

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, February 18, 1971

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

Prayer by the Rev. Mr. James Smith of Hallowell.

The journal of yesterday was read and approved.

Papers from the Senate

Bills from the Senate requiring reference were disposed of in concurrence.

Non-Concurrent Matter

Bill "An Act Repealing the Law Relating to Sterilization" (H. P. 529) (L. D. 691) which was referred to the Committee on Health and Institutional Services in the House on February 9.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

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

Order Out of Order

Mrs. Baker of Orrington presented the following Order and moved its passage:

ORDERED, that Seth Lawry of Fairfield be appointed to serve as Honorary Page for today.

The Order was received out of order by unanimous consent, read and passed.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act relating to Payment of Life Insurance Premiums of State Employees" (H. P. 695) (Presented by Mr. Kelley of Caribou)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act relating to Business Travel and Recreation on Sunday"

(H. P. 696) (Presented by Mr. Orestis of Lewiston)

Bill "An Act Establishing a Pool Underwriting Association for Fire and Extended Coverage Insurance" (H. P. 697) (Presented by Mr. Sheltra of Biddeford)

Bill "An Act Repealing Authorization to Savings Banks to Engage in Real Estate Developments" (H. P. 698) (Presented by Mr. Simpson of Standish)

Bill "An Act relating to Tax Sheltered Annuities" (H. P. 699) (Presented by Mr. Woodbury of Gray)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Increasing Salaries of County Officers of Kennebec County" (H. P. 700) (Presented by Mr. Lewin of Augusta)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to Interest Limitations in Community School Districts" (H. P. 701) (Presented by Mr. Bunker of Gouldsboro)

Bill "An Act relating to Increases in School Assessments in School Administrative Districts" (H. P. 702) (Presented by Mrs. Cummings of Newport)

Bill "An Act relating to Tuition for State Wards" (H. P. 703) (Presented by Mr. Starbird of Kingman Township)

Bill "An Act relating to Subsidy Payments on Expenditures Made for the Education of Handicapped Children" (H. P. 704) (Presented by Mr. Woodbury of Gray)

Bill "An Act Permitting Cooperative Agreements among Units for Special Educational Purposes" (H. P. 705) (Presented by same gentleman)

Bill "An Act to Revise the Laws Relating to Authority for Granting Degrees and to Approval of Degree-granting Institutions" (H. P. 706) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act relating to Hunting from Vehicles, Aircraft, Boats and Snowmobiles" (H. P. 707) (Presented by Mr. Kelley of Southport)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act relating to Prevention by Landowners of Acquisition of Rights-of-way, Easements and Public Rights by Dedication" (H. P. 708) (Presented by Mr. Hawkens of Farmington)

Bill "An Act relating to Fees of Municipal Police Officers as Witnesses" (H. P. 709) (Presented by Mr. McTeague of Brunswick)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act relating to Mediation Authority of State Employees Appeal Board for Employees of the Maine Turnpike Authority" (H. P. 710) (Presented by Mr. Bedard of Saco)

Bill "An Act relating to Filing Payroll Reports to the Employment Security Commission" (H. P. 711) (Presented by Mrs. Goodwin of Bath)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Extend the Period of Anticipatory Borrowing by Municipalities" (H. P. 712) (Presented by Mr. Orestis of Lewiston)

Bill "An Act relating to Provisional Motor Vehicle Operator's License" (H. P. 713) (Presented by same gentleman) **Later Reconsidered.**

Bill "An Act relating to Acquisition of Land by Conservation Commissions" (H. P. 714) (Presented by Mrs. Payson of Falmouth)

Resolve to Reimburse Mrs. Edward L. Libby of Kennebunk for Displacement Costs Because of Property Taken by State" (H. P. 715) (Presented by Mr. Crosby of Kennebunk)

(Ordered Printed)
Sent up for concurrence.

The following Bill approved by a majority of the Committee on Reference of Bills for introduction:

Bill "An Act relating to the Annual Division of the Interest Arising from the Ministerial and School Fund of Turner, Maine" (H. P. 716) (Presented by Mr. Lynch of Livermore Falls)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act Repealing the Law Relating to Mixing Zones in Discharging Waste in Waters" (H. P. 717) (Presented by Mrs. Brown of York)

Bill "An Act Redefining Development under the Environmental Improvement Commission" (H. P. 718) (Presented by Mr. Lucas of Portland)

Bill "An Act relating to the Certification of Wastewater Treatment Plant Operators" (H. P. 719) (Presented by Mr. MacLeod of Bar Harbor)

Bill "An Act to Provide for Protection of the Air, Water and Other Natural Resources" (H. P. 720) (Presented by Mr. Susi of Pittsfield)

(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act Creating the Power Authority of Maine" (H. P. 721) (Presented by Mr. Cyr of Madawaska)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act relating to Fallout Shelters in Public Buildings" (H. P. 722) (Presented by Mr. Bernier of Westbrook)

Bill "An Act Amending the Municipal Industrial and Recreational Obligations Act" (H. P. 723) (Presented by Mr. Williams of Hodgdon)

Resolve Authorizing the Forest Commissioner to Convey Certain Land in Franklin County" (H. P. 724) (Presented by Mrs. Lincoln of Bethel)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Clarifying the Valuation of Certain Lands at Current Use" (H. P. 725) (Presented by Mr. McTeague of Brunswick) (Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act relating to Weight Tolerance for Vehicles Loaded with Road Salt" (H. P. 726) (Presented by Mr. Lee of Albion) (Ordered Printed)
Sent up for concurrence.

Veterans and Retirement

Bill "An Act relating to Retirement Benefits for Police Officers under State Retirement System" (H. P. 727) (Presented by Mr. Vincent of Portland) (Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mr. Tyndale of Kennebunkport, it was ORDERED, that Rev. Robert Vangel of Kennebunkport be invited to officiate as Chaplain of the House on Tuesday, March 2, 1971.

**House Reports of Committees
Ought Not to Pass**

Mr. Donaghy from the Committee on State Government reported "Ought not to pass" on Resolution Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions (H. P. 51) (L. D. 85)

In accordance with Joint Rule 17-A, was placed in the legislative files and sent to the Senate.

Leave to Withdraw

Mr. O'Brien from the Committee on Business Legislation on Bill "An Act relating to Renewals of Insurance Policies" (H. P. 109) (L. D. 153) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

**Ought to Pass in New Draft
New Drafts Printed**

Mr. Dyar from the Committee on County Government on Bill "An Act relating to Record of Plans

by Registers of Deeds" (H. P. 58) (L. D. 99) reported same in a new draft (H. P. 728) (L. D. 816) under same title and that it "Ought to pass"

Mr. Kelleher from same Committee on Bill "An Act Permitting Counties to Raise Money for Public Ambulance Service" (H. P. 29) (L. D. 53) reported a Resolve (H. P. 729) (L. D. 817) under title of "Resolve Permitting the County of Piscataquis to Expend Money for Public Ambulance Service" and that it "Ought to pass"

Reports were read and accepted, the New Draft of Bill read twice, the New Draft of Resolve read once, and tomorrow assigned.

**Ought to Pass
Printed Bills**

Mr. Pratt from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act to Authorize Savings Bank Loans Covered by Mortgage Guaranty Insurance" (H. P. 327) (L. D. 436)

Mr. Scott from same Committee reported same on Bill "An Act relating to Surety Bonds of Contractors for Public Works" (H. P. 240) (L. D. 375)

Mr. Lewis from the Committee on Health and Institutional Services reported same on Bill "An Act relating to Fee for Certificate to Cremate Bodies of Deceased Persons" (H. P. 392) (L. D. 507)

Mr. Conley from the Committee on Public Utilities reported same on Bill "An Act relating to Exemptions for Public Utilities to the Revised Boiler Law" (H. P. 361) (L. D. 468)

Mr. Emery from same Committee reported same on Bill "An Act to Authorize Augusta Water District and Augusta Sanitary District to Exchange Customer Accounting Records" (H. P. 239) (L. D. 321)

Mrs. Goodwin from the Committee on State Government reported same on Bill "An Act Revising the Laws Relating to Baxter State Park" (H. P. 160) (L. D. 226)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Brawn from the Committee on Legal Affairs on Resolve to Reimburse William Scott of East Machias for Loss of Bee Hives (H. P. 75) (L. D. 116) reported "Ought to pass" as amended by Committee Amendment "A" (H-23) submitted therewith.

Mr. Cote from same Committee on Resolve in favor of Ervin Bubier of Wilton for Damage by Bears (H. P. 155) (L. D. 210) reported "Ought to pass" as amended by Committee Amendment "A" (H-24) submitted therewith.

Mr. Emery from same Committee on Bill "An Act relating to Mailing Address of Grantees or Mortgagees on Deeds and Other Conveyances" (H. P. 300) (L. D. 400) reported "Ought to pass" as amended by Committee Amendment "A" (H-25) submitted therewith.

Mr. Stillings from the Committee on State Government on Bill "An Act to Clarify the Recreation Authority Act" (H. P. 81) (L. D. 121) reported "Ought to pass" as amended by Committee Amendment "A" (H-26) submitted therewith.

Mr. Cottrell from the Committee on Taxation on Bill "An Act relating to Administration of the State Income Tax" (H. P. 164) (L. D. 227) reported "Ought to pass" as amended by Committee Amendment "A" (H-27) submitted therewith.

Reports were read and accepted, the Bills read twice and the Resolves read once. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills and second reading of the Resolves.

Passed to Be Engrossed

Bill "An Act to Designate an Official Mineral for the State of Maine" (S. P. 98) (L. D. 262)

Bill "An Act relating to Contempts Before the Industrial Accident Commission" (H. P. 269) (L. D. 358)

Were reported by the Committee on Bills in the Third Reading, read

the third time, passed to be engrossed and sent to the Senate.

Third Reader

Tabled and Assigned

Bill "An Act relating to Initiative of Articles to be Included in School Administrative District Budget Meetings" (H. P. 689) (L. D. 795)

Was reported by the Committee on Bills in the Third Reading and read the third time.

On motion of Mr. Dam of Skowhegan, tabled pending passage to be engrossed and tomorrow assigned.)

Passed to Be Enacted

An Act relating to Qualification of Candidates for the Legislature (S. P. 95) (L. D. 259)

An Act relating to Operation of the Livermore Falls Water District (H. P. 78) (L. D. 118)

An Act relating to Creditable Service Under State Retirement Law for Certain Teachers (H. P. 143) (L. D. 198)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority (10) Ought not to pass — Minority (3) Ought to pass — Committee on Legal Affairs on Bill "An Act Requiring Referendum Elections on Certain Municipal Public Works Appropriations" (H. P. 103) (L. D. 147)

Tabled—February 16, by Mr. Norris of Brewer.

Pending—Acceptance of either Report.

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

Mr. NORRIS: Mr. Speaker, I move that the House accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Brewer, Mr. Norris, now moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: As the sponsor of L. D. 147 I rise in opposition to the Majority "Ought not to pass" Report. The purpose of this bill as outlined in the Statement of Fact is simply to guarantee the voters of a community the opportunity to approve or reject certain and sometimes expensive public works projects that may be proposed in their municipalities by their town government.

Presently only a handful of communities in the state guarantee the voters an opportunity to accept or reject these projects in referendum. One such city is Saco. Most cities in the state either have no provision at all for referendum or they provide only an initiative referendum clause in their city or town charter.

Now to the average Joe Citizen, initiative referenda procedure is complicated and difficult, and not readily understood. Let me briefly outline the situation that we had in my community last fall. We needed a new fire station. So the city council hired a group of architects to study various designs for a fire station. What they came up with was a \$711,000 city hall complex which included a new fire station, a new police station, a communications center, and a city hall.

This project, as I said, would cost \$711,000. After interest it would have cost \$1.25 million. The City of Rockland also had other expenses which would have increased the tax rate by approximately three or four mills. Such project was a new sewerage disposal unit which we are required to build, and we are presently studying now, plus increased costs in School Administrative District Number 5.

The project was unpopular because it was poorly timed, and it did not meet the immediate needs of the taxpayers and of the fire department, which the main project was designed for in the first place. Consequently, a group of concerned citizens wondered, how could we have an opportunity

to vote against this proposed city hall complex? After several months of wrangling they finally did initiate initiative referendum petition.

It should have gone on the ballot on the 3rd of November. However, delays by the council, delays by the city attorney, made this impossible. When the project finally went to referendum on the third Monday in January it was defeated by three to one. But this was a case where the public will was prohibited, was delayed, was interfered with by an unwieldy provision in the Rockland City Charter.

Now the question has been raised: Why should this legislation that I propose affect all the cities and towns in the State of Maine when obviously we now have a home rule provision that was adopted by the 104th Legislature? Well, the point of this is, that the home rule was basically passed, as I understand it, to permit municipalities to alter their own charters without coming to the legislature.

L. D. 147 does not provide that a municipality must come to the legislature in order to approve a public works project. The legislature will not be involved at all. The legislature will not be burdened with the individual problems of communities that may arise from time to time.

It does, however, set a limitation on spending, a limitation which is figured out by the formula outlined in my bill which would provide a floor below which a municipality is free to spend money whichever way it sees fit, but above which any projects must go to public referendum for approval by the voters. Now it seems to me there is nothing closer to the concept of home rule than the voters in the community having the opportunity to accept or reject expensive proposals and projects which will adversely affect their tax burden. I think we ought to give this very serious consideration.

Now the question has also been raised: How many communities would this affect? As I said, the only city that I, through research and library, could determine had referendum petition was Saco. For

example, Portland, Bangor, Brewer and Rockland all have initiative referendum provisions; but the cities of Augusta, Belfast, and Biddeford, to name a few, have none whatsoever. In other words, in those communities, the voters have no check and balance.

Now the formula that I used. Ten per cent of the indebtedness limitation presently set by the Constitution. This is another guideline which the state, and in this case the Constitution, has set on spending in municipalities, seven and a half per cent of the latest state valuation.

Now on the handout that was distributed to you this morning, according to this formula, some cities, such as Auburn. Auburn could spend up to \$510,000 approximately without requiring referendum. Rockland, it is \$186,000. Well, I won't continue reading this because all of you have the handout. But the point is, this figure is not going to hamper any community from contingencies, for any emergency that might arise, as a sewer washout during a storm, or road washaway for some reason. There is enough money here to solve whatever problems might arise.

And I think that any project that costs much over \$200,000 is a major project and should go to referendum. I hope this morning when the vote is taken you will vote against the Majority Report.

We have heard much discussion about economy in government. We have heard discussion about people who are sick and tired of being burdened with expensive projects that are not entirely in the public interest. And I think it's time that we grant the people of the various communities in the state the opportunity to decide for themselves which projects will increase their tax burden.

Mr. Speaker, when the vote is taken I call for a division.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: The bill before us makes a lot of sense to me. In my area we have built a new fire station

costing \$613,000; in the process of building a \$600,000 garage; in the middle of an urban renewal project of approximately \$2.5 million. We are involved in a \$16 million sewer program. We are about to engage in another \$2 million-plus code enforcement project, and have recently built an old age home costing approximately \$1.5 million.

Now somewhere along the line voter approval on these various projects has not been asked. The sums I mentioned have to be supported by a community of 24,000 people, approximately. With the economic picture in a state of uncertainty, I am wondering if we are going to be in a position to meet any more obligations, much less our present ones. Our school debt payments with interest amount to \$778,000 this year alone.

This is a good bill. I believe we should pass it and return to the voter a little bit of his rights to veto or approve. If a project has merit there should be no problem getting voter approval. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker and Members of the House: In regards to this bill, I think he has just said that Rockland does have a charter, they can come under home rule, and this law will govern every town.

The town in which I live has a charter since 1937, and it works very good. Now we do live just a short distance from Waterville, which has three hospitals. Should we lose our bridge at Rice's Rips, with our indebtedness we could only get \$75,000. And it says we cannot raise any moneys whatever to appropriate. So from the time we went out and we got ten per cent of the voters we would have to have a public hearing, and we must post it for ten days, we must wait seven days to our warrant to post. We have a 20-day loss which we could not get across under this here; there would be no way.

Now under home rule they can be governed. And I think that Mr. Norris has a good idea, and it should not be. And another thing

that I would like to say, to us small communities, every town meeting we have is very expensive to us, and we need every dollar we can get.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Ladies and Gentlemen of the House: I will go along with this L. D. 147, with one thing in mind. Today we are considering a start on a path to level off property taxes, and we all know in the last 15 years how these taxes have increased, and increased, and increased. Somewhere there has got to be a start to level them off. And is there a better place than putting it in the hands of the voter, the people who have to pay for these taxes, and let them have the opportunity to vote whether they want municipal projects or not?

We are asking a guideline from the State of Maine, a ten per cent guideline on all projects over this ten per cent, the people in this state, in each municipality have a right to say yes or no. I call this a very fair opportunity.

Also you are dealing here with something that I think for many years has been ignored. The so-called freedom. The freedom of right of ownership. I repeat, right of ownership, which is being taxed away in many municipalities in this state. Destroy the right of ownership and you have destroyed a foundation that built this country, this land, and this State of Maine.

I hope you realize that somewhere municipal property taxes have got to start to level off. And I hope you will vote today, as your constituents will be watching you and considering your actions, to see that this path, this just start to leveling off municipal property taxes takes place in the Maine House in the 105th Legislature. Thank you.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to endorse what the two previous gentlemen have said, Mr. Silverman and the gentleman from Rockland, Mr. Emery. In Sanford

I just read the paper of yesterday, this is the second urban renewal that has been proposed in Sanford. And we have a small group that are controlling, and the taxpayers have nothing to say.

In the paper this morning there are six out of the seven wards in Sanford the people went there to vote against this second urban renewal. Never mind they haven't paid the first one yet, they haven't started paying on it. And seven wards voted against it, but still that this small group have got a bill in there. I mean some kind of a retaining, that they have to have over 1,600 to vote against this thing.

So I say this is time to stop this now. The small taxpayers in Sanford, the fellow that is struggling to pay his taxes has got a hard time. He doesn't know where he is going to get the money to pay for this year's coming taxes, never mind the next. And I endorse this a hundred per cent, this bill.

Mr. Silverman of Calais requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen of the House: It warms my heart to see these freshman legislators working on the side of the people. I think we have had this explained very nicely by two young freshman legislators. I think their heart is in the right direction, and I commend them for it, and urge the passage of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Castine, Mrs. Wood.

Mrs. WOOD: Mr. Speaker and Members of the House: I wish to support Mr. Emery's bill. I think it is time the people had something to say about the huge expenditures in their towns. I heartily endorse it.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: At a time when citizens in our communities throughout Maine are intensely concerned with

the soaring costs of government, this bill, it seems to me, is an entirely reasonable proposition. Government at all levels should be as close as possible to the people. I urge my colleagues to vote in favor of the bill, in favor of Mr. Emery from Rockland, and therefore vote nay on the first vote.

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

Mr. NORRIS: Mr. Speaker and Members of the House: This act and all the good intentions that it is given was, in the majority of the committee, and in my opinion, absolutely unnecessary. This does not give anything to the people that they do not have right now under the home rule legislation that was passed in the last session. Because this allows any municipality to change their charter to amend this act as it is so written under their charter if they so desire.

Now there may be municipalities and the people in those municipalities may not desire to have this type of legislation, as good or as bad as it might be. There has been an inference here that it would implement home rule. It doesn't. It restricts. This is the type of legislation that restricts home rule.

So you see the opponents say — or the proponents of this bill say we are going to give you the right to referendum by taking it away from you. They have it now. It is on the law books now, and this would simply clutter and give us another law on the law books that is already covered. It is already covered with your home rule legislation. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: As one of the legislators who worked hard to get home rule through in previous session, I can recall the problems that we faced up until this session with scores of bills dealing at the state level with individual local problems. And what troubles me about this legislation is not that I disagree necessarily with the desires for

economy that have been expressed by the proponents of the bill, but it seems to me that we are going about it the wrong way.

If the communities of Rockland or Sanford, or if any of the communities in the state wish to write into their charters specific provisions limiting the ability of the town officials to appropriate funds and requiring referendum provisions, or other restrictions on this type activity, they may certainly do so without troubling all of the other communities of the state.

I haven't studied it just recently, but as I recall, contrary to the suggestion that was made here, I believe the City of Augusta does have referendum provisions. And I think if we were to attempt by state-wide legislation to solve a problem that may exist in individual communities, we are going to be going directly contrary to the movement that this Legislature has started by going ahead with the home rule principle. And I would suggest that if there are communities that have this type of problem with the appropriation of funds, that they have ample powers within the home rule provisions to amend their charters to take care of their problem locally, without settling these same restrictions upon all the communities of the state.

I therefore oppose the passage of this legislation.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to disagree with Mr. Norris and Mr. Lund here to this point. There is only a small group in each town that controls the town. The majority of the small taxpayers haven't got anything to say. I have just proved it to you a few minutes ago when, in seven wards, six wards voted against it, but still the bill isn't killed, the second urban renewal isn't killed in Sanford. Is that protection for the majority of the small taxpayers I would like to ask you?

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: There are two or three arguments made by the gentleman from Augusta, Mr. Lund, and the gentleman from Brewer, Mr. Norris, that I would like to refute.

First of all is the contention that this is an attempt to flood the legislature with bills from local interests and various municipalities. Well, in fact it is not. As I stated, this is only one bill, and the referendum elections that I am concerned with would be held in the municipalities and they would never come to Augusta. We would never see them. This was the main purpose of home rule, as I understand it, would be to keep local problems in the localities, and not in the legislature, which is something I agree with entirely.

The second contention, I believe made by Mr. Lund, implied that we shouldn't make rules here in Augusta, make laws that affect municipalities. Yes, the municipalities in question have the right to amend their own charters. Yes, in these various municipalities we could adopt referendum provisions. But the fact of the matter is, in the Constitution and in the state statutes we have many requirements — Title 30 is full of them—that specify what projects, what items, for what purposes a municipality may raise or appropriate money. It grants the people now the opportunity to amend their own charters. There are many regulations. In the Constitution the seven and a half per cent indebtedness limitation is a regulation on municipalities.

Home rule said nothing, as I understand it, about the state not being able to set regulations, limitations on municipal government. It did not. This is only a guideline, like that seven and a half per cent indebtedness limitation which is a protection to the taxpayers, protection to the people in the communities. This is not an attempt to usurp any of the powers of home rule. And I believe, contrary to what was stated a few minutes ago, that it is in fact as close to home rule as you can get

for the voters of a municipality to vote on these projects firsthand.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I am a little afraid that this piece of legislation might set a precedent and might be a foot in the door for L. D. 350, which will be coming up later on.

What L. D. 350 would do would allow that no housing project or code enforcement shall be undertaken unless or until a majority of the voters voting in a referendum duly held have voted in favor of the project or code enforcement.

I think L. D. 350 is very unwise, considering that 39 per cent of Maine's housing is substandard. And I cannot support that L. D., and therefore I cannot support this one.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker and Members of the House: I hope that the people won't be misled here this morning by the great oratory that we have heard, because this L. D. will not save the taxpayers money, as many have been pointing out. In fact, it will raise your taxes, and I will stand with Mr. Norris's motion, "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I certainly hope that you go along with the motion that Mr. Norris has made on the "ought not to pass" report. One of the problems that concerns us is that people are elected by the people to serve in municipal government, and if you're going to hamstring them at every turn, then obviously they are not going to be doing their job.

The City of Waterville currently has a referendum provision for \$100,000 and over bond issues. And while, true, it needs 1,200 voters, if there are enough people in a community of 19,000 interested in killing a bond issue, certainly these people should be getting out.

We would, under Mr. Emery's provision, be allowed to go to bond for anything up to \$404,000 without a referendum. And I would certainly remind Mr. Emery that there are several ways that you can beat the rap here. And that is by going out with three or four or five \$200,000 bond issues and the people would never get to see them.

Mr. Silverman of Calais was granted permission to speak a third time.

Mr. SILVERMAN: Mr. Speaker and Members of the House: I again rise in support of Mr. Emery's bond issue. And after hearing the opposition, I realize that the taxpaying public in every municipality is not going to be given this right unless they ask for it themselves in each municipality. And if you go and look at the books, you will see very few that have done this. And in turn, municipal taxes are going to be increased and increased. And it is still going to be a burden on the property owner, land owner, and home owner.

And again I ask your support to level off municipal taxes, and get this bill started, even though our opposition seems to be against the will of leveling off municipal taxes. Thank you.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote on this issue will vote yes, those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Requiring Referendum Elections on Certain Municipal Public Works Appropriations", House Paper 103, L. D. 147. If you are in favor of accepting the Majority "Ought not to pass" Report you will vote yes; if you are opposed, you will vote no.

ROLL CALL

YES — Baker, Bernier, Boudreau, Brawn, Brown, Bunker, Call, Carey, Churchill, Collins, Conley, Cote, Crosby, Cummings, Curran, Donaghy, Doyle, Drigotas, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Genest, Gill, Good, Goodwin, Hall, Hancock, Haskell, Hawkens, Herrick, Hewes, Hodgdon, Jalbert, Kelley, P. S.; Kelley, R. P.; Keyte, Lawry, Lee, Lewin, Lewis, Lizotte, Lucas, Lund, Lynch, MacLeod, Martin, McKinnon, McNally, McTeague, Mills, Morrell, Murray, Norris, O'Brien, Pontbriand, Pratt, Scott, Shaw, Sheltra, Simpson, L. E.; Smith, D. M.; Smith, E. H.; Starbird, Susi, Tanguay, Vincent, Webber, Wheeler, Whitson, Wight, Williams, Woodbury.

NO — Albert, Ault, Bailey, Barnes, Bartlett, Bedard, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bourgoin, Bragdon, Carrier, Carter, Clark, Clemente, Cooney, Cottrell, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Dow, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Gauthier, Hardy, Hayes, Henley, Immonen, Jutras, Kelleher, Kelley, K. F.; Kilroy, Lebel, Lessard, Lincoln, Littlefield, Maddox, Mahany, Manchester, Marsh, Marsteller, McCormick, Millett, Mosher, Orestis, Page, Parks, Payson, Porter, Rand, Rollins, Ross, Shute, Silverman, Simpson, T. R.; Slane, Stillings, Theriault, Trask, Tyndale, Wood, M. W.; Wood, M. E.

ABSENT — Bustin, Hanson, McCloskey, Rocheleau, Santoro, White.

Yes, 75; No, 69; Absent, 6.

The SPEAKER: 75 having voted in the affirmative and 69 having voted in the negative, the motion to accept the Majority "Ought not to pass" Report does prevail.

Sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority (12) Ought not to pass — Minority (1) Ought to pass — Committee on Legal Affairs on Bill "An Act to Annex Marshall Island to the Town of Swan's Island" (H. P. 154) (L. D. 209)

Tabled—February 16, by Mr. Norris of Brewer.

Pending—Acceptance of either Report.

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

Mr. NORRIS: Mr. Speaker, I move that the House accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House accept the Majority "Ought not to pass" Report on L. D. 209.

The Chair recognizes the gentleman from Castine, Mrs. Wood.

Mrs. WOOD: Mr. Speaker and Members of the House: Being sponsor of this bill I would like to explain it to you. Perhaps some of you do not know where Swan's Island is. It is off the coast of Bar Harbor about one half hour ride on the Maine State Ferry Boat. Marshall Island is about one and a half miles beyond that.

We are asking that Marshall Island be annexed to Swan's Island. Marshall Island is an 847-acre island in Jericho Bay to the southwest of Swan's Island. Marshall Island, being unorganized and not within any town, has always been under the state's jurisdiction, and the state has collected the taxes.

Most of this island, about 747 acres, has been recently sold to an out-of-state resident. Over 100 acres is being held by the previous owner, a resident of Camden. This island has a beautiful 200-foot beach, a good harbor for boats, and now the new owner has made a landing strip for his plane.

The state values this island at \$3,700; and the total tax paid last year, according to the State Tax Assessor, was less than \$100. In fact, it cost the out-of-state resident owning the 747 acres less than \$50 in taxes.

On the recorded deed in Ellsworth there was a \$158,000 mortgage on this island. So it would seem that this island is greatly undervalued. These islands today are bringing fabulous prices from out-of-state buyers, and it would be easy to assume that this island is worth a great deal more than the mortgage on it.

During the past few years one of the owners and his daughter and children have summered on this island, and in the fall have rented a home in Swan's Island. As Swan's Island does not have a secondary school on the island, the state law states that the children may be sent to a secondary school anywhere in the state. So the owner's grandchildren, three in number, were enrolled in private schools, and the bill handed to the Town of Swan's Island was over \$5,000.

The opponents say these were not the owner's children, but if they had not been residing summers on Marshall Island with the owner, the possibility is they would not have moved to Swan's Island in the winter, and it seems to me that grandchildren are a part of your family.

Swan's Island only has 450 residents, so if they could have Marshall Island annexed to their island it would greatly improve their financial status. As far as Swan's Island providing services to this island, it would seem to me that they already have done so with the \$5,000 tuition bill for schooling the owner's grandchildren, and also helping with the big fire in 1969. The opponents say they sent a bill for their services. Having been a selectman for several years, I know this is a custom, unless you are under a mutual agreement with the other towns, they do send bills. But after all, they were there, and they went 100 per cent in their lobster boats to help save the island.

Swan's Island is also ready to provide further services if needed. I urge you members to oppose Mr. Norris's motion to accept the Majority "Ought not to pass" Report. Thank you.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I rise again this morning to support my motion. The good people of Swan's Island, led by Myron Sprague, their first selectman, and Carey Vennema, who is apparently an out-of-state attorney, but he is a property owner on Swan's Island.

And they apparently, these good people, covet their neighbor, the unorganized Marshall Island, and they would like very much to annex it unto themselves.

Unfortunately, they, Swan's Island, provide no services. Now to be sure there was some testimony in the committee about one of the owners having grandchildren that established residence on Swan's Island, and therefore Swan's Island had to send them to school. Now as you know, in many many communities throughout the state, people establish residence in a small community, and then the community is liable for educating them. If they don't provide high school, then they will have to send them to a community high school or to a private school. Well, this is what they did.

Now the people that own Marshall Island — and there are two people as I understand it from the testimony in the committee — these two people, of course, are very much opposed to this annexation. They say they can see no reason for it. They don't use Marshall Island to get to Swan's Island. They fly, as a matter of fact, from Rockland to Marshall Island. So if anybody were going to annex it probably should be Rockland, if this question of annexation is proper.

The committee could find, in study by our clerk, no precedent in the state for any such action as this. Particularly where the people who reside or own — and there was some question as to whether they resided there or not. I don't know. But if they do, the people that do own this island are very much against this annexation.

Now the question of taxes has been brought up. And this indeed is a problem. And even the owners of Marshall Island agreed in their testimony that they weren't being taxed enough money. So the committee has sent a letter to the State Tax Assessor, Ernest Johnson, and has requested that he, at the earliest opportunity, send his appraisers and change the valuation, go to the Registry of Deeds and change the valuation of this unorganized island.

That is about all I have to say. I would hope that you would bear with me in this, and vote for the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: Mr. Norris and I seem to be at odds today. I rise in support of Mrs. Wood. I was the lone signer of the minority report. My main concern in this case is undue development of some of the coastal islands. And I am a little bit leary of not having any restriction or any control at all over some of these coastal islands, such as Marshall Island. And I fear that in this case, in a few years Marshall Island is going to be developed and chopped up into cottage lots, and I think that if Swan's Island was allowed to annex Marshall Island it might provide some regulation and some protection to the value of Marshall Island as wild land. This was my main reason for signing the minority report, and I hope that you will consider this this morning.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I wish to speak in favor of the motion on the floor. I am very familiar with Marshall Island. I have been there many times. I also am familiar with Swan's Island. For a number of years I owned an undivided half interest in some islands that come in Swan's Island Township. And I will tell you the services that town provides for an island owner.

That is, they tell you you cannot dig clams on your own beach, but the residents can come over from Swan's Island and dig them. They came in the legislature and they asked to make Swan's Island a deer preserve, no shooting of deer. The idea is they don't want people coming on from the mainland shooting deer, they want to harvest their own deer.

I built two camps on the island. One of them I left open in the

wintertime with emergency supplies. I came back the next summer and found that one camp had disappeared, the one I left open. The other one they had broken into, there were eight boats from Swan's Island anchored in the cove, and they were having a 4th of July party in the camp they had broken into.

I don't blame the people that own Marshall Island for not wanting to become part of Swan's Island.

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

Mr. CALL: Mr. Speaker and Members of the House: I was present at the hearing on L. D. 209, and I feel that the Majority Report of "Ought not to pass" should be accepted.

The question here, as I see it, is whether or not the State of Maine should raise the valuation of Marshall Island. For this Legislature to grant permission to the Town of Swan's Island to annex Marshall Island could, in my opinion, create a dangerous precedent.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker and Members of the House: This island is owned by two men, Captain Howard of Camden and Mr. and Mrs. Robbins of Massachusetts, who are natives of the State of Maine. They bought this island with the idea that they could go there and live as they saw fit. They brought in gravel there and they made their own selves, with their own money, a thousand-foot air strip.

They only have tents to sleep in, and when the weather gets bad they testified they must sleep in their plane.

Swan's Island said that they wanted to annex them because they wanted the extra taxation. The extra taxation, if they were to be united with Swan's Island, would be over \$2,000 a year upon their tax bill. And I would like to ask any person here how they would like to have their taxes raised over \$2,000 in one year.

These people have no roads, there is no water, no lights, no

fire protection. And Swan's Island, they have no children going to those schools. The lady says there are grandchildren. Are any of us to blame for where our grandchildren and their parents live? They do pay their taxes, they do live in Swan's Island, so the testimony was to us.

When we asked them what they were going to give these people for their money, they said only government. And I said, "What is government going to do for you?" Nothing. There was nothing that Swan's Island is going to give them for this extra \$2,000. So I ask of you to go along with Mr. Norris's motion.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I being a member of the Legal Affairs Committee, and voted the Majority Report. But there is one thing that I would like to have the Tax Assessor of the State do, because I have heard through the grapevine that there is a mortgage on this island, that they are not taxed what they should be. But there is a mortgage on there for a hundred and some thousand dollars when they are only taxed for about \$400 or \$500. So I think that our Taxation Department should look into some of these islands.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker and Members of the House: I would like to support Mr. Norris from Brewer in his motion. It was quite apparent, and I think it's been made doubly clear this morning, that the only reason the people of Swan's Island would like to annex Marshall Island is for the additional taxes that they will be able to collect. It has also been brought out that this will be a precedent which we will be establishing this morning if this bill is allowed to go through.

I am sure that we all feel that if we owned an island that we would hate to see our neighbors covet our possessions. And I think that unfortunately it boils down to a matter of dollars and cents. If

I like my neighbor's home and I could take it over by an act of the legislature, I am sure I would do it. So I think that today we had better go along with Mr. Norris's motion.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I realize I am completely out of my territory, but I have had difficulty in sitting in my seat. There has been one point that has not been touched on and I felt it should be, and I find myself on the side of the Committee this time — perhaps unfortunately for the proponents of this bill.

It seems to me that the point that has not been touched is the right of an individual who chooses, we will say, to move into wildland so-called, whether it be an island or in the forests adjoining my territory, and reside there. It seems to me that this is more or less of a two-way street. No request has come from the gentleman in the unorganized territory, where he is not getting any services. I find myself somehow completely in accord with the findings of the Committee.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Annex Marshall Island to the Town of Swan's Island," House Paper 154, L. D. 209. All in favor of this motion will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed.

Sent up for concurrence.

The Chair laid before the House the third tabled and today assigned matter:

Bill "An Act relating to Persons Ineligible to Serve as Election Officials" (H. P. 224) (L. D. 306) — Committee Amendment "A" (H-18) adopted.

Tabled—February 17, by Mr. Starbird of Kingman Township.

Pending — Passage to be engrossed.

Mr. Starbird of Kingman Township offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-21) was read by the Clerk and adopted and the Bill passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent to the Senate.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 75" (S. P. 197) (L. D. 548) — In Senate, passed to be engrossed.

Tabled—February 17, by Mr. Curtis of Bowdoinham.

Pending—His motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: I am a little hesitant to enter into a debate on an issue which no doubt is primarily of concern to those at the local level. However, I would like to take a minute and explain as I understand it the purposes of validation which are involved in this bill, give a little history of the situation in SAD 75 as I understand it, and also briefly to explain the purposes of L. D. 548, which is the committee redraft of the original bill L. D. 2.

Validation is a situation which probably some of you are getting to be a little bit tired of. I counted last night a total of ten validations that took place in the 104th. We have already enacted two validation measures here this year already. The situation comes about ironically in a referendum similar to what we have been debating here this morning earlier.

In a school administrative district any construction bond issue project requires a referendum.

That referendum originates from the board of directors when the superintendent preparing an article, which is standard procedure contained in Title 20,

submitting that article and the date on which the vote will be taken to the municipal officials, who under Title 21, the title which many of them are not totally familiar with, set the times for the referendum vote, and also are required by law to notify the voters of times when the registrar of voters will be correcting the district voting list.

A normal situation is that through unfamiliarity with the Title 21 the local officials sometimes forget to inform the public when the registrar of voters will be in office to correct the voting list. This gives rise to an issue which may pass by majority vote at the referendum question, but when bond counsel comes to analyze the situation a doubt is raised in their minds as to a complete procedure being according to law in both Titles 20 and 21. Therefore they suggest that the district come to the Legislature, get a validation of this technicality, and then they are willing to issue bonds on a current bond market.

Now that is the procedure and up until the October fifth vote, which is contained within the Statement of Fact and also the emergency preamble, this particular validation request is no different than any other which we have passed upon in the recent past. However, on a second vote taken in October of 1970, certain irregularities took place in the changing of the warrants once posted. The committee, not wanting to take a stand on a local issue, declined to take a stand on whatever took place at that point in time and to validate the last vote. However, we are in L. D. 548 reporting out validation of the first vote, referring to the vote taken in June of 1970, at which the very same technicality occurred that has occurred in about a dozen other cases that I have mentioned here this morning.

Now you will hear testimony, I am sure, and it is much more proper that you hear it from the local people who are most concerned; but there were several questions raised by the gentleman from Bowdoinham, Mr. Curtis in his motion discussion last

Thursday. They were, first of all, that he perceived no emergency at the local level. The Committee feels that there is an emergency due to the fact that the secondary pupils within SAD 75 will have no guarantee of a secondary school to educate their children after June of 1972.

The second question brought up was that three of the four towns at the last vote really voted no by majority. This is true; we do not debate this issue. But the mere fact is that a sound majority carried in each of the several votes that have been had at the local level on this question. The third criticism or question raised by Mr. Curtis was that these were not minor technicalities, that they were major. But the facts show that the voters were well informed of what was being discussed, the vote that was being taken showed a surprisingly large turnout, in fact a larger turnout each time the vote went to the people.

The last question raised was that if they were to go back and revote; in other words, if they did not seek validation from us but tried another vote, this might not be favorable at the local level. Sure, this is only speculation, but I am sure it is a common fact that if you antagonize the voter long enough he will sooner or later reject what might have been a majority will at an earlier time.

I am not casting any accusations upon the local officials at all. These technicalities are certainly technicalities that have taken place in other areas; they are not to be blamed for similar failures. I would hope this morning that you would pay attention to the testimony from those who are most vitally concerned and make up your mind on whether or not you feel this issue should be validated as about eleven others have been done in the past.

I would say that there is one possible good thing coming out of this validation request. There will be a bill submitted here in this session which would actually spell out one simple warrant procedure, to be taken care of by the board of directors in the future, which would prevent or would do away

with the possibility of these irregularities in the changing of the warrant hands. Therefore I would hope that you would listen to the testimony, consider this validation request as very similar to others that have gone by in the past, and vote according to what you feel is the real issue at the local level.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker and Members of the House: I rise here for the first time before this body in opposition to my good friend from Bowdoinham. Once again the Legislature has been asked to validate certain votes taken in the different municipalities of the state, and once again I see no difference in this question and what has been decided in many of the past sessions.

Being acquainted with town government, I come from a small town and I am acquainted with the situations that do occur in posting the various warrants, and I am certain that a good percent of the warrants posted in the state are irregular to a certain extent. Then your circumstances surrounding this SAD 75 I think are no different than we find in many other SADs around the state and I am sure that there are many aspects of this school proposal that I would be opposed to.

But I don't think that this body is being asked to say whether the amount of money being spent is the proper amount or whether the classroom arrangements are the right ones, or anything of the kind. I think that all we are being asked is the simple question — was this vote that was taken last June valid? And I see no reason at all where the voters were misinformed or that they were deprived of any of their constitutional privileges by the wording of this warrant.

So therefore I would urge that we vote to defeat the motion before the House to indefinitely postpone and that a motion be made to validate this bill.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Morrell.

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the

House: I rise in opposition to the motion to indefinitely postpone and in support of the L. D. We are being asked by this L. D. to clear several minor technicalities in warrants which would permit officials of SAD 75 to proceed with arrangements to construct a new high school. We are not being asked to pass judgment on any other aspect of SAD 75.

The citizens in the communities involved have, upon several occasions, voted in support of the SAD concept, and it is their responsibility to determine its future. This Legislature should not be put in a position of inserting itself in this respect.

All of you who have been involved in municipal affairs will appreciate the near impossibility of drawing up a complicated warrant which will satisfy every competent legal authority; and I don't mean this unkindly to this authority—it is just difficult to draw a perfect warrant.

The reasons for defining this L. D. as an emergency measure are two. First, with the rapid escalation in construction costs each week's delay adds substantially to the cost of any project, particularly one of this size.

The second reason, directly affecting my community, is that the Town of Brunswick has been proceeding on the assumption that SAD 75 will have its own high school by the fall of '72. Conditions presently in our high school, to which the SAD towns of Topsham, Harpswell and Bowdoinham are sending their students, are very much overcrowded—approximately 1,650 students in a building designed to handle 1,250. This overcrowding creates serious problems for both students and staff, and the longer it continues the greater the educational shortchanging of all students in the Brunswick High School.

With enrollment in Brunswick High School projected to be 1,700 by the fall of '71 and 1,800 by the fall of '72, a bad situation now will be chaotic then. Further delay will be a real problem for us all.

I hope that you will support the L. D. and vote against the indefinite postponement. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I arise to join my colleagues representing Topsham and Mr. Morrell of Brunswick. Brunswick is in the middle of difficulties caused by the construction of bond counsel. SAD 75 involves Harpswell, Topsham, Bowdoinham and Bowdoin. As Mr. Morrell has stated, the children from these towns now attend the Brunswick High School.

Mr. Morrell has also cited for you the figures that our high school built for a capacity of approximately 1,250 now contains 1,650 children. We have in the past been on a double system which has been very inconvenient I think for the children and their families and difficult from an educational point of view. I believe that the figures regarding the increase to 1,700 in the high school next year and 1,800 the following year may err somewhat on the side of moderation.

As you may have seen in the paper yesterday, the Naval Air Station at Brunswick will have an addition of approximately 400 families in June of this year. This certainly would generate an additional number of students. I don't know the exact number, but they feel that whenever the military puts a person in a town, a family in a town, it tends to increase the population due to service industries and so on by almost three times the military factor.

We sympathize with the people who stood in opposition to the particular plan proposed by the SAD 75 directors; nevertheless there have been two votes on it. I imagine if you had large enough votes on anything, finally you could get a negative vote, the people might be sick of it.

But the major thing involved is that the people of these towns have expressed their thinking twice; there is an educational emergency and there is a space emergency in the high school. I therefore hope and ask very sincerely that you will consider voting no on the motion for indefinite postponement, so that we may validate this and education may proceed.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: I realize that I have run into a great deal of opposition here, but I still feel that I am right in asking you to go along with me in indefinitely postponing this bill. I am sorry if I have conveyed to the chairman of the Education Committee, Mr. Millett, that there is no emergency here. There is definitely an emergency, but what I had to say was this—that the emergency could well be taken care of within two weeks by another vote.

Now I have not gone into the question of whether this whole building project is sound or unsound. I don't believe it should be taken up here; I don't think you should be burdened with that. But the only thing that I would ask this body to consider—have these people had a fair chance to vote on this with these irregularities? And any irregularity in any warrant I feel is a major difficulty. I feel that the people in these communities have not had a fair chance to vote. And that is all, I don't want to take up too much time on this, but I would ask that you go along with me in indefinitely postponing this bill and returning it to the people where it rightfully belongs.

Mr. Speaker, I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to very briefly support Mr. Curtis's motion. I am familiar with the community there, the former superintendent of schools for this area used to live on my property. I know that the people in Bowdoinham are very unhappy about the situation the way it is at the present time and they would like to have it settled at a local level and not up here.

The SPEAKER: The pending question is on the motion of the gentleman from Bowdoinham, Mr. Curtis, that Bill "An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 75," Senate Paper 197,

L. D. 548, be indefinitely postponed. A vote has been requested. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

On motion of Mr. Crosby of Kennebunk, the House reconsidered

its action of earlier in the day whereby Bill "An Act relating to Provisional Motor Vehicle Operator's License" (H. P. 713) was referred to the Committee on Legal Affairs.

On further motion of the same gentleman, referred to the Committee on Transportation, ordered printed and sent up for concurrence.

On motion of Mr. Bedard of Saco,

Adjourned until nine o'clock tomorrow morning.