

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

1959
and
SPECIAL SESSION
1960

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Thursday, June 11, 1959

Senate called to order by the President.

Prayer by Mr. Maurice F. Knowles of Bar Harbor.

On motion by Mr. Charles of Cumberland,

Journal of yesterday read and approved.

Orders of the Day

Mr. Charles of Cumberland was granted unanimous consent to address the Senate:

Mr. CHARLES: Mr. President and members of the Senate: I have distributed some material relative to milk. I did this in behalf of the Maine Dairy Council, who are spearheading the promotion of milk this month by designating June as June Dairy Month.

First of all, the place mat "Vacation Time," is a sample for you to take home, and if anyone of you desire to order extra copies of these they are available without charge from the Dairy Council in Augusta. They will be very happy to furnish you or your various organizations with these mats for the purpose of the advertising it might have. There is also a little booklet entitled "A Business Talk," which is very interesting, and another booklet which will control your calorie situation if you are one of those who desires to control your weight. It is entitled "Your Calorie Catalog." And to take home to the good lady who is preparing your meals and watching your weight is this very nice little cookbook, which you will find interesting.

So, with those few brief remarks, I urge that everything possible be done to promote the sale of milk in Maine, and when you retire for lunch this noon that each one of you will support that little message by consuming a glass of milk. Thank you.

The PRESIDENT: The Chair thanks the Senator from Cumberland, Senator Charles for the distribution of this valuable information and material and concurs with his comments on the consumption of milk.

The PRESIDENT: While waiting for papers to come from the House, the Senator from Penobscot, Senator Woodcock, moves that the Senate recess to the sound of the gong.

The motion to recess prevailed.

After Recess

The Senate was called to order by the President.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber this morning, grades one through eight from Pownal Grammar School, accompanied by instructor, Mrs. Brooks. We are pleased to have you young folks, your instructors and parents with us this morning. We trust you will spend a very pleasant day here in the State Capitol. A very hearty and cordial welcome to all of you.

The PRESIDENT: A message has just been delivered to the Chair that no papers are forthcoming at this time from the House.

On motion by Mr. Woodcock of Penobscot

Recessed until this afternoon at two-thirty o'clock.

Communication

State of Maine
HOUSE OF REPRESENTATIVES
Office of the Clerk
Augusta

June 10, 1959

Honorable Chester T. Winslow
Secretary of the Senate
99th Legislature

Sir:

Today the House voted to insist and joined conference on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act Relating to Weekly Benefits for Total Unemployment under Employment Security Law", (H. P. 969) (L. D. 1378) and the Speaker appointed the following Conferees on the part of the House:

Messrs. GOOD of Sebago
HARDY of Hope
WHITMAN of Woodstock
Respectfully,

(Signed) HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

Mr. Stilphen of Knox was granted unanimous consent to address the Senate.

Mr. STILPHEN: Mr. President and members of the Senate: I would like at this time to make a commentary and read into the record an item which was on the front page of the Portland Press Herald this morning.

"Rockport Girl's Grades Set Record at U. of M. The best grades ever compiled by a University of Maine student — that's the record of Miss Alice L. Lane of Rockport who was awarded her diploma at the state university's commencement exercises this week.

"Miss Lane received straight 'A's' during her University of Maine career, something no other state university student has ever done. And Maine has been graduating students since 1872.

"An English major, Miss Lane attended the University of Maine for three and one-half years, transferring from Westbrook Junior College.

"As Valedictorian of her class, Miss Lane gave an address at the annual Class Day exercises. She urged her classmates to 'make an honest effort to live by their own convictions without forcing them on others.'

"Her proud parents are Mr. and Mrs. Carl D. Lane of Rockport. She attended Camden High School for three years and Gould Academy in Bethel for one year before entering college."

As State Senator representing the town of Rockport, Knox County, I would like to add my commendations to Miss Lane and have this spread on the record.

The PRESIDENT: The Chair thanks the Senator from Knox, Senator Stilphen, for making these comments on the record. It is truly an outstanding achievement. The Chair congratulates Miss Lane for the entire Senate.

On motion by Mr. Woodcock of Penobscot

Recessed until four o'clock this afternoon.

After Recess

The Senate was called to order by the President.

Papers from the House Out of Order

Bill, "An Act Relating to Sales Tax on Motor Vehicles Traded In." (H. P. 179) (L. D. 250)

In Senate on May 28, indefinitely postponed in non-concurrence.

Comes from the House, that body having insisted upon previous action whereby the bill was passed to be engrossed, now asks for a Committee of Conference.

In the Senate, on motion by Mr. Woodcock of Penobscot, the Senate voted to insist upon its former action and join with the House in a Committee of Conference; the President appointed as Senate Conferencees:

Senators:

WYMAN of Washington
PARKER of Piscataquis
COLE of Waldo

Bill, "An Act Amending the Maine Housing Authorities Act." (H. P. 967) (L. D. 1373)

In Senate on June 10, passed to be engrossed as amended by House Amendment B (Filing No. 414) as amended by Senate Amendment A (Filing No. 469) thereto, and as amended by Senate Amendment B (Filing No. 501)

Comes from the House, passed to be engrossed as amended by House Amendment D (Filing No. 502) in non-concurrence.

In the Senate, on motion by Mr. Charles of Cumberland, the Senate voted to recede and concur.

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relieving Children and Certain Relatives of Financial Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled." (H. P. 963) (L. D. 1365) reported that they are unable to agree.

Which report was read and accepted in concurrence.

Enactor

(Out of Order)

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

Bill, "An Act Relating to Licensing and Safety Operation of boats." (S. P. 494) (L. D. 1374)

Mr. MARTIN of Kennebec: Mr. President, I move that this bill be indefinitely postponed.

In support of my motion I would simply like to say that this bill has been given a great deal of study not only by the committee from whence it came but by the Legislative Research Committee. I feel that it is a major item. It has been amended recently several times, and I feel that a lot of us are in a state of confusion concerning it. I would point out to the members that even if it does pass here it means it will go into effect only for one year. I feel it would be better if it were indefinitely postponed and the matter taken up in the next session and a new and better bill written.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: I must oppose the motion of my good friend, the Senator from Kennebec, Senator Martin.

This is a little gem that I have nursed along through the entire Legislature, feeling that the original bill had a lot of merit. This bill came out of the Legislative Research Committee unanimously; it was passed out by the Committee on Judiciary in a unanimous report.

I feel that with the heavy traffic on our lakes today that there is some need of identification, both for the purposes of identification and safety. This bill calls for a two-dollar registration for a period of three years on motors of over ten horsepower. That seems to be where our most difficult problem lies today, on our lakes and waters, with our heavier horsepower motors.

The bill carries many fine rules and regulations in it. One is that when proceeding down the lake, unless you are fishing you must keep so far a distance out from shore. This would take care of many accidents that occur where motorboat hot-rodders skim around the shore of a lake, which sometimes affects the bathing pleasures of those who

are in bathing and also those who are fishing along the shores. Also circling boats and lights, which many of you who have been on the lakes know is a serious problem today. Just the other day I picked up a paper and I believe it was in Maine that some so-called hot rodder went around a boat, picked up the fisherman's fishing tackle, pulled even the rod and reel out of the boat and disappeared in the distance. I feel that an identifying number would be very helpful if somebody skimmed along the shores and injured a child and then went off. Somebody might get the number and report it in.

The chief objection to this bill, as I understand at the moment, is the enforcement angle which was adopted, I believe, by House Amendment C, which puts the entire enforcement angle and dispensation of licenses with the Fish & Game Department. This is exactly where I think it should have been put in the first place. I think they are equipped with boats and motors, they have knowledge of all the lakes, and they are well-equipped to handle it. As far as an extra burden of finances being placed upon them, I do not think this should be taken into consideration because they will at least derive some forty thousand dollars from initial registrations.

New Hampshire is about to adopt a boat law; Connecticut, I believe, has a boat law, and Massachusetts is in the process of legislating a boat law.

I firmly and honestly believe in my own mind that the bill should be enacted. I think it has a lot of merit. We have exempted boats up to ten horsepower, which relieves the small boat operator on which we do not have a problem. Therefore, Mr. President and members of the Senate, I oppose the motion and when the vote is taken I ask for a division.

The PRESIDENT: The pending question is on the motion of the Senator from Kennebec, Senator Martin, that the bill be indefinitely postponed; a division has been requested.

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

Thereupon, on motion by Mr. Carpenter of Somerset, the bill was passed to be enacted.

Mr. COLE of Waldo: Mr. President, now that the Senator from Lincoln is in his seat, I move to take from the table L. D. 747.

The motion prevailed and the Senate voted to take from the table the 7th tabled item, being Bill, "An Act to Make Valid the Incorporation of School Administrative Districts Nos. 1,2,3,4,5 and 6." (S. P. 285) (L. D. 747) tabled by that Senator on June 10 pending consideration; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby it adopted Senate Amendments B and A; and on further motion by the same Senator, Senate Amendments B and A were indefinitely postponed.

Mr. COLE of Waldo: Mr. President and members of the Senate: This puts L. D. 747 back in its original form.

As many of you know, Senate Amendment B was never engrossed with this bill, due to a technical error. However, to strengthen the validation act I am prepared to offer Senate Amendment A to L. D. 747, and this does, in effect, these things: It strikes out the emergency preamble in the validation act. In Section 1 it incorporates Senate Amendment B that was previously adopted by this Senate. It corrects a technical error in some dates and some other minor corrections. Other than that, the amendment which I propose to offer is exactly the same as L. D. 1392 with the exception of some dates that were in the bill, which, because of the emergency provision, are no longer valid.

I might add that the July dates in L. D. 1392 have been corrected to October 1st., and also that the operating funds item has been changed from a definite sum to one

that is pro-rated according to the length of the school year and subject to the Department of Education. Other than that there are no changes.

So, Mr. President, I offer Senate Amendment C and move its adoption.

The Secretary read Senate Amendment C.

Mr. DOW of Lincoln: Mr. President, I would ask through the Chair if the Senator from Waldo, Senator Cole, would explain just what this amendment does, briefly.

The PRESIDENT: The Senator from Lincoln, Senator Dow, proposes a question through the Chair of the Senator from Waldo, Senator Cole, and the Senator may answer if he chooses.

Mr. COLE of Waldo: Mr. President, I will be glad to answer that. This will permit the removal of the town of Liberty and the town of Perham from their respective school districts.

Mr. DOW of Lincoln: Thank you, Senator Cole. Mr. President and members of the Senate: I rise to oppose this new amendment that has been offered.

This amendment, in my opinion, is just another method to break up the district by letting out towns. I would like to tell you what this validating act is, because I find, in talking with different members, that some of you do not understand just what a validating act is. It is simply this: A validating act is an act of the legislature which merely says that the actions taken in the various town meetings were done legally; it makes them firm. We have passed validating acts before regarding water districts, sewer districts, school districts. It firms up the actions taken in the various town meetings.

Now the reason it is necessary to validate these actions with a validating act is that when a district is formed and wants to borrow money through the issuance of bonds its position is much firmer if it can go to a bond company with the assurance that the actions that have been taken by the town or the towns has been declared valid. Without this validation it would be difficult for the towns or any dis-

trict to hire money through the issuance of bonds.

Now what I want is just this: I still do not want to break these school districts up, I do not want to injure the Sinclair Act from one end of the state to the other, and I am hoping to salvage the validating act of the six districts that now exist.

Now in our discussion the other day it was mentioned that the financial structure of the Sinclair Act would be hurt if we allow these districts to become broken up and allow towns to withdraw. There is no better example of that than what occurred just two nights ago when the lending institution, a bank in Belfast, notified District No. 3 that funds were no longer available to them in view of the action that is being taken here in the legislature. At the present time School District No. 3 owes \$100,000 to this bank for operational expenses and they have enough money left to go just another week, and if this problem does not clear itself favorably in their minds here in the legislature they have notified the district that they will loan them no more money.

Now the situation in Mapleton in the other district is similar, but it has certain aspects about it which I think you should know. Mapleton, which is one of the towns in the Perham District up there, has had no high school for about four years because the high school burned. They were advised to wait until the Sinclair Act was in operation so a district could be formed whereby they could have a new high school and have the state share in the building of that high school. They have been waiting all this time. They have their district formed, already to go to work, and because of the fact they have had no high school in the last few years, or in the past year at least, the school year was cut twenty-seven days short, which was made necessary by the fact that they had to hold the grammar school sessions in this grammar school building in the forenoon and then in the afternoon let the grammar school children out and take on the high school children. With that arrangement, they have fallen short of the

180 days' schooling a year which is required by law. Now they have been issued a warning by the Department of Education that they are not conforming with our state law providing for 180 days' schooling for the children and that they would be given until December to make a start in rectifying this situation. And of course the law says that if the town does not provide the number of school days that it requires then the state subsidy to the town for educational purposes may be withdrawn. So they are in a rather bad fix up there.

The amendment that the Senator from Waldo, Senator Cole, has just submitted also takes away the emergency. You can see plainly why the emergency is necessary to validate these districts so that they may go ahead and get their funds and start building.

Another thing about District 2, which is the Perham - Mapleton - Washburn district, is that when they formed the district Mapleton had a bond issue of \$275,000. One payment has been made on that of ten thousand dollars, but when the towns voted to join the district they assumed the responsibility of the balance, which is \$265,000 now.

I ask you: Who is going to be responsible to the bondholders for this bond issue if this district is allowed to be taken apart?

Just to make sure that I was following the right course in wanting this validating act, which started out as nothing more than an act which would say that the action of the town meetings in which the districts had been formed was valid, so it would make their position firm when they come to a bond company and ask for a bond issue.

The validating act was used only as a vehicle by these two districts which want to get out. Now the other branch has sent this bill back to us with all amendments taken off and the validating act as it was originally, and that is my purpose here. We want our validating act to validate the action of these towns, and we do not want amendments on it which would allow these districts to be taken apart and destroyed.

As recently as two hours ago I checked with the department to find

out how they felt as of now in view of what has been rumored and done around through the State House in the last few days, and I have this short reply: This is dated today, in fact two hours ago.

"In response to your inquiry, you are correct in your assumption that the position of the School District Commission has not changed with respect to the validating act for Districts 1, 2, 3, 4, 5 and 6. This act, as you know, was prepared by the Attorney General's office at the request of the Commission and on advice of bond counsel. Its objective was to provide these newly-formed districts with the firmest possible legal basis in order to facilitate their financial and other operations. The Commission has consistently opposed and will continue to oppose the addition of any amendment or the alteration of the bill in any respect that would obviate the realization of this objective.

Sincerely yours,

Mark Shibles,

Chairman, District Commission
Warren D. Rowe,
Commissioner of Education."

Mr. President, I move that Senate Amendment C be indefinitely postponed.

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

Mr. COLE of Waldo: Mr. President and members of the Senate: This bill has been debated quite thoroughly and I hesitate to prolong the debate, but in all fairness to the proponents of the amendment I feel that I should make some reply to the statements made by the Senator from Lincoln, Senator Dow.

First, he brings out the fact that he feels that by letting Liberty and Perham out of the school district that it is upsetting the Sinclair law. Now I disagree very much in that regard. I feel that if we continue to hold these towns into a district that do not want to belong to it that we are hurting the Sinclair act more than we are helping it. In order to verify that, all you need to do is to go out in this good old State of Maine and make inquiries of people on the street.

Of course educators feel that this may disrupt the Sinclair law. I disagree very highly with them, because I feel that it will strengthen it because of the fact that there are several towns that have already discontinued their studies from the results of the last two or three weeks in regard to the publicity that has been prevalent in the newspapers throughout the state.

Now he says that District No. 3 is indebted to the local bank for a hundred thousand dollars. This is true, but it is nothing more than an operating debt which we all will assume our proportion of, and when the town pays to the district its assessment that will automatically be taken care of, so that is no problem. There is no debt on District No. 3 other than what we assumed, and, as you know, in the amendment we are offering to pay the district a sum that is equal to our share of the indebtedness. Isn't that fair, for us to pay a sum of money for our mistake? We feel that we should do it and we are willing to do it. I assure you that for a little town of five hundred population or less this sum of money is certainly a large one to them, because of the fact that they are rural. I am speaking of both Liberty and Perham. They are both rural towns, they have no manufacturing, they are what you might call agricultural farm towns, with small farms that barely eke out a living, and they also contain many people who have a fixed income, such as social security or other fixed funds. I assure you that when we impose this extra burden on those people they are willing to accept it and we are willing to do our share.

Now in regard to Mapleton, their school district, I realize that they have a problem up there. We were prepared to compromise with them. We came in here Monday morning prepared to do so. However, they saw the other side and refused to compromise. We are willing to compromise at any time in a situation like this. Do you realize that if you do not let them out now, let Perham out and Liberty also, there is without question litigation coming up that will be expensive to all concerned. And won't that tie up

Mapleton in the district? I feel that the proper thing to do is to abide by the act and let these towns out that have made a mistake. It is not unique that the town of Liberty and the town of Perham have made a mistake. We admit that we have made a mistake, but isn't it true that other towns may make mistakes? Thank God we live in America where we have freedom.

Now in regard to the emergency part of the bill, L. D. 747: there again I feel that we are being fair. I cannot say what the other branch will do, but I sincerely believe that if you insist on keeping the emergency provision on this legislative document you will lose it completely. Therefore we are helping the validation bill. I am not opposed to the validation act. In other words, I think it is a help to take the emergency measure off.

Now in regard to the department letter: it is true that they feel that this may upset it; it is true that the department was back of the Senate when the amendment was first accepted. I refer you to this morning even, when another bill was discussed, when another department head flew from Montreal all the way to Maine just to kill a certain bill. What did the Senate do? They did what they should do, stand on their own convictions and pass the bill, which we have done already. Is it right for departments to tell us what to do? Isn't it true at the local level, all the way down through every department? I have been in local government and state government for more than thirty years, and I will admit that the trend is towards consolidation and to the fact that we are losing control, not only in Welfare and Highways but also in Education. I ask you: Do we want to continue this trend? I doubt very much if we do. I think if we believe in home rule we should stand firm and continue as we have in the past.

In regard to the Department, I have the utmost respect for the Department, including its head. I think we could not do better. Also the dean of education has been mentioned. I also have the highest respect for him, in fact in my mind he is the real workhorse of educa-

tion in Maine. He has done more personally to help education than any other man, and I am behind him all the way in his efforts to help the University and to help our youngsters to a better education.

I am sure you will agree with me that I have stood here and in the other branch always behind education, so I am not out to hurt it, I am for it. However, I feel it is not right just because we have made a mistake and the fact that the Sinclair act has been pushed too hard, to hold us to some bargain that we do not feel that we can afford.

Now isn't it true that when we passed the Sinclair law that Section 111-P meant just what it said? I have been fortunate in the past as well as in the present in being fairly close to the leadership of past and present legislatures. I believe we were sincere when we inserted the section allowing the town to withdraw and we were sincere when we set up the rules as to how we were to withdraw, which was a two-thirds vote of any town, which the town of Perham and the town of Liberty overwhelmingly did. There is no bond issue in either town. It is true they have authorized bond issues in the Perham district, however there is money in the bank right there to pay back every bond if they wish, so that is no problem. So I feel that if we are going to be sincere we should stand behind the things that were incorporated in the Sinclair law. Thank you.

Mr. DOW of Lincoln: Mr. President, in regard to Section 111-P, referring to withdrawal, it does say that a town may withdraw by a two-thirds vote in its town, but it also says "only under the conditions where no indebtedness exists." Now indebtedness does exist in both of these districts.

When the good Senator from Waldo, Senator Cole, mentions home rule that is very near to my heart and I believe in it almost wholly. So I say in this case: let the problems that occur within the districts be settled back home in those districts at the local level. I say that we do not want to upset the formation of school districts all over the state because of a local district

problem. Yes, it may require court action to let it be initiated at the local level where this trouble exists. Compromises? Yes, compromises may and should be made, but let them be made back in those districts where this trouble exists. I think we can still preserve the traditions and freedom of America by doing it with home rule on the local level. I think if everyone has as much faith and confidence in the District Commission and the Department of Education and the Commissioner of Education as I have that it would be very well for us to follow their advice which I have given to you.

Mr. BATES of Penobscot: Mr. President and members of the Senate: I rise to support the statements made by both Senator Cole and Senator Dow, that we are now down to the basic fact of the language provided in the Sinclair Act with respect to withdrawal. I would like to have you join with me as I read this, to see if your thinking might be along the lines of many of us who have been terribly alarmed at this situation. It reads as follows:

"When the residents of a participating municipality have indicated their desire to withdraw from a school administration district by a two-thirds vote of the legal voters in said municipality present and voting at a special meeting called and held in the manner provided by law for calling and holding of town meetings" — and so far that has been properly accomplished in both instances — "such withdrawal may be authorized by special act of the legislature upon such terms as may be contained in such special act."

I wonder if the members of this Senate believe that an amendment to a validating act constitutes a special act of the legislature in this respect? Primarily, a special act of the legislature, in my opinion, would, under most ordinary conditions, include a public hearing and would be a document by itself. At the public hearing information would be available to all of the members of the committee involved, and what is the most important thing of all, is that interested parties from the districts in-

involved and from all over the state would be present and would be able to present their thinking on the matter.

I even have a serious doubt as to the germaneness of presenting an amendment of this nature to a validating act, because, as you know, a validating act is an act to condense for ready accessibility all of the actions leading up to the formation in a legal manner of the districts, thereby making it that much easier for anyone checking on the act, unless they wished to go into the details of any one of the districts, to recognize that the legislature had placed its stamp of approval on all actions, that they were accomplished in a legal manner, rather than have legal authorities comb through documents which I am told are that thick — and I am holding my hands some five inches apart.

Let us read a little further from the Sinclair Act. "No such withdrawal shall be permitted while such school administrative district shall have outstanding indebtedness." Senator Dow has already touched upon that and Senator Cole has already touched upon that. We go just a step further: Each has said that District No. 3 already owes \$100,000 to a banking institution located in our state in Belfast for the purpose of temporary operating notes. But here is the point that I hope we do not miss: Those temporary operating notes were borrowed in anticipation of revenue from the full school administrative district, even as our individual towns, and other instances you can think about, anticipating revenue and borrowing from a reputable institution, each side having good faith that the position maintained in the one place by the bank and in the other place by the borrowing agent would be maintained.

Let us read a little further. I finished with the word "indebtedness," and now we come to "or shall be obligated to the Maine School Building Authority pursuant to any contract, lease or agreement."

One of the towns in District No. 3 — and I shall stand corrected if I am wrong — but I believe it is Unity, is already under the Maine School Building Authority by pre-

vious action, having borrowed money under a legislative act passed by a previous legislature to permit such action and that particular building became a part of School District No. 3.

Let me also point out another factor to you, and that is we have a legal debt limit, let's say twelve and a half per cent of borrowing capacity. Would it not be within the realm of thinking that as towns are whittled away in one manner or another from existing school administrative districts that would then leave a position whereby the borrowing debt limit would go up to any figure, eighteen, twenty or twenty-five per cent, which would certainly be beyond the legal debt limitations?

This is a most complex matter, but I hope perhaps you have seen how I shall vote, and it is based primarily on the fact that the remainder of the towns in the districts involved were not given an opportunity at a public hearing. This is not a special act of the legislature, but there is indebtedness and the Maine School Building Authority is apparently involved. We have a situation where, as I said the other day, we must keep faith with our neighbors, and I will now translate that a little differently. I firmly believe that these neighbors in these two school districts under consideration, District No. 2 and District No. 3, can among themselves sit down and come to a conclusion or at least approach a conclusion as to how they can settle their own differences. If they can not do so, they still have recourse to coming in with a special act at some forthcoming legislature. What I said the other day still holds uppermost in my mind: that this is a matter beyond the province of the legislature; this is a legal matter.

Mr. FARLEY of York: Mr. President and members of the Senate: I am going to support the Senator from Waldo, Senator Cole.

In the dying days of the last session two years ago the Sinclair bill was almost upon its death-bed. I do not know whether I am the only senator here who was selected to be a committee of five, but we met with five from the other

branch. As I said to you, the Sinclair Act was possibly on its way to its death, but before that committee of ten there were presented all of these arguments which you have been talking about here now. There were much bigger men in education than I am at that table. I think one thing we are getting away from didn't get away from that committee of ten. When they got down to the principle of the Sinclair Act, the foundation program, one of the chief opponents going into the session that evening was a lady from the other branch in this building; but in twenty or twenty-five minutes after that committee had talked over and arrived at a principle, that lady, who I think is vitally interested in education in the State of Maine then arrived at the principle of the foundation program. The foundation program takes in administrative school districts, it takes teachers and this and that. We came out of that committee meeting and everybody thought that the Sinclair Act had passed away. We came out with it and the Sinclair Act went through.

I have had an awful lot of experience with the Sinclair Act since the start of the session two years ago. I believe in the interests of education. I have not been lobbied on the bill. When I make up my mind nobody is going to lobby me. I think we are forgetting what we talked about in the committee; that it meant a better education for the children of towns and small communities. That is what the committee was driving at. It was reported back to the House and Senate, and that was the first act of the Sinclair bill.

Mr. DOW of Lincoln: Mr. President, I would like to ask through the Chair if the Senator from York, Senator Farley, would restate which side he supports.

The PRESIDENT: The Senator from Lincoln, Senator Dow, asks through the Chair a question of the Senator from York, Senator Farley, and the Senator may answer if he chooses.

Mr. FARLEY of York: Mr. President and members of the Senate: I like to be with "Bill" Cole. I have been with him since 1949, but in this case I just cannot go along

with him. I know he is honest, I know he is sincere, and I know what is in his own back yard. I had the same experience two years ago, as you know: they were going to take care of me if I didn't vote down from the 700. This year they did the same identical thing and I went along from 700 to 300. If I made an error I am with the Senator from Lincoln, Senator Dow.

Mr. COLE of Waldo: Mr. President, I hesitate to rise again, however there does not seem to be anyone else but myself to explain the problem that we are in, so if you will please endure me for a few minutes I will not speak again.

The good Senator from Penobscot, Senator Bates, brought out the fact that there was some question of the germaneness of the amendment. I doubt if there is any question, otherwise questions would have been brought up long before this. And he also stated that any town should have a special bill before the legislature for a public hearing. As you know, the towns of Liberty and Perham voted long after the cloture rule, thereby cutting off any chance of us introducing a special act, and therefore the only alternative was to use some other vehicle, which happens to be this one. So what other way did we have of trying to get the towns out of their predicament?

I would also like to add that the gentleman from Perham and myself requested the Education Committee to hear us out, which they did, and I certainly appreciate it. However, that was many weeks ago. We laid our cards completely on the table, everything, the very same thing that we have done in this amendment. Nothing was ever done. I think that was the time to do something, had they preferred to. So what other alternative do we have other than to offer an amendment from the floor?

Now in regard to the Belfast loan that the good Senator mentioned: once again I say this is only a temporary operating loan which will be paid in full when the town assessments are paid to the district. As you know, there is plenty of law in the Sinclair bill to force

the towns to pay, there is no question about it.

In regard to Unity, part of their debt was in the Maine School Building Authority. That too is part of the total indebtedness that we assume, and that too is part of our percentage that we are willing to pay to the district. So I ask you: Haven't we been fair in our proposition? We haven't tried to put something over on the committee; we have laid everything we had right on the table and got no results. Now again, is it the intent of the act — and I am speaking of the Sinclair act — that no town should be able to get out? The act does not provide that you can stop directors of the district from contracting or incurring indebtedness, so how would a town ever be able to withdraw? The two-thirds vote clause could very well be a nullity and meaningless. Once again, are we sincere in our actions? Thank you.

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

Mr. DOW of Lincoln: Mr. President, I ask for a division.

A division of the Senate was had.

Thirteen having voted in the affirmative and fifteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Cole of Waldo, Senate Amendment C to L. D. 1374 was adopted; and on further motion by the same Senator, the bill was passed to be engrossed in non-concurrence, and ordered sent forthwith to the House.

On motion by Mr. Woodcock of Penobscot

Recessed until tonight at eight o'clock.

After Recess

The Senate was called to order by the President.

The Committee of Conference on the disagreeing action of the two

branches of the Legislature on Bill, "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of Not Exceeding \$24,000,000 Bonds of the State of Maine for the Financing Thereof." (H. P. 108) (L. D. 181) reported:

That the House recede from passage to be engrossed, from adoption of Committee Amendment "B", indefinitely postpone Committee Amendment "B", adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A".

That the Senate recede from the passage to be engrossed, from adoption of Committee Amendment "A", indefinitely postpone Committee Amendment "A", adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A".

Comes from the House, Conference Committee Report accepted and bill passed to be engrossed as amended by Conference Committee Amendment "A".

In the Senate:

On motion by Mr. Bates of Penobscot, the Committee of Conference report was accepted and the Senate voted to recede from its former action whereby the bill was passed to be engrossed; and to further recede from its action whereby Committee Amendment A was adopted; and on further motion by the same Senator, Committee Amendment A was indefinitely postponed, Conference Committee Amendment A was adopted, and the bill as amended by Conference Committee Amendment A was passed to be engrossed.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on JOINT RESOLUTION Memorializing Congress to Equalize Wage Rates Between Boston and Kittery-Portsmouth Naval Shipyards. (H. P. 913) (L. D. 1287) reported that they are unable to agree.

Which report was read and accepted in concurrence.

Communication — Out of Order

State of Maine
HOUSE OF REPRESENTATIVES
Office of the Clerk
Augusta

June 11, 1959

Honorable Chester T. Winslow
Secretary of the Senate
99th Legislature

Sir:

The Speaker today appointed the following Conferees on the part of the House on the disagreeing actions of the two branches of the Legislature on:

Bill, "An Act Relating to Sales Tax on Motor Vehicles Traded In", (H. P. 179) (L. D. 250)

Messrs. COUSINS of Bangor
BAXTER of Pittsfield
BRAGDON of Perham

Bill, "An Act Relating to Salaries of County Officials and Clerk Hire", (S. P. 491) (L. D. 1369)

Mr. EARLES of South Portland
Mr. BAKER of Orrington
Mr. JALBERT of Lewiston

Respectfully,

(Signed) HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

Communication — Out of Order

State of Maine
HOUSE OF REPRESENTATIVES
Office of the Clerk
Augusta

June 11, 1959

Honorable Chester T. Winslow
Secretary of the Senate
99th Legislature

Sir:

The House today accepted the resignation of the gentleman from Pittsfield, Mr. Baxter, as a member of the conference committee on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Sales Tax on Motor Vehicles Traded In", (H. P. 179) (L. D. 250) and the Speaker appointed the gentleman from Old Orchard Beach, Mr. Plante, to serve upon the Committee of Conference.

Respectfully,

(Signed) HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

**Senate Committee Report
Committee of Conference**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes." (S. P. 178) (L. D. 422) reported that they are Unable to Agree.

Which report was read and accepted.

Sent down for concurrence.

The PRESIDENT: The Chair notes in the Senate Chamber the presence of a very attractive and charming wife of one of our distinguished members. Incidentally, she is making her first visit to the legislature, and the Chair would ask the Sergeant-at-Arms to escort Mrs. Richard Willey, wife of Senator Willey of Hancock, to the rostrum.

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

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the table the 6th tabled item, being bill, "An Act Relating to the Amount of the Annual Excise Tax on Railroads." (H. P. 254) (L. D. 365) tabled by that Senator on June 10 pending motion by Mr. Pierce of Hancock to recede and concur; and on further motion by the same Senator, the Senate voted to recede and concur.

On motion by Mr. Rogerson of Aroostook, the following bills and resolves were taken from the Special Appropriations Table:

L. D. 11, Resolve to Reimburse Town of Oakfield for Aid to Family of Leo Cote.

L. D. 44, Resolve, to Purchase Fifty Copies of History of Otisfield.

L. D. 89, Resolve Providing that the Legislative Research Committee Study the Creation of a District Court System for Lower Courts.

L. D. 129, Resolve, to Provide Funds for Matching Federal Funds for Training in Fisheries Trades.

L. D. 161, Resolve to Aid Settlement of Refugees in Maine.

L. D. 163, Resolve in Favor of the Town of Howland.

L. D. 189, Resolve Providing that the Legislative Research Committee Study the State and Municipal Tax Structure of the State.

L. D. 190, Resolve, Appropriation for the Purchase of Informational Materials for Use in the Education of Retarded Children.

L. D. 208, Resolve, Providing for Biographical Sketches of Maine Composers.

L. D. 258, Resolve, for the Purchase of Fifty Copies of The Story of Houlton.

L. D. 322, An Act Providing for Forest Rehabilitation.

L. D. 347, Resolve, in Favor of Edmund D. Schorr of Kittery.

L. D. 349, Resolve, in Favor of Leonore A. Kenniston of Amherst.

L. D. 373, Resolve, Providing for Purchase of History of the Town of Unity.

L. D. 400, Resolve, for the Purchase of Fifty Copies of A History of the Town of Porter, Maine.

L. D. 403, Resolve, Appropriating Moneys for LP Gas Prover for State Sealer of Weights and Measures.

L. D. 411, Resolve, to Reimburse the Town of Jackson for Aid to Louise M. Tilton.

L. D. 564, An Act Reactivating the Committee to Review the Settlement Laws.

L. D. 538, An Act to Reactivate a Maine Committee on Problems of the Mentally Retarded.

L. D. 641, Resolve, to Reimburse Old Town School Department for Tuition for Children Living on Indian Island.

L. D. 689, Resolve, Appropriating Moneys for a Sprinkler System in Andrews and Robie Halls at the Gorham State Teachers' College.

L. D. 701, Resolve, in Favor of Grand Falls Hospital, Grand Falls, New Brunswick.

L. D. 765, Resolve, to Purchase Fifty Copies of A History of Aurora, Maine.

L. D. 771, Resolve to Reimburse New Canada Plantation for Aid Extended to Adrien Saucier and Family.

L. D. 861, Resolve, Appropriating Moneys to Replace and Repair Songo Locks, Cumberland County.

L. D. 899, Resolve, Appropriating Money for Completion of Court Rules.

L. D. 927, Resolve, in Favor of Ernest S. Stone of Garland.

L. D. 971, An Act Creating a Committee to Study Establishment of a Residential Treatment Center for Emotionally Disturbed Children.

L. D. 1384, An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for 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. 981, Resolve, Creating a Committee on the Uniform Commercial Code.

L. D. 1017, Resolve, Appropriating Moneys for Restoration of Certain Forts in Aroostook County.

L. D. 970, An Act Creating a Committee to Study Establishment of Vocational Facilities for the Mentally Ill and Retarded.

L. D. 1044, An Act to Create a State of Maine Authority for Emergency and Fire Fighting Training.

L. D. 1045, Resolve, Appropriating Moneys to Town of Robbinston for Development of Recreational Areas.

L. D. 898, An Act to Provide Expanded Community Mental Health Services.

L. D. 1350, An Act Revising the Law Relating to Education of Physically Handicapped or Exceptional Children.

L. D. 1221, Resolve, Appropriating Moneys to Aid Construction of Dormitory at Higgins Classical Institute.

Which bills were passed to be enacted, and resolves were finally passed.

Emergency Measures

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the Special Appropriations Table, the following Emergency Measures:

L. D. 751, An Act Establishing a State Committee on Children and Youth.

This being an emergency measure, and having received the af-

firmative vote of 27 members of the Senate, and none opposed, the bill was passed to be enacted.

L. D. 1062, An Act Authorizing Construction of Dock in Town of Lincolnville.

This being an emergency measure and having received the affirmative vote of 28 members of the Senate, and none opposed was passed to be enacted.

L. D. 1118, Resolve, Appropriating Moneys for Construction of Enclosures of Stairwells in Corthell, Robie and Andrew Halls at Gorham State Teachers' College.

This being an emergency measure and having received the affirmative vote of 28 members of the Senate and none opposed, was finally passed.

L. D. 1368, An Act Relating to Completion of Josias River Project in Ogunquit.

This being an emergency measure and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted.

L. D. 689, Resolve Appropriating Moneys for a Sprinkler System in Andrews and Robie Halls at the Gorham State Teachers College.

This being an emergency measure and having received the affirmative votes of 27 members of the Senate and none opposed, was finally passed.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the Special Appropriations Table, L. D. 1259, bill, "An Act Providing for a State Tuberculosis Annex to Community General Hospital in Fort Fairfield".

Mr. ROGERSON of Aroostook: Mr. President, this project which is here in the form of an L. D. is also included in that part of the capital construction program which is to be financed by a bond issue. For that reason I now move that this bill be indefinitely postponed.

The motion prevailed, and the bill was indefinitely postponed in non-concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 4th tabled item being, House Report from the Committee on Taxation: Ought not to pass; on bill, "An Act Increasing Tax on Cigarettes." (H. P. 78) (L. D. 116) tabled by that Senator on June 5 pending acceptance of the report; and that Senator yielded to the Senator from Knox, Senator Stilphen.

On motion by Mr. Stilphen of Knox, the bill was substituted for the ought not to pass report and read once; under suspension of the rules, the bill was read a second time and passed to be engrossed in non-concurrence.

On motion by Mr. Woodcock of Penobscot

Adjourned until tomorrow morning at ten o'clock.