

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

1959
and
SPECIAL SESSION
1960

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Monday, June 8, 1959

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

Prayer by the Rev. Mr. James Waugh of Hallowell.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve Regulating Fishing in Long Pond, Franklin County (H. P. 348) (L. D. 507) reporting that they are unable to agree.

(Signed)

CARVILLE of Eustis
HARRIS of Greenville
WHEATON of Princeton

—Committee on part of House.

CARPENTER of Somerset
BRIGGS of Aroostook
HILLMAN of Penobscot

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

Orders of the Day

On motion of Mr. Ervin of Houlton, the House voted to take from the table the sixth tabled and unassigned matter, House Report "Ought to pass" in Second New Draft, House Paper 977, Legislative Document 1388, of the Committee on Appropriations and Financial Affairs on Bill "An Act to Clarify Procedure for Reorganization of School Administrative Units," House Paper 894, Legislative Document 1263, tabled on June 3 by that gentleman pending acceptance.

Thereupon, the House Report "Ought to pass" in Second New Draft was accepted and the New Draft read twice.

Mr. Mathieson of Montville offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk. (L. D. 1391)

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

Mr. KELLAM: Mr. Speaker and Members of the House: I notice that this amendment covers several pages and I move that it be tabled until tomorrow so we will have time to compare the two.

The SPEAKER: The gentleman from Portland, Mr. Kellam, moves that this Bill be tabled and specially assigned for tomorrow pending adoption of House Amendment "A". Will those who favor the tabling motion please say aye; those opposed, No.

A viva voce vote being taken, the motion to table prevailed.

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, is it too late to ask for a division on this?

The SPEAKER: It is not. A division has been requested.

The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, did the motion carry?

The SPEAKER: The tabling motion did prevail, under the gavel but there was no division.

Miss CORMIER: Then I withdraw my request for a division.

The SPEAKER: The gentlewoman withdraws her request for a division.

The Chair recognizes the gentleman from Scarborough, Mr. Clark.

Mr. CLARK: Mr. Speaker, I would like to insist on a division.

The SPEAKER: The gentleman insists on a division. Will those who favor the tabling motion please 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 nineteen having voted in the negative, the motion to table did prevail.

On motion of the gentlewoman from Falmouth, Mrs. Smith, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

On motion of Mr. Clark of Scarborough, the House voted to take from the table the second tabled and unassigned matter, House Divided Report, Majority "Ought not to

pass" and Minority "Ought to pass" in New Draft (new title), House Paper 971, Legislative Document 1380, of the Committee on Education on Bill "An Act to Create a School Administrative District in the Town of Cape Elizabeth," House Paper 685, Legislative Document 985, tabled on May 21 by that gentleman pending acceptance of either report.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CLARK: Mr. Speaker, I now move that we accept the Minority "Ought to pass" Report, and would like to speak.

The SPEAKER: The gentleman from Scarborough, Mr. Clark moves that the House accept the Minority "Ought to pass" in New Draft Report.

The gentleman may proceed.

Mr. CLARK: I would like to explain that unless you are familiar with the situation of Cape Elizabeth and Scarborough and under the Sinclair Act, since any secondary school cannot receive building aid unless they have an enrollment of seven hundred or over or unless they form into a school administrative district, it leaves these two towns in a rather peculiar situation. If you are familiar with the area, you will know that we are surrounded by comparatively large cities, namely: South Portland, Portland, Westbrook, Biddeford, Saco, etc. A seventeen member committee was formed to study the possibilities of forming into a school administrative district under the Sinclair Act and after some several months' study have not been able to come up with anything that even looks feasible or practical from the standpoint of the Town of Scarborough or either that or the Town of Cape Elizabeth.

You will note that we are asking for separate administrative districts, the principal reasons being that both Cape Elizabeth and Scarborough already have secondary schools and apparently will serve for another three to four years very adequately without further expansion. However, in both towns the elementary system is going to need some expansion and that is where our problem lies. It has been suggested that Scarborough

and the Cape form into an administrative unit which would entitle them to subsidy, but there are several reasons that make this almost impossible and certainly make it impractical. One being that it would require the transportation of pupils from some twenty-two miles which involves some fourteen hundred pupils in our particular instance, and I believe very nearly that same figure in the Town of Cape Elizabeth.

We are divided. The middle of our town is divided by the Scarborough River, so-called. One side of the river being a community known as Pine Point, the other side of the river being an area known as the Prout's Neck and Scarborough Beach area. To travel the distance of approximately five hundred yards it requires the travel by road of very nearly fourteen to fifteen miles, so you can readily see that the transportation problem involved in joining up with Cape Elizabeth is a very real and great one. We have been before the Maine School Building Authority on this. They recognized the situation and they have, in effect, told us that we have an impossible situation although they do not at this time have any program which would eliminate the situation.

We feel it is very unfair to be surrounded by communities who are receiving building aid and our hands are tied as far as forming a district. If it was humanly possible our last remaining chance of joining up with a small town was the Town of Buxton who has now gone into a school administrative district comprising Sebago Lake, Standish and some of those towns up there, so our last remaining chance is in this bill which would authorize us to vote and form into a single school administrative district. Therefore I have moved for the Minority Report on this bill, and I hope it receives favorable action.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with all that my good neighbor and colleague, Mr. Clark of Scarborough, has said. In addition to that Cape Elizabeth has a fur-

ther problem. We are surrounded on three sides by water. On the fourth side by Scarborough and South Portland. We too had a Committee investigate our possibilities under the Sinclair Act. They approached South Portland, and South Portland did not want anything to do with it. They have no problem, their high school is large enough to gain subsidy. Scarborough's problem, you have just heard. Now the high schools in these two towns don't approach the seven hundred mark, but the growth of these two towns is far more rapid than any other two towns in the State of Maine, and our Committee projected that in ten years at the most, our high school will be over seven hundred.

Now if we go into a building program under the Sinclair Act for Scarborough, which both towns oppose, we would have to build a new high school somewhere at a proper location and create a four or five million dollar debt to do so, and I want to invite your attention to the fact that under the Sinclair Act no towns can withdraw from a school district until the debt is finally liquidated. Now, Scarborough and Cape Elizabeth, neither one of them are ever going to see the day in the foreseeable future when their schools are going to be out of debt. In Cape Elizabeth we have to build at least a six-room school house every three years. We have no industry to pay the tax. It is real estate right down the line and we are never going to get out of debt in the foreseeable future if we put that down the next hundred years. Beyond that I can't see very well. It seems that we are victimized by our circumstances. At the time a hearing was held on the bill that Mr. Latno presented to reduce the size of the high school under the Sinclair Act to three hundred pupils, I asked those members present, the members of the Sinclair Board present, after stating our position in Cape Elizabeth, what solution they had. They said they hadn't any. Subsequently we met with the Sinclair Board, the Superintendent of Schools in Cape Elizabeth and the School Board met with the Sinclair Board in Augusta, and after a three and a half hour

conference, they still admitted they had no solution.

Now, the only solution to our problem so that we may be treated equitably is through this Legislature authorizing us to form a one town school district, and I hope the motion of Mr. Clark from Scarborough does prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Lee, Mr. Frazier.

Mr. FRAZIER: Mr. Speaker, as one of those on the Committee on Education who signed against the passage of this particular bill, I would now move the indefinite postponement, and express my reasons for so moving.

The SPEAKER: The gentleman may proceed.

Mr. FRAZIER: I do this reluctantly as I have talked with the gentleman from Scarborough, Mr. Clark, many times about this particular bill and he had hoped and I had hoped that there would be no action taken upon this particular bill until we had acted on what was originally introduced as Legislative Document 1263 which would have been a revision to the entire Sinclair Law. That particular bill has had a stormy session and ended up by going to Appropriations and consequently this innocent looking document that we are speaking of now has been in these legislative chambers since January fourteenth of this particular year. Now we have all on both sides conceded to keep it alive until we found out what the alternate disposition of the other measure would be. However, what this bill is doing as has been explained by the two gentlemen who have previously spoken will be to give those two towns the right to form a single town administrative school district, which in turn will make them eligible for state subsidy on their construction program.

I have to be opposed to this because if we do this, this bill will reduce the number of students in a particular high school to the number of three hundred. In effect it will do that, and any town with a resident pupil enrollment of three hundred students would naturally have legislation in the next Legislature to do this very thing. I feel

if it is done for these towns, it probably will have to be done for others. If it is then done for others, then without a doubt, we will reduce the incentive of any towns with three hundred students to go out and get students from surrounding areas by forming the largest districts. As I say, I reluctantly oppose this, but I feel that I must. Thank you.

The SPEAKER: The question now before the House is the motion of the gentleman from Lee, Mr. Frazier, that both Reports be indefinitely postponed.

The Chair recognizes the gentleman from Scarborough, Mr. Clark.

Mr. CLARK: Mr. Speaker, I would like to point out at this time that we have already approved three separate districts in this Legislature already, one being Allagash Plantation, the two others being Vinalhaven and North Haven, those all being formed strictly on the basis of their geographic surroundings, some of them being surrounded by water. In the case of the Allagash Plantation I guess they are being surrounded by very little of anything except wood.

I would like to ask a question through the Chair of the gentleman from Lee, Mr. Frazier. He has moved for indefinite postponement of this. I believe that we have the same exact argument that North Haven, Vinalhaven and the Allagash. We are surrounded by cities which creates for us the same problem as if we were surrounded by water or woods. I draw that as a direct comparison. Now I would like to ask this question, if he would tell me what other alternative we have other than forming a separate school administrative unit.

The SPEAKER: The gentleman from Scarborough, Mr. Clark, has addressed a question through the Chair to the gentleman from Lee, Mr. Frazier, who may answer if he chooses.

Mr. FRAZIER: I do choose Mr. Speaker, and I would answer the gentleman from Scarborough in this way and I think he knows what my answer will be, and that will be to vote for the revision of the Sinclair Law which he as a committee member signed the approval of, and which he said, if passed, he

would then move the withdrawal of his own bill.

The SPEAKER: The Chair recognizes the gentleman from Montville, Mr. Mathieson.

Mr. MATHIESON: Mr. Speaker: I think if you are interested to go into all the ramifications of this bill, you will find that the main conflict at this time is over the situation which has developed by putting into the so-called Sinclair Law certain things which were not recommended by the Jacobs Report or anyone else, and was done as a compromise measure at the very last thing, and going into this the Jacobs Report recommended that schools of three hundred and above were to be left out of building subsidies and that may seem kind of hard to some. But the principal reason for passing the Sinclair Law in the first place was simply to correct conditions which were found in the rural sections of this State where small high schools were trying to compete with larger high schools in sending children to college, and with the cost of teachers, the cost of everything in connection with schools, it was found absolutely impossible to do so.

Now your Jacobs Report came about through the Research Committee which was appointed, I think, from the 97th Legislature and came out as a bill from that Committee and Senator Sinclair gave the bill his name. That bill was founded and carried out principally on the recommendations of Jacobs, and the bill or the amendment that I have asked to be considered and the bill just tabled has to do with revising some of those things and getting down to the real trouble that we are having with the Sinclair Act and its whole authority. You have got a situation there which if you try to correct, you admit that there are certain things in your educational system in the State of Maine that need correcting. The best schools that you have got in this State, and I am saying that without spreading any propaganda or anything of the kind, is anywhere from the three hundred mark up, and there are some even below that, but some of the best high schools you have got fall within that bracket.

Certainly it was not those that you were trying to bring up to an educational level such as you would approve, and for that reason the Sinclair Law was instituted and it never meant, never was intended that building subsidy should be offered to that group. You just have to go all over your State, and you don't have to think it over very deeply either, your rural population is growing smaller all the time, the farms that a few years ago had whole families now are combined with four or five and are operated by one individual. Larger dairy herds, etc, are being built up. Your poultry, and especially in my county, and I am somewhat similar with you, is being raised in large quantities, in such quantities as never were thought of before. Those are raised on farms which are separated and are growing more separated as time goes on and your population there is growing less. If you expect those people to stay there and raise those, if you expect your potato growers to raise potatoes, and if you expect your dairymen to stay on those farms and produce dairy products, you have at least got to provide a chance for an education for those children.

There are some sections that the only way they could do that would be by getting together and pooling their interests and several towns have done that and are still doing it. I think that the thing that has been lost sight of was the fact that this was a move on those who are in more fortunate circumstances to benefit those in this other category, and I think that this Legislature fully understands that, and I think they fully understand too that it was not the intent of the Sinclair Law in the first place to have provided building subsidy for the small wealthy towns. Now, if you had money enough, yes. There would not be anybody arguing with it or against it or anything of the kind. It is just a matter of what can the economy of this State stand. Are you going to correct that condition that you know is wrong and go along the best you can until such time in the future as you are able to put out more money for schools?

We thought according to the thinking here in the Legislature this year that money was not available, and for that reason we have submitted a redraft of the Sinclair Law. It is not a redraft, it is just a matter of picking out places and doing things in that law to implement it and to carry it on in the intent that was brought out in the first place. Whereas, I have got no quarrel with Scarborough or Cape Elizabeth, it is not a question but what they are just as much entitled to building subsidy as any other section which is as fortunately situated. This bill was not meant for that group, not at the time being, and if that is selfish, why I will have to stand accused of being selfish. This bill if it does go through, then it will drop the subsidy down to the three hundred mark as that is practically what Scarborough and Cape Elizabeth have got, and you will have to be paying on a subsidy for all of the towns. It was the judgment of Jacobs when he made his report to this Legislature that the economy of the State did not warrant it at this time. If at some future time, as I said before, money is available why I would raise both hands that everybody should receive subsidy but under these circumstances I don't see how you can do it and I shall have to go along with the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Ervin.

Mr. ERVIN: Mr. Speaker and Members of the House: As a signer of the report of the Education Committee "Ought not to pass" I too want to explain my position as to why I signed such a report, and also to answer one or two questions in statements made by the gentleman from Scarborough, Mr. Clark.

He made the statement that we had allowed the Allagash Plantation construction aid and subsidies and so forth. I think the story of the Allagash Plantation is probably one of the most interesting as far as education is concerned that we have had in this State. The Allagash Plantation, in case that you people are not all familiar with the area, is way up in the northern part of the state, thirty-six miles

from the Town of Fort Kent and it is right in the wilderness. For the past several years they have been sending their high school pupils to Fort Kent to school. Unfortunately, the community high school in Fort Kent has been growing by leaps and bounds and it is now impossible for them to continue to take these children from Allagash, and they had to advise the Allagash people that beginning the fall of 1959 we cannot take your pupils.

A very interesting fact is that those children were driving, and mind you listen to these words, thirty-six miles in the morning and thirty-six miles at night to go to high school, and if you don't think that is something in Aroostook County, you come up there in February and we'll show you something. That's how bad they wanted an education. They were willing to drive seventy-two miles a day. We asked the bus driver in the hearing room what time he picked those children up. He picked them up at six o'clock in the morning, so that means they had to be out of bed at five o'clock and have their breakfast and out on the road at six.

Now Allagash was faced with about forty children not being able to go to high school because Fort Kent was the nearest place they had, thirty-six miles away. They didn't care what it cost, they said we are prepared to start our teachers in up there at \$4,000 a year just to teach, so that was a most individual case.

Vinalhaven, the situation was very similar. You have got an island and you have got two school districts over there, and if those children had to take the ferry and go across to join, it is a physical impossibility. Those were individual cases, regardless of whether you call it geographical location or what, it just couldn't work out any other way. They were hurting both of those places for schools. It was the opinion of the Education Committee that Cape Elizabeth and Scarborough were not hurting that much. True, the question was asked, what are you going to do for us, and the answer was, we don't know. The immediate problem of the ad-

ministrative unit section is first of all to get all of the schools organized and consolidated and then come back and try to find the answer to the individual cases.

Cape Elizabeth and Scarborough are not the only two cases in the State of Maine. We have got one — our gentleman friend from Orono, Mr. Treworgy, they have an individual problem up there the same way, but they are willing to wait until the other towns have solved the immediate problem of getting a group of towns together and then take up the individual ones next, and I think that these people should wait until the same time, and for that reason, I shall also have to vote indefinite postponement of Mr. Clark's bill.

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

Mr. BROWN: Ladies and Gentlemen of the House: The Jacobs Report, have you read it? Very idealistic. The Sinclair Act, if you have read that you have found out that that is the same. I have no quarrel with Allagash or Vinalhaven at all. We have a problem of our own that we are concerned with. We pay taxes in Cape Elizabeth and Scarborough and the result of this Sinclair Act is confiscatory, they are taking our taxes and spending them everywhere else in the State, and we can't get a little bit back for school subsidy. Is that equity? Is that justice I ask you? How do you like that? Somebody putting their hand in your pocket and taking your money away from you and giving it to somebody else.

Now we are perfectly willing to share with anyone, but when you take it away from us, our tax money, and say you can have none back, I ask you to vote against this motion.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: There seems to be a great deal of confusion in regard to the Sinclair Law in the minds of many of our people on the home front, and perhaps it would be well if we at this time briefly reviewed what are the fun-

damental principles of this law. Undoubtedly a great deal of the confusion was because that practically the whole educational statutes are contained in the Sinclair law, necessarily so because some changes had to be made in many instances although many of them were minor.

Now this bill, I believe, if enacted into law and that after very careful research and consideration will not only be financially wrong but will eventually wreck the entire Sinclair law and do untold harm to our whole educational system. If the Sinclair bill is worth anything it is because it was predicated and founded upon the principle that underlies our whole American educational public school system; namely, that although a child was born and reared in a small municipality he should not be denied the right to as good an education as though he was born and reared in a larger one.

John Stuart Mills has most aptly put this fundamental educational idea in words when he said and I quote: "Human society has in all ages promoted civilization and established beneficent institutions to the exact extent that their collective altruistic efforts have inspired and consummated the abnegation of self. Without the elements of altruism Society disintegrates and human institutions collapse."

This is the fundamental cornerstone of our American educational system. Millions of tax dollars are paid into the educational coffers by many of our citizens who have no children to educate. This proposed legislation nullifies the conception of equalization and if enacted will make a shambles of the entire law and bring to naught all the endeavors and efforts of the consecrated men and women who have put so much time and effort in bringing forth this advance educational equalization law.

While perhaps not perfect the Sinclair law as now written is a sure step forward in providing an education to all our youth regardless of the geographical or financial place or condition under which they were compelled to be born.

It is conceded by all who have concerned themselves with our secondary school requirements that to

give our youth an equal chance with pupils of high schools, the pupils of our small communities must consolidate into a unit, of secondary schools at least three hundred pupils. Therefore, to assist these small usually financially distressed communities the Sinclair law provides that the State assist them in the construction of the new school building by paying a certain proportion of the cost.

The one bad feature of the Sinclair law as now written is the provision which provides that high schools having seven hundred pupils will be considered as a unit to receive State aid in construction costs. If the Sinclair law is to function properly in the years to come, this provision must be stricken from the law.

But now comes this L. D., proposing that another class of secondary schools be added, taking in schools such as this L. D. provides for. And if we accept this you will find that there are about forty-two other schools that would come under the same idea which will be brought forth probably in other sessions of the Legislature. It seems that the proponents of this law, this bill, evidently think that two wrongs makes a right. If we adopt this proposed legislation we will have better ways with any and all consideration of equalization and equal opportunity for the education of the youth of our small communities since the Sinclair law can function with this added financial burden. And I shall be happy to support the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Montville, Mr. Mathieson.

Mr. MATHIESON: Mr. Speaker, there are some statements that have been made that I think is lack of information in regard to the Sinclair Act. The answer to some questions that have been brought up here as to not receiving some of the money that they were taxed for, this statement can be made and can be proved that all towns and all cities in the State of Maine today are receiving more money under the Sinclair Act than they ever received before in the world for school maintenance. Now this mat-

ter of school subsidy for buildings was reserved or was intended to be reserved for groups in the rural sections. Now if it is wrong why we need a change in the law, but that is the philosophy of the bill and that is what the bill is meant for and that is all it was meant for. It was to equalize those opportunities where the wealth of a section couldn't produce the necessary educational facilities for those children. A good example of it is this, that you have formed several districts, and I can mention one especially, and that is where the total wealth behind each child amounts to the matter for evaluation of \$4,000.

Now if you were to compare that with the wealth behind each child in the City of Portland, Bangor or any other place in the State you would find that it would vary from anywhere up to \$20,000 behind each child. Now those are the things which are unequal and those were the things that this bill was trying to correct, and I think if you were to look up the statistics, and you can find it, they are on record, that the actual pay-in to all the places in the State of Maine under the Sinclair Law, the contribution to education lengthens and is greater than it ever was before.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Lee, Mr. Frazier, that with respect to Bill "An Act to Create a School Administrative District in the Town of Cape Elizabeth" both reports be indefinitely postponed. The Chair will order a division.

Will those who favor the motion to indefinitely postpone both reports, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-five having voted in the affirmative and thirty-nine having voted in the negative, both reports were indefinitely postponed and sent up for concurrence.

The SPEAKER: Would the gentleman from Old Orchard Beach, Mr. Plante, please approach the the rostrum?

(Conference at rostrum)

On motion of Mr. Plante of Old Orchard Beach, the House voted to take from the table the fifth tabled and unassigned matter, "An Act relating to the Amount of the Annual Excise Tax on Railroads," House Paper 254, Legislative Document 365, tabled on June 2 by that gentleman pending passage to be enacted.

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

Mr. PLANTE: Mr. Speaker and Members of the House: On June 2 when I tabled this item I did so simply because our financial position was unpredictable. Today, in order to give the gentleman from Lee, Mr. Frazier an opportunity to submit his amendment after due process, I will then before it is enacted in the House reserve the right to table it again.

The SPEAKER: The Chair recognizes the gentleman from Lee, Mr. Frazier.

Mr. FRAZIER: Mr. Speaker, for the purposes of presenting the amendment I would now move that under suspension of the rules we reconsider our action whereby we passed this bill to be engrossed.

The SPEAKER: The gentleman from Lee, Mr. Frazier, moves that the House suspend the rules in order that he may move reconsideration of the House's action whereby it passed this bill to be engrossed. Will those who favor the motion to suspend the rules, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-six having voted in the affirmative and eight having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Lee, Mr. Frazier.

Mr. FRAZIER: Mr. Speaker, I now move that we reconsider our action whereby we passed this bill to be engrossed.

The SPEAKER: The gentleman from Lee, Mr. Frazier, now moves that the House reconsider its action whereby it passed this bill to be engrossed on May 19. Will those who favor the motion to recon-

sider please say aye; those opposed, no.

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

The SPEAKER: The Chair recognizes the gentleman from Lee, Mr. Frazier.

Mr. FRAZIER: If the rules are still suspended I move that we reconsider our action whereby we adopted House Amendment "A".

The SPEAKER: The Chair will have to advise the gentleman that the rules are not still suspended.

Mr. FRAZIER: Then Mr. Speaker, I would so move.

The SPEAKER: The gentleman from Lee, Mr. Frazier, moves that the House suspend the rules in order that the House may reconsider its action whereby it adopted House Amendment "A". Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The gentleman may proceed.

Mr. FRAZIER: I now move we reconsider our action whereby we did adopt House Amendment "A".

The SPEAKER: The gentleman from Lee Mr. Frazier, moves that the House reconsider its action whereby it did adopt House Amendment "A". Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. FRAZIER: I apologize for the time, but since this is the only way to do it, I now move the indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Lee, Mr. Frazier, now moves the House indefinitely postpone House Amendment "A".

The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Ladies and Gentlemen of the House: I arise opposed to this motion because in House Amendment "A" it gives a clarification from the Tax Division and if you eliminate this amendment "A" you will then be taking away from the State their right to determine as to what can be construed to mean the tax problem concerned on the railroad problem, so I request a division and hope this motion does not prevail.

The SPEAKER: The pending question is the motion of the gentleman from Lee, Mr. Frazier, that House Amendment "A" be indefinitely postponed, and a division has been requested. Will those who favor the motion to indefinitely postpone House Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-nine having voted in the affirmative and fifty-three having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Lee, Mr. Frazier.

Mr. FRAZIER: Mr. Speaker, I think that this amendment that I have would still be germane because of the fact that the problem that the gentleman from Bridgton, Mr. Haughn had, I believe I have taken care of in this amendment in the very first paragraph. I think I will defer to the gentleman from Old Orchard Beach right now so I can check with some attorneys and straighten this out.

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

Mr. HAUGHN: Mr. Speaker, in fairness to my friend from Lee, Mr. Frazier, if I am wrong I will humbly apologize, but the interpretation I get from reading this, it does not give me the thinking that I would like to have in it, and with the permission of the Speaker and the House I would like to have the Clerk read House Amendment "A".

The SPEAKER: The Clerk will read House Amendment "A".

House Amendment "A" (filing 375) was read by the Clerk.

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

Mr. HAUGHN: Mr. Speaker, in fairness once again to my colleague from Lee, Mr. Frazier, I move this be retabled and specially assigned for tomorrow until we clarify this.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that the House table Bill "An Act relating to the Amount of the Annual Excise Tax on Railroads" and that it be specially assigned for to-

morrow pending adoption of House Amendment "A". Is this the pleasure of the House? Will those who favor the tabling motion please say aye; those opposed, no.

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

Mr. Cousins of Bangor was granted unanimous consent to address the House.

Mr. COUSINS: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday at the University of Maine Commencement Exercises, one of our colleagues was the recipient of a very high honor, the Honorable Carl Raymond Smith, the Representative from Exeter, received an Honorary Doctor of Laws degree. Carl as you know, works for the same company I do, and has in addition to that spent many long years in the agricultural industry. He is liked and respected and admired by everybody who knows him, and I think it is only fitting that I should read the citation that accompanied his Doctor of Laws degree. "Carl Raymond Smith, born in and still a resident of Exeter, Maine; an alumnus of Colby College, from which he received an honorary degree; successful agriculturist, business man, and public servant; large crop farmer and cattle breeder, former Commissioner of Agriculture of this State, vice president of the Bangor and Aroostook Railroad, legislator and member and chairman of many important state and national committees, including the Committee on Agriculture of the United States Chamber of Commerce; recipient of an Outstanding Farmer award from this University in 1938, father of five children, two of whom graduated from this University and three of whom are actively farming at present.

"Your long and extremely valuable services to this state and nation, your constructive leadership so freely given, have won for you the esteem, confidence, and recommendation of your associates in agriculture and business. In recognition and appreciation of your effective and dedicated service to agriculture and the State, the Trustees of the University of Maine are pleased to

confer upon you the honorary degree of Doctor of Laws."

I would like to move that this House extend to the Honorable Carl R. Smith, to the Honorable Doctor Carl R. Smith, its congratulations.

The SPEAKER: The Chair will declare this motion unanimously passed. (Prolonged applause, members rising)

The Chair recognizes the gentleman from Exeter, Doctor Smith.

Mr. SMITH: Now that you have all learned how important a person I am, I hope you will treat me for the remainder of this session with a great deal of respect. Thank you very much. (Applause)

Mr. Mayo of Bath was granted unanimous consent to address the House.

Mr. MAYO: Mr. Speaker and Members of the House: I would like to take just a few minutes of your time, I know it is getting late, but I feel that I should today get onto my feet and defend my position and also the position of the Liquor Control Committee of which I was a member and served on this past year. I also want to defend our Honorable Speaker of this House. In a recent issue of a Christian Civic League Bulletin, which was recently off the press, Mr. Bubar severely criticized and chastised the Committee and this Legislature as a body. I feel that we were unduly criticized and it was not in any way called for.

The State of Maine is in the liquor business and will remain in the liquor business. The duties of the Liquor Control Committee is the word 'control.' I, and I know the rest of the members of that Committee tried our best to control the laws that were being presented to that Committee. Mr. Bubar was given every courtesy that was granted to all other lobbyists. We recognized him when it was his turn to speak. We listened to him. We feel that his remarks the other day were definitely not called for, as I said before, he really criticized us.

I am going to at this time publicly ask Mr. Bubar to publicly

apologize to this honorable Legislative session, our leaders, and the members of that Committee. Thank you very much.

On motion of Mr. Wade of Auburn,

Adjourned until ten o'clock tomorrow morning.