

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, June 18, 1963

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

Prayer by the Rev. Mr. Robert Smith of Augusta.

The journal of yesterday was read and approved.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I ask unanimous consent that unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk be authorized today to send to the Senate, thirty minutes after the House recesses for lunch and also thirty minutes after the House adjourns for the day, all matters passed to be engrossed in concurrence, and all matters that require Senate concurrence; and that after such matters have been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

The SPEAKER: Is this the pleasure of the House?

The Chair recognizes the gentleman from Houlton, Mr. Berman. Does the gentleman object?

Mr. BERMAN: No, but I would really like to have this reproduced so we could read what it is about.

The SPEAKER: The Chair will read the notice.

The gentleman from Bangor asks unanimous consent that unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk be authorized today to send to the Senate, thirty minutes after the House recesses for lunch and also thirty minutes after the House adjourns for the day, all matters passed to be engrossed in concurrence, and all matters that require Senate concurrence; and that after such matters have been so sent to the Senate by the Clerk, no motion to reconsider shall be in order. This is a procedural matter and not unusual. Is there objection?

Mr. BERMAN of Houlton: No, I have no objection.

The SPEAKER: The Chair hears none. The consent is so granted.

**Papers from the Senate
Non-Concurrent Matter**

Resolve for Development of Revenue-Producing Park Facilities on Mt. Battie (H. P. 414) (L. D. 567) which was finally passed in the House on May 16 and passed to be engrossed as amended by Committee Amendment "A" on May 8.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence.

In the House: On motion of Mr. Hardy of Hope, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

An Act relating to Exempting from Property Tax Pleasure Boats in the State for Storage (H. P. 1092) (L. D. 1567) which was indefinitely postponed on passage to be enacted in the House on June 12.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Oberg of Bridgton, the House voted to recede and concur with the Senate.

**Non-Concurrent Matter
Tabled until Later
in Today's Session**

Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure" (S. P. 596) (L. D. 1563) which was passed to be engrossed as amended by House Amendment "H" and Senate Amendment "A" in non-concurrence in the House on June 12.

Came from the Senate with House Amendment "H" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendments "A" and "C" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: For the benefit of the ladies and gentle-

men of the House, I would like to say that the House amendment which has been indefinitely postponed in the Senate, the substantial part of that, the refunding of the surplus to the borrower has been incorporated in Senate Amendment "C," and it has also corrected some of the details which were necessary. I now move that the House recede and concur with the Senate.

The SPEAKER: The gentleman from York, Mr. Rust, moves now that the House recede from its former action and concur with the Senate.

The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, as a signer of the Majority Report of the Committee on Judiciary that heard this bill and having reported it out without the two amendments that are currently on it, it is my understanding that one of these amendments makes provisions for the return of any surplus which might be present if the property is sold within a two-year period. The other amendment provides that certain properties will be exempt from the six-months provisions and still will be governed by the twelve-months provisions. I am not sure how my Brothers of the Judiciary Committee feel with regard to this, but I must move that,—if in order, that this bill be indefinitely postponed as it is amended. I would therefore hope that the House does not recede and concur with the Senate with these two amendments attached to the bill.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to enlighten my Brother from Wiscasset, Mr. Pease. There are no exemptions exempting anybody under this particular bill. That amendment was stricken off in the Senate. And as the bill now stands, it is a properly drawn bill. It is effective for all mortgages starting after January 1, 1964.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, I move that this matter be tabled until later in today's session.

Thereupon, on a viva voce vote, the Bill was tabled pending the motion of Mr. Rust of York to recede and concur with the Senate and specially assigned for later in today's session.

Orders

Mr. Knight of Rockland presented the following Order and moved its passage:

WHEREAS, the members of the House of Representatives of the 101st Session of the Maine Legislature have realized the most courteous and cooperative service from the switchboard staff of the New England Telephone and Telegraph Co. during this 1963 session, and

WHEREAS, the membership of the House of the 101st Legislature would feel remiss if it did not pay tribute to and express its appreciation for such excellent service, and

WHEREAS, all members of the Legislature have benefited in a very large measure from such outstanding service,

BE IT ORDERED, that the House of Representatives pay special tribute to Mrs. Sylvia Burnham, Miss Judy Santerre and to Miss Pamela Martin, their vacation standby, for their outstanding service, and be it further

ORDERED, that a copy of this Order be sent to Miss Gertrude Salter, the supervisor of the three aforementioned telephone operators, for the record and so that Chief Operator Salter and other New England Telephone and Telegraph employees may know the sentiments of the House.

The Order received passage. (Applause)

On motion of Mr. Dennett of Kittery, it was

ORDERED, that the Speaker of the House and not exceeding three members of the House, or four members if the Speaker is unable to attend, designated by him, be and hereby are authorized during the current biennium to attend the conferences of the National Legislative Conference; and

BE IT FURTHER ORDERED, that the necessary traveling expenses of the Speaker and the mem-

bers appointed by him be paid from the legislative appropriation.

On motion of Mr. Dennett of Kittery, it was

ORDERED, that the Clerk of the House be and hereby is authorized, during the current biennium, to attend the conferences of the National Legislative Conference and meetings of any committee thereof on which he may serve; and

BE IT FURTHER ORDERED, that the Clerk be reimbursed for his necessary traveling expenses.

Mr. Dennett of Kittery presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Law and Legislative Reference Librarian, Edith L. Hary, be and hereby is authorized, during the current biennium, to attend the conferences of the National Legislative Conference, and that she be reimbursed for her necessary traveling expenses. (H. P. 1115)

The Order received passage and was sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Young.

Mr. YOUNG: Mr. Speaker, I would like to inquire if the House is in possession of Senate Paper 301, Legislative Document 374, Bill "An Act to Create the Maine Power Authority"?

The SPEAKER: "An Act to Create the Maine Power Authority" is in the possession of the House.

Mr. YOUNG: Mr. Speaker, Ladies and Gentlemen: I would like to move that we reconsider our action whereby this Bill was indefinitely postponed on June 17.

The SPEAKER: The gentleman from Gouldsboro, Mr. Young, moves that the House reconsider its action of June 17 whereby both Reports and Bill were indefinitely postponed. All those in favor of reconsideration, will please say aye; those opposed, no.

A viva voce vote being taken, the motion to reconsider did not prevail.

On motion of the gentlewoman from Bethel, Mrs. Lincoln, House Rule 25 was suspended for the re-

mainder of today's session in order to permit smoking.

House Reports of Committees Divided Report

Report "A" of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for Vocational Educational Institute in Androscoggin County (H. P. 522) (L. D. 739) reporting same in new draft "A" (H. P. 1113) (L. D. 1596) under title of "Resolve Appropriating Moneys for Vocational Educational Institute in Androscoggin County Area" and that it "Ought to pass"

Report was signed by the following members:

Messrs. JALBERT of Lewiston
EDWARDS of Raymond
PIERCE of Bucksport

— of the House.

Report "B" of same Committee on same Resolve reporting same in new draft "B" (H. P. 1114) (L. D. 1597) under title of "Resolve Appropriating Moneys for the Purchase of Land and for Planning for Vocational Educational Institute in Androscoggin County" and that it "Ought to pass"

Report was signed by the following members:

Messrs. CAMPBELL of Kennebec
EDMUNDS of Aroostook

— of the Senate.

Mrs. SMITH of Falmouth

— of the House.

Report "C" of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Mr. PORTEOUS of Cumberland

— of the Senate.

Messrs. MINSKY of Bangor
HUMPHREY of Augusta
BRAGDON of Perham

— of the House.

Reports were read.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I move the acceptance of Report "C" of the Committee, and I would like to speak briefly to my motion.

The SPEAKER: The gentleman may proceed.

Mr. BRAGDON: Mr. Speaker, as you will see from these three reports, the committee was somewhat divided as to the proper solution to this matter. In signing the "Ought not to pass" Report, I think that this was my position. The Education Department has in its files a study on the future of vocational schools in the State of Maine. I am not too familiar what that study points out. However, in signing this, I take the position that this Legislature should not presume to establish the direction of establishment of future vocational schools in the State of Maine. If you should see fit to go along with Report "B", I contend that you would be doing exactly that. I do not wish to be in that position. I think it should be left open to the next legislature after further studies by the Education Department to be free to determine where and if any future vocational schools were to be established in the State of Maine. There are a great many areas I am sure that are looking forward to that thing coming about.

I could not go along obviously with the first report of the committee because I felt that definitely we were not going to establish another school at this time, that money was definitely not available. I think that explains my position in making the motion that we accept Report "C."

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

Mr. JALBERT: Mr. Speaker and Members of the House: Regardless of the action of the gentleman from Perham, Mr. Bragdon, were the wing at Fort Fairfield still to come up, I would vote for it as I did and speak for it as I did as a good measure. If we can keep the mentally retarded school alive, I will vote for it and keep it alive as a good measure. I think I could fill a book wherein it concerns the comments I made on the Floor of the House two years ago at the special session and at this session wherein it concerns vocational training at Presque Isle. So much for that.

Insofar as Report "C" is concerned, it is "Ought not to pass." Insofar as Report "B" is concerned, there are only two locations for land right presently, and both adjoin the Turnpike. The four reports that the gentleman from Perham, Mr. Bragdon, mentioned and then dropped, are these: existing school at South Portland which is there; existing school at Presque Isle, which is started and is there and which I championed as if I were a native of the garden spot of Maine; the third location, Bangor. The third location, incidentally, was the Augusta-Lewiston area, and the Bangor area. I think I could stand here and speak all day on vocational training.

Insofar as money is concerned, I, not with any commitment but at the suggestion of the Chairman of the Appropriations Committee, and I at first had this come out of Unappropriated Surplus and then it was changed to general fund and I am changing it because I don't think we should take bricks and mortar out of the general fund. But just to show that I am not all afraid of the people and the feeling of the State of Maine as far as vocational training is concerned, and I would be on my feet if there were a vocational training school program to be held in forty communities whether it be mine or not. You will notice that this doesn't spell out Lewiston; it says Androscoggin County area.

Now while I am at it, let me just tell you what is happening as far as vocational training in Maine is concerned. There are several students graduating from our high schools in my area, Peru, Buckfield—Buckfield as of yesterday and other areas near at home, who are applying for entrance in a vocational training school in Presque Isle. They can't get into South Portland.

As I stated many times, I don't want the school in South Portland to do anything but go up; nor the school in Presque Isle, nor the school in Bangor when it comes. No more than I would want mine. But I mean I am stressing again the urgency and the need for this type of program, so that if this Report "C" is defeated, and I fer-

vently hope that it is, I shall move that Report "A" be accepted. Then tomorrow, I will present an amendment that will place the capital monies which is the building and the equipment itself into the bond issue and let the people of Maine decide yes or no. And then the monies for the operating of this school will come out the second year of the biennium, and I assure you that there will be ample funds for that. And if we should have, next year, to use a little surplus money to open up the school, let's remember that we used a million dollars of surplus money to carry on recurring programs at the special session.

This program is sound. It is a solid piece of legislation, and I only wished — and I don't wish that I was not a resident of my area, but if I was not a resident of my area and this bill would be before me, I would give it a much stronger pitch. Certainly I hope that the House will defeat the acceptance of Committee Report "C," so I may move to accept Committee Report "A."

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, I rise in support of the motion of the gentleman from Lewiston, Mr. Jalbert, and in opposition to the motion of the gentleman from Perham, Mr. Bragdon. I have been an advocate of vocational training in the State of Maine for a number of years. A manifest more strongly my sentiments I think in supporting every piece of legislation that had to do with the establishment and development of the school at Presque Isle.

I mentioned sometime ago on this Floor the necessity for this type of training for not only our high school graduates, but to some of what have been I think perhaps unfairly termed at times as drop-outs.

I am not going to belabor the education program because certainly it has had its day or days at many levels here on the Floor of the House, but I do want to express myself and go on record as being solely devoted to greater development of vocational training sites in

the State of Maine. I again repeat myself, I cannot support the motion of the gentleman from Perham, Mr. Bragdon.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I too believe in vocational training. I wished we might have more schools and I admire the gentleman from Lewiston for his stand for his home town, but I will remind you also that the Appropriations Committee of which he is a member turned down some very essential things that should have been adopted by the state as a help from federal funds for the school at South Portland. I would also remind you that I am within seventeen miles of Lewiston, and I would also remind you that even though it would be a benefit to me, yet I would much rather see this defeated at this time and we take up in another session the establishing of a school between South Portland and Presque Isle for the rest of the state. Because the people in my area and the people in the Lewiston area can go to South Portland, but the people from Bangor over in that area, where are they going? So I want to say that I hope that this measure is defeated and let the next legislature go on from there.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker and Members of this House: I heartily agree with the gentleman from Lewiston, Mr. Jalbert, and I believe that we should do as he suggests and accept the "Ought to pass" Report. The reasons for this are many. The other day we killed a bill to give every school in the state an option for a vocational institute or training which I believe we should, but in this, I believe it should pass. Now I feel, in my own opinion, that some of the money we have spent hasn't been well spent and probably that is a matter of opinion, but in the matter of education and this field, I believe that we would be doing the people

of this state a great disservice if we do not build another school.

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

Mr. MCGEE: Mr. Speaker, Members of the House: Still being allowed to be a resident of Androscoggin County, I would be a little remiss if I didn't speak for Androscoggin County on this particular issue.

Now the greatest centralization of manufacturing and population that a vocational school would reach, is in this very Androscoggin County. And due to the extreme need of vocational training, we can't keep putting these things off from one legislature to the other, if we expect to keep in the swim and competition with the rest of the country. I will add one thing to this that hasn't been understood before that I made a statement in the first of the term that there will be much help in this financially and otherwise in the establishment of the school in that territory, and I still have available an offer of an extensive piece of land, at a good location, that will take care of any future development and all the facilities you want as a gift to the establishment of this school. I still think and I still know that I can back up that offer, but I don't know as the offer would become permanent. If we are going to accept offers of that kind, we must do it while the iron is hot and while they are available. That would relieve some of the problems wherever it was established. And we need to establish a school now in that central part of the state more than anywhere else.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, I have been keenly interested in the vocational training program, and I think this bill offers something that to my mind is real and promises that we would have a real vocational training school here in the central Maine area. I will stand corrected, but it is my understanding that the original location of the first vocational

training school in Maine here was in Augusta. It was later transferred to Portland, and I will stand corrected, but I understand that the Legislature arranged for the location of that school, and I feel it is the legislative prerogative to arrange the locations of the other schools. I am certainly sure we did arrange for the location of the school in Presque Isle, and I think that we should now arrange for the location of a vocational training school here in central Maine.

I have interviewed working people for the greater portion of my life, and it has been very disturbing to me that working people — and perhaps our adult population as well as the younger people — have not had the opportunity to go to trade schools as they used to call them or technical institutes and had the opportunity to go in there and improve their skills. I think in this day and age we can no longer delay in the establishment of some more vocational training schools here in Maine. As I said time and again on the Floor of this House, there is a real gap in our educational program here in Maine with the lack of trade schools or vocational schools or whatever you want to call them. I think this is a good bill. I don't think it should be delayed any longer. I think this is one bill that is going to locate here in central Maine an area where there is a large industrial area here particularly in Lewiston and Auburn. I can foresee the people here from southern Kennebec at least taking advantage of this school in Lewiston and Auburn, and I would hope that they might do this until such time as we can get more area vocational schools of this kind located here in the State of Maine.

So, ladies and gentlemen, I hope you will give this your serious consideration and that you will not vote for Report "C," but you will support this bill which is aimed at locating another vocational training school here in the central Maine area. Thank you.

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

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House:

It is a pleasure for me to rise this morning in support of a measure that is going to require the expenditure of a substantial sum of money. I would like to point out to the members of the House that these three reports that came out of Appropriations, there are two of those which included the signatures of six members of the Committee which approved at least in part this idea of this vocational school. The Report "B" which approved appropriating money to purchase land indicated that those three members of the Appropriations Committee felt that a vocational school was necessary or they would not have issued that report. So it is just a question of timing.

I do think that this measure and perhaps one along with it for the Penobscot County area put into the bond issue, would have as much validity as the three million-odd dollars in that bond issue as I understand for the University of Maine. We have spent millions and millions of dollars for higher education on the college level in the last six or eight years in the State of Maine, but we have spent very, very little for vocational education. And approximately one out of four of our high school graduates go on to college, but there is this great mass of people without any formal training beyond high school who can learn a vocation and who could be useful and productive members of society. So I would hope that the motion to accept Report "C" is defeated, and then we may accept Report "A," and then perhaps get that somehow into the bond issue.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the gentleman from Lewiston, Mr. Jalbert, in the request for a vocational training school in his area. As a representative from South Portland that has the original training school in the State of Maine, I cannot but most heartily support a program for the Lewiston area. In talking with many of the students in South Portland, I am convinced that vo-

catational training fills a great vacuum left in our educational system, and is appreciation of the students that attend M.V.T.I. that this type of training has been made possible to them, that they may learn the trades and step out into industry on the same footing as those who have learned through experience and professionals and experts in their fields. I hope when the vote is taken that this vocational training school will be a reality in the Lewiston area. I thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: I am not going to stand here this morning and bore you by saying all the nice things about how I am interested in vocational education and how much it is needed in Maine and so forth. I think we all know that. I don't think we have to keep repeating it.

I think I have stood here and heard many arguments about finding money and so on and so forth too, and I don't think we need to repeat all of those. However, the three members who signed out the "B" Report felt that if we could at this time furnish some money for land and for plans that would be submitted to the next Legislature, we would be making a step forward which we were able to take within our ability to pay in this session. I am not in favor of any plan that is not thought out. I think I have said it. I still maintain it. I don't care whether it is in my area or in someone else's area. This should be presented to the Legislature in due course and the plans and the courses and so forth. If the land and the plans could be gotten together in the next Legislature, they could evaluate them.

To begin with, this bill when I saw it yesterday morning, if I am not mistaken, was coming from unappropriated surplus. Of course there is not \$600,000 in unappropriated surplus, that is, to spend for this. There is \$600,000, but you wipe out all your other programs—I see nods here. Now coming out of the general fund—I still do not have the final figures; I was supposed to

have them yesterday afternoon, but I just don't know where you are going to get it from there either, and I think it is entirely up to you. My position is, that I am perfectly willing to go along and supply the money for plans and land, and that is as far as I wish to go, and you make your decision. This was mine.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would just like to take two minutes to just iron out two points. My good friend from Bowdoinham, Mr. Curtis, stated that there are some monies that have been struck out of the vocational school program at South Portland, and I assure you of one thing, and I know, that regardless of whether some members of the Committee are for or against this measure, they will bear me out when I make the statement that I fought to reinstate an item that was originally struck out of L. D. 1594 to the tune of \$86,000, and I as a matter of fact, made the motion in committee that this item be reinserted. So much for that.

As far as programs that, as the lady from Falmouth, Mrs. Smith says, are not thought out, one can go along just so long and so far with loose statements, and believe me, I'll let something go possibly if it involved New Hampshire. Wherein it involves my own bailiwick I'm going to rear up and kick back. I have had at least thirty meetings with the Department of Education at this session. I have had at least twenty meetings with groups, industry, labor, interested citizens, chambers of commerce in the last few years, and particularly at this session here. The bill that you see may be just one page, but for anyone who cares to see it, and I did not have them reproduced because it would mean reams of paper, every item, every penny of this measure here is spelled out and was presented to the Chairman of the Committee for anyone to see and is spelled out for anyone to see right down to the last penny. Sewerage, equipment, land acquisition, courses, the whole entire program, and it has

not been done in one second, it took months and months and months of work. As far as the bill is concerned, originally it was unappropriated surplus. I was told by the powers that be to put it in general fund. I stated a moment ago that bricks and mortar should not come out of general fund. I have a note in my pocket now suggesting that it might go back into unappropriated or the bond issue. I have the amendment ready for that proposal which would mean the bond issue now, it would mean the second year of the biennium for the operation of the school, and I know that the people from the Bangor area are deserving of a school, and I know that when they do come up with their proposal I shall stand here and fight just as hard for them as I fight here for myself and my area this morning, as I fought for the area in Presque Isle.

Now as far as the closeness of the South Portland school and Lewiston, this would mean that some of our people could — there is no money in for dormitories, there is no money here I assure you for cafeterias, there is nothing, there is just a place for young people to go out and learn a trade. Period. They will bring their own lunches and the money that they would save by not going to South Portland or Pride School, they could be utilizing the travel time by possibly getting a little job to subsidize themselves. Now these are the facts, these are the hard, cold, honest facts.

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: Being from an industrial city, I could not in all conscience fail to support vocational education.

Lewiston is not too far from my area, and I have seen a lot of young fellows come down here just begging for jobs, with no training whatsoever, and the only qualifications they have are ship cleaners, some jobs that just require laboring technique. Now at the shipyard we maintain a terrific apprentice program where the boys go to school,

we hire a full time math teacher, teach metallurgy, but our program is geared to a higher level. It is geared to boys that could go on to college, but for different reasons are not able to, and our program is geared to the supervisory capacity, leading men and up; and I will repeat again, we have a dire need for vocational education in the State of Maine. Now I am not aware of what courses will be established there at that school, and I don't know whether they would fit into our pattern or not, but I think probably in some areas it would be of vital importance, to give us boys that are trained as a machinist, a machine operator, not necessarily an apprentice machinist. I would support the gentleman from Lewiston, Mr. Jalbert. Thank you.

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

Mr. COTE: Mr. Speaker and Members of the House: I too would be remiss, coming from Lewiston, if I did not support my colleague from Lewiston, Mr. Jalbert.

I would like to relate this little story that happened to me last Saturday morning as I went to the cleaners to pick up some clothes. I noticed the gentleman ahead of me had paid a bill of \$23.00 and some odd cents towards clothes that he had cleaned and washed, so I said to the gentleman you have quite a laundry bill. Well, he says, I'm having my clothes and my family's clothes cleaned because this afternoon I am leaving for Connecticut. I says you are? Are you moving there with the family? He says yes. I says why? Well, he says, for some time I haven't been employed in Lewiston since the mill has closed, and he says, I have two sons that have just graduated from high school this past June. He said I cannot send them to college if I don't have the money, but they tell me they have wonderful trade schools in Connecticut, and I'm going there so to give my sons an opportunity to get further training and so they will be able to earn their living in the way that an American can live. So I said gee, that's wonderful. I said we hate to see you leave Lewiston, but

I says if this is your opportunity for your sons to get a further education, I don't blame you. So the man left, and the lady behind the counter says to me, this is the third family that has left Lewiston this week.

So if in any way this House can help pass along this bill so that we can keep our youth in our state, I think it would be a wonderful gesture for the Members of the 101st Legislature.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I have just had one more thought in connection with this vocational training school, but we are spending a great deal of money to attract industry into this state, and I think if we had vocational training schools in this state, that it will lend very well toward the attraction of industry into this state because as the gentleman who spoke at our pre-Legislative Conference at Orono said before the Legislature convened, he emphasized particularly vocational training, training in the sciences, technology, that it was very lacking up here; and for that reason, I feel that this will be another step with a vocational training school here in central Maine, will be another step towards attracting industry into the State of Maine because industry will have to have the skills and the semi-skills in order to operate. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I would just like to remind the House of one or two things. Of course if we do accept Report "B," we do essentially start to establish a school. So all of the arguments for a school is as valid with this as with the other, except it simply means that you would have a planned program as we had in Aroostook last year, we took over the buildings. They went ahead and got their plans together and we passed on it in this session.

In regards to the bill of which the gentleman from Bowdoinham, Mr. Curtis, spoke, we did sign that

out with part of the money in it. The money that we put in \$10,000 and \$15,000 — \$10,000 the first year of the biennium and \$15,000 in the second year of the biennium, was to up the electronics course and bring it up to grade at the Maine Vocational School and does have federal matching money. The other part of the bill that they mentioned would go to the high schools to match, and we have only about four in the state that would qualify, and they are already matching with that money, and so it seemed well to see if we couldn't find the money for this other, the \$25,000. That is now on the table to see whether there is money enough for it.

Now if we could find the \$25,000 that is in the "B" Report, I believe that is what it was, for this land and planning, you would have established the principle which is what I think you should do. And I would remind you that the bill that the Appropriations Committee acted upon was 739 which, as Mr. Jalbert says, there was much consultation and programming and so forth, but that bill had on it a price tag of \$350,000 in the first year and \$150,000 for the other one. This new bill is a new draft that was drawn after yesterday morning, so I can't discuss that with you. But I would hope that if the motion of the gentleman from Perham does not prevail, that we might move for Report "B" and start this school on its way and in its proper course.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker and Members of this House, and especially from Penobscot County, Piscataquis, and the east side of Somerset: We all realize that the Penobscot area probably will be the next one with a school, and if we don't put this one through now, in two more years we are going to have to listen — when we want a school in our area which we desperately need, we are going to have to listen to this same thing about two more years and by actually not acting on this today, we are putting a school in our area at least four

years from now, and I don't believe we want that.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion of the gentleman from Lewiston, Mr. Jalbert, and in opposition to the motion of the gentleman from Perham, Mr. Bragdon. This session of the Legislature has done considerable to aid the cause of education by supporting it in a modest manner for a modest expansion. The area of vocational education is something we are all aware of is sadly delinquent. In fact, it is practically non-existent in the State of Maine when you compare it to the actual needs.

Now this simple fact, I think we will all admit, it was obvious in the 100th Legislature; it is much more obvious in this one, and I don't think that the Legislature should really delay the problem any further. A few days ago, we saw fit to dispose of the so-called area vocational high schools, so possibly it is the intent of the Legislature that we want area vocational schools which is somewhat above the level of high schools. Now I for one coming from York County and being a member of the York County delegation, I think that this proposed project in Lewiston would be helpful to the people in my area because it would relieve the burdens of the school in South Portland and thereby make more opportunities closer to our people in York County. And I therefore support the bill and hope it passes.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: Apparently the gentleman from Perham and I are in the "doghouse," so I just want to say this, that I am interested in vocational training — let no one try to make you believe anything different. I have been howling for it for years. And I would be very happy indeed if we could have one in Lewiston, if we could have one in Bangor and if we could have four or five over the state. I would be willing to pay my share

of the taxes, for I think it is so necessary, so needful; but my opposition to just sticking to Lewiston — where I am only seventeen or eighteen miles from, so I can say it is within my area, I am interested in the state as a whole. I came here not merely to represent the people right around in my area, I came here to represent all the people of the State of Maine. And that's why I think we should try to operate in that sort of way.

Now a vocational school in Lewiston or in Portland would be a hundred and thirty-five or forty miles from Bangor. Now a vocational school in Presque Isle when it starts out will be pretty near the same distance. And if we wanted to increase the schools, I think we could do it at a less expense in Portland where they would only have some twenty-eight or thirty miles to go. I am just interested in all the rest of the state, and so you won't discourage me too much if you establish this school in Lewiston because I believe we should have more vocational training in the State of Maine, and that is a must if we are going to go on and educate our children.

Mr. Poirier of Lewiston then requested a division.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker and Members of the House: I find myself in disagreement with the Appropriations Committee very seldom, but I certainly am violently opposed to them this morning. Last week the House killed a state-wide vocational training bill on the basis that the plans were not concrete enough to institute a good program. I don't see how we can use this argument this morning when we are presented with detailed plans for setting up a vocational training institute in an area where it would be harder to find more need for it or a more concentrated development of industry than we have in the Lewiston-Auburn area. Certainly if there is an area that needs it, it is that. I think to say that we should not support this legislation because plans have not jelled in the Department of Education, is like saying

we shouldn't start to construct a house because the shingles haven't arrived for the roof but we have the lumber. I suggest that we defeat this motion of the gentleman from Perham, Mr. Bragdon, and support ultimately Mr. Jalbert.

The SPEAKER: The pending question is the motion of the gentleman from Perham, Mr. Bragdon, that the House accept Report "C," "Ought not to pass" on Resolve Appropriating Moneys for Vocational Educational Institute in Androscoggin County Area, House Paper 522, Legislative Document 739. A division has been requested. All those in favor of accepting Report "C," will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Six having voted in the affirmative and one hundred sixteen having voted in the negative, the motion to accept Report "C" did not prevail.

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

Mr. JALBERT: Mr. Speaker, beginning to realize an eighteen-year-old dream, I now move the acceptance of Report "A," and I ask for a division.

Thereupon, Report "A," "Ought to pass" was accepted, the New Draft "A" read once and tomorrow assigned.

The SPEAKER: At this time, the Chair would ask the Sergeant-at-Arms to escort the gentleman from Bangor, Mr. Minsky, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Minsky assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Kennedy retired from the Hall.

On motion of Mr. Wellman of Bangor,

Recessed until 1:15 this afternoon.

After Recess
1:15 P.M.

Called to order by the Speaker pro tem.

**Passed to Be Engrossed
Third Reader Amended**

Bill "An Act Repealing Supplemental State Aid for Reorganized School Districts" (H. P. 25) (L. D. 49)

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

The SPEAKER pro tem: When this bill was recommitted it had Committee Amendment "A" on it. That amendment is still attached to the bill.

Mr. EWER of Bangor: That is the only one?

The SPEAKER pro tem: That is the only one.

The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, the technical question pending before this House now I believe is engrossment of this particular bill. I do have an amendment to offer, but before I offer it, it seems as if this might be the proper time to explain briefly as best I can the status with respect to the several pending education bills; three of which are now pending before us as Third Readers today, one of which is in the other body.

I beg your indulgence for a few minutes. All of you received on your desks last week a brief explanation of the present Sinclair Act as best I could. In general, as you know, local subsidies are based first of all on local expenditures up to a certain point. The more you spend, the more you get. The percentage subsidy you receive, as you know, depends on the state valuation per pupil. If you are a rich town, your percentage is low, minimum eighteen percent. If you are a poor town, your percentage is high, maximum sixty-six percent. The theory of the many subsidy provisions in the Sinclair Act may be fairly expressed that all small schools are educationally bad; therefore, all small schools should be forced into districts or at least encouraged to join districts by first of all giving districts extra subsidies and secondly, denying subsidies to smaller towns not in districts that they would otherwise be entitled to.

Now the following pending bills are now before us and the other

body. First of all, item 2 on the Third Readers, L. D. 1249, which deals with the so-called Foundation Program Allowance. This bill is merely an up dating of the so-called Table I allowances to maintain the level of state support of local education at twenty-one and one-half percent. This bill also deals with the so-called Footnotes. You will recall that some time ago this House passed this particular bill to be engrossed with an amendment eliminating these footnotes. These footnotes, as you recall, penalized the smaller towns not in districts. It gave them a lower foundation program allowance than district towns of the same size. When we get to item two, I will be offering two amendments. One to again eliminate these footnotes, the same amendment that was passed before; and secondly, to make the act become effective in 1964. The reason for that is simple. One word, money. The bill, as drafted, costs in the neighborhood of \$1.4 million for this biennium. I think as realists, we know that this will never survive the last night. So the second amendment will make the bill become effective in the second year of the biennium, and decrease the cost to something in the neighborhood of \$900,000.

The second bill which is the item now before us is the so-called ten percent bill. Simply stated, this bill eliminates the ten percent extra bonus subsidy given to all school administrative districts during the first four years of their existence, and eternally thereafter if they have a sub-primary and a single high school.

The third item is the so-called Uniform Effort bill which is in the other body. This bill as re-drafted is sort of an omnibus bill. It combines the first two that I spoke of, the increase in the foundation program allowance and the ten percent bill, and the elimination of the footnotes. It also has a very important item which is uniform effort. Briefly stated, this means that the greater financial effort that a local town puts out, the more subsidy the state will pay, in terms partially of the town's ability to pay. I believe the entire Education Committee sup-

ports this principle of uniform effort.

We have a problem, however, in that the money involved. As written — as now drafted, the bill carries a price tag of only \$869,000. Unfortunately, however, the mill rate to achieve this figure is twenty-five mills. This means that unless the next legislature does what I would hope it might do and maintain the level of support for all towns so no one would lose, in 1965, they would lose. If the mill rate is reduced to eighteen mills, we are talking in the neighborhood of perhaps \$4.2 million per year, and we know what is going to happen to that the last night. This is why we have been trying to keep these constituent bills alive and trying to pass them to lie on the table because if the uniform effort bill does not pass, at least perhaps number one, we can maintain the level of state support at twenty-one and one-half percent. Number two, we can eliminate the footnotes. Number three, we can eliminate the ten percent bonus over a period of time. You have an amendment on your desks to accomplish this.

There is one other bill which is also on your Third Readers today, item three I believe, the so-called Mendes bill. This also is an omnibus bill. It, if I may put it this way, is perhaps an alternative to the uniform effort bill. I will not discuss this particular item at all now because when we come to it, I will do my best to go over the parts of it.

I apologize for taking so much time, but it seemed as if it was along about now that this House should be informed as to exactly where we are and where we are going. As I said, the basic principle I hope we will adopt now is to keep these bills alive. Before I offer House Amendment "A," I would ask through the Chair, are there any questions that I can try to answer?

There not being any, probably because I have confused everyone adequately, I first of all would move indefinite postponement of Committee Amendment "A," and immediately thereafter the adoption of House Amendment "C."

The purpose of the indefinite postponement is because House Amendment "C" incorporates Committee Amendment "A." No need of having two of them in there.

The SPEAKER pro tem: The question before the House is now the indefinite postponement of Committee Amendment "A."

The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I am very deeply concerned about this educational picture as it stands before us now simply for this reason. I sincerely hope that we won't vote and pass bills whereby you will find yourself in the position next year of facing a town meeting or your town fathers or your superintendent of schools with a loss of subsidy to your schools. My purpose probably in bringing this matter before you this afternoon is two-fold. First of all, I sincerely hope that as we go along on this procedure that the committee, the Education Committee will come forth with enough facts so that every member of the House will have a clear thought in his mind as to what he is voting on. If I were in a position to give an opinion on this matter at this time, I certainly would vote for the indefinite postponement of either one or two of these bills and accept a bill which might keep us in the status quo for the time being. For this reason, number one, I know that we have a very fine Educational Committee. They have done a terrific job trying to find solution to our very many and very complicated school problems. But I do think that we are moving a little bit too fast on this subject. The Sinclair Act in itself is a very complicated subject, and deserves very careful attention and very careful study before we do any modification of that Act.

I haven't agreed to accept Amendment "A" on this; and keeping bills alive, you might bear this thing in mind. That you might suddenly find yourself in the position of the last few days of the session of having to vote for a vehicle, and it might not be the

vehicle which would please your town fathers or your home folk. It might be a good position to take, to examine every bill carefully, to find out exactly what it will do to your own educational system and your budget at home. That is going to be an important fact to you come next year.

I myself perhaps am a little orthodox in my procedure. I for one happen to have faith in the Educational Department. As I have stated to you before, these gentlemen after their years of effort to give Maine an educational plan on which we can have some progress which will be the best for our children and the best for the future, cannot do the job, then there is something wrong with that Department. But when you start taking apart various acts that are enacted in laws on our books from that Department, then you are treading on very dangerous ground. Gentlemen, I will not belabor this situation any further. I will, if I feel at the opportune time, move for indefinite postponement of any bill which I believe will in effect change the procedure which might be detrimental to the towns involved. It is very easy to say it might affect the town which is small. It might affect the little town. Educational uniform effort is based on the principle of doing a good educational job. It is a principle of the act.

I would like to hear from the other members of the Educational Committee if possible as to what this will do in effect to the towns at the present time. I am not interested in the long view program. I am interested in just what it is going to do next year and the year following nor not one that will be dependent on what the next legislature might do because they might just not do it. You might find yourself in a very embarrassing position when it comes to facing your town fathers on your budget. This is something gentlemen that we should give very careful deliberation of thought to and I sincerely hope you will before you pass any bills.

The SPEAKER pro tem: Does the gentleman from Winterport

have a motion to offer? The Chair understands that the gentleman from Winterport, Mr. Easton, moves that the rules be suspended in order that we might reconsider the adoption of Committee Amendment "A" which was adopted by this House on May 21. All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the motion to suspend the rules did not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I am going to ask for a division in a moment because this is strictly a procedural matter. I would like to answer my good friend, the gentleman from Kennebunkport. First of all, I think that I can speak without having checked with them for every single member of the Education Committee in both Houses. This is, we will pledge you that no town and no district will lose one nickel of subsidy to which they are otherwise entitled to under the law during this biennium under any bill that is passed in this Legislature. If it is, it will be passed over our dead bodies. Number two, the only bill we are discussing at the present moment, is this particular ten percent bill. Number three, the reason for my apparent request for suspension of the rules to eliminate Committee Amendment "A" is merely for the purpose of offering a House Amendment which incorporates the entire contents of Committee Amendment "A", and one other principle which provides for a gradual easing off on this ten percent bonus. During this biennium—if this amendment is adopted, during 1963 and 1964, the districts will receive their full ten percent bonus and for the next two years, it would go to five percent. I would hope that in the division, the rules can be suspended to get us procedurally on the track again.

The SPEAKER pro tem: The pending question is the passage to be engrossed of L. D. 49, "An Act Repealing Supplemental State Aid for Reorganized School Districts," with Committee Amendment "A."

The Chair recognizes the gentleman from Auburn, Mr. McGee.

Mr. MCGEE: Mr. Speaker, Members of the House: I know you have suffered long on these education bills. You are in confusion. So are we; but I hope not to add to the confusion but to clear this matter up a little. I think the first principal thing that this uniform effort bill which I do not know whether they have done anything in the Senate on it now or not, but it has been lying on the table. That is why we have been trying to keep these other bills alive. And if you have the courage and the patience to stand it a little longer, I think we can come out with a clear understanding. Now this morning you found on your desks this pamphlet here showing the losses that all—most all the towns at least—I haven't looked at all of them—would take in that bill. Now when that bill returns from the Senate, I assure you that an amendment will be offered which was the intention of the committee in the first place on a mill rate, and this particular bill, this twenty-five mill rate, is frightening you. An amendment will be offered on that bill which will make this list that you received this morning obsolete and you won't have to look at it again or you won't have to fear it again. This is propaganda in reverse. So you won't have to fear that at all when this amendment is offered. We simply want to keep these bills alive in the state or condition so that if that the bills that you re-committed and have been redrafted into one bill as you requested, we will have some vehicle to work on if that bill doesn't pass.

Now there isn't any town or any place or any city that is going to lose anything if we follow this measure. I simply want to ask you now not to be frightened by this pamphlet. That is what is frightening a lot of people, and we got a lot of newspaper notoriety over it. This bill as it has been drawn up or a redraft is just the ultimate in hopes and I am sure that all these bills that have passed back and forth between these two bodies will be changed in such a way that it will be more satis-

factory and more understandable to you. I know it has been difficult for you to understand these. You have had a lot of patience, and I hope your patience will last out a little longer and I think we can clear this matter up.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I was hoping this afternoon that I probably wouldn't have to get into the act, but I guess I might as well now that we are in the middle of the discussion of three or four of those. I will try to limit my remarks to the merit of item one which is L. D. 49.

L. D. 49 if you will look at your files of the different legislative bills, this is to eliminate the ten percent that is provided under the law as it is. L. D. 49 is to repeal this part of the act which will provide ten percent as an incentive or bribe or whatever you want to call it. It has been used before in this House. As a member of the committee that signed out this bill in the original bill that came out of the committee, the committee report was eight to two against it, "Ought not to pass." As I understand it, since then, there have been quite a few changes of policies or prophecies or other disagreements between the different members of the committee that some of them have changed their opinions. My opinion as far as this ten percent to these school administrative districts remains the same. We have committed ourselves under the Sinclair Law that they shall receive this aid. I am not one to say to these different districts that two years from now, you shall receive no more aid and thereby affect some twenty-eight or twenty-nine thousand pupils in our own school system today, or affecting sixty-nine different communities.

My reason for wanting to indefinitely postpone this bill and all its accompanying papers at this time is that we have offered no substitute whatsoever in the form of a bill to compensate for

what we now use as the Sinclair Act. Those of you that do not like the Sinclair Act, have got all the prerogatives and privileges in the world of presenting a substitute bill before this Legislature. And in saying these words, I recognize my position as in the Minority Party, that words will probably go in one side and go out to the other, but just the same, I would like to express my feelings.

You have received in February of 1963 a pink sheet that was distributed to your desks in regards to what the educational system of the State of Maine is now costing and would cost if we would revert back to prior to 1957 when the Sinclair Act was adopted, and what this would cost if we did not have the Sinclair Act. I will read briefly just one part of this here which reverts to the 100th Legislature. And there are four different categories, 98th, 99th, 100th and 101st Legislatures. The net operating cost of a public school system for two years preceding the convening of the Legislature, the net operating cost for the 101st Legislature was \$106,029,018. State appropriations that would have been required under the laws that existed prior to 1957, \$34,353,400. State appropriations required under the provisions of the Sinclair Act, was \$31,424,628. So you have got a little bit better than a million dollars saving under the Sinclair Act than you would have under the old system prior to the Sinclair Act. If this legislation has been so bad since 1957, then I hope you will vote against my motion to indefinitely postpone. If you have got a substitute bill to offer that will benefit these children and these different communities, then I hope that you will make the offer. But as I see the present situation, under L. D. 49, it is just a prerogative of some people to say that this is not good because it is a bribe, and I do not say it is a bribe. I say it is an incentive to get these small communities on the show with the rest of the people of the State of Maine.

Mr. Speaker, ladies and gentlemen, I move for the indefinite

postponement of this bill and all its accompanying papers.

The SPEAKER pro tem: The question before the House now is the indefinite postponement of L. D. 49.

The Chair recognizes the gentleman from Gorham, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker, I would point out that L. D. 49 was accepted in this House, the "Ought to pass" Report of the minority members of the Committee, a vote of 76 to 62. Now we are not in this instance asking to replace or to kill the Sinclair Act as some people might lead you to believe, but it is our contention, at least it is my contention that the Sinclair Act does warrant a review and an analysis on occasion. There are several bills before the Legislature which would alter to some degree the Sinclair Act, but by the same token a strict and orderly review of the Sinclair Act at biennial sessions of the Legislature does not mean that those people are opposed to the act in itself. Now this merely changes one phase of the Sinclair Act, and does not in effect change the act itself. We will have several bills which will in the course of the next two or three days, educational bills, which have the acceptance of the Education Department which make greater changes in the Sinclair Act than this minor change that we suggest, and I would urge you to oppose the indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, I rise to support the motion to indefinitely postpone the bill. I agree that perhaps the Sinclair Law needs review, but I am not in agreement with picking it apart by one bill after another in this manner.

Mr. Speaker, Ladies and Gentlemen of the House: I believe the 10% bonus is an incentive for towns in Maine to form districts. It is the only way we will keep our education standards up to meet the times. And under the Sinclair Law it is a bonafide agreement. Fifteen or more years ago we worked our heads off in the Town of Hampden to build schools that would be suitable for present day needs. I was chairman

of the board of trustees for five years when a \$300,000 building was erected. The four other trustees were Judge Randolph Weatherbee, Earl W. Spaulding, an official of the Dead River Company, Guy Matthews of the Matthews Brothers of Bangor, Maine and Dr. George B. Weatherbee. I assure you they were a good committee. Since those days they have formed a school district with the Town of Newburgh after many attempts to form a district with other towns in the area which — these other towns had failed. The trustees of the district today are equally as interested in the school problems as were the first board.

When statements are made on the Floor of this House accusing those who have formed school districts under the Sinclair Act of accepting a bribe I for one feel that it is out of place and a low blow and it should be answered in like language. I don't agree with the attempt to tear our school problem apart before we have hardly had time to start. I have more consideration for the boys and girls who are going to face the technical age ahead of them. They are the big asset in this country and when it comes to education and money, I think that education should receive first consideration. I heartily support the motion of Mr. Levesque to indefinitely postpone the bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: Sometimes I am led to believe by some of the suggestions made here on this bill are a bit like a story I heard not too long ago, whereas to sort of hang onto these bills here in order that there might be a compromise. The story goes that a hairless dog wandering through the wilderness came upon a bear and the dog said to the bear do you want to compromise—or the bear said to the dog, do you want to compromise, that's the point, and the dog said well I don't know, what do you want? And the bear said well he said I'm hungry, I want food, and the bear said to the dog, what do you want? He said well, I'm a little cold without any hair, I'd like to

have a fur coat, so they got together, and pretty soon a stranger came along and saw the bear and said what happened? He said well, we compromised he says, I have food and the dog has a fur coat.

The SPEAKER pro tem: The Chair recognizes the gentleman from Jonesboro, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: Your Educational Committee has, I assure you, put in a lot of hard work in the last five and one-half months. I want to answer my good friend from Kennebunkport, Mr. Tyndale, that we certainly would do nothing to harm our local communities or the officers thereof.

In looking over our school laws, we are trying to run schools or school departments or school commissions under two different laws, one for one, and one for another. Now to get down to simple language, we are a good deal like the person in business whose correct salary would be \$5,000, but he paid one man \$3,000 and another one \$7,000. If as in your Sinclair Law today he paid all of his men \$7,000 he would go broke, which the State of Maine will. If, however, he lowered all of them to three, he would have very poor workers that did not take care. We have tried to get an honest school bill cutting out some of these inequities. To some of us we consider that this 10% is one of those inequities. They are taking away today from some of the communities. Again to get down to basic things we all can understand, I will bring up a large town and seven little towns around it. As of today, in our educational system, they have one high school in the large town taking care of the secondary scholars of all of these other towns.

Today as the law is written we are taking away from them \$21,748. They may enter an SAD district. Immediately they get back the \$21,748. Immediately they get a 10% bonus over this. Immediately if they waste money they get another 4%. The educational advantage has not improved one iota at this expense. You have the same schools with the same children under the same teachers. We have tried to cut

out some of these inequities and make it all even, so that we can raise the price, as I said before, to the helper to the \$5,000 that we should hire them for and run an adequate business at adequate pay. It still boils down to those circumstances of running one school system for all people equitably in the State of Maine. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that I wasn't inferring a few minutes ago that we outwardly kill the Sinclair Act. I don't think I wanted to say that. If I did, I wish to correct the record. No member of this House or the other body at the other end of the corridor has had enough initiative or enough guts as they would say to put a bill to repeal the Sinclair Act. What is being done here today and has been done throughout the winter is just by slow strangulation amend one paragraph, amend half a dozen paragraphs; and by this you just let the blood in and out of the veins periodically just to give it a little bit of life but not enough so that it can defend itself. If we are against the Sinclair Act, let's come out and say so and not try to amend or strangle by amendment the Sinclair Act. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker and Members of the House: I didn't intend to get into this today for we have all been through it before. It is indeed unfortunate that we have to amend by slow strangulation as the gentleman from Madawaska so aptly put it, but I believe if we all search our conscience, we will realize why that nobody can come out against the Sinclair Act is because the very very nice incentives that they have offered have most of us trapped, and those that aren't trapped with their incentives why we are all considering them. And I certainly feel that the incentives are

fine and wonderful things, and if they continue we will have one fine and wonderful school district and that will be the entire State of Maine. I certainly don't go along with that.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I am rather disturbed at my good friend from Madawaska who was on the committee with me all through the winter that he should make that sort of a statement because he knows and I know that it isn't hardly according to the facts. Now I maintain that the Sinclair Law is a good law. I was here when it was enacted. I worked for it. I met with others every Monday through the winter for a number of weeks, over in the Blaine Mansion with Governor Muskie, working hours on some of the provisions of this thing. The whole shooting match didn't suit me and didn't suit some of the others, but it finally was enacted and I think it has done some good work and I am quite sure that none of us on the Education Committee has any intention of strangling it by slow strangulation or otherwise.

Now there are some things that need correction as we go along. We tried, I think in the 98th session, to correct which I thought at the time was an inequity and wrong to give municipalities who had seven hundred scholars building aid, and I so told the gentleman, the late Jess Fuller, that it was wrong and he said, I admit it, but he said we can't sell it unless we do. He said Portland has seven Representatives and Bangor five and Lewiston so many and he said the large cities are so many that we just can't get it by, and so we will just have to accept it and we did. Then in the 98th, I believe it was, we tried to get rid of it and we never have been able to. And since that, the last session as you will recall, there were several bills come in from different ones, and so the Education Committee took one and passed it whereby they gave other municipalities building aid which

amounts to some hundreds of thousands of dollars.

Now the whole concept of the Sinclair Act is this, that because a child was born in a small community, he should not be deprived—upon somewhere near as good an education as if he had been born in a large community. That fundamental cornerstone the Sinclair Act rests upon, and I believe in it today just as much as I ever did. But in order to be fair and equitable to all the towns and to the taxpayer, adjustments must be made from time to time. I might say that you will find as you look over what the tax effort is being made that these little towns make a terrific effort to—and I happen to represent the town that is number one in the State of Maine. Now their valuation of themselves is less than \$300,000, or \$296,000, but the state values them at \$500,000, so the tax as based upon the state valuation is 88 mills. Now you take some cities, the City of Lewiston, the tax effort is 14 mills; in the City of Portland, it is only 16 mills, and all the way down through. And of this bill and some of the others that are coming out of the committee, it is just simply to try to use the people somewhere near right. We don't say it is going to use these small towns as well as they should be used, but their effort has been—and this committee, all winter long, to distribute somehow the cost to the people, the taxpayers of Maine, and still be able to use the towns as they should be used. And while I do admit that all the bills that we have approved will not do this as I'd hoped to see it, I think this bill will be a step in the right direction. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I think we should all recognize this so-called ten per cent bonus for exactly what it is. It is no more and no less than an electioneering device used to persuade, shall we say, local voters in local towns to vote themselves into districts. I suggest that the district concept

is far too important to be treated in such a cavalier fashion. Whether or not a town should join a district should be determined by the educational advantages to be derived from such a district, not on whether or not they will have a little more money to do with. We could give this ten per cent bonus to every town in the state and they would be happy, but what we are doing with this so-called ten per cent bonus is taking the money out of the pockets of taxpayers of this state and putting it into pockets of certain taxpayers in certain areas of the state.

It has been mentioned that elimination of this particular bonus will strangle the Sinclair Act by slow strangulation. I suggest that if elimination of this inequitous electioneering device causes the collapse of the Sinclair Act, it must be built on a pretty poor foundation. And I suggest that the Sinclair Act is better and stronger than this. I sincerely hope that this House defeats this motion to indefinitely postpone and I ask for a division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker and Ladies and Gentlemen: A few minutes ago I told a little story and some said, well what happened. Well, a bear was more or less comparable to those who would like to have this so-called bonus ten per cent kicked down the drain or swallowed up, and the hairless dog was the food; so you can see what happened. I now would take issue with my good colleague from down east, my Brother Easton, in stating that ten per cent is just a mere bonus. Now lets get the records right, that ten per cent is other than just a mere bonus. It is extra consideration because of extra requirements that the school administrative districts have to go to. School administrative districts, because they are districts, are provided and required to perform extra services and go to further expense than those others who are not in the district, and therefore this ten per cent is for their consideration. Now when the vote is taken I certainly will

hope that we will indefinitely postpone this bill and all its accompanying papers.

The SPEAKER pro tem: The Chair recognizes the gentleman from Jonesboro, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: The ten per cent may have in times increased education. However, there is no guarantee in receiving this ten per cent that you do have to. I mentioned to you a town that could districtize. They today have an accredited school in that town. Nothing in that educational system would have to change one iota and I guarantee that to you people. If they joined a district, they would receive the ten per cent. You would have nothing to do with the educational advantages involved.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: At no time have I ever felt or ever will feel the Educational Committee has done anything else but a wonderful job in trying to solve this problem. But here and again the sermons sound nice but the facts are very plain before your eyes. I have a little note here, and this can be disputed if they come, that all towns in the thirty school administrative districts will lose their ten per cent and seven or eight new districts that have been formed will do likewise. And they have figured on this provision. Those are the facts.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. McGee.

Mr. MCGEE: Mr. Speaker and Members of the House: There is just one other thing that I would call your attention to and I won't mention this bill whatsoever. In the final analysis of these school bills, whether you stick to the system that is already in existence or whether you have a new system or not, the full payment of subsidies on the bills depend upon what action you take on a taxation program to meet the current budget and any amount of money over the surplus of that current budget or whether you get one hundred per cent sub-

sidies or not. And that taxation program, if it doesn't meet the budget or furnish any surplus, you simply get a percentage of them no matter what law you are under. So you want to bear that in mind and don't build up your hopes that you are going to get eternally rich, because you may in the end have to settle for only a portion of those riches.

The SPEAKER pro tem: The question pending before the House is the indefinite postponement of House Paper 25, L. D. 49. A division has been requested.

The Chair recognizes the gentleman from Gardiner, Mr. Hanson.

Mr. HANSON: Mr. Speaker, if I understand this correctly, this does take away the ten per cent subsidy from the school districts that have already been formed? Am I correct in that, or would some members of the Education Committee please tell me.

The SPEAKER pro tem: The gentleman from Gardiner, Mr. Hanson, poses a question to any member who may answer if he desires.

The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, in answer to the question, as soon as we get House Amendment "C" on—which we will get on as soon as we defeat this motion, the ten per cent bonus will be eliminated, but over a period of four years, for this biennium 1963 and 1964 there will be no change whatsoever. In 1965 and 1966 the bonus will be five percent and thereafter none. That is in House Amendment "C," which as I said will be offered and, I hope, adopted, as soon as this motion is defeated.

Mr. HANSON: Thank you, gentlemen.

The SPEAKER pro tem: The Chair recognizes the gentleman from Benton, Mr. Kent.

Mr. KENT: Mr. Speaker and Members of the House: As I have sat here and listened to this debate on this ten per cent bonus this afternoon, it has been mentioned that a great many boys and girls will lose out because of this ten per cent reduction. I wonder what about the many boys and girls

in the different localities and towns all over the state which never have received any of this ten per cent. What happens to those? I want to tell you ladies and gentlemen here this afternoon that there are many towns which have tried to form administrative districts and they have not been successful because of many things in the Sinclair Law which they do not like. One of the things is, how would we ever get out of it if we get into it? Another thing is, a good many of these towns wish to control their grammar schools and not be controlled by four or five towns and directors.

Now you had a bill before you here a little while ago which I presented which would allow districts formed on a high school level. This would have been quite an incentive for a great many towns to join a district, because the high school was their problem. But this bill has gone down the drain. Now I say to you people, should we discriminate just because one town isn't in a district and give them less money and give the town that is in the district more money, or should they be used equally? And is this Sinclair Act not good enough? Does it not have merits enough of its own without offering—I called it a bribe and I feel that I should call it a bribe, because I feel that it is just exactly what it is, is a bribe. And if the Sinclair Law is not good enough for itself without a bribe, well then, is it a good law? And I heartily hope that this motion to indefinitely postpone this is defeated.

The SPEAKER pro tem: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and Members of the House: The gentleman from Jonesboro, Mr. Snow, gave a very comprehensive talk on this L. D. He clarified many points which impressed me and I certainly hope it has impressed my colleagues. This gentleman is dedicated to education. He eats it, sleeps with it, and talks it. I most heartily concur with him and I certainly hope the motion to indefinitely postpone does not prevail.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I hope that this is not indefinitely postponed, because if we ever get through with this Legislature — in fact we'll have to get through before another one comes to take our places because we don't have double seats, but if we do get through why we are legislating this amendment "C" doesn't do a bit of harm with what we are all fearing about, doesn't take it off whatsoever for this biennium and it would go to the next legislature to take charge. So why do we keep the agony up and stay here this beautiful weather by trying to legislate for the 102nd Legislature?

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the indefinite postponement of House Paper 25, L. D. 49, Bill, "An Act Repealing Supplemental State Aid for Reorganized School Districts." A division has been requested. All those in favor of indefinite postponement of this Bill will rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-six having voted in the affirmative and seventy-one having voted in the negative, the motion did not prevail.

Mr. Easton of Winterport offered House Amendment "C" and moved its adoption.

House Amendment "C" was read by the Clerk as follows:

HOUSE AMENDMENT "C" to H. P. 25, L. D. 49, Bill, "An Act Repealing Supplemental State Aid for Reorganized School Districts."

Amend said Bill by inserting after the enacting clause the following:

"Sec. 1. R. S., c. 41, § 237-E, amended. The 6th paragraph from the end of section 237-E of chapter 41 of the Revised Statutes, as enacted by section 18 of chapter 353 of the public laws of 1959, is amended to read as follows:

"The subsidy for a newly formed school administrative district shall be the sum of the amounts that the towns would have received plus a

10% bonus. During the next succeeding biennium a School Administrative District, regardless of the previous net operating costs of the subordinate administrative units, shall receive its subsidy based on the average net foundation program of the district plus the additional bonus as provided in section 237-C."

Further amend said Bill by inserting at the beginning of the first line the underlined abbreviation and figure 'Sec. 2.'

Further amend said Bill by adding at the end the following new section:

'Sec. 3. Application. School administrative districts entitled to the bonus during the year 1963 under the Revised Statutes, chapter 41, sections 237-E and 237-G, but for the provisions of this act, shall receive the 10% bonus in 1963 and 1964. They shall receive a 5% bonus in 1965 and 1966.'

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: In order to make my position again clear, I would like to state to the people of the State of Maine, that this does not become effective until two years from now as far as the ten per cent is concerned. So I hope that this will serve notice to the people of the State of Maine that an amendment has been attached to the Sinclair Act and they had better come down here in droves if they want to see that the protection of their school system is still going to be in effect four years from now. Thank you. So I move the indefinite postponement of this amendment.

The SPEAKER pro tem: The pending question now before the House is the indefinite postponement of House Amendment "C."

The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I ask for a division.

The SPEAKER pro tem: A division has been requested.

The Chair recognizes the gentleman from Gardiner, Mr. Hanson.

Mr. HANSON: Mr. Speaker, I think it may be a losing cause, but nevertheless, we are fortunate in

having one of the better school districts in the state. It was set up with all sincerity and as far as the business end of it was concerned after a few of the problems over SAD 3 had been straightened out, so that we could do business, why the School District was organized consisting of four towns. To be sure, there was no signed contract with the state or any representative of the state, but it was understood at that time that that school district or any other school district which did form would receive a ten per cent bonus and this—I hate to take issue with some of the gentlemen who have spoken here in the House, but this was absolutely not a political bribe, or a bribe in any extent because we had to have the primary and sub-primary courses and we also had to transport the high school students of which we never had done before.

I am speaking about my own district alone, because I don't know how they are in the other districts. And I feel that the State of Maine and in fact all of the ladies and gentlemen in this House of which I have the greatest of respect for, and especially those members of the Educational Committee which have worked so long and hard upon these problems, but I do feel that we, as the representatives of the citizens and the voters of the State of Maine, have an obligation to live up to and whereby these school districts which have already formed, in some manner it should be recognized within the limits of this bill. We just took a licking of \$65,000 in our own district because the Department of Education always pays two years in arrears. Regardless of when this is paid off, we are still going to be two years in arrears and we are going to lose that much money.

I, for one, think that possibly the Educational Committee is very fair in trying to let this down in an easy manner, but I also feel that those districts who have already been formed, the understanding that they were to receive this and putting in the added services and so forth, I feel that this state should feel obligated to

them. Therefore, I would go along with the motion to indefinitely postpone or possibly the members of the Education Committee might be able to come up with an amendment which might be more satisfactory to the school districts already formed. I thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker, I am one of those who felt that the Sinclair Act has always lacked one thing which it should have. That is a terminating date. I do feel that House Amendment "C," while it offers a terminating date, offers one which is too short a period. I also feel that another objection to this amendment is the fact that it makes no provision whatever for a school district which may be formed at some future time.

I think we all know of towns which have not already availed themselves of the chance to form a district for one reason or another, but which are planning at some future date to do so. Because of my feeling in this matter, I hope that House Amendment "C" will be indefinitely postponed, and if it is, I would offer House Amendment "B" which provides for phasing out of this ten percent over a period of ten years and will allow all districts which will be formed in the future to have the same possibility.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I rise representing a school system that I think fully meets all of the requirements of the Sinclair Act, but is still a school unit. The Winthrop High School was the first accredited high school in Kennebec County. The Winthrop High School has transported their students to high school to my knowledge for almost the last twenty years. We take children into the Winthrop schools at five years of age. We had built buildings. We have one of the finest school systems in

the State of Maine, but we are not a school administrative district. I feel that as far as we are concerned, that although we are not a school administrative district, that we should get this ten percent forever. We are just so much further ahead than a lot of other schools. We have done our part down there. We have raised the money in our town and at our town meetings, and we have a high school today and a school system today that would meet all of the requirements of the Sinclair Act, but we are not a school district. We take in the students from our surrounding towns on a tuition basis, and I think a great many of the people in our area are very satisfied with the way that we are doing.

Now if ten percent is a ten percent forever, then I am speaking for a school system that meets the requirements of the Sinclair Act but does not get that ten percent, and I think they should. I hope that this motion prevails.

The SPEAKER pro tem: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker and Members of the House: Reference was made a while ago about the people coming to Augusta and finding out what we are going to be living with for the next four years. I believe that is true, and I believe if this passes, I believe they will come to Augusta knowing they will get some integrity, that they will have to reach for incentives. I feel that they will then feel that when they pay their tax dollar, they get their part. I don't believe that the people in this state want anything to do, or most of them don't it is obvious, with all of these provisions in the Sinclair Act, it hasn't spread as it should, at least as the advocates of it would like to have it. You have penalties and you have bribery, and I believe that we now are showing some integrity to the people of this state when they are getting back the money they spend, and not subsidizing to some other group or some other school strictly to the whims of the Education Depart-

ment. I certainly hope this amendment prevails.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Members of the House: The reason why I referred to the people coming down here in Augusta two years from now is for the simple reason that when this bill was heard, there was one proponent and there were fourteen opponents to the bill. The bill was reported eight to two out of committee, "Ought not to pass." And I hope that two years from now if this particular amendment is adopted, or this bill is passed, that there will not be one to thirteen in opposition, but more people will be interested as to finding out what is happening. This amendment has received no hearing, and therefore, we could not see the sentiments of the people of the State of Maine or how they would feel adopting this ten percent to five percent after the first two years and then absolutely nothing, and I feel that this is definitely a bad amendment.

The SPEAKER pro tem: The Chair recognizes the gentleman from Jonesboro, Mr. Snow.

Mr. SNOW: Mr. Speaker, there are amendments on all of our desks, so we can settle a lot of this argument. They shall receive the ten percent bonus during 1963 and 1964. It shall receive a five percent bonus in 1965 and in 1966, and at that time, you will have another legislative meeting and if this mass of people demand putting it back, it will probably be put back and no one will lose anything. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. McGee.

Mr. MCGEE: Mr. Speaker, on this amendment I am certainly confused as to the thinking of the people who are opposed to eliminating this bonus because you have already approved of a bill that would eliminate it entirely. Now if you defeat this Amendment "C" so proposed, it looks to me as though you are cutting your own throat in your ideas because this allows you to have

something for four years. If you defeat it, you have nothing. So I can't understand your thinking.

The SPEAKER pro tem: The Chair recognizes the gentleman from Benton, Mr. Kent.

Mr. KENT: Mr. Speaker, the gentleman from Madawaska, Mr. Levesque, referred to only one opponent to this bill, and yet it came out eight to two, "Ought not to pass." I can also inform the gentleman that in regards to 1188 on the forming of a district on the high school level that the hearing room was filled with people from all over the state, superintendents, school board members, all in favor of this bill and yet it still came out with Mr. Levesque's signature as "Ought not to pass."

Mr. Levesque of Madawaska was granted permission to address the House a third time.

Mr. LEVESQUE: Mr. Speaker, only to say this that there was one proponent of the bill and I have got here thirteen opponents to the bill. Not one opponent, but thirteen opponents and one proponent.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, just to clear up the record. The thirteen proponents were all superintendents of school administrative districts and I wouldn't blame them for showing up as opponents.

The SPEAKER pro tem: The question pending before the House is the indefinite postponement of House Amendment "C." A division has been requested. All those in favor of indefinitely postponing House Amendment "C," will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-six having voted in the affirmative and eighty having voted in the negative, the motion to indefinitely postpone House Amendment "C" does not prevail.

Thereupon, House Amendment "C" was adopted.

On motion of Mr. Easton of Winterport, the Bill was passed to be engrossed as amended by Committee Amendment "A" and

House Amendment "C" and sent to the Senate.

Third Reader Amended

Bill "An Act relating to the Educational Foundation Program Allowances" (H. P. 862) (L. D. 1249)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I offer House Amendment "A" to L. D. 1249, under Filing H-465 and move its adoption.

Thereupon, House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to H. P. 862, L. D. 1249, Bill, "An Act Relating to the Educational Foundation Program Allowances"

Amend said Bill by adding at the end thereof the following section:

'Sec. 3. Effective date. This act shall become effective on January 1, 1964.'

The SPEAKER pro tem: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, the sole purpose of this amendment is to make this act become effective in the fiscal year 1964, and the sole reason for that is to hopefully permit this bill to survive the last night. I understand we don't have a great deal of money over there, and this will cut the cost of the bill in half. With House Amendment "B" which I will offer soon, the total cost will be approximately \$900,000 instead of twice that.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bath, Mr. Brewer.

Mr. BREWER: Mr. Speaker, we are getting down to the final end of this session, and we have three subsidy bills around these halls, one in the other branch; and I will agree with the gentleman from Winterport, Mr. Easton, when he says he has probably got us confused. And I also would agree with the gentleman from Auburn, Mr. McGee, when he says

that the committee is confused, because I have been lost quite a while ago. This bill here L. D. 1249 is the law that has been paying the state subsidies over the period of years that the Sinclair Law has been in effect. Now I think we are being confused with all these other bills. This bill here I think is probably one of the most important bills of this session. It will pay to the cities and towns approximately forty million dollars in state subsidy, and I for one, and I hope each and every one of you will not have to go back and face the fact of loss of revenue. Because you have a lot of explaining to do if they have to pick up the tab on the local level.

This amendment I have no quarrel with. This is no more than was done at the last session. To maintain the same percentage of subsidy payments to twenty-one percent, it would cost the state an additional \$1.4 million. Two years ago, we were faced with the same problem, and we did make the subsidy payments or the increases in the subsidy payments effective on the second year of the biennium. So I think you members of the House should give this bill a lot of consideration because this is the vehicle that should be paying the subsidy to the towns and cities of the State of Maine. Thank you.

The SPEAKER pro tem: The question pending before the House is the adoption of House Amendment "A." Is it the pleasure of the House that that Amendment now be adopted?

The motion prevailed. House Amendment "A" was so adopted.

Mr. Easton of Winterport then offered House Amendment "B" and moved its adoption.

House Amendment "B" was read by the Clerk as follows:

HOUSE AMENDMENT "B" to H. P. 862, L. D. 1249, Bill, "An Act Relating to the Educational Foundation Program Allowances."

Amend said Bill in that part designated "Sec. 237-D." of section 2 by striking out all of Table I, including footnotes (1) and (2), and inserting in place thereof the following:

TABLE I

| Size of School Administrative Unit Based on Average Daily Membership | Elementary Schools Grades Sub-primary to 8 |
|--|--|
| 1-25 | \$3,000 - \$120 per pupil (1) |
| 1-25 | \$3,000 - \$140 per pupil (1) |
| 26-50 | \$235 \$250 per pupil (1) |
| 51-100 | \$230 \$240 per pupil (1) |
| 101-200 | \$220 \$235 per pupil (1) |
| 201-300 | \$215 \$230 per pupil |
| 301-500 | \$215 \$230 per pupil |
| 501-800 | \$210 \$225 per pupil |
| 801 and over | \$210 \$225 per pupil |
| Secondary Schools | |
| \$6,500 - | \$145 per pupil (2) |
| \$9,000 - | \$300 per pupil |
| \$290 | \$470 per pupil (2) |
| \$335 | \$465 per pupil (2) |
| \$375 | \$435 per pupil (2) |
| \$370 | \$430 per pupil (2) |
| \$355 | \$390 per pupil |
| \$340 | \$380 per pupil |
| \$310 | \$350 per pupil. |

(1) Elementary footnotes shall apply to those units which operate schools. Compute all administrative units, except school administrative districts, at \$170 per pupil if within 10 miles of a school operated in a neighboring administrative unit by the nearest suitable highway.

(2) Secondary school footnotes shall apply to these units which operate schools. If within 15 miles of a school operated in a neighboring administrative unit by the nearest suitable highway, compute all administrative units except school administrative districts as follows:

At \$255 per pupil if 100 or fewer average daily membership.

At \$275 per pupil if 101 to 200 average daily membership.

At \$290 per pupil if 201 to 300 average daily membership.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I am getting very tired of getting up and down. This is the so-called footnote amendment which this House originally adopted, several months ago. It eliminates the penalties which are levied against small-

er towns not within school administrative districts. These penalties are attached to footnotes to the so-called foundation program allowance table. These footnotes in general state that any town not within a district with less than three hundred high school students or less than two hundred elementary students are docked in their foundation program allowance. Interestingly enough, this reduction in foundation program allowance, does not apply to school administrative districts of precisely the same size. School administrative districts are explicitly excepted out of the footnotes. This means a tremendous loss not only of money but of incentive to smaller towns. For example, if your town has 250 high school students, the proposed foundation program allowance is \$290. If, however, there is a town right next door that happens to be in a school administrative district with exactly the same number of high school students, they receive \$430 per pupil. That is quite a differential. To differing degrees these differentials apply all up and down the ladder up to the maximums that I have mentioned, and also as I indicated this House by a rather overwhelming vote has already approved this particular amendment. The reason you have to approve it again is that this bill was re-committed to committee along with many others, and when it came out, of course it had to come out without the amendment. So we had to do the same thing all over again. I hope the debate is not quite as long.

The SPEAKER pro tem: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker and Members of the House: These footnotes are the arm to the octopus. That is about what they amount to. They are the arms that reach out into all of our towns from the districts. And I certainly hope that this amendment is passed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bath, Mr. Brewer.

Mr. BREWER: Mr. Speaker, I am still a little bit confused, but we

just may as well call a spade a spade. We are coming down to the wire as I said before, and what we are doing, is chipping away at this Sinclair Law, and it may just as well go on the record right now. You are weakening it, and you are taking the effectiveness away from it. Now I have no quarrel with the amendment as far as the elementary footnotes go. Because I think they are penalties that could be done away with, but on the secondary level, when you are trying to form administrative districts for the betterment of education in the State of Maine, I think we are doing an utterly wrong deed. I will move for indefinite postponement of this amendment, and hope that in the other branch that they can of England was talking to the superior an amendment that would be proper. Thank you.

The SPEAKER pro tem: The question now before the House is the indefinite postponement of House Amendment "B."

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: As I told you I was for the Sinclair Bill and I am. But I never was happy with this penalizing schools that were doing a good job just simply to drive them into the Sinclair district. I believe that they are doing a good job and if they finally find there are other incentives and want to go into it, okay. I don't believe we should penalize them to drive them in. I think it is unfair and unjust.

I might direct your attention — perhaps all of you have read in the Portland paper about the little school over in Dresden, in Lincoln County, the wonderful things they are accomplishing, and I don't know but just what reason they are staying out of the district, but they are doing a wonderful job over there and they are doing it themselves. And I might say that within the last forty-eight hours the Dean of Admissions of one of the outstanding colleges in New England was talking to the superintendent of schools in which my district is and this is what he said. He said I have interviewed 1200 prospective pupils that are coming to our college and he said

there is one outstanding one that I want you to keep your eyes on and the superintendent said I hope he is from my area and he says, he is not, but he is from Lincoln County. And from the little high school of Dresden. And he says, now you watch this, his first two years he may not be too awful outstanding, but from there on he is going to make a mark. He is going to make a mark if he lives in this world and you watch him. Now that was rather private talk. Perhaps I shouldn't be telling these tales out of school. I am not going to tell you what college it was, but I can. So that is what appeared. Because they are not in a district, they can be penalized. So, let's be fair. Let's be fair to the Sinclair Law. Let's be fair to all the people of the State of Maine, because I don't believe any — and I know that there is nothing that the people of the State of Maine are so interested in as they are in the education of their children. I know families, and I am sure that the wife hasn't had or the mother hasn't had a new hat or new dress in the last year or two, and I know the fathers haven't had a new suit of clothes in the last two or three years, but they see to it that their children get an education. Let's be fair to all.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I am certainly in favor of the motion of the gentleman from Bath, Mr. Brewer of indefinite postponement of this amendment for these reasons. By adopting this amendment, we are creating in the State of Maine something that if you meet the requirements, you receive something. If you don't meet the requirements than you are not eligible to get this extra money. What this amendment proposes to do is throw all the schools into one particular category and say you will all get the same thing regardless of whether the school is progressive, whether the school system is good or bad. I certainly am of the impression that if a school system

wants additional subsidies and proves themselves eligible to receive this subsidy by their academic progress, then they should receive it. But until the other communities meet the requirements, then they should not receive this additional money because certainly this amendment is going to put everybody in the same category whether they meet the requirements or not, and I certainly cannot go along with that. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Fort Fairfield, Mr. Ayoob.

Mr. AYOOB: Mr. Speaker, Ladies and Gentlemen: I have been sitting quietly and listening to the various remarks made, and I can't help to wonder whether we consider that what we are doing here this afternoon is not increasing the property tax. Now I am sure everyone in this House is aware of the fact that the property tax today is over-taxed, and every move we have made increases the property tax back home. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bath, Mr. Brewer.

Mr. BREWER: Mr. Speaker, we have just accepted an amendment to make this bill effective in 1964 which would cut the proposed \$14 million in two. Now I would pose a question through the Chair to any one on the Education Committee that would care to answer. By eliminating these footnotes, how much would the additional cost to the state subsidy bill be?

The SPEAKER pro tem: The gentleman from Bath, Mr. Brewer, poses a question to any member of the Education Committee who may answer if he chooses.

The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, in answer to the question of the gentleman from Bath, Mr. Brewer, the cost of this particular amendment is \$325,000 in the year 1964. And elaborating on the remarks of the gentleman from Fort Fairfield, this \$325,000 will go to reduce property taxes which are already far too high in too many towns. The principle of the Sin-

clair Act which we discussed before was that large schools are good; small schools are no good. The cutoff was 300 high school pupils. Yet we have the anomalous situation of approximately half of our existing districts, half of our existing districts have been formed by special act of the Legislature because they do not meet the requirements that are in the act, and yet these footnotes nevertheless except them from the penalties of these footnotes. I suggest that this is something less than fair. I suggest that the House should defeat this motion to indefinitely postpone, pass the amendment, the bill, and get about its business.

The SPEAKER pro tem: The Chair recognizes the gentleman from Jonesboro, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: In this particular bill, the second paragraph, 237-C, the foundation program defined. It says it is to help equalize educational opportunity and guarantee a minimum program of education for all children throughout the state—there is established a foundation program or level of education, expressed in terms of a minimum dollar cost per pupil, in which the State will participate financially on a percentage basis rendering greater financial assistance to the less able administrative units. That is a beautiful statement of the foundation program, and I agree with it thoroughly. However, if you turn the page, they come to the footnotes which unequalize it. They take away from the less able communities. I will only name two unions in my county. In one of the unions it takes away \$14,526; in the other union, it takes away \$21,748. In that second union I mentioned, it is not a matter of academic accomplishment. They have an accredited high school and a well run educational system. This is only to make the bill honest and to make the first statement of foundation program as it is written. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, I move the previous question.

The SPEAKER pro tem: The previous question has been moved, and in order for the Chair to entertain a motion for the previous question, it must have the consent of one-third of those present. All those in favor of the Chair entertaining the motion for the previous question, will rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER pro tem: Obviously, more than one-third are in favor of the Chair entertaining the motion for the previous question. The question now is: Shall the main question be put now? Is the House ready for the question? All those in favor of now putting the main question will say aye aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER pro tem: the question now before the House is the indefinite postponement of House Amendment "B." All those in favor of the indefinite postponement of House Amendment "B," will please say aye; those opposed, no.

Mr. Levesque of Madawaska then requested a division on the indefinite postponement of House Amendment "B."

The SPEAKER pro tem: A division has been requested. All those in favor of the indefinite postponement of House Amendment "B," will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-four having voted in the affirmative and seventy-four having voted in the negative, the motion to indefinitely postpone House Amendment "B" did not prevail.

Thereupon, House Amendment "B" was adopted, and the Bill passed to be engrossed as amended by House Amendments "A" and "B" and sent to the Senate.

**Third Reader
Indefinitely Postponed**

Bill "An Act Providing for State Support of Education Foun-

dation Program and the Financing Thereof" (H. P. 1067) (L. D. 1532)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyn-dale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: With regard to this document, 1532, I don't know exactly how to proceed, I presume I just turn it over to our Education Committee that they might explain it as they have done the others that you have passed. There is one point that I would bear in mind, remember when you eliminate these things you are bringing it back home on your property tax the transferring from one pocket to the other. Therefore, I will yield to any member of the Education Committee who might wish to explain this document.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. McGee.

Mr. MCGEE: Mr. Speaker, I move that item three be tabled until the second legislative day.

The SPEAKER pro tem: The gentleman from Auburn, Mr. McGee, moves that item three be tabled until the second legislative day. Is this the pleasure of the House? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the tabling motion did not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker and Members of the House: This bill is the so-called Mendes Bill. It represents, I think all of us on the Education Committee believe, long weeks and long hours of arduous work and problem solving, or attempting to solve problems. I am not going to try to sell this bill to anybody. I will try my best merely to explain it, subject to corrections from my friend, the gentleman from Topsham, whose bill it is.

First of all, our present law as you now know provides that sub-

sidy payments are to be made to towns in terms of how much money the towns themselves have spent. You spend more, you get more. We are all familiar with this principle.

This bill is a new departure, an interesting one. The theory of this bill is that money may or may not buy education. The theory of this bill is that excellence in education should be rewarded; lack of such excellence should not be rewarded. The reward is in terms of so many dollars per pupil subsidy. If you are a town which meets this foundation program, not in dollars, but in substance, if your town meets this foundation program, it receives as a subsidy \$190 per pupil, minus ten mills. Where did this ten mills come from? This is the same principle used in the so-called uniform effort bill. This bill also would appear to be a uniform effort bill. If you are a rich town, obviously your ten mills is going to provide a large deduction. If you are a poor town, a smaller deduction. It further provides a 20 per cent construction subsidy for all towns, districts and what have you with over 300 high school pupils.

The present law, as you know, provides for a construction subsidy to all districts—all school administrative districts, and all cities and towns not within districts which have 700 high school pupils. Now the first question is what are the criteria for this educational excellence so-called in the foundation program? You find that beginning on page 1, I think I can read it quickly in case you have misplaced the bill. First of all, the foundation program requires a pre-primary; secondly, it requires a high school education in that town, either through transporting the pupils elsewhere or seeing that the pupils get there, or a local high school. It requires that teachers be paid on the uniform salary schedule, and turning the page it requires one certified teacher for each thirty elementary pupils and then goes on to say this doesn't apply to pre-primaries but one to sixty is all that is required there, and it further requires one certified teach-

er for each 25 high school pupils with a minimum of eight such teachers in each high school. It requires that school buildings be adequate as provided by law and as approved by the state board. It requires that the courses of instruction, curricular, textbooks et cetera be approved by the state board. It requires that all dropouts be reported to the commissioner.

This is an interesting concept. I do not know and I am not going to try to urge this House one way or the other, I do not know what the reaction of the House Members is going to be. One thing I think we must realize if we do it, for practical purposes this does repeal the Sinclair Act, and this may shock some of you because the Sinclair Act has been a point of contention for several years. It has also been sort of holy writ to many people interested in education. It repeals the concept that largeness is good and smallness is bad, and it repeals the concept of paying those who have, more, and paying those who have not, less. Regardless of what this House does to this bill, I think we should all appreciate the tremendous amount of work that the sponsor and others with whom he has worked has gone to to produce this document. It may or may not pass in this session, but it was a noble effort. I make no motion whatsoever. I will merely urge that this bill receive your careful consideration either pro or con.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: I would like to pose a question through the Chair to any member of the committee that might answer. I am not very familiar with the bill. What was the report on this bill when it came out of committee?

The SPEAKER pro tem: The gentleman from Kennebunkport, Mr. Tyndale, poses a question through the Chair to any member of the Education Committee who may answer if he so desires.

The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: This bill came out of committee ten to nothing "Ought

not to pass" as covered by other legislation, on the theory that the so-called uniform effort bill now pending in another body has so many principles, at least the principle of uniform effort, that that perhaps might be the acceptable vehicle. I do apologize, to get the bill about which I am talking before the House, I now move adoption of House Amendment "B" which is the bill I am talking about, it is a redraft.

The SPEAKER pro tem: There is no amendment pending. There has been no amendment presented yet. The question still remains passage to be engrossed of L. D. 1532.

The Chair recognizes the gentleman from South Portland, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker, this is the first time I have ever arisen on an education bill, and probably will be the last for this session. I believe this bill here will change — radically change the entire school subsidy set-up, and I think it will disrupt the Sinclair Act, and I therefore move for indefinite postponement of this bill and any accompanying papers.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from South Portland, Mr. Taylor, for indefinite postponement of this bill.

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: The question was asked by the gentleman from Kennebunkport, Mr. Tyndale, a while ago as to the vote that was taken and the gentleman from Winterport, Mr. Easton, has stated that the vote was ten to nothing as it was covered by other legislation. On April 11th, 1963, the first committee report was 8 to 2 "Ought not to pass" and it is certainly my intention today to go along with the motion made by the gentleman from South Portland, Mr. Taylor, that this bill and all its accompanying papers be indefinitely postponed.

I think the remarks by the gentleman from Winterport, Mr. Easton, somewhat summarize my feeling as to this bill and quite a few other

ills that were against my belief today. And again I must refresh the minds of the members of the House of Representatives that if this bill should be adopted, and now mind you I have got two strikes out and one more to go today to complete my name completely out of the ball game, so I sincerely hope ladies and gentlemen that the third strike will probably stall for a while and I will be seated on the bench with two strikes as it is now. This bill, there is no question about it as to the amount of work that was put into it, and it certainly deserves the good wishes of all the members of this House, but again, as Mr. Easton, the gentleman from Winterport has stated, the noose around the Sinclair Act is now two-thirds complete. Let us not try to make the last third a complete noose and strangle it altogether. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Just a — first of all a parliamentary inquiry. Is the pending question now the adoption of House Amendment "B"?

The SPEAKER pro tem: Does the gentleman now offer House Amendment "B"?

Mr. EASTON: I thought I had, but if I haven't, I do.

House Amendment "B," being Legislative Document 1598, was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, I move the indefinite postponement of this amendment and its accompanying papers.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Madawaska, Mr. Levesque, that House Amendment "B" be indefinitely postponed.

Mr. ANDERSON of Ellsworth: Mr. Speaker, I request a division.

The SPEAKER pro tem: A division has been requested. All those in favor of the indefinite postponement of House Amendment "B" will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-three having voted in the affirmative and forty in the negative, the motion to indefinitely postpone House Amendment "B" did prevail.

The SPEAKER pro tem: Are there now any further amendments? The question now before the House is the motion of the gentleman from South Portland, Mr. Taylor, to indefinitely postpone L. D. 1532, Bill "An Act Providing for State Support of Education Foundation Program and the Financing Thereof," and all its accompanying papers.

The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen: I will just make a final remark. I believe the school bills we have considered this afternoon have certainly confused the issue, so that few of us know exactly what we are doing. I am convinced that these bills before us are to chip away and intended to destroy the Sinclair Act. I support the motion to indefinitely postpone this bill.

The SPEAKER pro tem: Is it now the pleasure of the House to indefinitely postpone L. D. 1532? All those in favor will say yes; those opposed, no.

A viva voce vote being taken, the motion prevailed. Sent up for concurrence.

Third Reader Tabled and Assigned

Bill "An Act to Authorize General Fund Bond Issue in Amount of Six Million Nine Hundred and Ninety-two Thousand Dollars and to appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Year Ending June 30, 1964" (H. P. 1111) (L. D. 1594)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Brewer, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, I trust we move this item lie on the table until the next legislative day.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Brewer, Mr. MacLeod, that this item lie on the table until the next legislative day. Is that the pleasure of the House?

(Cries of "No")

All those in favor of tabling until the next legislative day will say yes; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Eighty-five having voted in the affirmative and eleven having voted in the negative, the Bill was tabled pending passage to be engrossed and specially assigned for tomorrow.

Amended Bills

Resolve Appropriating Moneys for Additional Faculty Positions at Gorham State Teachers College (H. P. 524) (L. D. 741)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Third Reader Amended

Bill "An Act relating to Salaries of County Officials and Municipal Court Judges and Recorders" (S. P. 628) (L. D. 1589)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: Yesterday this House adopted with respect to this bill House Amendment "A" which was proposed by my good friend from Millinocket, Mr. Crommett. I would now move adoption of House Amendment "B" to this bill under filing number 462 and would say briefly this. This amendment will save the state some money. It deletes a second successive pay raise for our county officials up north.

The SPEAKER pro tem: Does the gentleman offer at this time

House Amendment "B"? The Clerk will read House Amendment "B."

House Amendment "B" was read by the Clerk as follows:

HOUSE AMENDMENT "B" to S. P. 628, L. D. 1589, Bill, "An Act Relating to Salaries of County Officials and Municipal Court Judges and Recorders."

Amend said Bill in that part designated "Sec. 254," of section 1 by striking out all of the 3rd underlined paragraph and inserting in place thereof the following:

'Aroostook County: County commissioners, \$1,250, except that one member of the board, designated by the board as chief administrative officer, shall receive \$5,000; clerk of courts, \$5,500; county attorney, \$4,000; assistant county attorney, \$3,000; county treasurer, \$3,000; sheriff, \$5,500; register of deeds, northern district, \$4,000; southern district, \$4,500; judge of probate, \$4,000; register of probate, \$4,000; Caribou municipal court judge, \$4,000; recorder, \$2,000; Fort Fairfield municipal court judge, \$3,300; recorder, \$1,250; Houlton municipal court judge, \$4,000; recorder, \$2,000; Madawaska municipal court judge, \$3,300; recorder, \$1,250; Presque Isle municipal court judge, \$4,000; recorder \$2,000; Van Buren municipal court judge, \$3,300; recorder, \$1,250; Northern Aroostook municipal court judge, \$3,300; recorder, \$1,250.'

Further amend said Bill by striking out in the 2nd line of section 2 the figure "\$15,675" and inserting in place thereof the figure '\$14,500'; and by striking out in the 3rd line the figure "\$20,900" and inserting in place thereof the figure '\$19,400'; and by striking out in the 10th line of section 2 the figure "\$15,675" and inserting in place thereof the figure '\$14,500'; and by striking out the figure "\$20,900" and inserting in place thereof the figure '\$19,400'

The SPEAKER pro tem: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: This amendment "B," if you adopt it this afternoon, is going to save the state some money. It deletes a sec-

ond successive pay raise for our county officials up north, who are paid wholly by the state and not a thing by county funds and who are admittedly part-time officials. I personally think that our part-time county officials, to which this amendment relates, and who are paid one hundred per cent by every taxpayer in this state, should take it easy on the state treasury. These part-time officials happen to be new this year and neither of them served in the same capacity before. Now these part-time jobs had a raise the last session of the legislature and I think that these new part-time officials should be satisfied with their new jobs.

The SPEAKER pro tem: The Chair now recognizes the gentleman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: The amendment offered by the gentleman from Houlton, Mr. Berman, would change the salary of the county attorney and the assistant county attorney. The county attorneys' salaries for all counties were considered together. During the past biennium a study committee of the county attorneys was held and the county attorneys submitted a bill known as the Stitham Bill to the Legislature. This bill was considerably more than the one which was passed by the Towns and Counties Committee. Aroostook County from which the gentleman from Houlton, Mr. Berman, comes is the third largest county in the state, and for this reason we considered Aroostook County in the pay raises. At the present time, the Aroostook County Attorney receives \$4,000 and his assistant \$3,000. We considered Penobscot, Aroostook, York, Kennebec, and Androscoggin Counties as being of similar size; and for these county attorneys we set the salaries at \$5,000 and \$3,500, \$5,000 for the county attorney and \$3,500 for his assistant.

It was pointed out to us in committee that the county attorneys under the new district court system had a great deal more responsibility and that this was an important position in our county. Many of the counties are smaller counties and the position did not pay too

well; and for this reason it was upgraded. We felt that there was a great deal of merit in upgrading the salaries of the county attorneys so that when the district court came in that these positions would offer an incentive for good qualified lawyers to run as county attorney. And for this reason the salary was set as it was in this particular bill. And I move the indefinite postponement of House Amendment "B."

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Chelsea, Mrs. Shaw, that House Amendment "B" be indefinitely postponed.

The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I oppose very strenuously this motion for indefinite postponement of my House Amendment "B." Now with due respect to the gentleman from Chelsea, I have been practicing up in my native town for more than a decade and I am well aware of what goes on up there — I mean I live with this day in and day out. Now I have no objection to any County official getting a pay raise, even though it may be paid from state funds, if it can be justified. But what bothers me is this.

Last session when I sat here in the 100th Legislature, the people from up north came down and they put in a pay raise for these two same officials, and I think it was a pay raise for a \$1,000 for them. I went along and we gave them the pay raise — we didn't give them the full thousand dollars but we gave them a pay raise. Now this year we've got two brand new part-time officials and they come in for a second pay raise, and it just doesn't seem right to me.

The SPEAKER pro tem: The Chair recognizes the gentleman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker and Members of the House: May I point out to the House that the individuals involved in all the county offices were not considered. The salaries were set for the office and not for the individual.

The SPEAKER pro tem: Is the House now ready for the ques-

tion? The question before the House is the indefinite postponement of House Amendment "B."

Mr. Berman of Houlton then asked for a division.

The SPEAKER pro tem: A division has been requested. All those in favor of the indefinite postponement of House Amendment "B," please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Fifty-seven having voted in the affirmative and fifty-nine having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "B" was adopted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Jonesboro, Mr. Snow.

Mr. SNOW: Mr. Speaker, may I offer House Amendment "D" to Senate Paper 628, L. D. 1589, filing number 468, and move its adoption.

Thereupon, House Amendment "D" was read by the Clerk as follows:

HOUSE AMENDMENT "D" to S. P. 628, L. D. 1589, Bill, "An Act Relating to Salaries of County Officials and Municipal Court Judges and Recorders."

Amend said Bill in that part designated "Sec. 254." of section 1 by striking out in the 16th underlined paragraph which relates to Washington County the underlined words and figure "clerk of courts, \$3,700" and inserting in place thereof the underlined words and figure "clerk of courts, \$3,500"

The SPEAKER pro tem: Is it now the pleasure of the House that House Amendment "D" be adopted?

The motion prevailed.

Mr. Rust of York offered House Amendment "E" and moved its adoption.

House Amendment "E" was read by the Clerk as follows:

HOUSE AMENDMENT "E" to S. P. 628, L. D. 1589, Bill, "An Act Relating to Salaries of County Officials and Municipal Court Judges and Recorders."

Amend said Bill by inserting after section 2, a new section 2-B, to read as follows:

'Sec. 2-B. Effective date in York County. The salaries set forth in section 1 as they relate to York County, except the salary of the county attorney and the assistant county attorney of York County, shall be retroactive to January 1, 1963.'

Further amend said Bill in section 3 by inserting after the word and figure "section 1" the punctuation and words 'except those which relate to York County.'

The SPEAKER pro tem: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: This amendment only affects one salary on our county salary schedule, that is our Judge of Probate, and the reason I have made it retroactive is because our county delegation has put the money for this matter in our county budget and I hope the amendment is accepted.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: Before you vote on this measure I would like you to recall the vote that you took yesterday in which you affirmed the principle that all salaries be set ahead to January 1 of 1964. This amendment which we are now going to vote on would take exception to the vote that you took yesterday. I would move the indefinite postponement of this amendment and hope that you will stand by the vote which you have taken previously.

The SPEAKER pro tem: The question now before the House is the indefinite postponement of House Amendment "E" and the Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I highly concur with the gentlewoman that has just spoken. Only a few days ago we accepted a bill that said when country salaries would go into effect. We discussed it thoroughly and I think it was a good bill and I hope it stands and I hope we go along and defeat this amendment.

Mr. RUST of York: I request a division.

The SPEAKER pro tem: The question before the House is the motion of the gentlewoman from Chelsea, Mrs. Shaw, that House Amendment "E" be indefinitely postponed. A division has been requested. All those in favor of the indefinite postponement of House Amendment "E" will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-two having voted in the affirmative and twenty-eight having voted in the negative, the motion did prevail.

Mr. Pease of Wiscasset offered House Amendment "C" and moved its adoption.

House Amendment "C" was read by the Clerk as follows:

HOUSE AMENDMENT "C" to S. P. 628, L. D. 1589, Bill, "An Act Relating to Salaries of County Officials and Municipal Court Judges and Recorders."

Amend said Bill by inserting after section 2, a new section 2-A, as follows:

'Sec. 2-A. Effective date in Lincoln County. The salaries set forth in section 1 as they relate to Lincoln County, except the salary of the county attorney of Lincoln County, shall be retroactive to January 1, 1963.'

Further amend said Bill in section 3 by inserting after the word and figure "section 1" the punctuation and words 'except those which relate to Lincoln County.'

The SPEAKER pro tem: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, for many of the same reasons that the gentleman from York, Mr. Rust gave, I would urge the House that it accept this amendment. I was present at the county budget meeting at the courthouse in Wiscasset, Lincoln County, when the budget was discussed and the various pay raises were discussed. The bill, L. D. 1589, the new draft of the original, many, many original bills that were introduced regarding county salaries, makes some reductions in the sala-

ries of Lincoln County officials that were requested by the County Commissioners. The County Commissioners also at that time requested that the salaries be made retroactive to January 1, 1963. For this reason, noting that in the new Legislative Document 1589 there is no retroactive clause included, I now offer this amendment and urge its adoption.

The SPEAKER pro tem: The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: While I have not always agreed in principle with my good friend the gentleman from Wiscasset, Mr. Pease, this is the first time I have had an opportunity of actually opposing him, and I move the indefinite postponement of this amendment.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Skowhegan, Mr. Wade, that House Amendment "C" be indefinitely postponed. All those in favor of the motion to indefinitely postpone House Amendment "C" will say yes; those opposed, no.

A viva voce vote being taken, the motion did prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action whereby we adopted House Amendment "A" and would like to speak briefly on the question.

The SPEAKER pro tem: The Chair understands the motion of the gentleman from Lewiston, Mr. Jalbert, is that we reconsider our action whereby we adopted House Amendment "A".

Mr. JALBERT: Mr. Speaker and Members of the House: The Committee had reported out the measure with a date — retroactive date of October 1, 1963. Yesterday House Amendment "A" would make it January 1, 1964. Although I am certainly obviously aware of the fact that the House is very lukewarm to any January 1, 1963 retroactivity, I somewhat feel the same way. However, this House here should also take in mind that the

Committee felt somewhat strong in their vote, I think it was nine to one for the October 1, 1964. I appreciate the sincerity of the gentleman from Millinocket, Mr. Crommett, and others, but I think that this would be more of a fair compromise from the January 1, 1963 to the January 1, 1964. This would mean, we hope, ninety days after we adjourn or ninety days or less. Consequently, I move we reconsider our action whereby we adopted House Amendment "A."

The SPEAKER pro tem: The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: I will correct the statement by the gentleman from Lewiston, Mr. Jalbert. The compromise of the Towns and Counties Committee was nine to one in favor of January 1, 1964. The date October 1, 1963 was not discussed in our committee. I stand to defend the action of the Towns and Counties Committee, which was nine to one, and I was the one that opposed it originally. It is my intent that these salary increases should take effect in 1965. I talked with the County Commissioner, Mr. Campbell, from Penobscot County, and I told him that we came up with a compromise, we split the difference between 1963 and 1965 and came up with this date of January 1, 1964. He said that's good enough, fair.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, there seems to be a little confusion here. We are discussing two different bills. The report that came out nine to one from the Towns and Counties Committee was a redraft of L. D. 1467. And this was reported out to the House in the middle of March, and this would have made salary increases become effective January 1st of the year next succeeding the recess of the session of Legislature passing such salary increases. Now this bill hung around the House for about three months and it was only — and after much debate on the House Floor, was passed with an amendment which would make the entire

act become effective the next session of Legislature. This was the nine to one report which the committee put out. And I believe that the Towns and Counties Committee will back me up on this.

Now yesterday when we came out with our salary report, I mean this other bill was still lying on the table and was being debated on this Floor, and of course where so much controversy had come up about this bill, the committee compromised and came up with the October 1, 1963 which is the beginning of the fourth quarter of the year. This is the date that is set forth in the salary bill which you are now considering, except that you amended it yesterday to concur with the other bill which we passed. In other words, when you amended it yesterday you said that you would like these salaries to become effective January 1, 1964, and not October 1 of 1963 as the committee had put out its bill. So therefore, this is where the confusion lies. Now we have amendments which are asking that their salaries be put back retroactive and these are the ones that we are asking you to indefinitely postpone and to withhold the committee's decision that salaries be started on the beginning of the fourth quarter. Now the gentleman from Millinocket said that this was not discussed in committee. We discussed the fact that we would not have any retroactive raises in this salary bill.

The bill would become effective ninety days after legislature adjourned. This might be at an odd number of days and so it was decided that we would instead of letting it fall on whichever day that the ninety days came that we would begin at the beginning of the fourth quarter, to make it simpler for all of those concerned with salary checks and so forth. I hope that this clarifies the situation.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: It is my understanding, and I am asking a long question, that yesterday we adopted House Amendment "A" under — let's forget the retroactive

of 1963 and recommitting. Let's work starting yesterday. The gentleman from Millinocket, Mr. Crommett, takes issue with me. Now I am either right or I am wrong. Yesterday we adopted House Amendment "A" under L. D. 1589. 1589 is a report of the Joint Committee on Towns and Counties. 1589, Section 3 said, "The salaries as set forth in this section shall become effective October 1, 1963." Was that or was that not the Committee's report? That is my question and I would like it answered. If it was not, then the gentleman from Millinocket is right. If it was, then I am right.

The SPEAKER pro tem: The Chair recognizes the gentleman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, in answer to the gentleman from Lewiston, Mr. Jalbert, the Committee's Report was October 1, 1963.

The SPEAKER pro tem: The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, the October 1 date reported from the Towns and Counties Committee was not unanimous. We did discuss it when the bill was recommitted to our committee. I did not oppose the increases. We had a very harmonious meeting. I made the notations of the increases. Then coming down to section 3, I asked permission to change the date. The Committee agreed with me in principle and they all said I was absolutely right. Then within a minute or so they discussed it and thought they would leave the date October 1 as it was. Then I informed the Committee that I would use House Amendment "A" which I did yesterday which this House adopted. Today with all these amendments to this L. D. 1589, all the amendments have been defeated. The gentleman from Lewiston, Mr. Jalbert, asked for reconsideration. I oppose that. I think we have done enough on this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winthrop, Mr. Tha anum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I don't think we all thoroughly understand this matter, but I would like to say just a word as I

get the gist of what is intended here. I think in this bill 1467 there was an intent that if a person ran as a candidate for county office in 1963, or 1962, and was elected to that office, that for many many years there have been bills in this Legislature for county salary increases retroactive to the first of January, 1963. Now what this bill 1467 is trying to do is to delay those increases until after this — each Legislature has adjourned, making these salary increases effective at January 1 of the following year. I think that is a good idea. I agree with the gentleman from Millinocket, Mr. Crommett. I think his point was that when a person is elected to office they should not immediately ask for an increase retroactive to the date when they took office, and that there should be a meeting of the Legislature to decide whether or not that man is entitled to a raise at that time. Now I can think of men who would be entitled to such a raise, men who have been in the office we will say of county treasurer for thirty years might well be entitled to a raise by that session of the Legislature effective at January 1 of the year after the Legislature adjourns. There would be other newcomers who were new in that office who might not be entitled to that raise, and therefore it would give the Legislature an opportunity to decide at each session as to who was entitled to a raise and who was not. I think that is good. But for years past we have had these bills in the Legislature making these raises retroactive, and they are trying to get away from that.

Now at this session of the Legislature they have again many bills which ask for retroactive increases in wage — in salaries of county officials, and the county — the Committee on Towns and Counties in their good judgment didn't feel that those bills should be made retroactive to the first of January. However, I think what they did was this: that rather than saying that they would receive these — this increase and remembering that this proposal in 1467 is intended to delay these increases until after the Legislature is adjourned, they com-

promised with these people and said no, we do not agree to give you the four quarters increase in 1963, but we will give you one of them. We intend later on that this 1467 will become effective so that nobody in the counties, unless future Legislatures decide different, that nobody will get their raise until after the Legislature has met, that they will not be retroactive to January 1.

Now I think that the October 1 date was a compromise for the bills that they had before them for this session which were retroactive, and they said that we will in part allow you one quarter rather than the four quarters of 1963. I think it was a compromise. However, we had before us yesterday or the day before the situation that it should be January 1, 1964 as it is going to be under 1467 in later years unless the Legislature decides something different. So I think that perhaps we are confused between this date of October 1, 1963 and January 1, 1964. The January 1 I think was a compromise to the present bills that we have in this Legislature, that we will not agree to pay you for the four quarters of 1963, but in consideration that we are making this change, we should think something about your raise, we will make it effective October 1, 1963. So it was a compromise at that time. However, we have decided by the amendment that we accepted yesterday to make it effective January 1, 1964. I think it is a good bill. I think a candidate for office should get the same pay in that office, at least for one year after he is elected to county office, and if he is going to get a raise, the Legislature should meet and decide it and have that raise become effective the year first or the year after the Legislature adjourns.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: After the remarks that I have just heard this afternoon of the different members of the county committee and all the different posts in the county governments that 1964-65 will be a bang-up election.

The SPEAKER pro tem: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: As I remembered it, we accepted the Amendment "A" by a large majority yesterday. I would certainly hope that we would stick by our previous action, and I hope the motion to reconsider does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: Not reluctantly this time, I would urge that the House do reconsider. This is perhaps one of the very few times that I find myself rising in agreement with the gentleman from Lewiston, Mr. Jalbert. It is my understanding that many counties have based their county budgets and many boards of County Commissioners have made requests through their legislative delegations and many of those legislative delegations have presented bills here which would make the salary increases retroactive. I think if we fully consider everything that the gentleman from Winthrop, Mr. Thaanum has said we cannot but agree that anyone who runs for public office probably should not even be accorded a raise during his term of office, and if this is the principle which we are going to — to which we are going to accede, I think that perhaps this amendment should be reconsidered and we should draft an amendment which will put that into effect. This is not the case, however. We have accepted this as not being the case by setting January 1, 1964 as the date when these several salaries will go into effect. I would suggest to you that as the gentleman from Winthrop, Mr. Thaanum often said in his remarks this afternoon, this October 1 date was a compromise. Had I not felt that the amendment of the gentleman from Millinocket, Mr. Crommett might be considered, I would have presented many more facts and arguments regarding the provision for making the county salaries, at least in the county from which I come, retroactive.

So I would urge that we backtrack and that we go along then with the Towns and Counties Committee on their nearly unanimous report on the October date and that we have already put future legislators and future candidates for office on notice that the January 1 date will be in effect. This is not the case at this time, and I think that we should now reconsider and then entertain a motion to indefinitely postpone House Amendment "A."

Mr. Crommett of Millinocket was granted permission to speak a third time.

Mr. CROMMETT: Mr. Speaker, I would like to correct the statement of the gentleman from Wiscasset, Mr. Pease, the gentleman from Winthrop, Mr. Thaanum, in regard to October 1, 1963, which was not a compromise by the Towns and Counties Committee. The compromise of the Towns and Counties Committee was January 1, 1964 which this House adopted yesterday. The bill 1575 came out with October 1 without any consideration, re-committed to the Towns and Counties Committee and is now 1589 with that same date; as I said before, it wasn't a compromise, it was left on there for some reason that I do not know, and I informed the committee that I would have an amendment which this House adopted, so the compromise is January 1, 1964.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, I think that the October first is a good date. Now these people have all put in bills for increases in salary effective January 1. Why don't we go part way with them and make this effective October 1 of this year? To make it effective of January 1 of next year, is what bill 1467 is going to do. Now we are simply saying to these people, we are making a change now. We have decided that no raises will become effective until the year after the legislature has adjourned. But in your case, we will go along with you for one quarter, for the last quarter of 1963 and you will have the raise for that time. I

think it is only fair that they should get some consideration because they didn't know at the time they put these bills in that this bill, 1467 was going to get the approval of this legislature. So I would go along with the reconsideration of that motion of yesterday and make this particular bill which we now have under discussion effective as of October 1, 1963. The money as I understand it has been appropriated and set up by the county commissioners, and there will be some money that will not be used that has been set up for the counties, but that will go into their reserve fund. But as I understand it, a great many of the counties have made provisions for these raises for the whole year of 1963. Now I think it is only fair to give the people that put these bills in a little something at least for one quarter of 1963.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker, Ladies and Gentlemen: May I suggest the third date which we have got to begin to consider eventually. It is not October 1; it is not January 1. It is the date of when we are going to be able to adjourn this thing for good, and I suggest the fact that we are backing and filling and backing and filling and reconsidering isn't going to get us adjourned. I would suggest that when an action has been taken by a large majority, we might consider it definitely settled, and I hope that the motion to reconsider will not prevail.

The SPEAKER pro tem: The question pending before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action whereby it adopted Committee Amendment "A" on June 17.

The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker and Members of the House: I was not going to speak on this bill this afternoon being defeated soundly the last week on a similar bill, but I feel that my rights as a legislator coming from my county have been usurped by individuals who should not be concerned as far as An-

droscoggin County goes. Our delegation met. We studied our budget carefully, and after due consideration, voted a budget for Androscoggin County which included these raises and the moneys were put in retroactive to January 1, 1963. I am willing to go along with a compromise of October 1, but I feel as a conscientious legislator from my district and from Androscoggin County who spent time studying this budget and the people who are acquainted with it, we had a public hearing and so forth, and we come along in Androscoggin County and accepted the budget and accepted a figure. Now when those moneys are in our budget and if they are not spent, they will be used probably by the county commissioners as a slush fund for some other pet project, and that is what I resent to. I voted for something to give the individuals who I felt deserved raises. I voted for certain projects in the county which I thought were essential, and coming up with the figure, whatever the figure is for our county government which the tax has already been assessed and the towns are already paying along with the City of Lewiston paying some sixty-five or sixty-seven percent of the entire budget; and that is the way I feel on this thing. I feel that we should go along with the indefinite postponement of this Amendment "A," and I am willing to accept the October 1 date.

The SPEAKER pro tem: The question before the House is the motion by the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action whereby it adopted House Amendment "A" on June 17.

All those in favor of reconsideration, will say aye; those opposed, no.

A viva voce vote being taken, the motion to reconsider the adoption of House Amendment "A" did not prevail.

Mr. Jalbert of Lewiston then requested a division.

The SPEAKER pro tem: All those in favor of reconsideration of the adoption of House Amendment "A," will please rise and remain

standing until the monitors have made and returned the count.

A division of the House was had. Thirty-four having voted in the affirmative and eighty-one having voted in the negative, the motion to reconsider did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "B" and by House Amendments "A," "B," and "D" in non-concurrence and sent up for concurrence.

Finally Passed Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Forbidding Discrimination Against Any Person (S. P. 527) (L. D. 1448)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, this item one, Constitutional Amendment, will require a two-thirds vote of the House, and I want to go on record for the matter of the record as being opposed to this particular item because it is already in the Federal Constitution. And because as far as my knowledge of the State of Maine goes, there has never been nor is there now any practice of discrimination as far as religion is concerned, or as far as ancestry, or sex, or race. I have always enjoyed living in the State of Maine because of that. And I feel today if we go to tampering with a problem or an issue that is not a problem, we will be creating problems rather than solving them. Therefore, I want the record to record that I shall be in opposition to this item.

The SPEAKER pro tem: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, I hope the House will go along with this Constitutional Amendment. Now this House by roll call voted 125 to 4 to go along with the Amendment, and I am very glad that the gentleman from Strong says that this is going to require two-thirds. We had 125 for it on the first roll call.

Now this very eminent Commission composed of the Chairman Fred Scribner, former Speakers of the House, John Ward and George Varney, who was also president of the Senate; Senator Robert Marden; Representative Edwin Smith, Judge John P. Carey among others came up with a very comprehensive report which has not yet been made public, and they felt there was a need for this Constitutional Amendment in the State of Maine. Now if these eminent gentlemen feel that there was need for this Constitutional Amendment in the State of Maine, I certainly think that this House this afternoon should go along with the original roll call of 125 to 4.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I was one of those who voted in favor of this Constitutional Amendment, but I had not had a chance at that time to study it. I believed and still do in the tremendous abilities, legal and otherwise, of those who made this study and sponsored this legislation. I rise to ask a question or two of anyone who would care to answer such a question. Number one, recalling that the Senate Amendment eliminates the language which specifies the type of discrimination, i.e., race, religion, sex, or ancestry which is forbidden, remembering this, I am curious to know what the term discrimination really would mean. Without discrimination by reason of say sex, or any other limiting factor, we perhaps are thrown to the dictionary definition of the word which means to be particular. I just don't understand what it means. I don't understand what the words civil rights mean. Someone has said rather jokingly this would mean all rights except those which are military. Well, that doesn't help me very much.

A couple more questions. Would the adoption of this amendment for example, eliminate our so-called literacy requirement for voting? Are we not thus discriminating against illiterates in the exercise of their civil rights or franchise? I don't know. There is a boarding house or some such thing nearby

the Augusta House. There is a sign on it that says something about boarding house for gentle females or something. Is the proprietor of this boarding house discriminating against males in the exercise of her civil rights of renting? I don't know. I would appreciate some enlightenment.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, in answer to the question of the gentleman from Winterport, Mr. Easton, I suggest that an enumeration of civil rights set forth in the Declaration of Rights in our own Constitution and also in our Federal Constitution. In my view, it is most important that in this crucial period in our national history for the State of Maine to go on record in favor of this proposed amendment. The gentleman from Winterport has referred to the last several words in the bill, L. D. 1448, race, religion, sex or ancestry. They have been removed, and I am not sure that he understands that those last few words have been removed. This is a statement of a fundamental principle to guarantee civil rights even as they are guaranteed in the Federal Constitution. This is a particularly sensitive period in our national history. There should be no hesitation on the part of this House and this Legislature to go on record in favoring a Constitutional Amendment or a fundamental law, and pass this Resolution even as we have passed it twice before in this House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brewer, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, if my memory serves me correctly, this came out of the Committee on Constitutional Amendments, eight to seven, "Ought not to pass." And I have yet to hear from a member of the Committee that must have signed the "Ought not to pass" Report. I would like to hear from one of those people to explain why.

The SPEAKER pro tem: The question before the House is the final passage of the Resolve Proposing an Amendment to the Constitution Forbidding Discrimination

Against Any Person, Senate Paper 527, Legislative Document 1448.

The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, I was one of those eight members on that committee that signed it out "Ought not to pass." And I have been consistently standing up for that report. At the committee hearing, it is true that we heard that these gentlemen that the gentleman from Houlton, Mr. Berman, has spoken of that had made such a report and recommended that this be done. However, to bear out that there wasn't too much to back up the need for that, I would ask the gentleman from Houlton, Mr. Berman, to cite if he would specific cases in the State of Maine where any such existence, such a reason for having this in here has ever existed. And before our committee, I cannot remember that any of those instances were ever cited spelling out the time and the place and, therefore, some of us felt that it was an unnecessary piece of legislation to put before the people.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I would like to point out to the gentleman from Strong that when the Federal Constitution was adopted and fundamental rights were set forth in the Constitution, many, many problems did not then exist. They were anticipated. They were anticipated by the founders of our Constitution and this Legislature should be far-seeing enough and basic in its thinking so that it now must and should anticipate problems; and this is merely a reiteration of the basic truths which are in our state and also in our State and Federal Constitutions.

The SPEAKER pro tem: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, in response to the inquiries made by my good friend from Brewer, Mr. MacLeod, and my good friend and colleague on the committee, Mr. Smith, as to what transpired, I would say this with regard to this eight to seven report. This committee, of which ten members of this

House should have been proud to be a part, was really quite ill-attended at times. We were dealing with fundamental rights, and I will say very frankly, at no time can I remember when all fifteen members of the committee were present. So this eight to seven report, I submit very frankly and very candidly, is quite meaningless. Because this means that the committee clerk takes his little document around and says to the various members of the committee, would you sign Report A or would you sign Report B.

Now some of us have worked very hard and I hope very faithfully on this committee, and we have given it a great deal of serious thought. So in answer to the question from the gentleman from Strong, who also served on this committee as to whether a need for this exists, I have in my hand a fifty-two page report none of which I am going to read unless the gentleman requests that I read it, and it is the report on the Maine Advisory Committee to the United States Civil Rights Commission, from testimony taken at Portland, Maine on March 25, 1963. Now these proceedings have been available, and who are the type of gentlemen that came down and testified in behalf of this sort of thing? Well, I will tell you one and I think he is an extremely high type gentleman and that is President Robert Strider of Colby College, and I have this document which I would be glad to show any member of this House.

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

Mr. BRAGDON: Mr. Speaker, I would pose a question to the Chair if I am in order, and I would because a lot of time has elapsed since this report of this Legislative Committee has come before this House, this eight to seven report. If I am in order, I would request that the Clerk provide us with the report as it came from the committee with the names of the signers.

The SPEAKER pro tem: Is it the pleasure of the House that the Clerk read the report?

The motion prevailed.

(Thereupon, the Divided Report was read by the Clerk as requested

by the gentleman from Perham, Mr. Bragdon.)

Mr. BERMAN of Houlton was granted permission to address the House a third time.

Mr. BERMAN: Mr. Speaker, Members of the House: I am very happy that the honorable member from Perham, Mr. Bragdon, has asked who signed which report. Eight members signed the Majority "Ought not to pass" Report. Senator Porteous is now in favor of the bill. Senator Farris is now in favor of the bill. Representative Pease voted for the bill when it came to the House. Representative Dennett voted for the bill, Representative Watkins voted for the bill. Representative Viles voted for the bill, and Representative Smith of Strong, so I suggest to the members of the House that if this report had come out today, it would be fourteen to one "Ought to pass," and possibly fifteen to nothing "Ought to pass."

The SPEAKER pro tem: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: I beg leave Mr. Speaker and Members of the House, to correct the record that has just been made. At the time of the committee hearings, I believe I attended every committee hearing, first. Secondly, at no time have I voted in favor of this bill. It is my recollection that it was I that made the motion to indefinitely postpone the bill and all accompanying papers when it arrived at the House from the other body. I was absent on Friday and was unable then to vote on it. At this time I shall not vote for the resolve, neither am I in favor of it.

At the time of the committee hearings and perhaps to ease the tension just a little, I might suggest that the gentleman from Houlton, Mr. Berman has made allusion to the very capable gentlemen who served on the Constitutional Commission for drafting such a very fine Resolve. I suggest to you that we found it necessary, or the Committee's seven members who reported "Ought to pass," found it necessary to do some amending to take out specifically among other things, the word sex. I suggest to you that although these are very capable gen-

tlemen, sometime they as well as you and I may overlook things. It had to be called to the attention of the commission present at the hearing of the fact that what might happen for example at Bowdoin College if this part of the Constitutional Amendment were left in and a qualified young lady presented herself for admission. I think this would hold true in many other situations.

At the public hearing, I requested a definition of the term 'civil rights,' to find out what rights were not now protected by our Constitution. If you are familiar with Article I, the Declaration of Rights of our Constitution, you will note that in Section I all men are created equally, free and independent, etc. Section III gives the right of all men to worship Almighty God according to the dictates of their own conscience. Section IV gives the right of freedom of speech and freedom to write as you desire certainly within due bounds. Section V, the people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and you can go on down through the several twenty-four sections of the first Article of the Constitution of the State of Maine, two or three of which relate to criminal rights or rights in criminal matters. All the rest relate to civil rights or rights in civil matters.

I suggest to you that no justification was shown at any time by any one to the committee as a whole when it heard this bill, that this piece of legislation or this Resolve proposing a Constitutional Amendment was necessary. We presently have a similarly worded Constitutional provision in our Federal Constitution which although not directly applicable to certain instances, I believe that it is completely covered by Article I of our present Constitution. Those are my reasons for not having in the past supported this and for not intending to support it today.

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

Mr. BRAGDON: Mr. Speaker, I would request that, I believe, a

ruling from the Chair with regard to the remarks of the gentleman from Houlton, Mr. Berman, in his reference to the position, or the changed position, of Senate members. I recognize that all the House members on that committee are here and perfectly capable of defending themselves, and I suggest that his remarks be stricken from the record.

The SPEAKER pro tem: The remarks are not out of order.

The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I was a signer of the "Ought to pass" report, after we were assured that there was going to be a little change in the language. Of course that eliminated the word "sex," and that was the first time that sex ever had a chance to get into our Constitution. Sex didn't get into the Federal Constitution until, I believe, it was 1918 when they passed the amendment to permit citizens to vote regardless of sex. And I think another thing that disturbs some of us was the fact that one of our elder, honorable counselors of the law, a gentleman by the name of Adams from Lewiston, mentioned the fact that if it was too specific in some instances it might prevent a citizen or a testator in making his will from leaving as a grant of money, for instance, to a boys' Episcopal school; and with that committee amendment I know it was the source and the cause for other members of the committee in changing their attitude towards this amendment.

The SPEAKER pro tem: The question now before the House is the final passage of Senate Paper 527, Legislative Document 1448, Resolve Proposing an Amendment to the Constitution Forbidding Discrimination Against Any Person. This being a Constitutional Amendment requires the affirmative vote of two-thirds of the members of the House. All those in favor of the final passage of this Resolve will rise and remain standing until the monitors have made and returned the count.

Thereupon, a division of the House was had. Eighty-seven voted

in favor of same and thirty-five against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The SPEAKER pro tem: For what purpose does the gentleman arise?

Mr. RANKIN of Southport: Mr. Speaker, I move that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER pro tem: The gentleman from Southport, Mr. Rankin, asks that the vote be taken by the yeas and nays. All those in favor will rise.

An insufficient number arose.

The SPEAKER pro tem: Obviously less than one-fifth having arisen, the roll call will not be taken.

Passed to Be Enacted

An Act to Incorporate the Town of Waldoboro School District (H. P. 548) (L. D. 764)

An Act Authorizing Forest Commissioner to Permit and Regulate Dredging in Great Ponds (H. P. 1015) (L. D. 1469)

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

Orders of the Day

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

MAJORITY AND MINORITY REPORTS — Joint Select Committee on Railroad Passenger Service (S. P. 196)

Tabled — June 14, by Mr. Minsky of Bangor.

Pending — Motion of Mr. Albair of Caribou to Accept Majority Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker and Ladies and Gentlemen of the House: I ask you not to become dismayed ahead of time because I do not intend to read all of this pile of matter that I have here. This matter of railway transportation in Maine has been a vital one to me personally for a good many years

from my long experience in the railroad game. I was involved in all the hearings which led to the final abandonment of passenger train service in Maine. With Senator Whittaker I have been very much interested in the possibilities of getting some restoration of service.

The report of the majority of the committee, the special committee to investigate this matter, had one inaccuracy in it that I think perhaps it arose from a misunderstanding on their part. They stated in the Majority "Ought not to pass" Report that the Public Utilities Commission and the Supreme Court of Maine had both decided against the necessity for any continuation of passenger service. This was not so. The Public Utilities Commission agreed that there was a necessity. They also agreed that the railroads for financial reasons could not be forced to maintain the amount of service that had been previously offered. So they set up a system whereby the Maine Central was to make two round trips a day, with conventional equipment, between Portland and Bangor, with one of the trips running through to Vanceboro and the Bangor and Aroostook would maintain one round trip a day between Northern Maine Junction and Caribou. This was done, and the Maine Central Railroad protested this order of the Commission and took it to the Supreme Court. The Supreme Court, after its decision, decided unanimously that the position of the Public Utilities Commission was not the correct one and ordered the Commission to vacate their previous decision and immediately permit abandonment of all passenger train service.

I would like to read a few short sentences from the various reports of the Public Utilities Commission. The first one from the discussion based upon the petition of July 8, 1959, on Hearing number 3481, page 13, the Commission said, "The evidence here shows that many people still prefer rail passenger service for one reason or another. Notwithstanding the amount of alternative service available, many people refuse to fly, either can't or don't like to drive, and find busses

cramped and uncomfortable. These people prefer trains for reasons of safety, dependability and comfort, reasons which are undoubtedly true." They go on to explain why in their opinion some railroad service is essential to Maine.

At the time of the hearing, testimony was brought out which showed that the Maine Central Railroad at that time had a dependability record of on-time performance of forty percent. I don't think that is a very good record. The road for which I was working at the time, the Bangor and Aroostook, had an on-time record at that time of some almost ninety percent as I remember it.

The reasons for the poorer service were brought out at the time of the hearing, and were very valid ones. The railroads at that time were also asking for a reduction in their excise tax, and I think properly so. They appeared before the 99th session of the Legislature and asked for this reduction and were refused. They appeared before the 100th and were given it. At that time, a last minute amendment to provide that any railroad to become eligible for this tax relief would have had to provide satisfactory passenger and freight service for the preceding twelve months. This was defeated in the House by two votes. So it didn't work.

I realize that this is water over the dam to a great deal of an extent, but I do remember at the time of the hearings, there were many people both from inside the state and outside who testified at the final hearing in Augusta that passenger train service was essential for our vacation industry. They felt that we were making a bad mistake in giving it up, that something should be kept going any way in the state.

In view of that, I would like to read this brief statement from the report of the Commission. "We are of the opinion that the complete discontinuance of railroad passenger service is not the best solution, nor would such a move be in the public interest. Railroad passenger service is an integral and necessary part of the transportation of this state." Then they go on to make their rec-

ommendations for the continuance of partial service.

At the time of the hearing, it was brought out—and I wish to emphasize this fact because it, to my mind, is one of the more important features in a possible resumption of service at some time in the future, that presently there is no method by which bodies, corpses, may be transported except by railway express or by ambulance in and out of Maine. There is no way by which a stretcher case being transported to a hospital in Boston or further, can be handled out of the state, except by ambulance. It is an expensive way of moving anyone to the hospital.

The problem of operating Budd cars was discussed at the time of this hearing. In fact, the Public Utilities Commission has spent a great deal of time and money in setting up a system of joint operation of conventional trains and Budd car equipment. They had worked out a system of rental with the Boston and Maine Railroad which at that time had a super abundance of Budd cars available, and it worked out something that we felt we could buy. The operating brotherhoods had agreed to go just as far as they could go within the bounds of safety in regard to curtailment of the number of men constituting a crew on this equipment, and the Public Utilities Commission felt that they offered something which was fair to the railroads. One railroad refused absolutely to have anything to do with this whatsoever, they wouldn't buy any Budd cars, they wouldn't operate any Budd cars, they wouldn't let them run over their lines if they were given to them and they were paid to handle them, which very definitely put the squelch to that particular idea. In order to run Budd car equipment in the State of Maine over block signal territories it is necessary to make a slight change in the strength of the relays of each signal. A stronger relay has to be put in than the one that they have presently there. It is not a very expensive job. As I remember it the figures given to the Boston and Maine at the time they converted, using their own crews with

no overtime involved and no hirings of extra men, was about \$1.75 for each signal, which was certainly not an excessive figure.

I realize that the price tag for this thing probably is high. I realize that we haven't much money floating around. But I would like to see this thing if possible kept alive in case money should become available by some miracle, and when I say miracle, I think probably we have got to strike oil in Maine to satisfy all our monetary problems, but I would like to see this kept alive and then be considered if we set up a study committee during the interim period between this Legislature and the next one to study the transportation needs of all kinds in the State of Maine, and I hope that the motion now before the House of the gentleman from Caribou, Mr. Albair, to accept the Majority Report will not prevail and that instead we may accept the Minority Report as was done in the other House and go along with this.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, as a signer of the Majority "Ought to be Accepted" Report, I feel that it is my responsibility or one of my responsibilities to say just a few words in favor of the Majority Report.

The members of the House of Representatives who were named to that committee, the gentleman from Portland, Mr. Cope, the gentleman from Caribou, Mr. Albair, and I, attended the meetings of the committee, conversed with the representatives of the railroads who were in attendance, and we based our decision against recommending the reinstatement of passenger service at this time on two — I believe two basic matters, two underlying reasons. First, that the cost of this service is prohibitive. Obviously, as a member of those who vote for economies in government, I would hardly be expected to sign a report which would cost the State of Maine well over a million dollars, perhaps somewhere in the neighborhood of a million and three-quarters over the next biennium. That is the first reason.

Secondly, based on the decisions of the Public Utilities Commission and of our Supreme Judicial Court, it seemed that it had been found and based on all the facts that were then available, that passenger service was no longer desired by the vast majority of the travelling public or even a segment of the travelling public large enough to warrant it. Now in the matter as it has just been discussed by the gentleman from Bangor, Mr. Ewer, he made reference to the decision of the Public Utilities Commission and the fact that perhaps the majority of this committee had been in error in citing the fact that the Public Utilities Commission had determined that this service was no longer necessary. It is my recollection from going into this matter that the facts are as follows: first that the several railroads petitioned on various occasions for the elimination of certain passenger routes and on many occasions those were granted. Then in a general case, joined by the Maine Central Railroad and the Bangor and Aroostook Railroad, they asked for the cessation of all passenger service in the state on their connecting lines, and the Public Utilities Commission rather than find that service was no longer necessary or rather than find that it was absolutely necessary ordered a one-year trial run, a one-year trial run in the case of the Maine Central Railroad of two round trips per day between Portland and Bangor. The Maine Central Railroad appealed this decision to the Supreme Judicial Court, who reviewed the entire record and the facts presented, and found that the Public Utilities Commission was not justified in its findings that this one-year trial period should be run.

In the case of the Bangor and Aroostook Railroad, no appeal was taken. However, at the end of that one year, they then returned to the Public Utilities Commission with their findings of that one-year period, and the Public Utilities Commission then relieved them of the responsibility for any further passenger operations. So I suggest to you that although it has been indicated that we may have been incorrect, that we were correct on

the facts as we related them to you and we would strongly urge, and I would strongly urge that the motion of the gentleman from Caribou, Mr. Albair, now that the Majority Report be accepted, be received favorably by this House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker, there is one more quotation I would like to give from the Public Utilities Commission report on this matter. It has to do with subsidies to airlines. And it reads on page 20, the report on case 3460 as follows: "State, municipal and federal governments have made large expenditures of the so-called airline airports in Maine. During the period 1947 through June 30, 1959, these expenditures total money spent less revenues received. In other words, out-of-pocket expenditures total \$3,600,000. This amount does not include expenditures made by the Air Force at the Bangor and Presque Isle airports which are also used by the airline." So I contend that the matter of subsidies for other forms of transportation except the railroads is something that has been gone into under considerable extent for a long period of time by this state.

The SPEAKER pro tem: Is the House ready for the question? The question now pending before the House is the motion of the gentleman from Caribou, Mr. Albair, that this House accept the Majority Report and place both reports on file.

The Chair recognizes the gentleman from Portland, Mr. Cope.

Mr. COPE: Mr. Speaker and Members of the House: Being a member of the majority report, it would appear that since the beneficiaries of this railroad service would be between the two major cities of Bangor and Portland, now on the face of it, it would appear I should support it particularly because with the subsidies involved, a million and three-quarters to both Portland and Bangor would benefit from it. However, after due consideration, we had quite a bit of time on this committee, I have received no communications either for or against

service to the Portland area. I find that the mode of transportation has changed in the past years. The need for railroads has subsided. The automobile, with the new highways going from Portland to Bangor, is now an inception practically. The airlines are in good shape. The busses are accommodating the people very well. It seems to me that the money that we could spend there, could very well be put in a more fruitful place such as education, recreation and industry. Therefore, I could not support the Minority Report.

The SPEAKER pro tem: The question before the House is the acceptance of the Majority Report and placing both Reports on file. Is this the pleasure of the House?

Mr. Smith of Bar Harbor then requested a division.

The SPEAKER pro tem: A division has been requested. All those in favor of accepting the Majority Report and placing both Reports on file, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy having voted in the affirmative and nineteen having voted in the negative, the motion to accept the Majority Report did prevail.

Thereupon, the Majority Report was accepted and both Reports were ordered placed on file.

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

AN ACT relating to Investigation of Motor Vehicle Accidents by Highway Safety Committee. (S. P. 492) (L. D. 1344) — In House Indefinitely Postponed — In Senate Engrossed with Senate "A" to Senate "B" in Non-concurrence. (Filings S-296) and (S-256)

Tabled — June 14, by Mr. Rust of York.

Pending — Motion of Mr. Childs of Portland to Insist.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I move that this be tabled until the next legislative day.

The SPEAKER pro tem: The gentleman from Bar Harbor, Mr. Smith, moves that item two be tabled until the next legislative day. Is that the pleasure of the House? All those in favor of tabling until the next legislative day, will say aye; those opposed, no.

Mr. Smith of Bar Harbor then requested a division.

The SPEAKER pro tem: A division has been requested. All those in favor of tabling this item until the next legislative day, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Fifty-three having voted in the affirmative and thirty-three having voted in the negative, the tabling motion did prevail.

Thereupon, the Bill was tabled pending the motion of Mr. Childs of Portland to insist and specially assigned for tomorrow.

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

AN ACT Combining the Offices of the Administrative Hearing Officer and the Hearing Examiner for the Liquor Commission and Revising the Administrative Code. (H. P. 922) (L. D. 1356)

Tabled — June 14, by Mr. Tynedale of Kennebunkport.

Pending — Passage to be Enacted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I would inquire of the Chair if this is an emergency enactor?

The SPEAKER pro tem: It is.

Thereupon, on motion of Mr. Wellman of Bangor and on a viva voce vote, the Bill was tabled pending passage to be enacted and specially assigned for tomorrow.

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

AN ACT relating to Discrimination in Rental Housing. (S. P. 426) (L. D. 1169)

Tabled — June 14, by Mr. Brown of South Portland.

Pending — Passage to be Enacted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, I move that this item be indefinitely postponed. I would inquire through the Chair of the gentleman from Bangor, Mr. Wellman, as to the expected time of adjournment whether this matter would be in order for debate at this time.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I would be of the impression that we could consider this matter and then we could recess for supper.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Committee on Judiciary that heard this bill and reported it out, the Majority "Ought not to pass," and again I feel that I have some responsibility to that committee and to myself to say again just a few words. I was unable to be present on Friday when this was considered. I have been over the record made on Friday, and concur with the opponents of the measure as made at that time.

Section 1 of Article I of our Constitution expresses that each person has the inherent and unalienable rights to possess and protect property and to pursue and obtain safety and happiness.

The emphasis which I wish to make here is on the ability of an individual to possess and protect his property. I maintain that is an unalienable right for an individual to be free in his own property, in his own private property, provided of course he does not disurb the public peace.

This legislation has thus far been based on an emotional basis and an emotional appeal, but it seems to me that it is nothing more than an encroachment on the private rights and privileges of you and I as individuals, and those privileges that we now enjoy. I am not making reference to any legislation we now have on the books regarding public accommodations, amusement facilities and the like. This is only

in the use of our own private property.

You may recall the prayer which opened this morning's session. If my recollection is correct, we were urged assistance at that time to protect against intrusion on our individual freedoms. Just lately in reading reports of Congressional action on matters which are somewhat similar in nature, I ran across the statement made by an individual eminent in the nation. I do not have the exact quote, but it was in effect that problems of this matter cannot be solved by legislation, but rather by intelligent, moral persuasion to bring about voluntary progress in this field. We are asked in this instance to trade a right which we now enjoy for another right. That right which we now enjoy is the basis on which this nation was founded and was early colonized. In this instance, we only ask that all individuals retain the right that they now possess to be free in the use and disposition of his or her or their private property, subject of course at all times to the duty of not to harm the rights that others now enjoy.

I would urge, ladies and gentlemen of the House, that legislation now before you goes to the heart and the core of what each of us now possesses, his own home, his own dwelling, and that were this related as other measures that we have previously enacted as a Legislature, were this related to public accommodations, I am sure that my feelings would be different and I suggest that perhaps yours might be.

I would therefore urge that this matter be indefinitely postponed.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: In order to speed the process of legislation, I move the previous question.

The SPEAKER pro tem: The gentleman from South Portland has moved the previous question. In order for the Chair to entertain the motion for the previous question, it must have the consent of one-third of the House. All those in favor of the Chair entertaining the mo-

tion of the gentleman from South Portland to move the previous question, will please rise and remain standing until the monitors have made and returned the count.

Forty-seven members arose.

The SPEAKER pro tem: Forty-seven having arisen, the Chair will now entertain the motion to move the previous question. This item is debatable, and each member will have five minutes. The only item that can be debated is whether or not the main question shall be put now.

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

Mr. KNIGHT: Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tem: The gentleman may state his inquiry.

Mr. KNIGHT: Would it be possible to have the bell rung at this time?

The SPEAKER pro tem: The question now before the House is shall the main question be put now.

The Chair recognizes the gentleman from Benton, Mr. Kent.

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: I opposed this measure the other day—

The SPEAKER pro tem: The question before the House is whether the main question shall be put now.

All those in favor of putting the main question, will say aye; those opposed, no.

A viva voce vote being taken, the motion did prevail.

The SPEAKER pro tem: The main question before the House is the indefinite postponement of item four, "An Act relating to Discrimination in Rental Housing."

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I request a division on the previous question.

The SPEAKER pro tem: A division on the previous question?

Mr. RUST: I request a division on the yea and nay vote which you just took.

The SPEAKER pro tem: The request comes too late. The decision was announced on the main question. The question now before the House is the motion of the gentleman from Wiscasset, Mr. Pease, for the indefinite postponement of

L. D. 1169, "An Act relating to Discrimination in Rental Housing. The Chair will order a division.

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I rise to a point of parliamentary order.

The SPEAKER pro tem: The gentleman may state his point.

Mr. RUST: Is the question now debatable for a limited time?

The SPEAKER pro tem: The question is not. The question will now be put. The question before the House is the indefinite postponement of item four, Legislative Document 1169. The Chair will order a division. All those in favor of the indefinite postponement of this item, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER pro tem: Seventy-three having voted in the affirmative and forty-four having voted in the negative — the Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: If a roll call is asked at this time, is the question debatable?

The SPEAKER pro tem: No.

Mr. KNIGHT: I would ask for the yeas and nays.

The SPEAKER pro tem: A request for the yeas and nays has been made. In order for the Chair to entertain that motion, it must have the consent of one-fifth of the membership present. All of those in favor of the vote being taken by the yeas and nays will please rise and be counted.

A sufficient number arose.

The SPEAKER pro tem: Obviously, more than one-fifth having arisen, a roll call is ordered.

Mr. PLANTE of Old Orchard Beach: Mr. Speaker?

The SPEAKER pro tem: For what purpose does the gentleman arise?

Mr. PLANTE: Would I be in order to move to reconsider whereby we moved for the previous question?

The SPEAKER pro tem: The motion is not in order.

The question now before the House is the motion of the gentleman from Wiscasset, Mr. Pease, that Bill "An Act relating to Discrimination in

Rental Housing," Senate Paper 426, Legislative Document 1169, be indefinitely postponed. A roll call has been ordered and all those in favor of indefinite postponement of this Bill, will answer "Yes". Those opposed to indefinite postponement, will answer "No". The Clerk will call the roll.

ROLL CALL

YES — Benson, Birt, B o o t h b y, Bragdon, Brown, Fairfield; Carter, Chapman, Cookson, Coulthard, Cressey, Curtis, Denbow, Dennett, Drake, Dunn, Finley, Gilbert, Hanson, Hardy, Harrington, Hawkes, H o b b s, Humphrey, Hutchins, J a m e s o n, Jones, Karkos, Kent, Laughton, Libby, Linnekin, Littlefield, MacLeod, MacPhail, Mathieson, Norton, Oberg, O'Leary, Osborn, Osgood, Pease, Pierce, Prince, O a k f i e l d; Rand, Rankin, Reynolds, Richardson, Ricker, Ross, Brownville; R u s t, Shaw, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Taylor, Thornton, Turner, Vaughn, V i l e s, Waltz, Ward, Waterman, Watkins, Welch, Wight, Presque Isle; Williams.

NO — Anderson, Ellsworth; Anderson, Orono; Ayoob, Baldic, Bardard, Berman, Bernard, Berry, Binnette, Boissonneau, Bourgoin, Brewer, Brown, South Portland; Cartier, Choate, Cope, Cottrell, C r o c k e t t, Crommett, Davis, Dudley, Easton, Edwards, Ewer, Gallant, Gifford, Gill, Gustafson, Hendricks, Jalbert, Jewell, Jobin, Kilroy, Knight, Lebel, Levesque Lincoln, Lowery, MacGregor, McGee, Meisner, Mendes, Mower, Oakes, Pitts, Plante, Prince, Harpswell; Roberts, Scott, Snow, Thaenum, Treworgy, Tyndale, Wellman, White, G u i l f o r d; Wood, Young, Speaker pro tem.

ABSENT—Albair, Blouin, Bradeen, Burns, Bussiere, Childs, Cote, Dostie, Foster, Hammond, Hendsbee, Henry, Kennedy, Maddox, Nadeau, Noel, Philbrick, Poirier, Ross, Augusta; Roy, Sahagian, Susi, Tardiff, Townsend, Wade, Whitney.

Yes, 66; No, 53; Absent, 26.

The SPEAKER pro tem: The Chair will announce the vote. Sixty-six having voted in the affirmative, fifty-eight having voted in the

negative, with twenty-six absentees, the motion to indefinitely postpone does prevail.

The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker, I would move now that we reconsider our action where we took this action and hope that you will vote against me.

The SPEAKER pro tem: The question now before the House is the reconsideration of the action whereby the House indefinitely postponed L. D. 1169.

The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, is it all right to comment on his motion?

The SPEAKER pro tem: The motion on the previous question eliminates all debate.

Mr. GILL: Can I ask a division?

Mr. PLANTE of Old Orchard Beach: Mr. Speaker, I arise on a point of inquiry.

The SPEAKER pro tem: The gentleman may state his parliamentary inquiry.

Mr. PLANTE: Was not the initial request for the previous question on the main motion, and is not now the question for reconsideration debatable?

The SPEAKER pro tem: This question is not debatable.

Mr. PLANTE: Will you please read the rule?

The SPEAKER pro tem: The Chair has ruled. Does the gentleman wish to appeal the ruling of the Chair?

Mr. PLANTE: The gentleman does.

The SPEAKER pro tem: The question now before the House is whether the ruling of the Chair shall be the judgment of the House.

Mr. BERMAN of Houlton: Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tem: Do you wish to debate the question?

Mr. BERMAN: I wish to ask a parliamentary inquiry which I believe is in order at this time.

The SPEAKER pro tem: Will you state your inquiry?

Mr. BERMAN: Are we to understand that the motion to reconsider is not debatable?

The SPEAKER pro tem: After the previous question has been moved

and ordered, that is the ruling of the Chair.

The question before the House is the appeal of the gentleman from Old Orchard Beach, Mr. Plante, from the ruling of the Chair. The question now is shall the ruling of the Chair become the judgment of the House? All those in favor say aye; those opposed, no.

A viva voce vote being taken, the ruling of the Chair prevailed.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Farmington, Mr. Jones, that this L. D. — that the action of the House whereby L. D. 1169 was indefinitely postponed, be reconsidered.

Mrs. HENDRICKS of Portland: Mr. Speaker, I would like to table this motion until tomorrow.

(Cries of "No")

The SPEAKER pro tem: The question now before the House is the motion of the gentlewoman from Portland, Mrs. Hendricks, that the motion to reconsider be tabled until tomorrow. All those in favor of the matter being tabled say aye; those opposed, no.

A viva voce vote being taken, the tabling motion did not prevail.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Farmington, Mr. Jones, that we reconsider our action whereby we indefinitely postponed L. D. 1169, "An Act relating to Discrimination in Rental Housing."

Mr. BERMAN of Houlton: Mr. Speaker?

The SPEAKER pro tem: For what purpose does the gentleman arise?

Mr. BERMAN: To make an inquiry. Is this motion to reconsider debatable?

The SPEAKER pro tem: The motion to reconsider is not debatable. This was the challenge to the Chair a few minutes ago.

All those in favor of the matter being reconsidered, say aye; those opposed, no.

Mr. GILL of South Portland: I would ask for a division.

The SPEAKER pro tem: A division has been requested on this matter. All those in favor of the

matter being reconsidered will rise and stand in their places until the monitors have made and returned the count.

A division of the House was had. Thirty-five voted in the affirmative and seventy-one voted in the negative.

Mr. BERMAN of Houlton: Mr. Speaker?

The SPEAKER pro tem: For what purpose does the gentleman arise?

Mr. BERMAN: I arise to ask for a roll call before the vote has been declared which I believe is permissible.

The SPEAKER pro tem: The gentleman is in order. In order for the Chair to order a roll call, it must have the consent of one-fifth of the House. Will all those desiring a roll call stand and be counted.

Mrs. HENDRICKS of Portland: Where we have so many absent, I would hope somebody would table this until tomorrow.

The SPEAKER pro tem: Did the gentlewoman wish to table this?

All those in favor of a roll call please rise and remain standing in their places until the monitors have made and returned the count?

Mrs. HENDRICKS: I would like to have it tabled on account of so many absentees.

The SPEAKER pro tem: The question now before the House is the motion of the gentlewoman from Portland, Mrs. Hendricks, that this item be tabled, the motion to reconsider be tabled until tomorrow.

(Cries of "No")

All those in favor say aye; those opposed, no.

Mr. SMITH of Bar Harbor: I request a division.

The SPEAKER pro tem: A division has been requested. All those in favor of the tabling motion will please rise and remain standing until the monitors have made and returned their count.

A division of the House was had. Thirty-nine having voted in the affirmative and sixty-nine having voted in the negative, the tabling motion did not prevail.

The SPEAKER pro tem: The question now before the House is whether or not the motion to reconsider shall be taken by the yeas

and nays. In order for the Chair to order a roll call, it must have the consent of one-fifth of the members of the House. All those in favor of a roll call vote being taken will rise and stand in their places until the monitors have made and returned the count.

Eighteen members arose.

The SPEAKER pro tem: Eighteen members having arisen, and there being one hundred and eighteen members in their seats, eighteen being less than one-fifth, a roll call is not ordered.

The question before the House is the motion of the gentleman from Farmington, Mr. Jones, that the House reconsider its action whereby this bill was indefinitely postponed, and thirty-five having voted in the affirmative and seventy-one having voted in the negative, the motion does not prevail.

On motion of Mr. Wellman of Bangor,

Recessed until 7:30 P.M. this evening.

After Recess
7:30 P.M.

Called to order by the Speaker.

The SPEAKER: The Chair at this time would take this opportunity to express his deep appreciation to Representative Maddox and his cast of members of the Legislature, members of the staff, and members of the press for the wonderful performance they put on during the Mock Session.

This has been my first opportunity to express my gratitude to him publicly while he was present, and I am sure that the members of the Legislature enjoyed this performance no end, and to show your appreciation too, I think you should give him a good hand. (Applause)

The SPEAKER: And also my deep appreciation to the performance of the Speaker pro tem this afternoon while the Speaker was engaged in other pursuits. My appreciation to him. (Applause)

Mr. JONES of Farmington: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. JONES: I would rise to inquire the result of the action on item five, page two.

The SPEAKER: Will the gentleman announce the title of the bill, and the item.

Mr. JONES: Mr. Speaker, item five at the bottom of page 2, House Paper 524, Legislative Document 741, the title Resolve Appropriating Moneys for Additional Faculty Positions at Gorham State Teachers College.

The SPEAKER: The Chair will inform the gentleman that the Resolve was passed to be engrossed this morning, and under the rule of the unanimous consent, and agreement of the House, was sent to the Senate at 12:44 this noon.

Mr. JONES: Mr. Speaker, thank you. I was of the opinion and I was watching the calendar as we were going along and it seemed to me as though we had skipped it and that is why I asked the question. Thank you very much.

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

AN ACT Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965. (H. P. 1105) (L. D. 1586)

Tabled — June 14, by Mr. Turner of Auburn.

Pending — Passage to be Enacted.

On motion of Mr. Wellman of Bangor, retabled pending passage to be enacted and specially assigned for tomorrow.

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

HOUSE MAJORITY REPORT (7) Ought not to pass — MINORITY REPORT (3) — Ought to pass — Committee on Taxation on Bill "An Act Increasing the State Liquor Tax." (H. P. 825) (L. D. 1212)—Acceptance of Majority ONTP Reconsidered.

Tabled — June 14, by Mr. Denbow of Lubec.

Pending — Acceptance of Majority Report.

The SPEAKER: The Chair recog-

nizes the gentleman from Lubec, Mr. Denbow.

Mr. DENBOW: Mr. Speaker, I am not going to speak on this but only for the purpose that we might need it in regards yet to a sales tax being enacted, and I hope somebody will table it until the next day.

Thereupon, on motion of Mr. Berry of Cape Elizabeth, the Bill was retabled pending acceptance of the Majority Report and specially assigned for tomorrow.

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

Bill "An Act Providing for Public Facilities for Boats." (H. P. 1097) (L. D. 1573)

Tabled — June 14, by Mrs. Kilroy of Portland.

Pending — Motion of Mr. Viles of Anson to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker, Ladies and Gentlemen of the House: The great increase in popularity of pleasure boating during the past decade has emphasized the need for developing additional facilities. We urgently need more access ways and launching ramps to assure a fuller utilization of our water recreational assets. It has been widely recognized that pleasure boating is one of the recreational activities for which there should be a public responsibility to provide facilities for as we have in many other forms of recreation.

Boating enthusiasts have recognized their responsibilities, and have always been willing to pay for them. This is not true, however, of many other recreational activities. With the boating public this is true even though the additional boating facilities almost invariably provide an economical shot in the arm for whichever areas may be served, or may be serving the boating public.

While willing to tax themselves so that they could enjoy their sport, the boating public does not enjoy paying taxes on some other facility that's wholly unrelated to boating. It was this discovery that they were doing exactly this that led to a recent awakened interest in the

fact that the tax on the gasoline could be used for these purposes. By and large when the boating consumer buys gasoline for his outboard motor, the tax on his gasoline purchase is directed to the Highway Fund. Of course, the boater could, if he sees fit, apply for a refund. The money would be returned to him and deducted from the Highway Fund. However, and this is a very critical point, the refund is requested, but in a very, very few of the cases revolved. The best estimate, is that at least 85 percent of this boating tax money is unclaimed and unrefunded. In some states the figure is even much higher than this. Few people bother to apply for a refund because of the necessary paper work and red tape that is involved. It can be cumbersome, and the amount of average purchases of outboard motor fuel does not usually represent a great deal of money; so, therefore, this money usually stays in the Highway Tax Fund and is used for building highways. Although this is a laudible and important purpose, nevertheless, this money in reality belongs to the boaters. These are taxes that have been paid into the Highway Fund for many, many years and are still being paid. Literally hundreds and hundreds of thousands of dollars of the boaters' money have been used to build highways. If this money were directed to boaters' needs, there could be no argument about imposing a new tax or a new levy. In a sense this program would be a form of painless taxation. It represents a fund of money which the boaters are now paying and to which they are legally entitled.

It was my intention to introduce this legislation enabling this fuel tax on outboard motor gasoline to be used for the above purposes, because I feel a decent launching ramp and access way to the hundreds of beautiful Maine lakes would certainly do much to help the state economically and to enable our own boating enthusiasts to pursue their boating pleasures. Since introducing this bill, I find that there have been many complications, there have been many reasons why various drafts of this par-

ticular bill were not feasible. However, in an effort to initiate some sort of progress along these lines, we have before this House at this time L. D. 1573 which has been drafted and redrafted and re-drafted by your Committee on Economic and Recreational Development.

This bill, as I mentioned before, would be merely a starting point a way in which to discover the feasibility of these launching ramps. It would basically take a portion of that boating money, which has been applied for as a refund, and direct it into a fund to initiate the building of these boating facilities. I think the need for such facilities has been pointed out in a good many ways. Anyone with an outboard motor, trailer, rig, trying to find facilities to launch these boats on various ponds, certainly has run into trouble.

And I would like to call your attention to the inaugural address of the Governor in which he mentioned the dire need that the state has for this type of facility, and I quote: "We must insure sufficient access to our lakes, streams and coastline with adequate facilities for the launching of small boats." Ladies and gentlemen, I submit to you this bill is not a perfect bill, but it has been my experience here in the House that a good many pieces of legislation are not perfect in their original form. However, I hope that you will see fit to go along with this legislation in an effort to at least initiate and start proceedings to provide the state with the necessary launching ramps. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the gentleman from Rumford on this bill. This bill will not require any tax money other than that which the boaters have themselves paid and which money at present is going into the Highway Fund. I hope that the pending motion for indefinite postponement is defeated so that an amendment to the bill

as presently drafted can be presented and passed.

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

Mr. BRAGDON: Mr. Speaker, this may be an odd area for me to get into, but in looking over this bill, let me say in the first instance I would be entirely in accord with the intentions of the bill, but glancing through it I wonder—this thought occurs to me, how do you know of this gas unless a refund has been applied for? It seems to me you have something there that has got to be corrected. I am entirely in sympathy with this thing, but it seems to me until a person applies for the refund, you have no way of knowing how much gas was sold to be used in motor boats.

The SPEAKER: The Chair recognizes the gentleman from Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, that is precisely why the amendment has to be offered. The amendment is geared to the number of applications and the amount of applications in order to make the refund. Obviously, as we worked through it four or five times, we found out exactly what the gentleman from Perham suggests that you can't tell until you have an application, and the amendment does exactly that.

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

Mr. BRAGDON: Mr. Speaker, I am trying to be helpful and getting out of my area. I would now pose another question to these gentlemen. Does your amendment state that the person who applies for a refund is not entitled to it and it goes into this fund? Thank you.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker and Ladies and Gentlemen of the House: The present statutes are such that those who purchase gasoline, and this gasoline is not used for highway use, these individuals, individually might petition to the Tax Department to get a refund on the tax, the state tax. There

is quite a little red tape and routine to go through in order to get this refund.

Number one, I am wondering if this bill as it is written and all the proposed amendments they propose to add to it, would not complicate things because getting a refund on the gasoline used for boats comes under the same category as a refund in use of gasoline for all other purposes, tractors, chain saws, and what you might have, that are not used on the highways. The total amount of return, under this bill, I still think that it would be very, very small. It would not be as large as what I think most of us might expect it to be, and then by placing this fund in the hands of the DED there is going to be a squabble as to what area gets the ramp, where the money is going to be spent. I would like to have it spent in my area. We have sixteen counties, and every individual would like to have it spent in their area. Certainly there isn't going to be enough return here so that ramps and facilities can be taken care of statewide, and, therefore, I would go along with the motion for indefinite postponement. I think something in this area possibly should be done sometime in the near future, but I fail to see where this bill would really do and bring about the desired end result that is set forth for this bill to produce. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: After seeing the cars travel on the highway with a boat hitched behind them, coming down a hill it gives me the willies to think I have to pass them, and if we can get a fund started to build a ramp at the first body of water after they cross the Maine line, it will be suitable to me. I have heard the discussion on this bill before our Committee, and I know that the gentleman from Rumford, Mr. Jobin, and the gentleman from Eddington, Mr. Gilbert, have worked hard to get a bill that will make a start in this line, and I would hope that the motion to in-

definitely postpone did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker, I would like to go on record as favoring this bill. I think we are lax in not furnishing opportunities for the people when they come to the state to launch a boat, and I do take issue with the gentleman from Farmington, Mr. Jones. I think that the amount of money, where it would be comparatively small to start, I think it would add up to quite a substantial sum.

I remember reading in the paper very recently where there was a flyer over Moosehead Lake and he counted, if I remember the article correctly, between twenty and thirty boats in several different locations on that one lake, on that one day, and it is my information that many of those chaps will burn at least ten gallons of gas, and probably more, in one day. The effect of this over a period of time could be substantial. I would be in favor of this bill.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Viles.

Mr. VILES: Mr. Speaker, Ladies and Gentlemen: I apologize for being late and missing some of the discussion, but there's a few things in this bill that disturb me terribly, and one is that it would start a new committee consisting of the Fish and Game Commissioner and the Park Commissioner, and the Sea and Shore Fisheries Commissioner. Now if you are going to have such a program, I think any one of these three departments would be quite capable of handling the job. I am terribly disturbed with the definition of water. I brought it out in the last debate, and my good colleague the gentleman from Rumford, Mr. Jobin, was not here, but it's defined the water means any waters within the territorial limits of the state. It was explained that this probably would be ruled by the Attorney General as great ponds, but it doesn't say great ponds. I think it's just another loophole.

If you read down into section two, you would create within the De-

partment of Economic Development a boating facility fund. Well, personally, I think if you're going to give the Fish and Game Department the responsibility to police all these projects then you certainly should give them the responsibility to administer the fund. Perhaps I should reiterate a statement I made earlier in the session that I think perhaps our Fish and Game Department is one of the stronger departments that we have in the State. It's very obvious if you take a walk over there and look around that perhaps there is some room for efficiency, but I think they have done a splendid job.

If you will take a look in section four of L. D. 1573, "the Committee may lease on such conditions as it may deem necessary, for a period not exceeding thirty years, parking lots and nearby sites for the purpose of having, constructing, and maintaining by the lessees, restaurants, gift shops, marinas and the like." Now if you ask me, this would put the state right in the shopping center business, and personally I think free enterprise can handle that end of it pretty well.

Then if you read down into section two, five cents of the tax so paid, et cetera, would be refunded. There is no question in my mind whatsoever but this bill is discriminatory. However, I am in the commercial end of it, and I must stand here and defend the pleasure boat people, and I will confess that applications that I sign amount to a good many dollars a year, but by the same token, I certainly would not vote for a bill, in any respect, that I thought was discriminatory, and this certainly is.

Perhaps some of our pleasure boat operators today that are filing for this gas refund would make out all the forms and go through the necessary red tape for a nine dollar bill, but if this goes through what would you have left? You would be offering them three dollars, and I think this is terribly unfair, and I would hope that the House would go along with the motion to indefinitely postpone. I can think of many ponds in my area that have been stocked with good, hard, solid, free-enterprise dollars, and I cer-

tainly would hate to see the state invade or infringe on this right to build a parking lot, a ramp, and a shopping center to satisfy perhaps a few tourists. I would hope that if you couldn't vote for this indefinite postponement, you'd take a good hard look at it and not vote at all. Thank you.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I am very happy to rise in support of this particular piece of legislation, especially in view of the comments of the gentleman from Hampden, Mr. Littlefield. He suggested that the first facility be built on a pond as soon after the people come across the border into Maine as possible. Now my community of York has I believe the first boatable waters in York County, and I would heartily support this bill for that purpose.

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

Mr. RANKIN: Mr. Speaker, Ladies and Gentlemen: I would like to pose a question through the Chair. On our coast we have about six thousand fishermen, two thousand of them year-round. They probably use several thousand gallons of gasoline. I am also thinking of the people who operate cabin cruisers who may be using several thousand gallons of gasoline or diesel fuel. What effect will it have on their refunds if this measure, as it is going to be amended, is passed?

The SPEAKER: The gentleman from Southport, Mr. Rankin, poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker, in answer to the gentleman from Southport, Mr. Rankin, the bill in its amended form would in no way affect any of these people. It would apply merely to outboard pleasure boats.

Mr. Bragdon of Perham was granted permission to speak a third time.

Mr. BRAGDON: Mr. Speaker, I wish to say that I believe this is a good bill, and I think we should go along with it. I cannot see why anybody who gets a refund on gasoline that they use in boats would not gladly turn it to this fund. I think some that don't now apply for their refunds would very likely do so, and I believe that the bill can be amended so that it will work for the good of all. I am strongly for it.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Viles.

Mr. VILES: Mr. Speaker, I would move for the pending question, and when the vote is taken, I would ask for a division.

The SPEAKER: A division has been requested. All those in favor of indefinite postponement will please rise and remain standing in your places until the monitors have made and returned the count.

The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker, I would like to dwell on this for just one more moment in an effort to clarify one or two questions that were brought up. Number one, in answer to the question posed by the gentleman from Anson, Mr. Viles, the bill calls merely for the leasing of land in the area of these launching facilities, and certainly anyone who might be partaking in any sort of venture, they certainly would be on a private enterprise basis. And as far as the complications of administering this particular bill, I would like to quote from a letter that I have here from Ernest Johnson, the State Tax Assessor, that said that the bill would in no way affect highway fund revenues since no new revenue provision is created. The bill would merely carry refunds which are now paid directly to the applicants themselves into the new boating facilities fund, while enactment of the bill would require revisions of the present gasoline tax refund application form. And I will digress for a moment and say that this is where the difference will be found, where the amount of refund will be found, and some additional processing, it would not

result in any appreciable increase in cost of administration. Thank you.

The SPEAKER: The vote has been ordered. All those in favor of the indefinite postponement of "An Act Providing for Public Facilities for Boats," will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ten having voted in the affirmative and eighty-eight having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, Mr. Jobin of Rumford offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to H. P. 1097, L. D. 1573, Bill, "An Act Providing for Public Facilities for Boats."

Amend said Bill in that part designated "Sec. 2." of section 1 by striking out all of the first underlined sentence and inserting in place thereof the following underlined sentence: **'There is hereby created within the Department of Economic Development a Boating Facilities Fund, to which shall be credited 3.5c of the tax paid on fuel used in pleasure motor boats which is not refunded under chapter 16, section 167.'**

Further amend said Bill by striking out all of section 2 and inserting in place thereof the following:

"Sec. 2. R. S., c. 16, §160, amended. The 3rd and 5th sentences of section 160 of chapter 16 of the Revised Statutes, as amended, are further amended to read as follows: **'Six cents of the tax so paid, and no more, upon such internal combustion engine fuel used in commercial motor boats, in tractors used for agricultural purposes not operating on public ways, or in such vehicles as run only on rails or tracks, or in stationary engines or in the mechanical or industrial arts, shall be refunded as provided.'**

'Eight mills of the tax so paid on fuel used in commercial motor boats, which is not refunded un-

der the provisions of section 166, shall be paid to the Treasurer of State, to be made available to the Commissioner of Sea and Shore Fisheries for the purpose of conducting research, development and propagation activities by the department.' "

Further amend said Bill by adding at the end the following new section:

"Sec. 3. R.S., c 16, §167, amended. Section 167 of chapter 16 of the Revised Statutes, as amended, is further amended to read as follows:

'Sec. 167. Refund of 3/7 of tax paid by users of piston engine aircraft and pleasure motor boats. Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in section 159, for the purpose of propelling piston engine aircraft and **pleasure motor boats not used for commercial purposes,** and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by sections 158 to 168, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of 3/7 of the amount of such tax paid by him upon presenting to the State Tax Assessor a statement accompanied by the original invoices showing such purchases. Applications for refunds must be filed with the State Tax Assessor within 12 months from the date of purchase.' "

House Amendment "A" was adopted, the Bill passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

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

HOUSE REPORT—Ought not to pass as covered by other legislation—Committee on Labor on Bill "An Act Repealing Certain Portions of the Employment Security Law." (H. P. 1) (L. D. 7)

Tabled—June 14 by Mr. Tyndale of Kennebunkport.

Pending—Acceptance of Report.

On motion of Mr. Wellman of Bangor and on a viva voce vote, the Bill was retabled pending acceptance of the Committee Report and specially assigned for tomorrow.

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

AN ACT to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island. (H. P. 275) (L. D. 369)—In House Failed of Enactment.

Tabled—June 14, by Mr. Benson of Southwest Harbor.

Pending—Motion of Mr. Mendes of Topsham to Reconsider.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, I rise to a point of order. Do I understand that when we vote, that we will be voting for reconsideration, or will we be voting on the bill?

The SPEAKER: The pending question is reconsideration.

Mr. PRINCE: Is it necessary to have two-thirds majority of the present members to reconsider as it is written here?

The SPEAKER: The Chair would advise the gentleman that as the motion to reconsider was made one day after it failed of enactment, a simple majority will be a vote to reconsider.

Mr. PRINCE: I so move, Mr. Speaker.

The SPEAKER: The gentleman from Harpswell — the pending question is the motion of reconsideration.

The Chair will order a division. All those in favor of reconsideration, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-one having voted in the affirmative and twenty-three having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, Ladies and Gentlemen of the House: You have heard me debate this issue long and hard, and I am going to be very brief tonight. I am appealing to this great House of Representatives in behalf of the citizens of Cumberland and Harpswell, and in behalf of the 42,000 and the 55,000 legal voters of this state that have petitioned directly to this Legislature for the right of the issue to come before the citizens of Maine in a referendum election, to enact this bill and show the citizens of Maine that this Legislature is a representative government for the people and by the people. Remember we are not voting for a bridge, nor are we voting to appropriate any money. We are merely voting to allow this issue to come before the voters of Maine in a referendum election and allow them to execute their constitutional rights, that approximately 97,000 voters of Maine have legally and honestly asked this Legislature to do.

Let us not lose sight of the fact that we are a democracy and you and I, as legislators, must keep it that way, in this case, by allowing the citizens of Maine to vote to accept or to reject this issue. That 42,000 registered voters of this great state considered important in this 101st Legislature and to deny them of this right and privilege would be one of the gravest mistakes this Legislature could possibly make.

Mr. Speaker, I now move the enactment of Legislative Document 369, and respectfully request a division when the vote is taken. Thank you.

The SPEAKER: This being a bond issue, under the Constitution it requires for its final passage the affirmative vote of two-thirds of the members present in the House. All those in favor of its passage, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-two having voted in the affirmative and twenty-eight hav-

ing voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act relating to Operating Business on Sunday and Certain Holidays." (H. P. 930) (L. D. 1364)—In House Engrossed with House "E" to Senate "A" Filings (H-439 and S-240)—In Senate Engrossed with House "E" to Senate "A" and Senate "E" (S-294) in Non-concurrence.

Tabled—June 14, by Mr. Tyn-dale of Kennebunkport.

Pending—Motion of Mr. Knight of Rockland to Recede and Concur.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I notice that there are several amendments that have been distributed to the members' desks relating to this Legislative Document. I would therefore move that the pending question be divided into recede and then concur because we must recede in any event to accept the Senate Amendment. This will also give the members an opportunity to present the amendments that have been distributed.

The SPEAKER: The Chair understands that the gentleman moves receding from passage to be engrossed. The pending question is the motion of the gentleman from York, Mr. Rust, that the House recede from its action whereby it passed this matter to be engrossed.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker, I would like to direct a parliamentary inquiry to the Chair. If the House does not concur in the same motion, it will not have accepted the Senate Amendments. Is that not correct?

The SPEAKER: Will the gentleman restate his question. The House will please be in order.

Mr. BERRY: If the House does not concur in the action taken by the Senate, it will therefore not have accepted the Senate Amendments which have been passed? Therefore, it would seem to me that the motion should be to recede and concur, and we can still offer amendments.

The SPEAKER: The Chair would inform the gentleman that if the House recedes from its former action and concurs with the Senate, it is adopting the Senate Amendments, and passing to be engrossed as amended by the Senate.

The gentleman from York, Mr. Rust, moves that the House recede.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I move this item lie on the table until tomorrow.

The SPEAKER: Will the gentleman restate his question.

Mr. JALBERT: I move that this item lie on the table until tomorrow.

The SPEAKER: The gentleman from Lewiston moves that this matter be retabled until tomorrow. All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the tabling motion did not prevail.

The SPEAKER: The pending question is the motion of the gentleman from York, Mr. Rust, that the House recede from its action whereby the Bill has been engrossed.

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out if you go along with receding, we can then later on accept the necessary amendments; it will also give everyone here in the House an opportunity to present amendments which they are interested in, and when the vote is taken I request a division.

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

Mr. KNIGHT: A parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. KNIGHT: Does a motion to recede take precedence over a motion to recede and concur?

The SPEAKER: It does.

A division has been requested. All those in favor of receding, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Sixty-one having voted in the affirmative and forty-two having voted in the negative, the motion to recede did prevail.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I now move acceptance of Senate Amendment "E" as amended by House Amendment "E" as amended by Senate Amendment "E."

Senate Amendment "E" was read by the Clerk as follows: SENATE AMENDMENT "E" to H. P. 930, L. D. 1364, Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays."

Amend said Bill, in the 23rd line, by striking out the underlined semi-colon after the underlined word "facilities" and inserting in place thereof an underlined comma.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Could you advise us of the filing number of that amendment, please.

The CLERK: The number is S-294. S-294. Senate Amendment "E" to the bill.

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

Mr. KNIGHT: Mr. Speaker, I would like to inquire now if the motion made by the gentleman from York, Mr. Rust, passes, would we then be in concurrence at this point or in agreement at this point with the other branch?

The SPEAKER: We would be in agreement with the Senate on adopting Senate Amendment "E," but the House must pass the bill to be engrossed as amended.

The Chair recognizes the same gentleman.

Mr. KNIGHT: Then with the understanding that we would be in the same position as to amendments which I understand only replaces a semi-colon with a comma, I agree with the gentleman from York, Mr. Rust, and hope that his motion prevails, and then that no other amendments are added.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I would request that the Chair divide the pending motion into two questions. The acceptance of Senate Amendment "E" as amended by House Amendment "E," so that we will still have the opportunity to present amendments before accepting Senate Amendment "E."

The SPEAKER: The Chair would inform the gentleman from York, Mr. Rust, that Senate Amendment "E" is to the bill and not to an amendment. And the question before the House is the adoption of Senate Amendment "E" in concurrence with the Senate.

The Chair recognizes the gentleman from Lewiston, Mr. Jalberty.

Mr. JALBERT: Mr. Speaker, I move this item lie on the table until the next legislative day.

The SPEAKER: The gentleman from Lewiston, Mr. Jalberty, moves that this matter be tabled until the next legislative day.

Mr. RUST of York: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. RUST: To direct a parliamentary inquiry.

The SPEAKER: The gentleman may direct his inquiry.

Mr. RUST: Are other amendments in order at the present time to this bill?

The SPEAKER: Not until the matter has been disposed of. The pending question now is the tabling of this matter until tomorrow. All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the tabling motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested on the tabling motion.

Mr. RUST of York: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. RUST: To withdraw my motion.

The SPEAKER: Would the gentleman restate his motion so that it may be withdrawn.

Mr. RUST: As I understand it, I made a motion to accept Senate Amendment "E" as amended by House Amendment "E" as amended by Senate Amendment "E." I have asked for the motion to be divided and that has been declined. I now withdraw my motion which I believe I have a right to do.

The SPEAKER: If that was the gentleman's motion, it was not in order. There is no Senate Amendment "E" to any amendment pending at this time. The pending question would be the adoption of Senate Amendment "E." A division has been requested on the tabling motion.

Mr. RUST of York: Mr. Speaker?

The SPEAKER: Does the gentleman have a further parliamentary inquiry?

Mr. RUST: I do.

The SPEAKER: The gentleman may proceed.

Mr. RUST: Do I understand that the House has receded from its action whereby it passed this bill to be engrossed?

The SPEAKER: The Chair will inform the gentleman that the House has receded.

Mr. RUST: Then I now move that the House recede from its action whereby it adopted Senate Amendment "E" as amended by House Amendment "E."

The SPEAKER: The gentleman is not in order.

Mr. RUST: It is House Amendment "E" to Senate Amendment "A." I now move that we recede from our action whereby—

The SPEAKER: Would the gentleman please defer until we straighten out this parliamentary tangle.

The pending question is the motion of the gentleman from Lewiston, Mr. Jalbert, that this matter be tabled until the next legislative day. A division has been re-

quested. All those in favor of tabling this matter until tomorrow, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-one having voted in the affirmative and sixty-six having voted in the negative, the motion to table did not prevail.

The SPEAKER: The Chair understands that the gentleman from York, Mr. Rust, moves that the House recede from the adoption of Senate Amendment "A" as amended by House Amendment "E" thereto. Is that what the gentleman wishes to make?

Mr. RUST of York: Mr. Speaker, I would ask a parliamentary inquiry first.

The SPEAKER: Will the gentleman answer the question of the Chair?

Mr. RUST: I wish to put this bill back in the stage of third reading so it is open for amendments, and I believe if we receded from engrossing the bill is now open for amendments.

The SPEAKER: This matter is open to amendments at the present time, if the gentleman would move—

Mr. RUST of York: I now present House Amendment "I," move its adoption and would speak briefly on the amendment.

The SPEAKER: Would the gentleman defer for a moment. The question before the House is the adoption of Senate Amendment "E." Is that the pleasure of the House? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, Mr. Rust of York offered House Amendment "I" and moved its adoption.

House Amendment "I" was read by the Clerk as follows:

HOUSE AMENDMENT "I" to H. P. 930, L. D. 1364, Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays."

Amend said Bill by adding at the end the following section:

Sec. 3. Application. Notwithstanding any other provision in section 38 of chapter 134 of the Revised Statutes to the contrary,

any store which did legally operate on the Lord's Day preceding the effective date of this act shall be allowed to continue to operate on the days set forth in said section 38.'

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "I" to the so-called MacGregor Bill is what is known as a grandfather clause. It would seem to me that the Legislature in enacting the local option bill, which it did at the last session of the Legislature, made a commitment to many thousands of people throughout the State of Maine and to many, many merchants throughout the State of Maine, in those communities who have seen fit to take advantage of the so-called local option law. On the strength of that law and the strength of the vote in their own community, business people in those areas have seen fit to spruce up their stores, expand their facilities, and in many cases to employ more people. Now this MacGregor Bill will seriously hamper many of those businesses in many, many communities throughout the state. And it would seem to me only fair that these people who have gone out on the limb, taken care of their businesses and expanded, should have some protection for their investment and for the people that they employ. This particular piece of legislation or this amendment here will do that. And when the vote is taken, I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. MacGregor.

Mr. MacGREGOR: Mr. Speaker, I thank the gentleman from York, Mr. Rust, for explaining to the House that this is obviously nothing but the grandfather clause, and would obviously place this legislation right back to the current statutes as they exist today on the books, and I now move for the indefinite postponement of House Amendment "I."

The SPEAKER: The Chair rec-

ognizes the gentleman from Owl's Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker, this House has expressed on several occasions its thoughts on this MacGregor Bill, and that was to pass it as it pretty much now stands before these amendments. These amendments that are and will be offered are simply subterfuges to circumvent the intent of this bill. It would seem from some of the discussion that these stores who will be affected by this, are limited to Sunday sales. They are definitely not. There are six other days in the week in which they may operate and display their expanded and dressed-up stores, if you will, and I would certainly support the motion to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Windsor, Mr. Choate.

Mr. CHOATE: Mr. Speaker, I offer House Amendment "K" to L. D. 1364, and move its adoption.

The SPEAKER: The gentleman is not in order at this time.

The Chair recognizes the gentleman from Auburn, Mr. McGee.

Mr. McGEE: Mr. Speaker, Members of the House: I notice that these amendments seem contrary to part of the bill. I hope that we will not inoculate this bill with legislative Novocain to put the original bill to sleep. The thing I think to do is to put these amendments to sleep and give the bill a fair chance in its present status.

The SPEAKER: The question before the Chair is the motion of the gentleman from Eastport, Mr. MacGregor to indefinitely postpone House Amendment "I."

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Eastport, Mr. MacGregor, and would take exception to his remarks that this bill would leave all stores wide open. That is not really factual. It would only protect the business interested in those communities that have seen fit to take care

of the local option, and I would remind the House that there are some 125 or 130 communities throughout the state who have seen fit to take advantage of local option by letting one or more categories of business concerns remain open on Sunday, and this is the substantial opinion of a cross section of our people in the State of Maine that they really want wide-open Sundays, and they do not want the so-called MacGregor Bill.

The SPEAKER: Is the House ready for the question? All those in favor of indefinite postponement of House Amendment "I," will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-three having voted in the affirmative, and fifty having voted in the negative, the motion to indefinitely postpone House Amendment "I" did prevail.

The SPEAKER: The Chair recognizes the gentleman from Windsor, Mr. Choate.

Mr. CHOATE: Mr. Speaker, I offer House Amendment "K" to L. D. 1364, and move its adoption. The filing number is H-456.

Thereupon, House Amendment "K" was read by the Clerk as follows:

HOUSE AMENDMENT "K" to H. P. 930, L. D. 1364, Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays."

Amend said Bill by adding at the end of section 1 and before the single quotation mark the following underlined paragraph:

'This section shall not apply to businesses located in towns with a population of 3,000 or less.'

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentleman of the House: Please keep this in mind that the MacGregor Bill has been before the Supreme Judicial Court of Maine in the substantial form as it came from the Senate this day, that we were correcting a comma in square feet, and that's

all; and I hope that when this clears the cloud of confusion in here, that we will end up with just one goal in mind, that we will recede and concur with the Senate as it appears on your calendar and nothing more, and, therefore, I move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Rockland, Mr. Knight, moves the indefinite postponement of House Amendment "K."

The Chair recognizes the gentleman from Eastport, Mr. MacGregor.

Mr. MacGREGOR: Mr. Speaker and Ladies and Gentleman of the House: I rise in hearty support of the motion of the gentleman from Rockland, Mr. Knight. Obviously this is nothing but a move again to massacre a segment of the bill, and I support the indefinite postponement of House Amendment "K."

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: I would remind the gentleman from Rockland, Mr. Knight, that the courts have also declared that the present Sunday law that's on the books today is legal, and I have a House Amendment "A" to House Amendment "K," but I'm so confused I don't know when to present it, which would remind me of a talk I made on this bill a few weeks back. I would like to quote: "Now the proponents of this bill here are saying to the people of my town, and many other towns throughout the State of Maine, that you did wrong, and now we are going to help you to rectify your mistake. We will repeal this law that you adopted and save you from your mistake because you know not what you have done." How, by adopting another law, you will be so confused you'll care not what you do?

I feel that if I cannot protect my town on this present bill that I should be given the right to present House Amendment "A" to House Amendment "K," but as I say I'm sort of confused on this bill right now.

The SPEAKER: The gentleman from Scarborough, Mr. Coulthard,

offers House Amendment "A" to House Amendment "K" and moves its adoption. Filing number H-469.

House Amendment "A" to House Amendment "K" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "K" to H. P. 930, L. D. 1364, Bill, "An Act Relating to Operating Business on Sundays and Certain Holidays."

Amend said Amendment in the last line by striking out the underlined figure "3,000" and inserting in place thereof the underlined figure '6,900' and by inserting after the underlined words "or less" the underlined words and figure 'according to 1960 Federal Census'

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. MacGregor.

Mr. MacGREGOR: Mr. Speaker, if I am in order and if I understand the proceedings correctly, I would like to now move the indefinite postponement of House Amendment "A" to House Amendment "K" and see the prevailing action still continue toward the indefinite postponement of House Amendment "K."

The SPEAKER: The gentleman from Eastport, Mr. MacGregor, moves the indefinite postponement of House Amendment "A" to House Amendment "K."

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" to House Amendment "K" would appear to me to be a very reasonable amendment. It will take care of many of the problems which will exist in our small rural communities and our recreational areas if the so-called MacGregor Bill is to become law. At least it will take the sting and the bite out of it, and leave our recreational and resort areas who must strive for a seven-day a week business to survive. It will give them some protection, and I hope it is not postponed.

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

Mr. CURTIS: Mr. Speaker, the gentleman from Scarborough says

he's confused. I wonder who isn't. I've been confused enough so I voted this thing twice and I voted against it once or twice. Now I move indefinite postponement of the bill and all its accompanying papers.

The SPEAKER: The pending question is the motion of the gentleman from Eastport, Mr. MacGregor, to indefinitely postpone House Amendment "A" to House Amendment "K" and the Chair will order a division.

The Chair recognizes the gentleman from Owl's Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker, here again we have a definite attempt to bypass the intent of this bill, a move to bypass it. As I see it, this practically would have the effect as an amendment that was defeated a week or so ago, which would practically leave everything wide open, which this would almost do with very few exceptions; and I would hope the motion to indefinitely postpone will prevail.

The SPEAKER: The Chair has ordered the vote. All those in favor of indefinite postponement will rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Fifty-one having voted in the affirmative and fifty-five having voted in the negative, the motion to indefinitely postpone House Amendment "A" to House Amendment "K" did not prevail.

Thereupon House Amendment "A" to House Amendment "K" was adopted.

The SPEAKER: Is it now the pleasure of the House to adopt House Amendment "K" as amended?

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

Mr. KNIGHT: Mr. Speaker, I move this item lie on the table until the next legislative day.

The SPEAKER: The gentleman from Rockland, Mr. Knight, moves that this item be tabled until the next legislative day. Those in favor will say yes; those opposed, will say no.

A viva voce vote being taken, the motion did not prevail.

Mr. Knight of Rockland requested a division.

The SPEAKER: A division has been requested on the pending adoption of House Amendment "K" as amended by House Amendment "A."

For what purpose does the gentleman arise?

Mr. GILL of South Portland: Mr. Speaker, I want to ask permission and to speak upon the motion.

The SPEAKER: The gentleman may proceed.

For what purpose does the gentleman arise?

Mr. KNIGHT of Rockland: May I state that I did not intend to convey a division on the tabling motion.

The SPEAKER: The Chair so understood.

The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I believe we have done a lot with this MacGregor Bill, but by the adoption of this House Amendment "K," we will be turning out one of the worst pieces of legislation that we have had the privilege to do. We, in the 101st Legislature, are known for changing our positions and our thinking quite often. However, on this matter, I believe that you should carefully reconsider your past positions on this matter, and your votes. With the addition of this House Amendment "K," this bill will be far worse than anything that has ever been proposed at this time. You will remember the arguments for this type of legislation in which the Supreme Court ruled it was right that families could have a common day of rest and recreation. Now this was considered to be in the best interest of the families from the point of view of being able to keep the family together, which in these days is very important, and I certainly do hope that you gentlemen will, in all sincerity, examine your conscience in your voting on this House Amendment "K" which in one respect you are voting to kill the MacGregor Bill, and I certainly hope that this is not that type of Legislature.

The SPEAKER: The Chair recog-

nizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: As I stated before in my remarks a few weeks ago, we are just that sort of town as the gentleman from South Portland implied, a resort town, so that the members of many families come to our town for recreation, and we are there to provide this recreation for them. We also have many gift shops and stores that they desire to frequent, and I maintain that people that advocate recreation and keeping the family together, send them out to my town.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker, Ladies and Gentlemen of the House: This morning three gentlemen from Bangor, one gentleman one of the officers of the local Chamber of Commerce, one gentleman who manages the large department store, and the other gentleman a manager of one of the chain stores, came over here especially to talk in regard to this MacGregor Bill, and all three asked me before we opened our session this morning if I would do anything that I could to help the passage of the MacGregor Bill as it had come to us this morning from the Senate.

Feeling as I do that they represent the feeling of the City which I have the honor to represent, it is my feeling that I intend to go along with them and vote against any of the crippling amendments that have been offered so far to this bill.

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

Mr. MCGEE: Mr. Speaker and Members of the House: I heard it remarked here that these amendments would take some of the sting out of this bill. Now in my opinion, it would put a stinger clear through the bill and break it off. I prefer not to have any bill at all than to have a bill massacred the way this one is trying to be massacred. I think when you think of this quietly to yourself you will reject these amendments

and let the bill live in its original state.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, I would like with the permission of the House to ask a question of my good friend from the beautiful Town of Scarborough, Mr. Coulthard. Mr. Coulthard, if you care to answer, how many stores in your community do you feel the MacGregor Bill would close up?

The SPEAKER: The gentleman from South Portland, Mr. Gill, poses a question through the Chair to the gentleman from Scarborough, Mr. Coulthard, who may answer if he chooses.

Mr. COULTHARD: Mr. Speaker, the MacGregor Bill would close the shopping center in our town, which I quoted from the paper here from the news article of the Sewall Report, about 65% of the people in Scarborough bought their food in Portland and 80% bought their clothes there. Local stores accounted for 19% of the food and 4% of the clothing. We have a shopping center in our town that the MacGregor Bill would close, and our people would be forced—

Mr. JALBERT of Lewiston: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. JALBERT: Point of order.

The SPEAKER: The gentleman may state his point of order.

Mr. JALBERT: According to our rules, I now move we adjourn until tomorrow morning at 9:30.

Mr. WELLMAN of Bangor: I request a division, Mr. Speaker.

The SPEAKER: The motion to adjourn until tomorrow morning is the pending question. For what purpose does the gentleman arise?

Mr. KNIGHT: Parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. KNIGHT: I would inquire how Rule 26 would affect this vote?

The SPEAKER: The gentleman's question is in order. A division has been requested. All those in favor of adjourning until tomorrow morning will rise and remain standing in your places until the

monitors have made and returned the count.

A division of the House was had.

Thirteen having voted in the affirmative and eighty-five having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, it now being 9:00 o'clock I move we suspend that portion of Rule 26 which prohibits the doing of business after 9:00 p.m.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves the suspension of Rule 26.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Under our parliamentary procedure—

The SPEAKER: Suspension of the rules is not debatable.

Mr. JALBERT: Mr. Speaker, I would ask a parliamentary procedure of the—

The SPEAKER: The gentleman is debating the question. Is it the pleasure of the House that the rules be suspended? The Chair will order a division. All those in favor of suspending Rule 26 which requires that the House adjourn at 9:00 o'clock will please rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had.

Ninety having voted in the affirmative and eleven having voted in the negative, Rule 26 was suspended.

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

Mr. JALBERT: Can I arise now to ask a parliamentary question?

The SPEAKER: The gentleman may state his question.

Mr. JALBERT: My question is this. My motion originally was because under our rules when I saw the red button go on—

The SPEAKER: The gentleman is making a dilatory question which is not entertained by the Chair.

Mr. JALBERT: Mr. Speaker, point of order.

The SPEAKER: The gentleman may state his point of order.

Mr. JALBERT: The rules of our House say that we must adjourn at 9:00 o'clock. I made my motion that we adjourn at 9:00 o'clock. The motion is not debatable.

The SPEAKER: The gentleman is overruled and may be seated.

Mr. JALBERT: Thank you for being overruled by the Clerk.

The SPEAKER: The pending question before the House — the House will be in order. The pending question is the adoption of House Amendment "K" as amended by House Amendment "A."

The Chair understands the gentleman from Rockland, Mr. Knight, made a motion to indefinitely postpone House Amendment "K" as amended by House Amendment "A."

Mr. KNIGHT: That is correct, and may I speak?

The SPEAKER: The gentleman may proceed.

Mr. KNIGHT: As I read this, ladies and gentlemen of the House, if you come from a community of less than 6,900 and this bill is passed, you are wide open. Anything can keep open, and that's it. If your community is 6,900 or over then you are under the MacGregor Bill. Now whether that is going to be constitutional or not, I don't know, but at least if you come from a small community, you are going to be wide open if this goes through.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: If I understand the MacGregor Bill correctly, if you have six employees, you are out of business; if you have five employees, you are in business; if you have 5,500 square feet of floor space, you are out of business; if you have 5,000 square feet of floor space, you are in business. So I see no difference between this type of a differentiation and the differentiation offered by the gentleman from Scarborough, that it be 6,900 or 3,000 or whatever population. What we are witnessing here tonight, what we have witnessed several times in this House when we voted for this and killed it and voted for it and killed it, is

an example of what is coming to the 102nd Legislature when the people come back here after they have been dealing with this bill for a two year period. I think with all due respect to the gentleman from Eastport, who I highly regard as a friend and a colleague, Mr. MacGregor, this is one of the lousiest pieces of legislation I have ever seen. With the plethora of amendments we have had offered to this bill —

The SPEAKER: The House will be in order.

Mr. MacLEOD: I'd like to say that word again because I'm proud if it, the plethora of amendments we have had in this body and in the opposite body to this bill, indicates not someone trying to destroy the bill, but an honest desire on the part of several people in this House to honestly represent the interests of their constituents, and I think that is their duty and their obligation; so when we talk about crippling this bill, we are trying to cripple maybe a bill that should never be enacted by this Legislature in the first place.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, may I continue to request the gentleman from Scarborough, Mr. Coulthard, to be kind enough to tell me the numbers of stores that the MacGregor Bill would close?

The SPEAKER: Does the gentleman pose the question a second time through the Chair?

Mr. GILL: I do.

The SPEAKER: The gentleman from South Portland, Mr. Gill, poses a question through the Chair to the gentleman from Scarborough, Mr. Coulthard, who may answer if he chooses.

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: I believe I answered my good friend from South Portland, Mr. Gill, and I think he is well aware of the situation in my town, he lives right on the border.

The SPEAKER: Will the gentleman answer in numerical number if he chooses to answer.

Mr. COULTHARD: I maintain it is the shopping center that will close and it consists of two stores,

a bank, and a filling station and a number of other anticipated stores to arrive there.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker, this has been a very long, hard, sad day for many of us. I think that common sense ordinarily dictates that when you are tired, you should try to postpone important decisions until you are psychologically rested. We have not decided to do that, so I think despite the confusion, despite the tiredness, I think perhaps we, in making this decision, should try to get back to some of the fundamentals.

Now as I understand it, the only reason we have a MacGregor Bill, a Choate Bill, or any other one of these merchandising Sunday bills before us this year is because the bill that was passed by the last legislature has been tried and it has been found wanting. Now we have these amendments. The Supreme Court has taken two conditions which they find acceptable for reasonably trying to cut down the hustle and bustle on one day of the week, which the majority have chosen. They indicate that the majority has chosen Sunday.

These particular amendments introduce another factor. And I would say that it is a factor involving a certain number of people, a population figure. Now that may be good, and as our friend from Brewer, Mr. MacLeod, said, he does not blame people for fighting for their particular constituents. But is this going to be then a specialized type of legislation? I do not know, but I think we should get back to the fundamental. We are trying to find a dividing line that will accommodate the resort business in this state and the great majority of the retailers. The Supreme Court has said that we have found it. I think perhaps we are trying to make a big decision. I wish, in making your decision, you would go back to these fundamentals and consider again the passage of this bill which has been worked on from every angle, which we have known about the

whole session, which we have been exposed to through local option for a year, and let's do something definitely, definitely and finally, and try this for one year.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Rockland, Mr. Knight to indefinitely postpone House Amendment "K" as amended by House Amendment "A." I would like at this time to make comments on some of the remarks which have been made by the gentleman from Portland, Mr. Cottrell and the gentleman from South Portland, Mr. Gill. Mr. Gill pointed out that the so-called MacGregor Bill was an attempt to create a family day and have the family stay home and enjoy their families. Yet the MacGregor Bill in itself opposes this basic principle because if you own a store of less than 5,000 square feet, you could have 1,000 employees and still stay open on Sunday.

The gentleman from Portland, Mr. Cottrell has indicated that the present law on our books, local option, has been tried and found wanting. I would strongly oppose that statement because 125 or 130 communities throughout this state have voted in some form of local option—they have not found this bill wanting. They have found it favorable. The only places that this bill has been found wanting is in three of our cities.

The SPEAKER: Is the House ready for the question? The Chair will order the vote, and will order a division. The pending question is the motion of the gentleman from Rockland, Mr. Knight, that House Amendment "K" as amended by House Amendment "A" be indefinitely postponed. All those in favor, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-one having voted in the affirmative and fifty-nine having voted in the negative, the motion to indefinitely postpone House Amendment "K" as amended by

House Amendment "A" did not prevail.

The SPEAKER: The question now before the House is the adoption of House Amendment "K" as amended by House Amendment "A." Is the House ready for the question? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

House Amendment "K" as amended by House Amendment "A" was adopted.

The SPEAKER: For what purpose does the gentleman arise?

Mr. SMITH of Strong: To ask what the pending question before us is now.

The SPEAKER: The Chair would advise the gentleman that if there are no more amendments offered, the pending question is the motion of the gentleman from Bowdoinham, Mr. Curtis, that the Bill as amended be indefinitely postponed.

Mr. SMITH of Strong: I thought that that was the motion before us at the present—I think it has become quite evident to us tonight that we are all confused, and that if we are confused here, it is going to add nothing but confusion to the State of Maine. I wholeheartedly agree with the gentleman from Brewer, Mr. MacLeod, that this is a bad piece of legislation, and I think it would be a disgrace to pass it. I would go along with that motion to indefinitely postpone the bill and all its accompanying papers.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Alfred, Mr. Hobbs.

Mr. HOBBS: Mr. Speaker, I offer House Amendment "L" to House Paper 930, L. D. 1364, and move its adoption.

The SPEAKER: The gentleman from Alfred, Mr. Hobbs, offers House Amendment "L" and moves its adoption.

House Amendment "L" was read by the Clerk as follows:

HOUSE AMENDMENT "L" to H. P. 930, L. D. 1364, Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following sections:

"Sec. 1. R. S., c. 61, §27, amended. The first sentence of section 27 of chapter 61 of the Revised Statutes, as amended by chapter 311 of the public laws of 1959, is further amended to read as follows:

'No liquor shall be sold in this State on Sundays and no licensee by himself, clerk, servant or agent shall between the hours of midnight and 6 A.M. sell or deliver any liquors, except no liquors shall be sold or delivered on Saturdays after 11:45 P. M.'

Sec. 2. R. S., c. 61 §27, amended. The first paragraph of section 27 of chapter 61 of the Revised Statutes, as amended, is further amended by inserting after the 3rd sentence, a new sentence, as follows:

'No liquor shall be sold in this State on Sundays, except that, subject to all the other provisions of this chapter, licensed hotels and class A restaurants may sell liquor on Sundays between the hours of 1 P.M. and 10 P.M. according to the time then prevailing in the State, provided such liquor is sold only in the dining rooms of said hotels and class A restaurants and only with food for which the purchaser is charged a total of \$2 or more per person.'

Sec. 3. R. S., c. 134, §§38, 38-A, 38-B, repealed. Section 38 of chapter 134 of the Revised Statutes, as repealed and replaced by section 1 of chapter 362 of the public laws of 1961, section 38-A of chapter 134 of the Revised Statutes, as enacted by section 2 of chapter 362 of the public laws of 1961 and section 38-B of chapter 134 of the Revised Statutes, as enacted by section 2 of chapter 302 of the public laws of 1959 and as amended by section 3 of chapter 362 of the public laws of 1961, are repealed."

The SPEAKER: This amendment is in the nature of a substitute bill and should not be acted upon until other amendments are offered, and if there are any amendments to be offered,

they should be offered at this time before House Amendment "L" is disposed of. House Amendment "L" will preclude the offering of any other amendments.

The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: For the reasons just mentioned by the Chair, I would offer House Amendment "G," move its adoption and would speak briefly on the motion.

Thereupon, House Amendment "G" was read by the Clerk as follows.

HOUSE AMENDMENT "G" to H. P. 930, L. D. 1364, Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays."

Amend said Bill by adding at the end the following referendum:

Referendum for ratification. This act shall take effect 90 days after the adjournment of the Legislature only for the purpose of permitting its submission to the electors of the State of Maine as hereinafter provided. The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next general election, to give in their votes upon the acceptance or rejection of the foregoing act, and the question shall be:

"Shall 'An Act Relating to Operating Business on Sunday and Certain Holidays,' passed by the 101st Legislature, be accepted?"

The inhabitants of said cities, towns and plantations shall vote by ballot on said question and shall indicate by a cross or check mark placed against the words "Yes" and "No" their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and return made to the office of the Secretary of State in the same manner as votes for Governor and members of the Legislature, and the Governor and Council shall count the

same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the act, the Governor shall forthwith make known the fact by his proclamation, and the act shall become effective in 30 days after the date of said proclamation.

Secretary of State shall prepare ballots. The Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act, accompanied by a copy thereof.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: It was well pointed out by the gentleman from York, Mr. Rust, that some 125 to 130 municipalities in the state had favorably considered the question of stores being open on Sunday by referendum vote in their communities, and I think it only fair if we are going to change the law in this regard, that we give those individuals in those communities who have voted in favor of Sunday sales, the opportunity to ratify by referendum the whole MacGregor Bill so-called, as it will be specifically applicable to their municipalities and will take rights away from them granted by a prior Legislature and accepted by their own individual referendum. That is the reason for presenting the amendment which would provide for the referendums.

The SPEAKER: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I regret very much differing with my friend the gentleman from Wiscasset, but I think I would be ashamed to put this particular bill on the ballot for referendum, and I move indefinite postponement of the amendment.

The SPEAKER: The gentleman from Winterport, Mr. Easton, moves the indefinite postponement of House Amendment "G." Is the House ready for the question?

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I would just like to make one comment if this so-called MacGregor Bill is what it is claimed to be, I don't see why anybody in favor of it would not be willing to let the people decide on it.

The SPEAKER: The Chair will order the vote. All those in favor of indefinite postponement of House Amendment "G," will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Thirty-three having voted in the affirmative and sixty-four having voted in the negative, the motion to indefinitely postpone House Amendment "G" did not prevail.

Thereupon, House Amendment "G" was adopted.

The SPEAKER: Are there any other amendments? The gentleman from Alfred, Mr. Hobbs, offers House Amendment "L" if there are no other amendments.

The Chair recognizes the gentleman from Eastport, Mr. MacGregor.

Mr. MacGREGOR: Mr. Speaker, as I look at House Amendment "L," as presented to us right now, this is just the old wolf in sheep's clothing back to haunt us again, and I now move the indefinite postponement of House Amendment "L."

(House Amendment "L" was read by the Clerk for the second time.)

The SPEAKER: The gentleman from Eastport, Mr. MacGregor, now moves the indefinite postponement of House Amendment "L." Is the House ready for the question? The Chair will order the vote, and will order a division. All those in favor of indefinite postponement of House Amendment "L," will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-one having voted in the affirmative and twenty-one having voted in the negative, the motion to indefinitely postpone House Amendment "L" did prevail.

The SPEAKER: Is it now the pleasure of the House that this matter be passed to be engrossed as amended?

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I understood there was a pending question by the gentleman from Bowdoinham, Mr. Curtis.

The SPEAKER: The Chair stands corrected. The pending question is the motion of the gentleman from Bowdoinham, Mr. Curtis, for the indefinite postponement of the bill and its accompanying papers.

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

Mr. CURTIS: Mr. Speaker, we have spent a lot of time discussing this bill, and I have talked with a lot of people, and I find that the bill as passed by the 100th Legislature, while some people are not too happy with it, there are not too many people that are awfully unhappy with it. So I think at this time that this bill should be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cope.

Mr. COPE: Mr. Speaker and Members of the House: As a signer of the Majority Report of the original MacGregor Bill, the main reason I supported it is because I learned from the great number of communications I received from the City of Portland, they represented over 800 letters all in favor of the MacGregor Bill, and therefore I hope that this motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker, I rise in opposition to the MacGregor Bill. As was stated the other day, we have one young chap who has worked hard to establish a business, he and his family have worked diligently, and because they have worked diligently, if this MacGregor Bill should pass, he would be obliged to go out of business. I think this is unfair and unjust. Now if he had been willing to have been lackadaisical, perhaps not so energetic, his business wouldn't have grown so much, they wouldn't have provided so much for themselves for the future, then this bill would not penalize them. Also some of you stated that the bill that was passed by the 100th Legislature which we

have on the books now created a lot of dissension. Like all things, when they are first enacted, it takes time to become adjusted to them. I feel that we have become adjusted to the present laws that we have on the books today, and I think it's no more than right that we should give them another try. If this bill should go into effect, it would take time to readjust from what they have adjusted to, to adjust to this particular bill. I hope the motion for indefinite postponement does prevail.

The SPEAKER: Is the House ready for the question? The vote is now ordered. A division has been requested.

All those in favor of indefinite postponement of the Bill and accompanying papers will rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had. Sixty-six having voted in the affirmative, and forty-four having voted in the negative —

The Chair recognizes the gentleman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, I realize that everybody's tired tonight, but I also realize there are many —

The SPEAKER: For what purpose does the gentleman rise?

Mrs. HENDRICKS: I wanted to ask for a roll call and then I wanted to table that motion.

The SPEAKER: The gentleman requests a roll call. For the Chair to order a roll call, it must have the expressed desire —

Mrs. HENDRICKS: Did I say I wanted a roll call?

The SPEAKER: - - of one-fifth of the membership present. All of those who desire a roll call, will please rise and be counted.

Mrs. HENDRICKS: Mr. Speaker, may I comment further on that?

The SPEAKER: No. All of those desiring a roll call, will rise and be counted.

Twenty-five members arose.

The SPEAKER: There are a sufficient number. Twenty-five having arisen, the Chair will rule that that is a sufficient number and a roll call is ordered.

The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that Bill "An Act relating to Operating Business on Sunday and Certain Holidays," House Paper 930, Legislative Document 1364, be indefinitely postponed. All of those in favor of indefinite postponement, will answer "Yes" when their names are called. All of those opposed to indefinite postponement, will answer "No" when their names are called.

Mr. COPE of Portland: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. COPE: To ask to table this motion until the next legislative day.

The SPEAKER: A roll call vote is ordered. All of those in favor of indefinite postponement, will answer "Yes" when their names are called. All those opposed to indefinite postponement, will answer "No" when their names are called. The Clerk will call the roll.

ROLL CALL

YEA: Albair, Berman, Binnette, Birt, Boothby, Bourgoin, Bragdon, Brown, Fairfield; Carter, Choate, Cookson, Coulthard, Cressey, Crommett, Curtis, Davis, Dennett, Drake, Dunn, Easton, Edwards, Finley, Gallant, Gilbert, Hanson, Hardy, Hawkes, Hobbs, Hutchins, Jewell, Jones, Karkos, Kent, Laughton, Levesque, Lincoln, Linnekin, MacLeod, Maddox, Meisner, Norton, Osborn, Pease, Philbrick, Pierce, Pitts, Prince, Harpswell; Prince, Oakfield; Rankin, Reynolds, Ricker, Roberts, Ross, Brownville; Rust, Scott, Shaw, Smith, Bar Harbor; Smith, Strong; Thaanum, Thornton, Townsend, Turner, Tyndale, Viles, Ward, Welch, White, Guilford.

NAY: Anderson, Ellsworth; Beldard, Bernard, Berry, Boissonneau, Brewer, Brown, So Portland; Chapman, Cope, Cottrell, Crockett, Denbow, Dudley, Ewer, Gill, Gustafson, Harrington, Hendricks, Humphrey, Jalbert, Jameson, Jobin, Kilroy, Knight, Libby, Littlefield, Lowery, MacGregor, MacPhail, McGee, Mendes, Minsky, Mower, Oakes, Oberg, O'Leary, Osgood, Rand, Richardson, Smith, Fal-

mouth; Snow, Treworgy, Watkins, Wellman, Wight, Presque Isle; Wood, Young.

ABSENT: Anderson, Orono; Ayoob, Baldic, Benson, Blouin, Bradeen, Burns, Bussiere, Cartier, Childs, Cote, Dostie, Foster, Gifford, Hammond, Hendsbee, Henry, Lebel, Mathieson, Nadeau, Noel, Plante, Poirier, Ross, Augusta; Roy, Sahagian, Susi, Tardiff, Taylor, Vaughn, Wade, Waltz, Waterman, Whitney, Williams.

Yes, 67; No, 47; Absent, 35.

The SPEAKER: Sixty-seven having voted in the affirmative; forty-seven having voted in the negative, with thirty-five being absent, the motion to indefinitely postpone does prevail.

Thereupon, the Bill with accompanying papers was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: I move we adjourn until nine-thirty tomorrow morning.

Mr. RUST of York: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. RUST: I believe I was up and spoke first to the Chair, and request to be recognized for the purpose of making a motion.

The SPEAKER: For the information of the gentleman, the Chair always recognizes the Majority or Minority Floor Leader.

For what purpose did the gentleman arise?

Mr. RUST: To make a motion.

The SPEAKER: The gentleman may proceed, but the motion is on the Floor to adjourn until 9:30 tomorrow morning. That takes precedence over all motions. Does the gentleman wish a division?

Mr. RUST: I request a division.

The SPEAKER: A division has been requested. All those in favor of adjourning until 9:30 tomorrow morning, will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-five having voted in the affirmative and forty-eight having voted in the negative, the motion to adjourn did prevail.

Thereupon, on motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.