conditions. It would seem that the public interest in protecting privacy is equally as great in one case as in another. The fact that health inspections will suffer if constitutional safeguards are applied is strongly held by some. Like notions obtain by some law enforcement officials who take shortcuts in pursuit of criminals. The same pattern appears over and over again whenever government seeks to use its compulsive force against the citizen. Legislative Committees, one-man grand juries, fire marshals, police sometimes seek to place their requirements above the Constitution. The official's measure of his own need often does not square with the Bill of Rights."

As an example of what can happen, there was a case in Bangor just last year in which a resident of the city was unemployed and unable to pay his electric bill. In due course, the power company discon-

nected his electric service as was their right and he was obliged to use other means of illumination which was a violation of the Housing Code. A warrant was obtained for his arrest and not only was he arrested on that same warrant but they were both locked up behind bars for appearance before the court later.

This case in which I appeared as attorney for the defendants brought to my attention how the power given to some officials can be used and is used and how the remarks of the Rev. Dr. Ashley Smith 35 years ago are still pertinent and significant today. It also appears to me that by much of the legislation which we are enacting we may be fostering crime and creating more criminals.

I urge you to support the majority ought to pass report of the committee.

Mr. BROOKS of Cumberland: Mr. President and ladies and gentlemen of the Senate: With your indulgence, I would like to read a letter that I have received from the legal department of the City of Portland. Specifically, the letter is from the Corporation Counsel, Barnet I. Shur, and I would like to read some excerpts.

"It seems to us any statute must have a penalty for its violation in order that it may be enforced. To eliminate the penalty would permit violators to disregard the provisions of these various codes with impunity. We do not know the purpose of this amendment but it seems to us if we are to have codes and enforce them we ought to be able to provide for a penalty for deliberate violators."

He goes on to say, "There is still another major reason why the passage of this bill would raise havoc in Portland. Under the provisions of the urban renewal law, every city is required to have a so-called workable program which, among other things, requires building, housing, electrical and plumbing codes and obviously the enforcement of these codes. When L. D. 345 was brought to the attention of the renewal agency in New York, we were advised by telegram that the passage of this bill would make it

virtually impossible for Maine communities to qualify for certification or recertification of workable programs since their ordinances would lack penalty clauses. New York further took the position that the substitution of forfeitures recoverable under civil action for such penalties would not as a practical matter effectively promote plans for these codes, which would in effect mean that all Maine communities would be denied federal assistance for urban renewal and low rent public housing since a certified workable program is a prerequisite in both areas."

I support the motion of the Senator from Oxford, Senator Ferguson.

Mr. LOVELL of York: Mr. President, I certainly appreciate the comments of the good Senator from Penobscot, Senator Atherton and I think his comments sound very good. However, in Sanford and in Biddeford in the county of York we are facing many hardships and have faced many hardships and I would like to read a little of a letter from the Sanford Urban Renewal Authority. It states,

"It is our understanding that Legislative Document 345 entitled An Act Relating to Enforcement of Certain Codes in Municipalities is due out of committee. It is also our understanding that this act provides that municipalities cannot stipulate penalties in their local codes and enforcement of local codes under this act could be accomplished only by civil action. This would place the state in a position where it would not meet standards required by housing and home finance agencies of the federal government, which means that municipalities within the state would not be eligible to receive federal assistance under a number of federal programs such as urban renewal, area redevelopment, public housing and several other programs. In view of the fact that many municipalities are now engaged in programs in which the federal government is furnishing a substantial amount of funds, we feel certain that this bill would seriously jeopardize or perhaps kill all these

worthwhile programs. In view of this fact that this bill could do nothing but impede progress of the state through federal assistance, we strongly urge you to oppose passage of L. D. 345."

Now I don't question that L. D. 345 probably has some good points and if I could see a letter from the Attorney General that it would not affect these programs that are very essential to some of my communities in York County, I might consider going along with it, but as it stands at present I must support the motion of the Senator from Oxford, Senator Ferguson to indefinitely postpone.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate, last week I had an opportunity to meet with our urban renewal authorities and the federal agent happened to be there. We discussed this bill with him and he told us definitely that if this bill went through this would affect urban renewal in the State of Maine.

Mr. STILPHEN of Knox: Mr. President, I have not conferred with the urban renewal group in the city of Rockland and in our area but I do know that we have a fine set of ordinances and our codes have been set up with penalties and I feel that this would be step backward in any community to take off the penalties of the codes as prescribed by statute. I favor the motion of the Senator from Oxford, Senator Ferguson.

Mr. ATHERTON of Penobscot: Mr. President, I ask for a division when the vote is taken. May I also comment very briefly that the committee amendment still does provide for a penalty but it is under civil process rather than criminal.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, I have listened with great interest to the discussion on this matter and frankly I do not know whether or not urban renewal requirements might not be met if we were to enact this bill. All I can say is that if passage of this bill, particularly with the amendment would prevent a community from participating in urban renew-

al, then it is about time we changed the regulations pertaining to urban renewal because actually all this does is to change the penalty from a criminal to a civil forfeiture and it seems reasonable to me that the rights of the individual should be paramount to the rights of the government in setting standards as to how it should be worked out in relation to eligibility for federal funds. It almost smacks to me of political criminality. In other words, people are political criminals if they violate the code at the present time. I would hope that the bill as presented by the majority of the Committee on Legal Affairs, particularly with the amendment, receive passage and that the motion to indefinitely postpone fails.

Mr. PORTEOUS of Cumberland: Mr. President, in supporting the motion of the Senator from Oxford, Senator Ferguson, I would like to be one of those who is emphasizing the importance of urban renewal to our state. Again it can be said here that we are not a wealthy state and without federal funds we would not be able to carry out such projects as we are doing and as we hope to do in the future. If this is a federal regulation, then it must be changed at the federal level. If they say that these penalties are necessary, that we must have on our city books ordinances to carry out these penalties, then if we are going to be the recipients of their aid, we must have them.

I believe their reason would be mainly that whereas all the moneys that go into these urban renewal projects are collected from the fifty states, that this money must be used properly and that the ability to carry out these programs in an expeditious manner is based partly on the ability to provide penalties for those people who are involved that don't come up with the proper regulations in their areas. If we are going to have urban renewal, if we are going to clean the blight in our urban centers, then it certainly follows that we should defeat this bill at the present time and perhaps work through our representatives in Wash-

ington to correct something that we feel may be unfair to individuals.

Mr. STITHAM of Somerset: Mr. President, in view of the fact that we have nothing definite as to whether this would affect urban renewal or not, and in order to obtain the necessary information direct from the horses mouth, I move that this item lie upon the table.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Stitham, that the bill be tabled pending motion by Senator Ferguson of Oxford that the bill and accompanying papers be indefinitely postponed.

Mr. FERGUSON of Oxford: Mr. President, I request a division.

A division of the Senate was had. Twenty-three voted in the affirmative and ten opposed.

Mr. STILPHEN of Knox: Mr. President, may I ask for a count of the Senate?

The PRESIDENT: There are thirty-two Senators now in the Senate Chambers. Obviously thirty-three could not have voted and the Chair will order another vote on the motion to table.

A division of the Senate was had.

Twenty-one having voted in the affirmative and ten opposed, the motion prevailed and the bill was tabled pending motion by Mr. Ferguson of Oxford to indefinitely postpone.

On motion by Mr. Stilphen of Knox, the Senate voted to take

from the table the 56th tabled and unassigned item (H. P. 996) L. D. 1437) bill, "An Act Providing for Safety Seat Belts for Automobiles and School Busses"; tabled by that Senator on May 9 pending consideration.

Mr. STILPHEN of Knox: Mr. President, I would like now to move that the Senate recede and concur and in doing so, I would like to mention the fact that the record has been written that the Senate of the State of Maine has apparently been in accord with the many segments of highway safety and this is one of them. I feel that this is a good bill but it apparently is not at the moment accepted by other areas within our legislature. I hope that the motion prevails.

The motion to recede and concur prevailed.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 48th tabled and unassigned item (S. P. 419) (L. D. 1162) bill, "An Act Revising the Laws Relating to Apothecaries and the Sale of Poisons"; tabled by that Senator on May 3 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

On motion by Mr. Brooks of Cumberland

Adjourned until tomorrow morning at ten o'clock.