

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

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and

SPECIAL SESSION

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DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**SENATE**

Tuesday, June 13, 1961

Senate called to order by the President.

Prayer by Rev. Malcolm Brown, South China.

On motion by Mr. Pike of Oxford, Journal of Friday was read and approved.

The PRESIDENT: At this time the Chair would like to appoint two interim committees. To the interim committee studying the employment security law, the Chair appoints Senator Mayo of Sagadahoc and Senator Edmunds of Aroostook. On the Joint Committee, S. P. 358 the interim committee to study and report to the 101st Legislature on the function on the Department of Economic Development, the Chair will appoint the Senator from Franklin, Senator Noyes, the Senator from York, Senator Lovell, and the Senator from Androskoggin, Senator Jacques.

At this time the Chair would like to announce that we have celebrating a birthday here today, our lovely docket clerk Regis Strout and she tells me she is celebrating her 39th birthday. I am sure we are all pleased she is having a nice birthday and I am sure she is going to cut a cake for us by and by.

At the invitation of the President, the Senator from York, Senator Erwin assumed the Chair, the President retiring.

Senator Erwin was escorted to the rostrum by the Senator from York, Senator Brewster.

**Papers From The House  
Non-concurrent Matter**

Bill, "An Act Providing for Construction of an Educational Television Network for the State of Maine." (H. P. 224) (L. D. 435)

In House, June 7, Report "A" Ought to Pass Accepted, Bill Passed to be Engrossed.

In Senate, June 9, Report "C" Ought to Pass as Amended by Committee Amendment "A" Accepted, and Bill Passed to be Engrossed in Non-concurrence.

Comes from the House, that body having insisted and asked for a Committee of Conference.

In the Senate, on motion by Mr. Davis of Cumberland, the Senate voted to insist on its former action and join with the House in a Committee of Conference; the President pro tem appointed as Senate conferees, Senators: Davis of Cumberland, Stanley of Penobscot and Boardman of Washington.

**Senate Committee Reports  
Report of Committee of  
Conference**

The Committee of Conference on the disagreeing action of the two branches of Legislature on Resolve, Providing for Survey to Determine New Projects for Recreational Areas. (S. P. 286) (L. D. 887) report that they are unable to agree.

Which report was read and accepted.

Mr. Marden from the Committee on Judiciary on Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 253) (L. D. 770) report that the same Ought to pass in New Draft (S. P. 590) (L. D. 1638)

Which report was read and accepted, the Bill in New Draft read once, and under suspension of the rules read a second time and passed to be engrossed.

**ENACTORS**

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

Bill, "An Act Redefining the Financial Responsibility of Children and Certain Relatives in Public Assistance." (H. P. 1179) (L. D. 1625)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending enactment.

Bill, "An Act Relating to Salaries of County Officials and Municipal Court Judges and Recorders." (S. P. 573) (L. D. 1626)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending enactment.

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 409) (L. D. 1456)  
Which was passed to be enacted.

#### Bond Issue

Bill, "An Act to Authorize the Construction of Self-Liquidating Student Housing for the State Teachers Colleges and the Issuance of not Exceeding \$2,600,000 Bonds of the State of Maine for the Financing Thereof. (S. P. 585) (L. D. 1637)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending enactment.

#### Non-concurrent Action on Enactor

Bill, "An Act to Create a School Administrative District in the Town of Orrington." (H. P. 468) (L. D. 668)

In House, June 7, Passed to be Engrossed.

In Senate, June 9, Passed to be Engrossed in concurrence.

Comes from the House, Engrossing Reconsidered, House Amendment "A" Adopted, and the Bill Passed to be Engrossed, as Amended by House Amendment "A" in Non-concurrence.

Mr. BROOKS of Cumberland: Mr. President, I hesitate to rise on this bill; it has been talked I believe through this body but I am sure I would be remiss in my duties if I didn't at this time bring to your attention several facts that have been developed in regard to this bill since we last heard it. As you recall several days ago, the Senator from Penobscot, Senator Bates, read several telegrams from members of the school officialdom in Brewer, Bucksport and Orrington. I would like to restate if I may just one sentence of the telegram from the Superintendent of Schools in Brewer, in which he says: "Have contacted Brewer school committee. Will take Orrington school students next year if bill 452 passes." The Governor has just signed L. D. 452 so that Brewer will take these Orrington school students. I also talked to a member of the legislature from Brewer this morning, who, in the

course of the conversation was somewhat amazed that we didn't go along on the word of Brewer that they would take these students from Orrington.

I also bring to your attention that House Amendment "A" leaves the bill as it was originally written without the emergency preamble. I think that in itself is an admission that perhaps the people in Orrington are now convinced that Brewer is sincere in their efforts to care for the Orrington school students, because without the emergency preamble this bill would not become effective until ninety days after this Legislature closes, and that is a question at this time which cannot be answered. At any rate it would be sometime in September after the public schools of Maine have reopened. So I submit to you that the elimination of the emergency preamble by the sponsor of the bill is admission to us that the bill is no longer an important issue, and I would appeal once again, as the Senator from Penobscot, Senator Bates, has several times earlier, that by passing this L. D. 668 we are definitely setting a precedent, and that the Committee on Education has only made their decision after exhaustive study and conscientious thought. So at this time I would be in order, Mr. President, I believe, in making a motion to indefinitely postpone this bill and all accompanying papers.

Mr. EDMUNDS of Aroostook: Mr. President, would I be in order if I asked the Secretary to read the committee report on this particular bill?

The PRESIDENT pro tem: The Secretary will read the status of the bill.

The report of the committee was read by the Secretary.

Mr. EDMUNDS: Thank you, Mr. President, for that information. Obviously it is a nine to one "Ought not to pass" committee report and I personally must go along with the Education Committee who had a better chance to study this question than I have had.

Mr. HILLMAN of Penobscot: Mr. President, I happen to know

a little about this bill, although I certainly do not want to stand up here in opposition to the Committee on Education.

Last Saturday I had a conference with a group of citizens from Orrington and one from Brewer and I find that contrary to what the Senator from Cumberland, Senator Brooks, has said, that they do have a problem, there is not any question about that. The City of Brewer has agreed to take the students next fall, but only in accordance with the bill that the Senator from Cumberland, Senator Brooks, referred to, the so-called Brewer bill, I think the number is four hundred and some odd, but they are not having any assurance that they will take them for a longer period than is outlined for that bill, which is for two years.

Orrington's position is just this: At no time has Brewer said they wouldn't take Holden or they wouldn't take Eddington, but they have told Orrington in the past six months they would not accept their students. Orrington is a little fearful that perhaps at a later date that Brewer will say they just simply cannot take their students. I do not know as I blame the City of Brewer, because actually they do have a big enrollment of tuition students. Their worry is this: supposing the City of Brewer does say they cannot take their students that they then would have to come to the legislature and ask for a district to be created and perhaps they could get Holden to come with them and perhaps they couldn't. They are not able to get Holden and Eddington to agree to it now. They feel that if this bill passed as long as Brewer would take their students there would not be any construction started, but that if Brewer should say to them they could not take their students they would like to have some type of protection so that their students could go to school. They do have a problem, they have a growing community, Orrington is growing very fast, and they have a number of students going to MCI, Hebron, Higgins Classical Institute and John Bapst High School in Bangor in addition to Brewer High

School. Their tax rate is way up in the seventies, seventy-eight per cent of their tax revenue is used for school purposes. They do have a problem, and I do not feel I should sit here and not get up and tell the Senators that Orrington does not have a problem because they do.

When we talk about establishing a precedent, I know of three instances that I can repeat right now where schools have been granted the privilege of having a district that are in no different a position than the town of Orrington is. Orrington happens to be hemmed in one side by the Penobscot River, on the south side by the town of Bucksport, who cannot take their students, and on the north by Brewer and on the east by Holden, and Eddington beyond Holden who will not at this time join in a district.

I would hope that the motion of the Senator from Cumberland would not have too far-reaching results here in the Senate here today.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I rise in support of this motion now before this body. I have not studied it but I have talked it over with Senator Bates and other members of the Committee on Education, and I feel very strongly that we are setting a precedent here for a problem which one small town has. I think that the passage of the so-called Brewer bill will take care of the problem for the next couple of years and possibly two years from now those who do come back to this legislature should see that the bill should be changed to require four year's notice instead of two years, which will allow any student to finish four years in high school. But I visualize if this bill is passed that in the next legislative session a flock of bills will come in from these various small towns who would like to have their own high school.

Now this bill calls for 62 per cent aid in construction and sixty-two per cent aid in construction of these small high schools is going to put the legislature and other

people into a bad problem of where is the money going to come from. I think that we are moving ahead in education as fast as we can. I think the Sinclair act is doing all it can. But the original Sinclair Act was never set up to take care of this specific problem that we have here today, and I think we should look to the future and realize that on any bills we may pass here in this legislature what the future result is going to be. I certainly hope that the motion to indefinitely postpone does prevail.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I rise in support of the motion of the Senator from Cumberland, Senator Brooks.

This is a very, very dangerous bill. I can well imagine what would be the result two years from now or four from now if we enact such legislation as this.

Several of the smaller communities in Oxford County wanted to get in on a single administrative district to qualify for the high subsidy presented. As you know, the average now under the School Administrative District where more than one community join with at least three hundred students they qualify for 18 percent on capital improvements. I can well see where future legislatures would have to be appropriating for the Department of Education millions of dollars, it is hard to say just how many million.

I am somewhat familiar with situations of this type, having been a municipal officer for the past ten years, and I again say that it is a dangerous bill, and I think we would be setting a precedent.

I do not believe that the town of Orrington is very bad off. As I look over the report of the State Auditor I see that they have a low tax rate of 62 mills and the valuation is not high; the tax burden in that town is not heavy. They have collected 99.8 per cent of the taxes, they have \$8000 outstanding bonds payable. I should think they are very well off and they should be able to construct a high school of their own without having the state kick in such a large amount. Un-

der this Brewer bill, L. D. 455, certainly it will make it very attractive for Brewer to take on their students. I do not see how Brewer can afford not to take them on, where it permits the Department of Education to count in the tuition pupils as well as the rest of them. So I strongly support the motion of the Senator from Cumberland, Senator Brooks, and I hope that the Senate will go along with that motion.

Mr. PORTEOUS of Cumberland: Mr. President, this particular L. D. has come this far and we have had an approximately 18 to 12 vote in favor of its passage each time, 18 to 12 was the last vote we had.

After the last time it was voted upon I had not heard one of the telegrams which Senator Bates referred to so I went to him and he told me that the Senate scribes had it, so I copied it down.

According to the representative from Orrington, the situation has not changed. The feeling of the Superintendent of Schools of Union No. 91, of which Orrington is a part, Paul J. Brown sent this telegram: "Brewer has notified us that they will take the Orrington children this fall. We still feel that the Orrington bill should be passed due to the tremendous financial effort being made by this town in its school building needs."

The sheet was passed around—I do not imagine anybody still has it but I do—showing that the percentage of commitment for school purposes in this town, 75.4 per cent, was the highest in the town.

In my estimation these people are very sincerely trying to do all they can for the education of their children. Now the very fact that Brewer had previously notified Orrington that they could no longer take their children and it only hinged on the passage of that so-called Brewer bill proves to me that at some future time Brewer could cast these children aside and say "We won't take you any longer."

Naturally the building of this addition on their school will be a boon to Brewer. They will receive these funds and when their town grows, as it probably will, they will occupy these class rooms,

they will have them already there, and I think that will be just fine for Brewer, but where will it leave Orrington? They will be out in the cold again.

Now this bill is merely enabling Orrington to do for itself what it cannot do collectively with other towns. I feel as strongly as I did in the last week that it should pass. It passed 18 to 12 and I should think it would pass again because I see no change in the situation whatsoever.

Mr. FERGUSON of Oxford: Mr. Senate: Again I must point out to President and members of the you that in order for Brewer to qualify for this building subsidy for capital improvements that they just cannot turn those students down and just have the resident students in Brewer. They will just have to take on some of the tuition students. I think the situation has changed very much since the last time we voted on this bill. If this bill goes through I certainly will prepare an amendment to include the town of Andover, which is in the same situation, to have a high school built there which will qualify for 62 per cent of state money. I would like to know where the legislatures are going to find money to finance this thing. I do not see anybody coming up with new idea about revenue-producing measures here that will take care of this situation. Certainly we must have some more money if we are going to go into some of these things.

Mr. PORTEOUS of Cumberland: Mr. President, I still insist that nothing new has come up since the last time we talked about this bill. These telegrams and this willingness of Brewer did come up the last time and the Senator from Penobscot, Senator Bates, referred to them. If Brewer will not be authorized to build an addition on their high school without the addition of tuition students I say the students from Orrington will be going there next fall, and I do not see that it changes the thing very much because in a number of years they will probably be getting more students anyway. This merely holds the door open for Orrington. If you were to defeat

this bill at this time then it would certainly close the door to Orrington for at least two years from now and ninety days from the adjournment of the next legislature. So it would be putting it off, and I doubt if the people of Orrington would go ahead with a project if they really found it unnecessary.

When the vote is taken on the motion for indefinite postponement I move that it be taken by a division.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: As you know, I was one who was very active in supporting this bill up to this point, and the reason that I was supporting it was to keep the measure alive so that we would have further opportunity to look into the situation.

I certainly sympathize with Orrington, and it is with great reluctance that I now feel at this time that the only wise and judicious course for this Senate to take is to support the motion to indefinitely postpone.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I agree with the good Senator from Cumberland, Senator Brooks, that the immediate emergency is taken care of, because the City of Brewer will take these boys and girls for this year. I do not think it solves the problem. Orrington is a growing town and these people want to build their school for some three hundred children, a six year high school which does not seem exactly like a small school. Now as far as the open door policy. It would appear to me that the door has already been opened and I am glad that it has for the town of Lubec. Lubec has Whiting, Prescott, Cutler and Dennysville all near by and why these towns were not taken in to this district, I don't know but I am glad for Lubec that they do have a bill that will enable them to have a district of their own. I don't think any bill is perfect, I don't think the Sinclair bill is perfect, and the fact that we have to lay down the rule that we cannot step outside and make any changes, I think is entirely wrong. I think the door has been opened

once and I don't see anything wrong. I think that is what the legislature is for, to correct inequities.

I certainly hope the motion to indefinitely postpone will not pass.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate, it seems to me that this is one of those difficult situations where a town is left to itself because other towns will not join in a district, and the future is very uncertain as far as Brewer is concerned. It may be that they will take care of them for two years but after that we don't know. I feel that this is one of those situations comparable to two or three others which have been taken care of through the legislature and I feel that we should take care of Orrington in this case.

Mr. BROOKS of Cumberland: Mr. President, I rose to make the motion for indefinite postponement based upon a sincere belief on the part of nine members of the Committee on Education that the passage of this bill would do no good to the future of the educational system in Maine. A few moments ago the good Senator from Penobscot, Senator Hillman, spoke in favor of this bill and against my motion. He mentioned two or three other areas in the state that had single town school administrative districts, and he is correct. But each problem that we studied and heard this past winter, we passed on the individual merits, and two of these school administrative districts are located on islands off the Coast of Maine which makes it completely impossible for consolidation, and the other was a unique problem in the northeastern section of the state.

The good Senator also mentioned the fact that this is a problem and the Committee on Education is very quick to reply that it is a problem and the State of Maine has many problems regarding its elementary and secondary educational program, and we will continue to have problems but this committee on Education is trying to resolve these problems in what we feel is the good of the entire state and I submit to you as some on the other side have ad-

mitted this morning that Orrington is being taken care of, that the emergency preamble has been removed by the sponsor of the bill, which is admission, I believe, that no longer does an emergency exist, L D. 452 has been signed by the Governor which bears out our point that Orrington is to be cared for by Brewer, and there is a clause in that bill that requires a two year notification before a school drops tuition pupils of another town or city. It has also been said by some that the School District Commission has dictated policy which is an inference strong that perhaps the Education Committee hasn't been in a position to study and rationalize these problems, which I believe is not true.

We will continue to have these problems of the small towns I am sure attempting to have a single town administrative districts and we sympathize naturally, coming from a small town myself, I sympathize with the problems of the small town, but as the Senator from Sagadahoc, Senator Mayo stated earlier, it was not the intent of the Sinclair Act to create small school administrative districts but rather to offer small towns an opportunity to consolidate and as a result offer to the student body a better type of education. That is what we are attempting to do and I don't believe Orrington is in such a dire state as had been suggested earlier, and I know that this problem will be resolved and that the Orrington students, and Eddington and Holden will eventually be probably in an administrative district by themselves, but certainly the students of Orrington are going to be educated at the elementary and secondary level and so I do hope and I plead that you people will support the Committee on Education in their belief that this bill is not a good bill at this time for the citizens of the State of Maine and for that particular area. Thank you.

Mr. PORTEOUS of Cumberland: Mr. President, for just one last time, I have come up with some figures here that might be pertinent. I hope they are. In the statement that the town of Brewer can



take care of the town of Orrington students and we wonder for how long, the figures that I think are very pertinent is the amount of money being spent on tuition by the town of Orrington right now, it says here that the tuition appropriation is increased from \$57,600 in 1960 to \$72,150 in 1961. Now I know that Portland high school is on a fifty year bond issue, and I have inquired and I find that thirty years may be more usual, and on a thirty year basis that multiplies out to, at this time at \$72,150 and we don't know how much it will be next year since there has been a \$15,000 to \$20,000 increase in the last year. How much will it be next year and the year after that, and the year after that? In tuition dollars this figure in thirty years is \$2,164,000 for the thirty year period. And it seems to me that even without state aid, that the town of Orrington would have enough money to do this, but if a town is making such an effort as this town obviously is, then I sincerely believe that they should have the opportunity to do it in equal balance and with equal rights that the rest of the state has.

The PRESIDENT pro tem: The question is on the motion of the Senator from Cumberland, Senator Brooks, that the bill be indefinitely postponed; and a division has been requested.

A division of the Senate was had.

Fifteen having voted in the affirmative and fourteen opposed, the motion prevailed.

The President pro tem laid before the Senate the 1st tabled and specially assigned matter (H. P. 13) (L. D. 32) Bill, "An Act Relating to Certain Standards for Boarding, Lodging and Nursing Homes," which was tabled on June 12th by Mr. Carpenter of Somerset, pending motion by Mr. Parker of Piscataquis to indefinitely postpone.

Mr. CARPENTER of Somerset: Mr. President, the reason I put this particular L. D. on the table yesterday was because it was not quite clear in my mind exactly what the bill did. Originally the bill provided for five persons in

either lodging or nursing homes before they would have to come under the fire code. Senator Farris's amendment reduces the nursing homes to three, and after I have discovered that the State pays close to \$200 per month per individual for nursing care I am now inclined to feel that the bill is all right and that the person who did take care of three persons in a nursing home would be amply well repaid for their efforts which situation is quite different from that of the boarding home. So therefore I will oppose the motion of the Senator from Piscataquis, Senator Parker, for indefinite postponement and when the vote is taken I will ask for a division.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: This particular bill has had a very stormy course. The Committee on Health is now, as far as I know, unanimous in its opinion that this bill should be enacted as amended. Further than that—and I think this is very important—it was the sole intent of the sponsor of this bill when it was introduced into this legislature that it should only pertain to boarding homes, but through an error in the drafting of this bill, because boarding, lodging and nursing homes are in the same section of the law, all three categories were included in the bill so we are now at a point that if we do indefinitely postpone this bill we are absolutely defeating the purpose and intent of the sponsor and I feel that it would be a most unfair position of this Senate to place that sponsor, and I urge against indefinite postponement and then that we enact this bill as amended.

Mr. EDGAR of Hancock: Mr. President and members of the Senate, as you all are very much aware at this time, my only interest in this whole procedure right from the very beginning, has been in the nursing homes. I was very definitely of the opinion and have been all along that the minimum number of three in nursing homes where we are dealing with bed-ridden, non-ambulatory patients should at the very worst be kept at three if not reduced from that. However, where this bill provides

that the number of patients in boarding homes should go to five, I have no opposition to that; in fact, I think it might be fair to let that situation take place.

In a boarding home the patients are not bedridden; they are ambulatory; they are much better able to help themselves and take care of themselves in case of a fire as against the non-ambulatory patients in nursing homes, so I find myself in the happy position this morning of winning my point no matter what happens to this bill. If it is indefinitely postponed, the nursing home number will remain at three and if the bill passes, the nursing home number will still be three, but the number in boarding homes will go up to five, and because I can see the logic in permitting the number in boarding homes only to go up to five, I would oppose the indefinite postponement of the bill.

Mrs. LORD of Cumberland: Mr. President, I would certainly support the Senator from Somerset, Senator Carpenter in his opposition to the indefinite postponement. It does take care of boarding homes; that is where the great need is. These people like to find a place near their homes where they can be taken care of and this solves the problem. As the Chairman of that Committee which reported the bill out ten to nothing Ought to pass, I feel that we should pass this bill as it now stands.

Mr. STILPHEN of Knox: Mr. President, I would just like to ask a question of the Senator from Cumberland, Senator Lord, the question would be this: The report of the Committee was ten to nothing Ought to pass. Did the bill at that time include nursing homes?

The PRESIDENT: The Senator from Knox, Senator Stilphen, poses a question to the Senator from Cumberland, Senator Lord, and that Senator may answer if she wishes.

Mrs. LORD of Cumberland: Yes, Mr. President, I will answer that it did. There was an amendment brought into the committee to remove nursing homes and the committee refused to add it to the bill so that amendment was added in

the Senate, but the bill included the nursing homes.

Mr. STILPHEN of Knox: Mr. President, I just wanted to have the record straight that the ten to nothing report from the committee did include, and in fact, gave every indication that they felt there was as much need in nursing homes for the limit to be five as there was in boarding homes, and I feel definitely at this time that this is discriminatory. This is legislation being passed where you are eliminating a necessity. The nursing homes certainly need to have the opportunity to take five patients and another thing maybe that is beclouding the issue here is misunderstanding. I submit to you that in all instances the state does not pay \$200 toward the care of these patients. True, the State Aid patients and those on Old Age Assistance get a subsidy up to \$200, as the Senator from Somerset, Senator Carpenter, mentioned, but where are the funds coming from for those who are not eligible for old age assistance? Also where are the funds coming from that the patients are subjects of town support and the towns have to pay this money, and in many instances people cannot afford to pay this \$200 and I say to you in instances of people whether they are ambulatory or not, they are human beings and they like to be near home. The non-ambulatory patients like to be near home as well as the ambulatory patients do and for that reason I feel if we are going to defeat, which we have apparently, defeated the five in the nursing homes, I think the boarding homes and lodging homes should be treated likewise and therefore I support the motion of the Senator from Piscataquis, Senator Parker.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, early in this session this bill was in our body to allow us to give it careful consideration. From the very moment that the bill came in, I have done everything that I could in honesty to see that the nursing homes, the small nursing homes, in the State of Maine had an opportunity to have up to five

patients as well as the lodging homes.

At one time, if my memory serves me right, the bill was passed in both branches to allow five patients in the nursing homes and five in the boarding and lodging homes, but through some legislative finagling, it was brought back and new life was breathed into it with the whole thought in mind, I believe, by the opponents of the nursing homes to limit them to three or less if possible and allow the boarding homes to have five. Now I ask you ladies and gentlemen, members of this Senate, if there is any logical reason why nursing homes in this day and age, especially where they are principally domiciled on the first floor of a nursing home should not have the same usage as boarding homes.

I have heard it so many times that it isn't funny, that in a boarding home all the patients could very easily get out in case of fire, but in the nursing homes that couldn't be done. Now I have checked over my county, the nursing homes, and they tell me this. They do have a few state patients of course where they do receive up to \$200 in fact I think it is \$180 but in these same homes there are many that do not come under the state subsidy, in fact in some homes, I know one especially where there is an elderly lady who has lived in a home for several years and she told me, "Whatever you do when you get to Augusta, see if you can get nursing homes that can legally have five patients," because I know the operator of this home where she is a patient, cannot make ends meet with three patients. I have contacted doctors, M.D.'s in my county and without exception these doctors say, "For heaven's sake allow them to have five so they can provide better care and possibly have a little something left at the end of the month."

Now I would like to read a letter from Dr. Stewart who is the councillor of the 6th district of the Maine Medical Association. It is a rather long letter and I won't attempt to read all of it. In this letter he says this: "A year ago, Mrs. Violet McNutt, a woman who

has nursed in and out of hospitals for over 35 years and worked for over two years in a nursing home in the adjoining town, constructed a new house and in it she built two large rooms for the purpose of taking care of four persons, two to each room. She fitted these rooms with modern hospital beds, placed a bathroom between them and purchased all modern equipment necessary for caring for patients—wheelchair, walker, and so forth. These rooms are all on one floor opening into a large living room. Facing the exits of both rooms is a large double door exit right to the out of doors. To the right through a kitchen is another exit to the grounds and to the left is another exit. This gives three direct exits for four patients. She had been told she can only keep three patients not four, and to add insult to injury the other day a state nurse arrived and because she had one patient in one of the rooms, she was told to take down the empty bed and if she had had two patients in the room, which would have been amply large, she would not have been obliged to take down the bed. So why, since she was using the room for only one patient, did she have to take down the bed?" Well, you and I know why, because she had had instructions that you can't keep but three patients in a nursing home and they just didn't believe that she had that bed in there unless she proposed to put a patient in it.

Further on in this letter, "If the state continues to manufacture these ridiculous rules and regulations, which by the way are not actually direct rules as set down by and passed by the House and Senate, but only one man's and one woman's opinion, and I am afraid that all nursing homes will have to close and the state find itself obliged to construct homes at a terrible expense and needlessly so." Now that letter was from Dr. Ralph C. Stewart who is the councillor of the 6th district of the Maine Medical Association.

Now I have another one that is much shorter.

"Dear Senator Parker,

I am writing to urge you to sup-

port the bill allowing small nursing homes to have up to five patients. This is essential if they are to break even and continue to provide care for patients who are unable to be cared for in the larger homes. In this area we have excellent examples of both types, homes large and small, but the larger homes cannot begin to handle all of the patients needing such care."

That letter was signed by Dr. L. J. Stitham, of Dover-Foxcroft. Now I suppose yesterday when I moved for indefinite postponement of this bill, I should have explained to the members of this body the reason. I will do that now.

I believe that a nursing home can have up to five patients and give them good care at a reasonable expense and that the patients in the small nursing homes will in most cases come from maybe the same town or an adjoining town and that they will be much better off in a small home than they will in what I call a nursing institution, and that is exactly what we have in our larger homes.

Mr. President, in order to give this one last opportunity to pass, with five patients in nursing homes and five in boarding homes, I am going to ask the indulgence of this Senate to give us a recess of five minutes and let us see if we can't get together, both sides, those that want the bill and those that would be glad to settle for five if they could get it for boarding homes and three for nursing homes, to allow us to discuss this bill and then we will come back into session and if we find that they just won't agree that nursing homes are entitled to five patients, then we will take it from there. At this time I will ask the President to declare a five minute recess.

The PRESIDENT: The Senator from Piscataquis, Senator Parker has requested a five minute recess.

Mr. NOYES of Franklin: Mr. President, it is the feeling that some of us would like to hear the debating in the House and I would suggest that we recess to the gong.

The PRESIDENT: The Senator from Franklin, Senator Noyes, suggests that we recess to the gong. Before, however, we recess, if you

will bear with me, I would like to acknowledge the fact that there are in the balcony, 24 children from the grade school in the town of Union, accompanied by their teachers. I wish the record to show that we are glad you young people are here watching the process of democracy at work and we hope you will come back. We hope you go all over the state house and see all the wonderful things there are to see here. I am sure that the Senator from your county will be glad to escort you anywhere you would like to go. I would like to introduce to you, the Senator from Knox, Senator Stilphen. (Applause)

Recessed to the sound of the gong.

#### After Recess

Called to order by the President pro tem.

On motion by Mr. Noyes of Franklin Recessed until two o'clock this afternoon.

#### After Recess

Senate called to order by the President.

The PRESIDENT: The Chair wants to take this opportunity to thank the Senator from York, Senator Erwin for his excellent job in presiding this morning. I think he deserves a lot of credit and some applause from the Senate. (Applause)

The PRESIDENT: The Chair would like to recognize in the Senate Chambers a group of third grade students from Hallowell, Mrs. Maynard, Mrs. Raynes and parents. It certainly is a pleasure to have this group in the Chambers. We hope that your stay is enjoyable and educational and that some day you will be taking your places in the Senate Chambers representing the county in which you live. The Chair would like to introduce at this time the Senators from your county, Senator Gilbert, Senator Farris and Senator Marden, of Kennebec. If there are questions the teachers or the parents would like to ask, I am sure these Senators will be most helpful. (Applause)

The President laid before the Senate bill, "An Act Relating to Certain Standards for Boarding, Lodging and Nursing Homes"; (H. P. 13) (L. D. 32) under discussion at the time of recess.

The PRESIDENT: The question before the Senate is the motion of the Senator from Piscataquis, Senator Parker, that the bill and all accompanying papers be indefinitely postponed.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, this morning when we adjourned, it was for the purpose of trying to reach a compromise with the opponents of the nursing bill. This, we were unable to do, I want everyone to understand that we would have been very glad to compromise this bill in some way so that we could have allowed the nursing homes to have five patients. This the opponents refused to do, so we are right back where we were and because of the feeling that has been expressed to me for asking for indefinite postponement of this bill, with the permission of the members of the Senate and the President, I will withdraw that motion for indefinite postponement.

Permission was granted to Mr. Parker to withdraw his motion.

Mr. PARKER: Mr. President, I think I have straightened out what I want to do. Under suspension of the rules, I believe that is the motion, I would ask that this bill be reconsidered, that the Senate reconsider passage to be engrossed.

The motion to suspend the rules and reconsider engrossing prevailed.

Mr. EDGAR of Hancock: Mr. President, I merely rose to point out the fact that suspending the rules at this time requires a two-thirds vote, and I was very much opposed to the motion to suspend the rules.

We have worked out something here now that has been engrossed in both branches and which leaves the nursing homes at three and the boarding homes at five, and that looks like the best compromise we can come to one the thing. So I was opposed to the motion to reconsider and I rise to a point of

order that a two-thirds vote is required.

The PRESIDENT: The Chair will inform the Senator from Hancock, Senator Edgar, that nobody requested a division and the motion went through under the hammer. Now the Senator from Hancock, Senator Edgar can move to reconsider action whereby we took this former action on the motion of the Senator from Piscataquis, Senator Parker, if he wishes to.

Mr. EDGAR: Mr. President, if that is the situation and the only thing that can be done, I do move that we reconsider our action whereby we took this former action on the motion of the Senator from Piscataquis, Senator Parker, if he wishes to.

Mr. EDGAR: Mr. President, if that is the situation and the only thing that can be done, I do move that we reconsider our action whereby we passed the motion of Senator Parker to reconsider our action, and my motion requires only a majority.

The PRESIDENT: The Senate may be at ease.

(At ease)

Called to order by the President.

The PRESIDENT: The Chair would read from Reed's Parliamentary Rules: "A motion to reconsider is applicable to almost all motions. The exceptions are: the motion to adjourn, to lay on the table when decided in the affirmative, suspension of the rules, and the motion to reconsider itself." Therefore the Chair will have to rule that the motion of the Senator from Hancock, Senator Edgar, does not prevail.

Mr. EDGAR of Hancock: Would I then be in order, Mr. President, to question the vote and ask for a division?

The PRESIDENT: The Chair would rule no, but the Senate can override the ruling of the Chair.

Mr. EDGAR: I won't appeal the ruling of the Chair, Mr. President.

Mr. PARKER of Piscataquis: Now you have got me confused, Mr. President.

The PRESIDENT: The Chair will state that we have reconsidered our action whereby this bill was passed to be engrossed.

The PRESIDENT: Yes, that was the motion.

Mr. PARKER: And that has been accomplished?

The PRESIDENT: Yes.

Mr. PARKER: The next motion that I would make would be to indefinitely postpone the amendment offered by Senator Farris. I believe it is Senate Amendment "D".

What it does in effect is to allow the boarding and lodging homes to have five patients and restricts the nursing to three or less. I would move indefinite postponement of this amendment which, if it is accomplished, would mean that the original bill would allow five or less boarders in boarding and lodging homes and five or less in the nursing homes. I hope that those members of this body will believe that this is a fair solution to the problem. When the vote is taken I would ask for a division.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: I do not blame the Senator from Piscataquis, Senator Parker, for thinking this is a fair arrangement: it is what he has wanted all the time.

As a kindness to the Senate I will not go all over the arguments for this bill again, but I would merely remind the Senate that we have voted at least twice that I can think of to accept the amendment offered by Senator Farris. I would point out that it raises the minimum number of patients in boarding homes to five and leaves the minimum number in nursing homes at three, and in view of the great divergence of opinion on the two sides here to me that seems like a relatively happy solution, although it does not make either side completely happy; but I for one am sick of this bill and I am sure the rest of you are, and I am perfectly willing to let it go at three for nursing homes and five for boarding homes just as we have already agreed on several occasions. I would oppose the motion to indefinitely postpone Senator Farris's amendment.

Mr. STILPHEN of Knox: Mr. President, I do not disagree with

the good Senator from Hancock County, Senator Edgar, that this amendment has been passed, and neither do I think he will disagree with me when I say that the bill has been passed, passed to be enacted and even sent to the Governor, including five in all categories. Now if you want to judge this bill on the merits of how far it has gone in the past, let's take all things into consideration, and by virtue of that I would say that the bill including the five for the nursing homes has gone further than this amendment has. That is my only point.

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

The PRESIDENT: The question is on the motion of the Senator from Piscataquis, Senator Parker, that Senate Amendment D be indefinitely postponed, and the Senator from Hancock, Senator Edgar has requested a division.

A division of the Senate was had. Ten having voted in the affirmative and nineteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Edgar of Hancock, the bill was passed to be engrossed as amended; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table the 7th tabled item (H. P. 1166) (L. D. 1607) bill, "An Act Relating to Appointment of Director of Indian Affairs and Planning Board for the Penobscot Tribe"; tabled by that Senator on June 7 pending enactment.

Mr. NOYES of Franklin: Mr. President, first I would ask the Secretary to read the status of the bill.

The Secretary read the status of the bill.

Mr. NOYES: Mr. President, I now move that the bill be enacted in non-concurrence.

Mr. MAYO of Sagadahoc: Mr. President, before this bill is enacted, I would, through the Chair, like to ask a question of the Senator from Franklin, Senator Noyes, the question being: Is the Director that this bill will create, within

the Department of Health and Welfare, or a new department?

The PRESIDENT: The Senator from Sagadahoc, Senator Mayo, poses a question to the Senator from Franklin, Senator Noyes, and that Senator may answer if he wishes.

Mr. NOYES: Mr. President, the answer to that is No. At the present time the Indian Affairs of the Penobscot Tribe are under the jurisdiction of the Health and Welfare Department and there are three representatives or case workers so-called to handle their problems up there. Their total payroll is about \$12,000. Now, if we appoint a Director of Indian Affairs, the total cost will be \$7500 for the salary as I recall it, \$500 for capital account and \$2,000 for expenses or a total of \$10,000; thus, we actually will save money and this will take it out of the Department of Health and Welfare and also, if you will look over the bill you will see there is a provision whereby they will be eligible for urban renewal and there are several other programs which many people believe would be to the benefit of the Penobscot Tribe.

Mr. DAVIS of Cumberland: Mr. President, I am still a little confused by this bill. Has it been enacted by the House?

The PRESIDENT: It has been indefinitely postponed in the House, the Chair will inform the Senator. We can enact it here but in non-concurrence and it will have to go back to the House.

Mr. EDMUNDS of Aroostook: Mr. President, I would like to pose a question through the Chair, to the Senator from Franklin, Senator Noyes. Is there an appropriation tacked on this measure?

Mr. NOYES of Franklin: Mr. President, there is none other than the provision which I gave you which is \$10,000 a year.

Mr. EDMUNDS: Mr. President the reason I asked the question, Mr. President, is the fact that these appropriation measures have been going on the Special Table here in the Senate. Should we enact this in the Senate in non-concurrence, I assume it would go to the Governor rather than go on the Special Appropriations Table.

The PRESIDENT: The Senator from Aroostook, Senator Edmunds is absolutely correct.

Mr. NOYES of Franklin: Mr. President, I might inform the Senator that there are people in the House and Senators in the Senate, who in either case are going to insist that this be put on the Special Appropriations Table, and if they do that in the House, it eventually will come over here to our Special Appropriations Table.

Mr. EDMUNDS: Mr. President, I fail to see how it will. It will go on the Special Appropriations Table in the House and when it comes off, it will either be enacted or killed, but it will not be coming before this body as I understand the procedure.

The PRESIDENT: That is the procedure that I understand too, Senator.

Mr. MAYO of Sagadahoc: Mr. President, I rise in opposition to the motion. I think the bill has a lot of points to it that are not correct, are not right and I still think that we are setting up some kind of a department. Maybe it isn't a Department within a department but we are setting up something here. It has a price tag on it and I don't know as we have had too many problems. I am not aware too much of the Indian Affairs but in my opinion they have been taken care of pretty well through the Health and Welfare Department. It has not been debated much on the floor of this Senate so a lot of us are not aware too much of what is going on at the present time or what this bill is going to do, and rather than pass legislation which I can not conceivably accept, I am going to move for indefinite postponement of this bill and the accompanying papers and ask for a division when the vote is taken.

Mr. NOYES: Mr. President, even though we enact this in non-concurrence and if the House enacts it, it would go directly to the Governor and can be recalled from the Governor's office as a matter of procedure and can go on the special appropriations table.

As Chairman of the Committee on State Government, I would like to say that we had a very long

and extensive hearing, and I think most of you know that many of the Indians up there came down and appeared before us. Some were for this bill and of course some were against it. Our committee considered this and we considered it very carefully, and then we got an amendment which the front office was very interested in, and that is the amendment calling for the urban renewal provision. We reconsidered again, or actually continued our considerations. Further, we made a special trip up there, and at the time we did that the members of the committee of course went and other interested senators and quite a number of the members of the House went up there, and after that this report came out of our committee as a unanimous report. I think it has been given a lot of consideration and a lot of thought, not only by the members of the legislature but most certainly by the members of the committee. As I said before, the provision pertaining to urban renewal is of interest to the front office. I therefore hope that you will go along with the committee and the other people who have studied the thing and give consideration to the enactment of this matter.

Mr. EDMUNDS of Aroostook: Mr. President, I am not at all disturbed by the legislation. I think perhaps the legislation has a good deal of merit, and for that reason I would have to oppose the motion that is now before this body that this be indefinitely postponed. My entire question is with respect to procedure. We now have 125 or 150 L. D.'s with appropriation tags lying on the Senate appropriation table at this moment, and here we propose to pass one and treat it differently than the others. That does not make sense to me. I hope that the motion to indefinitely postpone will be defeated, and when defeated I think I would be in order to move that we insist and ask for a committee of conference.

Mr. NOYES of Franklin: Mr. President, I agree with the good Senator from Aroostook, Senator Edmunds, and that is what we did

before and we got into a procedural snarl in the House, and I have been informed this is the only procedure by which we could straighten it out.

Mr. DAVIS of Cumberland: Mr. President, I think in order to be sure we have control over this bill pending enactment I will move that we place it on our special appropriations table.

Mr. MAYO of Sagadahoc: Mr. President, I cannot debate the tabling motion, but I will withdraw my motion, if the Senate will give me that privilege, provided this is going to be placed on the special appropriations table.

The PRESIDENT: The Senator from Sagadahoc, Senator Mayo, requests permission to withdraw his motion. Is this the pleasure of the Senate?

Permission was granted.

Thereupon on motion by Mr. Davis of Cumberland the bill was placed on the special appropriations table pending enactment.

#### **Additional Paper From the House Non-concurrent Matter**

Bill, "An Act Increasing Sales Tax." (H. P. 1184) (L. D. 1631) New Draft "A" of H. P. 708, L. D. 986.

In the House, June 7, Indefinitely Postponed.

In the Senate, June 12, Passed to be Engrossed in Non-concurrence.

Comes from the House, that body having adhered to former action whereby it was indefinitely postponed.

In the Senate, on motion by Mr. Noyes of Franklin, tabled pending consideration.

#### **JOINT ORDER**

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study and report to the 101st Legislature such recommendations concerning revision of the Senate and House Rules and the Joint Rules as may accomplish efficiency and expediency of the legislative process in Maine. (H. P. 1189)

Comes from the House, read and passed.

In the Senate, the Joint Order was passed in concurrence.



On motion by Mr. Noyes of Franklin Recessed to the sound of the gong.

#### After Recess

Senate called to order by the President.

The PRESIDENT: The Chair notes in the Senate Chambers the lovely wives of two of our Senators and one former Senator and the Chair would like to introduce to the Senate Mrs. Carpenter, Mrs. Wyman, and the wife of former Senator Andrew Fournier. Will the ladies please rise? They look cool sitting there in the corner where the breeze is blowing. (Applause)

On motion by Mr. Noyes of Franklin Recessed until 7:30 tonight.

#### After Recess

Senate called to order by the President.

#### Papers From the House Enactors

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

Bill, "An Act Relating to Participation by the State of Maine in the 1964-65 New York World's Fair." (H. P. 377) (L. D. 552)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations table.

Resolve, Appropriating Money for In-School Educational Tele-casting. (S. P. 275) (L. D. 876)

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations table.

#### Senate Committee Report

The Joint Select Committee on Gubernatorial Votes, pursuant to Joint Order, S. P. 589, reported on a re-examination of the returns of votes cast for Governor in the Town of Bradford.

Which report was Read and Ordered Placed on File.

Sent down for concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 11th tabled item (H. P. 848) (L. D. 1162) bill, "An Act Increasing Excise Tax on Malt Liquor Imported into State"; tabled on June 12 by Senator Wyman of Washington pending enactment.

Mr. WYMAN of Washington: Mr. President, I now move the indefinite postponement of this bill. In support of that, I will say that the evidence before the committee showed that the tax on malt liquor was about as high as it would stand, and any increase in the tax would produce less revenue. Furthermore this tax is on an item that the working man uses for relaxation and finally, we have heard a lot about committee reports, and the committee report from the Committee on Taxation was unanimously Ought not to pass on this bill.

Mrs. CHRISTIE of Aroostook: Mr. President, when I have talked about taxes to the people in my county they have said, "Why not put a tax on alcoholic beverages, they are something that nobody needs? Why not tax the luxuries?" That is the way I feel. Malt beverages are a luxury. They are not a necessity at all. I can prove that because in all my years I have never taken a drink.

Mr. ERWIN of York: Mr. President, I have just looked at this particular L. D. and I notice that it does not have an emergency preamble. I took the trouble to look at the other individual tax items which we have discussed off and on in the latter part of the session with regard to cigarettes and hard liquor. They don't have an emergency preamble either. I confess to being the greenest of the green in this legislative session and the longer I am in it, the more freely I will confess that I know very little. But it has been my understanding that tax measures when they are presented in bona fide fashion carry an emergency preamble for two reasons; one, to get them right into effect so there may be revenue immediately available and two, to forestall the possibility that within ninety

days between the time of enactment and the time they take effect under the normal procedure, that a referendum might be initiated to put them out.

Tax measures whether they be sales tax measures or any other measures, if you put them out to a referendum, have a strange history of sudden death. If the proponents of a sales tax would be willing to put the sales tax out without an emergency preamble so that it could go to a referendum, I think that some of us might agree that some of these other bills could go out without the emergency preamble so they could go to referendum.

I don't think anybody is fooling whom, least of all the gray old foxes who roam these hallowed halls when they try to put this bill at rest, and obviously if this bill goes to rest with the other so-called individual taxes or piece meal taxes, we are right back to where we started — we are going to try to revive the sales tax again. Now I like a good scrap and I think no matter what happens in the outcome of this particular legislature, that every one of us that leaves here is going to know he has been in a pretty good scrap, and if the fighting continues on this and we are not going to agree that the sales tax is at rest, then I see no point, other than forcing the sales tax, in killing these piece meal pieces of taxation.

I have asked the legislative drafting office if they would prepare an amendment to this L. D., and since it has not been reproduced, although I expect it momentarily, I would ask that this item lie on the table until such amendment is prepared.

The PRESIDENT: The question before the Senate is the motion of the Senator from York, Senator Erwin, that this matter lie on the table. Does the Senator from York, Senator Erwin, mean until later in the day?

Mr. ERWIN: Mr. President, I don't know how soon the office will have the amendment ready and then how soon the amendment will be prepared. I am willing to work all night every night

the rest of the week, and if the legislative day will still be the legislative day at dawn, fine. I don't know how soon it can be prepared.

The PRESIDENT: The Chair will declare a five minute recess for the Senator from York, Senator Erwin, to go to the reproducing room and find out when it will be reproduced.

Mr. ERWIN: Thank you, Mr. President.

#### After Recess

Senate called to order by the President.

Mr. ERWIN: Mr. President, I have been informed that my motion to table this matter is out of order and that a motion to indefinitely postpone takes precedence.

The PRESIDENT: Not over a tabling motion, Senator, but to suspend the rules.

Mr. ERWIN: Mr. President, I did not move to suspend the rules, I moved only to lay this on the table pending the —

The PRESIDENT: The motion is not debatable and you may put your motion.

Mr. ERWIN: Then, Mr. President, my motion stands.

The PRESIDENT: The question is on the motion that this matter lie on the table.

Mr. NOYES of Franklin: Mr. President, I request a division. A division of the Senate was had.

Fourteen having voted in the affirmative and fourteen opposed, the motion did not prevail.

Mr. NOYES of Franklin: Mr. President, I move the pending question.

Mr. MAYO of Sagadahoc: Mr. President, I ask for a division.

Mr. PORTEOUS of Cumberland: Mr. President, I rise for the fifth time to be very pleasantly recognized. Thank you sir.

Although I favored as a member of the Taxation Committee the majority report and I went along with them, I think to move for indefinite postponement of this tax at this time when we don't know what taxes we are going to need

is the wrong thing to do. I think if we are going to impose taxes on some of the necessities of life it is one thing, and I think it is also another thing to consider taxes on the luxuries of life.

Now I think here is a fine drink for the person who likes it, and I do not term it the workingman's drink because I think that people at all levels of society drink and enjoy a bottle of beer, which I regard as a beverage of moderation. But I do think that this beverage of moderation, which is enjoyable and which is unnecessary to the lives of men, women and children can be taxed and should be taxed fairly and equitably. To throw this tax out the window at this time because we have been pressured by the people who do not favor this tax so that the sales tax can be the only tax that is left is ridiculous in my book.

We talk about the working man with a great deal of feeling, that this is his drink and that to tax it is hurting his pocketbook. How about adding to the sales tax? If that is not hurting his pocketbook then I am a monkey's uncle, and if that is not unfairly taxing his wife and kids, not to tax his beer in the tavern but to tax the clothes that he is supposed to buy for the kids with the money he spends in the tavern.

Now this is a responsible Senate, and for it to turn down this tax at this time would certainly be an irresponsible move.

When the vote is taken I certainly favor the motion against indefinite postponement.

The PRESIDENT: The question is on the motion of the Senator from Washington, Senator Wyman, that the bill be indefinitely postponed; a division has been requested by the Senator from Sagadahoc, Senator Mayo.

A division of the Senate was had.

Nineteen having voted in the affirmative and ten opposed, the motion prevailed and the bill was ordered sent forthwith to the House.

The PRESIDENT: The Chair will declare a recess to the gong.

### After Recess

Senate called to order by the President.

Mr. BREWSTER of York: Mr. President, I would like to ask if the Senate has in its possession (H. P. 468) (L. D. 668), bill, "An Act to Create a School Administrative District in the Town of Orrington"?

The PRESIDENT: The Chair will state that it has, the bill having been held at the request of the Senator from Washington, Senator Wyman.

Mr. BREWSTER: Mr. President, I would like to ask that the Senate reconsider this bill.

The PRESIDENT: The Senator from York, Senator Brewster moves that the Senate reconsider its former action whereby the bill was indefinitely postponed.

Mr. BROOKS of Cumberland: Mr. President, I would like to inquire if the Senator from York, Senator Brewster, voted with the prevailing side?

The PRESIDENT: Did the Senator from York, Senator Brewster, vote with the prevailing side.

Mr. BREWSTER: Mr. President, I voted against the Orrington bill and that was on the prevailing side.

Mr. BROOKS: Mr. President, I would request a division when the vote is taken.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Brewster, that the Senate reconsider its action whereby the bill was indefinitely postponed; and a division has been requested by the Senator from Cumberland, Senator Brooks.

A division of the Senate was had.

Fifteen having voted in the affirmative and ten opposed, the motion prevailed.

Mr. WYMAN of Washington: Mr. President, I move that the bill be sent forthwith to the engrossing department.

Mr. MAYO of Sagadahoc: Mr. President, I move that this item be placed on the table and be especially assigned for tomorrow.

There are a lot of Senators absent tonight.

Mr. STILPHEN of Knox: Mr. President, I ask for a division.

A division of the Senate was had.

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

Mr. STILPHEN: Mr. President I move the pending question.

The PRESIDENT: The Secretary will read the status of the bill.

The Chair will declare a short recess.

#### After Recess

Senate called to order by the President.

Mr. STILPHEN: Mr. President, I move that the Senate recede and concur.

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Stilphen, that the Senate recede and concur.

Mr. EDMUNDS of Aroostook: Mr. President, I have good cause to be fairly familiar with the formation of school districts. As I said on the floor the other day, my town was favored by this Senate in enacting one. At the same time, I believe that if this Senate should enact this bill at this time it would be the most irresponsible act that this Senate could possibly perform, because as far as I am concerned it would be setting a precedent which would cost the 101st Legislature possibly as much as twenty-five million dollars. I hope at this time that the motion to recede and concur does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Stilphen, that the Senate recede and concur.

Mr. WYMAN of Washington: Mr. President, first, the motion is not for enactment, it is for engrossment, and, secondly, we have already broken the prece-

dent by letting Fort Fairfield and Lubec form separate districts.

Mr. EDMUNDS: Mr. President, it is not my intention here this evening as far as the town of Fort Fairfield is concerned to debate the merits of the Fort Fairfield bill as opposed to the merits of the Orrington bill, but I have heard today several times, through the corridors, that the primary purpose of this legislation is so that the town of Orrington can hold a club over the head of the town of Brewer. I do not believe that this Senate would be fulfilling its responsibilities if they enacted legislation of this sort. If the Senator from Washington, Senator Wyman, would like to debate the Fort Fairfield bill, its merits as opposed to this one, I would be very glad to, but at this late hour I do not like to take the Senate's time, but I still say it is very irresponsible legislation on the part of this Senate.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I think tonight will go down in history because Senator Edmunds and I are on the same side finally.

There is no question, as I watched those who just voted to bring this bill back, who have stood on their feet here in the last three weeks arguing against the sales tax, arguing against increased costs for the State of Maine administration and so forth — and yet these same gentlemen now will stand up and enact a bill which, as Senator Edmunds has said, will face the next legislature with a tremendous cost. This is just opening the door to another type of request under the Sinclair law. It is starting small, 125, 135-student high schools which cannot even begin to give these students the curriculum and the program that they should have or are now having and enjoying in the larger high schools which they are attending. I predict that in my county alone that we will have requests from the towns of West Bath, Phippsburg, Woolwich and other small towns to set up a high school, and they will come to the State of Maine and request

62 per cent of the cost of construction. Now if that is not irresponsible here in the Senate I do not know what is.

When I look and see those who have just stood up and who fought against the sales tax, I do not understand what they are thinking of.

Mr. ERWIN of York: Mr. President, when the price of injustice gets to the point where we bargain and sell it in here I am going to stand up and be counted on the side of right and justice and square shooting.

Now as far as the town of Orrington is concerned, it points up the one, to me abhorrent feature of the Sinclair bill, and that is it always seems to pick on the little town that cannot help itself, and it seems to me that if it is a cost we have to pay in the State of Maine it is a cost we can well afford to pay. And I will stand up here just as long as I hear of injustice under the Sinclair bill and I will oppose it. I am for the engrossment of this Orrington school bill.

Mr. BROOKS of Cumberland: Mr. President, the Senator from York, Senator Erwin, with great emotion speaks of injustice towards the small towns in the State of Maine and the cause of this injustice being the Sinclair act. I remind you gentlemen of the Senate that the Sinclair act was enacted some years ago in an attempt by this state to assist the small towns by allowing them to form school administrative districts, cutting down their cost of operation and giving their children the most important feature which is quality education and education which allows them proper subjects.

Now as a member of the Education Committee — I said this morning and I apologize for having to repeat my comments of this morning, but I must say that we did not pass this out "Ought not to pass" because we wanted to hurt the town or Orrington or because we wanted to hurt any town in the State of Maine. On the contrary, we have spent many hours this past winter, like all

committees, attempting to come up with fair and just decisions in regard to legislation before us.

Now we have gone over and over this problem in the town of Orrington. We are assured that the students in the town of Orrington are going to have high school facilities for at least the next two years, they are going to be able to continue to get the quality education that they are in the habit of receiving. I think we are doing the town of Orrington a favor and I think we are doing the State of Maine a favor by allowing this bill not to pass. The town of Orrington has at least two years, as I said, of high school facilities at Brewer. The legislature will be back in two years and we can take another look at the situation, and if at that time it is not good we can reconsider. Our only plea is that we do not move into these single school administrative districts which formulate very small high schools and which cannot possibly give us the type of education that all of us here in this chamber and in the state as a whole are attempting to make available for our children.

I plead with you to just agree with me. We are not going to hurt the town of Orrington by not allowing them to have a district, we are going to help them and the State. We just do not want these single administrative districts. They are not profitable to us and to the State of Maine.

Mr. EDMUNDS of Aroostook: Mr. President, if at this time this legislature chooses to pass legislation which I understand is designed primarily to hold a club over the city of Brewer, then I say this Senate is being very irresponsible in the performance of its duties.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: It so happens I was here about four or six years ago when the Sinclair act was adopted. I was a member of the Research Committee, and at that particular time we hired the Jacobs firm of Chicago, I believe, or elsewhere, wherever the particular firm happens to be, and my understanding

is this: This firm whom we hired to conduct a survey on these particular schools had never ever conducted a survey in their life before. Therefore I think there could be many inequalities in their particular survey as far as the school districts are concerned. Therefore I am going along with the motion that the bill for the town of Orrington should pass.

The PRESIDENT: The question is on the motion of the Senator from Knox, Senator Stilphen, to

recede and concur. A division has been requested by the Senator from Cumberland, Senator Brooks.

A division of the Senate was had.

Eighteen having voted in the affirmative and nine opposed, the motion prevailed and the Senate voted to recede and concur.

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On motion by Mr. Noyes of Franklin Adjourned until tomorrow morning at 9:30 o'clock.