

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Monday, May 15, 1967

Senate called to order by the President.

Prayer by Rev. Roy W. Moody of Gardiner.

Reading of the Journal of yesterday.

CommunicationHouse of Representatives
Office of the Clerk

May 11, 1967

Hon. Jerrold B. Speers
Secretary of the Senate
103rd Legislature

Sir:

The Speaker appointed on May 10 the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill "An Act to Relieve Elderly Persons from Increases in the Property Tax." (H. P. 953) (L. D. 1384)

Messrs: PHILBROOK

of South Portland
McMANN of BathCOTTRELL of Portland
Respectfully,BERTHA W. JOHNSON
Clerk of the House

Which was read and ordered placed on file.

CommunicationState of Maine
Senate Chamber

May 12, 1967

To the Honorable Senate and
House of Representatives
of the 103rd Legislature

In accordance with the provisions of the Joint Order S. P. 341, establishing the Interim Election Laws Study Committee, there is being filed on this date, for consideration by the Legislature, An Act Relating to Recount and Other Election Procedures and Changing the Primary Election Date.

Respectfully,

RICHARD N. BERRY,
ChairmanInterim Study
Committee

Which was read and ordered placed on file.

(S. P. 648)

Senate Papers

Mr. Berry of Cumberland presented Bill, "An Act Relating to Recount and Other Election Procedures and Changing the Primary Election Date.

(S. P. 649)

Introduced Pursuant to the Joint Order Establishing an Election Laws Study Committee.

(S. P. 341)

Signed,

JERROLD B. SPEARS,
Secretary of the Senate

Which was referred to the Committee on Election Laws, Ordered printed and sent down for concurrence.

Committee Reports**House****Leave to Withdraw**

The Committee on Education on Resolve, Proposing an Amendment to the Constitution Pledging Credit of State and Providing for the Issuance of Bonds Not Exceeding At any one Time Issued and Outstanding, Twenty Million Dollars for Loans to Private Secondary Schools for Construction and Expansion of Facilities. (H. P. 886) (L. D. 1300) reported that the same should be granted Leave to Withdraw.

Comes from the House, report read and accepted.

The Committee on Industrial and Recreational Development on Bill, "An Act Defining Certain Vessels as an Industrial Project under the Industrial Building Authority" (H. P. 899) (L. D. 1312) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Liquor Control on Bill, "An Act Relating to Sunday Sale of Liquor" (H. P. 1019) (L. D. 1483) reported that the same should be granted Leave to Withdraw as covered by other legislation.

Comes from the House, report Read and Accepted.

The Committee on Liquor Control on Bill, "An Act Providing Local Option for Sunday Sales of Liquor by Hotels and Restaurants." (H. P. 804) (L. D. 1180) reported that the same should be granted Leave to Withdraw as covered by other legislation.

Comes from the House, Report Read and Accepted.

The Committee on Liquor Control on Bill, "An Act Providing Local Option for Sunday Sales." (H. P. 635) (L. D. 891) reported that the same should be granted Leave to Withdraw as covered by other legislation.

Comes from the House, Reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for Pensions for Widows of Former Governors." (H. P. 1050) (L. D. 1522) reported that the same Ought Not to Pass.

Comes from the House, Re-committed to the Committee on Appropriations and Financial Affairs.

On motion by Mr. Berry of Cumberland, the Senate vote to Accept the Ought Not to Pass Report of the Committee.

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Firearms in Camps Under Fish and Game Laws." (H. P. 357) (L. D. 504) reported that the same Ought Not to Pass as covered by other legislation.

Comes from the House, Report Read and Accepted.

The Committee on Towns and Counties on Bill, "An Act Establishing Clerk of Courts in Somerset County as Full-time." (H. P. 429) (L. D. 593) reported that the same Ought Not to Pass.

Comes from the House, Report Read and Accepted.

The Committee on Towns and Counties on Bill, "An Act to Annex Brunswick and Harpswell to Sagadahoc County." (H. P. 682) (L. D. 1047) reported that the same Ought Not to Pass.

Comes from the House, Report Read and Accepted.

The Committee on Towns and Counties on Bill, "An Act Relating to Approval of Pay to Cumberland County Probation Officers." (H. P. 557) (L. D. 789) reported that the same Ought Not to Pass.

Comes from the House, Reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Airport at Bar Harbor." (H. P. 50) (L. D. 75) reported that the same Ought to Pass.

Comes from the House, Report Read and Accepted and the Bill Passed to be Engrossed.

The Committee on Judiciary on Bill, "An Act Relating to Suspensions Ordered by the Hearing Commissioner." (H. P. 269) (L. D. 390) reported that the same Ought to Pass.

Comes from the House, Report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills read once and tomorrow assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Judiciary on Bill, "An Act Relating to Right of Entry, and Inspection of Nursing Homes." (H. P. 406) (L. D. 572) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-266)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A"

(On motion by Mr. Mills of Franklin, tabled until later in today's session.)

The Committee on Claims on Resolve, to Reimburse Elmer Hannigan of Portland for Property Damage by Highway Construction. (H. P. 734) (L. D. 1057) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-258)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A"

The Committee on Judiciary on Bill, "An Act Providing for Action in Aid to Dependent Children Cases Involving Fraud." (H. P. 672) (L. D. 944) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-285)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A"

The Committee on Legal Affairs on Bill, "An Act Relating to Appointment Duties and Tenure of Chief of Fire Department of City of Westbrook." (H. P. 677) (L. D. 949) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-287)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A"

The Committee on Legal Affairs on Bill, "An Act Creating a New Charter for the Town of Fairfield." (H. P. 848) (L. D. 1262) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-289)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A"

The Committee on Legal Affairs on Bill, "An Act Amending the Portland Renewal Authority Law." (H. P. 907) (L. D. 1317) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-286)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A"

The Committee on Legal Affairs on Bill, "An Act Relating to Board of Commissioners of Police for the Town of Sanford" (H. P. 1117) (L. D. 1590) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-290)

Comes from the House, report Read and Accepted and the Bill, As Amended, Passed to be Engrossed.

Which reports were Read and Accepted in concurrence and the Bills read once. Committee Amendments "A" were Read and Adopted in concurrence, and the

Bills, as Amended, tomorrow assigned for Second Reading.

The Committee on Legal Affairs on Bill, "An Act Amending Charter of the City of Hallowell." (H. P. 906) (L. D. 1356) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-288)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A", as Amended by House Amendment "A" (H-301) thereto.

Which report was Read and Accepted in concurrence and the Bill read once. Committee Amendment "A" was Read and Adopted. House Amendment "A" to Committee Amendment "A" was Read and Adopted. Committee Amendment "A" as amended by House Amendment "A" was Adopted, and the Bill, As Amended, tomorrow assigned for second reading.

Ought to Pass in New Draft

The Committee on Judiciary on Bill, "An Act Relating to Funds of Deceased and Discharged Patients and Inmates." (H. P. 273) (L. D. 393) reported that the same Ought to Pass in New Draft under new title: "An Act relating to Funds of Deceased Patients and Inmates." (H. P. 1154) (L. D. 1650)

Comes from the House, report Read and Accepted, and the Bill, in New Draft, Passed to be Engrossed.

Which report was Read and Accepted and the Bill, in New Draft, read once and tomorrow assigned for Second Reading.

The Committee on Inland Fisheries and Game on Bill, "An Act Granting Complimentary Fishing Licenses for Certain Maine Residents in Armed Forces." (H. P. 218) (L. D. 308) reported that the same Ought to Pass in New Draft under the same title (H. P. 1120) (L. D. 1592)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by House Amendment "A" (H-237)

(On motion by Mr. Hoffses of Knox, tabled and specially assigned for Thursday, May 18,

pending acceptance of Committee Report.)

Divided Report

The Majority of the Committee on Inland Fisheries and Game on Bill, "An Act Providing for Hunting Moose in Certain Portions of Aroostook County for 1967 and 1968." (H. P. 496) (L. D. 709) reported that the same Ought Not to Pass.

(Signed)

Senators:

HOFFSES of Knox
ANDERSON of Hancock
FARLEY of York

Representatives:

THOMPSON of Belfast
HAYNES of Camden
LEWIN of Augusta
COOKSON of Glenburn

The Minority of the same Committee on the same subject matter, reported that the same Ought to Pass—As Amended by Committee Amendment "A" (H-299)

(Signed)

Representatives:

RACKLIFF of Easton
CHAMPAGNE
of Fairfield
GAUDREAU of Lewiston

Comes from the House Majority Report Ought Not to Pass Accepted.

In Senate: Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

Divided Report

The Majority of the Committee on Towns and Counties on Bill, "An Act Relating to Expenses of Chief Administrative Officer of County Commissioners of Aroostook County." (H. P. 814) (L. D. 1190)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

SPROUL of Lincoln
COUTURIER
of Androscoggin

Representatives:

SNOWE of Auburn
NADEAU of Sanford
ROBERTSON of Brewer
CROMMETT
of Millinocket

The Minority of the same Committee on the same subject matter, reported that the same Ought to Pass.

(Signed)

Senator:

MILLS of Franklin

Representatives:

WIGHT of Presque Isle
CARROLL of China
MEISNER
of Dover-Foxcroft

Comes from the House Majority Report Ought Not to Pass Accepted.

Mrs. Sproul of Lincoln moved that the Senate Accept the Ought Not to Pass Report of the Committee.

(On motion by Mr. Mills of Franklin, tabled and specially assigned for Tuesday, May 16, pending the motion of Mrs. Sproul of Lincoln that the Senate Accept the Majority Ought Not to Pass Report of the Committee.)

Senate

Ought to Pass as Amended

Mr. Katz for the Committee on Education on Resolve, Proposing an Amendment to the Constitution Pledging Credit of the State and Providing for the Issuance of Bonds Not Exceeding One Million Dollars for Loans for Maine Students in Higher Education. (S. P. 618) (L. D. 1616) reported that the same Ought to Pass as Amended by Committee Amendment "A". (S-132)

Which Report was Read and Accepted, and the Resolve read once. Committee Amendment "A", Filing S-132, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 618, L. D. 1616, Resolve, Proposing an Amendment to the Constitution Pledging Credit of the State and Providing for the Issuance of Bonds Not Exceeding One Million Dollars for Loans for Maine Students in Higher Education.

Amend said Resolve by adding at the end, the following:

Statement of Facts

This constitutional amendment, if passed and ratified by the voters, will permit the next Legisla-

ture to pass enabling legislation setting up a revolving student loan fund. It is anticipated that such legislation would permit the pledging of the credit of the State to an amount not to exceed a million dollars. This would release between 10 and 12 million dollars on a revolving basis so that any Maine youngster going to any higher educational facility, be it vocational school, junior college or university, would be able to borrow money as needed through his local bank and have much of the interest paid for by the Federal Government and the principal guaranteed by the State.

National experience has indicated a top rate of repayment of this type loan. The state's financial responsibility would be only for those loans in default each biennium. It is not expected that any bonds will ever be issued.

Committee Amendment "A" was Adopted, and the Resolve As Amended, tomorrow assigned for second reading.

Divided Report

The Majority of the Committee on State Government on Bill, "An Act to Create an Environmental Improvement Administration." (S. P. 559) (L. D. 1485) reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington
LUND of Kennebec

Representatives:

CORNELL of Orono
WATTS of Machias
PHILBROOK

of South Portland
RIDEOUT of Manchester
DENNETT of Kittery

The Minority of the same Committee on the same subject matter, reported that the same Ought to Pass.

(Signed)

Senator:

STERN of Penobscot

Representatives:

MARTIN of Eagle Lake
STARBIRD

of Kingman Township

(On motion by Mr. Harding of Aroostook, tabled and specially

assigned for Wednesday, May 17, pending acceptance of either report.)

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Resolve, for Construction and Erection of Statue to "The Maine Lobsterman" in Washington, D. C. (H. P. 661) (L. D. 916)

Bill, "An Act Relating to Form and Arrangement of Ballots in General Elections." (H. P. 216) (L. D. 306)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

House—As Amended

Bill, "An Act Relating to Adult Education." (H. P. 311) (L. D. 445)

Bill, "An Act Relating to Trapping Beaver," (H. P. 405) (L. D. 571)

Which were Read a Second Time and Passed to be Engrossed, As Amended, in concurrence.

Senate

Bill, "An Act to Preserve and Enhance Scenic Values in the State of Maine." (S. P. 500) (L. D. 1215)

Bill, "An Act Directing Review of the Liquor Laws." (S. P. 274) (L. D. 654)

Bill, "An Act to Authorize Lincoln County to Raise Money for Court House Capital Improvements." (S. P. 485) (L. D. 1206)

Bill, "An Act Appropriating Funds for Operation of the Governor's Advisory Committee on Education." (S. P. 645) (L. D. 1651)

Which were Read a Second Time and Passed to be Engrossed. Sent down for concurrence.

Senate—As Amended

Bill, "An Act Revising the Minimum Wage Law." (S. P. 91) (L. D. 172)

Which was Read a Second Time and Passed to be Engrossed, As Amended. Sent down for concurrence.

Enactors

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

Act Relating to Transportation of Disabled, Collision Damaged, Wrecked or Repossessed Highway Motor Vehicles. (H. P. 59) (L. D. 84)

(On motion by Mr. Ferguson of Oxford, tabled and specially assigned for Tuesday, May 16, pending enactment.)

Act Relating to Time Limit of Keeping Sick or Injured Dogs by Agency Boarding Such Dogs. (H. P. 602) (L. D. 846)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Act to Create a Commission to Prepare a Revision of the Insurance Law. (S. P. 326) (L. D. 925)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Act Relating to Functions of State Political Conventions. (H. P. 681) (L. D. 953)

Act Revising Names of Bureaus in Department of Agriculture. (H. P. 698) (L. D. 979)

Act Establishing a Grievance Procedure and Appeals Board for State Employees. (S. P. 383) (L. D. 995)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Act Relating to Special Offices for Indian Tribes. (H. P. 747) (L. D. 1094)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Act Appropriating Funds to Update the Surveys of Penobscot Tribal Lands. (H. P. 751) (L. D. 1098)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Which were Passed to be Enacted, and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Resolve, to Reimburse L. D. Durgin, of Limington, for Well Damage Resulting from Highway

Construction. (H. P. 401) (L. D. 567)

(On motion by Mr. Ferguson of Oxford, placed on the Special Highway Appropriations Table.)

Resolve, to Reimburse Enzly Nason of Linneus for Well Damage by Highway Maintenance. (H. P. 1051) (L. D. 1523)

(On motion by Mr. Ferguson of Oxford, placed on the Special Highway Appropriations Table.)

Emergency

Act to Share Costs in School Administrative Districts on a Basis other than State Valuation. (S. P. 621) (L. D. 1617)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Orders of The Day

The President laid before the Senate the first item of unfinished business (H. P. 910) (L. D. 1320) Bill, "An Act Relating to Survey of Private Sewage Disposal Systems by Department of Health and Welfare." Tabled May 5, by Senator Lund of Kennebec Pending Motion by Senator Berry of Cumberland to Indefinitely Postpone Bill, and Reports.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for Wednesday, May 17, pending the motion to indefinitely postpone bill and reports.

The President laid before the Senate the second item of unfinished business (H. P. 901) (L. D. 1314) House Report — Ought Not to Pass from the Committee on Legal Affairs on Bill, "An Act to Provide for a Lien for Hospital Services on Recoveries from Third Persons." Tabled May 10 by Senator MacLeod of Penobscot Pending Motion by Senator Stern of Penobscot to Accept the Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President, I yield to my colleague from Penobscot, Senator Stern.

On motion by Mr. Stern of Penobscot, retabled and specially

assigned for Tuesday, May 16, pending the motion to Accept the Ought Not to Pass Report.

The President laid before the Senate the third item of unfinished business (H. P. 901) (L. D. 1495) Bill, "An Act to Provide for an Economic Survey to Establish an Industrial Foreign Trade Zone." Tabled May 10 by Senator Hildreth of Cumberland Pending Assignment for second reading.

On motion by Mr. Hildreth of Cumberland and out of order the bill was given its second reading. On further motion by the same Senator and under suspension of the rules the bill was passed to be engrossed in concurrence.

The President laid before the Senate the fourth item of unfinished business (H. P. 227) (L. D. 317) House Reports from the Committee on Labor on Bill, "An Act Relating to Certain Disqualifications of Benefits Under Employment Security Law." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled May 10 by Senator Johnson of Somerset. Pending Acceptance of Either Report.

On motion by Mr. Johnson of Somerset, the Senate voted to Accept the Ought Not to Pass Report of the Committee.

The President laid before the Senate the fifth item of unfinished business (S. P. 456) (L. D. 1133) Senate Reports from the Committee on Labor On Bill, "An Act Relating to Coverage Under Employment Security Law." Report "A" Ought to Pass; Report "B", Ought Not to Pass.

Tabled May 10 by Senator Johnson of Somerset, Pending Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I move we accept Report "A" Ought to Pass, and I would like to speak briefly.

The PRESIDENT: The Senator from Somerset, Senator Johnson, moves that we now accept Report "A" Ought to Pass.

Thereupon, the Senate voted to accept Report "A" Ought to Pass.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON: Mr. President, Ladies and Gentlemen of the Senate: This bill extends the coverage of the unemployment insurance program to provide protection to persons who have been denied such protection of the Law only because they were employed by small employing units. This is a most important step toward promoting greater equitableness under the Law. No one can justify, with sound reasoning, the failure of the present Law to cover the workers of smaller employing units. Certainly, the person who has lost his job with a small employer is just as much unemployed as the worker who has been separated from a large corporation.

Protection for these workers would not only help them when they are unemployed, but would give added protection to those who shift from covered to non-covered and receive reduced benefits or no benefits because of their reduced wages in covered employment.

Another shortcoming in coverage under the present Law is its failure to protect many workers who accept employment in seasonal enterprises which operate for a comparatively short period each year — particularly for the summer season. It is true that such businesses utilize many persons who are available only for seasonal work. However, there is a fairly substantial number of year-round workers whose services are vital to the operations of seasonal activities year-after-year. The lack of unemployment insurance coverage for persons in such activities not only is unfair to the workers themselves but at the same time is making it increasingly difficult for employers to recruit needed workers. The seasonal industries involved are too important to the State's economy to place them in jeopardy merely because of a flaw in the Employment Security Law which could readily be remedied.

The acceptance by the legislature of this bill would provide unemployment insurance coverage for workers who are now employed by the so-called small employer or small business although there are many advocates from labor and business alike who have accepted the philosophy of protection for all workers and who feel every worker should be covered regardless of the number of workers employed or for how long. This bill also features a unique standard in addition to one or more in 13 weeks test for determining whether or not an employer shall be subject, the bill incorporates the added promise that if an employer pays \$450.00 or more to a worker in a quarter, the worker will become protected.

This bill, if enacted, would overcome the noted short-comings and would make the Law much more effective in attaining the basic objectives of a public unemployment insurance program.

Thereupon, the Bill was given its first reading and tomorrow assigned for second reading.

The President laid before the Senate the sixth item of unfinished business (S. P. 476) (L. D. 1197) Bill, "An Act Relating to Certification of Qualifications of Candidates for Municipal Office in City of Lewiston." Tabled May 10 by Senator Brewer of Sagadahoc Pending Motion by Senator Good of Cumberland that the Senate Recede and Concur.

(In House — May 5, 1967 — Ought Not to Pass Report Accepted.)

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Brewer.

Mr. BREWER of Sagadahoc: Mr. President and Members of the Senate: I would now yield to the Senator from Androscoggin, Senator Couturier.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COUTURIER of Androscoggin: Mr. President and Members of the Senate: I had prepared a few remarks which I wanted to make regarding this bill and I tested them on several members

of this Senate. I find, while I still think my remarks were pretty good, they are not good enough to bore the members of this Senate once more. I am sure they remember them well from the first time. Therefore, I will move the pending question.

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

The President laid before the Senate the seventh item of unfinished business (H. P. 16) (L. D. 28) House Report Ought Not to Pass from the Committee on Judiciary on Bill, "An Act Relating to Chemical Tests in Fatal Motor Vehicle Collisions." Tabled May 10 by Senator Johnson of Somerset Pending Motion by Senator Lund of Kennebec to Accept the Ought Not to Pass Report.

On motion by Mr. Lund of Kennebec, the Senate voted to Accept the Ought Not to Pass Report of the Committee.

The President laid before the Senate the eighth item of unfinished business (H. P. 674) (L. D. 946) House Reports from the Committee on Labor on Bill, "An Act Revising Certain Portions of Workmen's Compensation Law." Majority Report, Ought to Pass; Minority Report, Ought Not to Pass. Tabled May 11 by Senator Albair of Aroostook Pending Motion by Senator Barnes of Aroostook to Indefinitely Postpone Bill and Reports.

On motion by Mr. Barnes of Aroostook, the Senate voted to Indefinitely Postpone the Bill and accompanying Reports.

The President laid before the Senate the ninth item of unfinished business (S. P. 403) (L. D. 1034) Bill, "An Act Relating to Attending Secondary School Outside of Residence." Tabled May 11 by Senator Berry of Cumberland Pending Enactment.

Which was Passed to be Enacted, and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the tenth item of unfinished

business (H. P. 905) (L. D. 1316) Bill, "An Act Relating to Sprinkler Systems in Boarding Homes." Tabled May 11 by Senator Wyman of Washington Pending Enactment.

On motion by Mr. Wyman of Washington, the Bill was Passed to be Enacted, and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the first tabled and today assigned matter (S. P. 554) (L. D. 1486) Bill, "An Act to Clarify the Status of Passenger Tramway Devices." Tabled May 12 by Senator Mills of Franklin Pending Consideration.

On motion by Mr. Mills of Franklin, the Senate voted to Insist and ask for a Committee of Conference.

The President laid before the Senate the second tabled and today assigned matter (H. P. 974) (L. D. 1416) House Report Ought to Pass in New Draft under same Title (H. P. 1152) (L. D. 1644) from the Committee on Education on Bill, "An Act Relating to Privately Owned Business, Trade and Technical Schools." Tabled May 12 by Senator Katz of Kennebec Pending Acceptance of Report.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for Tuesday, May 16, pending acceptance of Report.

On motion by Mr. Mills of Franklin, the Senate voted to take from the table Item 6-13, Bill, "An Act Relating to Right of Entry and Inspection of Nursing Homes." (H. P. 406) (L. D. 572), tabled earlier in today's session.

On further motion by the same Senator, retabled and specially assigned for Tuesday, May 16.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table (L. D. 754) (H. P. 523) "An Act Relating to Registration and Safety of Inland Steamers for Hire."

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, Members of the Senate: This L. D. is an emergency act and will go in effect upon enactment and it provides for the transfer of registration of steamers for hire from the Public Utilities Commission to Motor Boat Registration Bureau. Non-passage of this is creating some confusion in the minds of the people affected. There is a relatively small amount of money involved. Accordingly, I would move that this be passed to be enacted.

Thereupon, this being an emergency measure, and having received the affirmative vote of 33 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the 21st tabled and unassigned matter (S. P. 435) (L. D. 1154) Bill, "An Act Relating to Protecting Source of Public Water Supply." Tabled April 19 by Senator Berry of Cumberland Pending Enactment.

On further motion by the same Senator and under suspension of the rules, the Senate voted to reconsider its action whereby it passed this bill to be engrossed.

Thereupon Mr. Lund of Kennebec presented Senate Amendment "A" Filing S-130 and moved its adoption.

Senate Amendment "A", Filing S-130, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 435, L. D. 1154, Bill, "An Act Relating to Protecting Source of Public Water Supply."

Amend said Bill by striking out all of section 1 and inserting in place thereof the following:

'Sec. 1. R. S., T. 22, § 2436, amended. The first paragraph of section 2436 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof:

Any water utility or municipality supplying water to the public is authorized to take reasonable methods to protect its source of

public water supply from pollution. It may enter upon land within 1,000 feet of the high water mark of any lake or pond used as a source of public water supply, a well used as a source of public water supply, a spring used as a source of public water supply, the intake structure in a river, brook or stream used as a public water supply, and upon land used for commercial or industrial purposes having a system of drainage or sewage flowing or seeping into a source of public water supply, and inspect the system of drainage and sewage of any building or structure thereon. Any local or state health inspector or officer may order the owner of any building or structure thereon having a system of drainage or sewage flowing or seeping into and contaminating said source of public water supply to remedy the situation. Such order shall be in writing and state a time within which the order must be complied with.'

Senate Amendment "A" was Adopted and the Bill passed to be engrossed in non-concurrence. Sent down for concurrence.

Out of Order

Mr. Hildreth of Cumberland presented the following Order and moved its passage:

WHEREAS, it appears to the Senate of the 103rd Legislature that the following are important questions of law, and that the occasion is a solemn one; and

WHEREAS, there is pending before the Senate a Bill entitled "An Act Relating to Issuance of Parking System Revenue Bonds and Water and Sewer System Revenue Bonds by Municipalities", (S. P. 541) (L. D. 1398); and

WHEREAS, the constitutionality of said Bill has been questioned; and

WHEREAS, it is important that the Legislature be informed as to the constitutionality of said Bill;

NOW THEREFORE BE IT ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the Senate, according to the provisions of the Constitution on

its behalf, their opinion on the following questions, to wit:

I. Will the exercise by a municipality of the power of eminent domain conferred by said Act for the purpose of acquiring land, rights in land or water, or air rights in connection with the construction, reconstruction, improvement, extension, enlargement or operation of a revenue producing municipal "parking facility" as defined in said Act violate either Section 6-A or Section 21 or Article I of the Maine Constitution?

II. Will the enactment of "An Act Relating to Issuance of Parking System Revenue Bonds and Water and Sewer System Revenue Bonds by Municipalities", insofar as it authorizes the issuance of revenue bonds by municipalities for the purpose of paying the cost of acquiring, constructing, reconstructing, improving, extending, enlarging, equipping, repairing, maintaining or operating a revenue-producing municipal "parking facility" as defined in said Act, be for the "benefit of the people of this State" within the meaning of Article IV, PART THIRD, Section 1 of the Maine Constitution?

III. Does Section 4262 of said Act, which provides that no municipality shall be required to pay any taxes or assessments upon any revenue-producing municipal facility, or upon the income therefrom, violate Article IX, Section 8 of the Maine Constitution?

IV. Will revenue bonds or notes issued under the provisions of said Act constitute the creation of a debt or liability of a city or town within the meaning of Article IX, Section 15 of the Maine Constitution if revenues from an existing part of a parking, water or sewer system as defined in said Act are pledged pursuant to the provisions of said Act in addition to revenues produced by the facility within such system for which the bonds or notes are issued?

Which was Read and Passed.

On motion by Mr. Good of Cumberland, the Senate voted to take from the table the 28th tabled and unassigned matter (S. P. 13) (L. D. 29) Senate Report from the

Committee on Education on Bill, "An Act Relating to Application of State Aid for School Construction." Majority Report Ought Not to Pass; Minority Report, Ought to Pass. Tabled April 27 by Senator Good of Cumberland Pending Motion by Senator Good of Cumberland to Accept the Minority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President, I move that the Senate accept the Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President, I rise in opposition to the motion of the Senator from Cumberland, Senator Good, and would ask that when the vote is taken that it be taken by division.

Mr. President, I believe this is a divided report. May I ask the Chair to list the division?

The PRESIDENT: The signers of the Ought Not to Pass Report, Majority Report, were Representatives Allen of Caribou, Hanson of Lebanon, Shute of Farmington, Richardson of Stonington, Carroll of Limerick, the Senator from Cumberland, Senator Snow, and Representative Levesque of Madawaska.

The signers of the Minority Ought to Pass Report, Representative Baker of Winthrop, Senator MacLeod and Senator Katz.

Mr. SNOW: Thank you Mr. President. I would say in passing that I hope I will be more successful in furthering the acceptance of the Majority Report of the Education Committee than I have been in the past.

I have this hope because this is a more important measure, one which could have a more far-reaching effect on our educational system.

Now, everything that has been said, or rather, I should say, a great deal of what has been said, makes sense to me so far as the viability of a high school with 500 or so pupils is concerned. But I am not an expert in these matters and I should yield to the

former president of Harvard, Dr. James Bryant Conant, who, I am told, now feels that a high school with 750 or more enrolled pupils is an ideal high school in terms of programs it can offer and in terms of economy of operation.

Thus, for me personally at least, the matter of the number of pupils is not a major issue. In fact, the superintendent of the fine high school in Falmouth, where Senator Hildreth and I live, believes that Falmouth High School with some 400 pupils, does every bit as good a job as does the high school in Cape Elizabeth, residence town of Senator Berry, which has an enrollment of 500 pupils. I will read you his letter in a few minutes.

My main objection to the passage of this bill is founded on the belief that it could seriously weaken the Sinclair Act. My second objection to it is that it is directed primarily to the benefit of some of this State's wealthier communities — at the expense of some of our less fortunate communities.

Among the wealthier communities which it would help are the towns of Cape Elizabeth and Scarborough in my own County of Cumberland. It would also benefit a less wealthy community in Cumberland County, the Town of Gorham.

Standing ready to benefit in the not too far distant future would be the comparatively wealthy towns of Falmouth and Windham.

Now, a third reason for my opposition to this legislation is the conviction that this Legislature would be breaking faith with those towns which have gone ahead and formed into school districts under existing law — a number of which might not have done so had L. D. 29 been in effect at the time they did this.

I shall go ahead and expand, as briefly as possible on these three points and I would appreciate your patience. And maybe I should add that I feel quite strongly about this matter, as do a number of members — a majority, in fact, as you have heard — of

the Committee on Education. And I hope when I finish that the Chairman of the Committee on Education, fellow Senators, who signed the minority report, will rise to tell you his reasons for favoring this bill. Most of us on the Committee have not had the benefit of such an explanation.

I said that the majority of the Committee on Education does not like this bill, and I would say that a majority of them do not like it because it would weaken the Sinclair Act, which has served this State well for close to 10 years.

One of the major incentives it provides is the promise of school construction aid at percentages ranging from 20 per cent or so to more than 50%. It provides this construction aid to communities forming in school districts and to communities with 700 or more pupils. Take this construction away and just what encouragement do we have left? Regardless of what some might say, I do not believe that the incentive remaining is sufficient.

Operating under the present law, 82 towns have joined into school districts since January of 1965. Twenty five additional towns have joined previously existing school districts.

A bill which has been passed to the Appropriations Table contains a somewhat flexible formula for school district financing which will encourage and abet the formation of districts involving wealthy and less wealthy towns, such as East Millinocket and Medway in Penobscot County.

Maine today now has close to 70 school districts. It would seem to me that if we hold to the present law, modified by this new bill, we can continue to make substantial progress.

Now, I believe this is encouraging. We have had problems with several school districts; a few have dissolved, but most of them have been working well. They have provided greater educational opportunities through increased cost offerings; they have saved tax dollars by providing better

education at less expense than the same quality of education could have been provided otherwise.

On the average, it costs about \$60.07 per pupil less to operate high schools outside a district with fewer than 300 pupils than it does to operate district high schools of greater size. I feel quite certain that if figures were developed it would be shown that good 700-pupil high schools operate less expensively than good 500-pupil high schools.

In summary of my main point. I believe I should repeat my conviction that adoption of this bill will retard the formation of school districts under the Sinclair Act, and thus hold back the continued development of sound education in this State.

The majority of the Education Committee feels the same way about a similar bill which, as I understand it, is being held in the Appropriations Committee and which could be released to you if L. D. 29 fails of enactment.

Our second objection to this bill is founded on the belief that it is discriminatory in that it would benefit primarily communities in the top 25% in wealth in the state. This appears to be true of all but three of the nine communities which would immediately benefit under L. D. 29. These towns are Cape Elizabeth, Kennebunk, Scarborough, Madawaska, Millinocket and Winslow, all of them in the top 25%. Limestone, Gorham and Winthrop are not. In this connection, Members of the Senate, it should be noted that the representative from Millinocket, Mr. Levesque, signed the majority ought not to pass report, and, I think, for the same reasons that I did.

Now at the same time, maybe it should be pointed out that under legislation now pending, to which I referred earlier, it should be possible for most of these towns, if not all of them, to join with their neighbors in school administrative districts and thus receive construction aid.

For example; Winthrop might join with Readfield, Wayne and Mt. Vernon; Limestone and Cas-

well Plantation might join together; Madawaska, St. Agatha and Frenchville; and Winslow, Vassalboro and China are other possibilities.

I wonder how we can possibly justify extending aid as suggested in this bill to towns like Chester in Penobscot County, like Beals Island in Washington County, like Bowdoin in Sagadahoc, and like Reed Plantation in Aroostook? Much less wealthy towns will receive no aid.

Are we not breaking faith with towns that have already gone ahead and formed into districts, when with this bill they might not have done so—towns like Belfast, now in a district with five other towns in Waldo County, like Skowhegan in Somerset County, like Fort Kent in Aroostook County which has formed with six other towns, like Presque Isle and Houlton.

Now I would like to read you briefly two letters that I have received from Superintendent of Schools, or Superintending School Committees, regarding this bill. This letter is from the Superintendent of Schools in Falmouth, Maine which is one of the towns which would benefit shortly if this bill is passed.

“Dear Senator Snow:

“I am writing in reference to L. D. No. 29, the bill which lowers the limit on the number of secondary school students a single town must have in order to qualify for building construction aid.

“The present figure is 700 and the bill would drop this figure to 500.

“One of the main reasons given in favor of passage of this bill is the quality of education in the several towns which would be affected. With this type of reasoning I am not in disagreement, in fact, I suspect that the proponents of the bill are correct when they say that these individual towns are offering an education fully equal to any of the SAD's that have been formed. However, I am in complete disagreement with the 500 figure and for the following reasons:

“(1) If quality education is a criteria of judgment, then it is quite possible that a 300 or 400 pupil school will offer the same high quality of education that a 500 pupil school offers. I feel very sure that Falmouth High School, with an enrollment of 400 students, offers an educational program fully as high in quality as any of the towns which would benefit from a 500 pupil standard. I might add as substantiation, that Falmouth not only has a fully accredited High School but a fully accredited Junior High School as well, one of only a very few in the state.

“(2) If the present 700 figure is to be changed then it should drop to 300, which is the number of students a School Administrative District must have to form and qualify for building aid.

“For the above reasons, I am strongly in favor of either leaving the present law intact or dropping the figure to 300.”

(Signed) Harold L. Mason
Supt of Schools”

This letter is from Mr. Clifton R. Turner, Chairman of the Board of Directors, M. S. A. D. No. 51, which is based in the Town of Cumberland, also in Cumberland County:

“Sir:

“The Board of Directors of M. S. A. D. No. 51, Cumberland and North Yarmouth, has been following the progress of the current legislature with considerable interest. I, as Chairman, have been requested to write to you, and the members of your Committee on Education, regarding L. D. 29. Our Board is comprised of eight members; six have been serving as school committee members collectively for over fifty years. Since 1958, they have worked closely with the Sinclair Law. This law made it possible for our two towns to pool their resources and provide an education for our young people that is more equitable with other areas. We believe that this was the intent of the original law.

“It is our belief that the success of the Sinclair Law has been partially due to the support that has

been maintained by the legislatures. Realizing that, in one sense of the word, every community is too poor to finance education, the legislatures have steadfastly maintained that the basic provisions of the law must be met before any community can become eligible for aid. The last legislative session probably did more to strengthen the measure than any other when they set up an interim study committee to study the possibility of mandating districts. We can think of five communities in the greater Portland area that would benefit from L. D. 29. Each one of these communities initiated a study with their neighbors, due in part to the realization that unless they set out to help themselves the State might do it for them by joining them with a town that they perhaps would not be happy with. Before they could become involved to any great extent, they become aware of a bill, later to be called L. D. 29, that would enable them to obtain building aid without entering a district. Each of these communities ceased their exploration until after they knew the outcome of this bill. We feel strongly that if L. D. 29 is defeated, most of those five communities will eventually join districts, and will improve their educational offering in many areas."

Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: This L. D. 29 would provide state aid for school construction to nine municipalities in the State who have never received any state aid for school construction. They are, in York County, Kennebunk; in Cumberland County, Cape Elizabeth, Gorham and Scarborough; in this County of Kennebec, Winslow and Winthrop; in Penobscot, Millinocket; and in Aroostook County, Madawaska and Limestone. These nine towns in the State each have in their high school an enrollment of more than 500 students but unfortunately they have less than 700. If they would take in a few more tuition students then they could get over

the 700 mark. Some of these high schools within a year or two will be over the 700 mark, and some of them will not. The reason I mention the 700 mark is that when the Sinclair Law was passed in 1957 there was inserted a provision in the law that all municipalities having a high school enrollment of 700 or more, whether they belonged to a school administrative district or not, would automatically receive school construction aid. They didn't have to form a school administrative district. There was also a provision in the law that all those who formed school administrative districts — that was the reason for the law — would receive school construction aid.

Now, I have listened to the arguments presented by the Senator from Cumberland, Senator Snow, and all the arguments which he uses against the privilege of these nine towns receiving state aid for school construction are the same that would apply to those 19 high schools in the State who are now receiving state aid for school construction. And some of them have received state aid for school construction since 1947, and some of them are going to receive state aid for school construction under the present category until 1989.

I can refute most of the arguments that were used by the Senator from Cumberland, Senator Snow, and I will do that as I proceed. I feel that the present law is unfair. It is an injustice. That 700 figure was established with some misunderstanding, and I will point this out, and with considerable confusion. These 19 municipalities have been receiving this school construction aid that have a high school enrollment of 700 or more for these many years, and these nine high schools which have a school enrollment of 500, but less than 700, in their high schools never have received any school construction aid money. Now, the Senator from Cumberland, Senator Snow, has stated that this school construction aid should be based upon need. The establishment of the 700 figure was not based upon need.

The average per pupil valuation of the 19 municipalities hav-

ing a high school enrollment of 700 or more, the average per pupil valuation, is greater than the average per pupil valuation of the nine towns that have more than 500 in the high school but less than 700 and have never received any school construction aid. For example, take some schools at random which were mentioned by the Senator from Cumberland, Senator Snow: Scarborough, not being eligible for state aid for school construction under the present law, has a per pupil valuation of \$10,031.67. On the other hand, South Portland, which has received school construction aid for these many years, has a per pupil valuation of \$11,114.09. South Portland has been receiving school construction aid since 1959. And in that year they received \$3,925, and every subsequent year they have received school construction aid. In 1960, these amounts were increasing; they received \$20,499. In 1961 they received \$23,064.41. Now there is a bill in to pay South Portland school construction aid for their athletic field, and I understand the bill which is now before the Committee on Education is going to authorize the payment to South Portland of a sum in excess or close to \$90,000.

The Senator from Cumberland, Senator Snow, says that this figure should be based upon need. I am still trying to point out that there is a greater need, from a financial point of view, for state aid for school construction for these nine schools than there is for the 19 that have been receiving it for these great many years.

Bucksport, having more than 700 students in its high school and, thus, being eligible for state aid for school construction, has a per pupil valuation of \$30,020.70. On the other hand, Limestone, having more than 500 but less than 700, and, therefore, not eligible for state aid for school construction, has a per pupil valuation of only \$1,905.

I would like to ask this question of the Senator from Cumberland, Senator Snow, which he may answer when I get through, if he chooses to do so: Is there any justification for paying state aid

for school construction to Bucksport and not to Limestone?

Now, the Senator from Cumberland, Senator Snow, said that we should deny state aid for school construction for these high schools having more than 500 but less than 700 enrollment in order to better the educational excellence. Well, this 700 figure was not based upon educational excellence.

A study which you have on your desks—I put it there this morning—made by a professor at Gorham State Teachers' College, Professor Merrill E. Cobb, in reference to the 19 municipalities with a high school enrollment in excess of 700, and of the nine municipalities with an enrollment of less than 700, but more than 500, he found that 25% of the high schools of the 19 municipalities were not accredited, and only one of the nine municipalities which L. D. 29 would cover was not accredited. And that town which was not accredited, but had been accredited by the New England Association, was Madawaska. This report, too lengthy to read here, of Merrill E. Cobb of Gorham State College, who made a study of this, shows that in the opinion of 70 specialists in the field that 41% of them felt that the ideal size for a high school was 500. Now, I am dwelling on the point, as brought out by the Senator from Cumberland, Senator Snow, that the education in these nine schools is excellent, and to furthermore try to drive them into an SAD would not improve the education in this State.

There are at this time enrolled in Cape Elizabeth High School seven semi-finalists—and Cape Elizabeth would be one of the high schools eligible for state aid for school construction, if this bill is passed—there are enrolled in Cape Elizabeth High School seven finalists in the National Merit Scholarship Program, the largest number of any school in the State, regardless of size.

In 1915 the Abrantion Society was established at Bowdoin College. Each year the Society makes an award to the high school having three or more students in the freshman class at Bowdoin who

achieved the highest scholastic average. You guessed it: it was one of the nine schools that L. D. 29 would cover, Gorham High School. There was William Oberg, David Graham and Michael McDave, all from Gorham High School last year, that had a combined scholastic average at Bowdoin higher than that of any students from any other high school, regardless of size, in this or any other state. Madawaska High School was one of the nine that has not received state accreditation, but of the 32 teachers in Madwaska High School, 11 have earned their Master's Degrees, and 18 hold Bachelor's Degrees.

Now, it was the intention, when the Sinclair Law was enacted, that every municipality in this State would see state aid for school construction. And I will quote from the Legislative Record of 1957 to bear out that point. In reading the Legislative Record of the 98th Legislature, on Page 753 of the Legislative Record of that session, we find the highly respected Senator Lowe, Chairman of the Education Committee, stating, and I quote in part—I am quoting from Senator Lowe back in 1957, uttered in these very chambers, and I quote: "When we consider the total cost of buildings in this State we include all the buildings, not just the buildings of towns that might form districts." Now, Senator Lowe was here the other day; you saw him, a couple of weeks ago. I have never said this before, but I questioned Senator Lowe on the 700 figure, and he said that in order to get the bill passed, and I am sure that Senator Lowe will confirm this, "We had to agree that all the municipalities having a high school enrollment of more than 700 would get school construction aid." That apparently was the sole basis for making the decision. There wasn't any reason given in the Legislative Record, that I could find, for establishing that figure. I always surmised that probably was the reason, and Senator Lowe confirmed it.

We are getting a debate on this at this particular time, and I am pointing out that the 700 figure was

wrong, and that the proper figure to use is the 500 figure. There is no justification for the 700 figure, there wasn't any justification at that time, but there is justification at this time for using the 500 figure, and I am pointing it out to you.

In the House ten years ago, from the Legislative Record on Page 1134 I find the capable Representative Hancock from York, who later became the Attorney General of this State, stating, and I quote — and I am showing that there was confusion 10 years ago as to the establishing of that 700 figure, and considerable misunderstanding, and I quote from Representative Hancock from York, and he states: "This particular amendment" and he was speaking on an amendment, "you will notice under Section 2378, that particular section calls for school construction aid for those towns who do form districts," and listen to this, "and also for those towns with 700 pupils in their high schools." And he continues, "Now, it seems to me we are discriminating at least against those intermediate sized towns who have no desire to form a particular district, who are above the minimum of the foundation program, and it would be only fair that they receive aid for construction as well as large high schools. I don't quite get the point of the 700 pupils, but it is in the bill." There is plenty of evidence of the fact that there was confusion existing at that time. This is an inequity existing and which should be corrected by this Legislature at this time.

Quoting from the Legislative Record of this year of March 28, 1967, a statement made by the very capable Senator from York, Senator Farley, who was in the thick of the enactment of the Sinclair Law, and he states: "Coming to the 700, irregardless of what bill you put through the Legislature, 65% is good and possibly 35% is bad." Now is the time to correct the 35% that was bad.

Now, many of these towns that have an enrollment of more than 500, but less than 700, are already doing an outstanding job in serv-

ing their communities, and are already acting in the capacity of school administrative districts, but they are not receiving one cent of school construction aid from the State. For example, of the 467 students in Winthrop High School, 167 are tuition students. In Kennebunk High School, 34.17% of the pupils are tuition students. If each of these municipalities could take in enough tuition students to arrive at the 700 figure they would automatically, of course, receive state aid for school construction, but that wouldn't make them any better.

I am trying to point out that these nine schools are doing an excellent job for their communities. I have already pointed out that they are economically more qualified to receive state aid for school construction than the 19 with 700 and above; that as far as their scholastic achievements are concerned they are outstanding and at least equal to the 19. Now I am dwelling on the service to the communities, and some of them, as I have said, are already acting in the capacity of school administrative districts. Let's see how some of these are serving their communities further.

Bonny Eagle High School, in School Administrative District 6, was constructed in part with state aid construction money because it is an SAD. Due to the lack of space in Bonny Eagle High School, an SAD, they discontinued accepting tuition students, therefore, 62 students from Cornish have been bussed right through Standish, where School Administrative District No. 6 is, to Gorham, a high school not receiving any school construction aid, and they have attended Gorham High School financed 100% through local taxation. Now, someone will perhaps say that part of the tuition contains some state aid for school construction money, but it is peanuts.

Now, who is suffering due to the lack of payment of this state aid for school construction money? It is our girls and boys. They are being made the pawn of the game.

And you know that a pawn is a chessman of the lowest value.

The situation has changed from 10 years ago. Today 80% of all the students in the State of Maine attending elementary or secondary schools are already in school administrative districts or in high schools having an enrollment of 700 or more and, therefore, getting school construction aid. 22 of the school administrative districts that have been formed have less than 300 students in the high school, and in order to get formed they all had to be authorized by the Legislature to do so. How many school administrative districts are there that have 700 or more students? I would like to have that question answered.

There have been some changes made in the Sinclair Law since 1957. When the law was originally enacted, it said "700 resident students." But in 1961 the law was amended — I have no objection to it — to take into account tuition students. So now in arriving at the figure of 700 they add up, not only the resident students, but they add to that the tuition students. Now this action qualified Bath, Brunswick, Caribou and Sanford. Therefore, it is time for us to take another step forward and to include those with 500 or more.

The Sinclair Law, so-called, also provides for state aid for school construction for a third class of towns, other than those who have formed SAD's and other than those who have 700 or more. This covers single towns having a high school enrollment of less than 700, and for geographical or educational reasons it is not practical to join a school administrative district by consolidation. Under this section, and prior to this session, Fort Fairfield, Pownal, North Haven, Vinalhaven, Allagash and Lubec were made school administrative districts and thus eligible to receive state aid for school construction. Fort Fairfield was made a school administrative district in 1961. The Committee Report on that was divided, the voting was Ought to Pass. I find from the Legislative Record that it passed in the House

by a vote of 128 to 0 — I could have it so easy — without debate. Now, at that time the enrollment — and I have the figure here which I got from the Department of Education — when Fort Fairfield was made a single school administrative district, they had just over 300 pupils, 360, or less than 400 pupils. All we are speaking about here is 500. Similar bills have been presented to this Legislature to form school administrative districts during this session by Cape Elizabeth, and they were denied, Scarboro, and they were denied. Now, what is a town like Cape Elizabeth supposed to do? They have been denied state aid for school construction by this Legislature, the 103rd Legislature. They have been denied application by bill to make them a school administrative district. Are they to consolidate with South Portland?

I have a newspaper clipping in which Mr. Gordon, in considering the formation of a school administrative district by Cape Elizabeth with South Portland, states in the Portland Press Herald edition of March 10, 1967: "The union of the two school systems would be administratively cumbersome because of its size." What is Cape Elizabeth supposed to do then? If Cape Elizabeth is denied school construction aid because it won't join with another municipality, why not deny South Portland school construction aid? The Towns of Cape Elizabeth, Gorham, Kennebunk, Limestone, Madawaska, Millinocket, Scarboro, Winslow and Winthrop have all considered forming school administrative districts, and have found it not practical to do so.

It has been stated by a spokesman of the Department of Education that the establishment of the 700 figure was unfortunate. Many of these nine towns back in 1957 had less than 500 pupils and, therefore, would not have qualified at that time at the 500 figure. We have a new category of towns here that should be considered at this time.

Now, the interim committee report on consolidating school dis-

tricts delineates South Portland and Cape Elizabeth as suggested SAD's. But, as I have pointed out, Mr. Gordon from the Department of Education has said that they are administratively too large to be formed. It is time for a change. Apparently the last session of the Legislature also felt that it was time for a change when it chose to ignore the 700 figure and recognized the 500 pupil figure contained in this bill. Passed by the last session of the Legislature in Title 20, Section 212 of the Revised Statutes of Maine, as amended by the 102nd Legislature, we find these words, and I quote: "It further is the intent of the Legislature that all municipalities with fewer than 500 resident high school pupils, and not in school administrative districts shall, within a reasonable time after adoption of the master plan for school administrative district organizations, join into school administrative districts in accordance with the master plan." Apparently, from this language, I can only conclude that they felt that a high school with 500 or more did not need to consolidate.

Now, ladies and gentlemen, under the present law we are paying for athletic fields, under the Sinclair Law. You have all read in the paper that Westbrook received a donation from Mr. Olmstead of \$150,000 to build an athletic field in Westbrook. And I believe the City of Westbrook put in approximately \$25,000. So they have constructed an athletic field of a cost of at least \$175,000. I am not against athletic fields. As a former athletic coach myself, I am highly in favor of them. But in a recent decree of the Court it has been ruled that Westbrook is entitled now to state aid for school construction for this athletic field, although it was not constructed at the original time the high school was constructed. The bill that is now before the Committee on Education will pay the City of Westbrook \$31,000 toward their athletic field as state aid for school construction. This is not subsidy money. Now, I asked the Department of Educa-

tion for the breakdown on this project and apparently they weren't able to furnish it to me. So they wrote to the City of Westbrook, and I have a letter here from the Superintendent of Schools, Mr. McGarry. Here is what we are paying state aid for school construction on in Westbrook. The cost of the land \$22,500, site development \$1,325.85, engineering fees \$12,175.77, contractor \$120,500, fencing and backstop \$8,969, bleachers \$8,500, goal posts and flag pole \$399.20, watering equipment \$687.10, for a total of \$175,056.92. Gentlemen, if we can buy watering equipment then we can buy books for these nine high schools with an enrollment of more than 500 and less than 700.

Now, over in South Portland we are going to pay them approximately \$100,000 for their \$400,000 athletic field. And I asked the Department of Education for a breakdown on that, and they weren't able to give it to me. I didn't even bother to write over to South Portland to find out what it was, but I hope that the Committee on Education will.

A little girl came home the other day and I saw her. She is a sophomore in one of these high schools not receiving state aid for school construction, but with an enrollment of more than 500 and less than 700. She had a new book under her arm, and she said, "Daddy, see my new biology book." It was an attractive book. This was in March. And she said sort of apologetically, "Remember, this school isn't getting any state aid for school construction; the school board hasn't been able to afford this book until this time."

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Snow, that we accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: Senator Good from Cumberland has read you an awful lot. Mine has all got to come back

from memory, and I am ten years older now than I was in 1957. Let me say to you members of the Senate that this bill wasn't thought of overnight and passed the next day. This bill came out of an allotment of \$25,000 from a Committee headed by Senator Dunham of Hancock County. In 1957 his report came back and it was principally all of Dr. Conant's program.

This article was debated for truly two months in the legislative halls, but for three months we held meetings. Let me give you an idea of the committee selected by the Honorable Robert Haskell: Roy Sinclair, who was Chairman of the Appropriations Committee, Seth Lowe, who was Chairman of the Education Committee, Alton Lessard, who was the Minority Leader of the Democratic Party, and myself. In the House was Lucia Cormier and Eben Elwell. We met every Tuesday night at the Blaine Mansion. All of those gentlemen were far more educated than I was. They went over this, they went over that, and everything that you could think of, and they finally came up with this bill. I think what Senator Good is referring to in reference to Senator Lowe is that it had been debated and debated. If I remember correctly, at the start Senator Lowe wasn't just all for it.

He speaks also to you about Representative Hancock. Representative Hancock came from York. One of the greatest difficulties with him was that those towns in his bailiwick were receiving a great amount of money from the federal government, where every other little town throughout the State was not receiving anything. That was his squawk.

We didn't have all the superintendents of the schools behind us in the proposition because they would not raise the stipend in the Sinclair Law in order to put them in. So, it was a seesaw fight every time we got into a session over this.

Senator Good speaks about Westbrook and South Portland. If I had been here, although I haven't been here for three terms,

I would have opposed my own party, for there still was one place where the Sinclair Bill could have been saved, and not attacked, by the Governor with a veto, and it wasn't vetoed. And he had plenty strength to sustain his veto.

Senator Good has mentioned to you that he has the Town of Kennebunk, which is in our own backyard. I have no mail in reference to his bill one way or another, but there is a lady in Kennebunk who is vitally interested in education in the State of Maine, who was vitally interested in the Sinclair Bill when it was going through, and only a short while ago she had a forum in the paper that she did not believe in the dropping of the 700 to the 500 and that Kennebunk and Kennebunkport could get together and make a district. There is only about a mile and a half between them.

Now, Mr. President and Members of the Senate, I have got to speak from memory. Ten years ago is a long while ago. I hate to see the 700 dropped. My own community passed it up, and didn't have any faith in me and all the work I had done for the Sinclair Bill, and today we are in a serious condition in schools. Only Saturday I attended the Kennebunk meeting. I believe in the Sinclair Law. I think it is a good law. I don't believe anybody should start to break into it. If they do, and they break the foundation program, Lord knows where this thing will go. I support the motion of the Senator from Cumberland, Senator Snow.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: The hour is late. It has been 40 minutes since I sat down after first getting up to speak on this subject. I would like to answer a few questions, if I may. I would say that I am not a country lawyer, therefore, I will not take more than two minutes more of your time.

Reference was made to Fort Fairfield and the formation of Fort Fairfield into a single town district. I am not sure, but I am

told that it helps when the Governor of the State comes from a town which wants a single town school district.

Reference was made to Kennebunk being unable to form into a school district. Under a law which as I said earlier, is now on the Appropriations Table, Kennebunk and Kennebunkport will be able to make equitable financial arrangements and, hopefully, will join in a district. The same is true of Madawaska and St. Agatha.

Lubec was referred to. Lubec is geographically isolated, as the two Senators from Washington County well know. This was one solution for its problems, which was entirely proper under the terms of the original Sinclair Act.

I would simply like to conclude by saying if we do decide to pass this today we will be taking a blow at the Sinclair Act, which has worked well for us. The other day I had a message from the Chairman of the Education Committee of the 101st Legislature, formerly Senator Ralph D. Brooks, Jr., who is strongly opposed to this bill.

The second point I would make is that I feel that we would be benefiting, should we enact it, towns which most of them are among the wealthiest towns in the State, and we would be leaving many poorer towns unable to join and without the benefit of state construction aid.

In the third place, I would like to ask why, if we are going to extend construction aid to schools with 500 pupils, should we not also extend it to schools with 400 or 350 pupils? I believe we should leave the law, which has been working well, as it is.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I received a note just a few minutes ago from a member of this body and it had a little picture on it of what I took to be a cocktail glass, and I received another note saying that it was supertime, so for those who would like to eat and those who would

like to do otherwise, I will be very brief and let them go.

I do feel I should stand up and state why I voted with the minority in favor of this bill. I will not argue that there is inequity that would still be existing if this bill passed, but certainly there is inequity today, and the passage of this bill would help eliminate some of it. South Portland has been mentioned several times, and there is the best example I can think of. It has a higher per pupil valuation than many of the towns that would be coming into this act if it were lowered to 500, and our Committee was faced with a bill last week to pay South Portland \$29,858, which has just accumulated, an obligation picked up over the last two years, to amortize their three hundred and seventy some odd thousand dollar athletic field which, I understand, has a rubberized track and is really quite an athletic field. If the State of Maine can pay \$29,000. to help amortize bonds for a three hundred and some thousand dollar athletic field in one city of this State just because they happen to have over 500 pupils, then certainly we can help pay for school construction in towns 500 and over who don't have as high a valuation as does South Portland.

I do feel that sometime in the near future a review should be made of our whole construction subsidy program, but this would go some ways towards correcting part of the inequity. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President, in the heat of discussion I neglected to mention the cost of this bill, which is \$2,200,000, if paid in cash, or would be just under \$400,000. for the coming biennium.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: The cost of this bill, since it has been brought up, will be paid under the new or the old program, whatever you call it, but not 50% when the contract was signed and 50% when the construction was completed. And the cost of it probably will be added to the Governor's bond issue. The Governor has a bond issue in of approximately \$14,000,000, for school construction and other projects, for the other SAD's and the 19 municipalities with an enrollment of 700 or more. He has a bond issue of about \$14,000,000. This would be added to his bond issue. The original cost was approximately \$2,200,000, however, under the old program, which is now the new program, the cost would be \$90,000 for the first year of the biennium and enough to make, as the Senator from Cumberland said, Senator Snow, slightly under \$400,000 for the complete biennium. Thank you.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of accepting the Minority Ought to Pass Report of the Committee will stand in their places and remain standing until counted. Those opposed to the motion of accepting the Minority Ought to Pass Report will stand in their places and remain standing until counted.

A division was had. 23 Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion prevailed.

Thereupon the bill was read once and tomorrow assigned for second reading.

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.