

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

VOLUME II

1959  
and  
SPECIAL SESSION  
1960

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, June 3, 1959

Senate called to order by the President.

Prayer by Rev. James Waugh of Hallowell.

On motion by Mr. Ross of Sagadahoc, Journal of yesterday read and approved.

**House Committee Reports  
Ought Not to Pass**

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Create the Perry Recreation Authority." (H. P. 782) (L. D. 1114) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Providing a Group Hospital, Medical and Surgical Plan for State Employees, Public School Teachers and Local Governmental Employees." (H. P. 924) (L. D. 1306) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

**Ought to Pass — N.D.**

The same Committee on Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1960 and June 30, 1961." (H. P. 104) (L. D. 160) reported same in New Draft (H. P. 976) (L. D. 1386) under Same Title, and that it Ought to pass.

Which report was read and accepted in concurrence and the bill in New Draft read once. Under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

**Senate Papers**

Mr. Woodcock of Penobscot presented

**Joint Resolution**

WHEREAS, the Kansas State Legislature by appropriate legislation created the Eisenhower Presidential Library Commission for the purpose of obtaining a site for a library building to house the Presidential papers of Dwight D. Eisenhower, of acquiring title to real estate upon which to construct such

a library, and for the purpose of receiving donations of money to be used in constructing and equipping such a library; and

WHEREAS, a non-partisan committee, the co-chairman of which are Governor George Docking of the State of Kansas and Harry Darby, former United States Senator for the State of Kansas, was constituted to offer to the American people opportunities voluntarily to make contributions sufficient to defray the cost (estimated at three million dollars) of constructing and equipping such Eisenhower Presidential Library; and

WHEREAS, it is the objective of such commission and such committee to utilize all citizen donations so voluntarily subscribed to the construction and equipping of such library in Abilene, Kansas, as part of the national memorial to President Eisenhower in said Abilene, already comprising the boyhood home of Dwight David Eisenhower and the Eisenhower Museum; and

WHEREAS, upon completion of the construction of such library, it will be given by the commission in behalf of the American people — as was done in the case of the Hoover, Roosevelt and Truman Presidential Libraries — to the Government of the United States of America, to be administered by the National Archives as a research center of wide use, interest and significance; and

WHEREAS, the committee, and its subsidiary committees in each of the several States of the Union and the District of Columbia, are now actively seeking contributions from American citizens throughout the length and breadth of our nation, towards the total cost of the construction and equipping of the library; and

WHEREAS, it has been established that the fair and equitable share of the citizens of the State of Maine towards the national goal of three million dollars is seventeen thousand dollars; and

WHEREAS, the citizens of Maine should have the fullest opportunity to subscribe to and participate in this patriotic undertaking, for the proper preservation and for the use by future generations of the historical papers of Dwight D. Eisen-

hower, General of the Armies, Supreme Allied Commander in World War II, and President of the United States; now, therefore, be it

**RESOLVED**, that the Senate and House of Representatives of the 99th Maine Legislature approve and endorse the construction and equipping of an Eisenhower Presidential Library, as part of the national memorial in Abilene, Kansas, such library upon completion to be given by the American people to the nation; and be it further

**RESOLVED**, that the Senate and House of Representatives of the 99th Maine Legislature hereby bring this patriotic undertaking to the notice of the citizens of Maine in order that each such citizen may have an opportunity to share, by voluntary contribution to the Eisenhower Presidential Library Commission, in the final and successful accomplishment of such patriotic undertaking, in witness of the services of Dwight D. Eisenhower to our nation in time of war and in time of peace.

Mr. **WOODCOCK** of Penobscot: Mr. President and members of the Senate: This Resolution which I seek to introduce in the Maine Senate would bring to the attention of the citizens of Maine the proposed construction of an Eisenhower Presidential Library. This action stemmed from legislative action in the Kansas State Legislature, and there has been a non-partisan committee appointed to have placed in this building the archives attendant to Dwight D. Eisenhower as President of the United States, as a citizen of the United States and as General of the Army.

What this Commission has done is set up a cost figure of some three million dollars to have such a library built, and the various states have been called upon to support by voluntary contributions of individual citizens various amounts. Maine's share would come to some \$17,000.

This has been done, as you may know, in the case of President Hoover, President Roosevelt and President Truman. This would make a national memorial for the matters that pertain to President Eisenhower in the Chief Executive's office and when he was General. It does

in effect just bring to the attention of the people of Maine that such a library is in the process of being built or will be built and that they can contribute voluntarily if they care to do so.

I move the adoption of this Resolution.

The **PRESIDENT**: Is it the pleasure of the Senate to adopt this Resolution?

The motion prevailed and the Resolution was adopted and sent forthwith to the House for concurrence.

The **PRESIDENT**: The Chair notes in the Senate Chamber this morning a distinguished citizen of the State of Maine, formerly a highly respected legislator and outstanding member of a former legislature and also a fellow Aroostook County citizen, and the Chair would ask the Sergeant-at-Arms to escort the Honorable George Brown to the rostrum.

This was done amidst the applause of the Senate, the members rising.

#### **Senate Committee Report Ought to Pass — N.D.**

Mr. Duquette from the Committee on Appropriations and Financial Affairs on Bill, "An Act Creating the Personal Services Adjustment Reserve Fund." (S. P. 313) (L. D. 875) reported same in New Draft (S. P. 505) (L. D. 1387) — New Title: "An Act Appropriating Monies to Effectuate Pay Plan for State Employees." and that it Ought to pass.

Which report was read and accepted and the bill in New Draft read once. Under suspension of the rules, the bill was given its second reading 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 Compensation for Injuries Under Workmen's Compensation Law." (H. P. 649) (L. D. 940)

Bill, "An Act to Extend the Charter of the Eliot Water District." (H. P. 975)

Bill, "An Act to Provide Expanded Community Mental Health Services." (S. P. 322) (L. D. 898)

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

Bill, "An Act Relating to Outdoor Advertising Devices on the Interstate System." (S. P. 401) (L. D. 1169)

Which bills were passed to be enacted.

### Emergency

Bill, "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1960 and June 30, 1961." (S. P. 461) (L. D. 1313)

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

### Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item being bill, "An Act Revising Election Provisions in Charter of City of Lewiston." (H. P. 844) (L. D. 1207) tabled on May 28 by the Senator from Androscoggin, Senator Boucher, pending consideration.

Mr. BOUCHER of Androscoggin: Mr. President, I would like to know the present status of this bill. It has been buffeted around quite a bit.

The PRESIDENT: The Secretary will read the endorsements.

The endorsements were read by the Secretary.

Mr. BOUCHER: Mr. President, I now move that the Senate insist on its former action in passing the bill to be engrossed as amended by Senate Amendment A.

Mr. PIERCE of Hancock: Mr. President, noting the absence of a very interested Senator, I move that this be tabled until later in today's session.

The PRESIDENT: The pending question is on the motion of the Senator from Hancock, Senator Pierce, that L. D. 1207 be laid on

the table until later in today's session, pending the motion of the Senator from Androscoggin, Senator Boucher, that the Senate insist on its previous action and pass the bill to be engrossed as amended by Senate Amendment A in non-concurrence.

Mr. FARLEY of York: Mr. President, when the vote is taken I ask for a division.

A division was had.

One having voted in the affirmative and twenty-seven in the negative, the motion to table did not prevail.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate: I would like to point out, first of all, that I have, of course, no personal interest in this bill, it being a bill pertaining directly to the City of Lewiston. However, as Chairman of the Committee on Legal Affairs, since this report came out unanimously "Ought to pass" without amendments, I think it is my duty to uphold the feelings of the committee.

First, let me say that this bill provides two things: it provides for a change in the fiscal year of the City of Lewiston, and I think that all will agree with the Senator from Androscoggin, Senator Boucher, that everyone is in favor of the change. The second change is in the election of city officials, who will be elected for two years rather than every year now under the charter.

We had a rather lengthy hearing on this bill in committee and there was apparently no opposition. I will point out to the members of the Senate that the three newspapers in the City of Lewiston came out unanimously in favor of this bill, and that I have received no letters against it and I have on my desk a letter from every department in the City of Lewiston favoring it.

Now some talk will probably be made by the Senator from Androscoggin, Senator Boucher, about a referendum. I would point out to the Senate that we have had from the City of Lewiston in this session some seven bills, calling for such things as the raising of the mayor's salary, to raise money to aid constructions, for retirement pensions, and other things, none of which were amended to have a referen-

dum; in other words they came out without a referendum and were passed, and, so far as I know, are now signed by the Governor.

Again I say that I have no interest in this bill, but I merely seek to show the Senate what went on before the committee. I would have to oppose, in all fairness, the motion of the Senator from Androscoggin, Senator Boucher, and I would hope that the Senate would consider that the bill be passed without amendment.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I want to plead guilty to the fact of not being at the hearing. I have a very good excuse, I think, because I was serving at that time on another committee and listening to a hearing that was quite important.

All my amendment does, Mr. President, is to send it back to the people for referendum. The Senator from Kennebec, Senator Martin, has spoken of various telegrams and newspaper articles. Those are all the opinion of one man. I cannot see any harm, or I cannot see any emergency at this time to put this bill through. I was the proponent of the original bill twenty years ago which had a referendum on it and it went back to Lewiston and had passage. I have sent several referendums on the charter bill to Lewiston in the past and have had success with them. I say to you, Mr. President and members of the Senate, that this is a major change; it changes the term of office of the Mayor from one to two years; it changes the term of aldermen from one year to two years; it changes the budget date to the fiscal year rather than the calendar year. And to me the point that is most important is this: that originally the term of Mayor was set for one year and no more than two consecutive terms: in other words, no man could run for a third consecutive term. That held good for the mayors previous to this time. The reason advanced for that was that our system in Lewiston is a system of a commission of five, and apparently the people of Lewiston did not want the mayor to appoint all of the commissioners on any one commission. Under this

present change a man could appoint four at least and possibly five members in the case of resignation or death or some other reason when a member of the commission left his position.

On account of the importance of this matter, I feel, and I believe you realize that I am not the only one that feels that way, I feel that this matter should be decided by the people of Lewiston, by the voters of Lewiston. The fact that there are a dozen or so letters and a few editorials that have been printed and sent to the committee does not mean that the 20,000 voters of Lewiston approve this bill. I am willing to stake my reputation on the fact I would like to have a referendum called on it in the regular way. There is no emergency in Lewiston. The city is not crippled in any way, shape or manner. Let's have a regular election at the regular date and decide whether they want this bill to go into effect or not. I am not opposing the bill as it is drawn up; I am opposing the fact that we are making a major change in the charter without consulting the citizens of Lewiston.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I rise in support of the motion of the Senator from Kennebec, Senator Martin, against Senate Amendment A.

The discussion so far points up, as I have said on previous occasions, the responsibility of this body, that at some time or other when this city charter for the City of Lewiston was passed I do not believe that it went to a referendum in its original form. If I remember correctly, the conditions in the city were in such horrible shape that the charter was given to them. The important fact is that we are the ones who write the charter and we are the ones who, after considerable debate and consideration of the merits of any municipal problem decide whether it is good or bad. I do not have to send a bill home to referendum to shift responsibility from me as to whether or not a charter is good or whether it is bad. They are agents of the State; they take their instructions from us and they get their authority from us. I do not see this business of

shifting my responsibility back to the people of the City of Lewiston to decide whether or not we should adopt an amendment, but if I were going to do so, if I were thinking of doing so, I think I might be impressed by letters which indicate that many more than one person is interested or has expressed an opinion. We have letters from all of the boards in the City of Lewiston, and we have editorial comment, to be sure; but I dare say that if there was any real opposition to it such opposition would have made itself felt long before this day.

The Senator from Kennebec, Senator Martin, has covered the merits of the bill quite completely, and he has referred to editorial comment. The fact that the Senator from Androscoggin, Senator Boucher, tends to slip over the possible savings to the community which may be realized from the passage of this bill indicates that there may be other factors involved. I, too, have no personal interest in this measure, but I do have a responsibility as a senator. To quote the editorial in the Lewiston Daily Sun, May 25th, the last two paragraphs:

"What we like best about the bill is the change-over of the fiscal year to January 1st. With adjustments in the tax year the city could save money by not having to borrow in anticipation of tax income. But chiefly the savings would come in the Public Works Department, where Mr. George Maher estimates savings of \$50,000 the first year and larger ones thereafter. The reason is that earlier fixing of the budget would permit Public Works to do its construction planning and get the projects out for bid, before contractors were all booked up with other business.

"This bill came out of the Legal Affairs committee with a unanimous vote, and it has been backed by most departments in the city government, the Vigilants, the Chamber of Commerce, the Lewiston Development Commission, and other civic groups. It ought not to go to referendum and thus delay matters. If this Legislature does the right thing the first biennial election can be held this fall, with savings to the city beginning shortly thereafter."

Under such circumstances, I see no occasion for us to refer this bill out to any kind of a referendum.

Mr. BOUCHER of Androscoggin: Mr. President, in answer to the Senator from Cumberland, Senator Weeks, I am glad he brought out the fact of the \$50,000 saving. That is a phantom saving, Mr. President and members of the Senate. Nobody will know how much we will save until the thing has been tried out.

They quote from George Maher. I am glad to quote him too. I had a personal interview with him. George Maher denies he ever made any such statement.

Now in the past budget in the City of Lewiston, which they passed only a few minutes before midnight, there is about \$100,000 in the Highway Department for buying materials. If anybody can save \$15,000 on \$100,000 in buying materials I want to see that man because he will make me a fortune. I would agree to a possible saving of two or three thousand dollars or two or three per cent, but when they make the statement that there would be a saving of \$50,000 it is ridiculous.

The Senator from Cumberland, Senator Weeks, tells about his duty as a Senator. Well, I have a duty as a Senator, but I have other duties: I must look out for the interests of the City of Lewiston, and for its taxpayers who pay the bill. I am sure that if we can save \$50,000 in one department we should have done it a long, long time ago. Somebody has been awfully lax. All at once they have discovered that they could save \$50,000 out of \$100,000. That man is a miracle-worker if he can do that, but he told me personally that he made no such statement, that the statement was false and he did not make any such statement. He told me, and I agree with him, that there was a possibility that in the changing of the fiscal year we might make a saving, he was not sure but we might make a saving of a few thousand dollars. That answers that question. Now I insist that the people of Lewiston should decide this matter. We are not killing this bill, we are sending it back to Lewiston. There is no emergency. Let them decide at a regular election

whether they want to make a change in the election of their mayor and aldermen. That is all I ask of this Senate. Let us send it back to the people of Lewiston and let them decide.

Mr. ROSS of Sagadahoc: Mr. President, as I was walking in the State House this morning I met the Senator from Androscoggin, Senator Boucher, and he said to me, "What do you have up your sleeve today?" I said I didn't know, because I did not realize this was coming. I do not suppose that I should meddle in the affairs of the City of Lewiston, but since my opposition all the year has been from my good friends, the Senators from Lewiston, I feel that I certainly must oppose them now in support of the Legal Affairs Committee. I stand in behalf of the people of the City of Lewiston too in so doing, because this bill would certainly save them many thousands of dollars.

Now in the City of Bath we have had charter changes which certainly were more drastic than this and they did not go to referendum. I do not feel that this type of charter change warrants a referendum, and I surely will support the Legal Affairs Committee.

Mr. FARLEY of York: Mr. President and members of the Senate: I am going to support the Senator from Androscoggin, Senator Boucher. I did not want to get into this standing up but I wanted to vote with him.

There have been remarks made in regard to the Legal Affairs Committee. I think I was one of the victims of the Legal Affairs Committee. I would like to say to you here this morning in all fairness: a bill was passed out in the interests of a new school in Biddeford. The remarks that I made here then still stand: we haven't got a lot, we haven't got a pick or a shovel to build that school. I think this is home rule and I think that we should let the citizens of Lewiston decide it.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I also am a member of the Committee on Legal Affairs, and when I heard this case, and also in executive session, I suggested that this go to referendum because it

was a matter of home rule. However, I was in the great minority, nine to one, and I consented to go along with the majority. I would like to voice my opinions during this session by supporting the motion of the Senator from Androscoggin, Senator Boucher, because I too feel that this is a matter of home rule, it is a matter which requires changes in the city charter and it is something that the people of the City of Lewiston should decide for themselves.

The PRESIDENT: The pending question is on the motion of the Senator from Androscoggin, Senator Boucher, that the Senate insist on its previous action in respect to L. D. 1207 whereby it passed the bill to be engrossed as amended by Senate Amendment A. A division has been requested.

Mr. MARTIN of Kennebec: Mr. President, my colleague on the Committee, the Senator from Oxford, Senator MacDonald, is absent, and he asked me if I would pair with him. The Senator from Oxford Senator MacDonald would vote in favor of the motion of the Senator from Androscoggin, Senator Boucher, and I would vote against it. I ask to be excused from voting.

Thereupon, Mr. Martin of Kennebec was excused from voting.

Mr. BOUCHER of Androscoggin: Mr. President, when the vote is taken I ask for a division.

A division of the Senate was had.

Twenty-one having voted in the affirmative and six opposed, the motion prevailed and the Senate voted to insist.

The President laid before the Senate the 2nd tabled and today assigned item being bill, "An Act Amending the Maine Housing Authorities Act." (H. P. 967) (L. D. 1373) tabled on June 1 by the Senator from Cumberland, Senator Charles, pending enactment.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: Under suspension of the rules I request that the Senate reconsider its action whereby this bill was passed to be engrossed.

The PRESIDENT: Is it now the pleasure of the Senate that the rules be suspended and that we re-



consider our action whereby this bill was passed to be engrossed?

The motion prevailed.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I am going to present an amendment to this act and it is going to be an amendment to House Amendment B which we have already considered. Before doing so, I would like to explain my motive in doing this. If you would refer to filing No. 414 in your file-book, I probably could explain it a little better, so if the President will grant us a moment to give you time to look in your books, you can refer to filing No. 414.

Mr. President, now that the members have referred to this amendment, and having studied it briefly, I move that we suspend the rules and reconsider our former action whereby House Amendment B was adopted.

Mr. LESSARD of Androscoggin: Mr. President, I rise to a point of information. What is the filing number of this amendment?

The PRESIDENT: Filing No. 414. Thereupon, the rules were suspended and the Senate voted to reconsider its previous action whereby it adopted House Amendment B.

Mr. CHARLES: Mr. President, I now present Senate Amendment A to House Amendment B.

The Secretary read Senate Amendment A to House Amendment B.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: This change in the amendment is going to correspond with the entire State of Maine with the same privileges and rights that are given to all of the other cities and towns. In other words, as the amendment states, the City of Portland would be the only city or community in the State of Maine that would have to have but one referendum to permit housing projects. Now the other cities and towns that desire to have housing developments have the right to have separate referendums each time they want a new project developed in their town and they have complete control over the extension of public housing, whereas the City of Portland, which this refers to, would not have

that privilege. In other words, if a single referendum is authorized for the City of Portland alone it would mean that federal housing could be built with as many projects as required or as desired without any further say from the people of Portland. I do not think that it is the intent and purpose of the sponsors of this original bill to tie up the desires of the voters of Portland to this extent. However, there is an explanation which must be given here at this time to clarify certain misunderstanding, and that is that two years ago when we enacted this bill, at that time there was some confusion as to whether or not a separate referendum was needed for each contract, for each project. I was definitely opposed to having a separate referendum for each contract, for each project, and I went on record as being in favor of one referendum for all contracts for one project.

What my amendment does here is that it provides that the City of Portland, if it desires to have a public housing project, can petition the city council for that authority and have a referendum, and then the voters of the City of Portland will vote as to whether or not they want to have a public housing project, wherever it may be, in the city. Then after they have had this project and they find that they need another one, maybe three or four years later, they then can come in with another petition and say that they need another development in another part of the city and that they desire the right for a referendum vote on that project. I feel that that is the right way to do. By doing it the other way, by making one blanket referendum for a lifetime of projects, I think is probably not the proper thing to do.

We must also consider the fact that the bill does contain an eminent domain clause. I am not going to debate the merits of the eminent domain clause in the bill; that is not the point at all. I do want to point out the important thing: that if a housing development is developed in Portland that the federal government would have eminent domain proceedings, homes could be dislocated, families could be thrown out and their homes

would probably be replaced by public housing. If this is done without separate referendums in years and years to come, we are going to be faced with this mass moving and taking of homes by eminent domain under this one referendum clause.

Now I am for public housing, I am not opposed to it, but I believe that we should have public housing under control, that the people of Portland should have the right to decide whether they want development in this area or that area or whether they want one this year or next year. They can still have it, and they can have as much as they want, provided they give us the right to vote when the time comes. It is for this reason, members of the Senate, that I present this amendment to put the City of Portland on the same lines as all of the other cities and towns in this State, and I will rest my case there.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I understand, and I stand to be corrected if I am wrong, that the House amendment provides that it is permissive to have one referendum, but it does not prohibit having more if the people want it. In other words, the House amendment provides for cities of over 50,000 population to have a single referendum, and then thereafter they may have more if they wish, but, unless the people petition for it, one single referendum would be sufficient. I understand that would be more efficient and more encouraging to the Portland housing project. As I understand it, this move by the Senate amendment is more or less a block being thrown to stop the housing project. I don't know whether it is true or not, but I have been told that is so. We do know that the newspapers have published the fact that the urban renewal situation in Portland has been impeded if not stopped because of insufficient housing for the people to be relocated. If that is so and if House Amendment A provides for one referendum which would increase the possibility of redevelopment, and the people in Portland can have further referenda on proper petition, I do not see any use for the Senate amendment being proposed

by the Senator from Cumberland, Senator Charles.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I completely disagree with the good Senator from Androscoggin, Senator Lessard, because the last two lines of Filing No. 414 states specifically that it shall not be compulsory to hold additional referenda; it completely ties the hands of the City of Portland. And I also disagree with the statement that this bill would have any effect upon the slum clearance development of the City of Portland, that if they want a slum clearance development after this bill becomes law in ninety days, all they have to do is to petition the city council and go ahead and have their housing. Now I certainly do not go along with that thought at all. I also emphatically say that this is not an effort on my part to stifle any progress so far as public housing is concerned in the City of Portland. I think it is going to help them rather than hurt them.

Mr. LESSARD of Androscoggin: Mr. President, as I read the House amendment, the last part says it shall not be compulsory to hold additional referenda on such projects. That would seem to be permissive. That language means that they could have one; it doesn't prohibit them from having one. If it is permissive they can have as many referenda as they wish. It says it shall not be compulsory for future projects.

On the other hand, if the people of Portland question some of the housing projects they can ask for referenda and they can have them. This permits them to have something they want but it does not restrict them. If the amendment read that they could have but one referendum and it would be impossible to have future ones, I can see that would be perhaps rather restrictive and would not serve the purpose, but this amendment here just says it shall not be compulsory and it does not stop the people of Portland, if they object to any one of these projects, from petitioning for a referendum.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate: I have to rise in opposition to

the amendment proposed by the Senator from Cumberland, Senator Charles.

I think if the people become disturbed because of the fact that a project is being put in in a certain section of the City of Portland that these people that are in that area can petition the council and have a referendum as to whether they want a housing project in that particular area or not, under the House amendment.

I think one of the reasons for the House amendment is the fact that this bill has been a housing bill on the books of the City of Portland, a public housing bill, and apparently the people that want public housing cannot seem to find a way, up to the present time anyway, of getting a housing project started. I cannot tell you what may be the reasons for it, but there has not been a public housing project in Portland, and therefore certainly, for one reason or another, either they cannot get a public housing project started there or maybe they are being obstructed in one way or another from doing this. I do not see where this House amendment would do any great damage to the City of Portland, and I am going to rest my case right there and support the House amendment.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: We have had this act upon the books since 1949. I do not know of any concerted effort within the limits of the statute made by anybody in the City of Portland at any time which has been defeated as a matter of record. They may have considered it, but a good many times a project is considered and abandoned. As the Senator from Cumberland, Senator Coffin says, no housing authority doesn't mean that you could not have one if you go about it properly. You might say the same thing about every city and town in the State of Maine: they have the right to operate under the terms of the statute. I rise, therefore, in support of the motion of the Senator from Cumberland, Senator Charles, not so much that I am in favor of the amendment at all, but the House amendment creates some confusion, and also it is

fundamentally unsound when you segregate from the entire communities of the state one community and say it is a special rule so far as you are concerned. It has always been considered unsound legislation. It is very seldom that you can find on the books anything of that nature. If I were going to have my way, I would indefinitely postpone the House amendment completely.

Mrs. LORD of Cumberland: Mr. President and members of the Senate: I just would like to correct the record. We do have public housing in Portland; it is called Sagamore Village, and it has been very successful and very well operated. I cannot see how you would get any better action with this amendment than we have had before; I cannot see how it would make any difference at all. So I think, rather than have Portland have one law and all of the rest of the communities have another, that we should go along with the amendment of the Senator from Cumberland, Senator Charles.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I would like to ask a question through the Chair of the good Senator from Lewiston, Senator Lessard, as a friendly question and in all sincerity: as to whether or not under my amendment the City of Portland would be deprived of a housing development if they followed the law as it is and the referendum as written.

The PRESIDENT: The Senator from Cumberland, Senator Charles, proposes a question to the Senator from Androscoggin, Senator Lessard, and the Senator may answer if he chooses.

Mr. LESSARD of Androscoggin: Mr. President, if I understand the question, I think the question is whether the City of Portland would be deprived of housing projects. I do not assume that they would be deprived. However, I am sure that if they had to vote on each project as it came along it might impede the building of the projects if every one of them had to go to referendum, whereas if they voted once and knew what they were voting on it would allow an orderly process of

building these houses. I may not be correct, but I understand that this Senate amendment is to force each one to a referendum and impede the orderly building of these projects, and this impeding was one of the reasons why the Portland Urban Development was rejected, or at least slowed down. The House amendment doesn't say they cannot have referenda, it just says it is not compulsory on each one, once the city has voted for housing projects. I think that House Amendment A does the job they want done, and then later on if people are interested and if there are certain real estate interests that do not want these things they can surely bring forth a referendum and stop the low-cost housing units from being built. When the vote is taken I ask for a division.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Charles to adopt Senate Amendment A to House Amendment B; a division has been requested.

A division of the Senate was had. Fifteen having voted in the affirmative and thirteen opposed, the motion prevailed, and Senate Amendment A was adopted.

Thereupon, House Amendment B as amended by Senate Amendment A thereto was adopted and the bill as amended was passed to be engrossed in non-concurrence.

On motion by Mr. Boucher of Androscoggin, the bill was ordered sent forthwith to the House.

On motion by Mr. Charles of Cumberland, L. D. 1373 was ordered sent forthwith to the House.

The PRESIDENT: In the interest of saving valuable time, unless otherwise directed, is it the pleasure of the Senate that all bills that have been passed to be engrossed shall be sent forthwith to the engrossing department?

It is a vote.

The President laid before the Senate the 3rd tabled and today assigned item, being bill, "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." (H. P. 145) (L. D. 201) tabled on June 2 by the Senator from Piscataquis, Senator Parker, pending consideration.

Mrs. LORD of Cumberland: Mr. President, I move that the Senate recede and concur with the House.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I rise in opposition to the motion to recede and concur. If we continue to debate this bill back and forth between each branch, we not only will be here for other reasons but we will be here debating this bill all summer. I think the time has come to make a stand on this bill which will be lasting. I am sure that the motion that has been presented, is to my mind not in the best interests of either branch or for the citizens of the State of Maine. I shall oppose the bill and I ask for a division.

Mr. ROSS of Sagadahoc: Mr. President, just a parliamentary question on this bill, this being a Bond Issue, does the motion to recede and concur require a two-thirds vote?

The PRESIDENT: The motion to recede and concur does require a two-thirds vote of those present.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate, we have this morning some very important and we think sensational information relative to this Chebeague project. I have had the privilege of talking with some of the people in authority at Chebeague Island relative to this bridge and although the time has been very short this information is such that I did not intend at this time to disclose it but apparently I believe I will have to and the proposition is this.

That the people of Chebeague Island will be willing to purchase the beach and the fifty acres adjacent to it for a State Public Park and that they would turn over this beach and land free and clear to the Park Department.

The effect that this would have upon this project would no doubt treble the ordinary traffic down there in the summer time because of this beach. There is no question in our mind here that the State of Maine has too few places where the

public can gather at salt water. I feel that the 300 residents that are there now year round, this also will treble with this bridge and run it up to five or six hundred and I would like very much, I am anxious as everyone else to get home and I don't like the idea of dragging bills up out of the grave, but this bridge business apparently is getting pretty close to my heart and I would like very much to have the opportunity to lay this bill on the table until tomorrow morning. Thank you.

The PRESIDENT: Does the Senator make a motion that the bill be tabled and especially assigned?

Mr. COFFIN: I do, Mr. President.

Mr. ROSS of Sagadahoc: I request a division, sir.

Thereupon, a division of the Senate was had.

Eleven having voted in the affirmative and fifteen opposed, the motion to table did not prevail.

The PRESIDENT: The pending question is now on the motion of the Senator from Cumberland, Senator Lord, that the Senate recede and concur with the House in the enactment of the bill. This being a Bond Issue, in accordance with Section 14 of Article 9 of the Constitution, it requires the affirmative vote of two-thirds of those present for passage.

A division of the Senate was had.

Fourteen having voted in the affirmative and thirteen opposed, fourteen being less than two-thirds of those present, the bill failed of passage.

Mr. Wyman of Washington presented the following Order and moved its passage:

ORDERED that the Assistant Secretary of the Senate be directed to have flowers sent to Mrs. Chester T. Winslow, with the sympathy of the Senate and wishes for a speedy recovery.

Which Order received a passage.

The PRESIDENT: I am sure that the entire membership of the Maine Senate and Staff all join in extending our very best wishes to Mrs. Winslow and trust that her recovery will be speedy.

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table the 1st tabled and

unassigned item, being bill, "An Act Creating the Portland Coliseum Recreation Center." (S. P. 117) (L. D. 267) tabled by that Senator on March 20 pending enactment.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I have had conflicting ideas in my mind for the last couple of weeks ever since the edition of the Portland Evening Express on April 1, 1959 on which appeared a front page item which said, "Twenty Votes Are Claimed for Coliseum in the Senate". Since that time, reports have become increasingly on the pro side of the bill — I beg your pardon, my motion is that the Senate indefinitely postpone L. D. 267 — consequently it is with some trepidation that I attempt to say a few words to you regarding this bill which I think are extremely pertinent. Of course the opposition will condemn anything I say as not being worthy of your consideration. However, I crave your indulgence to listen for a few moments.

It just happens by chance that in this same edition of the Portland Evening Express it also has a front page headline which says: "Hannaford Moving Most of Operations to South Portland Industrial Park". Now there may be something coincidental about those two announcements. It just happens also, I will digress long enough to say, that several other companies are moving over to South Portland and it points up the big important question, Why? I believe when I complete what few remarks I will make, I believe it is not because of the absence of a Coliseum in Portland; it may be because of the impending impact upon the city debt and also upon the city monetary situation as a whole.

To begin with the Coliseum matter has been under consideration and debate for a long time, something which has been very damaging to the city. A little while ago you had presented to you a Resolution dealing with a favorable business climate — I believe that is what it was — I believe that so far as a favorable business climate in a city is concerned, there is nothing worse than a long continued, busily fought

fight over any particular issue especially one engaged in by many leading citizens.

Now all of the participants in this debate which has been conducted for practically a year, have been responsible citizens of the Portland Community. There are many people opposed to it. I have no hesitancy in saying that because anyone who owns a home in the city knows what the impact is going to be so far as taxes are concerned. Also the city government has been opposed to it continuously and I will refer to the reason for that in a moment and I dare say you will admit it is very good grounds. Many are campaigning strenuously, intolerant of argument, scornful of all opposition. The viciousness of those in favor has even reached the point where they even considered recalling a member of the city council because he was opposed to a three and a half million dollar proposition involving a Coliseum. Also as of last night, if you read the Evening Express you will find where the same proponents are calling the city councillors stupid because they are persisting in constructing a building which would serve people at least to a certain extent.

The facts that I shall refer to are all facts of cold record. I think they are matters and facts of real significance known by everyone, including you. The proponents of this measure attempt to say that a Coliseum is a panacea for all Portland's ills. They claim that by creating a district it can be built, and by inference at least, they leave it in the air as to how it is going to be paid for but they make the inference that by some mysterious means it is not going to come out of the taxpayer. That is the bill which you have before you. The bill had as a heading, "An Act Creating the Portland Coliseum Recreation Center". If you read the Act it says: ". . . for the purpose of acquiring property within said City of Portland for recreational and municipal purposes, and erecting, enlarging, repairing, equipping, maintaining and operating on said property a building or buildings and related athletic, recreational and

municipal facilities, and facilities for the parking of all kinds of buildings, whether you call them Coliseums or not.

To remove any doubt as to who is going to pay for this, it provides for the manner in which bonds which will be paid for up to three and a half million dollars, and that should ring a bell with many of you. Three and a half million dollars is going to be a drain on the State of Maine or impair the credit of the State of Maine whether you have it in a district form or on the basis of straight loans from the city officials themselves. This is three and a half million dollars worth of debt and it is going to have to be paid. And every bit of property in the city of Portland is subject to that claim. If on the state level, three and a half million dollars means something what does it mean on the city level? If you have any doubt as to who is going to pay it, the five trustees who are going to be appointed under the terms of this bill merely send the bill over to the city council or the city assessors and if by December it hasn't been paid they turn a warrant over to the sheriff and he can levy upon any building he wants to in the city of Portland.

Certainly the people back home ought to know what the impact is going to be. Even those who have been most enthusiastic in supporting this measure have frankly stated that they expect the impact to be at least two hundred thousand dollars a year. In other words they don't expect that it is going to be a self liquidating enterprise in any way. I believe if you will refer to the experience of the city of Bangor, you will find that it cost the city a substantial amount of money. In fact, several members of the Bangor area have talked to me and described it as a horrible white elephant. Maybe they exaggerated and maybe they didn't, but they called it a white elephant.

In any event I have an interesting letter from Mr. Paul Hanley, the right hand man to Mr. Benoit and he says, and I quote: "I hope that you will not permit any consideration other than the sheer merit of the bill to govern your action." Now the sheer merits of the bill are

those which I assume bear upon the expense to the community, bear upon the anticipated benefits to be received. There you have it.

Now in spite of the fact that several members of the Legal Affairs Committee which reported this out ought to pass unanimously, did vote in that way, there are several of them who have mentioned the fact that they were not too enthusiastic about it and probably wouldn't vote for it on a referendum so it points out the question again, of what is our responsibility. This proposition of let the people vote, is that the thing that is going to control your position here, or are you going to vote upon what you consider the merits of the bill? You don't have to pass upon this question of letting the people decide because they have the right to direct their own situation right now. That may sound strange to you. But it won't, if you listen to a few figures.

Just a short time ago, my little city of South Portland went through the aches and pains of revaluation. They wound up with a city valuation today of approximately ninety-five million dollars. A short time ago Bangor went through the process of revaluation. They had an evaluation of one hundred twenty-four million dollars. Now, with those two figures in your mind will you kindly listen to the Portland valuation? One hundred ten million dollars. Does that raise any question in your mind?

Nobody wants revaluation but if the people of the city of Portland want a Coliseum, all they have to do is go tell the city government, "Revalue". The state valuation incidentally on the city of Portland is two hundred twenty-eight million. Certainly if South Portland has a ninety-five million dollar valuation, then Portland must be more than twice that, and it certainly should be a lot more than Bangor, but it isn't. So, if there is such an overwhelming desire in the city of Portland by the taxpayers for a Coliseum and they want to spend three and a half million dollars to do it, all they have to do is tell the city fathers, those who have the responsibilities of government, that they want a revaluation. After that all they have to do is

make themselves known to the city fathers and that they want a Coliseum and they can do it very easily. Now they don't have to bother us one bit. I say that in the hopes that possibly some newspaper reporter won't say that I'm trying to disenfranchise the people of the city of Portland. That is the farthest thing from my mind and of course that is a most impossible thing to accomplish.

What would you do if you did have the borrowing capacity of three million dollars? Would you build a Coliseum? I doubt if the city of Bangor would build a Coliseum today, and it could today on its own financial standing. It could borrow three and a half million dollars and build one but they contented themselves with one million two hundred fifty thousand. The little city of South Portland could build a three and a half million dollar Coliseum if they wanted to. If they wanted to disregard every other municipal project there is to have in the planning board. It could.

I have heard a lot about clean waters around here lately. I have the headline material of the Portland Evening Express of May 21, 1959, and reduced down to the fewest words, it said, "Portland stinks". I have another headline of June 1st in case, I suppose they thought, you had recovered from that one, by June 1st you might have gotten over it. If you lived around here you never could and they should know it. But it is the same headline, and apparently they want the whole world to know it. It is something to be proud of. I dare say it would be a material factor in enticing some industry to come locate there. On top of that of course, one profound editorial writer saw fit to write a little article in which he said, "Portland's Sewage is Showing." A very profound article. I don't believe you would have to wait too long before you could dash off that little ditty and there it is. Now, does that project come before a Coliseum or doesn't it?

Just to digress for a few moments. I talked with a member of the Department of Economic Development over here, and one of the reasons that caused him to leave his

job was day by day frustration. What good does it do us to put \$750,000 into that budget over there and that is what they are asking for this time — if they are going to use that money advertising, chasing possible people to come into the State of Maine with industry, if when they get them here there isn't one community ready to receive them? I said "one" and I shouldn't have said "one". There are some. Lewiston has been a dandy at taking things away from Portland. South Portland has taken them away from Portland. Thank God the breeze doesn't blow in that direction. Portland isn't getting them and there are several reasons for it. Do you think for a moment any of these hardboiled business men coming to Maine are coming here just to be in Maine? They are coming because they can operate efficiently or more economically and for no other reason.

Recently there was an article in Dun's Review and Modern Industry discussing this very problem of the approach made by industry to relocate and the article reads — and it is very interesting, I think — "In considering community inducements to build plants," — this particular company was Rockwell Manufacturing — "Rockwell is wary of special deals, such as tax concessions." Comments Rockwell, "We want to go into a community where we know new industries are carefully screened before they are invited in, and we don't want inordinate tax breaks, which, in effect, may come out of the pockets of other companies already in the town."

That is a sound conclusion, assuming the tax breaks were legal, but they aren't legal and they recognize the fact that they aren't legal and they don't want any extra consideration.

"After consultants have narrowed plant recommendations to a specific location, Rockwell follows what might be considered an unscientific approach in making a final decision on the location. It studies local newspaper files, quietly appraises the current political economic and social climate of the town. Rockwell executives visit as many community residents as possible. From

other industries in the community, they learn about community attitudes, employees' sense of responsibility, and similar factors as viewed by fellow industrialists.

"Rockwell finds that in the final analysis, a walk around town to look at the parks to see if the grass is cut, at the schools to see what shape they're in, at the churches and the homes to see if they're well-kept can tell more about the town than all the inducements and welcomes extended by community leaders.

"The biggest job in establishing a new plant in a community is preparing people for the impact of the new industry. A plant employing 300 people directly affects 2,710 people, according to studies by the U. S. Chamber of Commerce. These 300 manufacturing jobs create 222 other jobs in grocery stores, service stations, new construction and numerous other businesses in the town. About twenty of the new plant jobs call for experienced supervisors who generally come from other areas, creating promotions for the jobs they left.

"Assuming each person with a new job has a family of five, 2700 people would be directly affected, plus other hundreds in the community concerned with the new plant, such as local government and civic leaders, business men and suppliers, and that large, indefinable group who will be neighbors in the community.

"According to Maurice Fulton, president of the Factory Locating Service, 'In their planning for specific locations, companies are turning more and more to a scientific approach trying to anticipate their requirements and project them into a specific location, rather than waiting until they suddenly have a need for more production and then running out and looking for any existing buildings that can be had immediately. There is a new recognition that sound expansion requires advance planning'."

"Although the availability of a reliable labor supply remains the No. 1 consideration with most of the surveyed companies, other factors in plant location are becoming increasingly important. More than half the companies report that trans-



portation has increased most in importance in the last few years.

"Several are now more concerned with finding locations which provide good schools and a cultural environment that attracts high-level technical people.

"There also is a much keener awareness today of the importance of the "business climate" — the community attitude toward business."

And what could be a more desirable step to make than to take the smell out of the atmosphere? That, for the city of Portland, is a ten million dollar project right now. Bearing that in mind, I give you a few words from the Chairman of the Finance Committee of the Portland City Council. I believe his words can be relied upon.

"It is the opinion of the Finance Committee that the need for an improvement of this type" — and he is talking there about the Coliseum — "must be weighed against other needs. We have studied this matter carefully and have reached the conclusion that the City cannot afford to have a \$3,500,000 coliseum.

"The City of Portland plans for its public improvements five years ahead and has been doing this since 1948. In 1948 we began a program of spending about \$800,000 a year for such improvements. In 1955, we raised our level of spending to \$1,300,000 per year. Of this amount, \$500,000 is raised by current taxes, and \$800,000 is raised by selling bonds. Therefore, the City has spent approximately \$10,000,000 of its own funds in the last ten years on capital improvements such as" — such as what? "schools, streets, sewers, slum clearance, fire stations, parks and playgrounds, the airport, and many other items."

Are those important items to come ahead of a Coliseum?

"In spite of this rate of expenditure, the city is far from catching up with its needs. A look at the future shows that there are many improvements needed which are more essential than a coliseum.

"Right now, the city is employing five architectural firms which are preparing the plans and specifications for a \$2,000,000 school construction and alteration program.

This work must be finished by September, 1960, in order to be able to meet the needs of our children at the high school level."

Where is that going to come from? By the end of this year the city of Portland will be obligated for \$7,700,000. The debt limit is \$8,300,000. You fellows who want to vote for this bill, figure out where the money is coming from.

"The work must be finished on the school construction and alteration by September, 1960, in order to be able to meet the needs of our children at the high school level."

Just two million can't be raised.

"We are altering and enlarging our three junior high schools, changing an elementary school to a junior high, building a new elementary school to take its place, and making alterations to our senior high school buildings. There are two slum clearance and urban renewal projects which will require \$585,000 of city funds. In Back Cove, the City's raw sewage is creating a potential health menace and nuisance. The City has had engineering studies to lay out a master plan for eliminating this problem. One location alone and the cost will be about \$2,500,000."

"Apart from these major sewer projects, this city now has needed sewer projects which amount to \$450,000. There are identified street projects which amount to \$830,000; park and playground needs amounting to \$130,000; and miscellaneous needs amounting to over \$400,000."

Right at the present time we have two school projects costing \$300,000 apiece. What comes first? Do you think for a moment that we should put our blessing on this bill and say "We disregard the merits of your situation. You are our servant and you perform our governmental function for us. Go ahead if you want to; borrow three and a half million dollars!" As if it wasn't going to impede our progress; as if it wasn't going to add \$200,000 on to the annual tax bill.

Under the Constitution, you have a seven and a half mill limitation upon your borrowing capacity. In the years gone by we have been presented with district bills. I was in the Legal Affairs Committee and many at that time were pre-

senting school bills and if there is one thing that I think comes above all others, it is schools. If anybody wants to disagree with me they can do so, but I don't. We used to give concessions to towns by granting them a district, which meant nothing more than giving them the privilege to go beyond their debt limit for the purpose of constructing schools. You should examine that situation pretty carefully, and if there is any dispute about it you should refer that to a referendum and see if they want to incur that debt. After all, it is a constitutional limitation, the process of granting by the legislative process exemptions to what the people of any particular town think should be the debt limit, and it should be approached with caution. It should certainly be done in a case like this where the total debt is approximately 17.7, granting them fifty per cent more than they already have for debt, thereby putting them way over the debt limit, and thereby impeding future progress so far as capital construction is concerned and inevitably making it necessary to raise taxes and to revalue.

I say to you today that this is not a bill which should receive your consideration. It is a bill which has your responsibility behind it and you cannot sit here as if you were looking at a contest on the sidelines. When you pass a bill out "Ought to pass" it has your blessing on it. If the Senate of the State of Maine says this is the thing you want to do, that is all right, but I say it should not be done.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Weeks, that L. D. 267 be indefinitely postponed.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: First of all, I want it understood that the Senator from Cumberland, Senator Weeks, and I are going to remain friends, as we always are. The issue before us today is representation for those whom we represent. In other words, we are representing our constituents and we have been asked to

present the case to you for and against. I am rising for this bill.

This matter, which came before the Legal Affairs Committee, did receive a unanimous report, and I believe it was based primarily upon the rights of referendum which we have spoken about so much. I also want to compliment the Senator from Cumberland, Senator Weeks, for the argument which he has presented, and I am sure they are going to be excellent comments to present to the people of the City of Portland if you give us the privilege of sending this to the people on a referendum in December. The arguments which he has presented will be more than adequate, I think, to inform the people whether or not they want to vote for this bill.

Such a matter as that now before you concerning this bill is an honest and sincere measure requesting your permission to give the citizens of Portland an opportunity to decide the pending question under our legislative process of home rule referendum. This is no ordinary so-called overnight type of legislation that is thrown upon us to receive sympathetic treatment simply because of its referendum provision. I for one, have and no doubt will continue to oppose any measure that comes to this body which, in my opinion, is designed to prey upon the good citizens of any community that may bring harm when the subject matter has not been given sufficient local attention for complete understanding.

I do have sufficient evidence for your examination that the question as to whether or not the City of Portland citizens want an all-purpose Civic Center as proposed under this bill, is well understood and has been given extensive discussion and consideration for the past two years. As an example of this interest both for and against the question of a coliseum, I hold in my hand a file of newspaper accounts of nearly every press release, editorial comments, letters to the editor, local city government actions and many other items including the impact upon our taxes, economic situation and professional surveys.

I have here a telegram from Jean Gannett Williams of the Gannett Publishing Company which says: "The Portland newspapers believe people entitled to decide on coliseum issue by referendum." I have here the tax figure which they pay the City of Portland of \$43,500. I have a telegram here from one of the department stores in the City of Portland, W. T. Grant Company, which says: "As a taxpayer of Portland I am in favor of this Coliseum bill." Their tax is \$51,000. I have another telegram here which says, "We are in favor of the passage of the bill creating a Portland Coliseum Authority," which is signed by Congress Square Hotel Company, George S. Kelley. Their tax is \$105,568. I have sixty or seventy similar telegrams from businessmen and taxpayers of the City of Portland, which more than substantiates the fact that these taxpayers are interested in bringing this type of building to Portland.

When I was approached by the citizens, businessmen and taxpayers of Portland as to my opinions on the Coliseum question for legislative consideration, my first reaction was whether or not this was in the public interest and if legislation was introduced, would it be mandatory or permissive. I could only accept such a bill for your consideration if it was permissive, and by that I mean a bill that would give Portland the right to decide by permission of the legislature. I also made it known to all my constituents and the proponents proposing this bill that I would place on the record the fact that, should this matter be adopted by referendum it would involve an increase in the local tax rate of \$1,908 per thousand the first year and would be reduced by amortization of bonds for \$3,000,000 for a period of twenty-five years to \$1.123 per thousand on the 25th year, or an average of \$1.516 per thousand.

What has been the reaction to this proposed increase in tax rate? Yes, there is opposition. There is also approval, but the approval of the increase comes from taxpayers in the business field of those members of the Portland Coliseum Committee whose taxable property runs close to a million dollars in assessed

valuation, or three-quarters of a million in taxes. I believe that this information has been forwarded to each member, listing the names and firms of all members of this committee. I also have in my possession here literature and evidence that this is true. It is the opinion of these taxpayers that the progress and improvement of the economic condition of Portland can best be improved by promoting activities and investing in projects that will bring business to Portland, in spite of the fact that it may require a small additional appropriation for maintenance of the Civic Center. I cannot complete my appeal to you without mentioning the arguments in opposition to this measure by those businessmen who are also taxpayers and, of course, the actions taken by the Portland City Council.

The opponents have expressed the need to make other improvements such as new schools, slum clearance, and specified capital improvements, and I believe that this opinion also has merit and certainly deserves serious attention, and I am sure that it will be weighed very carefully when these same citizens have the opportunity to decide it, if we give them this right.

The recent action finally taken by the City Council to proceed with the renovation of a fifty-year old building known as the Portland Exposition Building at a cost of nearly \$600,000 — I believe a contract has been let recently slightly below that figure, but in excess of five hundred thousand dollars — does not meet with the approval of many taxpayers of Portland. It was unfortunate that the City Council could not have delayed its proposal after an appeal by the Coliseum Committee to table the matter until the outcome of the Coliseum Referendum had been decided.

Now mentioning the items that were brought to your attention by the good Senator from Cumberland, Senator Weeks, that there were no funds available for the things that were mentioned just recently relative to this Portland odorous situation which has been developed by the Presumpscot River, we find that there is no money available to hire chemists from the University of Maine to come down and do some-

thing about that stench, however it is very easy to find six hundred thousand dollars to renovate an old building that is ready to collapse any minute. They could not find any money to appropriate to the teachers, they couldn't find any money to build a new school, but they did find six hundred thousand dollars to renovate an old building.

On December 20, 1957, following a special citizens' committee study on the question of the Exposition Building and as provided by a special appropriation of \$6,500 the building committee of the International Association of Auditorium Managers, made this report:

"A remodeled exposition building could hardly be done so completely as to be competitive with present-day modern buildings without a cost which would appear to be equivalent, or probably more than that of a new auditorium. A remodeled exposition building would further be handicapped psychologically by the prejudices of the past against the existing antiquated building; prejudices resulting from ineffectiveness and age. It would not be recommended that any remodeling be done to the present exposition building in order that it may be useful as a modern municipal auditorium."

The building committee of the Citizens' Coliseum Committee, consisting of several of the leading contractors and architects in Portland, have unanimously concurred in this recommendation. All of these reports and findings have been reported to the city council, but apparently have been pretty much ignored.

What about public reaction? Although it can never be said that such a vote or straw ballot is legal, as I will agree, there is one indication that is outstanding, and I am referring to a public ballot conducted on July 11th in 1958 when the milkmen of Portland distributed and collected 14,000 ballots — 6,770 ballots were collected, and here are the results. There were 3,852 home owners and 2,918 non-homeowners in the balloting. The first question was: "Do we need a Coliseum?" Those with homes, 2,375 said yes, and those without homes said yes, 2,322; and those who said no were

1,375 for home-owners and 536 for those who did not own homes.

Now not to make this too complicated, I will say that on the question as to whether or not they desired to have a referendum on this question 6,024 said yes and 669 said no.

I also want to be very fair with you in bringing out this next question, because if I didn't I wouldn't be doing justice to you or to myself. The question was, "Are you willing to tax yourself extra on your home or your property to build a coliseum?" 3,093 said yes, we are willing to pay the tax, and 3,163 said no. In summary, 5,921 voted for the referendum and only 669 against. Therefore, it is significant at least to indicate that even those who were unwilling to increase taxes also signified that they wanted a referendum.

After some one hundred conferences, meetings, and surveys, both professional and of citizen interest, the Portland Coliseum Committee has exhausted every means of cooperation and interest in public service. They have been encouraged through official actions taken by the Portland Chamber of Commerce since 1957, and as a final declaration from the Chamber the following resolution was passed by its directors on Monday, January 5, 1959:

"Recognizing the time lag in the interval prior to construction of a new coliseum and the needs of the schools and community in that interim period, the Board of Directors of the Greater Portland Chamber of Commerce recommends the City Council proceed with the renovation of the Exposition Building as presented by the Council Committee and that the Chamber of Commerce continue to endorse and support the work of the Citizens Coliseum Committee and the City Council and the Citizens Committee jointly study the question of whether or not a new coliseum or civic center may be necessary in addition to the renovated Exposition Building."

The Chamber of Commerce followed this resolution on January 16th, 1959 with further encouragement to the Coliseum Committee by stating, "We wish to re-empha-

size the position taken by the Chamber on January 5, 1959, that the city should immediately repair and renovate the Exposition Building to the extent necessary to make it adequate for the needs of Portland's schools, and further so that it will provide a facility, together with our present auditoriums, for taking care of Portland's convention needs until a more adequate building is constructed. We question the necessity of spending \$600,000 for the renovation of the Exposition Building, as recommended by the Council Committee."

"In the meantime, the Chamber urges the Citizens Coliseum Committee to continue its work toward providing such a facility for this area. We further wish to state that as a Chamber of Commerce we feel that we have stimulated action on this project to the point where our duty as the Board of the Chamber is completed."

I want to be very fair to all the citizens and businessmen of Portland by giving you all the facts that I have and as given to me in presenting you with a problem of growing pains which faces Portland today. If there is any doubt as to whether or not we can look at the future with encouragement, then let us consider the tremendous courage being exhibited today by those forward-looking businessmen who built and are building shopping centers, running into the millions of dollars, development of industrial sites, our own Department of Economic Development pushing for more industry, and the amount of appropriation that we feel is justified in achieving this end. Our growing populations of the City of Portland is expected to reach 120,000 within the next fifty years. This is the prediction of the City Planning Board. So, when we consider the future we must be prepared to meet the needs, a preparation that is going to require foresight and some sacrifice. The time has come to make this decision if you, as a law-making body will permit the citizens of Portland to take whatever course they may desire by our enactment of this bill.

With the permission of the Senate, I have one or two charts which

I would like to show you to try to compare the old Exposition Building with the proposed new Coliseum. I have here a complete outside model of the actual surroundings of the Portland Exposition Building. This is the area taken by the entire building, inside and out. And I have here before me the plan which has been designed for the new Coliseum which contains seats with backs on them and the exact facilities for official hockey games which the old Exposition Building does not provide. There will be ice facilities; there will be official hockey games, as I said, to help meet the competition given us by Lewiston, with their excellent hockey games and excellent attendance. It would give us an opportunity to encourage competitive sports between our two cities, and I am sure that the attendance would more than justify it.

The old Exposition Building, if placed within the Coliseum, would give you this perspective. You can put the entire Exposition Building within the plan of the Coliseum, and this shows the perspective. The seats that would be provided for the Exposition Building after renovation would be plain bleacher seats, and I am sure that most of us who have attended national or state conventions would want to take precautions in sitting on bleacher seats for two or three or four hours at one time: I do not think we could find them very comfortable. The new Coliseum plans to provide comfortable seats.

There was mentioned by the Senator from Cumberland, Senator Weeks, certain budgetary apportionments of city funds. I have them broken down here as to what the increase will be in the entire set-up if the Coliseum was considered. We see public schools, \$3,260,000 and so forth down the list, compared with the Coliseum amortization on an average of \$167,000 compared with all of these other expenditures. There would be an increase of 1.7 per cent increase in the entire financial structure of the City of Portland. The average home-owner's tax now is \$168, and with the Coliseum it would be \$171.93, or an average increase of \$3.93 a year. A corporation whose tax is fifty thousand dollars, their increase

would be \$1,100, and with their federal deduction it would be reduced to \$528, which they would mark off as a deductible expense on their income tax. It says here, "A little more than a penny a day for the average home." Somebody put that in here, I don't know who it was.

So, with those figures and with these preliminary remarks and the facts that have been given to me, ladies and gentlemen of the Senate, I will conclude my remarks by sincerely requesting that you vote against the motion for indefinite postponement.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: You can talk all you want to, but money counts. It is a very elaborate coliseum which has been described to you here. I dare say that a lot of our cities and towns would like to have a five million dollar coliseum if they could afford it. But you have the report from those who have the responsibilities of government and the responsibility of husbanding whatever moneys the city has, keeping the tax rate down if possible, and keeping the problems of government which you have passed on to them going. If there is any doubt in anybody's mind as to what the impact upon that activity is going to be with the addition of three and a half million dollars more of debt, I don't know who it could be.

I want to emphasize again this question of referendum. I have no intention of disenfranchising anybody. The people right now have the right to bring all the pressure they want to upon the city government to double their tax valuation and have a double borrowing capacity and borrow all of the money they want to put into a coliseum if they want to do it, but they are not doing it, and the simple reason is that they do not want to pay those taxes.

Now the Senator from Cumberland, Senator Charles, has referred to the fact that he has letters and telegrams. He referred to a few thousand dollars. I can collect ten million dollars worth of objectors in terms of taxpayers. In fact, I have letters on this too, but I do not think I would care to talk about them in legislative debate. Need-

less to say, there are thousands of people in the City of Portland who do not want to pay any more taxes than they have to. While I am saying that, the tax rate goes up five or six dollars a year. So add on a few million dollars for a sewer abatement program, add on a few million dollars for schools, add on a few more things, and the tax rate is going to go up more than a dollar a thousand, i.e. several dollars a thousand, and the people do not want it. But worse still is this continuance of a controversy from the time you say o.k., go ahead if you want to, until it finally comes for an election, and it is going to still further handicap the city so far as its business climate is concerned. I have had personal experience with that kind of a controversy. Little do you know how widespread is the information regarding any particular controversy in any Maine town on your borrowing capacity in all of the money markets in the country.

I certainly should give consideration to the fact that during the last couple of months we have had a little drive on in Portland for a quarter of a million dollars for an industrial building, and as of last night they haven't come close to it. That is \$250,000. What is the reason why people do not want to put \$250,000 into such a project, when they were going to sell shares for twenty-five dollars. Is it because they haven't got that much money in the great city of Portland? Is it because of pending sewer projects? You can sit down and analyze the city all you want to, what you think the tax base may be. And that is one of the advantages that the City of South Portland has right now. We have put our house in order pretty well, and any businessman who wants to settle over there, it is pretty sure that the next year or the year thereafter he is not going to have a tremendous increase in his taxes. Is that important? It seems to be working right now, because we are getting business. What is the prospect in Portland? There is no prospect except this continuous increase in taxes, not at this level but up and down, mostly up.

Controversies like this never help a city. It is too bad that the very fine citizens who have been proposing this project would not join hands with other responsible citizens who are opposed to it — and there are thousands on the “against” side of this project — to the end that they could accomplish the proper objective, and that is to put the City of Portland’s house in order, and you do not do it by building a building which does not bring one cent of payroll into the city. It may bring some business into Henry Benoit’s store, but it won’t bring in any payroll, and that is what people have been talking about, a payroll. The reason why we lose business to Lewiston is because they have a ten-cents-an-hour wage differential between Portland and Lewiston. Now when it comes right down to where you are hiring two thousand men, that means \$1600 a day. Do you get those figures, Senators? That is one of the advantages that Lewiston has over Portland. Also, they have done a fair job of abating their odor up there and it is on the ascendancy every day, but in the City of Portland as of last week we haven’t a cent in the till to do anything about it. If you were present at the Governor’s hearing on the project last week you would have heard the City of Portland officials state that they had no money to spend on any kind of an approach to the sewerage problem — and yet you want to put the people into a position, by placing on them this project, where you say, “Go ahead and spend three and a half million dollars so you can fiddle while the town stinks.” (Laughter)

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I have tried awfully hard to keep out of this debate, however I am being forced into it because on two occasions the Senator from Cumberland, Senator Weeks has referred to the City of Lewiston.

I may say that in the City of Lewiston we have a beautiful Youth Center which is comparable to the coliseum which they are planning to build in the City of Portland and which I hope is built. We are very proud of our fine coliseum, or what we call our Youth Center, with its

fine facilities, and even though it wasn’t built on a bond issue or through a district, nevertheless we do have it, and no matter how it is built, you should have one. I hope that the good Senator from Penobscot, Senator Woodcock, who was very instrumental in building the fine coliseum in Bangor, will soon get up and tell you about the fine building they have up there in that community.

I may say this: that in the experience I have had in trying to induce industry to come to Lewiston — and I want to thank the Senator from Cumberland Senator Weeks for saying we have done such a good job, and I hope we continue to do so, instead of debating wage-hour matters. I do not want to get into that and have the good Senator from Sagadahoc get on his feet. We haven’t had our debate for the day, but I am sure that something will come up this afternoon, and perhaps we can talk about the whole state rather than Cumberland County. I might say so far as the Youth Center is concerned in Lewiston, that we consider it to be a great help in bringing industry into our city, because many of the representatives of proposed new industries coming there are very much impressed with this building because it affords an opportunity for their employees to have recreation. It indicates a growing and ambitious city. I am glad to go along with the Senator from Cumberland, Senator Charles, in trying to get a coliseum for the City of Portland, because I think they need it.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate: I rise in support of the Senator from Cumberland, Senator Charles. I feel that a \$110,000,000 valuation in Portland is not particularly the fault of the people of Portland, I think it is the fault of the people that are ruling the City of Portland because they are so far behind in their tax structure. Even in the little town of Freeport where I come from we have pretty near eleven million dollars valuation, and it does seem as if Portland must be ten times larger than my town. We found that we had to put our house in order too and have a revaluation. I think if the

City of Portland had a revaluation they would discover the same as South Portland discovered, that it was quite some help to the businessmen in South Portland when they revalued that city, as I remember the publicity in the various papers in the City of Portland, because of the fact that a great many people became upset who were residents and taxpayers in the City of South Portland, and they formed a taxpayers association immediately. All towns which have revaluation go through that same thing, and it never really amounts to much because people become adjusted to this thing and realize they have got to pay the true tax.

I feel that all of these various projects that the good Senator from Cumberland, Senator Weeks, has spoken of should be started. But whose fault is it that Portland stinks? I think it is the fault of those that are governing the city. I think that they should realize that these things have got to be done, and they must have been realizing it for the last ten years, that something should have been done in Back Bay and these other spots. A city the size of Portland, the largest city in the State of Maine, certainly should take its place in the sun and go out and do these things instead of letting a city in the interior, such as Lewiston, set the example. I will agree that the City of Lewiston is the most prosperous city, in my opinion, in the State of Maine. They are forward and they go ahead on things and they are not afraid.

I agree with the Senator from Cumberland, Senator Weeks, that seven and a half per cent of the total valuation in the city is decided by the constitution of the state and they do only have a certain amount of money to work with. However, if they had a revaluation this thing would probably be five or seven times as much as it is now. Therefore I think the figures he has given you are a little bit confusing, because when the city brings their tax structure and tax base up to date they are going to be pretty well off. Thank you.

Mr. WEEKS of Cumberland: Mr. President and members of the Sen-

ate: I thank Senator Coffin for making that comment. He hits the nail right on the head. All our taxpayers have to do is demand a revaluation and they will have plenty of borrowing capacity and they can do it within the limits of their own seven and a half mill rate. We should just never go contrary to the constitution which has been voted upon by the people if it can be avoided, and if there ever was a time when it should be avoided it is right now.

Mr. CHARLES of Cumberland: Mr. President, when the vote is taken I request a division.

Mr. WOODCOK of Penobscot: Mr. President and members of the Senate: I feel that by the reference to the City of Bangor in the progress of this debate that I have been drawn into it, because back in 1951 I sponsored legislation which enabled the citizens of Bangor to go to the polls and decide whether or not they wished to encumber themselves to the tune of \$1,200,000 to build a new auditorium. That also went through the Legal Affairs Committee unanimously, went before the House and the Senate, went to a referendum, and was approved in the city by something over a two to one vote.

Now I certainly cannot help the City of Portland decide whether or not it wants to revalue, but I can help to give the citizens their chance to vote on whether or not they want this new building.

These buildings are not set up to be moneymakers; they are set up as a part of a broad city program as one facility which may immediately afford some enjoyment to the people who utilize the facility, and, secondly, they may succeed in drawing in good, clean dollars from outside where they will be spent in the city.

In the course of the debate there was a rather colorful phrase pointed at the Bangor Auditorium. The first phrase consisted of three words, and the second time it was used it was reduced in number from three to two. As I remember the phrase, it was something about a "horrible white elephant," and then it was just a "white elephant." Actually, the thing has worked pretty well. I served on the board



of trustees for some years, and they have showed some appreciable progress in the years that the recreation center has been in existence. In the last six months period they really have gone ahead in the right direction. Nobody would suggest that you can amortize one of these buildings by fees paid at the door. It is considered to be a very good operation if you can recover operating expenses, which we are not doing yet — I will be frank to admit that — but we are going in that direction. And over and above that — and I do not think that you can separate the two — you have just got to consider it as an intangible asset to the community.

I appreciate the fact that some \$600,000 may be spent in an attempt at renovation of the Exposition Building, but if for that amount of money you can transform that ugly duckling into a beautiful swan, I think you will be performing the architectural miracle of the century.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I apologize to the Senator from Penobscot, Senator Woodcock, if I said something that I should not have said. The only excuse I had was that I was quoting a citizen from Bangor, and possibly several citizens from Bangor. Possibly one may have used three words and the other one may have used two. However, in reference to his last remark, I might explain that there was some publicity in the paper about the city council suddenly finding five or six hundred thousand dollars.

You might be interested to know just how that five hundred thousand or six hundred thousand was found, because the way it was reported it was given to believe, the way it was written in the paper at least, it would make you think that there was some wrong-doing involved. However, it happened that in the course of good government they had set aside that figure in anticipation of the renovation of a wharf in Portland Harbor, and in the course of that renovation a sewer outlet would have had to be replaced, and the price on that small project was better than five

hundred thousand dollars. Suddenly the contracting firm which was to do the work, which was a private enterprise, decided that they would not restore the wharf so the money was freed up sometime last September. That is where the money was found. The poor city government is in the position of being damned if you do and damned if you don't. They didn't want to spend six hundred thousand dollars in renovating the exposition building either, but the public demand was such that some building be improved, and, recognizing their responsibility in planning for the future, they decided in the last analysis that that was the least objectionable way to proceed. We do not expect it to be a gold-plated building, but we do expect it to be very, very serviceable for the people of the City of Portland.

I hope that you will consider the impact of your decision when you say that you do not approve of the management of the City of Portland by those who have been elected to have the responsibility of management. They are your agents and servants, carrying out your will, and I hope that you will think well before you decide that you want to in effect rebuff them. They are doing a good job, they are doing the best they can, and I dare say that if the public demand was for this coliseum it could very well have been revealed overwhelmingly long before this.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I am a little hungry and I know that you all are, but I do want to make reference to the "white elephant" in the City of Bangor which has been referred to too many times.

We have a nice auditorium, there is no question about it. It is the design of the building that the people call "a white elephant," it is not the need for that building. Unfortunately, when they designed the building they did not make it large enough to have regulation hockey games. They have ice-skating, it is true, and they do a beautiful job for the children in the City of Bangor. When I attended the hockey game in the City of Lewiston, through the courtesy of the Senator

from Androscoggin, Senator Lesnard, I was amazed at the beautiful building that they have there. At the time we were talking about the fact that if Bangor could have a regulation rink and Portland could have one, with the one which they have in Lewiston it would create great interest in hockey in the State of Maine. My only comment is this: if they could build a building in Portland of sufficient size to have regulation hockey they could do a terrific job. It is not a white elephant in Bangor; the need is there for an auditorium like that, but I do say that probably not enough time was taken in the design of the building there.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I would like to mention at this time that if we do have a coliseum built in Portland we are going to be able to bring in some tremendous shows on a circuit basis, where we already have the facilities in Bangor and Lewiston. Portland would be in a position to bargain with ice shows and all types of major productions which at the present time are going to Boston Garden. By closing this contract we would be able to operate a circuit of three different shows in the State within a short period, and therefore, by doing so, probably our bargaining powers would be better and the quality of the shows would be spectacular. A lot of us like to go to these shows in Boston and we do go and we do spend more than the taxes that are going to be paid on our property. I do not want to use myself as an example, because it is a very poor one, but when I go to Boston to attend an ice show my whole family goes with me. Believe me, it costs something, because I have to furnish the transportation, I have to furnish the meals, and sometimes if it is a bad day we have to stay over at the hotel. If I don't spend thirty-five or forty dollars on that trip I am mistaken. If the show were held in Portland it would just be the price of admission. Probably that is true in Bangor.

Just as a sideline, I want to emphasize the advantage we would have with three auditoriums in the state, and probably more would

be built if this worked, the fact that we could have these nice shows.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, to indefinitely postpone L. D. 267; a division has been requested.

A division of the Senate was had.

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

Thereupon, the bill was passed to be enacted.

On motion by Mr. Woodcock of Penobscot,

Recessed until two o'clock this afternoon.

#### After Recess

The Senate was called to order by the President

On motion by Mr. Stilphen of Knox, the Senate voted to take from the table the 7th tabled item being bill, "An Act Relating to Juvenile Offenders." (S. P. 485) (L. D. 1357) tabled by that Senator on May 18 pending enactment; and that Senator yielded to the Senator from Cumberland, Senator Weeks.

On motion by Mr. Weeks of Cumberland, the rules were suspended and the Senate voted to reconsider its previous action whereby the bill was passed to be engrossed.

Mr. Weeks of Cumberland presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I will take a few minutes to speak about this act. As you all know we haven't a juvenile court statute and at times we have caused the courts at all levels considerable trouble. In fact in one opinion the Supreme Court itself has referred to it as a legislative morass.

This act is the result of study by the judicial council over the past two years, particularly by the subcommittee and it has been reviewed by the full committee consisting of many leading attorneys and has received the sanction, I think it is safe for me to say, of

the Supreme Court in its full body. It will represent an advance in our treatment of juvenile cases, but most particularly it will remove certain areas of doubt in the present law.

Thereupon the bill was passed to be engrossed as amended in non-concurrence; and on motion by Mr. Weeks of Cumberland, the bill was ordered sent forthwith to the House.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 6th tabled item, being House Report from the Committee on Towns and Counties: Ought not to pass, on bill, "An Act Relating to Clerk Hire, Rental and Expenses of Water-ville Municipal Court." (H. P. 525) (L. D. 760) tabled by that Senator on May 14 pending acceptance of the report.

Mr. WYMAN of Washington: Mr. President and members of the Senate, this bill was kept alive until the other bill which pertained to county salaries was on its way. I understand that the bill is now well on its way and so at this time I will move that this bill and the accompanying papers be indefinitely postponed.

The motion prevailed and the bill and accompanying papers were indefinitely postponed in non-concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table the 8th tabled item being Senate Report from the Committee on Education: Ought to pass, on bill, "An Act to Make Valid the Incorporation of School Administrative Districts Nos. 1, 2, 3, 4, and 5." (S. P. 285) (L. D. 747) tabled by that Senator on May 20 pending acceptance of the report, and on further motion by the same Senator, the ought to pass report of the committee was accepted and the bill read once.

Mr. COLE of Waldo: Mr. President and members of the Senate, I rise to offer an amendment to the pending bill which would accomplish the withdrawal of the towns of Liberty and Perham from their respective school administrative districts. By this amendment

we face up to a problem which one of our Maine dailies has declared editorially should be given high priority by this legislature.

By way of explanation before I offer the Senate Amendment, I would also like to state that it is long but it is a duplicate of an amendment presented to the Education Committee some weeks ago. This amendment really, instead of the amendment that I offered which was to exclude Liberty now includes Perham as well as Liberty. Because Liberty is my home town I am well acquainted with the situation there. From what I am told, the situation in Perham does not differ greatly.

Each town was oversold on the idea of the school administrative district. Perhaps if the enthusiastic backers of the program set in motion by the Sinclair Act had not led them into consolidation last summer, all this might have been avoided. I am sure that the mistakes are as much due to the leaders within these towns as to the promoters from the state level. I acknowledge my own mistake last year in having urged my fellow townsmen in Liberty to vote to join the proposed school administrative district.

No purpose is served in taking your time today for a long review of all that has happened since in Liberty and in Perham. At the risk of over-simplifying the problem I would suggest that the trouble in both of these towns stem from two sets of factors.

The first reason for withdrawal is a financial one.

When these towns voted to join they knew that school costs might be higher and they were prepared to pay more for the education of their children. They were not, however, prepared for the way school costs would sky rocket in the very first year of the district and that means without the cost of any new buildings and without any substantial change in the program of schools that we are now offering. With a capital outlay program it will become more than these little towns can really afford.

As the first reason for withdrawal is a financial one, so the second reason for withdrawal is a geo-

graphical one. At the time the districts were being formed no one could tell the people exactly where the proposed consolidated schools would be located. Now the citizens of Liberty and the citizens of Perham find that the scholars must be transported long distances to reach the site of the proposed new school building. In my own neighborhood, parents face the prospect of sending their children at least 22 miles one way each day to the site of the proposed high school building. In Perham I am told that parents face a similar problem. In my town most of the people still support the principle of consolidation but they are equally certain that Liberty is now in the wrong district. Many of them look forward to studying the possibility of a district involving a lesser number of towns which almost surround Liberty and which are not now engaged in any study pointing toward the organization of a district.

That in brief is the background of why Liberty voted 170 to 31, and Perham 111 to 14 to seek withdrawal from the school administrative district. Because these overwhelming votes came after our closure date had passed these towns realize that they might have to wait until the 100th Legislature before a special act could be presented to authorize their withdrawal.

They have not asked me to introduce this amendment but I suggest, Mr. President, that these towns should not be forced to wait almost two years and for that reason I propose an amendment to authorize withdrawal now. I would like to suggest four reasons why I think this amendment should be supported by the Senate.

In the first place, the legislature, I believe, should keep faith with the people. When the Sinclair Act was adopted two years ago, it expressly stated that there should be an opportunity for a town to withdraw upon such terms as the legislature might impose. That is in Section 111P of the Sinclair Bill. For us to imply that no town can get out notwithstanding an overwhelming vote for withdrawal, would it be a breach of faith with those persons who voted to join a district in their belief that the town could

withdraw if circumstances warrant it? I assure you I voted for the Sinclair bill. I support it. I believe in the philosophy of it still and without my support at the local level I doubt if we would ever have been in the mess that we are in now.

In the second place, I suggest that so long as these school administrative districts are to be financed through local property taxes nobody is better informed as to how much money a town can afford to raise than at the local town meetings. Unless and until there comes a day when the state provides the funds for these districts, it would be poor policy for the legislature or any agency in the statehouse to dictate what a town must do.

The third point to keep in mind is, just as we have been told many times by the experts in the field, good schools need the active support of the citizens of each community. Certainly we shall have something less than active interest and enthusiastic support if we in the legislature impose our will against the expressed desires of those towns. If we require them to support through local property taxation schools in which they are not interested and at locations remote from their particular town then I think we are heading in the wrong direction.

Finally I suggest that the withdrawal of Liberty and the withdrawal of Perham from their respective districts may be accomplished without any breach of faith with the money lenders. Neither of these districts has sold any bonds or contracted for any buildings. Indeed in Liberty's case, no bond issue or capital outlay program has ever been proposed by the directors of the district to the voters. To withdraw one town from a school administrative district under these circumstances is entirely comparable to setting off a new town out of the territory of another town, something which the legislature has done over and over again in the history of our State.

I recognize that quite a different problem might be presented if either School Administrative District No. 3 or School Administra-

tive District No. 5 had already borrowed money, pledging the property located in the towns which now seek withdrawal. Such, fortunately, is not the case. Perhaps a similar case will not even ever arise again.

These, Mr. President, are the basic reasons why the legislature should now speed the withdrawal of Liberty and Perham from their respective districts. The provisions of this amendment have been carefully worked out. Although recognizing this to be the prerogative of the legislature to decide whether or not such withdrawals should be authorized and upon what terms, nevertheless the Attorney General's department has been very helpful in suggesting the points which should be covered in an amendment such as this. If there are questions as to how the specific terms are determined, I shall be glad to answer them. Let me say that my fellow townsmen in Liberty think that they should get out of the district for a small price. This is not exactly what the town of Liberty wants, but neither does it have the support of all of the directors of District No. 3. Instead, I suggest, this amendment offers a middle ground and will enable the remaining towns in the district to get on with the work of consolidation.

Across the State of Maine there are many towns now considering the organization of school administrative districts but which today are waiting to see what this legislature will do to the towns of Liberty and Perham. Some recent votes against consolidation may be explained in the same fashion. Let us show them that the provisions of the Sinclair Act relating to the withdrawal of towns are not empty words. Let us hasten the withdrawal of Liberty and Perham so two towns now belong can go forward with their construction program. Let us save them a delay of almost two years before anyone can know for certain whether withdrawals could be authorized. Let us avoid for them the risk of litigation which now threatens in each of these districts and which could cause expensive delays to the entire program that the

Sinclair Law brought into being. The adoption of this amendment is the best thing we can do for Liberty and Perham; it is the best thing we can do for the districts in which these towns are now a part; it is the best thing we can do for education in the State of Maine.

Mr. President, I offer Senate Amendment A to L. D. 747 and move its adoption.

The PRESIDENT: The Secretary will read Senate Amendment A to L. D. 747.

Senate Amendment A was read by the Secretary.

Mr. DOW of Lincoln: Mr. President and members of the Senate: I rise to oppose this amendment. I can truthfully say that this issue we are faced with now is to me the most difficult problem that I have been confronted with in all of my four terms here in the Senate. I do not wish to stand here as an opponent to the good people of the Town of Liberty, nor do I wish to stand here as an opponent of my friend and colleague of long standing, the Senator from Waldo, Senator Cole.

I stand here to speak in defense of the Sinclair Act which I believe will be placed in jeopardy if this amendment is accepted. I am backed in my belief by some opinions from the Attorney General's Department, Department of Education, State School District Commission and the boards of directors of the remaining towns in the district of which Liberty is a part. I believe that the implications and reactions will be statewide and far-reaching, even detrimental to the educational progress that the Sinclair Act was meant to provide.

To allow any town to withdraw after it has voted itself into a district and assumed its share of obligations in that district will be a very dangerous precedent to establish, because I am fearful that any such action on the part of the legislature will shake the whole foundations of this program of better education by consolidation.

I have not lobbied this bill and I have forced no opinions from the Committee on Education. If there are any other speakers who plan to speak on this issue, I do not know who they are and I do not

know which side they will take. I believe the decision should be based on facts in this case, without pressure. Therefore I feel it is necessary for me to lay before you certain facts to be evaluated, upon which you must base your judgment. Some of these facts have been placed on your desks this morning.

"Education is a State function, wholly under control of the legislature, as that body is not restricted by the State or United States Constitution. The Constitution of Maine (Art. VIII) empowers the Legislature and makes it their duty to require the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools. The consolidation of two or more towns to form a school district does not violate any of the provisions of Article VIII. Article CIII is a mandatory duty upon the Legislature, but is not a prohibition of its powers. The Legislature in setting up a means of forming school districts has satisfied the mandatory constitutional requirements imposed on it.

"The Maine School District Commission was set up to implement the formation of school administrative districts. Standards were set by law for the commission. The Commission has required a study from each proposed district, which contains data on operating costs, facilities, curricula, valuation. This information is in addition to the data required on the application forms. Section 111-F, Chapter 41 of the Revised Statutes of 1954, spells out the necessary steps involved in making application to form a district.

"Each town, city or plantation involved in the formation of a district must vote to (1) join with the other towns to form a district, (2) approve the allocation of representation, (3) assume responsibility for outstanding indebtedness and other optional articles in certain cases."

Whenever I mention Liberty I would like to include Perham along with it. Originally I prepared this for Liberty only, but it applies equally to Perham, and what I say about Liberty will apply also to Perham.

"School Administrative District No. 3 (which is the one that Liberty is in) originally comprised nine towns which included a community school district. Two more towns were added after the formation."

Now in Liberty, the citizens' committee, after their studies, dated May 19, 1958, on eleven towns in Waldo County prepared and distributed prior to an overwhelmingly favorable vote in Liberty, a report which shows the following: For the District the predicted assessment was \$213,299 and the actual assessment was \$217,739. The assessment for Liberty, predicted, was \$24,956 and the actual assessment was \$25,976.

There was an error of approximately one per cent in predicting the overall budget of the district totalling \$444,378. The 1958 State Valuations caused Liberty's share to increase slightly. Every town in the district is now taxed on an equal basis with this assessment, 32 mills, Valuation. Liberty's previous assessment was about twenty mills while Waldo, another town in the district, was assessed over 40 mills. The people of Liberty voted overwhelmingly to join the district when all the facts were before them.

The situation is similar in Perham. The study of the Citizens' Committee, dated January 15, 1958, clearly indicated that the town of Perham would face increased costs in the proposed school administrative district. In fact, the study shows that the people of Perham could expect a 41 per cent increase in local costs if they joined the district. Despite this obvious fact, the people of Perham voted 57 to 36 to join the district. Again the equalizing tax rate factor takes place in regard to Perham. It being the lowest town in the district it had to come up while some towns came down to meet an average tax rate for the district.

Section 111-P provides the method for withdrawal from a district and places a restriction thereon, to wit, no outstanding indebtedness of the district. The same language was used and still is used regarding withdrawals from community school districts. If it were possible for a town to remove itself from a district at will, the remaining structure

would never know from one day to the next the number of students it was responsible for educating, the amount of money that it would have for operational expenditures, the amount of property and school plant facilities available for its use. This is not to mention the fact it would be difficult, if not impossible, to borrow money for capital improvement and construction. A statement which best describes the possible results is found in the dicta by Chief Justice Williamson in *Knapp v. Swift River Co.*, 152 Maine 350 at Page 353:

"If the right of the District to do business depends from day to day upon the votes of town meetings first granting, then taking away, and perhaps again granting rights, it is apparent that a District, duly organized, would not be worthy of the name of a quasi-municipal corporation with rights and powers, duties and obligations of its own."

If the standard as set up by the Legislature is varied with each individual case and towns are permitted to avoid the prohibition regarding withdrawal as set out in Section 111P, a town meeting to withdraw will effectively serve to impede any building program, in each district. It will in effect give each town a veto power over a majority vote of the citizens of the district.

The Towns of Perham and Liberty now seek Legislative approval for withdrawal from their respective School Administrative Districts while there is outstanding debt. While it is recognized that the Legislature may require towns to make suitable provisions for education, it is also true that the Legislature may not properly enact legislation that will impair the obligations of an existing contract, nor may the Legislature pass so-called "class legislation", that is, exempting one person from the operation of the general law and leaving all others under its operation.

The purpose of this law was to improve both the quantity and quality of education within the state at the least cost per unit. No one expected something for nothing, but merely greater returns for the education dollar.

It might be well to note that the entire State is watching the developments in these two districts. An error in judgment or an error of law might seriously impede the improvement of education under the provisions of the Sinclair Act.

Now about the status of the property that was conveyed by the town to the district: When Liberty and Perham voted into the district they conveyed their school property to the district. Maine applies the rule that school property located in a detached territory continues to belong to the original district. This has been adjudged in the case of *Whittier vs. Sanborn*, 38 Maine 32. It might be well to investigate to see if the District had planned to use this property for a consolidated school, and the removal of it from the district would create an economic hardship on the towns remaining in the district. The District has plans for using the facilities of Liberty which it voted to the District. These facilities are planned for educating a portion of the students of the district.

Operational expenses are paid in the district from the proceeds of the tax assessment and levy on each component administrative unit. After the tax has been assessed and levied, the several units have an obligation to the district in the amount of the total levy, which under present law may be collected by distraint. When the towns joined all of the teachers' and superintendents' contracts were assumed by the district, even though in some cases the services were not required. These costs remain the same until the term of each contract expires.

Another matter of great concern that has been stressed by representatives of the bond companies is this: Although no bonds have yet been issued in either the case of the Districts in which Liberty or Perham have joined, there is fear on the part of bond companies that if the legislature indicates its willingness to let towns out of obligations and assumed indebtedness it might also do so in the future after bonds have been issued. This fear could make it difficult to sell bonds on school districts in the future, not to mention the possibility of

higher interest rates in order to finance a district where it would be known that the legislature might at any time take apart some of the assets upon which those bonds were sold.

Let me ask you: Would you consider it a sound investment to buy stock in a ten-town district only to discover later that those assets had been reduced to eight or seven or six towns, especially if it happened to be the richer towns who had been allowed to withdraw? Can you not see why the financial structure of the whole Sinclair Act would be jeopardized?

Another point that should merit your serious consideration is this: Do you think we, the Legislature, can legally and rightfully take away part of the assets of a duly-formed corporation and give them to segments of that corporation that have by their own action become dissatisfied? The school buildings in Liberty now belong to the District since they voted into that district and are destined for use in the over-all plan to educate the children of that district. To force the district to give away these needed assets will upset the whole plan which has been established for operation this coming year. Then too, to allow withdrawal of one town will cause a need for redistribution of assessments to the remaining towns. Can you not see that some of the remaining towns might be dissatisfied with a change in assessment which would no doubt differ from that which was set up and which was agreed upon by all, including Liberty.

I want to call to your attention the statement which the Board of Directors of District No. 3 has made and which now lies on your desks.

"The effect of the withdrawal of Liberty would be fatal to the future existence of the district. The towns comprising District No. 3 include Liberty at its express request. If a precedent is established whereby a town can threaten to withdraw every time it does not get its way on a specific issue, then every town would have the power of veto and a district would not be worthy of the name.

"The integrity of the entire district must be maintained in order for us to finance our program through the sale of bonds and to carry on the everyday business of providing a good education for our children.

"The district was formed in good faith by all eleven towns under enabling legislation passed by the last Legislature. We feel that the withdrawal would work a great injustice upon us as a district which was formed in reliance upon that original authority, where we assess taxes based on that authority, and through our individual directors, contracted certain obligations and formulated plans based on an eleven-town district.

"Granting Liberty permission to withdraw is a breach of faith with the remaining towns comprising the district, and such class legislation would act to impair the obligations of an existing contract made by each town and each with the other when the eleven-town district was formed."

So, members of the Senate, these observations have been presented to you in quite great length, because judgment of these known problems can well result in the life or death of the administrative school districts as well as the Sinclair Act itself.

Mr. President, I move indefinite postponement of this amendment.

Mr. COLE of Waldo: Mr. President and members of the Senate, I have a great amount of respect for the Chairman of the Education Committee, the Senator from Lincoln, Senator Dow. I know if he could, he would like to be helpful. As Chairman of other committees, I know the situation he is in and I can appreciate it.

However, in answer to some of the problems he brought up, I would like to give you my version of them. In regard to the literature left on our desks by the coordinator of the school administrative district in regard to the figures and the predicted assessment of \$24,956 compared to the one percent error he states of \$25,976 I would like to explain the real facts there, and there again I realize that the department has got together these figures in good faith and I want to say right here that I have a lot of



respect for the department. I have worked with them and I have worked for education both at the local level and at the state level and I have a lot of respect for the department.

In regard to the other literature here, I can say that your desks would have been flooded had I let the townspeople of Liberty write to you but I realize that we are busy and cannot read all the literature that could come and would come if I said so. However you notice there is an absence of material from Liberty because whatever I say I think can take care of the townspeople.

Going back to the assessment, I would like to correct the figure a little bit. Here is the proposed administrative district of the nine towns that we voted into. It was signed by the state department of education, dated June 28, 1958, and in this it sets up the figures of the nine towns and it spells out Liberty operating cost \$20,076.84; capital construction \$2499; debt \$1731 making a total of \$24,309.90 which does not compare with the figures that are given to us on this pamphlet. This was one that was circulated and the townspeople of Liberty bought and I also would like to add that this figure of \$24,956 that the good Senator mentioned does not include capital construction which would mean with the interest, approximately \$3,000 more added on to that. So when you sum it all up I think that one percent is a little bit out of line.

It also says that the people of Liberty voted overwhelmingly to join the district. There was a good crowd there. In fact there were enough not to go into the district had I not spoken for it. I called the town clerk last night and checked. In that particular meeting when we went into the district we had 26 votes. Now, is that voting "overwhelmingly"? I would question it.

In regard to the outstanding debt. In the amendment we have incorporated Liberty's proportion of the indebtedness that we accepted when we went into the district even though we were debt free. In fairness, I personally suggested to the town that they pay the district their proportion which was \$5,000. I ask

you gentlemen, for a little town of less than five hundred people, is it not fair that we pay \$5,000 to the district? Aren't they doing something that many towns would not do?

For a mistake that was made sincerely they are willing to pay five thousand dollars. It was brought out that Liberty isn't making the effort. In the per capita student cost I would like to give you the figures before and after. Liberty per capita student cost was \$160 before; after \$228. Waldo, which was mentioned was \$137 before; \$111 after. Monroe, \$179 before; \$162 after. Unity, before, \$184.50; after, \$164. Brooks, \$100 before; after, \$139. Now it shows that Liberty is the top per capita effort in the whole district, and they tell us we are not making the effort. I want to show you that we in Liberty have never questioned the appropriation for education.

It was also brought out that the Liberty school could be used by the district. Let me assure you that the town of Montville which adjoins Liberty can now use Liberty any time by paying the per capita cost which is just as cheap as they can do anywhere else. Also another problem was brought out, that of contracts. They are no problem. The contracts that we have already issued will be continued. These schools are going to continue and the contracts already signed will be honored so that is no problem.

In selling bonds I will agree that once we get into a bond issue no town should get out and I am sure we all agreed to that when we went along with the issue brought before us by the good Senator from Penobscot, Senator Hillman, in regard to the water district.

If you ever want to get out and if the bill was sincere, and I think when they drafted it they were, now is the time to get out before a bond issue is in effect.

That is why I am pleading with you here today. All we want in Liberty is our freedom to rule. It was brought out here in debate this morning several times, by the good Senator from York, Senator Farley, the Senator from Cumberland, Senator Charles, that they believe in home rule. I also believe in home

rule. I would not be presenting this amendment if I did not believe in home rule. I think it was Patrick Henry who said, "Give us Liberty or give us death."

Mr. FARLEY of York: Mr. President in all my experience in the legislature, one of the hardest things I have ever had to do, I have got to do this afternoon in voting against the Senator from Waldo, Senator Cole whom I have followed seven out of ten times. A few weeks ago I spoke in reference to the Sinclair bill. I don't think there is any sense in my going over it again. Everybody understands how I stand on the Sinclair bill. I think that Senator Dow has covered all the things I would be able to cover relative to the finances and this and that.

As you all know, we have something here that will possibly affect our own county. I am going to be opposed to it as I was two years ago. I have a lot of faith in the Sinclair bill. I come down to the people who may be involved with this bill some time or another in a good way or a bad way. You take a high school teacher, you do not judge him on his freshman class or his sophomore class or his junior class, you judge him on his graduating class and what it meant to the children of that school. I honestly believe we are now in the freshman class of this Sinclair bill and we should let it run until its senior year. I feel awfully bad to have to vote against the Senator from Waldo, Senator Cole, because I respect him. I started with him in the House and have ended with him here in the Senate, but I feel in all honesty I must vote against the Senator from Waldo, S e n a t o r Cole.

Mr. DOW of Lincoln: Mr. President, just a couple of short observations and I don't make them facetiously at all but I would like to say that the towns which complain of consolidation such as this are towns whose past effort has been forced and those towns whose costs are cut are those which have been exerting the greater effort. It is just as simple as that. That is one of the primary purposes of the Sinclair Act, to equalize the tax effort for education. The Senator from

Waldo, Senator Cole, stated that the legislature should keep faith with the people. We should not only keep faith with the people in the town of Liberty but we should keep faith with the people in all those other nine or ten towns involved. Just bear in mind that Liberty and Perham prepared their own study and their own figures and then asked for admission to this district. I believe in home rule except when this rule destroys all of its neighbors.

Mr. WYMAN of Washington: Mr. President, when the Sinclair Bill was before this Senate two years ago, many people contacted me in opposition to it. There were a number of objections and one of them was the difficulty in getting out of a school district. At that time I told my friends that undoubtedly the act would have mistakes but these could be corrected by later legislatures. And it is easy to see that once bonds have been issued a town cannot and should not be allowed to leave an administrative unit. However, in the case of Liberty there have been no bonds issued.

The citizens of Liberty find the actuality of this district far different from what they had been led to believe. They feel they erred in their move to join it and they ask to be released. It is my firm belief that this legislature should grant Liberty such a release.

To quote from the Bangor Daily News of May 30th:

"The sudden and substantial increases in education costs have been cited repeatedly in various community debates. It is not a case of miserliness, nor of disinterest in the schools. Rather, it is a matter of citizens weighing what they can afford as taxpayers. Liberty voted itself into School District No. 3 but now seeks to withdraw because of the cost. We urge the Legislature to give careful study to the Sinclair Act and proposed amendments. We also urge the legislators to reach a decision about Liberty. The latter's plight has undoubtedly created wariness in other towns."

I would like to repeat that last sentence of the quotation: "The latter's plight has undoubtedly created wariness in other towns." This I know for a fact, many towns have already rejected con-

solidated district plans and if we refuse to accept this amendment, more will do likewise.

It is my firm belief that the passage of this amendment will do a great deal to restore confidence in the Sinclair Law and to give impetus to the creation of consolidated school districts in so many areas that need them so badly.

If the amendment is turned down, I can envisage this matter being in the courts and in the newspaper headlines for many months, all to the detriment of the law and those towns which really need to consolidate into an administrative district. Therefore I wish to oppose the motion of the Senator from Lincoln, Senator Dow, for indefinite postponement.

Mr. DOW of Lincoln: Mr. President and members of the Senate, we know there have been no bond issues in this district but the bond companies representatives have spoken to me and they say they are afraid that if the legislature indicates that they are willing to let the town out of an obligation that it has assumed, where there is indebtedness involved, they will be afraid of what future legislatures may do in regard to the situation after bonds have been issued. For that reason they would look upon the financial structure of the Sinclair Act as being very shaky in respect to selling bonds. The Senator from Washington, Senator Wyman, said that if this amendment were turned down this case may well land in the courts. I might say that it may land in the courts anyway if we of the legislature take apart a corporation and give part of its assets to a dissatisfied component of that corporation, I can very well envision that might create court action also.

Mr. HUNT of Kennebec: Mr. President, I reluctantly rise in opposition to the good Senator from Waldo, Senator Cole. Having been legislative chairman for the State PTA and having lobbied for this Sinclair bill, I feel I know some of the background of the bill, and I tend to agree with those who have described the Sinclair bill as the greatest advance in education in the State for some thirty or forty years. I feel that this amendment

could well be the death-blow, or doubtless a mortal one for the Sinclair Act, as the good Senator from Lincoln has said. If it becomes too easy for towns to get out of a district certainly I do not see how any contracts can be made, even as to teachers and things of that nature. Right now I would assume that this district had let out contracts for teachers for the coming year. Also, you run into the problem of the amount that the State is going to pay in subsidies to the district, and that is based upon the exact number of towns in the district and the exact number of pupils in the district. And so it would seem to me that the matter, even of the amount of State subsidy, could not be determined under a situation like this where one town is threatening to drop out, or at least they would have to wait until it became definite before the subsidy could be clarified.

The protection for the towns comes at the beginning before the towns get into the district at all. As has been mentioned, groups of citizens from the various towns are supposed to get together and make a study of the district and such things as transportation, the cost to the town, the building costs and other items which are all supposed to be studied before the various towns make their report to the State Board. In this case, the act that the Senator from Waldo, Senator Cole, is talking about is on a nine-town study and he gives the figures from that, but, as I understand it, they are presently operating upon an eleven-town basis, which would mean probably that two towns were allowed to come into the district afterwards. This necessarily must mean that a new set of figures resulted after that nine-town study was made. I think in fairness we should have the figures for the eleven-town district in order to see how they compare with the figures that Mr. Gordon of the School Administration District has given us. In other words, it would be the eleven-town district figures which we would want to compare.

But, going back again, I would assume that Liberty, as did all of the other towns, went into a study of this and that the matter of trans-

portation was looked into as well as the amount of the cost to the town.

The good Senator from Waldo, Senator Cole, has said that the town found out that it was costing them a lot more. I agree with the statement of Mr. Gordon, or the statement of Senator Dow, that the \$1000 difference, or, in other words the difference between \$25,906 and \$24,956 is very small when you consider that your citizens' committee, which was working up the figures, I think they did amazingly well to come that close. That is a very small difference between what is estimated and what it actually cost. He also states that they now find they want to go into a smaller district but the size of the district is certainly something that every voter in Liberty knew about. They knew how many towns were going to be in that district. They had all the facts as to the mileage for transportation of the students to and from the schools before they joined. So in the first place we have the citizens of Liberty joining in and making this study. Secondly, the town officials of Liberty and the school officials of Liberty joined with the school officials of the other ten towns and they agreed upon the distribution of the school board members. Then after that was ironed out, the officials of the various towns set a date for the vote and it was voted upon.

I cannot see how the people of Liberty or any of the other towns could have been more carefully protected or could have been given any more time to consider what they were doing and they all voted to join in the district and it became a reality. Immediately after that the new school directors for the district took over and presumably they have made various contracts with teachers, etc. Now in what way then was Liberty misinformed? Or in what way has this turned out differently than they expected? To me there doesn't seem to be any way except a very small difference between the estimated assessment and the actual and if towns all over the State of Maine can drop out of districts for such a small matter as this, then the districts have no permanency whatever

and while we are thinking about Liberty, what about the other ten towns in the district, which I believe might have to reform and start in again. What is going to happen as to those ten towns. Are they in a district or are they out of a district as a result of Liberty withdrawing? There might be a question as to whether the district did continue to exist. Certainly the percentage of the amount they will have to pay will have to be changed because all of the figures are based upon eleven towns and their percentages of expenses would now all have to be refigured on a ten town basis.

If we feel that the Sinclair bill is good — and I for one certainly feel it is one of the finest things the state has adopted from an educational standpoint for a long time — I think we are certainly doing tremendous harm to the Sinclair bill if we start now allowing towns to drop out for what I feel is no reason at all.

Liberty to me, today has not shown or Perham either, they have not shown any definite reason for asking to be allowed to drop out because in no district in the State of Maine can the Citizens Committee actively determine exactly to a dollar the amount their assessment is going to be when they form a district and I think this group here came about as close as anyone could ask any group to come. I feel therefore the amendment should be defeated in the interest of maintaining and keeping the Sinclair bill and giving it a chance to operate.

The mere fact that this has come up a short time before bonds might have been issued does not seem to me to affect the situation. It is the fact that it is a tremendous task, involving a great deal of effort and time to form one of these districts and I do not think that it should be allowed to be dissolved for reasons such as this. To me it is like bothering to set a verbal contract down into writing and after having prepared the written contract and having all persons sign it you then allow one person to say "I guess I don't want to abide by the contract. It isn't the way I thought," so the written contract is dissolved

and the signatories excused. That certainly would not be a proper procedure and I don't see why this is. It is doing exactly the same thing, allowing someone to renege on a written contract which they have agreed to and signed.

Mr. BATES of Penobscot: Mr. President and members of the Senate: I rise to support my colleague on the Committee on Education, the Senator from Lincoln, Senator Dow.

It should be obvious to each person in this room that if the Committee on Education had felt that the amendment offered to it in executive session — not at the time of the public hearing — similar to the amendment now before you presented by the Senator from Waldo, Senator Cole, had justification and did not have too many obstacles, that the committee would have been most happy to have solved or at least tried to solve these rather disparate situations. The committee thought it wise not to even have a public hearing. After we had this executive session with individuals representing Liberty with counsel and individuals representing Perham with counsel, because of the reasonably obvious fact this became more and more of a complicated legal matter. I too predict that the ultimate solution to this problem would probably fall upon the shoulders of those individuals gifted with a knowledge of the law.

The Senator from Waldo, Senator Cole, himself is in a very delicate position. He represents the entire county of Waldo, he lives in the town of Liberty. I myself came to a conclusion with respect to this matter which might or might not be of assistance to every other Senator in this room. Besides the legal aspects, I said to myself: We hear a great deal about keeping faith with the money lenders which of course ties in with financial integrity. We hear a great deal about keeping faith with the people who accept this at its face value and then reverse their position. Finally and most important, we must all keep in mind that we must keep faith with our neighbors and observe the golden rule.

Mr. DOW of Lincoln: Mr. President, the Senator from Kennebec,

Senator Hunt, mentioned that he would like to see the figures on the district with eleven towns. I do not have those figures. I don't know if there are any but I do know this, that if Liberty withdraws, the figures will be increased in the remaining towns, two of which towns have already indicated that if this happens, they also will ask for withdrawal. Gentlemen, there goes your Sinclair Act.

Mr. COLE of Waldo: Mr. President and members of the Senate, I hesitate to discuss this any longer because I feel it has all been clearly discussed and debated. However, I would like to mention a few facts in regard to the bonds. No bonds have been issued in either town, Perham or Liberty. The fact is that Liberty is assuming its share of the indebtedness to show it is playing fair with the rest of the district and if Liberty does get out of the district, it will not jeopardize the rest of the district; in fact in my opinion it is too large now because it does create a large handicap in transportation of our children when they have to ride forty-four to fifty miles a day, I think you as parents can understand this. We did not know when we went into this where the school building was going to be located. We had ideas but since we got into it the ideas changed and the location goes farther north all the time. It is still in debate now and they can't agree where it is going but whichever way it goes, I know it will be too far for Liberty to ride. Is it not a fact when the law was drawn, that there were provisions made in the act under Section 111-P allowing towns to withdraw? Why was it put in there? Can anyone answer me that? Are we keeping faith with the people and with the statutes of the bill? I have checked with the author of the bill. I said, "Were you sincere when you put this article in there?" And he is a sincere man and he said, "Of course I was." What are we talking about here? Let's play fair and if we believe in home rule let's give it to them. Let's keep faith with the people. I myself got up in town meeting when they asked me, or questioned me if they could get out if this didn't prove right and I

said of course they could. I said, "It is written right in the law."

If we don't mean and are not sincere in the laws we pass, how can we have faith in the law itself. Now, I believe in the Sinclair Law. No one worked any harder than I did for it but I don't think it is going to jeopardize the district in any way if you let these towns go. In fact, I know it will go along smoothly. Any partnership that has an unwilling partner is not a good partnership. Thank you.

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

Mr. COLE: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Lincoln, Senator Dow, that the amendment be indefinitely postponed.

A division of the Senate was had.

Nine having voted in the affirmative and nineteen opposed, the motion to indefinitely postpone the amendment did not prevail.

Thereupon, on motion by Mr. Cole of Waldo, under suspension of the rules, the bill was read a second time and passed to be engrossed.

Mr. Rogerson of Aroostook presented the following Resolution and moved its adoption:

State of Maine  
Senate Chamber  
Augusta

June 3, 1959

WHEREAS the members of the Senate of the 99th Legislature have learned with profound sorrow of the untimely death on June 1st of an esteemed colleague, the Honorable Paul L. Crabtree of Island Falls, a member of the House of Representatives in 1951 and in 1953, and a member of the Senate in 1955, and

WHEREAS in his association with the members of the legislature he was ever honorable and kindly, being highly regarded for his character and sterling qualities of mind and heart, and

WHEREAS the members of this Senate sense in his passing a personal loss and genuine grief, now there be it

RESOLVED that the State of Maine mourns the loss of a faithful and valued public servant and the members of the Senate lament the departure of an esteemed and trusted friend, and be it further

RESOLVED that an engrossed copy of this Resolution be sent to his family.

Which Resolution was adopted.

The PRESIDENT: The Chair would say it is most fitting at this time in a tribute to our late friend, the Honorable Paul L. Crabtree that the Senate rise for a brief moment.

Thereupon, the members of the Senate arose and observed a moment of silence in memory of Hon. Paul L. Crabtree.

Mr. DOW of Lincoln: Mr. President, for the purpose of offering an amendment to the validating act which I assure you has nothing to do with letting Liberty in or out but merely changes a date which is wrong, I now move that we reconsider our action whereby we passed this bill to be engrossed.

The motion to reconsider prevailed; and that Senator then presented Senate Amendment B.

Which amendment was read and adopted and the bill as amended by Senate Amendments A and B was passed to be engrossed.

Thereupon, the Senate recessed until 3:45.

#### After Recess

The Senate called to order by the President.

#### Emergency Measure

From the House:

Bill, "An Act to Appropriate Monies for Capital Improvement Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Years Ending June 30, 1960 and June 30, 1961 and to authorize a General Fund Bond Issue in the Amount of Six Million Dollars." (L. D. 1384)

In the House, failed to receive two-thirds vote in its passage to be enacted, and ordered placed on file.

On motion by Mr. Rogerson of Aroostook, the rules were suspended and the Senate voted to recon-

sider its action whereby the bill was passed to be engrossed.

Mr. ROGERSON of Aroostook: Mr. President, I have an amendment which I wish to offer and I might say this amendment is the product of consultation between both parties and both branches and is calculated to be one way of expediting the session. I offer the amendment and move its adoption.

The Secretary read Senate Amendment A.

Mr. ROSS of Sagadahoc: Mr. President, I would like to ask a question, through the Chair, of the Senator from Aroostook, Senator Rogerson. Just what does this amendment do?

The PRESIDENT: The Senator from Sagadahoc, Senator Ross, poses a question, through the Chair of the Senator from Aroostook, Senator Rogerson, and that Senator may reply if he wishes.

Mr. ROGERSON of Aroostook: Mr. President, the eleven million dollar construction program that was the bill which we considered was composed essentially of two parts, one part a five million dollar construction program to be financed out of unappropriated surplus and a six million dollar program to be financed by a bond issue. This amendment separates that package into two packages; one package dealing with the construction program up to the amount of five million to be financed by surplus, the other part to be a separate bill and to deal with the six million dollar bond issue.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate, I care not to be an obstructionist but this amendment does two things I do not approve of. First, if we accept this we accept without question the departmental requests contained in the first five million. I, for one, sincerely believe that certain changes should be made in this capital improvement budget. I will admit that state government has become very complex and we certainly must take the advice and certain recommendations of department heads, but there are certain items contained herein that are neither technical nor involved but a matter of judg-

ment and opinion, and we as duly elected legislators have every right to make certain changes if we deem them wise in the interest of saving taxpayers dollars regardless of departmental urging.

The second point in question is this, if it were accepted it would force upon us a tax, if we are going to any of the supplemental budget. Under present economic conditions in the State of Maine, I do not believe further taxation is desirable at the present time. The only way we can accomplish this would be to use certain surplus monies or savings to finance certain supplemental appropriations, and then use the balance of these savings with a bond issue to finance capital construction. Without any further harangue this afternoon on my part, I wish to simply state that I am opposed to this amendment and I will so vote.

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate, it is necessary for me to agree with the Senator from Sagadahoc, Senator Ross, because he has stated that this amendment does two things. One he says that it makes it necessary for it to accept the priority ratings established in the Bureau of Public Improvements. The amendment of course has nothing to do with the priorities or making us accept them because the situation is unchanged from what it would be under the other bill. This simply breaks the bill in two and leaves the priorities exactly as they were before.

Secondly, in the matter of financing current expenses out of surplus, it would be quite a new thing for the State of Maine to do. Normally unappropriated surplus is used for two purposes. One is for the building account, bricks and mortar, the other is for non-recurring expenditures where normally the expenditure would be for one year or for the biennium only. It seems to me that it isn't necessary to comment any further on the lack of wisdom inherent in a plan which would dip into unappropriated surplus for the purpose of financing current expenditures.

The PRESIDENT: The pending question is on the motion of the Senator from Aroostook, Senator Rogerson, that the Senate adopt Senate Amendment A to L. D. 1384.

A viva voce vote being had, the motion prevailed.

Thereupon, the bill was passed to be engrossed in non-concurrence.

On motion by Mr. Stilphen of Knox

Adjourned until tomorrow morning at nine-thirty.