

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, May 27, 1963

Senate called to order by the President.

Prayer by Rev. Joseph Craig of Augusta.

On motion by Mr. Atherton of Penobscot, the Journal of yesterday read and approved.

Out of Order and under suspension of the rules, Mr. Edmunds of Aroostook presented the following Order and moved its passage:

ORDERED, the House concurring that the following be recalled from the Governor's Office to the Senate:

Bill, "An Act Relating to Work on Shade and Ornamental Trees" S. P. 308)

An Act Relating to Election Returns (L. D. 1523)

Which was read and passed and sent forthwith to the House.

House Papers

Non-concurrent matter

Bill, "An Act Providing for Pilot Study of Forest Land Valuations." (S. P. 223) (L. D. 607)

In Senate, May 28, passed to be engrossed as amended by Senate Amendment "A" (S-246)

Comes from the House, Ought not to pass report of the Committee read and accepted in non-concurrence.

In the Senate, on motion by Mr. Campbell of Kennebec, the Senate voted to recede and concur.

Conference Committee Report

The Committee of Conference on: Joint Order — ORDERED, the House concurring, that there be no session scheduled for Saturday, July 20th, 1963, in order that interested members of both branches may go to central Maine areas to view the eclipse of the sun, scheduled for that date.

Reported in detail why it would not be necessary to adjourn the Legislature on July 20th and the conditions were to be met by both branches.

In Senate, May 23, the Report was read and accepted.

Comes from the House, Report rejected in non-concurrence, and a Second Committee of Conference is asked.

In the Senate, on motion by Mr. Edmunds of Aroostook, the Senate voted to insist and join in the Second Committee of Conference.

Communication

STATE OF MAINE
SUPREME JUDICIAL COURT
Augusta

May 24, 1963

Hon. Chester T. Winslow
Secretary of the Senate
State House
Augusta, Maine

Dear Mr. Winslow:

There are enclosed the Answers of the Justices to the Questions of May 14, 1963, relative to "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."

Respectfully yours,

ROBERT B. WILLIAMSON

OPINION

of the Justices of the Supreme Judicial Court given under the provisions of Section 3 of Article VI of the Constitution on Questions Propounded by the Senate in an Order Dated May 14, 1963.

ANSWERS OF THE JUSTICES

To the Honorable Senate of the State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on May 14, 1963.

QUESTION (1): Is Article IX, Section 14, of the Constitution of Maine an exclusive method of issuing bonds?

ANSWER: We answer in the affirmative on the assumption that the question is intended only to relate to bonds to be issued under that part of Art. IX, Sec. 14, reading: ". . . and excepting also that

whenever two-thirds of both houses shall deem it necessary, by proper enactment ratified by a majority of the electors voting thereon at a general or special election, the legislature may authorize the issuance of bonds on behalf of the state at such time and in such amounts and for such purposes as approved by such action. . . .”

In so saying, we direct attention to the fact that bonds may be issued in aid of industrial development as provided by Art. IX, Sec. 14-A of the Constitution of Maine, or by further amendment to the Constitution pursuant to the authority of Art. X, Sec. 4 thereof.

QUESTION (2): Is it constitutional to initiate a bond issue under the provisions of Article IV, Part 3, Section 18 of the Constitution of Maine?

ANSWER: We answer in the negative.

In so saying we assume that by its use of the word “initiate” in the question, the Senate contemplates an effectuation of a bond issue by a proposal of a bill therefor by the electors to the Legislature for its consideration, followed by an automatic submission to referendum in event the proposal fails of enactment without change, all as provided by Art. IV, Part Third, Section 18 of the Constitution of Maine. Art. IX, Section 14 of the Constitution effectively intervenes to prevent the submission to referendum of a proposal of a bill for the issuance of bonds of the nature described in our Answer to Question (1) until “two-thirds of both houses shall deem it necessary” and until there shall have “proper enactment.” Art. IX, Section 14 is as binding upon the people as upon the Legislature.

Dated at Augusta, Maine, this 23rd day of May, 1963.

Respectfully submitted:

ROBERT B. WILLIAMSON
DONALD W. WEBBER
WALTER M. TAPLEY, Jr.
FRANCIS W. SULLIVAN
CECIL J. SIDDALL
HAROLD C. MARDEN

Which Communication was read and ordered placed on file.

Mr. Brown of Hancock presented the following Order:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the printing requirements of the State, and the cost thereof, to determine the need, if any, for improvement in printing services and for the purpose of promoting economies in the same; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature. (S. P. 611)

Which was read and passed.

Communication

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
Augusta

May 24, 1963

Hon. Chester T. Winslow
Secretary of the Senate
101st Legislature

Sir:

The Speaker has appointed the following Committee of Conference on the Disagreeing Actions of the two branches of the Legislature on:

Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes (S. P. 100) (L. D. 237)

Messrs: ANDERSON of Ellsworth
WILLIAMS of Hodgdon
JEWELL of Monticello

Respectfully,

HARVEY R. PEASE
Clerk of the House

HRP sr

Which was read and placed on file.

Committee Reports — House

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, “An Act Establishing a Forest Products and Industrial Research Laboratory.” (H. P. 895) (L. D. 1300) reported that the same Ought not to pass.

Which report was read and accepted in concurrence.

Ought to Pass — As Amended

The Committee on Judiciary on Bill, “An Act Relating to Fees of

Arresting Officers for Warrants.” (H. P. 655) (L. D. 911) reported that the same Ought to pass — As Amended by Committee Amendment “A” (H-377)

The same Committee on Bill, “An Act Relating to Boundaries of Western, Eastern and Central Aroostook District Court Divisions.” (H. P. 814) (L. D. 1201) reported that the same Ought to pass — As Amended by Committee Amendment “A” (H-375)

The same Committee on Bill, “An Act to Promote Merchandizing of Maine Sardines and Increasing Number for Quorum of Maine Sardine Council.” (H. P. 817) (L. D. 1204) reported that the same Ought to pass as amended by Committee Amendment “A” (H-376)

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**

The Majority of the Committee on Appropriations and Financial Affairs on Bill, “An Act Relating to Reimbursement of Towns for Medical Expenses of Indigent Persons.” (H. P. 717) (L. D. 1046) reported that the same Ought not to pass.

(Signed)

Senators:

- EDMUNDS of Aroostook
- CAMPBELL of Kennebec
- PORTEOUS of Cumberland

Representatives:

- SMITH of Falmouth
- HUMPHREY of Augusta
- BRAGDON of Perham
- MINSKY of Bangor
- PIERCE of Bucksport

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

(Signed)

Representatives:

- JALBERT of Lewiston
- EDWARDS of Raymond

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 read and accepted.

Committee Reports — Senate

Leave to Withdraw

Mr. Pike of the Committee on Towns and Counties on Bill, “An Act Increasing Salaries of Treasurer and Deputy Treasurer of Cumberland County and Certain Municipal Court Judges in Cumberland County.” (S. P. 402) (L. D. 1105) reported that the same should be granted Leave to Withdraw — covered by other legislation.

The same Senator from the same Committee on Bill, “An Act Increasing Salaries of County Officials of Lincoln County.” (S. P. 195) (L. D. 494) reported that the same should be granted Leave to Withdraw — covered by other Legislation.

The same Senator from the same Committee on Bill, “An Act Increasing Salaries of County Officials of Hancock County.” (S. P. 73) (L. D. 123) reported that the same should be granted Leave to withdraw—covered by other Legislation.

Mr. Cram from the same Committee on Bill, “An Act Increasing Salary of Clerk of Courts of Androscoggin County.” (S. P. 406) (L. D. 1109) reported that the same should be granted Leave to Withdraw — covered by other Legislation.

The same Senator from the same Committee on Bill, “An Act Increasing Salaries of Certain County Officials of Androscoggin County.” (S. P. 407) (L. D. 1110) reported that the same should be granted Leave to Withdraw — covered by other Legislation.

The same Senator from the same Committee on Bill, “An Act Increasing Salaries of the County Attorneys and the Assistant County Attorneys.” (S. P. 436) (L. D. 1179) reported that the same should be granted Leave to Withdraw — covered by other Legislation.

Mr. Wyman from the same Committee on Bill, “An Act Increasing Salaries of County Officials of Penobscot County.” (S. P. 378) (L. D.

1044) reported that the same should be granted Leave to Withdraw — covered by other Legislation.

The same Senator from the same Committee on Bill, "An Act Increasing Salary of Judge of Western Somerset Municipal Court." (S. P. 342) (L. D. 1007) reported that the same should be granted Leave to Withdraw — covered by other Legislation.

The same Senator from the same Committee on Bill, "An Act Increasing Salaries of Certain County Officials of Somerset County." (S. P. 303) (L. D. 876) reported that the same should be granted Leave to Withdraw—covered by other legislation.

The same Senator from the same Committee on Bill, "An Act Increasing Salaries of Officials of Piscataquis County." (S. P. 465) (L. D. 1292) reported that the same should be granted Leave to Withdraw — covered by other Legislation.

Which reports were read and accepted.

Sent down for concurrence.

Ought to Pass

Pursuant to Joint Order, S. P. 594, Mr. Wyman from the Committee on Towns and Counties presented Bill, "An Act Relating to Salaries of County Officials and Municipal Court Judges and Recorders." (S. P. 609) (L. D. 1575) and reported that the same Ought to pass.

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

Second Readers

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

Senate

Bill, "An Act to Expand Powers of Soil Conservation Districts." (S. P. 603) (L. D. 1570)

Which was read a second time.

Mrs. Harrington of Penobscot presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted; and on motion by Mr. Edmunds of Aroostook, the bill was tabled pending passage to be en-

grossed and was especially assigned for tomorrow.

Bill, "An Act Relating to Percentage by Weight of Alcohol of Blood of Operators of Motor Vehicles." (S. P. 607) (L. D. 1571)

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

Sent down for concurrence.

Enactors

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

Bill, "An Act Relating to Minimum Salaries for Teachers." (H. P. 634) (L. D. 890)

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

Bill, "An Act Revising Laws Relating to Benefits for State Employees While in the Armed Forces." (S. P. 78) (L. D. 180)

Which was passed to be enacted.

Bill, "An Act Relating to Minimum Number of School Days in Public Schools." (S. P. 598) (L. D. 1565)

On motion by Mr. Edmunds of Aroostook, tabled pending enactment and especially assigned for Wednesday, May 29.

Orders of the Day

The PRESIDENT: The Chair in behalf of the Senate is most pleased to welcome back Senator Edmunds of Aroostook, who has been missed by all of us I am sure, and if the occasion should arise and he won't admit it when he should not feel it correct to stand up and do his speaking I am sure that the Senate will forgive this and go along with him. Glad to have you back, Senator Edmunds. (Applause)

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

Mr. EDMUNDS of Aroostook: Mr. President and members of the Senate, I am sure I enjoy the Senate Chamber much more than I did the hospital even though they were very nice to me there. (Applause).

The President laid before the Senate the 1st tabled and today as-

signed item (H. P. 907) (L. D. 1315) Bill, "An Act Establishing a Division of Foreign Trade in the Department of Economic Development"; tabled on May 22 by Senator Lovell of York pending assignment for second reading.

Mr. LOVELL of York: Mr. President, before this L. D. receives its second reading I have Senate Amendment "A" and move its adoption, and I would like to speak briefly.

The PRESIDENT: The Senator may proceed.

Mr. LOVELL: Mr. President and members of the Senate: I think when this bill came up on first reading that it was debated and explained, but I might just say that this amendment that is being placed on is for \$20,000 each year, \$8500 for the salary of one particular person who may be employed in that particular position as well as \$11,000 for expenses.

I might say that times are now coming to the point that Maine must, if we are to keep up the jobs that we have in industry in Maine, look toward the foreign market and meet competition. As most of you well know, the United States will be in the European common market sometime next year and our three industries that employ the most people are the shoe industry, the textile industry and the wood-working industry. All three of those industries with the advent of the European common market can well hurt our employment. As you all know, we have lost employment in manufacturing every year for the past twelve years and we cannot continue to keep losing employment because if we do that hurts a great deal the amount of money that we receive in our various hidden and direct taxes from cigarette tax to sales tax, because without the payroll and the money turning over in the various areas we will not collect sufficient taxes and we will again face a tax increase two years from now, and certainly now is the time to look towards that and get this organization working towards getting foreign trade. You have seen what happened to Raytheon in Lewiston due to the fact that the wage scale is so much lower in Japan

and West Germany and other European countries that we have a hard time to meet that wage scale. However, there are definite products that we can export from Maine, and it could well be in the three major industries, but nevertheless the time has come when we are passing a good many bills to increase our over-all tax load that we need to pass a few bills that will bring money back into Maine. The larger companies may not need this help but the smaller manufacturing companies cannot afford to hire a salesman or individual to travel to Europe to look into the various areas in regard to getting business for their own particular industry in Maine. The larger companies, as I mentioned, are already looking into the European Common Market, such as the paper industry and the potato and chicken industry, but certainly we need our base employment in manufacturing which is now down to something like 103,000 persons and we certainly need to go all out to meet competition with other countries, which we must do, and we certainly will have to try to do that if we are not going to lose a great deal of employment in Maine.

I hope you will go along with the amendment.

Mr. EDMUNDS of Aroostook: Mr. President, I move that this L. D. 1315 be retabled and especially assigned for Tuesday, June 4.

The motion prevailed and the bill was retabled pending motion by Mr. Lovell of York to adopt Senate Amendment A, and the bill was especially assigned for Tuesday, June 4.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 133) (L. D. 495) Senate Report, Ought Not to Pass, from the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Funds for Economic Research Projects for Industrial Expansion"; tabled on May 23 by Senator Edmunds of Aroostook pending motion by Senator Lovell of York to substitute the bill for the report; and on further motion by Mr. Edmunds of Aroostook, the bill was retabled and especially assigned for later in today's session.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 47) (L. D. 97) Senate Report, Ought Not to Pass, from the Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Matching State Funds with Local Chambers of Commerce to Obtain New and Aid Expansions of Present Industries"; tabled on May 24 by Senator Lovell of York pending acceptance of the report.

Mr. LOVELL of York: Mr. President, due to the fact that this bill may be unconstitutional and an amendment will be prepared, I would like to table this until one week from tomorrow.

The motion prevailed and the bill was so tabled and assigned.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 92) (L. D. 229) Senate Report, Ought not to pass, from the Committee on Appropriations and Financial Affairs on Bill, "An Act Extending Duration of Subsidy for Newly Formed School Administrative Districts"; tabled on May 24 by Senator Farris of Kennebec pending acceptance of the report.

Mr. FARRIS of Kennebec: Mr. President and ladies and gentlemen of the Senate: This particular measure is a bill pertaining to the foundation program under the educational statutes and is a bill which was introduced because of a rather unfair situation which seems to have developed and which affects several of our school districts here in the State of Maine. I might first explain that the measure as it affects appropriations would only have an effect upon the next biennium, that is the biennium commencing July 1 of 1963 and ending June 30, 1965.

Under the present laws, a school district which is presently organized only receives its subsidy based upon the previous biennium — or the two previous bienniums actually. I think I can better illustrate that by explaining how it actually works. Let's take the district where I reside in the Gardiner Area, District No. 11, the subsidy or the foundation program for the current year,

that is 1963-65, is based upon the effort which was made in that district during the years 1960 and 1961, and what this bill does it proposes to change that so that we will be given credit for the moneys which we have expended during the previous biennium.

Now there are a number of factors which arose creating this situation that compelled the proposal of this particular bill. I might explain this does affect District No. 8, which is in Vinalhaven and District No. 9, which is the Farmington-Chesterfield Industry District, District No. 11 being the Gardiner area, and that embraces West Gardiner, Randolph, Pittston; and also District 15, which is the Gray and New Gloucester, and District 16, which is the Hallowell-Farmingdale area.

Now initially when these districts were organized of course the directors were actually pioneering and there were many problems which arose, particularly in regard to the obtaining on approval of bonding counsel so that bonds could be issued. I cannot speak with any authority as to exactly what occurred in the five districts other than District 11, which is vitally affected by the existing law, so I would explain what has happened in Gardiner, and I understand there have been similar problems in these other districts, plus unique problems which did not happen to arise in District 11.

Of course in Gardiner we were geographically situated so it was not any great problem in creating our district: We had had a school union for a number of years in that same area, so it was a very natural transition from a school union into the district program, but we did start in at the earliest possible moment and wanted to bring in our outlying communities even though in Gardiner we could have provided, I should say, as good quality education by merely going it alone, but if we had gone it alone it would have left the outlying areas without a natural geographical area whereby they could combine and have a satisfactory district, and of course in the City of Gardiner we picked up nearly eight per cent of the cost of the district operation,

so the taxpayers of Gardiner are vitally affected by the existing situation.

Now how did it come about that Gardiner is not now going to receive its foundation benefits as it has during the previous two years? Well, when we organized our district and started to go into operation we could not have any bonds issued because of the situation which existed in SAD 3. You will recall that this was one of the very early districts which was organized and it had a lot of growing pains and it was in the courts and no bonding counsel would approve any school district bonds until the litigation was disposed of in the so-called Liberty case. Then in the Gardiner District in the Pittston area we had nine one-room schools. Immediately the directors voted to build a new elementary school in the town of Pittston so that we could close these nine one-room schools, and that was, of course a tremendous step forward in education in the State of Maine in one fell swoop to close nine substandard schools.

Then along in June of 1961 we had the bond issue before the people of the district for construction of the new High School, and that of course in June was the same day as the primary election and the warrants were posted and it was posted generally as to when the polls would be open on election day, being from ten to seven, and the bond issue passed, it received favorable action by the voters in the district. And then along in the fall of that same year of 1961 we were getting ready to obtain approval so we could have our bonds issued and bonding counsel in Boston advised that no one would take the bonds because in the warrant where it told about the vote for the bond issue for construction of a new high school it did not specifically state as to what hours the polls would be open for voting. Well, everyone knew what the hours were, it was posted at the top of the posting, showing the vote for representatives or the public office candidates of both parties and of course the bond issue was down at the bottom and it did not specifically state on that warrant the time

that the polls would be open. But the bonding counsel, and properly so, said the law must be followed and that it should again have been incorporated in this particular warrant that was posted. So that carried us over it to the end of 1960, the primary of June of 1960, and then in the fall of 1960 we were told that our bonds could not be issued, so then it was so late it did not seem feasible to have a special election, which would cost considerable, over a thousand dollars in the City of Gardiner, and the Legislature would be convening shortly, so emergency legislation was prepared and favorably acted upon by the 100th Legislature, and it was sometime in late March or early April that we were ready, had the validating act enacted, and were ready to get into business and build the high school. So we moved ahead as rapidly as we could, but of course with the nine schools of one room we could not handle the teachers, or engage teachers to teach in elementary schools, so there were not as many teachers hired at that time, and of course until we had our new high school there was no point in going out and hiring teachers when we did not have rooms in which to put these teachers. So in 1961 the school budget had to be approved, as it does in all of our districts in February, prior to March 1st of any given year, and the budget was prepared and enacted by the voters of the district, the 1961 budget, as recommended by the directors, in February, and then later on that same year the Legislature, which would be the 100th Legislature, increased the table, so that required, of course, that we make a greater effort. The budget for the school district was already enacted and the directors had no way of anticipating what the legislature would do any more than I and I don't believe that school directors could answer today what we are going to do here in the next few weeks. So we could not hire teachers until we had more class rooms, we could not anticipate what the legislative formula would be for making the maximum effort, and we could not, of course, control liti-

gation, and it was an unfortunate situation that in Pittston and Randolph the warrant did not specify on the particular warrants in the towns of Pittston and Randolph, the hours that the polls would be open. So that is the situation that existed and does exist in Gardiner, and as result of that the Gardiner area — I should not say "Gardiner" because it is actually District 11, the Gardiner area high school, is affected to the extent that it will lose about \$60,000 that they had in the previous biennium. Now this will not be a recurring problem, as I first mentioned, because the pitfalls of organizing a new district have now been pretty well overcome, because the Department of Education and the districts that have been organized are able to give the benefit of their experience and we would not anticipate similar problems. But in those days actually two years was not a long enough period to get a district into full operation. Today I believe that it is.

Now of course another very disturbing situation to all of our school districts is the fact that the other body has already passed legislation whereby the 10 per cent bonus is to be affected, and of course if this body should concur in that action there is another \$30,000, roughly, that District 11 will lose and these other districts will lose money correspondingly and naturally we cannot complain because if it is an overall reduction of this ten percent bonus money so-called it affects all districts equally and we would not complain any more than any other district because all are being used on an equal basis.

But it does seem to us that are in these districts that have been accepted that it is unfortunate and really a step backward to be penalized to this extent, by losing the foundation money through no fault of our own. And these districts which did organize early adopted the spirit and the intent of the new law on education, moved ahead, and the taxpayers at great sacrifice are still moving ahead, to now have this penalty so to speak cast upon them, and I therefore would move that the bill be substituted for the report, the Ought not to

pass report of the committee. I would certainly hope that you would see your way clear to help these districts which have fallen into distress through no fault of their own and I might explain that the cost for the biennium — and this will be only for the biennium; this will not be a recurring expenditure — will be approximately \$235,000. The Department of Education has taken no stand. They feel that it is unfortunate. They feel that it would be fair for this legislature to favorably act upon this particular bill, but that is their feeling merely as a matter of fair play and they are not by any means advocating its passage strenuously because they have so many other bills which are of statewide impact and interest to them in the department. But the Department of Education has no objection to the passage of this bill and does feel that it would be a show of good faith and fair play to these districts which organized early and were the pioneers and did such a fine job in ironing out the bugs so that future districts could be rapidly, efficiently and smoothly organized.

I am sorry to be somewhat lengthy in explaining this but it is somewhat complicated and I certainly would greatly appreciate your support on my motion.

Mr. EDMUNDS of Aroostook: Mr. President, first may I apologize for being on my feet so many times today, but I would like to make a point very briefly that in effect this bill does broaden the Sinclair Act, an act which I think every member of the Senate knows is currently costing the state millions and millions of dollars annually. As a matter of fact, I believe that the projection for the next biennium as best they have been able to project it to date is that it will increase the current services budget between 8 and 9 million dollars.

Now, as the Senator from Kennebec, Senator Farris has said, no accurate estimates of the cost of this L. D. were possible at the moment but I believe that I can assure the Senate that there would be a cost in the hundreds of thousands of dollars, possibly \$250 thousand, possibly substantially more than

that, and very frankly, the Appropriations Committee just doesn't know where the money is coming from.

I would reiterate the remarks of the Senator from Kennebec, Senator Farris, that this bill is not supported by the Department of Education, although they have not come out in active opposition to it. I think that I can say this, that we sympathize with Gardiner, but it merely is a question of where do we find these additional funds to implement legislation such as this for one or two or three districts created by the Sinclair Act. I would also point out that it is a unanimous Ought Not to Pass report from the Committee on Appropriations and Financial Affairs, and when the vote is taken, I would ask for a division.

Mr. CAMPBELL of Kennebec: Mr. President, I, too, rise to oppose the motion to substitute the bill for the report. I do so notwithstanding the fact that I realize that this bill would be helpful to a school district in the County of Kennebec which I represent.

I think my fellow Senator from Kennebec has explained this bill thoroughly. Certainly his position is fair with respect to the Department of Education. They did not favor it. This is not a department bill, but they offered no objection. As he says, they would feel if we had the money and could afford it, it certainly would be a certain element of fairness in giving the money.

He has explained this better than I can, but I do want to make one brief point. As I understand it, if you have three towns, A, B, and C, and they are thinking of going into a district, when they first get started, their subsidy is based on what the towns A, B, and C, got in subsidy before they united. Then, for the first biennium under the education law, the newly formed district gets a subsidy which is based on the net foundation program. Now, really what this boils down to is this: These districts didn't make as much effort, or they weren't able through circumstances, let us say, to make the maximum effort during those first two years. So what they

want you to do here is to allow their subsidy to be computed upon what they did in four years instead of two.

We felt on the Committee that where the education statute had been passed to encourage the districts to get into the program fast and to build up their net foundation program so as to increase their subsidy that it would be unwise to extend that period for four years.

Mr. FARRIS of Kennebec: Mr. President, I covered quite a bit of ground but I do want to explain in response to the statement by the Senator from Aroostook, Senator Edmunds, that the cost of this has been estimated, as a matter of fact it is accurate. It is \$235 thousand. \$214,192 under the foundation program and \$21,412 under the bonus. This is not an extension of the existing law under the Sinclair Act as far as the impact is related to future bienniums. This would only have a financial effect on the next biennium and then it would level off and expenditures would be exactly the same in the future as they would without this bill being enacted. This is merely an opportunity for these districts which we feel were unfairly penalized through no fault of their own to be reimbursed for the effort which they did make and are making. Thank you.

Mr. BROOKS of Cumberland: Mr. President, ladies and gentlemen of the Senate, I reluctantly rise to oppose the motion of the Senator from Kennebec, Senator Farris. I would like to state that the Sinclair Act, as the Senator from Aroostook, Senator Edmunds, has stated, is costing the state a great deal of money. I would like however to state also that this so-called Sinclair Act was established by the legislature in order to put checks and balances into the subsidy that the state is paying to the public schools in Maine. If we had the system that prevailed before 1957 today we would be paying several millions of dollars more in subsidies. That was the so-called "blank check subsidy". Today and rightfully so I believe, as I said earlier in this session, because of our financial problems in Maine because Maine is not a rich state, the Sinclair Act fits very well

into our educational program because it requires certain minimums to be reached before subsidy is available. And by passing this bill we would be in my opinion watering down just a little bit, those checks and balances that we have in order that we may put what monies we do have in the right place.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, there is one aspect of this bill which I think has not been emphasized. While it may be true that this would not be a recurring expense the passage of this bill would change the basic law with regard to the period in which new school districts must perform certain functions in order to qualify for full support plus the bonus.

The bill itself ends at a point which says in effect, that until such time as such provisions are made. Now those provisions are that the new district shall provide a program which includes pre-primary and kindergarten through grade 12 and also one secondary school serving all pupils nine through twelve so the passage of this bill, would in effect, as I understand it, give new districts six years in which to meet these provisions whereas presently they are required to meet these provisions in four years. This would slow up the process of forming within the district the ideal situations which the Sinclair Act provided. I therefore feel that I must oppose this bill.

Mr. HICHBORN of Piscataquis: Mr. President, there are two points I would like to make. It is true that the Sinclair Act is costing millions of dollars. It should be pointed out, however, that this does provide some relief to the property tax payers at the local level and although we may guess at this time what the outcome of this bill is going to be, I think that we have seen a very eloquent description of what the Sinclair Law can do and what it was intended to do. I think that Senator Farris is to be

commended for the very eloquent description of what his area has done.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, to substitute the bill for the report.

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

Thereupon, the Ought Not to Pass report of the committee was accepted.

The President laid before the Senate the 5th tabled and today assigned item (S. P. 333) (L. D. 1086) Senate Report, Ought Not to Pass, from the Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Establishment, Maintenance and Operation of Regional Technical and Vocational Centers"; tabled on May 24 by Senator Farris of Kennebec pending acceptance of the report.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate you are very fortunate this afternoon that you are not going to have to listen to me for another half hour or so. At the request of leadership, I request that this bill be retabled and especially assigned for Monday, next.

The motion prevailed and the bill was so tabled and assigned.

The President laid before the Senate the 6th tabled and today assigned item (S. P. 453) (L. D. 1345) Bill, "An Act Amending Certain Provisions of the Employment Security Law"; tabled on May 24 by Senator Johnson of Somerset pending consideration; and on further motion by the same Senator, the Senate voted to insist on its former action and ask for a Committee of Conference.

On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow morning at ten o'clock.