

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

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and

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DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, June 19, 1963

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

Prayer by the Rev. Mr. William E. Ricker of Wales.

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 there objection? The Chair hears none. It is so granted.

The SPEAKER: The Chair is pleased this morning to recognize in the rear of the Hall of the House, Miss Elaine Piecuch, a student of St. John's School in Winslow, the State of Maine spelling Champion and runner-up in the National Spelling Bee. She is accompanied this morning by her parents. These folk are the special guests of Representative Roy of Winslow. Would you kindly stand and be recognized. (Applause)

The SPEAKER: The Sergeant-at-Arms is requested to escort the gentleman from Wiscasset, Mr. Pease, to the rostrum to serve as Speaker pro tem.

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

Conference Committee Reports

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for Separate Voting Place for Connor" (H. P. 728) (L. D. 1057) reporting that the House recede from its action whereby the Reports and Bill were recommitted to the Committee on Election Laws and accept the Minority "Ought to pass" Report; that the Senate recede from its action whereby the Majority "Ought not to pass" Report was accepted and concur with the House in the acceptance of the Minority "Ought to pass" Report.

(Signed) ALBAIR of Caribou
LEVESQUE

of Madawaska
BINNETTE of Old Town

—Committee on part of House
BROOKS of Cumberland
FARRIS of Kennebec
STITHAM of Somerset

—Committee on part of Senate

Report was read and accepted and sent up for concurrence. The House receded from its action whereby the Reports and Bill were recommitted to the Committee on Election Laws. The Minority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Eligibility of Trustees, Executors and Administrators as Directors of Trust Companies" (H. P. 657) (L. D. 913) reporting that the House recede from its action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" and its action whereby Senate Amendment "A" was adopted, indefinitely postpone Senate Amendment "A," adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede from its action whereby the Bill was indefinitely postponed and its action whereby Senate Amendment "A" was

adopted, indefinitely postpone Senate Amendment "A", adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

(Signed)

BERRY of Cape Elizabeth
SMITH of Bar Harbor
PEASE of Wiscasset —
Committee on
part of House.
FARRIS of Kennebec
CAMPBELL of Kennebec
STITHAM of Somerset —
Committee on
part of Senate.

Report was read and accepted and sent up for concurrence. The House receded from its action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" and its action whereby Senate Amendment "A" was adopted. Senate Amendment "A" was indefinitely postponed.

Conference Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE OF CONFERENCE AMENDMENT "A" to H. P. 657, L. D. 913, Bill, "An Act Relating to Eligibility of Trustees, Executors and Administrators as Directors of Trust Companies."

Amend said Bill in the Title by striking out the following punctuation and words " , Executors and Administrators"

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"R. S., c. 59, §109, amended. Section 109 of chapter 59 of the Revised Statutes is amended to read as follows:

'Sec. 109. Qualification of director. No person shall be eligible to the position of a director of any trust company who is not the unless he is actual owner of stock amounting to \$1,000 par value, free from encumbrance or is a nominee of a registered bank holding company holding stock in such trust company in such an amount.'

Conference Committee Amendment "A" was adopted, the Bill

passed to be engrossed as amended by Conference Committee Amendment "A" and sent up for concurrence.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the members of the committee appointed to carry out Joint Senate Order S. P. 601, Relating to Teachers Certification Study by Interim Committee, shall serve without compensation but shall be reimbursed for their expenses incurred in the performance of their duties and the committee shall have authority to employ clerical assistance within the limits of funds appropriated; and there is appropriated from the Legislative Appropriation the sum of \$750 to carry out the purposes of S. P. 601; and be it further

ORDERED, that the members of the committee appointed to carry out Joint Senate Order S. P. 602, Relating to Secondary School Accreditation Study by Interim Committee, shall serve without compensation but shall be reimbursed for their expenses incurred in the performance of their duties and the committee shall have authority to employ clerical assistance within the limits of funds appropriated; and there is appropriated from the Legislative Appropriation the sum of \$750 to carry out the purposes of S. P. 602 (S. P. 633)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1964 and June 30, 1965" (S. P. 135) (L. D. 412) reporting same in a new draft (S. P. 632) (L. D. 1595) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment
Tabled Until Later in
Today's Session**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize the Construction of Self-Liquidating Student Housing for the State Teachers Colleges and the Issuance of not Exceeding \$1,434,000 Bonds of the State of Maine for the Financing Thereof" (S. P. 94) (L. D. 231) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT
"A" to S. P. 94, L. D. 231, Bill, "An Act to Authorize the Construction of Self-Liquidating Student Housing for the State Teachers Colleges and the Issuance of not Exceeding \$1,434,000 Bonds of the State of Maine for the Financing Thereof."

Amend said Bill in the Title by striking out the figure "\$1,434,000" and inserting in place thereof the figure '\$1,433,000'

Further amend said Bill, in section 1, by striking out in the 7th line the figure "333,300" and inserting in place thereof the figure '333,000'; and by striking out in the 10th line the figure '\$1,433,300' and inserting in place thereof the figure '\$1,433,000'

Further amend said Bill by adding at the end of section 1 the following paragraph

'All construction of housing and dining facilities including additions to existing dormitories, to-

gether with furnishings and dining facilities therein and utility approaches thereto, shall be completed within the individual amounts shown.'

Further amend said Bill, in section 3, by striking out in the 4th line the figure "\$1,434,000" and inserting in place thereof the figure '\$1,433,000'

Further amend said Bill by striking out in the 2nd line of the 2nd paragraph of the referendum the figure "\$1,434,000" and inserting in place thereof the figure '\$1,433,000'

The SPEAKER pro tem: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, would I be in order at this time to introduce House Amendment "A" to Committee Amendment "A"?

The SPEAKER pro tem: The gentleman would be in order.

Thereupon, Mr. Pierce of Bucksport offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

**HOUSE AMENDMENT "A" to
COMMITTEE AMENDMENT "A"**
to S. P. 94, L. D. 231, Bill, "An Act to Authorize the Construction of Self-Liquidating Student Housing for the State Teachers Colleges and the Issuance of not Exceeding \$1,434,000 Bonds of the State of Maine for the Financing Thereof."

Amend said Amendment in the 2nd line by striking out the figure "\$1,433,000" and inserting in place thereof the figure '\$1,550,000'

Further amend said Amendment by striking out all of the 2nd paragraph and inserting in place thereof the following:

"Further amend said Bill, in section 1, by striking out in the 7th line the figure "333,300" and inserting in place thereof the figure '333,000'; and by inserting after the 9th line the words and figure 'Interest on Bonds \$117,000'; and by striking out in the 10th line the figure "\$1,433,300" and inserting in place thereof the figure '\$1,550,000' "

Further amend said Amendment in the 15th line by striking out the

figure "\$1,433,000" and inserting in place thereof the figure '\$1,550,000'

Further amend said Amendment in the last line by striking out the figure "\$1,433,000" and inserting in place thereof the figure '\$1,550,000'

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

Mrs. SMITH: Mr. Speaker, I will ask this as a question and perhaps make a statement and you can verify. Could not this go to second reading and then this amendment be dealt with then? There is some question about this amendment as far as the Appropriations Committee is concerned. I would hope that we would have it straightened out. Otherwise, I would ask that it be tabled, but if it can go now having had this amendment proposed to its third reading, I would be perfectly willing to either have this amendment proposed then or taken care of then.

The SPEAKER pro tem: The Chair would indicate to the gentlewoman that Committee Amendment "A" is now before the House, and that now is the proper time to offer amendments to the committee amendment.

Mrs. SMITH: Well, I would move that this be tabled until later in the day then.

Thereupon, the Bill was tabled pending the adoption of House Amendment "A" to Committee Amendment "A," and specially assigned for later in today's session.

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

Mr. EWER: An inquiry to the Chair. Would we expedite matters at all, if we suspended the rules and passed these various things to which we have agreed on to their third reading?

The SPEAKER pro tem: The Chair would indicate to the gentleman from Bangor, Mr. Ewer, and to the House that apparently the leadership of the House not having suggested this, feels that we are progressing in an orderly manner which is rapid enough to suit their desires.

Divided Report

Majority Report of the Committee on Education on Bill "An Act to Pay School Subsidies on the Basis of Uniform Local Effort" (S. P. 416) (L. D. 1159) which was recommitted, reporting same in a new draft (S. P. 629) (L. D. 1593) under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. CURTIS of Bowdoinham
EASTON of Winterport
SNOW of Jonesboro
BRADEEN of Waterboro
TREWORGY of Gorham
McGEE of Auburn

—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. BROOKS of Cumberland
WHITTAKER of Penobscot
HICHBORN of Piscataquis
—of the Senate.

Mr. LEVESQUE of Madawaska
—of the House.

Came from the Senate with the Minority Report accepted.

In the House: Reports were read.

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

Mr. EASTON: Mr. Speaker, this is the so-called omnibus bill, the combination of the various bills which were recommitted to the Education Committee. It combines the original uniform effort bill with uniform effort principle, the so-called ten percent bill that was discussed at some length yesterday, and the so-called footnotes or foundation program allowance bill which we also had occasion to speak about yesterday. The uniform effort principle is agreed to, I believe unanimously, by all the members of the Education Committee, and mirabile dictu by the Department of Education since it is their bill initially. It is their concept initially. There has been, however, considerable furor over this bill, for this reason. As originally drafted, the cost per year was in the neighborhood of 3.5

million dollars, which, considering our present financial situation, approaches the humorous. Feeling that we wanted to get this principle of uniform effort established, the committee changed the mill rate from 18 mills to 25 mills. Thus, in effect, reducing the cost to something that might conceivably survive the last evening's guillotine.

The bill also provided that no town, no district, would lose any subsidy during 1964, the bill does not go into effect until '64. As a result of this, however, the Department of Education has flooded us all with telegrams, letters, pleas from superintendents, publications purporting to point out the tremendous loss of subsidy that might occur in 1965 under the new rate as presented in this bill. If the next Legislature did nothing, which I suggest is unlikely, this would probably happen. Be this as it may, the members of the House on the Education Committee will offer to this bill an amendment at the appropriate moment, which is currently on your desks, under filing number H-481 which will decrease the mill rate back to 18 mills. I might point out, it also increases the cost back to where it started, and the possibilities of survival are not exactly bright, but at least we are giving this bill a chance. We believe in this bill. So with the thought in mind that at the third reading, this amendment will be offered, I now move that the Majority "Ought to pass" Report be accepted.

The SPEAKER pro tem: The gentleman from Winterport, Mr. Easton, moves that the Majority "Ought to pass" Report of the Committee be accepted.

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

Mr. LITTLEFIELD: Mr. Speaker, this is another bill to chip away and destroy the Sinclair Law. Here it is amended to soften the blow at those of us who have tried and struggled for a good educational program for our young people. Now the Towns of Hampden and Newburgh have formed a school district, and it is work-

ing very well. Newburgh, a small town, had to do something about its schools and education. Hampden was glad to unite with them. The trustees of the district made their plans to build a new school for Newburgh, in addition to those that we have in Hampden. The bond issue was set up to cover a period of years with the idea that the State of Maine would stand behind the terms the Legislature had written into the Sinclair Law.

Now, it's no use for me to stand here and debate on these bills. It's hard to understand them. For years I have worked for the education of the young people in our community because I knew they had a terrible problem facing them when they came from school, and to have to stand here and debate on these bills, which I am convinced in my own mind without any letters from the school department, that they are simply bills to chip away and destroy our Sinclair Law. We haven't had the chance to let the Sinclair Law work to know whether it's any good, and I would move that we accept the Minority "Ought not to pass" report in concurrence with the Senate.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Winterport, Mr. Easton, to accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Auburn Mr. McGee.

Mr. MCGEE: Mr. Speaker, Members of the House: Being a member of the Education Committee, and having done quite a lot of work on this bill and thought, this is the bill we have been waiting for to come from the Senate to start clearing up this conglomeration of school bills which have been confusing to you. Now, by inserting this 18 mills in here, as it was originally intended, that may enable you to put this scare sheet that you have in your desk or on top of it, if you haven't already disposed of it, away. The actual fact is that it doesn't make much difference if it is 18, 19 or 20 mills or whatever it is, that when you get all through that your subsidy is going to de-

pend on how much money you've got to divide up, but this removes that case of so-called losses to each town. Now this bill with this amendment which I hope you will accept, and accept the Majority Report, will go back to the Senate, and I'm very sure that either here or in the Senate, and I'm quite sure that in the Senate they will vote favorably on it, now this 18 mills has removed one of the stumbling blocks that the Minority Report was signed for.

I'm sure that there will be other amendments which will go on to this bill which will bring it up to somewhere near, but probably nine out of ten, or eight out of ten, or something, of the Committee would have compromised on. So I hope that you will let this go through, and let's make a try at clearing and cleaning up these bills, and when they come back in order, I'm quite sure that the pessimistic members of our society here will have their minds satisfied if it is possible to satisfy them in any way, shape or manner.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: This uniform bill was in the 100th Legislature. It was a Department of Education bill, but because of the money involved, it didn't receive passage. This year it came out of the Senate but, by the same token, it was a department bill.

Now it does provide, I think, something really needed in the state for education, and I want to assure my good friend from Hampden that he has nothing to fear from it. Evidently, he says he does not understand what this is all about, but later on, those bills we passed yesterday were held in abeyance such things as this honorable body can finally accept what they believe is best. So he has no fear whatsoever from this bill, because as you have been told, if it receives passage here at this time, it will be so amended, and I think that no one will have any great quarrel. Thank you.

The SPEAKER pro tem: The

Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker and Ladies and Gentlemen of the House: We have before us quite a few bills that are sort of pecking away at the so-called Sinclair regulations of statutes that are on our books. The other day I told a little story about a bear and a hairless dog. Well, that bear is still trying to compromise. I would say that the hairless dog would be comparable to the schools that are already going along under the Sinclair administration, and the school administrative districts, and as I stated the other day this bear wants us to compromise, and if we go ahead, those of us who are in the school administrative districts are certainly going to be gobbled up by this bear. He will have his stomach full of food, and the hairless dog will be covered with hair. Sure, but I don't think that's what we want. Well, we are toying and playing around with a tool here that can work disastrously to the whole situation in the State of Maine in regard to the school system.

The Sinclair Bill became passed after years of study. Years and years of studying, a Legislative body then decided to go along with your Sinclair Bill. Now after this has been in force only a very few years, they come here after many, many towns have gone into this sort of administrative district under the Sinclair Law and have mortgaged their future on the premise that so much money would be forthcoming from the state, they come here today and they wish to chip away the benefits that would be provided.

Now in my particular area we have gone into debt over a half a million dollars on the premise that we would be receiving a certain amount back from the state, because the state had a law on the books. Now if we come here and whittle this away, they'll say well we're going to do it easily. We're going to ease out this plan over a period of two or four or six years. Now when you are in debt to the tune of over \$600,000

for a period of twenty years, this easing out over two or three years, I don't think is in keeping with the situation. We know there are many countries around where they'll make laws and rules and regulations, agreements so long as it works for their advantage, and then when it comes to their disadvantage, they want to toss it out. I think we have something that's on our books, and if we don't adhere to it and abide by it, why there's going to be a lot of lost faith in us as Legislators who are serving our folks back home as trustees here. I think we are duty bound to carry out and continue the faith in our government that was put on the books, and I certainly hope that these amendments that are pecking away, or these bills, that are pecking away at the Sinclair Law will be defeated. Please bear in mind that if these bills were good, they would not have to be amended this way and that way to survive. So, therefore, I would move the indefinite postponement of this measure and all of its accompanying papers.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Farmington, Mr. Jones, that both Reports and Bill be indefinitely postponed.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: As I stated yesterday, I am somewhat concerned over this procedure. Not that I do not regard for one instant here and again the sincerity and the work that has been put into this effort by the Education Committee. I was very much interested in 1593. It seemed that I've also been referred to 1598. I would like to pose a question through the Chair to any member of the Committee. Is there an L. D. 1598 forthcoming?

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

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

Mr. TYNDALE: Mr. Speaker, I withdraw my question because obviously this is a typographical error. I want to read this to you. It will only take me a moment, and then let us debate it a little bit further to be sure that our minds are clarified as to just what this bill does, and what the effect is. The substitution of new criteria for the Foundation Program in place of those currently found in section 237, C. 2, sub-section 4 as offered requires a minimum of eight teachers in all secondary schools regardless of size. There is no such requirement in the present law. Sub-section 6 would appear to place the State Board of Education in the position of mandating text books. This is a privilege reserved for the local school officials under the present law. Section 2 repeals the entire arrangement under which subsidies are currently paid. Under Section 3 a substitute arrangement is being proposed. A. No distinction is made in the allowances for secondary and elementary pupils. B. The amounts being proposed appear to be substantially less than the present law provides. C. The 10 mill effort proposed under sub-section 6-A would appear to do very little toward the principle of equalization. All major provisions are on a flat grant basis with no differentiating between—I just can't understand what this part means, and I'm not going to bother reading because as I read this thing it gets a little bit complicated for even me to understand. I'm a little bit familiar with educational procedures, but the point all leads up to one thing that there is obviously confusion somewhere. I'm trying to clarify my mind, and certainly I haven't been clarified up to this point. One thing I do want clarified. I don't want to face my town fathers next January and say what have you done, or what are you affecting us over the period of the next three or four years, and you people who are in school districts ought to look at this very carefully as my

esteemed colleague from Farmington, Mr. Jones, has pointed out to you. This bothers me considerably, and I sincerely hope that perhaps one or two members of the Committee can clarify this situation up.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gorham, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Kennebunkport, Mr. Tyndale, in his comment regarding this bill was he referring to 1598?

Mr. TYNDALE: I was.

The SPEAKER pro tem: The gentleman has asked a question through the Chair which has been answered.

Mr. TREWORGY: Mr. Speaker, 1598 as I see it, which is a House Amendment "B" to House Paper 1067, L. D. 1532 so-called, Mendes Bill, which is not under consideration at this time I believe. Your references I believe to 1598 are not in reference to the bill that we are considering. These refer to the Mendes Bill which was taken care of yesterday.

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

Mr. TYNDALE: Mr. Speaker, this probably brings out more forcibly than I could ever bring it out, the confusion that does exist in regard to this matter. To me we have a school unit, a very fine educational system. We are not affected so much as you people in districts. As I called to your mind yesterday some thirty districts were affected by the elimination of the ten percent bonus, and those districts that have been recently formed, are not going to get that bonus that they thought they were going to get. These are the things that bother me about these bills. I sincerely hope that you will prevail with me when I ask that they be debated a little bit further because there could be a very serious move made here where you might pass a bill that might become enacted, and you might find yourselves in a rather embarrassing position come January.

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I did not intend to rise in regard to this bill this morning, but as I have a communication which I received from my city council regarding this matter, I find it necessary to rise and oppose this piece of legislation. The South Portland City Council, after considerable study as to the merits of this bill, have voted unanimously to urge its representatives to oppose passage of this bill. Their reason for opposition is as follows: Passage of this bill would decrease South Portland's subsidy \$127,000 in 1965, which would mean a one and one-fourth mill increase in the local tax on property. Now this being the case, and having this effect upon the City of South Portland, it would no doubt have similar effects on other communities throughout the state; and for that reason I join my colleague from Farmington, Mr. Jones, in urging indefinite postponement of this bill and its accompanying papers. I thank you.

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

Mr. SNOW: Mr. Speaker, I would like to straighten out a few things. So far nobody has said anything in opposition to the bill at hand. They are only talking about the mill rate in the bill. That particular mill rate was put in to get a uniform effort bill at a cost that we can afford this year on the books of the state. To my good friend from Kennebunkport, Mr. Tyndale, he was talking about another bill we discarded yesterday. This loss sheet that has been put out here is on the 25 mill rate. What we are trying to do now is when the bill is accepted, to offer an amendment at an 18 mill rate which will hurt no one in the State of Maine in a monetary sense I assure you.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I sympathize

much with those who are confused because you remember some of these bills came out and were re-committed, and your Committee has made a long and serious study afternoons and nights, and this is what they have come up with. Now the uniform effort bill that my good friend from South Portland was talking about would be the mill rate of 25 rather than the 18. Now the uniform effort bill which has been studied and brought out by the Department of Education and the 100th Legislature and is now, simply goes back to that old formula that those who are able to pay for schools should pay somewhat; and I mentioned to you yesterday, at least I think I did, that one town that I represent, their tax effort is 88 mills, another one in the state. I don't know what South Portland is, but I know Portland is only 16 and Lewiston is only 14.

The foundation of the uniform effort bill was that those who are able to pay, a good deal like the income tax, should help these towns who are making such a sacrifice to educate their children. For instance, in my town 65 to 68 percent of the tax on the — that the town receives goes for education. I have no one in school, yet 65 percent, that's 700 and some odd dollars of my tax in Bowdoinham goes to schools. That is what this uniform effort is all about. Now I trust that you will accept it, and then if you see the Senate has clobbered it, and then when it comes back, and you hear what the amendments will be, you can offer some yourself, but let it have its day in court, by accepting it and then when it comes back for third reading, you can clobber it all you wish. I could go on and tell how far off in left field my good friend from Farmington is in his remarks. I could tell you how the Sinclair Law has been clobbered in the other sessions, and I think he probably voted for the clobbering just as well but I opposed them, and I do believe in the Sinclair Law, and I do believe it should have a fair chance.

On motion of the gentlewoman from Portland, Mrs. Oakes, House

Rule 25 was suspended for the remainder of today's session in order to permit smoking.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gorham, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker, several days ago there were distributed these sheets which purported to show some of the loss in subsidy that would result to certain communities if 1593 passed in its present form, and for this reason, among others, the amendment to change the mill rate will be offered shortly. I would like to comment just briefly on these figures.

You shouldn't place too much confidence in them for two reasons I believe. One basically is that it is based on a twenty-five mill rate which will subsequently be altered. Secondly, possibly through error in the computation, or possibility some defect in the computer, but in reviewing these figures which were widely distributed throughout the state and which resulted in widespread opposition from our local communities, I too got a call from my superintendent who was very much dismayed by these figures. But prior to his calling me, I had quickly looked at my own community's computation, and discovered what I felt was an obvious error, and called it to the attention of the man who gave me the figures and asked him if he would be kind enough to review my own community and see if an error had been made. He brought it back later in the day, and these are his notations, he brought back later in the day these figures which showed that inadvertently they had made a mistake in the town of Gorham and they were \$34,782 out of the way. I submit that if this is true, I can quickly think of twenty-six other communities who were given a similar treatment.

There are two reasons then that I ask you not to place too much emphasis on these figures which are distributed. As I repeat, because the mill rate had been figured at twenty-five, which will subsequently be changed, I hope, by amendment, and; secondly, the fact that these figures I presume were hastily done

and involved some discrepancies. I would suggest that you oppose the motion to indefinitely postpone, accept this L.D. for its first and second readings, and later allow us to offer the amendment to change the mill rate.

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

Mr. HARRINGTON: Mr. Speaker and Members of this House: I came in here this morning all fully prepared to vote to indefinitely postpone this bill, but after listening to the man from Gorham, Mr. Treworgy, I feel that perhaps probably it would be advisable to accept the "Ought to pass" Report and see what develops. It seems very futile to me to kill this thing before it gets off the ground when we have plenty of ample opportunities to kill it in the future. It would appear to me that the best thing to do is not kill this bill now, and let it dangle on a couple days and maybe somebody will make some sense with some of the apparently very misconstrued figures we have.

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

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: One of the greatest means and ways of getting a point is to confuse your opponent. We had several members of the Educational Committee speak with us on this bill, but they all speak in the same direction. They apparently have one point that they want to accomplish, and in order to accomplish that point, our good colleagues certainly have confused me, and I would believe that they have confused practically everyone of us as well as themselves. When they came out and state that they have given us a sheet to go by, an analytical sheet to go by, telling us what subsidies we may expect under certain bills and then they come back and say, well, we found that there was an error here in this bill, but just ask us to accept it, we are certainly becoming further confused. And if we want to stand up and save our hide and get that fur around our body, I think we should do away with these

bears. I certainly hope the motion to indefinitely postpone will prevail on this bill and every other one of these bills. We will maintain the status quo as we are today.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say briefly that I have the greatest faith in the Educational Committee, and I certainly hope that the motion to indefinitely postpone does not prevail.

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

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: If you will turn to the sheets that you have on your desks, you will come to the County of Washington, and in that, according to these figures, these figures are only billed on the mill rate at the present time, the City of Calais would lose \$32,000; the Town of East Machias, which is next door to me, would lose \$5,361; Eastport would lose \$10,000; Machias which is my neighboring town and where I practice, would lose \$9,000; according to these figures. If anybody here with any conception thinks that I would possibly come here from the County of Washington, if I thought this bill was going to do this to my county, and that I could be for it, it will not when it is passed in its proper form. It will not. The only thing we have argued about is the mill rate, not the intrinsic merits of the bill. I certainly would not lose my county this much. So it does not happen and will not happen, and I guarantee to you people that it will not happen to you. Thank you.

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

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: A point of clarification, Mr. Speaker, through the Chair or to the gentleman from Farmington, Mr. Jones, or the gentleman from Gorham, Mr. Treworgy, as I understood Mr. Treworgy's remarks, the error that he cited was at the school board level in the Town of Gorham. The gentleman from

Farmington, Mr. Jones' inference was that the error was in the Educational Committee. I would like to have that clarified if I may, sir.

The SPEAKER pro tem: The gentleman from Skowhegan, Mr. Wade, poses a question through the Chair to either the gentleman from Gorham, Mr. Treworgy or the gentleman from Farmington, Mr. Jones, either of whom may answer if he desires.

The Chair recognizes the gentleman from Gorham, Mr. Treworgy, for the purpose of answering the question.

Mr. TREWORGY: Mr. Speaker, the error that I quoted which was in the amount of \$34,782 was the figures that applied to my community only. The error was not the result of my computation, but the error was the result of a quick look at these figures which were submitted to us and to me —. These are not my computations. I think there might have been some misunderstanding. The figures did not come from our committee, and were not distributed by our committee. I tried to avoid earlier stating exactly where these figures came from, but if there is any misunderstanding or doubt in your mind, I have every reason to believe they originated in the fourth floor of the other building. These are not my computations. I believe they have over there, IBM machines which, if properly operated, should come up with a more realistic approach. Now this figure, if I may expand for a moment, this \$34,782 figure for the Town of Gorham, the same formula I believe was used in computing the other communities, and I can quickly think of twenty-six who fall in the same category, who would obviously be quoted erroneously in these figures. Once again, I would suggest that these figures are not appropriate for our consideration now for these two reasons, they carry the wrong mill rate, and they are in error.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I rise to

state that I have a great deal of confidence in what the Education Committee in this Legislature is trying to accomplish. And I hope we will go along with them. I have also a great deal of sympathy for the gentleman from Gorham with regard to his figures. Many of you will recall that I went over to the fourth floor earlier in this session, and at a great deal of expense of course to the State of Maine, had an elaborate combination of figures which would show the effects of certain bills which were then before us. I took them home and showed them to my constituents and they informed me right off that you are all wet. I said these figures came from the Education Department. I came back here. I took the matter up with the Education Department, and they agreed with me that there definitely was an error with regard to those three towns. It is certainly disconcerting to Legislators when they do get that type of figures, and I hope in the future the Department will be more careful in giving out that type of thing.

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

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: Frankly I am confused, and at this point I would appreciate it if there is any manner in which we can all get the proper figures. I have a lot of respect for the gentleman from Gorham, Mr. Treworgy, and I think possibly that he would be willing to make some effort to come up with the right type of figures on this piece of legislation.

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

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: Regardless of what we say or do with figures, it costs just so much to educate the young people of this state; and you aren't going to do it any cheaper by transferring figures from one paper to another or from one school to another. These previous bills and this bill, in my honest opinion, are attempts to destroy the Sinclair Law which we, in the towns of Hampden and Newburgh, have found

to be an excellent law. It has upgraded the school facilities in the town of Newburgh, the children are getting an excellent education, and it has helped us in Hampden. This trying to kill the Sinclair Law at this time is a breach of contract with us by the State of Maine. If we can't get a law on the books that will last more than two or three years, then we better stop doing business with the State of Maine.

Now I appreciate the remarks of the gentleman from Bowdoinham, Mr. Curtis, in sympathizing with me and my position. It is different from some of the sayings that was said the other day about accepting bribes. But to repeat, I don't believe we are going to save any money by transferring figures from one column to another or from one bill to another. As the population of the children increase, the cost of the schools are going to increase and we will have to pay them by some method. At the present time we are paying for them under the Sinclair Law, and I would heartily support the motion to indefinitely postpone this bill.

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: I was hoping that probably the Education Committee would explain the uniform effort in respect to the Department of Education's thinking, and I think we have to back-track to the hearing on the equal effort bill and the hearing on the regular foundation bill which was 1249, that went to engrossment yesterday. Now 1249 was my department bill that called for an increase in state subsidy to the tune of \$1,400,000 to bring the level of percentage to the payment to the towns and cities to 21 percent. Now the equal effort bill was to provide additional subsidies to the towns and cities which would approximately raise the level of percentage to 26 percent. Now that would cost approximately \$3,500,000, which was as you know quite an effort to provide that amount of money. Now the Education Committee came out and increased the mill rate from

the proposed 18 mill increase to 25, which in essence in 1965 will be a loss of subsidy to the towns and cities. I have checked the figures of my town and they are accurate. I will not vouch for the figures of some of the other towns. But I think the uniform effort philosophy is sound. It is just a question of what we can do with this amendment when it is proposed to drop the mill rate to eighteen, then you have to pick up quite a substantial tab. Now the — as I say, the principle is sound. It is just a question of what you want to do when the proposed mill rate is dropped to 18 percent with the amendment. Thank you.

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

Mrs. SMITH: Mr. Speaker, I would like to go on record as being in agreement with the gentleman from Gorham, Mr. Treworgy and the gentleman from Perham, Mr. Bragdon. Falmouth, as you know, is one of those that is in that list of dropping, but it has been cleared with my towns and they understand what it is about; they were given quite a lot of false information also, and I would like to go on record against the indefinite postponement of this bill.

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

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: I was quite interested in the remarks that the gentleman from Portland, Mr. Gill, just made a few moments ago. I would suggest at this time to the House that we do give this bill its first two readings and then if the Education Committee would under their amendment bringing this back to eighteen mills, revise this list which we have on our desks at the present time, and I think that if they had this list revised, then we could make up our minds. I at the present time would not be for or against this until I was a little bit more satisfied on just what would happen. So I think if we went along with the first two readings on this bill and then the Education Committee could revise these other figures, that

certainly this probably would clear the minds of many and I am certainly sure that it would mine.

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

Mr. MCGEE: Mr. Speaker and Members of the House: I will just say that this list that you have, I have tried to impress you with the fact before, that when this amendment is accepted at 18 mills this list that you have whether it is right, wrong or indifferent, is no good. It is out the window. Now all this furor was caused by a letter sent out by the Board of Education or notice to the superintendents and other city officials regarding what would happen if it was put at 29.5 mills when we say we are considerably right, but it wouldn't affect them until 1965 and the Legislature changed it at that time and it wouldn't affect them then, but they got everybody frightened and looking through the wrong end of the telescope, so you can get out a list of figures on what it would be for eighteen mills and I assure you that it would show that you would have to pick up a tab of somewhere around 3¼ million dollars extra subsidies which you will — a good many people have been howling for from the beginning of this session and long before; but on the other hand, whether it says 18 mills or not, you are going to divide what money is available and you may not have 100 percent subsidy on that eighteen mills, therefore you wouldn't pick up any 3¼ million dollars expense, you would pick up what you have to spend, and you do the same thing under the present law. If the present law isn't covered in the budget by taxes to cover the money for the subsidy, you won't get it, and believe it or not, whether you know it now you are not getting 100 percent subsidy on the law you have got on the books, so I don't know what you are afraid of to send this to the Senate, and let it take its course, and when it gets all through if you don't accept it, then we have got the other laws to fall back on and this is a redraft that you asked for and if you don't accept it, then we have got

the other laws to fall back on and this is a redraft that you asked for and if you don't accept this you are going to get the old bill back and go over the same process on that one, so take your choice.

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

Mr. BREWER: Mr. Speaker, just two questions of the Education Committee, any one who cares to answer. This bill here, does this supersede the regular foundation bill that was engrossed yesterday, 1249? If the amendment is accepted at the eighteen mill rate, does that mean an additional \$3,500,000 in subsidy over and above the foundation program?

The SPEAKER pro tem: The gentleman from Bath, Mr. Brewer, poses two questions 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 questions, first of all, the foundation program allowance, or table bill, sponsored by the gentleman from Bath, Mr. Brewer, is incorporated in this bill we are now discussing. However, there is no increase in the tables, the reason being that we wanted to get the lowest possible mill rate and increasing the tables also increased the cost, so while the so-called Brewer Bill is incorporated within this particular bill, the tables are not increased because the extra subsidy which would be accorded by this increase is taken care of by mill rate adjustment. In answer to the second question, yes, 3½ million dollars approximately additional subsidy per year.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Noel.

Mr. NOEL: Mr. Speaker, not knowing too much about IBM machines, it seems that we have had the wrong figures over here. Now everybody has asked these questions around the House and everybody has tried to answer them, but in my case they haven't answered yet. Now if I vote one way I might get the dickens from the town that I represent, so I move that this be

tabled until we have the right figures. That way, if I get the dickens I will get it for something that I did do wrong.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winn, Mr. Whitney.

Mr. WHITNEY: Mr. Speaker, when this vote is taken, I request the yeas and nays.

The SPEAKER pro tem: In order for the Chair to order a vote by the yeas and nays, it must have the affirmative vote of one-fifth of the members present. All those who desire to vote by the yeas and nays will rise and remain standing until counted.

An insufficient number arose.

The SPEAKER pro tem: Obviously less than one-fifth having arisen, the yeas and nays are not ordered.

Did the Chair understand the gentleman from Waterville to make a tabling motion?

Mr. NOEL: I would like to make the motion that this be tabled until the right figures are presented to us so that we can vote intelligently on this piece of legislation.

The SPEAKER pro tem: The Chair understands the gentleman moves this matter be tabled until later in today's session.

Mr. McGEE of Auburn: I ask for a division.

The SPEAKER pro tem: A division has been requested. The question before the House is the motion of the gentleman from Waterville, Mr. Noel, that this matter be tabled until later in today's session.

All those in favor of the tabling motion will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty having voted in the affirmative and sixty-seven having voted in the negative, the tabling motion did not prevail.

Mr. McGee of Auburn was granted permission to address the House a third time.

Mr. McGEE: Mr. Speaker, I might suggest to the House here if they would refer to the figures that was presented to you a few weeks ago compiled by the gentleman from Perham, Mr. Bragdon,

you would find the figures in that report for 18 mills and you wouldn't have to go any farther. It is there. And I don't know how anyone could get out a better report. If you went over to the Board of Education, you would get the same figures. Those are the figures for 18 mills.

The SPEAKER pro tem: Is the House ready for the question? The pending question is the motion of the gentleman from Farmington, Mr. Jones, that both Reports and Bill "An Act to Pay School Subsidies on the Basis of Uniform Local Effort," Senate Paper 629, Legislative Document 1593, be indefinitely postponed.

Mr. Littlefield of Hampden then requested a division on the motion to indefinitely postpone.

The SPEAKER pro tem: A division has been requested. All those in favor of the motion to indefinitely postpone both Reports and the Bill, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-seven having voted in the affirmative and seventy-seven having voted in the negative, the motion to indefinitely postpone did not prevail.

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

Mr. LITTLEFIELD: Mr. Speaker, I now move that we accept the "Ought not to pass" Report in concurrence with the Senate.

The SPEAKER pro tem: The pending question of precedence is the motion of the gentleman from Winterport, Mr. Easton, to accept the Majority "Ought to pass" Report of the Committee. Is the House ready for the question? The Chair will order a division. All those in favor of accepting the Majority Report, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty having voted in the affirmative and thirty-three having voted in the negative, the Majority "Ought to pass" Report was accepted in non-concurrence.

Thereupon, the New Draft was given its two several readings and

tomorrow assigned for third reading.

The SPEAKER pro tem: The Chair at this time is pleased to recognize in the Hall of the House, Miss Gloria Brody, who is now reigning Miss Florida. The Chair would ask the Sergeant-at-Arms to escort Miss Brody to the rostrum.

Thereupon, Miss Gloria Brody of Jacksonville, Florida, was escorted by the Sergeant-at-Arms to the rostrum, amid applause of the House, the members rising.

The SPEAKER pro tem: Miss Gloria Brody of Jacksonville, Florida, is the reigning Miss Florida. Miss Brody is spending a week in Maine as guest of the grand State of Maine. Last winter Miss Brody worked with the Department of Economic Development to help promote the Snowbird Holiday ski exchange tour and was guest of honor at the Governor's luncheon on Maine Day at the International Boat Show in Miami in February. Her visit is further evidence of our fine relations with our sister vacation state of Florida, which we hope will continue for a very long time to come. Miss Brody. (Applause)

MISS GLORIA BRODY: I would like to say to you that I bring best regards from the Governor of the State of Florida, Governor Farris Bryant, and to tell you I certainly have enjoyed my stay here in Maine and hope to return some day. I would like for you to come to Florida and visit us. Thank you. (Applause)

Thereupon, Miss Gloria Brody was escorted by the Sergeant-at-Arms to the rear of the Hall of the House.

Divided Report

Report "A" of the Committee on Sea and Shore Fisheries on Bill "An Act relating to the Manufacture of Foreign Lobster Meat for Newburgs and Stews by Wholesale Dealers" (S. P. 481) (L. D. 1333) reporting same in a new draft (S. P. 574) (L. D. 1519) under title of "An Act relating to a Permit for Processing of Imported Lobster Meat under Bond" and that it "Ought to pass"

Report was signed by the following members:

Messrs. CRAM of Cumberland
REED of Sagadahoc
— of the Senate.

Messrs. LOWERY of Brunswick
MacGREGOR of Eastport
RANKIN of Southport
— of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. BREWSTER of York
— of the Senate.

Messrs. MADDOX of Vinalhaven
PRINCE of Harpswell
RICHARDSON of Stonington
YOUNG of Gouldsboro
— of the House.

Came from the Senate with Report "A" accepted and the Bill indefinitely postponed.

In the House: Reports were read. The SPEAKER pro tem: The Chair recognizes the gentleman from Gouldsboro, Mr. Young.

Mr. YOUNG: Mr. Speaker, I would move indefinite postponement of the Bill and both Reports.

The SPEAKER pro tem: The gentleman from Gouldsboro, Mr. Young, moves the indefinite postponement of both Reports and the Bill.

Mr. Bussiere of Lewiston then requested a division.

The SPEAKER pro tem: A division has been requested. All those in favor of the motion to indefinitely postpone both Reports and the Bill, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred six having voted in the affirmative and one having voted in the negative, the motion to indefinitely postpone both Reports and Bill did prevail.

Non-Concurrent Matter Tabled

Senate Joint Order relative to Removal and Spraying of Power and Timber Lobbyists (S. P. 631) which was passed as amended by House Amendment "A" in non-concurrence in the House on June 17.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It is with some reluctance that I yield to the more mature judgment of the body in the lower end of the hall, and would move that we recede from our action whereby this Order was passed, and concur with the Senate.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, to recede and concur in the indefinite postponement of this Order.

The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker, it is with a great deal of reluctance that I go along with my colleague from Perham, Mr. Bragdon, on this matter. As you will remember, we have already accepted on several projects, the principle of using convict labor, and it seems to me that we are passing up the chance to advance this process one further step by using captive labor for the Cross Rock project that would become available if this measure were passed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Oakfield, Mr. Prince.

Mr. PRINCE: Mr. Speaker, I move that we adhere and ask for a committee of conference.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: Realizing that the motion to recede and concur has precedence, I still feel that this Order would have been a little bit more palatable if in the amendment adopted by the House, we would have had a paragraph there to include that this committee would have accepted any and all contributions from the general public.

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

Mr. JALBERT: Mr. Speaker, and Members of the House: As you well know at this session, we did not set up a House Appropriations Calendar which means that within, we hope, the next seventy-two hours, unfortunately for us, we will be at the mercy of our friends in the other branch. We will have absolutely nothing left. I know I can't make a motion to table, but certainly let's keep something. I hope this is tabled.

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

Mr. BERMAN: Mr. Speaker, I am a little confused about this matter. I would like to ask a question through the Chair to some of these people who know more about this matter than I do. Is the objection to the removal of the lobbyists or was it the spraying of the lobbyists?

The SPEAKER pro tem: The gentleman from Houlton, Mr. Berman, poses a question through the Chair to any member who may answer if he or she desires.

Does the Chair understand that the gentleman from Lewiston, Mr. Jalbert, now moves that this item lie on the table?

Mr. JALBERT: Yes.

The SPEAKER pro tem: Unassigned?

Mr. JALBERT: Completely unassigned.

The SPEAKER pro tem: The question before the House is that this matter lie on the table unassigned. Is this the pleasure of the House?

Mr. Bragdon of Perham then requested a division on the tabling motion.

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 the count.

A division of the House was had.

Fifty-nine having voted in the affirmative and thirty having voted in the negative, the motion to table did prevail.

Thereupon, the Order was tabled pending the motion to recede and concur with the Senate and unassigned.

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution Clarifying Provisions Governing Assumption of Office of Governor by the President of the Senate or the Speaker of the House (H. P. 1110) (L. D. 1592) which was passed to be engrossed in the House on June 17.

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

In the House:

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

Mr. BERMAN: Mr. Speaker, as I understand it, Senate Amendment "A" clarifies a technical oversight, and for that reason, I move that we recede and concur with the Senate.

Thereupon, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

An Act to Increase the Pensions of Certain Retired Teachers (H. P. 246) (L. D. 314) which was passed to be enacted in the House on April 25 and passed to be engrossed as amended by Committee Amendment "A" on April 10.

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

In the House:

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It is my understanding that this bill as it is now before us meets the approval of our good friend Mary Wortheley and most of the retired teachers. I move that we recede and concur with the Senate.

Thereupon, the House voted to recede and concur with the Senate.

The following Communication:

THE SENATE OF MAINE

Augusta

June 18, 1963

Hon. Harvey R. Pease
Clerk of the House of
Representatives
101st Legislature

Sir:

The President of the Senate has appointed the following Conferees on the part of the Senate on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act relating to Establishment, Maintenance and Operation of Regional Technical and Vocational Centers" (S. P. 383) (L. D. 1086)

Senators:

FARRIS of Kennebec
JOHNSON of Somerset
FERGUSON of Oxford
Respectfully,

(Signed)

CHESTER T. WINSLOW
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

On motion of Mr. Mendes of Topsham, it was

ORDERED, that Mr. Gilbert of Eddington and Mr. Hammond of Paris be excused from attendance today and tomorrow because of business.

Mr. Tyndale of Kennebunkport presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the effect of pesticides upon fish and wildlife and to report its findings to the 102nd Legislature or to any special session of the 101st Legislature. (H. P. 1118)

The Order received passage and was sent up for concurrence.

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

ORDERED, the Senate concurring, that the Legislative Finance Officer, Frederick Kneeland, be and hereby is authorized, during the current biennium, to attend the con-

ferences of the National Legislative Conference, and that he be reimbursed for his necessary traveling expenses. (H. P. 1119)

The Order received passage and was sent up for concurrence.

**House Report of Committee
Divided Report
Tabled Until Later in
in Today's Session**

Majority Report of the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives (H. P. 1030) (L. D. 1495) reporting same in new draft "A" (H. P. 1116) (L. D. 1599) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. PORTEOUS of Cumberland
FARRIS of Kennebec
— of the Senate.

Messrs. VILES of Anson
BERMAN of Houlton
PEASE of Wiscasset
DENNETT of Kittery
SMITH of Strong
SMITH of Bar Harbor
WATKINS of Windham
— of the House.

Minority Report of same Committee on same Resolve reporting same in new draft "B" (H. P. 1117) (L. D. 1600) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. JACQUES of Androscoggin
EDMUNDS of Aroostook
NOYES of Franklin
— of the Senate.

Messrs. PLANTE
of Old Orchard Beach
COTTRELL of Portland
CARTIER of Biddeford
— of the House.

Reports were read.

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

Mr. BERMAN: Mr. Speaker, I move acceptance of the Majority "Ought to pass" Report.

Thereupon, on motion of Mr. Wellman of Bangor, both reports and

Bill were tabled pending the motion to accept the Majority Report and specially assigned for later in today's session.

**Passed to Be Engrossed
Amended**

Resolve Appropriating Moneys for Vocational Educational Institute in Androscoggin County Area (H. P. 1113) (L. D. 1596)

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

Mr. Jalbert of Lewiston offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1113, L. D. 1596, Resolve, Appropriating Moneys for Vocational Institute in Androscoggin County Area.

Amend said Resolve in the 3rd paragraph by striking out in the 2nd line the figures and words "\$640,000 for the fiscal year ending June 30, 1964 and"

Further amend said Resolve by striking out all of the last 4 lines and inserting in place thereof the following:

| | |
|-------------------|-----------------|
| | '1964-65 |
| Personal Services | (14) 77,222 |
| All Other | 62,500' |

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

Mr. JALBERT: Mr. Speaker and Members of the House: This amendment would strike the capital out of the bill and leave the second year of the biennium for operating costs as I stated I would do yesterday.

Later, when the bond issue comes before us, I will present the second amendment which will include the capital costs in the bond issue. I now move the adoption of House Amendment "A."

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

**Finally Passed
Constitutional Amendment**

Resolve Proposing an Amendment to the Constitution to Re-

wise Article VI Relating to the Judicial Power (S. P. 529) (L. D. 1450)

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

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

Mr. RUST: Mr. Speaker, I would direct an inquiry through the Chair to any member of the Constitutional Committee who would care to answer, and I would like to know if this proposed amendment to the Constitution would eliminate from our county campaigns and our county elections, the office of judge of probate?

The SPEAKER pro tem: The gentleman from York, Mr. Rust, poses a question through the Chair to some member of the Constitutional Amendments and Legislative Reapportionment Committee, who may answer if he chooses.

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

Mr. BERMAN: Mr. Speaker, Members of the House: As Chairman of that Committee, it is my understanding that this does not eliminate the election of judges of probate. This does eliminate the present situation with respect to notary publics and justices of the peace where they have to go through that faldral of having to appear before the Governor and Council for their—that the notices have to appear for their appointment. And I would also direct an inquiry as to whether the engrossed bill is amended so that the judges of probate are still elected.

The SPEAKER pro tem: Does the gentleman from York, Mr. Rust, consider his question answered?

Mr. RUST of York: No.

The SPEAKER pro tem: Does the House desire the Chair to order the Clerk to read Section 6 of Article VI as proposed in the Resolve?

The Clerk will read Section 6.

Thereupon, Section 6 of Article VI was read by the Clerk.

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

Mr. BERMAN: Mr. Speaker, I am pleased that this has been read. It certainly concurs with the decision of the committee that the judges of probate and the registers should remain elected.

Thereupon, this being a Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had. 104 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Amending Certain Provisions of the Employment Security Law (S. P. 453) (L. D. 1345)

An Act to Correct Errors and Inconsistencies in the Education Laws (H. P. 960) (L. D. 1306)

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.

An Act to Provide for Longevity Pay for State Employees (H. P. 1108) (L. D. 1590)

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

The SPEAKER pro tem: With reference to item four, the Chair recognizes the gentleman from Fairfield, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I move that item four be indefinitely postponed. I have no illusions that my motion will carry because of the magnitude of the opposition including the front office. However, I do feel as though the taxpayers in the State of Maine are entitled to some consideration on an item which costs some \$650,000. This bill has been termed the other day as corrective language, and so forth, but it is more than that. It establishes a principle. Now if we should, by some miracle, fail to enact the sales tax, and reduce the Supplemental Budget to lesser amounts, should we pass this law as it is written? It could then be pointed to as saying this is an act of Legislature, and funds through some means would be made available for it, either through

special session or by the same means which an order came in from the Senate very early in this session ordering funds taken from the Highway Department to promulgate the provisions of the longevity clause. These being my reasons for opposing it. This is somewhat of a heads I win; tails you lose deal, as far as the state employees are concerned, because of this very bill which would enable the Governor or other members to provide the funds.

I sometimes wonder what would happen to many of our representatives from the small towns if the book which was given to us and the facts and figures on salaries were published, I question whether these representatives would have the same support from their constituents as they do now. Furthermore, it is my feeling that we should beware of dedicated public servants lest they become our masters. It is my candid opinion that they have already captured the Executive Branch. Therefore, when the vote is taken, I move for a division.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As was stated yesterday, this is just words put into a bill already nestled on the Senate Appropriations Calendar. I think that the matter was very well explained by the gentleman from Bangor, Mr. Minsky, and it occurs to me that this is one area where I believe both parties, at least during the campaign, were in accord. We had it in our platform, and I know that it was not turned down by the good opposition platform. Also on several occasions both candidates for governor endorsed this program. Consequently, I certainly hope the motion of the gentleman from Fairfield does not prevail.

The SPEAKER pro tem: The pending question is the motion of the gentleman from Fairfield, Mr. Brown, that this bill be indefinitely postponed.

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

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: I

certainly am not in a position to debate the statement by the gentleman from Fairfield, Mr. Brown, with relationship to his remark that it would cost the taxpayers of the State of Maine the amount that he mentions. My experience as a former state employee would be along this line, that because of the inadequacies in promotion in state employ, it has cost the taxpayers a considerable sum of additional money which might have been saved, or certainly achieved better spending quality had there been some type of legislation effective along this same line as we now term longevity. I know comparisons are odious, but I can cite many instances of state employees, and I include myself if I may be excused, where employees reach the maximum in their classification in a certain specific number of years, and there they are stymied for the rest of their tenure of office unless something of this nature is provided. Now if this House, in its wisdom, thinks that's the proper way, then all right; then go ahead and support the motion of the gentleman from Fairfield. But there are so many instances where a state employees of high quality have been stymied in their desire to promote themselves, naturally. Take the younger people, for example, particularly the males. They come in in the normal course of events, either are married when they come in and they promote a family in time; and after a few years, they have reached their maximum in their classification. Is there anything to hold them in state service? I'm not going again, as I said comparisons are odious, to compare the status of the federal government in similar positions, but again I will use one example if I may be permitted, and that is in the field of conservation, and if the figures were available, I think I could show to you ladies and gentlemen where in the past—no, I was going to say decade, but in the past fifteen years or certainly the termination of World War II, at least forty members of your conservation department which we term Fish and Game have gone into federal service. Now for that rea-

son, ladies and gentlemen, I do hope that you will defeat the motion of the gentleman from Fairfield.

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

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: Sometimes, we have different points of views, and one point of view might be that we would have a bill of this sort for the purpose of trying to retain our department heads, that when we do that, I think we possibly have hurt the person whom we are trying to retain. If that person changes jobs and goes to a different place, surely that person will have a broader point of view because he's dealing with the minds of other people in the department, thereby he becomes a greater person in himself, and at the same time that leaves his position open to somebody within the department to come up and work up, and there's a place for him to work toward and hold as a result of turnover. No if there is no turnover where is the incentive for the other fellow in the department to go to? He's a subordinate and that's as far as he can go, whereas if the head and the aged move on to a different place, why that leaves room for somebody else to come up and there's an objective for him to struggle and strive for. There's sort of two points of view here, and I don't know but I'd go along with Mr. Brown's opinion on it.

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

Mr. BROWN: Mr. Speaker, in the ordinary course of events in private industry, you predicate it on a range, not on longevity. Now your ranges can be changed by each act of Legislature. You can raise the maximum amounts. I have no quarrel with this form of salary and wage control, but I think it is the function of the Legislature to do that as far as the ranges are concerned, not based on a period of service. Furthermore, we all have a turnover problem. It's not confined to state government by any means. I've

had individuals leave our company to go with the various state departments. I've seen other people leave the state departments to go with industry. I think we've seen this in the construction industry as far as the Highway Department is concerned, engineers leave and private contractors go into state service. I think this is a continuable thing. I think it depends primarily on the individual whether he wishes to stay in one place or whether he wishes to move, but I still maintain that the principle of longevity is wrong because it simply rewards the individual who remains on a job regardless of his merit.

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 agree with the gentleman from Fairfield, Mr. Brown, when he says this is a new principle. Having agreed that far, we immediately part company and I join hands with the gentleman from Skowhegan, Mr. Wade. I agree it is a new principle. I think it is also a proper principle for us to adopt. As to the matter of additional cost to the state, it is my feeling that this could very readily be absorbed in improved service on the part of those who are beneficiaries under this new principle.

I think anything in any business which will tend to stop the rate of turnover is a good thing. I agree with what the gentleman from Skowhegan, Mr. Wade, said in regard to the reason for some of this turnover. I think it is exceptionally high because of just one thing, that various employees in various departments reach their top level of classification and there are stuck, and I think this will supplement that system of promotion and increase in pay, and I think for that reason it is a very good principle for us to adopt.

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

Mr. MINSKY: Mr. Speaker and Ladies and Gentlemen of the House: Again I would like to re-

iterate what I said a couple of days ago, and I do not care to debate the merits of longevity at this time because I do not think the actual merits of longevity is really before us today. I will say for the record for those who are interested that I certainly do support the principle of longevity. However, the bill today establishes only certain language and certain ground rules and will make easier the administration of longevity. The passage or defeat of this bill will not create or fail to create longevity. The actual appropriation for longevity is in the Supplemental Budget. That is an item that is now on the table and which you will have a crack at at a later date. If you care to attack longevity, then I suggest that you do it at that time; but I ask that you do pass this bill so at least if it is adopted, the language governing its use will be clear. Again, I must pronounce to you that this bill that we have before us contains no appropriation, and will not in its passage or defeat, will not go to the merits of the program. It will neither create or will its failure to pass eliminate longevity.

Mr. Brown of Fairfield was granted permission to address the House a third time.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: My good colleague, Mr. Minsky of Bangor, raised exactly the point which I have been trying to get across to you people, that if you should kill this in the Supplemental Budget, it will still be on the law books. It will still be pointed to as an enabling act, and this is far more paramount thinking that there will be ways to implement it even though this House turns down the Supplemental Budget. Now there are funds available. We know that we can be called back in a special session, and I can see no greater sledge hammer holding over anyone's head than the saying: this law was passed, you didn't provide the funds, now you provide the funds.

The SPEAKER pro tem: A division has been requested.

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

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: Before going into business for myself, I put thirteen years into the Maine Central Railroad. In working in the railroad shops in Waterville, Maine, we had laborers, we had helpers, we had apprentices, we had mechanics, in all different fields of work, electricians, machinists, metal workers, carpenters, carmen in all different fields. Many a time that the men went into this shop, they went in as laborers, they went in as apprentices or they went in as helpers. As you went from a laborer to a helper, you received an increase in pay. If you were fortunate to do a good job, the opportunity came, you had a chance to go as a journeyman mechanic in the field in which you had experience. Each one of those advances, naturally, had a raise in pay.

I'm wondering with our young people today if we are not taking the incentive away from them to work to try to do a better job in the field in which they are employed. I can also say to you that there are men that are still working in the the Waterville shops, probably in the same field that they did when they went in there back in 1940. Those men never will go any higher; but shouldn't our young people have an incentive, something to reach for, not just have something waiting on a platter to be handed out to them. Let them strive to always be reaching for something better if they have that in their own desire.

That ladies and gentlemen is the experience which I have had working, which I feel, that we should leave to the individual to strive for himself. Thank you.

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

Mr. EWER: Mr. Speaker, I think my experience with the railroads' salary scale is more extensive than that of the gentleman from Benton, Mr. Kent as I put in forty-two years at it; and I would say this much to him, that whether he knows it or not, he has been working under an offshoot of the longevity system in this way, that

all railroad jobs are based on seniority. The more seniority you have, the better job you can get, and it has always been my feeling that one of the weaknesses in the railroads' pay system has been the fact that a young man got the same rate of pay that an experienced man got for the same department of work. I think that has been a serious thing because an experienced man has been worth more than a new one. I hope that answers some of his points.

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

Mr. KENT: Mr. Speaker, I would have to disagree with the gentleman from Hampden, Mr. Littlefield, just a little bit along of the seniority. True it does prevail to a certain extent, but certainly regardless of seniority if a man was not capable of taking a mechanic's position and doing the work, I have seen many times when he did not get it, and if he did show an incentive, certainly in a good many instances he had preference over the fellow sometimes who had more seniority over him. In fact, it was true in my own case.

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

Mr. LITTLEFIELD: Mr. Speaker, I too worked on the railroad, and I go along with the sentiments of Mr. Ewer. So if Mr. Kent wants to disagree with me, as he would Mr. Ewer, it's perfectly all right.

The SPEAKER pro tem: Is the House ready for the question? The question now before the House is the motion of the gentleman from Fairfield, Mr. Brown, that An Act to Provide for Longevity Pay for State Employees, House Paper 1108, L. D. 1590, be indefinitely postponed. A division has been requested.

All those in favor of the motion to indefinitely postpone will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixteen having voted in the affirmative, and ninety-five having voted in the negative, the motion

to indefinitely postpone did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Resolve Providing for the Revision of the Statutes (S. P. 61) (L. D. 111)

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

On motion of Mr. Wellman of Bangor.

Recessed until 1:30 this afternoon.

After Recess 1:30 P. M.

Called to order by the Speaker.

The SPEAKER: On Supplement number one of the House Advance Journal, is a highly privileged report of a Committee of Conference. The Clerk will read the report.

Conference Committees Report

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on Senate Joint Order relative to Legislative Holiday July 20th (S. P. 590) reporting:

What's that we hear, can the end be near?

No, too much work ahead.

We want to clear the tables here
But it's the final night we dread.
Is it possible we'll still be here

When the sun's eclipse arrives?
It's possible we shall get thru
If we start to act alive.

But since the outcome is in doubt
Our floor leader suggests

We congregate in Central Maine
In a Legislative recess.

We'll watch the eclipse

Then back to work
Beneath the State House dome

To finish our work with greater speed

And get ourselves off home.

(Signed) PEASE of Wiscasset
MacLEOD of Brewer
EASTON of Winterport
—Committee on part of House.

HARRINGTON of
Penobscot
SPOUL of Lincoln
CHRISTIE of Aroostook
—Committee on part of Senate.

Report was read and accepted and ordered placed on file. Sent up for concurrence.

Order Out of Order

Mr. Jalbert of Lewiston presented the following Order out of order and moved its passage:

Whereas, Miss Elaine Ouellette of Lewiston has been named Miss Maine; and

Whereas, the people of Maine are justly proud of her ability and accomplishment in winning this victory; now, therefore, be it

ORDERED, That the House of Representatives of the State of Maine extend congratulations to Miss Elaine Ouellette for her achievement and wish her every future happiness and success; and be it further

ORDERED, That attested copies of this Order be immediately transmitted by the Clerk of the House of Representatives to Miss Ouellette.

The Order received passage. (Applause)

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter of Unfinished Business.

Bill "An Act Appropriating Moneys for General Operating Expenses of the University of Maine." (H. P. 517) (L. D. 734)—C. "A" (H-457)

Tabled—June 17, by Mr. Wellman of Bangor.

Pending—Motion of Mr. Jalbert of Lewiston to Reconsider Assignment for Third Reading.

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

Mr. WELLMAN: Mr. Speaker, I move the pending question and hope that you will vote against the reconsideration.

The SPEAKER: The pending question is to reconsider assignment for third reading. All those in favor of reconsidering assignment

for third reading will say yes; those opposed, say no.

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

The Chair laid before the House the second tabled and today assigned matter of Unfinished Business.

Bill "An Act Repealing the Regulation of Herring for Canning Purposes from December 1st to April 15th." (S. P. 189) (L. D. 488)—(S. "A" S-300)

Tabled—June 17, by Mr. Pease of Wiscasset.

Pending—Adoption of Senate Amendment "A".

The SPEAKER: Is it the pleasure of the House to adopt Senate Amendment "A"?

The motion prevailed, Senate Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

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

Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure." (S. P. 596) (L. D. 1563)—(Filing S-244)

Tabled—June 18, by Mr. Pease of Wiscasset.

Pending—Motion of Mr. Rust of York to Recede and Concur.

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

Mr. RUST: Mr. Speaker, since the Senate has put on a proper amendment to take care of the return of the excess to the original borrower, I move the pending question and ask for a division.

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

Mr. KNIGHT: Mr. Speaker, at what point will the Senate amendment be debatable?

The SPEAKER: The motion to recede and concur raises the question of the whole matter.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: The Senate amendment is not acceptable to me because it says that within two years they may sell. Under this arrangement they may keep the property for two years,

rent it, collect the rents and royalties, make no accounting to the mortgagor, and at the expiration of two years sell the property. Also it requires that written application be made for the funds and because of this I would object to that amendment. And with the amendment reading that way and not being corrected, I would be opposed to the bill as it stands.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I only want to speak on one aspect of what the gentleman from Rockland, Mr. Knight, has spoken on and which was in reference to the written application. I have not discussed this amendment with any other members of the Judiciary Committee. I am only assuming that this written application was for the purpose of keeping the title clear, but if that was not in here I am assuming that in doing a title search and the mortgagor was deceased and he had heirs, that it would be necessary for the mortgagee to get a release from all the heirs, so I am assuming that the application is only for the purpose of clearing the title.

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

Mr. RUST: Mr. Speaker and Members of the House: I do not wish to debate this item to any extensive length this afternoon, but I would like to clear up one point that the gentleman from Rockland, Mr. Knight, made and that is that the original borrower must make application. That is not a fair statement. The title of the section is application of surplus which means the manner in which the surplus shall be spent and the mortgagee or the bank is instructed in this that he shall pay over the surplus. There is no need of any request.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from York, Mr. Rust, to recede and concur.

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

Mr. PEASE: Mr. Speaker and Members of the House: I first would like to apologize for an error that I made yesterday when I assumed that one of the amendments that was indicated on the calendar or the journal had reference to an exemption of this six months mortgage foreclosure law. I later found that one of the amendments was merely a corrective amendment on a date and that the other one was a question of the surplus. I am not sure how detailed the discussion has been today, but I have certain questions that I would raise that may have already been raised and already answered; and if so, I will understand if no one rises to answer.

Under the amendment, which is filing number S-297, is it necessary for the mortgagee to give to the mortgagor notice of the sale. How long must the surplus or the money which is in excess of the items listed, how long must this be held by the mortgagee? Is there any limit on the extent in the value of improvements that can be made to the property by the mortgagee? In other words, if you have property which at present may be used for residential purposes, it is mortgaged, there is a foreclosure, and then after that foreclosure the property is improved into commercial property, a motel site or something with a great deal more value, there should be an answer to that. And as far as costs of maintenance, what does this include? I believe that I am in favor of the original bill, having signed the majority "ought to pass" report, but I would oppose this amendment, Senate Amendment "C," and would request if it would be in order to move indefinite postponement of Senate Amendment "C" before the motion to recede and concur is disposed of by the House.

The SPEAKER: The Chair would advise the gentleman that if he divides the question and moves to recede—does the gentleman ask to have it divided?

Mr. PEASE: Please, Mr. Speaker.

The SPEAKER: The question now before the House is the motion of the gentleman from Wiscasset, Mr. Pease, that the House recede from its former action.

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

Mr. COPE: Mr. Speaker and Members of the House: In referring to Senate Amendment "B" and also I take somewhat exception to my good friend from Rockland, Mr. Knight. I believe that there should be a statute of limitations on this here. I agree with what you are saying, that if an unscrupulous purchaser or mortgagee decides to hold it for two years, rents it or leases it and then he can take the surplus off, that's true. Now let's take the other point of view. Supposing a bonafide mortgagee desires to maintain his interest and keep it up two years, or five years, or ten years. Now suppose after ten years he decided to sell it, the title would be clouded. And if the property has appreciated tremendously, he has to sell it at the original price or plus the other deductions. So it wouldn't be a fair criterion to have no limitation to it.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: Let's look at the other side of the coin. If you sell at a loss, the mortgagor is responsible; and should he have other assets, they are going to dip into them. I might say this, that should this amendment be accepted, I have an amendment to Senate Amendment "C" which strikes out two years and strikes out the written request. But I will wait and see what happens to Amendment "C" before I offer that amendment.

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

Mr. SMITH: Mr. Speaker and Members of the House: I rise in support of the suggestion of the gentleman from Wiscasset, Mr. Pease, that this amendment be defeated. If there is to be adequate machinery for determining

surplus on the sale of mortgaged property, then certainly we should have a sale under jurisdiction of the court where determination can be made of the actual surplus or loss as the case may be. That is the machinery used in most states for this purpose.

I believe the question is raised here concerning determination of surplus, expenses and other items listed in the amendment, those questions raised do illustrate the very impracticality of this particular amendment to the bill.

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

Mr. CHILDS: Mr. Speaker, through the Chair I would like to ask Mr. Smith a question, the question being that if the matter was placed on the table, would he be willing to draw up an amendment which would be agreeable to himself in reference to having the Courts make a determination of surpluses?

The SPEAKER: The gentleman from Portland, Mr. Childs, has posed a question through the Chair of the gentleman from Bar Harbor, Mr. Smith, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. SMITH: Mr. Speaker and Members of the House: I am not interested in an amendment to this bill in any form.

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 point out to you this afternoon for the benefit of those who are interested and to answer some of the questions that were raised by the gentleman from Rockland, Mr. Knight, and the gentleman from Wiscasset, Mr. Pease, that under language similar to this amendment here, which is very much like what they do in New Hampshire, the Courts have, in fact, in effect stated that it would require notice of a sale of the property so the person would be protected. And that all the expenses that any lender might wish to charge against the borrower would have to be fair and reasonable under

all the circumstances, and if they were not then the person would have a right to contest those and have the sale fully adjudicated as to what he should be charged with or not. And I think that this amendment is a reasonably good solution to the problem of a sale and to turn the excess proceeds back over to the original borrower. And I hope that the motion to accept the amendment prevails.

The SPEAKER: The question before the House is the motion of the gentleman from York, Mr. Rust, to recede and concur. A member asking that it be divided, the motion now is to recede. All those in favor of receding say yes; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The question now before the House is the receding from the adoption of House Amendment "H" and concurring in the indefinite postponement of House Amendment "H". Is this the pleasure of the House?

The motion prevailed.

Thereupon, Senate Amendment "C" was read by the Clerk as follows:

SENATE AMENDMENT "C" to S. P. 596, L. D. 1563, Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure."

Amend said Bill by adding a new section 5, to read as follows:

"Sec. 5. R. S., c. 177, § 7-B, additional. Chapter 177 of the Revised Statutes is amended by adding a new section 7-B, to read as follows:

"Sec. 7-B. Application of surplus. If a mortgagee within 2 years after the completion of a foreclosure under this chapter sells the property and the sales price exceeds the balance of the principal due on the mortgage on said completion date, interest to the date of sale, taxes, insurance, costs of maintenance, repairs and improvements to said property, and expenses of foreclosure and sale, he shall pay over such surplus to the mortgagor within 30 days after written request therefor. This section shall apply to mortgages created on or after January 1, 1964."

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

Mr. PEASE: Mr. Speaker, is a motion now in order to indefinitely postpone Senate Amendment "C"?

The SPEAKER: Yes.

Mr. PEASE: I will so move.

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, now moves the indefinite postponement of Senate Amendment "C."

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

Mr. RUST: Mr. Speaker and Members of the House: I arise in opposition to the motion of the gentleman from Wiscasset, Mr. Pease, and request a division. I think this amendment is worth saving.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I only want to bring before you now what the true issue is. You have heard objections to this amendment—they are technical objections, exactly how a surplus should be determined, and what the time should be, matters which could be discussed all day, and what the proper method of determining surplus could be debated all day. The true issue is whether you feel that if there is a foreclosure and there is a surplus, whether the bank should keep it or whether the borrower should keep it. That is the actual issue in this particular matter.

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

Mr. EASTON: Mr. Speaker, I would like to ask a question through the Chair of any member of the Judiciary Committee. And that would be whether or not in their opinion any surplus remaining might by one means or another be considered a charge in any way against the real estate involved?

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

The gentleman from York, Mr. Rust, will answer the gentleman's question.

Mr. RUST: I would be delighted to answer the question of the gentleman from Winterport, Mr. Easton, but unfortunately I don't clearly understand it.

The **SPEAKER:** Will the gentleman restate his question.

Mr. EASTON: The question is whether or not any surplus funds remaining after such sale following foreclosure, might be considered a charge or lien against the real estate on behalf of the mortgagor who has not yet made written request, or maybe he has made written request, and was ignored or something.

The **SPEAKER:** The Chair recognizes the gentleman from York, Mr. Rust, who will answer the gentleman's question.

Mr. RUST: In my opinion, if the mortgage is foreclosed, then that takes care of the foreclosure of the title and any money the bank would be then holding as surplus would be holding in trust for the benefit of the original borrower.

The **SPEAKER:** The Chair recognizes the gentleman from Portland, Mr. Cope.

Mr. COPE: Mr. Speaker, my good friend from Portland, Dana Childs, has stated that basically the difference was whether the bank or the borrower should own the property. I think that it goes a little more deeply than that, a little more complicated. Actually it means anyone who is a mortgagee whether it is private or a bank, cannot after he gives a mortgage cannot outwardly own the property. Once he is the first mortgagee or second mortgagee, if he decides after the foreclosure it is to his interest to maintain it, he cannot own it. Now it is prevalent in most communities to give no first mortgages—second mortgage in a farm foreclosure, it seems to be the best interests of the mortgagee, the first or second, is to retain his interest and to maintain the property over a long period of time and to protect his investment.

Now if this limitation is excluded to two years, it is going to create

a hardship and a hardship in the lending industry. Now I agree, however, that banks primarily are not interested in retaining itself, but we are concerned also with private lenders and that is what we should concern ourselves with.

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

Mr. PEASE: Mr. Speaker and Members of the House: I think that the gentleman from Portland, Mr. Childs, is entirely correct as to what the true issue is before us now. Do we want the surplus to go to the bank, the mortgagee, or should it be paid to the mortgagor? And I agree with this as being the main question. But now are we not also concerned at this time, if we say that the surplus should go to the mortgagor, what are the provisions under which the mortgagor is to be paid? Does he receive notice? The statute does not say so. If the gentleman from York, Mr. Rust, indicates that the Court will so rule, it is going to cost some poor mortgagor money to go to Court to have that determination made. And secondly, how long does the bank, or the individual mortgagee, have to hold this money? Does he have to hold it for two years? If he sells it in the two-year period, does he have to hold it for ten years? Does the normal statute of limitations of six years apply? If he holds it for ten, can the mortgagor recover it back after that? These are questions that we should answer now, and I say that they are not answered in this amendment and would hope that you would indefinitely postpone the amendment at this time.

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

Mr. RUST: Mr. Speaker, I would like to answer the remarks of the gentleman from Wiscasset, Mr. Pease. I think he takes a very dim view of banking and bankers. But I would like to say that if I was a mortgagor and my property was foreclosed and I knew it was going to be sold, I certainly would be there to see what the sale was; and if there was a surplus I would certainly be there at the

bank's door to get my money. And I would not wait any two or six years.

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

Mr. SMITH: Mr. Speaker, the gentleman from York indicates that the person who has been foreclosed upon would be there to see about the sale. Well this is not a public sale provided for, this would be a private sale with no opportunity for public sale. If the surplus is to be determined, it should be determined by the Court in a public judicial sale and there is no provision for that in this amendment.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Wiscasset, Mr. Pease, that Senate Amendment "C" be indefinitely postponed. A division has been requested. All those in favor of indefinite postponement of Senate Amendment "C" will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-eight having voted in the affirmative and twenty-five having voted in the negative, Senate Amendment "C" was indefinitely postponed in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, we have had this bill around here for several days, and I think at this time it would be proper to make a motion of indefinite postponement, and I so move.

The SPEAKER: The gentleman from Hope, Mr. Hardy, now moves the indefinite postponement of item 3, Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure," Senate Paper 596, Legislative Document 1563.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: What has happened now is that you have given up six months of time, each and every one of

you that is a mortgagor, and you have received nothing in return. You have given up six months in which you can redeem a mortgage. Turn the coin over and you have nothing in return. Therefore, I would support the motion of my good friend and colleague from Knox County, the gentleman from Hope, Mr. Hardy.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Karkos.

Mr. KARKOS: Mr. Speaker, I request a roll call on the motion.

The SPEAKER: A roll call has been requested. All those in favor of—the Chair—the Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I move this item lie on the table until tomorrow.

The SPEAKER: The gentleman from York, Mr. Rust, moves that item 3 be tabled until tomorrow. All those in favor will answer yes, those opposed, no.

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

The SPEAKER: The question before the House is the indefinite postponement of item 3, Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure," and a roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present. All those desiring a roll call will rise and be counted.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having arisen, a roll call is not ordered. A division will be ordered by the Chair. All those in favor of the indefinite postponement of this bill will rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had.

Seventy-one voted in the affirmative and forty-eight voted in the negative.

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

Mr. RUST: I move the yeas and nays.

The SPEAKER: The gentleman from York, Mr. Rust, requests the yeas and nays. For the Chair to

order a roll call it must have the expressed desire of one-fifth of the membership present. All of those desiring a roll call will rise and be counted.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having arisen, a roll call is ordered. The question before the House is the indefinite postponement of this bill L. D. 1563. If you are in favor of the indefinite postponement you will answer yes when your name is called; those opposed to the indefinite postponement will answer no when their name is called.

The Clerk will call the roll.

ROLL CALL

YEA—Anderson, Ellsworth; Anderson, Orono; Ayoob, Berman, Binnette, Birt, Boothby, Bourgoin, Brown, So. Portland; Bussiere, Carter, Chapman, Childs, Choate, Cote, Coulthard, Crockett, Crommett, Curtis, Davis, Denbow, Dostie, Dudley, Dunn, Edwards, Ewer, Finley, Gallant, Gifford, Hardy, Hawkes, Hendsbee, Henry, Jalbert, Jewell, Jobin, Karkos, Knight, Laughton, Lebel, Levesque, Littlefield, Lowery, MacGregor, Maddox, Mathieson, Noel, Norton, Oakes, Osborn, Pierce, Pitts, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Reynolds, Richardson, Ricker, Snow, Thaanum, Thornton, Treworgy, Vaughn, Viles, Ward, Welch, Williams, Wood.

NAY—Albair, Baldic, Bedard, Benson, Berry, Boissonneau, Bragdon, Brewer, Brown, Fairfield; Cartier, Cope, Cottrell, Dennett, Drake, Easton, Gill, Hanson, Harrington, Hendricks, Humphrey, Hutchins, Jones, Kent, Kilroy, Libby, Lincoln, Linnekin, MacLeod, MacPhail, McGee, Meisner, Mendes, Minsky, Mower, Oberg, Osgood, Pease, Philbrick, Rand, Rankin, Roberts, Ross, Augusta; Rust, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Susi, Taylor, Townsend, Turner, Tyndale, Wade, Waltz, Waterman, Watkins, Wellman, White, Gullford; Whitney, Wight, Presque Isle; Young.

ABSENT — Bernard, Blouin, Bradeen, Burns, Cookson, Cressey,

Foster, Gilbert, Gustafson, Hammond, Hobbs, Jameson, Nadeau, O'Leary, Ross, Brownville; Roy, Sahagian, Smith, Strong; Tardiff.

Yes, 69; No, 61; Absent, 19

The SPEAKER: The Chair will announce the vote. Sixty-nine having voted in the affirmative, sixty-one having voted in the negative, with nineteen being absent, the Bill is indefinitely postponed in non-concurrence and sent up for concurrence.

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

Mr. RUST: I move the House reconsider its action whereby this bill was indefinitely postponed and I table the motion until tomorrow.

The SPEAKER: The gentleman from York, Mr. Rust, moves that the House reconsider its action whereby this matter was indefinitely postponed and moves that it be tabled until tomorrow.

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

Mr. BERMAN: Mr. Speaker, a parliamentary inquiry. I wonder if that gentleman voted on the prevailing side.

The SPEAKER: The motion is out of order.

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

Bill "An Act to Appropriate Monies for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Years Ending June 30, 1964 and June 30, 1965." (H. P. 1109) (L. D. 1591)

Tabled—June 17, by Mr. Tyndale of Kennebunkport.

Pending — Passage to be Engrossed.

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

Mr. WELLMAN: I move this item lay on the table until tomorrow.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves this item be retabled until tomorrow pending passage to be engrossed.

Mr. ANDERSON: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. ANDERSON: To make a motion.

The SPEAKER: A motion is not in order.

The gentleman from Bangor, Mr. Wellman, moves this matter be retabled pending passage to be engrossed and tomorrow assigned. Is this the pleasure of the House?

(Cries of "No.")

All those in favor of the tabling motion will say yes, those opposed will say no.

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

The SPEAKER: The Chair has a supplemental calendar number 2. Is there objection to taking up the supplemental calendar? The Chair hears none.

Non-Concurrent Matter

An Act Providing for a Continuance of the Constitutional Commission (S. P. 83) (L. D. 190) which was passed to be enacted in the House on February 20 and passed to be engrossed on February 14.

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

In the House:

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

Mrs. SMITH: I move we recede and concur with the Senate.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith, moves that we recede and concur with the Senate.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I know that the members of this Constitutional Commission did their work well. However, it is my concentrated opinion that somewhere along the line this has positively and absolutely been a one man show in a great deal of the instances. I will not waste the time of this body. I will now move that this item and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the indefinite postponement of this measure.

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

Mr. WELLMAN: Mr. Speaker, I would oppose the motion and request a division.

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

A division of the House was had.

Fifty-four having voted in the affirmative and fifty-four having voted in the negative, the motion did not prevail.

Mr. JALBERT: Mr. Speaker, will the Chair request the people who voted to —

The SPEAKER: The Chair will announce the vote. The vote was fifty-four yes, fifty-four no, the Speaker breaking the tie, the motion does not prevail.

Mr. JALBERT: Mr. Speaker, am I in order asking the breakdown by sections?

The SPEAKER: The gentleman is not in order.

Mr. JALBERT: Mr. Speaker, I request a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present. All those desiring a roll call will please rise and be counted.

Thirty members arose.

The SPEAKER: A sufficient number expressing the desire for a roll call, a roll call is ordered.

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, I move this item be tabled until later in today's session.

(Cries of "No")

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, now moves this matter be tabled until later in today's session, a roll call having been ordered. All those in favor of the tabling motion will say "yes" those opposed, will say "no."

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

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

Mr. CHILDS: Mr. Speaker, may I ask if this matter at this time is debatable?

The SPEAKER: The gentleman may proceed.

Mr. CHILDS: Mr. Speaker, I would like through the Chair to ask any member who served on the Constitutional Commission, what present studies they have in mind for the purpose of continuing the Commission and also the need for the expenses?

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

The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: May I ask the gentleman from Portland, Mr. Childs, to repeat his question?

Mr. CHILDS: Mr. Speaker, the question was addressed to any member of the Constitutional Commission or anybody else who may know the answer, is what specific matters that the Commission intends to study if the Commission is continued. It seems to me that the Commission studied about most every item which we thought was of any importance, and I would like to know what they have in mind and also what the need of the appropriation is?

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

Mr. SMITH: Mr. Speaker, I do not have a breakdown of the proposed appropriation. I do know that there was a turnback of some several thousand dollars from the work of the Commission. The work of the Commission during the past year and a half has consisted of examining particular parts of the Constitution which seemed to it to call for a study. There has been no attempt at revising or going over the entire Constitution as a whole, and studying those parts which it seemed to be necessary to bring up to date and bring into consistency with a modern Constitution. There is the opinion and I think I can speak for the whole Commission, in saying that we have an excellent Constitution, better than many. The Commission itself so far as I know is not urg-

ing its continuance, but there has been some sentiment in favor of continuing studies. I have no specific items in mind which it would care to study.

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

Mr. CHILDS: Mr. Speaker, if the Commission itself is not urging this study and they have nothing specific to take up, I can't actually see any point in carrying it on, it is just like as far as I am concerned throwing the money down the drain, and I hope the motion to indefinitely postpone does prevail.

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

Mr. SMITH: Mr. Speaker, any money appropriated to this purpose would not be "thrown down the drain." I think the studies of the Commission to this date have been justified. They have brought up many points which this Legislature has acted upon favorably, and the continuance of the Commission would be in the interest of the State of Maine. I have no agenda. The Commission has not prepared an agenda. I do believe that further study can be justified, and that any money appropriated will not be "thrown down the drain."

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

Mr. COTTRELL: Mr. Speaker, I dislike publicly on the Floor to disagree with my very much respected Democratic colleagues from Lewiston and Portland. I do agree with Mr. Jalbert from Lewiston when he said that this Commission did a splendid job. I think they did a most superb job. I disagree with him when he says that it was the work of one individual. I know by many conversations, and other evidence that it was a widely participated in effort. I do know this that whereas they did recommend a reapportionment of the Senate, we on the Constitutional Amendments and Reapportionment Committee felt that it was too much of a task, and we have departed from their basic recommendation, in a way, so that it will make a Senate

reapportionment plan necessary to dovetail with anything we do in the House of Representatives, and I do know that nationally the League of Women Voters are making that their big objective this year, the revision of Constitutions in general, and since the machinery is so awkward to get a Constitutional Convention in being, I think it's very, very desirable that we continue this very fine Constitutional Commission.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: This bill appeared before the Committee on State Government very early in the session. I cannot recall exactly how many appeared for the bill, at the time I don't know as anyone appeared against it. And it was reported out of the Committee on State Government, I believe, with the unanimous "Ought to pass" Report. I could stand to be corrected, but this is my thought on it. Now, I think in the light of what has transpired, and I feel that the Constitutional Commission has done a very commendable job. I would not criticize their work in the least; but in the light of present circumstances, having got on through this almost entire Legislature, I believe, and I am not speaking for the entire Committee, I am speaking only for myself, I believe now my opinion would be changed. I feel very strongly that the Committee has served its purpose, and it has done well. I am a little reluctant to constantly continue these committees because I find they are with us for years, and years, and years.

Now I recall in the last Legislature, I very strongly supported the setting up of this Committee. It was our understanding that it was going to exist for two years, but now it seems to be taking on a degree of permanency, and I believe that perhaps in the future if there is need for another Commission, it can very easily be reinstated. But for the time being, and again in light of the circumstances, I do not care to make it permanent, and I would go along with the mo-

tion made by the gentleman from Lewiston, Mr. Jalbert, to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker, the gentleman from Portland, my good friend Mr. Cottrell, states that he dislikes to take opposite sides from the gentleman from Portland, Mr. Childs, and myself. I mean, I don't know how to express this in words that I could have at my command, were I a lawyer or Mr. Bradeen from Waterboro, but that doesn't bother me any. I mean, I'm inside the railing and I've been wanting to get this off my chest for a long time anyway. I've been taking issue with the gentleman in front of me for eighteen years, and every morning the first thing I do is go in and say good morning to him, and I hope I can say good morning to him for thirty-four years. He never agrees with me anyway. It's perfectly all right with me. I don't understand this philosophy or the thinking here that we've got to apologize for taking issue with anybody. Now I'm taking issue with the gentleman from Bar Harbor, Mr. Smith. I've stated a half a dozen times my respect for him on the Floor of the House. I'm taking issue with the gentleman from Raymond, Mr. Edwards who is a member of this Commission, and certainly everyone knows of my admiration for him, and I'm not polishing anybody's apple. I don't care if anybody takes issue with me. If they can prove that I'm wrong, so be it.

On this thing here, I've heard day in and day out the cutting out of commissions and committees, and those that weren't cut out, the line was drawn. I well remember that I had the Committee on Aging that was flaunted around by me for two or three weeks 'til finally I had to cut it down from \$13,000 to \$5,000. That wasn't good enough. I took the emergency off. That brought the price down to \$3,900 for the first year and left it at \$5,000 for the second year, and now also I had to put on to make sure that when they make the final report, that's the end of it. It appeared

that the tempo of this House was to eliminate such committees, and I'm not talking as a member of either party. When I voted for this Commission, I felt we could have a Constitutional Convention, if we could have that, we could look at the Constitution, and take a good hard look. We've had two years of it. I mean if we want to look at it further, let's get ourselves a copy of the Constitution and bring it home and when the TV doesn't work and we can't watch educational television, why let's turn the lamp on and read the Constitution. If we've got anything to do, let's come back here and amend it.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: This is obviously not a partisan question. I personally feel that although I have not concurred with several of the recommendations of the Constitutional Commission, I still feel that we should provide an avenue for ideas, and I am opposed to the motion to indefinitely postpone L. D. 190 as amended.

I can remember that efforts were made in this House to eliminate a bipartisan Citizens Committee on the Public Administrative Service Report. I was a member of that committee along with several other citizens consisting of both parties, a majority, a substantial majority, of which were members of the Republican Party. I am fully aware of the combination of the political alliances on the present commission, and as I have indicated, some of their ideas have been repugnant to me; but if there is anything that the State of Maine needs whether we agree with them or not, it is ideas and it is questions, and for only, and I may be idealistic in thinking so, but if only it provides another avenue of presenting questions, and ideas, and the public forum for other people to take part in formulating their own government, then I will vote for this proposal and against the motion of indefinite postponement.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, to indefinitely postpone "An Act Providing for a Continuance of the Constitutional Commission," Senate Paper 83, Legislative Document 190. A roll call has been ordered. All those in favor of indefinite postponement will answer "yes" when their name is called; those opposed to indefinite postponement will answer "no" when their name is called. The Clerk will call the roll.

ROLL CALL

YES — Albair, Anderson, Ellsworth; Anderson, Orono; Ayoob, Baldic, Bedard, Berman, Binnette, Boissonneau, Brown, Fairfield; Carter, Cartier, Chapman, Childs, Cote, Crommett, Davis, Denbow, Dennett, Dostie, Dudley, Ewer, Finley, Gill, Hanson, Hawkes, Hutchins, Jalbert, Jewell, Jones, Lebel, Levesque, Littlefield, Lowery, MacGregor, MacLeod, McGee, Noel, O'Leary, Osgood, Philbrick, Pierce, Poirier, Prince, Harpswell, Prince, Oakfield; Rand, Rankin, Reynolds, Roberts, Rust, Snow, Susi, Taylor, Thaanum, Townsend, Turner, Tyndale, Viles, Wade, Waltz, Waterman, Whitney, Williams, Wood, Young.

NO — Benson, Berry, Birt, Boothby, Bourgoin, Bragdon, Brewer, Brown, So. Portland; Busiere, Choate, Cope, Cottrell, Coulthard, Crockett, Curtis, Drake, Dunn, Easton, Edwards, Foster, Gallant, Gifford, Hardy, Harrington, Hendricks, Hendsbee, Henry, Humphrey, Kent, Kilroy, Knight, Laughton, Libby, Lincoln, Linnekin, MacPhail, Maddox, Mathieson, Meisner, Mendes, Minsky, Mower, Norton, Oakes, Oberg, Pease, Plante, Richardson, Ricker, Ross, Augusta; Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Thornton, Treworgy, Vaughn, Ward, Watkins, Welch, Wellman, White, Guilford; Wight, Presque Isle.

ABSENT — Bernard, Blouin, Bradeen, Burns, Cookson, Cressey, Gilbert, Gustafson, Hammond, Hobbs, Jameson, Jobin, Karkos,

Nadeau, Osborn, Pitts, Ross, Brownville; Roy, Sahagian, Smith, Strong; Tardiff.

Yes, 65; No, 63; Absent, 21.

The SPEAKER: The Chair will declare the vote. Sixty-five having voted in the affirmative, sixty-three having voted in the negative, with twenty-one being absent, the motion to indefinitely postpone in non-concurrence does prevail.

Sent up for concurrence.

Non-Concurrent Matter

An Act relating to the Organization of the Maine State Guard (S. P. 85) (L. D. 192) which was passed to be enacted in the House on April 12 and passed to be engrossed on April 9.

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

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

Non-Concurrent Matter

Resolve in favor of Town of Arrowsic (S. P. 141) (L. D. 418) which was finally passed in the House on March 19 and passed to be engrossed on March 13.

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

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

Non-Concurrent Matter

An Act Directing Review of Maine Criminal Statutes and Model Penal Code (S. P. 273) (L. D. 787) which was passed to be enacted in the House on April 10 and passed to be engrossed on April 5.

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

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

Non-Concurrent Matter

An Act relating to Election Records (H. P. 1058) (L. D. 1523)

which was passed to be enacted in the House on May 23 and passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" on May 21, and which was recalled from the Governor's Office to the Senate by Joint Order (S. P. 610)

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

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

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

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)

Tabled — June 18, by Mr. MacLeod of Brewer.

Pending — Passage to be Engrossed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As I stated yesterday in my remarks concerning this measure that I would break it in two sections, I did the first phase of it this morning, leaving the monies for the first year, the second year of the biennium into the original bill. This amendment here which I will present would put the monies that are involved in these three sheets that I had reproduced, which shows you the tireless amount of work that had to be done in this thing by other groups, certainly not restricted to myself, which involved the entire broken down cost of the capital side of the picture, so that I now present House Amendment "D" to L. D. 1594 and move its adoption.

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

HOUSE AMENDMENT "D" to H. P. 1111, L. D. 1594, 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."

Amend said Bill in the Title by striking out the words "Six Million Nine Hundred and Ninety-two" and inserting in place thereof the words 'Seven Million Six Hundred and Thirty-two'

Further amend said Bill in section 1 by striking out the figure "\$6,992,000" and inserting in place thereof the figure '\$7,632,000'

Further amend said Bill in section 6, under the caption, "EDUCATION, DEPARTMENT OF" by adding at the end the following:

| | |
|---|----------|
| 'Vocational Educational Institute | 640,000 |
| To provide for Vocational Educational Institute in Androscoggin County Area | _____ |
| Total Education, Department of | 726,100' |

Further amend said Bill, in section 6, by striking out the line which reads "Total Allocations from General Fund Bond Issue \$6,992,000" and inserting in place thereof the following:

| | |
|---|--------------|
| 'Total Allocations from General Fund Bond Issue | \$7,632,000' |
|---|--------------|

Further amend said Bill, in section 6, by striking out in the next to the last paragraph the figure "\$6,992,000" and inserting in place thereof the figure '\$7,632,000'

Further amend said Bill by striking out all of the 2nd paragraph of the Referendum, in section 8, and inserting in place thereof the following paragraph:

' "Shall a bond issue be ratified for the purposes set forth in 'An Act to Authorize General Fund Bond Issue in Amount of Seven Million Six Hundred and Thirty-two Thousand Dollars and to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Year Ending June 30, 1964,' passed by the 101st Legislature?" '

The SPEAKER: The Chair recog-

nizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I would oppose the amendment to the bond issue. This bond issue is as it came from the Appropriations Committee. It had no part—this had no part in the recommendations of the Appropriations Committee as was discussed here previously, and I would ask for a division on indefinite postponement.

The SPEAKER: Is the House ready for the question? The gentlewoman from Falmouth, Mrs. Smith, moves the indefinite postponement of House Amendment "D" and a division has been requested. All those in favor of the indefinite postponement of House Amendment "D" will 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-nine having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "D" was adopted.

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

Mr. MacLEOD: Mr. Speaker, since we are on the subject of vocational education and on the subject of adding some money to the bond issue as reported out by Appropriations, I would like to submit House Amendment "C" and speak briefly on the amendment.

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

HOUSE AMENDMENT "C" to H. P. 1111, L. D. 1594, 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."

Amend said Bill in the Title by striking out the words "Six Million Nine Hundred and Ninety-two" and inserting in place thereof the words 'Seven Million and Seventeen'

Further amend said Bill in section 1 by striking out the figure "\$6,992,000" and inserting in place thereof the figure '\$7,017,000'

Further amend said Bill in section 6, under the caption, "EDUCATION, DEPARTMENT OF" by adding at the end the following:

| | |
|--|--------|
| Vocational Educational Institute | 25,000 |
| For the purchase of land and for planning for Vocational Educational Institute in Penobscot County | |

| | |
|--------------------------------|-----------|
| Total Education, Department of | 111,100'; |
|--------------------------------|-----------|

Further amend said Bill, in section 6, by striking out the line which reads "Total Allocations from General Fund Bond Issue \$6,992,000" and inserting in place thereof the following:

| | |
|---|--------------|
| Total Allocations for General Fund Bond Issue | \$7,017,000' |
|---|--------------|

Further amend said Bill, in section 6, by striking out in the next to the last paragraph the figure "\$6,992,000" and inserting in place thereof the figure '\$7,017,000'

Further amend said Bill by striking out all of the 2nd paragraph of the Referendum, in section 3, and inserting in place thereof the following paragraph:

'Shall a bond issue be ratified for the purposes set forth in 'An Act to Authorize General Fund Bond Issue in Amount of Seven Million Seventeen Thousand Dollars and to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Year Ending June 30, 1964, passed by the 101st Legislature?'

The SPEAKER: The gentleman may proceed.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: This amendment would provide for \$25,000 for the Department of Education for planning purposes and for the purchase of land in the Penobscot County area for the ultimate construction of a vocational educational institution. I have talked with the Department of Education, the gentleman that is in charge of the vocational education for the state, and he agreed that there was a need for such an institution in the Penobscot County area and that they cer-

tainly would be happy to have these funds to implement the initial studies and planning and the acquisition of land, and perhaps the next session we could provide the money for the construction of the school.

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

Mr. JALBERT: Mr. Speaker, this is the fourth phase of the report as was done by the Department of Education. I assure the gentleman from Brewer, Mr. MacLeod and all of the people in the surrounding counties in that area that a great deal of the work that has been done on our project will be turned over to them. I know, I hope that some of you read this morning in the papers that the administration in Washington is working to get as much as one billion dollars for vocational training. Vocational training today is the order of the day. I spoke to a gentleman in Washington of the Republican Party and one of the Democratic Party and they assured me this morning that this was so. I wholeheartedly endorse the idea of starting this project in the Penobscot County area and hope that the amendment has passage.

Thereupon, House Amendment "C" was adopted.

Mr. MacLeod of Brewer offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1111, L. D. 1594, 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."

Amend said Bill in the Title by striking out the words "Six Million Nine Hundred and Ninety-two Thousand" and inserting in place thereof the words 'Five Million Six Hundred and Seventy-eight Thousand One Hundred'

Further amend said Bill, in section 1, by striking out the figure "\$6,992,000" and inserting in place thereof the figure '\$5,678,100'

Further amend said Bill, in section 6, by striking out under the caption "UNIVERSITY OF MAINE" the following lines:

| | |
|---|-------------|
| "Classroom, Lecture Hall, Laboratory and Academic Office Building | \$1,000,000 |
| Expansion of Boardman Hall | 313,900" |

Further amend said Bill, in section 6, by striking out under the caption "UNIVERSITY OF MAINE" the following line:

| | |
|----------------------------|------------|
| "Total University of Maine | 3,903,900" |
|----------------------------|------------|

and inserting in place thereof the following line:

| | |
|----------------------------|------------|
| 'Total University of Maine | 2,590,000' |
|----------------------------|------------|

Further amend said Bill, in section 6, by striking out the line which reads "Total Allocations from General Fund Bond Issue \$6,992,000" and inserting in place thereof the following:

| | |
|---|--------------|
| 'Total Allocations from General Fund Bond Issue | \$5,678,100' |
|---|--------------|

Further amend said Bill, in section 6, by striking out in the next to the last paragraph the figure "\$6,992,000" and inserting in place thereof the figure '\$5,678,100'

Further amend said Bill by striking out all of the 2nd paragraph of the referendum, in section 8, and inserting in place thereof the following paragraph:

"Shall a bond issue be ratified for the purposes set forth in 'An Act to Authorize General Fund Bond Issue in Amount of Five Million Six Hundred and Seventy-eight Thousand One Hundred Dollars and to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Year Ending June 30, 1964,' passed by the 101st Legislature?"

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

Mr. BERRY: Mr. Speaker and Members of the House: I move indefinite postponement of House Amendment "B" and wish to speak briefly to my motion.

The SPEAKER: The gentleman may proceed.

Mr. BERRY: I'll start off with the smaller of the items, the matter of \$313,000 for Boardman Hall. It is rather too bad this was picked as the focal point because Boardman Hall, ladies and gentlemen of the House, is the seat and head of the College of Technology, and boy believe me if there is anything we don't want to hit it is the College of Technology, at the University of Maine. In this building which was built in 1950, are the administrative offices of the college of technology; there is the Department of Industrial Cooperation which I think probably the State of Maine is 25 years behind on, but finally is beginning to get going; there is the head office of the Department of Civil Engineering with its accompanying classrooms and testing laboratories and research laboratories calling for soil analysis, concrete analysis, beam testing and the other work incidental to the profession of civil engineering. There are the head offices of the Department of Mechanical Engineering and classrooms attendant on that department. The head offices of the Department of Geology and the classrooms and the research facilities of the Department of Geology. Now when the hall was built in 1950, as unfortunately we have to do, and we are up against this in this Legislature in other factors, it was impossible to proceed with the full construction of this building. The central portion was constructed to four stories, the north wing to one story and the south wing to two stories. It is now proposed under this \$300,000 appropriation to raise these two wings to four stories. This will provide much needed ample facilities for the first time in the College of Technology, and I think with a Russian or two whirling around over our head at this moment, let's not dig too deeply into the College of Technology; rather let us give it

a pat on the back and leave this money in the budget.

Now for the second item, the one million dollar multi-purpose building. This is an attempt on the part of the University of Maine to have larger lecture halls to accommodate more pupils so that a lecturer can address more people at one time and cut down on the expenses of smaller classes. I don't agree with this, but it is an attempt to do what they feel the people of Maine want. There will be classrooms involved here, too.

Now, the gentleman from Brewer, Mr. MacLeod, earlier in the session, made comment to vacant classrooms. I don't know if his query or comment was answered, but I would like to take this opportunity to do it. It is impossible to schedule 100% occupancy of a college classroom building. We might have for instance a class in biology at two o'clock Monday afternoon and Wednesday afternoon, and at two o'clock Friday afternoon the same students would be in a biology laboratory, and that classroom might be vacant. This same thing applies to many courses at the University level where there are research facilities used, classroom facilities used, or field work done. It certainly would indicate that this Legislature should go along, help out the cause of higher education and particularly the University, and particularly the College of Technology. And I also feel that this one million dollar multi-purpose classroom building is a very worthwhile one, and I hope you support my motion for indefinite postponement.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Cape Elizabeth is correct. Several months ago I did rise on the Floor of this House and mention that I was a little worried or concerned about the lack of utilization of existing classroom space at our State University as the result of a two day personal survey which I myself made on foot, and which I sum-

marized in a three page summary which was placed on your desks which gave the rooms and the classes and the buildings. Now the University of Maine has \$3,900,000 capital construction authorized under this document. There is \$1,900,000 to construct a classroom, laboratory, school of law, and four year school of business administration on the Portland campus. This, I am in favor of, even though I am a Penobscot County representative, because I feel that southern Maine with its large population must have and we must provide a four year school there, at least in business administration. It would be ridiculous to do otherwise, not to offer it with the population that there is in that part of the state. But as far as the Orono campus, and the gentleman from Cape Elizabeth mentioning what we must do for engineering, we must remember that the enrollment in engineering all phases of technology, has dropped drastically at the university over the last ten year period, and I maintain that this is not because of lack of facilities. There is a beautiful new four-story electrical engineering building practically ready for occupancy right now in back of Boardman Hall. There is \$210,000 in this bond issue for renovation of Lord Hall which always has been used by I think electrical engineering. As far as lecture halls are concerned at the State University, I submit to you ladies and gentlemen of the Legislature that there are some beautiful large lecture halls lying empty nine-tenths of the time in the new physics building which was completed in 1959, a building which the President of the University has admitted will not be fully utilized until 1970 when the enrollment at that university reaches 7,500. Those rooms are available and they are very close, less than a five minute walk from the existing arts and sciences building.

This million dollars which I wish to remove from this for the classroom, lecture hall, laboratory and academic office building at the University is for arts and sciences. I submit that they can

use those lecture halls if they need those in the civics building while they are lying empty waiting for the increased enrollment. I submit that in Stevens Hall, which is the principal classroom building for arts and sciences and has been for some twenty years, that there is plenty of existing space classroom-wise at the present time. The survey that I conducted in February showed on Monday they are vacant 50% of the time, this is 1, 2, 3, 4, 5, 6, twenty-one classrooms which is all the classrooms in Stevens Hall,—I'm sorry, were vacant 28% of the time. On Tuesday there is—out of an eight hour day they are vacant 64% of the time, on Wednesday they are vacant 44% of the time; on Thursday 64% of the time and on Friday 31% of the time. It seems to me with some further utilization of those rooms and the rooms at the lecture halls and the physics building we could save ourselves a million dollars for a little while anyway.

Now to back up the statistics which I gave and which were questioned by the President of the University in a news release about three weeks later, I have in my hand a little booklet which says "Enrollment Studies at the University of Maine by Committee on Enrollment Studies." The gentlemen on that Committee were Wes Evans, Chairman, George Crosby, George Davis, Jim Harmon, Director of Admissions, Spofford Kimball and Winston Pullen. I am sure many of you recognize many of those names. In part II of this booklet under Physical Plant Needs, they said—this incidentally came out in May of last year; it is a fairly recent study. "It is maintained by faculty members that rooms cannot be occupied 100 percent of the time and certainly this should not be expected. On the other hand, in order to intelligently discuss the future needs of the University as registration increases, some standard must be set for reasonable classroom use which is the same thing I said in my survey, we couldn't expect 100 percent utilization, but some reasonable utilization. They go on to say: "Thirty hours per week for ordinary class-

rooms appears to be such a reasonable use although this is held to be too high by some." Thirty percent utilization of existing classroom space would be 75% occupancy on a forty class-hour week. They are presently being occupied approximately fifty percent of the time. In the physics building and the new educational building, they don't approach this. Later on in this booklet, they say "any one department will look for space elsewhere before it will schedule thirty hours of work in each of the four rooms assigned it. Conclusion: It will be difficult to assign rooms to any one department on the basis of thirty hours-per-week use," just because it's inconvenient. "The Tuesday, Thursday, Saturday combination of hours and late afternoons on any days are not used efficiently." This is because students don't like to go to classes in the afternoon. I never did. No one does today. The professors don't like to teach in the afternoon. But I maintain that when you have existing facilities lying vacant during the daytime, it is not unreasonable to expect those facilities to be used. The conclusion of that last statement that I read by this—are not used efficiently the Tuesday, Thursday afternoon combination. "Conclusion: Our class hours could be increased twenty-five percent to thirty percent in our present classrooms if they were. In the fall of 1956, 3,750 students used 89 classrooms, 2,195 hours or on the average of 24.7 hours per week. Conclusion: If this 24.7 hours can be increased to 30," which is only 75 percent utilization, "we would accommodate 4,550 students in the present classrooms. In the light of one, two, and three, this would be difficult and efficiency of teaching may drop somewhat." Again because the professors do not care to work in the afternoon in classrooms.

We were given a document here called "Recommended Priorities for Projects Contained within the Requests for Capital Improvements" by the Bureau of Public Improvements, and under their listing of priorities for capital

improvements, they have a division called mandatory. None of these items are in there. The next division is essential, and none of these items are in there, and the next division is desirable. This is where you will find these items that are in the bond issue.

I maintain to this House of Representatives that it looks like we're going to be spending some \$18,000,000 more now to run the shop than we spent two years ago. We were submitted a capital improvement budget, or capital expenditure budget of around \$22,000,000, some of which was to be taken out of Unappropriated Surplus and around a \$19,000,000 bond issue. The Appropriations Committee has cut this down by quite a bit.

I sincerely feel that if we can remove this \$1,300,000, the University of Maine, both at Orono and Portland, will not be hurt substantially, and that they can use the facilities at Orono which now exist through a little more planning and a little inconvenience on the part of some students and on the part of some professors. The president of that institution has already mentioned that he's going to try trimester system where they can get three full semesters in a year, and I heartily commend him for making that step, so that those facilities can be used on a nearly twelve-month basis.

So when you vote on the motion to indefinitely postpone by the gentleman from Cape Elizabeth keep in mind that the present vacancy rate in classrooms, these are not laboratories, these are classrooms, is now approximately fifty per cent out of the forty class hours in a five-day class week; and at Boardman Hall, to go back to Boardman which is calling for \$313,000 additional dollars, let me read you some of the hours that are vacant. 108 Boardman, Monday, four hours vacant; Tuesday, eight hours vacant; Wednesday, four hours vacant; Thursday, eight hours vacant; Friday, eight hours vacant, not used at all. 204 Boardman empty two hours on Monday, five hours on Tuesday, two hours on Wednesday, five hours on Thursday, two hours on

Friday. 205 Boardman Hall, four hours on Monday, six hours on Tuesday, four hours on Wednesday, six hours on Thursday, four hours on Friday. 207, four hours right through the whole week, empty half the time. I hope the motion of the gentleman from Cape Elizabeth does not prevail.

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

Mr. BERRY: Mr. Speaker, Members of the House: I show my age when I advise the gentleman from Brewer, Mr. MacLeod, that I was in Stevens Hall in the early 1930's and it sure was built then which was a lot longer ago than twenty years. If Stevens Hall had been built in 1930 and used to full capacity, what would have happened over the past thirty-three years? The University, like any institution, has got to build for the future. We can't go out and build a classroom building every year. It's got to be planned. There have got to be vacancies. These vacancies are caused by the curriculum of the various colleges, and they are a necessary part of their proper functioning.

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

Mr. MINSKY: Mr. Speaker, I would just like to point out in support of the motion of Mr. Berry for indefinite postponement of this, the problem that was cited by the gentleman from Brewer, Mr. MacLeod, and that is the anticipated enrollment at the University of Maine in 1970, and that is a figure between 7,000 and 7,500 compared to 4,500. I think the University must prepare itself year by year for this influx of students as they will come year by year, not at once. I think it would be folly on our part to expect the University to go to a point where it is bulging over with students and then suddenly as you have in a crash program as was done once in the past in order to make up the gap that will then exist. We realize, and I think we recognize, those who were both for and against this amendment, that the University enrollment will grow; and unless this is done in an orderly

steady fashion, the University will not be able to meet its needs four, five and six years from now unless there is an extreme crash program, which will cost the state a great deal more money.

I think the University is very much aware of the non-utilization in classrooms. The report which was read by the gentleman from Brewer is an indication of their own awareness of this problem and their willingness to try to cope with it, for the committee which wrote the report was appointed by the administration, and it was done for the administration staff, so they are trying to meet this problem as best they can. They are not trying to hide it. They asked for a faculty committee to study it. They have published this. They have let it be known. They are working on this program.

The trimester system was also mentioned by the gentleman from Brewer, Mr. MacLeod. Very, very few colleges have a full trimester system. This is where they would go three equal terms during the year rather than where they do now have two and have vacations in the summer. This is another indication of the obvious effort by the University to fully utilize its physical plant. We have today and yesterday, and the day before, spoke time and time again about vocational education. I firmly believe in the necessity for vocational education, but vocational education by itself will do the state no good; nor will classical education by itself do the state any good. The two of them must progress side by side if we are to attract the industry that we want. Both the classical education and the vocational education, and as we prepare for one, we must prepare for the other. The University is one of the bright spots we had in the state, I'm not sure that it still shines as bright as it did, but I shall do everything I can in order to maintain the University for those students in our state who wish to take advantage of it.

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

Mr. TURNER: Mr. Speaker, I would like to ask one question

through the Chair if it's twenty or twenty-five percent of out-of-state students that we are operating with?

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

Will the gentleman restate his question?

Mr. TURNER: I wonder if it's twenty or twenty-five percent of the students down there are out-of-state students. I wonder just how far we can go in educating the world.

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

Mr. MINSKY: Mr. Speaker, I think the figure is smaller than twenty or twenty-five percent. I think it is between fifteen and seventeen percent. I would also remind the gentleman—I'm not positive of this figure—I would also remind the gentleman from Auburn that these students pay more than do our Maine students.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I also would remind the gentleman from Auburn, Mr. Turner, that we in turn send students to other state universities. I'm sure we would not want to be excluded from that right. It would be very detrimental to our own students. I do hope you will indefinitely postpone this amendment. I sincerely and heartily believe in an orderly, steady program. The University of Maine, by their studies and by the program that has been worked out, are attempting to provide this orderly, steady program. I thought this House was interested in that type of program. I thought they were concerned with the additions to their Current Services Budget, but if we are to go off in some of the reckless acceptance of amendments that we are doing, I fear that we will not have this balance.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I too believe in orderly program for building at our State University and at our other institutions. I feel that with \$2,590,000, it will still be less than this document for the University of Maine, and we are not being very niggardly in this biennium, and if you drive up on the Orono campus and take a look around at what is going on in construction right now, I don't think that the past Legislatures have been niggardly.

What I'm maintaining, and what I'm trying to maintain is that two million and a half in the next biennium for classroom construction and other purposes for the University of Maine is a pretty fair figure, and that the million and three hundred thousand dollars could be eliminated from this budget without impairing the curriculum, or the teaching, or the facilities of the University of Maine.

The SPEAKER: Is the House ready for the question? A division has been requested. The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that House Amendment "B" be indefinitely postponed. Those in favor of indefinite postponement will rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had.

Fifty-two having voted in the affirmative, and fifty-one having voted in the negative, the motion to indefinitely postpone House Amendment "B" did prevail.

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

Mr. PEASE: Mr. Speaker, at this time I would offer House Amendment "A" to Legislative Document 1594, and move its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1111, L. D. 1594, 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."

Amend said Bill in the Title by striking out the words "Six Million Nine Hundred and Ninety-two" and inserting in place thereof the words "Six Million Five Hundred and Seventy-seven"

Further amend said Bill, in section 1, by striking out the figure "\$6,992,000" and inserting in place thereof the figure "\$6,577,000"

Further amend said Bill, in section 6, by striking out under the caption "STATE PARK COMMISSION" the following line:

"Crescent Beach State Park Initial Development of Facilities 415,000"

Further amend said Bill, in section 6, by striking out under the caption "STATE PARK COMMISSION" the following line:

"Sub-total 728,000" and inserting in place thereof the line:

"Sub-total 313,000"

Further amend said Bill, in section 6, by striking out under the caption "STATE PARK COMMISSION" the following line:

"Total State Park Commission 770,500" and inserting in place thereof the following line:

"Total State Park Commission 355,500"

Further amend said Bill, in section 6, by striking out the line which reads "Total Allocations from General Fund Bond Issue \$6,992,000" and inserting in place thereof the following:

"Total Allocations from General Fund Bond Issue \$6,577,000"

Further amend said Bill, in section 6, by striking out in the next to the last paragraph the figure "\$6,992,000" and inserting in place thereof the figure "\$6,577,000"

Further amend said Bill, by striking out all of the 2nd paragraph of the referendum, in section 8, and inserting in place thereof the following paragraph:

"Shall a bond issue be ratified for the purposes set forth in 'An Act to Authorize General Fund Bond Issue in Amount of Six Mil-

lion Five Hundred and Seventy-seven Thousand Dollars and to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Year Ending June 30, 1964,' passed by the 101st Legislature?"'

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

Mr. PEASE: Mr. Speaker, this amendment is intended to reduce the amount of the proposed bonded indebtedness arising out of this Legislature by some \$415,000, and does so by deleting the development of the alleged state park facilities at Crescent Beach in Cape Elizabeth. Now I am not extremely familiar with this situation, but there have been certain matters that have been called to my attention, which I think might be in order to be passed on to the members of the House of Representatives. First, it is my understanding that there is already a state park known as Two-Lights Park, which is part of a federal reservation and is currently used for camping and other facilities. This is a long—not a shore of beach as I understand it, but it does contain a parking area. There are various nature trails in the Two-Lights Park. There are places where families may go, cook out, or have their picnics and so forth.

The proposed development of the Crescent Beach Park, it is my understanding is less than a mile away. It is purported to be a beach park, but from one who is somewhat familiar with the area, I have learned that it will be extremely costly for the state to continue a beach in the area. It will turn out to be merely a rocky obstacle course to get into the water. Some question has also been raised about access to this park through the area of Cape Elizabeth and South Portland. From what little I know of Route 77 having travelled through and from this area on occasion, it occurs to me that the road is in tremendous need of repair or reconstruction, and I would think that this perhaps ought to be done before we burden this area with any more local traffic. This is, I

do not believe, intended as a recreational area for people from out-of-state coming here to enjoy Maine. It is rather to take care of the people in the immediate Cumberland County, and Portland and Cape Elizabeth areas.

It occurs also to some individuals that it might be well to call to the attention of the House this will be in direct competition with a privately operated beach which is much more enjoyable, or will be much more enjoyable, than will be the beach at Crescent Beach Park. The present beach facilities, park facilities operated by a private party for whom I am not speaking today, these facilities have been set up by private capital. There is apparently a good size investment here, and we would be doing nothing more than encroaching on this investment that has been made.

I think that for these reasons it becomes obvious that we should not now go into this particular area. We have other money in the bond issue, well over \$300,000 for park facilities in other areas, which are primarily to service the out-of-stater, the vacationer which we are urged should be brought here for recreation purposes so that we can gain their funds; and I submit to you that at the present time, the development of the Cape Elizabeth park is not feasible, it is not financially proper at this particular time, and would urge the adoption of this amendment.

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

Mr. BERRY: Mr. Speaker, I find myself Mr. Speaker and Members of the House in an extremely embarrassing position. I think perhaps I can fight a little bit better for something that isn't quite as close to home as Crescent Beach Park. I am not familiar with the background of how this park got started. I do know that at the time the state made the initial investment, it was done in an effort to hold the area for future development. I do understand that there was envisioned here an ultimate expenditure, as soon as possible of over two million dollars, and I feel as they say extremely em-

barrassed to stand up and belabor my good friend from Brewer, Mr. MacLeod, on one hand, and then make any feeble attempt to defend Crescent Beach Park, and I shall refuse to do so. I do feel that this area can be held for the future. I do feel that \$400,000 is a lot of money, and I feel that perhaps it can be put into some other place for the time being, and when the state can afford perhaps some of these enjoyment benefits that we like to have, we can do it. I think right now we've got a little bit bigger task ahead of us. Our task is to survive financially. Our task is to grow industrially. Our task is to attract people recreationally. I think perhaps that this matter can wait.

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

Mr. GILL: Mr. Speaker and Ladies and Gentleman of the House: I would just like to correct one impression that the gentleman from Wiscasset has given, that of Mr. Pease, as he has implied that we have more or less, Route 77 is not a good road to travel. I would like to state that it is now under construction. It's a beautiful road, and if you take my suggestion, you'd come down and drive around, glance at this proposed state park which will come some day.

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the gentleman from Wiscasset, Mr. Pease, is very poorly informed on the situation existing in the Crescent Beach area. There are three very good access roads to this area. Route 77 is a coastal road and being but one. There is a central road that is direct, a very fine two-lane highway. There is another one that circles in another direction and comes into the same spot. The access to this area is as excellent as could be asked for.

Now, Crescent Beach is an excellent area for park development for several reasons. It is the last of the good beaches in the Greater Portland area, all other beaches

being under more or less private ownership and control. Now years ago the Higgins Beach area was open to the public. That, too, is a very fine beach, but that is closed as the entire area is built up with cottages. There is no parking. There is just absolutely a private beach. Your Old Orchard area is quite far removed, and that is strictly commercialized. Willard Beach on the other side is another commercialized area with no parking. This leaves the Crescent Beach area as the only area in Greater Portland that could possibly be used for the enjoyment of the people in that area.

Now with the land that has been obtained by the state, there is tremendous parking facilities available upon completion of this project. There is a very fine beach there that is approximately three-quarters of a mile long. The water is not rough, by that I mean there are hardly any waves in that area because it's blocked by an island and a breakwater. The swimming facilities are excellent, and the possibilities that this park offers to the state is tremendous indeed. This could be one of the few parks that would definitely be self-supporting, and even a profitable venture for our state.

With this in mind, and seeing that we have expended large sums on far and more remote areas, this area here with its large concentration of population certainly deserves recreational facilities that can be used by one and all at a low cost per person. The Two-Lights area has been partially improved, and many thousands of people use this picnic area in the course of our summer months. It is beautiful, rugged, coastline area, and the picnic facilities and parking are excellent. Now with the beach facilities nearby, it will make it one of the most attractive, one of the most complete state parks in this entire State of Maine. I strongly urge the defeat of this amendment, and the passage of this bill that it may be enacted. I hereby move for the indefinite postponement of Amendment "A," filing number 470.

The SPEAKER: The gentleman from South Portland, Mr. Taylor,

now moves the indefinite postponement of House Amendment "A."

The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, Members of the House: I too support the indefinite postponement of this amendment. The State Park Commission looked at many areas, and chose this as one of the most desirable. I remember when they were trying to decide on this, I hate to say this but many people indicated they didn't want so much traffic out that way, and there are many, many people in the Greater Portland area with large families. They have no cars and this is on a bus line, and I want you to consider this when you think of this amendment, and I hope you will postpone it.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support what the gentleman from South Portland, Mr. Gill, said as to the condition of the roads as far as Route 77 is concerned, I have been over it many times and it's a very fine road. I only wish that 1-A from Brewer to Ellsworth, which is one of the most heavily traveled roads in the state, was in as good condition or Route 1-A from Bangor to Stockton. I suggest to the gentleman from Wiscasset if he wants a real thrill to try either one of those two routes on a Saturday or Sunday afternoon. I do agree with the gentleman from Cape Elizabeth that this is a project that could well wait, and in the priority assigned by the Bureau of Public Improvements again, this particular project was not classed as mandatory, not classed as essential, but as desirable, and I maintain we have many such projects in the state that are desirable.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker and Members of the House: The state has owned this land for a number of years, and it seems as though it's about time that some-

thing should be done toward making it a state park which can be used by the people in the southern part of the state. Now, the Committee felt that this was a good project. It was something that would be desirable, and I certainly hope that you folks will go along with the indefinite postponement of this amendment.

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

Mrs. SMITH: Mr. Speaker, I would hope that we would go along with the indefinite postponement of this amendment. I perhaps have been a little questionable in my mind whether we should have bond issues for parks, but certainly if we are going to go along on the theory that we should, don't you think it is a little discriminatory not to do something for a park that already has been started and build a whole new park? I wonder what the thinking could have been when they only removed one item from it.

The SPEAKER: The Chair will order a division. The question before the House is the motion of the gentleman from South Portland, Mr. Taylor, that House Amendment "A" be indefinitely postponed. All those in favor of indefinite postponement, 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-three having voted in the negative, the motion to indefinitely postpone House Amendment "A" did not prevail.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: Are there any further amendments?

Mrs. SMITH of Falmouth: Mr. Speaker?

The SPEAKER: For what purpose does the gentlewoman arise?

Mrs. SMITH: I would rise to present House Amendment "A" — I don't know whether it is in the right place now,—but it is a committee amendment anyway. It is filing number H-476. It is necessary to this bill to correct the intent of the Appropriations Committee.

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

Mrs. SMITH: Mr. Speaker, this is not the correct amendment for this bill. It is for the other one, but we do have an amendment to this bill that evidently has not been reproduced. Would someone table this for a few minutes, and I will get it straightened out. I am sure we have an amendment that will take care of a technicality on this bill.

Thereupon, on motion of Mr. Wellman of Bangor, the House voted to recess for five minutes.

(Five Minute Recess)

Called to order by the Speaker. Mrs. Smith of Falmouth offered House Amendment "E" and moved its adoption.

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

HOUSE AMENDMENT "E" to H. P. 1111, L. D. 1594, 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."

Amend said Bill in section 8 by striking out all of the first paragraph and inserting in place thereof the following:

"The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are hereby 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 a special statewide election to be held on the Tuesday following the first Monday of November 1963 to give in their votes upon the acceptance or rejection of the foregoing act, and the question shall be:"

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

The motion prevailed.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, I now move that the House reconsider its action whereby it accepted House Amendment "A" to L. D. 1594, and when the vote is taken, I would request a roll call.

The SPEAKER: The gentlewoman from Portland, Mrs. Hendricks, moves that the House reconsider its action whereby it adopted House Amendment "A" to Legislative Document 1594.

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

Mr. TAYLOR: Mr. Speaker, is this subject still debatable?

The SPEAKER: The gentleman may proceed.

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I have just got some added information from the Park Department regarding this Crescent Beach area. Now the land involved in this beach area, this proposed park, the state now has involved one-quarter of a million dollars in land. It is at the moment laying idle. Now their plans call for an expenditure of \$865,000, which will allow a daily handle of 9,000 cars to this area. Now I would like to call to your attention the fact that good highways do lead to this area from three different directions. Not only that, but this park of all the parks in the State of Maine undoubtedly has the greatest potential as a profit-making venture for the state of any park now in existence. With this in mind, I strongly urge your cooperation in the passage of this bill and the fact that it be reconsidered. If this park is put into operation and turns in anywhere near the profits expected, it will serve to aid the support of the other parks in the State of Maine which are not profit-making. And that is most of them.

The expenditure here is an investment toward facilities both for tourists and natives of the Greater Portland area. Furthermore, this beach is pure as far as swimming facilities and clean water go. The only other public beach in the Greater Portland area is the Willard Beach area, which is contaminated by sewerage, and swimming in that water is not recommended. And

as I told you before, Higgins Beach is practically a closed corporation. It is a beautiful beach, but there is a tremendous undertow there which does not exist in the Crescent Beach area. Crescent Beach has the greatest possibilities for attracting tourists of any beach in the entire Cumberland County area. And I certainly hope that the motion to reconsider our previous action will gain enough votes to put it back into circulation again. Thank you.

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

Mr. PEASE: Mr. Speaker, I am pleased to note that the gentleman from South Portland makes allusion to the fact that this is an investment toward facilities that may be provided at this park site. And I call to your attention the remarks of an individual who I am sure has given it very thorough investigation, the gentleman from Cape Elizabeth, Mr. Berry, and I believe I am correct in restating his phrasing that this would probably take a future investment of some, I believe he said \$2 million to make this thing purely and completely, successfully operable. I would urge that we do accept the call for a roll call, and that we go on record as being in favor of not spending this \$450,000 now for the development of a park, the land for which we now own and will not lose control of during the next few years; and vote against the motion to reconsider which has already been stated in the remarks on the principal motion that this will entail many millions of dollars of expenditure in the future.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I guess I can readily see why the gentleman from Wiscasset, Mr. Pease, and the gentleman from Cape Elizabeth, Mr. Berry, feel the way they do because they are from a very beautiful area. It is very cool in their areas in the summer. Around the Greater Portland area, the houses are built very closely together and there is very little place for a family to get to and especially

when they don't have a car. There is very little place for them to get to out of the heat. You know how hot it gets around here, and there is no lake to jump into. I am sure that many people would like to tell us just about this time. But I will say that I hope that you vote to reconsider this bill, and think of the many, many people who will benefit from the recreational area.

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

Mr. RANKIN: Mr. Speaker, Ladies and Gentlemen: I imagine the cause is worthy of reconsideration, but I believe that at this time the Legislature of this state is becoming the laughingstock of the people. They think we have feathers in our heads, because the question that I get all the time is what did you change your mind about today? I think it is really serious when the people of Maine have paid very little attention to this Legislature until recently, and when the people of Maine start to ask questions and make fun of us, it is time we went home.

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

Mrs. SMITH: Mr. Speaker, I would just like to clear up one point. The figure that you have in your budget document for Crescent Beach was \$865,300. This is the total amount to complete this area, and it was to be done in three phases, and the reason this figure was used is because it was the first phase of it. So it is not really two million, it is eight hundred and some thousand dollars.

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

Mr. BERRY: Mr. Speaker, I reluctantly arise again because I think in view of the fact that I come from the area, that there have been several misstatements made. In the first place, the bus stops two miles from Crescent Beach. It is a long walk. In the second place, Route 77 is not a good road. Route 77 really starts at the South Portland High School. It goes, I would guess, in the City of South Portland, narrow, congested, with traffic

lights, children in the road, bumpy narrow road, a distance to the Cape Elizabeth line continually in this condition, a distance of at least a mile and one-half. From the Cape Elizabeth town line, Route 77 continues in exactly the same condition only more. We had a near fatal accident right in front of Bothels' Garage last year, right in the section that eventually will get fixed. It runs from the South Portland-Cape Elizabeth line at least another mile and one-half to what would be called the center of Cape Elizabeth. In this stretch of two to three miles, ladies and gentlemen of the House, the road is unsafe and dangerous. It there picks up a section which is approximately — and incidentally, this is where the bus stops—if there picks up a section of new road which I would estimate as probably a mile and one-half or two miles long which continues along 77. It goes to a point opposite where the Beach is down on the shore.

From this point, Route 77 continues around the other circuit of the horseshoe into Scarborough. It is narrow and twisty. It is dangerous. It is unsafe. The gentleman from Scarborough, Mr. Coulthard, will verify my remarks, and eventually it finds itself winding out onto Route 1 at Oak Hill. And believe me, ladies and gentlemen, there is little more dangerous road in the State of Maine than Route 77 of which I believe a mile and one-half is in good condition. So the comments that have been made that Route 77 is good, are erroneous.

The other of the three good roads which approach Crescent Beach — Route 77 — there are two of them. You know the condition of those. The third road is the so-called Shore Road from South Portland which winds around through the built-up area and eventually gets to the beginning of the good road. Now this, ladies and gentlemen, is a presentation of the facts on Route 77, and the facts on the bus route.

Mrs. Hendricks of Portland was granted permission to address the House a third time.

Mrs. HENDRICKS: Mr. Speaker,

this bus company has said that it will extend the service out there.

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

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: After careful consideration of this matter, where we have invested over \$250,000 to promote this park and this area, I feel that where we have this money invested, that we should reconsider our action by which the further improvements have been deleted for one reason and one reason only, and that is that this section will make a very good park and beach area, and we will be able to bring back some of the revenue to the State of Maine.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All those desiring a roll call, will rise and be counted.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having expressed a desire for a roll call, the Chair will order a division. All of those who wish to reconsider 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.

Forty-three having voted in the affirmative and sixty-one having voted in the negative, the motion to reconsider did not prevail.

Mr. Baldic of Waterville offered House Amendment "F" and moved its adoption.

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

HOUSE AMENDMENT "F" to H. P. 1111, L. D. 1594, 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."

Amend said Bill in the Title by striking out the words "Six Million Nine Hundred and Ninety-two" and inserting in place thereof the words "Nine Million Seven Hundred Seventy-two"

Further amend said Bill in section 1 by striking out the figure "\$6,992,000" and inserting in place thereof the figure '\$9,772,000'

Further amend said Bill in section 6, under the caption "AERONAUTICS COMMISSION" by striking out the line "State Aid to Municipalities for Airport Construction \$100,000" and inserting in place thereof the following lines:

| | |
|---------------------------------|--------------|
| Central Maine Area | |
| Airport | \$2,780,000 |
| State Aid to Municipalities for | |
| Airport Construction | 100,000 |
| <hr/> | |
| Total Aeronautics | |
| Commission | \$2,880,000' |

Further amend said Bill, in section 6, by striking out the line which reads "Total Allocations from General Fund Bond Issue \$6,992,000" and inserting in place thereof the following: "Total Allocations from General Fund Bond Issue \$9,772,000"

Further amend said Bill, in section 6, by striking out in the next to the last paragraph the figure "\$6,992,000" and inserting in place thereof the figure '\$9,772,000'

Further amend said Bill by striking out all of the 2nd paragraph of the Referendum, in section 8, and inserting in place thereof the following paragraph:

"Shall a bond issue be ratified for the purposes set forth in 'An Act to Authorize General Fund Bond Issue in Amount of Nine Million Seven Hundred and Seventy-two Thousand Dollars and to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Year Ending June 30, 1964," passed by the 101st Legislature?"

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

Mr. EWER: Mr. Speaker, Ladies and Gentlemen of the House: Last evening I fooled around a little bit with an order calling for an

expenditure of \$1.7 million for railroad transportation in Maine. I see now I was altogether too weak in my presentation. I was several million dollars shy in my request. I am going to move eventually for indefinite postponement of this amendment, but before I do, I wish to place myself on notice that if it does carry, by some strange chance—I will offer an amendment to it to provide for a bond issue of \$150 million to set up railroad transportation to and from Sidney Airport from all parts of the state.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This transportation problem is no joke. A few days ago I received a telegram stating "having difficulty getting from Boston to Augusta. Please advise." The only thing I could advise was to either walk, take a bus into Boston and take another bus out, or else hire a car to get from Boston. Now I say to you that we have spent thousands and thousands of dollars on education, we have spent thousands of dollars on DED, and at the moment from the boys who have graduated from M.V.T.I., and have sought employment with my company, have gone on record with me saying that the graduates of that institution this year are not being placed in the field of electronics or machinists. Now I say to you that something has got to be done about this transportation problem because there is no industry that is going to establish themselves in the State of Maine without having a method of getting to and from that business. Most of your businesses which will establish themselves in Maine, are more apt to be branch offices or branch manufacturing companies. These companies that will be branch offices and manufacturers, need transportation to get to and from these businesses. The same thing applies to air freight. Today the world is moving very rapidly, and with our distance from the markets, the state's economy lends itself to a business which manufactures articles of

little weight. Therefore, I say to you that this is not a foolish bill. This is something that would really do something for the industries in the State of Maine. Thank you.

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

Mr. BERRY: Mr. Speaker and Members of the House: It was my privilege to serve on the Governor's committee on the study of air transportation problems in the state, and I feel that I should echo the sentiments of the gentleman from Fairfield, Mr. Brown, that this is not a problem which should be looked at in any other than a serious vein. However, I think that to put it very bluntly, until the people in Augusta and the people in the Waterville area, can get together and agree on the location of an airport, that both the air service in Waterville and the air service in Augusta will suffer, and it will be impossible to channel funds into a centralized airport. This is unfortunate because there is a real serious problem in the central part of the state. And I think that this amendment should be indefinitely postponed.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, moves that House Amendment "F" be indefinitely postponed. Is the House ready for the question? All those in favor, will please say aye; those opposed, no.

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

Thereupon, House Amendment "F" was indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Oberg.

Mr. OBERG: Mr. Speaker, in the spirit of being inconsistent, I now move we reconsider our action whereby the House indefinitely postponed House Amendment "B", to L. D. 1594, under Filing H-474.

The SPEAKER: The gentleman from Bridgton, Mr. Oberg, moves that we reconsider our action whereby we indefinitely postponed House Amendment "B".

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

Mr. MacLEOD: Mr. Speaker, because this amendment failed of passage by only one vote, because several members are in the House now who were not in the House at that time, that is why I requested the gentleman from Bridgton to make this motion to reconsider, giving members that are presently here now, a chance to vote on it.

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

Mr. BERRY: Mr. Speaker, I would ask the indulgence of the House, Mr. Speaker and Members, that we take time out to have a roll call on this very important issue and not discuss it any further.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, requests a roll call on the motion of the gentleman from Bridgton, Mr. Oberg, that the House reconsider its action whereby House Amendment "B" was indefinitely postponed.

For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present. All those desiring a roll call, will please rise and be counted.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having arisen, a roll call is ordered. Is the House ready for the question?

The Chair recognizes the gentleman from Waldoboro, Mr. Waltz.

Mr. WALTZ: Mr. Speaker, Ladies and Gentlemen: To assist me in arriving at a sound conclusion with respect to my voting, I wonder if anyone can and will advise me as to what percentage of the enrollment at the University of Maine are now being taken care of at Portland?

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

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

Mr. MacLEOD: Mr. Speaker, this is going to be a rough guess, but I believe that on an approximately 4200 student total, about 800 are on the Portland campus.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bridgton, Mr. Oberg, that the House reconsider its action whereby it indefinitely postponed House Amendment "B." All those in favor of reconsideration, will answer "Yes" when their names are called. All those opposed to reconsideration, will answer "No" when their names are called.

The Clerk will call the Roll.

ROLL CALL

YEA — Anderson, Ellsworth; Berman, Binnette, Brown, Fairfield; Brown, South Portland; Cressey, Crommett, Dennett, Dudley, Dunn, Easton, Foster, Kent, Loughton, Lincoln, Linnekin, MacLeod, Mendes, Noel, Oakes, Oberg, Pease, Philbrick, Rankin, Reynolds, Snow, Townsend, Treworgy, Turner, Vaughn, Viles, Wade, Waltz, Waterman, Watkins, Williams, Wood.

NAY—Albair, Anderson, Orono; Ayooob, Baldic, Bedard, Benson, Berry, Birt, Boissonneau, Boothby, Bourgoin, Bragdon, Brewer, Busiere, Cartier, Chapman, Childs, Choate, Cottrell, Coulthard, Curtis, Davis, Drake, Edwards, Ewer, Gallant, Gifford, Gill, Hanson, Hardy, Harrington, Hawkes, Hendricks, Henry, Humphrey, Hutchins, Jalbert, Jameson, Jobin, Jones, Kilroy, Knight, Lebel, Levesque, Littlefield, Lowery, MacGregor, Maddox, McGee, Meisner, Minsky, Mower, Norton, O'Leary, Osborn, Osgood, Pierce, Pitts, Plante, Prince, Oakfield;

Rand, Richardson, Ross, Augusta; Rust, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Susi, Taylor, Thaanum, Thornton, Tynedale, Ward, Welch, Wellman, White, Guilford; Whitney, Young.

ABSENT — Bernard, Blouin, Bradeen, Burns, Carter, Cookson, Cope, Cote, Crockett, Denbow, Dostie, Finley, Gilbert, Gustafson, Hammond, Hendsbee, Hobbs, Jewell, Karkos, Libby, MacPhail, Mathieson, Nadeau, Poirier, Prince, Harpswell; Ricker, Roberts, Ross, Brownville; Roy, Sahagian, Smith, Strong; Tardiff, Wight, Presque Isle.

Yes, 37; No, 79; Absent, 33.

The SPEAKER: Thirty-seven having voted in the affirmative, seventy-nine having voted in the negative, with thirty-three being absent, the motion to reconsider does not prevail.

Thereupon, 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," House Paper 1111, Legislative Document 1594, was passed to be engrossed as amended by House Amendments "A," "C," "D," and "E," and sent to the Senate."

On motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.