

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

Friday, June 12, 1959

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

Prayer by the Rev. Mr. Victor Musk of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes (S. P. 178) (L. D. 422) reporting that they are unable to agree.

(Signed)

ROSS of Sagadahoc
NOYES of Franklin
HILLMAN of Penobscot

—Committee on part of Senate.

DENNETT of Kittery
SMITH of Falmouth
PLANTE

of Old Orchard Beach

—Committee on part of House.

Came from the Senate read and accepted.

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

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

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Increasing Tax on Cigarettes" (H. P. 78) (L. D. 116) which Report and Bill were indefinitely postponed in the House on May 28.

Came from the Senate with the Bill substituted for the Report and passed to be engrossed in non-concurrence.

In the House:

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

Mr. WADE: Mr. Speaker and Members of the House: In order that we may have some more information on another tax measure before we take further action on

this one, I request the privilege of tabling this matter until later in today's session.

The SPEAKER: The gentleman from Auburn, Mr. Wade, moves that this matter be tabled and specially assigned for later in today's session pending further consideration.

The gentleman may not debate the tabling motion.

Mr. Winchenpaw of Friendship requested a division.

The SPEAKER: A division has been requested. Will those who favor the motion to table until later in today's session, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty having voted in the affirmative and fifty having voted in the negative, the motion to table prevailed.

**House Report of Committee
Ought to Pass in New Draft
New Draft Printed
Passed to Be Engrossed**

Mr. Stanley from the Committees on Appropriations and Financial Affairs and Education jointly on Bill "An Act to Clarify Procedure for Reorganization of School Administrative Units" (H. P. 894) (L. D. 1263) reported same in a third new draft (H. P. 981) (L. D. 1394) under same title and that it "Ought to pass"

Report was read and accepted and the third New Draft read twice.

The SPEAKER: Is it the pleasure of the House now that under suspension of the rules, this Bill be given its third reading at this time?

The motion prevailed and thereupon, under suspension of the rules, the Bill was given its third reading.

The SPEAKER: The pending question now is on the passage to be engrossed, and the Chair recognizes the gentleman from Portland, Mr. Miller.

Mr. MILLER: Mr. Speaker, I would like to have the privilege of tabling this until later on today.

The SPEAKER: The gentleman from Portland, Mr. Miller, moves that this matter be tabled and specially assigned for later in today's session, pending passage to be engrossed. Is this the pleasure of the House

(Cries of "No")

The SPEAKER: Will those who favor the tabling motion please say aye; those opposed, no.

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

Thereupon, the New Draft was passed to be engrossed and sent to the Senate.

Emergency Measure Indefinitely Postponed

An Act relating to Tax on Transient Rentals (H. P. 962) (L. D. 1364)

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

The SPEAKER: The Chair recognizes the gentleman from Sebago, Mr. Good.

Mr. GOOD: Mr. Speaker, the matter that we have before us at this particular time is L. D. 1364 which is proposed to be enacted. I rise in vigorous opposition to the passage of this emergency measure. As I have stated here on the House floor before, I have received a great deal of opposition and criticism to the passage of this proposed tax measure from people engaged in the hotel, motel and other recreational business in the State of Maine. I oppose the passage of this addition to the present sales tax law for several reasons. First of all, it is a decided departure from the sales tax law as it is written today.

Now, I read once before, and just to refresh your memory, the definition of a sales tax law. A retail sale that is being taxed today is defined as follows: Sale in retail means any sale of tangible personal property. Now this proposed tax is not a tax of tangible personal property. It is a proposed tax on a service. If we are going to get into this service field, let us devise an entirely new tax measure, taxing other services besides that furnished by the hotel and motel business. Some of the proponents of this measure state that the out-of-state person will pay for the tax. Aren't you paying for the gasoline tax? The out-of-state person is in the State about nine weeks during the year. Maine residents will be paying this tax for the other forty-three weeks.

This is a nuisance tax. You are going to bring into being an en-

tirely new set of what they call retailers, although they are not retailing anything. They are furnishing a service. As I have stated before, these people have not come in contact with a sales tax before. A lot of them don't even make out a W-2 Form. They are going to be confused. First of all, they are going to have to send to Augusta for a sales tax number. They are going to have to pay a fee for the privilege of collecting this tax. They are going to be sent forms. They are going to have to collect the tax, complete the forms, send them to Augusta, be investigated by an entirely new set of investigators they have never had any business with before. I believe that if we need a tax that we can collect the tax better where the machinery is already set up. Therefore, I move that this bill be indefinitely postponed at this time.

The SPEAKER: The question before the House is the motion of the gentleman from Sebago, Mr. Good, that Bill, "An Act relating to Tax on Transient Rentals" be indefinitely postponed.

The Chair recognizes the gentleman from Readfield, Mr. Dumaine.

Mr. DUMAINE: Mr. Speaker, when the vote is taken, I move we take it by roll call.

The SPEAKER: The gentleman requests a roll call.

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: I spoke with Mr. John Parker, the Assistant Clerk of the Vermont House, yesterday morning in regard to that State's new rental tax. As most of you know, Vermont's three per cent transient tax was combined with a three per cent tax on meals. In addition, that same legislative body saw fit to raise its tobacco and cigaret tax. At this instance, I shall very briefly confine my remarks to Vermont's rental tax as compared with the one before us. In subsection XVI-E of Section 9 of L. D. 1364, Maine would exempt any person after he has resided continuously for three months or ninety days at any hotel, rooming house, and so forth. Vermont exempts any person after he has re-

sided continuously for only one month or thirty days. Maine, for what I believe purely political and tactical reasons, would exempt anyone having fewer than four rental units from collecting this rental tax. Vermont hasn't any unit exemption. I object to a special unit exemption primarily for the following reasons. It would cause unfair competition between individuals who have three rental units and those who have five, six or more. For example, if I were to own a guest house with three separate rooms for rent and three cottages in my back yard, under this Act, as written, I would be exempt from collecting this tax. My neighbor, and possible competitor, however, with four or five cottages would be liable to collect this tax. Therefore, on one side of the street you could have one individual with a sign, in addition to what I hope would be possibly a "No vacancy" sign, an additional sign saying: "Tax free." Yet, across the street, the other individual with four or more units would have to collect the tax.

In addition, subsection XVI-D of Section 9 exempts, and I quote: "Rental charged to any person for living quarters in an apartment house." This is fine, but let us see how an apartment house is defined under this Act, and I quote: "'Apartment House' means any building or part thereof, where separate accommodations for more than two families living independently of each other are supplied to transient or permanent guests or tenants." As previously stated, rental charged to any person for living quarters in an apartment house is exempt under this Act. However, by the definition in Section one it is questionable whether individuals who own duplex apartments would be exempt. It is also questionable whether motels with living privileges, that is kitchen accommodations, could also be exempt under this definition of apartment houses.

These are but a few questions in this poorly drafted bill which I would like to bring to your attention this morning. You have all heard us debate this before, and I do not wish to prolong the debate. I certainly hope that the motion of the

gentleman from Sebago, Mr. Good, does prevail.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Caron.

Mr. CARON: Mr. Speaker and Ladies and Gentlemen of the House: I rise in concurrence with the gentleman from Sebago, Mr. Good, and the gentleman from Old Orchard, Mr. Plante, for several reasons. I have been contacted by many of my constituents, especially in the Town of Old Orchard, and they feel that this bill would be detrimental to their summer business.

Secondly, I feel as though we were running into what we call a legal problem in collecting this tax. The reasons for this would be that if A from New York City, as an example, had called me in Old Orchard a month ago and contracted with me to rent his cottage for \$1,000 for the season and the contract was consummated at the time with a \$200 deposit, certainly there was no law on the book at the time. A would not be compelled to pay the three per cent tax which would be approximately \$30, nor do I think that you could collect from B \$30 because a contract was consummated prior to this law being effective, which in the legal profession is called *ex post facto*. I feel and know that in most cases, at least under resorts, the contract for the summer places in most cases have been consummated before this law would become effective if passed. Again I repeat, it would create a legal problem which would be very expensive for the State to attempt to collect the majority of the taxes if we were allowed to collect them. I do hope that the motion to indefinitely postpone does prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Sebago, Mr. Good, that Bill, "An Act relating to Tax on Transient Rentals" be indefinitely postponed. A roll call has been requested.

The Chair recognizes the gentleman from Sanford, Mr. Desmarais.

Mr. DESMARAIS: Mr. Speaker and Members of the House: I might be a stranger amongst you

people here, but I am opposed to this motion to indefinitely postpone this rental tax, transient tax. I am from a county in which we have a lot of transient trade at the beaches. I know that any tax whatsoever will hurt somebody, I don't care who they hurt. But if the State says that we have to have a tax, I believe that the best tax would be the transient tax. It was mentioned here a few minutes ago that this would impose work on these motels and hotel owners and it would create a lot of problems to send in their application or for a request to get a permit to send in for that tax. I was in business when this sales tax came into effect. I had to apply, I had to pay, and I still have to collect for that sales tax, that three cent sales tax.

I have a business in the shoe shop at Sanford. I have a concession in there, and I sell a lot of coffee, ten cent cups of coffee on which I have to pay out of my pocket one cent to the State on the sales tax, and I believe this transient tax is about the best tax that can possibly be put in. It will cover a lot of the out-of-staters who come in to our State here which will help to pay towards this tax. We go into Massachusetts and you have to pay an old age tax on your meals when you go into a restaurant. We go in there and we pay eight cents on a dollar, and we don't complain. We just go in there and we pay, so I believe that these people who come in here, these vacationers and everything will help to pay on this tax that we have to have, and I hope that this motion to indefinitely postpone does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Sebago, Mr. Good, that the House indefinitely postpone Bill, "An Act relating to Tax on Transient Rentals." A roll call has been requested.

For the Chair to order a roll call, the Chair must have an expression of a desire for a roll call by at least one-fifth of the members of the House. Will those who desire a roll call, please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

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

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

The SPEAKER: The pending question is the motion to indefinitely postpone Bill, "An Act relating to Tax on Transient Rentals," House Paper 962, Legislative Document 1364. If you favor the indefinite postponement of this Bill, you will say "yes" when your name is called. If you oppose the indefinite postponement, you will say "no." The Clerk will call the roll.

ROLL CALL

YES — Aliberti, Baker, Beane, Bragdon, Briggs, Brockway, Brown, Bangor; Brown, Cape Elizabeth; Brown, Ellsworth; Cahill, Call, Caron, Carville, Caswell, Chapman, Gardiner; Chapman, Norway; Choate, Christie, Clark, Cormier, Cote, Couture, Coyne, Davis, Calais; Dean, Dennett, Dennison, Dodge, Dostie, Doyle, Dumaine, Dunn, Earles, Edmunds, Edwards, Raymond; Edwards, Stockton Springs; Emmons, Ervin, Gallant, Good, Graves, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Harrington, Haughn, Heald, Healy, Hendricks, Hendsbee, Hobbs, Hodgkins, Jacques, Jalbert, Johnson, Karkos, Kennedy, Kilroy, Knapp, Lancaster, Lane, Lantagne, Lebel, Lemelin, Lindsay, Linnell, Lowery, Maddox, Mathews, Mathieson, Mayo, Miller, Monroe, Moore, Morse, Nadeau, Parsons, Perry, Easton; Perry, Hampden; Pert, Philbrick, Pitts, Plante, Prue, Rankin, Reed, Rollins, Rowe, Madawaska; Saunders, Smith, Falmouth; Stanley, Storm, Tardiff, Treworgy, Trumbull, Turner, Wade, Walter, Warren, Weston, Wheaton, Whiting, Whitman, Winchenpaw.

NO — Baxter, Berman, Boone, Carter, Cousins, Cox, Crockett, Curtis, Cyr, Augusta; Desmarais, Dufour, Dumais, Edgerly, Frazier, Hilton, Hughes, Hutchinson, Jewell, Maxwell, Pike, Smith, Exeter; Walsh, Williams, Young.

ABSENT — Bacon, Barnett, Cyr, Fort Kent; Danes, Davis, Westbrook; Dow, Dudley, Harris, Jewett, Kellam, Kinch, Knight, Lacharite, Letourneau, Porell, Rowe, Limerick; Russell, Sanborn, Walls.

Yes 105, No 24, Absent 19.

The SPEAKER: One hundred five having voted in the affirmative and twenty-four having voted in the negative, with nineteen being absent, the motion to indefinitely postpone this Bill does prevail.

Enactor Requiring Two-Thirds Vote Fails of Enactment

An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$10,000,000 Bonds of the State of Maine for the Financing Thereof (H. P. 108) (L. D. 181)

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

The SPEAKER: This being a bond issue and in accordance with the provisions of Section 14 of Article IX of the Constitution it requires the approval of two-thirds of the members of the House. Will those in favor of the passage for enactment of this measure please rise and remain standing until the monitors have made and returned the count.

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

Mr. JALBERT: Mr. Speaker, before I make another motion, I would like to speak briefly on it.

The SPEAKER: The Chair must advise the gentleman that during a division the Chair cannot recognize the gentleman.

A division of the House was had.

For what purpose does the gentleman arise?

Mr. COUSINS of Bangor: To make a tabling motion.

The SPEAKER: The Chair must advise the gentleman that the tabling motion, any motion, is not in order until the vote has been announced on this measure.

Seventy-eight having voted in the affirmative and forty-four having voted in the negative, the Bill fails of enactment, not having secured the necessary two-thirds approval.

The Chair recognizes the gentleman from Etna, Mr. Carter.

Mr. CARTER: Mr. Speaker, would it be in order to ask for a roll call on this matter?

The SPEAKER: The gentleman would be in order in asking for a roll call.

Mr. CARTER: I would ask for a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, the Chair must have an expression of a desire for a roll call on the part of one-fifth of the members of the House. Will those who desire a roll call please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

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

The Chair will state the question. The question is on the passage for enactment of Bill "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$10,000,000 Bonds of the State of Maine for the Financing Thereof."

If you favor the passage for enactment of this measure, you will say "yes" when your name is called; if you oppose the passage for enactment, you will say "no." The Clerk will call the roll.

ROLL CALL

YES — Aliberti, Bacon, Baker, Baxter, Beane, Berman, Bragdon, Brockway, Brown, Bangor; Brown, Cape Elizabeth; Call, Carter, Caswell, Choate, Clark, Cousins, Cox, Coyne, Crockett, Curtis, Davis, Calais; Dean, Dennett, Dennison, Dodge, Dufour, Earles, Edgerly, Edmunds, Edwards, Raymond; Edwards, Stockton Springs; Emmons, Ervin, Frazier, Good, Graves, Hanson, Bradford; Hanson, Lebanon; Hardy, Harrington, Haughn, Heald, Healy, Hendricks, Hendsbee, Hilton, Hobbs, Lane, Lindsay, Linnell, Maddox, Mathews, Mathieson, Miller, Monroe, Morse, Perry, Easton; Perry, Hampden; Pert, Philbrick, Pike, Pitts, Reed, Rowe, Madawaska; Smith, Exeter; Smith, Falmouth; Stanley, Storm, Treworgy, Walsh, Walter, Weston, Whiting, Williams, Winchenpaw.

NO — Boone, Briggs, Brown, Ellsworth; Cahill, Caron, Carville, Chapman, Gardiner; Chapman, Norway; Christie, Cormier, Cote, Couture, Cyr, Augusta; Desmarais, Dostie, Doyle, Dumaine, Dumais, Dunn, Gallant, Hancock, Hodgkins, Hughes, Hutchinson, Jacques, Jalbert, Jewell, Johnson, Karkos, Kilroy, Knapp, Knight, Lancaster, Lantagne, Lebel, Lemelin, Lowery, Maxwell, Mayo, Moore, Nadeau, Parsons, Prue, Rankin, Rollins, Saunders, Tardiff, Trumbull, Turner, Warren, Wheaton, Whitman, Young.

ABSENT — Barnett, Cyr, Fort Kent; Danes, Davis, Westbrook; Dow, Dudley, Harris, Jewett, Kellam, Kennedy, Kinch, Lacharite, Letourneau, Plante, Porell, Rowe, Limerick; Russell, Sanborn, Walls.

Yes 76; No 53; Absent 19.

The SPEAKER: Seventy-six having voted in the affirmative, fifty-three having voted in the negative, and nineteen being absent, the Bill fails of enactment, not having secured the necessary two-thirds approval.

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

Mr. KNIGHT: Mr. Speaker, in compliance with the thirty minute order, I having voted on the prevailing side, I request that you have the Clerk hold this document.

The SPEAKER: The Chair will advise the gentleman from Rockland, Mr. Knight, that his request is noted.

The House will be at ease.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair understands the gentleman from Freeport, Mr. Crockett, to move that the House now recess for one half hour to permit both parties to have a brief caucus. Is this the pleasure of the House?

The motion prevailed and the House recessed for one half hour.

After Recess

Called to order by the Speaker.

The SPEAKER: The House is proceeding under Bills on their passage to be enacted, item three.

Enactor

Indefinitely Postponed

An Act to Make Valid the Incorporation of School Administrative Districts Nos. 1, 2, 3, 4, 5 and 6 (S. P. 285) (L. D. 747)

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

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

Mr. MATHIESON: Mr. Speaker, I now move for indefinite postponement of this bill and all its accompanying papers and would like to speak.

The SPEAKER: The gentleman may proceed.

Mr. MATHIESON: In this situation that you have now, if this bill is passed, it is going to create an impossible situation. Before this thing could take effect, arrangements will have to be made for schools in the Town of Perham and also in the Town of Liberty. They will have to be made by what existing authority there is now and the authority as is will be the authority of the district until the middle of September. And you have got to hire teachers for those positions. It is an impossible situation, it is a situation which the courts will have to decide anyway, and for that reason I move indefinite postponement so that this matter can be carried to the courts as soon as possible.

The SPEAKER: The question before the House is the motion of the gentleman from Montville, Mr. Mathieson, that the House indefinitely postpone this Bill.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I do not intend to say very many words on this, we have already discussed it many times as I said last night. If you go along with this motion to indefinitely postpone, you will have deprived the Town of Liberty and the Town of Perham getting out of these school districts. You will also have eliminated the validating act which, in the opinion of many, I believe is important for both the remainder of these districts and for the other districts, four, five and six, which are listed here. It was considered very important all

through this session that this Legislature should pass the validating act. If you go along with this amendment, you have eliminated this validating act completely. As regards to the argument of the gentleman from Montville in regard to the adjustments of the district, it is regrettable that the ninety day period had to be on there, but it simply sets the thing ahead another ninety days, the arrangements are all in the amendment and can very well be arranged without any great difficulty except the extension of time. It is the same arrangement, it is simply an extension of time.

I hope you will vote against the motion of the gentleman from Montville, Mr. Mathieson.

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

Mr. MATHIESON: The carrying out of your wishes of course is left to the Educational Department, and I have in my hands their recommendations to us. And this was written to Senator Dow and was read in the other end of the House, I believe. And the response is this.

"In response to your inquiry, you are correct in your assumption that the position of the Schools District Commission has not changed with respect to the validating act for districts 1, 2, 3, 4, 5 and 6.

"This act, as you know, was prepared by the Attorney General's office at the request of the Commission and on advice of bond counsel. Its objective was to provide these newly-formed districts with the firmest possible legal basis in order to facilitate their financial and other obligations. The Commission has consistently opposed, and will continue to oppose, the addition of any amendments or alteration of the bill in any respect, but would obviate the realization of this objective."

The validating act, it is very true, the validating act as was stated here before many times is just a case where the Legislature has urged its Committee on Education to inquire if these districts were formed legally. Having found them formed legally we reported to you and it was a unanimous report that the bill should be passed, and that was the validating act and no

amendments. And this matter of amendments on the last of this session to create a confusion, as you might say, among all the schools in this state and among all the school men and everybody else that has anything to do with the schools, I think it is something we should at this time attempt. There is plenty of access to the law and that is where it is going to end up, and I think it would be a wise thing for us as legislators to just throw the whole thing out.

Now, if you want to know the action of the validating act, it is this, it is just a matter of seeing that this thing is properly organized, that these different districts have been properly organized, that they have met the requirements of the law in organizing. And it isn't absolutely essential for passage, it will make no difference in regard to that at all and, when you say it is very important that we should have it, the only difference it will make is that the bonding companies will themselves have to find out whether they want to lend bonds by investigating each of these districts before they loan money. Now, I think the easiest way out of this for us, and the best way out and the safest way out, is to postpone this bill and all its accompanying papers.

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

Mr. PERRY: Mr. Speaker, and Ladies and Gentlemen of the House; this matter has been debated a good many times here and I think it is enough, and I move the previous question.

The SPEAKER: The gentleman from Easton, Mr. Perry, has moved the previous question. For the Chair to entertain a motion for the previous question the Chair must have the authorization of at least one-third of the members of the House. Will those in favor of the Chair's entertaining the motion for the previous question please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen the Chair is authorized to entertain the motion for the previous question.

The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes for any member who wishes to speak to that question. Is it the pleasure of the House that the main question shall be put now?

The motion prevailed.

The SPEAKER: The question now before the House is the motion of the gentleman from Montville, Mr. Mathieson, that the House indefinitely postpone Bill "An Act to Make Valid the Incorporation of School Administrative Districts Nos. 1, 2, 3, 4, 5 and 6."

Mr. Bragdon of Perham requested a division.

The SPEAKER: Will those who favor the indefinite postponement of this Bill, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Sixty-one having voted in the affirmative and sixty having voted in the negative, the motion to indefinitely postpone prevailed.

The SPEAKER: For what purpose does the gentleman from Belfast rise?

Mr. ROLLINS: Well, I question that vote, Mr. Speaker; it was sixty-one to sixty-two, it was negative, was it not?

The SPEAKER: It was sixty-one to sixty in favor of the motion.

Mr. ROLLINS: Sixty-two I had. I would call for a roll call.

The SPEAKER: The gentleman requests a roll call. For the Chair to order a roll call the Chair must have the expression of a desire for a roll call on the part of one-fifth of the members of the House. Will those who favor a roll call please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

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

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

Mr. PHILBRICK: Mr. Speaker, back there in the beginning of the session, there was another bill which was voted on very much the same as this—

The SPEAKER: The Chair must advise the gentleman that at this

point debate is not in order, the previous question having been voted on.

Mr. PILBRICK: Well, I am raising a point of order.

The SPEAKER: The gentleman may state his point of order.

Mr. PHILBRICK: I question that you can parliament a vote. Inasmuch as the same situation existed earlier in the session, into which I can go into detail, and I was turned down and I asked for a recount.

The SPEAKER: The Chair must rule that the gentleman's point of order is not in order and that a roll call is in order at this time.

For what purpose does the gentleman rise?

Mr. DUMAINE of Readfield: Mr. Speaker, a constitutional issue.

The SPEAKER: The gentleman may proceed.

Mr. DUMAINE: Before the vote is taken I would like to have the House go on recess for five minutes to allow them to read, on page three, Article I, Section 2, of the Constitution of Maine—

The SPEAKER: Does the gentleman move that the House recess for five minutes?

Mr. DUMAINE: Yes.

The SPEAKER: The gentleman from Readfield, Mr. Dumaine, moves that the House recess for five minutes. Will those who favor the motion please say aye; those opposed, no.

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

The SPEAKER: A roll call has been ordered. The Chair will state the question. The pending question is the motion of the gentleman from Montville, Mr. Mathieson, that the House indefinitely postpone Bill "An Act to Make Valid the Incorporation of School Administrative Districts Nos. 1, 2, 3, 4, 5 and 6," Senate Paper 285, Legislative Document 747. When your name is called if you favor the indefinite postponement of this measure you will say "yes;" if you oppose the indefinite postponement you will say "no."

The Clerk will call the roll.

ROLL CALL

YES — Aliberti, Baker, Barnett, Beane, Berman, Briggs, Brown, Bangor; Cahill, Caron, Carter, Clark,

Cormier, Cote, Couture, Cox, Coyne, Cyr, Augusta; Dean, Desmarais, Dostie, Dufour, Edgerly, Edwards, Stockton Springs; Ervin, Frazier, Gallant, Hanson, Bradford; Hanson, Lebanon; Haughn, Hendricks, Hodgkins, Hutchinson, Jacques, Jalbert, Jewell, Jewett, Johnson, Karkos, Kilroy, Knight, Lane, Lantagne, Lebel, Lemelin, Lowery, Mathieson, Maxwell, Miller, Monroe, Morse, Perry, Easton; Pert, Philbrick, Pitts, Plante, Prue, Reed, Rowe, Madawaska; Russell, Saunders, Tardiff, Wade, Warren, Wheaton, Whiting, Williams.

NO — Bacon, Baxter, Boone, Bragdon, Brockway, Brown, Cape Elizabeth; Brown, Ellsworth; Call, Carville, Caswell, Chapman, Gardiner; Chapman, Norway; Christie, Cousins, Crockett, Curtis, Davis, Calais; Dennett, Dennison, Dodge, Doyle, Dumaine, Dumais, Dunn, Edmunds, Edwards, Raymond; Good, Graves, Hancock, Hardy, Harrington, Heald, Healy, Hendsbee, Hilton, Hobbs, Hughes, Knapp, Lancaster, Lindsay, Linnell, Madrox, Mathews, Mayo, Moore, Parsons, Perry, Hampden; Pike, Rankin, Rollins, Smith, Exeter; Smith, Falmouth; Storm, Treworgy, Trumbull, Turner, Walter, Weston, Whitman, Winchenpaw, Young.

ABSENT — Choate, Cyr, Fort Kent; Danes, Davis, Westbrook; Dow, Dudley, Earles, Emmons, Harris, Kellam, Kennedy, Kinch, Lacharite, Letourneau, Nadeau, Porell, Rowe, Limerick; Sanborn, Stanley, Walls, Walsh.

Yes 66; No 61; Absent 21.

The SPEAKER: Sixty-six having voted in the affirmative, sixty-one having voted in the negative, with twenty-one absent, the motion to indefinitely postpone does prevail.

For what purpose does the gentleman from Montville rise?

Mr. MATHIESON: Mr. Speaker, to ask that this be sent forthwith to the Senate.

The SPEAKER: The Chair must remind the gentleman that under a unanimous consent order that was passed yesterday the time for sending matters forthwith to the Senate has been set at a period of thirty minutes after House action.

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

Mr. KNIGHT: Mr. Speaker, I now move that we reconsider our action whereby earlier today we failed to enact item two on page two, Bill "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$10,000,000 Bonds of the State of Maine for the Financing Thereof," House Paper 108, Legislative Document 181. I would inform the Chair that I voted on the prevailing side previously.

The SPEAKER: The gentleman from Rockland, Mr. Knight, moves that the House reconsider its action whereby this Bill failed of enactment earlier in today's session.

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

Mr. COUSINS: Mr. Speaker and Ladies and Gentlemen of the House: Just to recap what this is about, this bond issue as you know is for dormitory construction only at the University of Maine. It is a self-liquidating bond issue. The bond principal and the bond interest will be paid from the rentals charged the students. That is the way the dormitory system at the University of Maine is run. They plan to build a little over \$8,000,000 worth of dormitories and housing. The other million seven, roughly, is for the purpose of possibly refinancing some short term notes that are now in existence because of the University building other buildings on its own credit when authorized by this Legislature in previous sessions. Those notes are short term notes. The payments are more difficult for the University to make, of course. When the University borrows on its own credit, it gets a higher interest rate than does the State of Maine borrowing on the credit of the State of Maine.

All the Trustees at the University are asking for is the right to refinance those notes if it is economically sound to do so. If it is not, they do not plan to do it. In any event the Board of Trustees must vote such action, and the Governor and Council must approve it before the action is taken.

The need for these dormitories is urgent. There is no excess housing

in the University of Maine area. The gentleman from Orono, Mr. Treworgy, can certainly attest to that. Housing for women students is vitally necessary. This bill is most important, and this Legislature and this House would be doing a grave injustice to the University and to the people of the State of Maine if they do not pass this measure.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker, I would point out also that this item is in the form of enabling legislation. In other words, before the University could use this money to carry out any of this construction, the matter must go before the people of the State of Maine, and they are the ones who will ultimately decide whether the University should or should not go along with this type of a program. Once these buildings are built, as is the situation with their other dormitories, they are self-sufficient. They do not cost the State of Maine any money in the way of maintenance, upkeep, or in any other form. I want to point out that at this moment there are approximately 1200 students attending the University of Maine who do not live on the campus. They do commute. I would hope that the motion to reconsider would prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The budget showed that the various departments throughout the State were being raised generally, either through recurring or non-recurring basis, approximately seven per cent. This would include operating expenses, salaries and construction. The record shows that the University of Maine received good treatment, preferential treatment to the tune, on those three items, of approximately eighteen per cent. Along with it, on the sheet that we have pertaining to what program of taxation we would use up against the operating budget, that on one line it showed \$1,000,000 more for the University of Maine. The Good amendment brought that down to another \$500,000. It appears that one who would rise in opposition to any-

thing that the University of Maine would want becomes an enemy of the University of Maine. I can well remember on several, several occasions standing up and fighting for the University of Maine for what is right. I also remember reading a lengthy report from the late, then Republican Floor Leader, Mr. Edward Chase and then, the then President of the Board of Trustees, talking about the policy at the University of Maine. That possibly is beside the point.

An order is being prepared, and justifiably so, that the Bureau of Public Improvements be directed to conduct a State survey wherein it concerns the construction needs at the University of Maine. That is the proper procedure. That procedure was never entertained before concerning the program at the University of Maine. It is to be well remembered that when we built the Annex, it was done before the Bureau of Public Improvements was set up. Architects had not even been hired. An outsider was hired. The contract was given to an outsider to build the building. The performance of a bond was over after one year. The answer, a cost to the people of Maine of eight hundred and some odd thousand dollars. At this note, moneys were given at a Special Session before the building was even completed. That was because we did not have the proper setup that we have now, the Bureau of Public Improvements. I shall vote against the motion to reconsider, and I shall move if the motion to reconsider prevails for the indefinite postponement of this measure for the reasons that I have stated. They are justifiable reasons. The program can wait, certainly. It was only two years ago, I believe, we gave money for a dormitory. I have stated to you the facts of the case after the treatment we have given to the University of Maine. I am with a program providing it is channeled through the proper channels.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, when the vote was taken, I voted against this measure, but as I have been thinking it over, I have

thought of this, that we have sanctioned bond issues for highways, and the status of those I presume is about the same as the status of this bond issue, and for that reason I have decided to change my vote and vote for this bond issue.

The SPEAKER: The Chair recognizes the gentleman from Sherman, Mr. Storm.

Mr. STORM: Mr. Speaker and Members of the House: I would simply point out that at every session of which I have been a member, we have had a bill before us for dormitory construction and the State has had to put up half of that amount, and had this bill that we are talking about at the present time not been before us, we would have had probably, I would not dare to say what figure, but at least a substantial figure added to our capital construction at this time. I simply want to call that to your attention.

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

Mr. COUSINS: Mr. Speaker, when the vote is taken, I request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker and Members of the House: As a member of the Committee on Education, I signed this bill out "Ought to pass" with certain reservations, and the reservations were to make a further judgment and to collect data and to try to make a clear decision on it. I voted "yes" previously this morning with reluctance and for these reasons here. I do feel that the dormitory needs of the U. of M. should go through proper procedures, and those proper procedures have been bypassed, but why the proper procedures? Why should it go to the Bureau of Public Improvements and simply the matter of saving dollars? Now I go along with the assumption that these dormitories are self-liquidating, and they are self-liquidating because they will be borne by rental cost to the students, and therefore, we are concerned with room costs for the students and they will be paying for this.

I am going to vote against it for these reasons here that if it is at all possible, and I think this should go to the Bureau of Public Improvements, if it is at all possible to save several hundreds of thousands of dollars, and these several hundreds of thousands of dollars will be borne by student costs at the U. of M. I think that if we might delay this matter for two years to send it through our State agency so that we can bone this thing down to its real cost and not get into this financial jam and waste as we have in the albatross across the way, that in the long run we will be doing the students at Maine and future students there a real service, because they will be the ones who are going to be picking up the cost. Therefore, I hope that you will vote against this bond issue, and you will vote for the order directing the Bureau of Public Improvements to make the space need survey and a need survey for dormitories at the U. of M.

The SPEAKER: The Chair recognizes the gentlewoman from Patten, Mrs. Harrington.

Mrs. HARRINGTON: Mr. Speaker and Members of the House: It is certainly most regrettable that this business of the Bureau of Public Improvements should come on this floor today. Here we are in the last hours of this session and bringing it up, and the University of Maine is going to have to pay.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Barnett.

Mr. BARNETT: Mr. Speaker and Ladies and Gentlemen of the House: I want to emphasize this point that has been made that here is the opportunity to take the State out of the business of building dormitories at the University and put them on a self-liquidating basis, and I further want to take somewhat issue and all of the reasoning behind that the Bureau of Public Improvements should be the ones to handle this. I have high respect for the Bureau of Public Improvements. I think that they have done an excellent job and will continue to do so. However, on dormitory construction of this size, I am sure that the architectural work will be done by firms within the State other than the Bu-

reau of Public Improvements. I feel that the Bureau of Public Improvements has done an excellent job in already evaluating the needs of the University in respect to their physical plant and so forth, but I cannot foresee where there would be any huge amount of money wasted or lost if the Bureau of Public Improvements did not make a study first to determine whether dormitories are needed at the University. I think that your population answers that for you.

On the local level, there isn't a community in the State of Maine that is not having troubles with their school buildings bursting at the seams, and they in turn when these students graduate from high school, it puts the same burden upon the universities, and I don't think that we can jeopardize the opportunity for the students who are coming out of high schools to attend the University because we feel this should be channeled through the Bureau of Public Improvements first. Therefore, again, here is the opportunity to save the taxpayers of Maine some money so the Legislatures won't have to continually go half on the construction of new dormitories, so I hope that the motion to reconsider does prevail.

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

Mr. TURNER: Mr. Speaker and Members of the House: I think that this bond issue puts us in the fork of the road, whether we want to double the size of our University and double the expenditures which the State is going to be up against. You say your building dormitories is not going to cost the State anything. Well if you build dormitories, you are expanding and you have got to build more classrooms, and I can't see why inside of five years instead of being five million a year, the State's expenses down there will not be more than ten million dollars a year to operate, and I don't think that we should ever venture into such a big deal.

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

Mr. ERVIN: Mr. Speaker, I think with the increasing demands for ed-

ucation that it would be a most regrettable step to further delay construction of dormitories and housing space at the University of Maine. Every year there are more and more and more boys and girls wishing a college education, and rightfully so. I personally don't see how we can afford to delay this program any longer. More and more delay is going to mean more expense. In the original program that was offered to us, a \$24,000,000 bond issue, the schedule was laid out as to the immediate needs for the next two years, three years, four years, five years and so on. On the part of the Education Committee, it was their belief that the \$8,195,000 amount, which was what the University thought they should build in the next two years, would be sufficient. In our Conference Committee we also agreed five to one that the extra flexibility to allow the refinancing of the outstanding notes should be put in there, and for that reason we went along with the ten.

Now you have all seen this report, the University booklet. I think you all have them on your desk, and in there lists the five projects that the University would like to build and it would be available for use by 1961 and there are five buildings, three men's dormitories, one woman's dormitory and one housing unit for married students which will accommodate approximately three thousand students and will be ready for occupancy in the fall of 1961.

As far as the Education Committee was concerned and the Conference Committee was concerned, we felt that if the University then needed more space and more buildings that they could come back to the Legislature and ask for additional funds and that is why we settled on the \$10,000,000 bond issue. I hope the move for reconsideration does prevail.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Barnett.

Mr. BARNETT: Mr. Speaker and Ladies and Gentlemen of the House: I would like to comment on the remarks made by the gentleman from Auburn, Mr. Turner, in this matter. I agree that if we do go along with this dormitory construc-

tion, there undoubtedly will be additional operating costs, so I still feel that the fundamental underlying question here is not should we be having a bond issue for this housing et cetera. The fundamental and most important question still is, do you or do you not want to provide adequate facilities so that every student who wishes to go to college in the State of Maine, can have the opportunity to do so.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Rockland, Mr. Knight, that the House reconsider its action whereby this bill failed of enactment earlier this morning. The gentleman from Bangor, Mr. Cousins, has requested a roll call.

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

Mr. ALIBERTI: Mr. Speaker, I would like to ask a question of anybody who could answer. If this bond issue does go through and the reconsideration is granted, what would be the status of the sewage system there? I remember that in one of the amendments that were offered, there was an item of \$538,000 that was eliminated. Now will there be any provision to take care of that situation?

The SPEAKER: The gentleman from Rumford, Mr. Aliberti, has addressed a question through the Chair to anyone who may answer if he chooses.

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

Mr. STANLEY: Mr. Speaker, in the capital construction and improvement bond issue, the amount of money for the sewage disposal plant was eliminated. If these buildings are built, I would assume that the Trustees of the school would make sure that we have the proper sewage disposal system to take care of any added facilities. We did not do it in the capital improvement program, but I would assume that in their planning they have the plans all made for it.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Rockland, Mr. Knight, that the House reconsider its action whereby this bill

failed of enactment earlier in today's session. The gentleman from Bangor, Mr. Cousins, has requested a roll call.

For the Chair to order a roll call, the Chair must have an expression of a desire for a roll call on the part of at least one-fifth of the members of the House.

Will those who desire a roll call please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

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

The pending question is the motion of the gentleman from Rockland that the House reconsider its action whereby Bill "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$10,000,000 Bonds of the State of Maine for the Financing Thereof," House Paper 108, Legislative Document 181, failed of enactment earlier today.

If you favor the motion to reconsider, you will say "Yes" when your name is called. If you oppose the motion to reconsider, you will say "No."

The Clerk will call the roll.

ROLL CALL

YES — Bacon, Baker, Barnett, Baxter, Berman, Bragdon, Brockway, Brown, Bangor; Brown, Cape Elizabeth; Brown, Ellsworth; Call, Carter, Carville, Caswell, Chapman, Gardiner; Choate, Christie, Clark, Cousins, Cox, Crockett, Curtis, Davis, Calais; Dean, Dennett, Dennison, Dodge, Dufour, Dumaine, Earles, Edgerly, Edmunds, Edwards, Raymond; Edwards, Stockton Springs; Emmons, Ervin, Frazier, Good, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Harrington, Haughn, Heald, Hendricks, Hilton, Hobbs, Jewett, Kellam, Kennedy, Knight, Lane, Lindsay, Linnell, Maddox, Mathews, Mathieson, Miller, Monroe, Morse, Perry, Easton; Perry, Hampden; Pert, Philbrick, Pike, Pitts, Rankin, Reed, Russell, Smith, Exeter; Smith, Falmouth; Stanley, Storm, Treworgy, Wade, Walsh, Walter, Weston, Wheaton, Whiting, Whitman, Williams, Winchenpaw.

NO — Aliberti, Beane, Boone, Briggs, Cahill, Caron, Chapman, Norway; Cormier, Cote, Couture, Coyne, Cyr, Augusta; Desmarais, Dostie, Dumais, Dunn, Gallant, Healy, Hendsbee, Hodgkins, Hughes, Hutchinson, Jacques, Jalbert, Jewell, Johnson, Karkos, Kilroy, Lancaster, Lantagne, Lebel, Lemelin, Lowery, Maxwell, Moore, Nadeau, Parsons, Prue, Rollins, Rowe, Madawaska; Saunders, Tardiff, Trumbull, Turner, Warren, Young.

ABSENT — Cyr, Fort Kent; Danes, Davis, Westbrook; Dow, Doyle, Dudley, Graves, Harris, Kinch, Knapp, Lacharite, Letourneau, Mayo, Plante, Porell, Rowe, Limerick; Sanborn, Walls.

Yes 84, No 46, Absent 18.

The SPEAKER: Eighty-four having voted in the affirmative and forty-six having voted in the negative, with eighteen being absent, the motion to reconsider does prevail.

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

Mr. KNIGHT: Mr. Speaker, I now move that this be enacted.

The SPEAKER: The pending question now is on the final enactment of this bill.

The Chair recognizes the gentleman from Bath, Mr. Pert.

Mr. PERT: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested.

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

Mr. TURNER: Mr. Speaker, I move indefinite postponement of this bill and ask for a roll call.

The SPEAKER: The question now before the House is the motion of the gentleman from Auburn, Mr. Turner, that the House indefinitely postpone this bill, and the gentleman has requested a roll call.

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

Mr. STANLEY: Mr. Speaker, Ladies and Gentlemen: I came in late. I don't know what was discussed prior to our taking the last vote to reconsider, but I am sure it has been brought out that all we are voting on today is the right of the people to vote as to whether they want to increase the size of the

University so that more students can go to the University. It will be available to them. We are not voting to provide funds for anybody. We are just sending this out for referendum, and it seems to me that the people who really support the University of Maine are those who should tell us whether or not we should provide funds for housing at the University of Maine.

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

Mr. JALBERT: Mr. Speaker and Members of the House: On several occasions, there have been measures that involved the constitution that mandatorily must have a referendum clause on them, such as two years ago, the change of election date, such as this time, the abolition of the Council, and such as also an annual sessions bill, and not facetiously, but I would like to ask the gentleman from Bangor, Mr. Stanley if on those occasions he voted to allow those measures to go before the people.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has addressed a question through the Chair to the gentleman from Bangor, Mr. Stanley, who need answer only if he chooses.

Mr. STANLEY: Mr. Speaker and Ladies and Gentlemen: I am never afraid to reveal how I vote. Mr. Jalbert has asked the question as to how I voted. On the changing the Governor's term of office from two to four, I voted yes that we send it out to the people. On the change of the election date, I voted yes, send it out to the people. In both instances, they were approved by the people, so I wonder if the gentleman would be afraid the same thing would happen again.

In the second two instances, I voted no that we not send them out to the people and my reasoning on that, if he is interested enough, is the fact that when the people voted on whether we should change the term of office for the Governor and the election date that roughly twenty per cent of the people voted, meaning that some twelve per cent of the people decided as to what we would do. I am sure that there are very few people who are interested in the change of election

date or in how long a term the Governor would serve, but there are people who are interested in educating the children of the State of Maine, and they, I am sure, would get out and vote.

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

Mr. COUSINS: Mr. Speaker, one small point. Something has been made of the fact that this measure is one which will serve to increase the size of the University. I call to your attention that this measure is going to replace some of the existing dormitory structures there, and if you have not seen them, you should see them. There are some chicken coops that are not worthy of the name "dormitories" up there. They are fire traps. Some of them have had four and five fires in them already. They are a disgrace to the State of Maine. They are dangerous to the young men, in some instances the married couples, living in them. They should not be allowed to stay there. Those would go under this provision, and new housing would be constructed in their place.

The SPEAKER: Is the House ready for the question?

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

Mr. CURTIS: Mr. Speaker, I move that we recess until two-thirty.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, has moved that the House recess until two-thirty.

Will those who favor the motion to recess until two-thirty, please say aye; those opposed, no.

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

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, I would like to back up just what the gentleman from Bangor, Mr. Cousins, said in a little different way, that I have a friend who lives in Vinalhaven who is a trained nurse and her husband goes to the University of Maine, and she tells me that living in one of those dormitories is just like living in a lobster trap. I never tried living in a lobster trap, but I imagine it is pretty breezy.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Auburn, Mr. Turner, that the House indefinitely postpone this bill. A roll call has been requested. For the Chair to order a roll call, the Chair must have an expression of a desire for a roll call on the part of at least one-fifth of the members of the House.

Will those who desire a roll call please rise and remain standing until the monitors have made and returned the count.

A sufficient number did not arise.

The SPEAKER: Obviously less than one-fifth having arisen, a roll call is not in order.

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

Mr. COUSINS: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested.

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

Mr. COTE: Mr. Speaker, is it my understanding that we should have two-thirds vote of all the elected members of this House—

The SPEAKER: The Chair will advise the gentleman from Lewiston, the question being the motion to indefinitely postpone does not require two-thirds, but final enactment does require two-thirds.

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

Mr. TURNER: Mr. Speaker, I withdraw my motion.

The SPEAKER: The gentleman from Auburn, Mr. Turner, withdraws his motion. The pending question now is the passage for enactment of this bill. This being a bond issue, it requires under the provisions of Section 14 of Article IX of the Constitution the approval of two-thirds of those present and voting.

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

Mr. BRAGDON: Mr. Speaker, if the motion to adjourn is in order, I will make that motion.

The SPEAKER: Would the gentleman approach the rostrum.

(Conference at rostrum)

Mr. BRAGDON: Mr. Speaker, I would withdraw my motion, and

make the motion that we recess until two-thirty.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the House recess until two-thirty.

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

Mr. CURTIS: Mr. Speaker, I request a division please.

The SPEAKER: A division has been requested.

Will all those who favor the motion to recess and reconvene at two-thirty please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty having voted in the affirmative and ninety-one having voted in the negative, the motion to recess did not prevail.

The SPEAKER: The pending question is on the passage for enactment of this measure.

The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker, as we now have a new question before the House, I would again ask for a roll call.

The SPEAKER: The gentleman is in order in asking for a roll call. For the Chair to order a roll call the Chair must have an expression of a desire for a roll call on the part of at least one-fifth of the House.

Will those who desire a roll call please rise and remain standing until the monitors have made and returned the count.

A sufficient number did not arise.

The SPEAKER: Obviously less than one-fifth having arisen, a roll call is not in order. A division has been requested.

This Bill "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$10,000,000 Bonds of the State of Maine for the Financing Thereof," House Paper 108, Legislative Document 181, having had its three several readings in the House and having been passed to be engrossed, and having had its two several readings in the Senate and having been passed to be engrossed, and the Committee on Engrossed Bills having reported it as being truly and strictly en-

grossed, is it now the pleasure of the House that this Bill shall be passed to be enacted?

This being a bond issue, it requires under the terms of Section 14 of Article IX of the Constitution the approval of two-thirds of those present and voting. Will those who favor the passage for enactment of this measure please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-seven having voted in the affirmative and forty-three having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Wade of Auburn,

Recessed until two-thirty o'clock in the afternoon.

After Recess 2:30 P. M.

The House was called to order by the Speaker.

The SPEAKER: The Clerk will read a Conference Committee Report that does not appear on any Advance Journal.

Conference Committee Report Tabled Until Later in Today's Session

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Authorize General Fund Bond Issue in Amount of Ten Million Dollars to Provide Major Repairs, Construction and Equipment" (S. P. 200) (L. D. 539) reporting that the House recede from passage to be engrossed, recede from adoption of Senate Amendment "A", indefinitely postpone Senate Amendment "A", adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede from passage to be engrossed, recede from adoption of Senate Amendment "A", indefinitely postpone Senate Amendment "A", adopt Conference Committee Amend-

ment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence. (L. D. 1395)

(Signed)

STANLEY of Bangor
BAXTER of Pittsfield
EDMUNDS of Fort Fairfield
FRAZIER of Lee
SMITH of Falmouth

— Committee on part of House.

ROGERSON of Aroostook
HILLMAN of Penobscot
DOW of Lincoln
STILPHEN of Knox
LESSARD of Androscoggin

— Committee on part of Senate.

Report was read.

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

Mr. WADE: Mr. Speaker and Members of the House: In order that this Conference Report may be reproduced and placed on our desks before we take action on it, because it will take a little time to have it so reproduced, I move that the Report be tabled until later in today's session.

Thereupon, the Conference Report was tabled and assigned for later in today's session pending acceptance.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Sales Tax on Motor Vehicles Traded In" (H. P. 179) (L. D. 250) reporting that they are unable to agree.

(Signed)

COUSINS of Bangor
PLANTE of
Old Orchard Beach
BRAGDON of Perham

— Committee on part of House.

WYMAN of Washington
COLE of Waldo
PARKER of Piscataquis

— Committee on part of Senate.

Report was read and accepted.

The following Communication:

STATE OF MAINE SENATE CHAMBER

June 11, 1959

Hon. Harvey R. Pease
Clerk of the House of
Representatives
99th Legislature
Augusta, Maine
Sir:

The President of the Senate today appointed the following members of the Senate as Conferees to join with members of the House in a Committee of Conference on the disagreeing action of the two branches on:

Bill "An Act relating to Sales Tax on Motor Vehicles Traded In" (H. P. 179) (L. D. 250)

Senators:

WYMAN of Washington
PARKER of Piscataquis
COLE of Waldo

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary of the Senate

The Communication was read and ordered placed on file.

The SPEAKER: For what purpose does the gentleman rise?

Mr. GOOD of Sebago: To reconsider the action on a bill.

The SPEAKER: The gentleman may proceed.

Mr. GOOD: Mr. Speaker, I have reference to item number one on page two of the House Journal for today, L. D. 1364, Bill "An Act relating to Tax on Transient Rentals." May I speak briefly on it at this time?

The SPEAKER: The Chair will request the gentleman to first make a motion and then speak to his motion.

Mr. GOOD: The motion that I will make at this time is that we reconsider our action whereby this bill was indefinitely postponed, and I urge the House to vote not to oppose me on this particular motion, and I hope that the hundred and five who voted to indefinitely postpone this bill this morning will vote no at this time. I would request a division.

The SPEAKER: The question before the House is the motion of the gentleman from Sebago, Mr. Good, that the House reconsider its action whereby Bill "An Act relating to

Tax on Transient Rentals" was indefinitely postponed earlier in today's session.

The Chair recognizes the gentleman from Sanford, Mr. Desmarais.

Mr. DESMARAIS: Mr. Speaker and Members of the House: Now this move here this afternoon is to place some of us boys here on the spot. We either vote for this tax here or we vote for the other tax, or we don't vote for any taxes at all. So if we don't hold this transient tax bill until further in the afternoon we will have to vote for one tax anyway somewhere along the line. But I don't want to vote for any tax, so I hope you people will make up your own mind like I have made up my mind.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Sebago, Mr. Good, that the House reconsider its action whereby earlier today it indefinitely postponed Bill "An Act relating to Tax on Transient Rentals." A division has been requested.

Will all those in favor of the motion to reconsider the indefinite postponement of this Bill please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Five having voted in the affirmative and one hundred seven having voted in the negative, the motion to reconsider did not prevail.

The SPEAKER: For what purpose does the gentleman arise?

Mr. CARVILLE of Eustis: Out of order and under suspension of the rules I would move that this be sent forthwith to the Senate.

The SPEAKER: The Chair must advise the gentleman that under the unanimous consent rule adopted yesterday, the time was set for the sending of matters to the Senate as thirty minutes following House action on the matter.

The Chair would advise the gentleman that the thirty minutes since the House action this morning on this measure has long expired. The matter will go immediately to the other branch.

The SPEAKER: The House is proceeding under enactors on the regular journal this morning.

Passed to Be Enacted

An Act Amending the Maine Housing Authorities Act (H. P. 967) (L. D. 1373)

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

The SPEAKER: We will have some work before us in a very few minutes, so the House may be at ease until the sound of the gong.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Union, Mr. Heald.

Mr. HEALD: Mr. Speaker, I remember two years ago during a period such as this sometimes we heard some pretty good poetry from the poet laureate of the House. I would like to hear some of that at this time if he is so prepared.

The SPEAKER: For the benefit of those House members who were not privileged to be with us two years ago, the gentleman from Bangor, Mr. Stanley, was officially designated as the poet laureate of the House. The gentleman from Union, Mr. Heald, now appears to desire entertainment and has requested the poet laureate to read some poetry if he is prepared.

Mr. STANLEY: You have caught me unprepared, Bob. You know what happened to the Romans when they insisted on entertainment, but perhaps some little thing.

"I heard a thousand blended notes,
While in a grove I sat reclined,
In that sweet mood when pleasant
thoughts

Bring sad thoughts to the mind.

"To her fair works did Nature link
The human soul that through me
ran;
And much it grieved my heart to
think

What man has made of man.

"Through primrose tufts, in that
green bower,
The periwinkle trailed its wreathes;
And 'tis my faith that every flower
Enjoys the air it breathes.

"The birds around me hopped and played,
Their thoughts I cannot measure:—
But the least motion which they made
It seemed a thrill of pleasure.

"The budding twigs spread out their fan,
To catch the breezy air;
And I must think, do all I can,
That there was pleasure there.

"If this belief from heaven be sent,
If such be Nature's holy plan,
Have I not reason to lament
What man had made of man?"

I guess you have caught me way off guard, Bob. Perhaps something that I am more familiar with may be.

"The power to choose the work I do,
To grow and have the larger view,
To know and feel that I am free,
To stand erect, not bend my knee.

"To be no chattel of the State,
To be the master of my fate,
To dare to risk to lose, to win,
To make my own career begin.

"To serve the world in my own way,
To gain in wisdom day by day,
With hope and zest to climb to rise,
I call that American enterprise."

(Prolonged applause)

The SPEAKER: Unless there are some other talents in the House, the House may be at ease.

House at Ease

Called to order by the Speaker.

Conference Committee Report Tabled Until Later in Today's Session

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Salaries of County Officials and Clerk Hire" (S. P. 491) (L. D. 1369) reporting that the House recede from passage to be engrossed as amended, recede from adoption of all Senate and House Amendments, indefinitely postpone said Amendments, adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference

Committee Amendment "A"; that the Senate recede from passage to be engrossed as amended, recede from adoption of all Senate and House Amendments, indefinitely postpone said Amendments, adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

(Signed)

EARLES

of South Portland

BAKER of Orrington

JALBERT of Lewiston

— Committee on part of House.

WYMAN of Washington

MARTIN of Kennebec

FARLEY of York

— Committee on part of Senate.

Report was read.

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

Mr. WADE: Mr. Speaker, in order that this Conference Report may be reproduced and placed on our desks before we take action on it, and because it will take some time to have it reproduced, I move that this report be tabled until later in today's session.

The SPEAKER: The gentleman from Auburn, Mr. Wade, moves that the Conference Committee Report be tabled and specially assigned for later in today's session pending acceptance. Is this the pleasure of the House?

The motion prevailed and the Report was so tabled.

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

Mr. PERT: I request permission to approach the rostrum please?

The SPEAKER: The gentleman may approach the rostrum.

(Conference at rostrum)

The SPEAKER: Would the gentlewoman from Rumford, Miss Cormier, please approach the rostrum?

Mr. PERT: Lucia, on behalf of all the Democratic members of the House and a few of your other friends, it gives me a great deal of pleasure to present this gift to you as a token of our appreciation for the great amount of time and ef-

fort you have put in this session trying to make a better State of Maine for all of us. (Applause)

Miss CORMIER: Mr. Speaker, Members of the House: This is a dirty trick. I want to tell you each and every one of you, whether you are Democrats or Republicans, that this has been an unusual pleasure for me. It is a memory that I shall cherish for a long time. Regardless of differences of opinion we have become great in this State and this Union because we have differences of opinion, but I think that we have been an honorable body, and it has been my privilege and pleasure to work with each and every one of you. Thank you. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Dostie.

Mr. DOSTIE: May I approach the rostrum please?

The SPEAKER: The gentleman may approach the rostrum.

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

Mr. DOSTIE: Jerome, in behalf of the Democratic group for the fine work you have done as Assistant Minority Floor Leader, I wish to present you with this gift.

Mr. PLANTE: Thank you very much. I would state that I have learned a great deal this session and I hope that in the future I will benefit by both what you have taught me and by the mistakes which I have made. Thank you very much. (Applause)

The SPEAKER: The Chair at this time wants to take advantage of one of the more pleasant prerogatives of its office, to recognize the valuable assistance given to the Speaker throughout the entire session by many members of this House. I refer to those of you who have come to my rescue as Speakers pro tem as I needed you and who have done so well.

It is now my privilege to present to each of the Speakers pro tem a small token of my appreciation and a souvenir of the occasion which I hope you will all enjoy having. Those of you who did serve as Speaker pro tem at least once or more times know who you are, so

would all of you who have at one time or another served as Speaker pro tem please assemble right here in the well of the House.

Thereupon, the following members assembled in the well of the House: Mr. Emmons of Kennebunk; Mr. Jalbert of Lewiston; Mr. Barnett of Augusta; Mr. Good of Sebago; Mr. Hutchinson of Carthage; Mrs. Christie of Presque Isle; Miss Cormier of Rumford; Mr. Brown of Ellsworth; Mr. Plante of Old Orchard Beach; Mr. Frazier of Lee; Mr. Treworgy of Orono; Mr. Edmunds of Fort Fairfield; Mr. Morse of Oakland; Mr. Storm of Sherman; Mr. Hughes of St. Albans; Mr. Sanborn of Gorham; Mr. Ervin of Houlton; Mr. Stanley of Bangor; Mr. Rollins of Belfast; Mr. Linnell of South Portland; Mr. Wade of Auburn; Mr. Cousins of Bangor; Mr. Hardy of Hope, and Mr. Cote of Lewiston.

The SPEAKER: This seems to be the time of year for handing out diplomas, and I did hear somebody ask if each one contained a one hundred dollar bill. They do not. But I want you all to know that you have my sincere thanks for your help, and we have quite a few here so I will take a little time in reading these names without my reading glasses. I thank you all very much once again.

Thereupon, Certificates were presented by the Speaker to those members amid the applause of the House.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Clerk will read Conference Committee Reports appearing on supplement number three.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Joint Order relative to Legislative Research Committee to Study Insurance Companies (H. P. 852) reporting that they are unable to agree.

(Signed)

EARLES of South Portland
EDMUNDS

of Fort Fairfield
— Committee on part of House.

WOODCOCK of Penobscot
WYMAN of Washington

— Committee on part of Senate.

Report was read and accepted
and sent up for concurrence.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing Salary of Members of the Legislature" (H. P. 15) (L. D. 24) reporting that the House recede from its action whereby the Bill was passed to be engrossed as amended by House Amendment "A"; recede from its action whereby the House adopted House Amendment "A" and indefinitely postpone the amendment and pass the Bill to be engrossed without amendment; that the Senate recede from its action whereby the Bill was indefinitely postponed, substitute the Bill for the Report and pass the Bill to be engrossed without amendment in concurrence.

(Signed)

HAUGHN of Bridgton
JALBERT of Lewiston
ROLLINS of Belfast

— Committee on Part of House.

HILLMAN of Penobscot
LESSARD of Androscoggin
ROSS of Sagadahoc

— Committee on part of Senate.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, I don't know what kind of a motion is proper on this bill, but I know this bill should not pass. I think where the bill is in there this late date we should insist on our former action where it was indefinitely postponed I believe, if that is the proper motion.

The SPEAKER: The Chair would advise the gentleman and the House that a motion to either accept or reject the Committee of Conference Report would be in order.

The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: I move we reject the Committee Report.

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, moves that the House reject the

Report of the Conference Committee.

The Chair recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: We have been here three weeks without any pay, and to many it is a hardship, and perhaps next session we may run into July, and we of the Conference Committee of both branches felt there should be an increase and at this time I would say the chances are this House — this Legislature will be predominantly Democratic and I for one am for giving something to the Democrats.

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

Mr. JALBERT: Mr. Speaker, I think at the outset I might state that I don't recall where we indefinitely postponed this bill in the House. It went to a Committee of Conference and your Committee served as agents for the members of the House. The original vote of the other branch members on the Conference Committee was unanimously against the bill. The measure was sound and it was through the hard work of yours truly and our agents working all around on that with the other members of the Conference Committee that brought this report before you. This calls for a \$200 increase for each member each session. I don't think it is prohibitive and the decision rests with you. We served as your agents on the Committee of Conference to see what we could do and through the efforts of the gentleman from Bridgton, Mr. Haughn, and the gentleman from Belfast, Mr. Rollins, and myself this is before you and I hope the report is accepted.

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

Mr. COUSINS: A question, Mr. Speaker. Mr. Jalbert, the gentleman from Lewiston, told us this meant a \$200 increase, yet we are passing the bill without amendments if we accept the report. In passing it without amendments it calls for a \$600 increase and not a \$200 increase.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I understood, and I may be corrected if I am wrong, that there are amendments to the bill. The bill was amended to \$1600. It passed and the bill was indefinitely postponed, but it was indefinitely postponed with the amendment on it bringing it down to \$1600 from \$2,000.

The SPEAKER: The Chair will suggest that the Clerk again read the report and the members may check the amounts as the Clerk reads the report. We are talking about the second item on supplement number three.

(The Clerk read the Conference Committee Report again)

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

Mr. COUSINS: Mr. Speaker, maybe I can't read, but it seems that I am right if the words 'pass the bill to be engrossed without amendment' mean that, this is \$600 which would be \$90,000 for the session which is a lot of money. I am very definitely against it.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, perhaps Mr. Cousins, the gentleman from Bangor, found something we didn't see, but we felt we were raising it \$200, and that is — could we lay that on the table and correct it so it would be the \$200 raise? If that is what we have done we certainly didn't intend to.

The SPEAKER: The Chair will advise the gentleman from Belfast, Mr. Rollins, that a Committee of Conference Report cannot be corrected in any way. The only procedure would be to accept or reject the report, and if the Report is rejected the House may request another Committee of Conference.

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

Mr. JALBERT: Mr. Speaker, I assure you I would concur with the gentleman from Bangor, Mr. Cousins on that basis. I can't see how the other branch overlooked this with two statesmen and a lawyer who is a statesman also on the committee. I suggest the report be rejected with the thought of having another Committee or the Commit-

tee meeting again to cut it back with the proper wording of \$1600 in the Report.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, one more item here, it was mentioned this was a \$90,000 item; it is a \$110,400 item if you figure it out on the total bill, and that's why I objected, I didn't think we had that much money to spend and I feel it should be rejected.

Mr. ROLLINS: Mr. Speaker?

The SPEAKER: The gentleman has already spoken twice.

Mr. ROLLINS: I would like to speak very briefly.

The SPEAKER: Will those who favor the gentleman from Belfast, Mr. Rollins, speaking again, please say aye; those opposed, no.

Thereupon, Mr. Rollins of Belfast was permitted to speak again on a viva voce vote.

Mr. ROLLINS: Mr. Speaker, I would support the motion before the House and also go along with the suggestion of the gentleman from Lewiston, Mr. Jalbert.

The SPEAKER: After action on the motion to reject the report, a motion would be then in order to request a new Committee of Conference. The Chair is advised the House may also in its motion to create a second Committee of Conference instruct the Committee what they wish it to do.

Mr. JALBERT: Mr. Speaker, I so move.

The SPEAKER: Is the House ready for the question? The question before the House is on the rejection of the Conference Committee Report.

Will those who favor the motion to reject the Conference Committee Report please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the Report was rejected.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I move the Speaker appoint another Committee of Conference and instruct them to correct the figures to a \$200 increase.

The SPEAKER: The Chair will state the question. The question is on the motion of the gentleman from Belfast, Mr. Rollins, that the House request another Committee of Conference and that the Committee of Conference be instructed to insist upon the passage of the bill as amended by House Amendment "A". That will accomplish the purpose of the gentleman's motion.

The Chair recognizes the gentleman from Union, Mr. Heald.

Mr. HEALD: Mr. Speaker, I would like to speak in opposition to this motion. When the vote comes to make this move on this matter I will oppose it, because when we have a tax measure I will oppose any taxes, and I can't very well vote for no taxes and for a raise for the Legislature.

The SPEAKER: Is the House ready for the question?

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

Mr. RANKIN: Mr. Speaker, as I understand it, the motion is to instruct the Committee of Conference to submit an amendment raising the ante.

The SPEAKER: The Chair will again state the question. The motion of the gentleman from Belfast, Mr. Rollins, was that a new Committee of Conference be appointed and that it be instructed to agree only to the passage of the Bill, as amended by House Amendment "A." Is the House ready for the question?

The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, when the vote is taken, I ask for a division.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Kennebunk, Mr. Emons.

Mr. EMMONS: Mr. Speaker, when it comes to a vote on an increase in salary, I shall vote against it. However, we sent a Committee of Conference in. I feel we should now send another Committee of Conference in so that this House would have an opportunity to vote on the report as it was intended to be brought back. I hope that they will go along with the new Committee.

The SPEAKER: The Chair recognizes the gentleman from Union, Mr. Heald.

Mr. HEALD: Mr. Speaker, as I understand it, if we send a Committee of Conference in with instructions, then that is that, isn't it? Do we get a chance to vote on it if they are instructed to vote in a certain way?

The SPEAKER: If the Chair understands the gentleman correctly, the Chair would answer in this way. The new Committee of Conference would have to issue a Committee report on which this House would again have an opportunity to act. The Chair would add that the Committee of Conference, if instructed by the House as proposed by the gentleman from Belfast, would be obligated to follow their instructions or report back that they were unable to agree.

The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, this has been discussed in connection with taxes and I believe that it obviously does not take effect until the next biennium, and therefore it has no effect upon the taxes that we are concerned with here at this session.

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker and Members of the House: I would just like to point out that perhaps some of us may be going home without some of our pet projects and L. D.'s the way things seem to be shaping up here. Now perhaps we might hesitate to go home empty-handed but with a raise for ourselves or our successors. I would personally strongly oppose any increase in salary, and I hope the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, if my memory serves me correctly, I believe the last four terms they have raised the salary of the legislators, and each term has been longer than the term before it. It has been remarked a few moments ago that we would probably be here another term possibly until July. I think if we raise the salary, we

would probably very definitely be here in July, so I would be against any raise.

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

Mr. RANKIN: Mr. Speaker, the increase would be \$200. It is becoming more and more difficult to have capable people run for this position at \$1,400. I know of two members of this House who have been living on their travel expense money. I happen to be retired, but you would not want a House full of people who are able to come here who have retired. We want people from all walks of life, and we should make it possible for any man and woman who wishes to serve the public to come here without a personal financial sacrifice. Personally, I would be for a \$2,000 salary for the next Legislature. We are not voting for our own salaries, and I think the people of Maine want their representatives to come here without personal sacrifice.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, I would like to correct, I believe, what I recently said. This Act takes effect on the first Wednesday of January in 1961, so therefore I assume it would be within this biennium. I will address the question through the Chair.

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, addresses a question through the Chair, and the Chair will recognize the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, the actions of this session direct the governmental operation to start their biennium beginning July 1, 1959 year in through July 1, 1961. This concerns itself with the salaries of the legislators, and the legislators come in on the first Wednesday of January. This body could not vote themselves a raise for themselves anyway. This is for the next members of the Legislature of both branches. It does not concern itself with the operation of the budget for the next biennium nor the present members of the Legislature. It means nothing to them.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Stockton Springs, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker, is a motion for indefinite postponement out of order?

The SPEAKER: The motion for indefinite postponement would be out of order. The only allowable motion at the moment is the one before the House or a motion to recede and concur.

Is the House ready for the question? The question before the House is the motion of the gentleman from Belfast, Mr. Rollins, who moves that the House request a new Committee of Conference, and that the new Committee of Conference be instructed to agree only to the passage of the Bill, as amended by House Amendment "A." A division has been requested.

Will those who favor the motion of the gentleman from Belfast please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-three having voted in the affirmative and thirty-two having voted in the negative, the motion prevailed.

The SPEAKER: For what purpose does the gentleman arise?

Mr. LINELL of South Portland: Mr. Speaker, I rise to inquire if I could be in order to request a roll call on that vote?

The SPEAKER: The gentleman would be in order to request a roll call.

Mr. LINELL: I so move.

The SPEAKER: The gentleman from South Portland, Mr. Linnell, has requested a roll call. For the Chair to order a roll call the Chair must have an expression of a desire. . . .

The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: I was just going to suggest on this roll call, we are not voting on whether you are raising the salary or not, you are voting whether you are going to have a Committee of Conference. You can later when they come back vote for or against the salary raise. I shall vote against any salary

raise, but I think they should have an opportunity to bring in that report.

The SPEAKER: The Chair must advise the House that a request for a roll call is not debatable.

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

Mr. LINNELL: Mr. Speaker, with the understanding that I shall request it at the final moment, I will withdraw my request.

The SPEAKER: The gentleman withdraws his request for a roll call.

The SPEAKER: Is there objection to taking up out of order the items on Supplement number two? The Chair hears none. The Clerk will proceed.

Papers from the Senate Conference Committee Reports

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Permitting Injured Employee under Workmen's Compensation Act to Choose Physician from Panel Named by Employer" (S. P. 346) (L. D. 973) reporting that they are unable to agree.

(Signed)

BATES of Penobscot

HUNT of Kennebec

PIERCE of Hancock

— Committee on part of Senate.

HARDY of Hope

WHITMAN of Woodstock

DUNN of Poland

— Committee on part of House.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Weekly Benefits for Total Unemployment under Employment Security Law" (H. P. 969) (L. D. 1378) reporting that they are unable to agree.

(Signed)

BATES of Penobscot

CHARLES of Cumberland

MacDONALD of Oxford

— Committee on part of Senate.

GOOD of Sebago

HARDY of Hope

WHITMAN of Woodstock

— Committee on part of House.

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

Non-Concurrent Matter Tabled Until Later in Today's Session

An Act to Correct Errors and Inconsistencies in the Public Laws (S. P. 403) (L. D. 1171) which was passed to be enacted in the House on May 28, and passed to be engrossed as amended by Committee Amendment "A" and Senate Amendments "A" and "B" on May 22.

Came from the Senate passed to be engrossed as amended by Committee Amendments "A", "B", "C" and "D" in non-concurrence.

In the House:

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

Mr. PHILBRICK: Mr. Speaker, I would bring to your attention Senate Amendment "D" to Senate Paper 403, L. D. 1171. I draw to your attention further that this bill is "An Act to Correct Errors and Inconsistencies in the Public Laws." Now Senate Amendment "D" is a study of economic structure of the State, and I might add incidentally there is a \$50,000 price tag attached to that. My question of the Speaker is this. Is, or is not the study of economic structure of the State germane to a bill which is an act to correct errors and inconsistencies?

The SPEAKER: Before answering the question, the Chair will put the House at ease.

House at Ease

Called to order by the Speaker.

The SPEAKER: Would the gentleman from Bangor, Mr. Philbrick, please approach the rostrum?

(Conference at rostrum)

The SPEAKER: The gentleman from Bangor, Mr. Philbrick, has raised a question of germaneness. The Chair will advise the House that the Senate having already acted upon this matter has by that action ruled on the germaneness and a question of germaneness in the second branch is not in order. It is assumed in the second branch that by the action of the first

branch the amendment is germane. The Chair might also add that in view of the fact that the Senate sent this to the House for concurrence automatically settles the question of germaneness as far as the House is concerned.

The Chair recognizes the gentleman from Sherman, Mr. Storm.

Mr. STORM: Mr. Speaker, inasmuch as this seems to be bringing back the — reinstating the citizens committee which has been voted down several times in this House, I will now move for the indefinite postponement of the amendment.

The SPEAKER: Would the gentleman from Sherman please approach the rostrum?

(Conference at rostrum)

The SPEAKER: The Chair understands the gentleman from Sherman, Mr. Storm, withdraws his motion, and at this time the Chair would request the Sergeant-at-Arms to escort to the rostrum to serve as Speaker pro tem the gentleman from Auburn, Mr. Wade.

Thereupon, Mr. Wade assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Edgar assumed his place on the Floor of the House.

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

Mr. EDGAR: Mr. Speaker and Members of the House: Just to explain the questions that have been raised about this amendment, the money involved is the \$50,000 that is included in the present supplemental bill for the economic study. The supplemental bill does not provide in any way the mechanics of spending the money nor does it in any way include directives or authorizations for the spending of the money for any purpose.

This amendment to the so-called omnibus bill merely corrects the omission from the supplemental bill the directions as to how the money in the supplemental bill shall be spent. This is not a re-creation of the citizens committee or anything else. It sets up a citizens advisory committee for the Department of Economic Development to supervise and guide the economic study that the department has requested all along in its budget requests. I re-

peat, the money is in the supplemental bill. This does not raise any other money, it merely authorizes the spending of the money for the purposes intended.

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

Mr. EDWARDS: I would like to ask a question of the gentleman from Bar Harbor, Mr. Edgar, if there is not machinery already set up in the Department of Economic Development which would have the authority to carry out the economic survey?

The SPEAKER pro tem: The gentleman from Raymond, Mr. Edwards, has asked a question through the Chair of the gentleman from Bar Harbor, Mr. Edgar, who may answer if he chooses.

Mr. EDGAR: In answer to the gentleman from Raymond, Mr. Edwards, the Department of Development is perfectly able to conduct its own survey if the Legislature does not care to create an advisory citizens committee to supervise the study. That is true, the Department could do it themselves.

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

Mr. EDWARDS: Where we have the machinery already set up in one of our Departments, I fail to see the need of setting up other machinery, and I would make a motion at this time that this amendment "D" be indefinitely postponed.

The SPEAKER pro tem: The amendment is not before the House. Does the gentleman wish to move that the House insist on its former action?

Mr. EDWARDS: Mr. Speaker, may I approach the rostrum?

The SPEAKER pro tem: The gentleman may approach the rostrum.

(Conference at rostrum)

The SPEAKER pro tem: The Chair recognizes the gentleman from Raymond, Mr. Edwards — did the gentleman want to add to ask for a Committee of Conference?

Mr. EDWARDS: Yes, I will include that in my motion.

The SPEAKER pro tem: The gentleman includes in his motion that the House insist and ask for a Committee of Conference.

The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker, I am still greatly confused. I would like to direct a question to perhaps someone on the Appropriations Committee or any member of the House that can answer. Was there not an item in the budget calling for \$40,000 for this study to be made by the D. E. D., and if so, what has been the outcome of that item? Have we killed that vehicle or is there any other?

The SPEAKER pro tem: The gentleman from Woodstock, Mr. Whitman, has directed a question through the Chair to any member of the Appropriations Committee and the Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: There is in the supplemental budget under the Department of Economic Development a sum of \$50,000 to be used for this survey.

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

Mr. COUSINS: Mr. Speaker, a question through the Chair. I notice Senate Amendment "C" and if we insist in effect we would be refusing to consider Senate Amendment "C" as well as Senate Amendment "D". Senate Amendment "C" is concerned with draggers and frankly I haven't any idea what it does. I would appreciate being told what the effect of that amendment is?

The SPEAKER pro tem: The gentleman from Bangor, Mr. Cousins, has directed a question through the Chair to any member who may choose to answer.

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

Mr. RANKIN: Mr. Speaker, under the directive from the last Legislature, the 98th Legislature, this Legislature was instructed to study our private and special laws and revise them. We did so and reported out three bills, a complete revision of the Sea and Shore Fisheries laws. Those bills were Legislative Documents 255, 256 and 257. They have been signed by the Governor.

A new Chapter, formerly Chapter 38, is now known as Chapter 37-A and when the fishermen are issued

their books for the private and special laws and regular fisheries laws they will be Chapter 37-A. Now the dragging bills have been signed by the Governor also, but they were enacted into the old Chapter 38. In order that they may be part of the laws it was necessary in this act to include them in an act to correct errors and inconsistencies in the public laws. In brief, these bills having been passed, they will by this amendment be transferred from Chapter 38, the old Chapter, to the new Chapter 37-A. I hope that answers the gentleman's question.

The SPEAKER pro tem: Does the gentleman consider his question answered?

Mr. COUSINS: Yes, I do, Mr. Speaker, and it would seem to me that we would be very foolish in going along with the motion to insist knocking out something which makes sense on Senate Amendment "C", and Senate Amendment "D" also makes sense to me, so I hope the motion to insist does not prevail.

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

Mrs. SMITH: Mr. Speaker, I would suggest that this seems to be a rather complicated situation and I think what all of us desire to do is to consider this D. E. D. amendment separately from this fisheries amendment if that is what it is, and I think the question is that somebody has to tell us how to do it and then get about it, and I would make some comments if the gentleman from Bangor, Mr. Stanley doesn't in answer to the question of the gentleman from Bangor, Mr. Cousins.

The SPEAKER pro tem: The House may be at ease.

House at Ease

Called to order by the Speaker pro tem.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. CARVILLE: Mr. Speaker, would a motion to recede and concur be in order?

The SPEAKER pro tem: The Chair would advise the gentleman that that motion would be in order.

Mr. CARVILLE: I make that motion to recede and concur.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Eustis, Mr. Carville, that the House recede and concur. The Chair recognizes the gentleman from Bangor, Mr. Philbrick.

Mr. PHILBRICK: Thank you, Mr. Speaker. The gentleman from Bangor, Mr. Cousins, raised an interesting point, but the bone of contention has nothing whatsoever to do with the draggers. The only thing we are worried about is the D. E. D. portion. I am sure that a Committee of Conference will find nothing whatsoever to upset them insofar as Mr. Cousin's fears are concerned.

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

Mrs. SMITH: I am sorry to rise again, but I am not sure what the motion to recede and concur would do, and if you would explain it it would be helpful to me at least. We would accept the amendment would we not, if that is what we did?

The SPEAKER pro tem: The gentlewoman from Falmouth has made a parliamentary inquiry, and in reply to her question, the Chair would state that if the House votes to recede and concur it will have passed the bill to be engrossed as amended by Committee Amendment "A" and Senate Amendments "A", "B", "C" and "D" in concurrence.

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

Mr. FRAZIER: Mr. Speaker, regarding Senate Amendment "D", I notice that it is an exact duplicate of L. D. 1261 which some time ago on March 17 was referred to the Committee on Appropriations and Financial Affairs. If my memory serves me correctly it came back from that Committee "ought not to pass". Therefore, apparently we didn't pass it, and I would like to know from some member of the Appropriations Committee why such action was taken?

The SPEAKER pro tem: The gentleman from Lee, Mr. Frazier, is asking for information from some member of the Appropriations Committee and the Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker and Members of the House: There was a bill presented to us asking for \$50,000 for an economic survey. There was also a request from the Department of Economic Development for money for a survey, and we felt that in reporting the bill out "ought not to pass" that it could be taken care of under the supplemental bill which we did, and this \$50,000 which they requested is in the supplemental bill under the Department of Economic Development and it was our feeling that the Department was capable of going ahead and doing this job, and that is why we put it there.

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

Mr. PLANTE: Mr. Speaker, I would like to ask a question through the Chair of the gentleman from Bar Harbor, Mr. Edgar, if we plan to meet this evening?

The SPEAKER pro tem: The gentleman from Old Orchard Beach has asked a question of the gentleman from Bar Harbor, Mr. Edgar, who may answer if he chooses.

Mr. EDGAR: The answer to the gentleman is definitely yes.

Mr. PLANTE: Therefore, Mr. Speaker, I would move that this item be tabled until later in today's session so we can get our heads together off the Floor.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that Bill "An Act to Correct Errors and Inconsistencies in the Public Laws", Senate Paper 403, Legislative Document 1171, be tabled until later in today's session. All those in favor of the tabling motion please say aye; those opposed, no.

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

At this point, Speaker Edgar returned to the rostrum.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Auburn, Mr. Wade, to his seat on the Floor, amid the applause of the House, and Speaker Edgar resumed the Chair.

The SPEAKER: For what purpose does the gentleman arise?

Mr. ERVIN: I request permission to approach the rostrum.

The SPEAKER: The gentleman may approach the rostrum.

(Conference at rostrum)

The following Joint Order was taken up out of order and under suspension of the rules.

Order out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that there be created an interim joint committee to consist of 2 Senators and 3 Representatives appointed respectively by the President of the Senate and the Speaker of the House to study and report to the 100th Legislature the entire salary system at the county level with view of presenting a revision to provide equitable salaries for county officers and judges and associate judges and recorders of municipal courts, and as basis for its study and recommendations to the Legislature to assemble and submit in appropriate form in its report information on the present salaries or compensation of all county officers and municipal court judges and associate judges and recorders, work load, hours of service, qualifications, including necessary professional and technical training, duties and responsibilities, fees or other remuneration, losses in income incurred because of official position and such other information which would be of assistance in determining an appropriate compensation for such officers, judges and recorders; and be it further

ORDERED, that the committee shall have the authority to employ such expert and professional advice and counsel and such clerical assistance as in its judgment may determine within the limits of the funds provided; and be it further

ORDERED, that the members of the committee shall serve without compensation, but shall be reimbursed for their expenses incurred in the performance of their duties under this Order; and be it further

ORDERED, that there is appropriated to the committee from the Legislative Appropriation the sum of \$1,000 to carry out the purposes of this Order (S. P. 514)

Came from the Senate read and passed.

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

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

Mr. ERVIN: Mr. Speaker, in view of the next item coming up which has not been debated at any great length in this House, and there is evidence that there will be considerable debate on this particular problem, I shall ask that the House now recess until eight o'clock.

Thereupon the motion prevailed, and the House

Recessed until 8:00 o'clock this evening.

After Recess 8:00 P. M.

The House was called to order by the Speaker.

The SPEAKER: The Chair now lays before the House, Bill "An Act to Correct Errors and Inconsistencies in the Public Laws," Senate Paper 403, Legislative Document 1171, which was tabled earlier today and specially assigned for this evening, tabled by the gentleman from Old Orchard Beach, Mr. Plante, pending the motion of the gentleman from Eustis, Mr. Carville, that the House recede and concur; and the Chair recognizes that gentleman.

Thereupon, Mr. Carville of Eustis requested that his motion to recede and concur be withdrawn.

Mr. Edwards of Raymond then requested that his motion to insist and ask for a Committee of Conference be withdrawn.

On motion of Mr. Stanley of Bangor, the House voted to recede from its previous action whereby it passed the bill to be engrossed.

On further motion of the same gentleman, the House voted to concur in the adoption of Senate Amendment "C."

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

Mr. STANLEY: I would now move that the House indefinitely postpone Senate Amendment "D."

The SPEAKER: The gentleman from Bangor, Mr. Stanley, now moves that the House indefinitely

postpone Senate Amendment "D." Is this the pleasure of the House?

The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. CARVILLE: Mr. Speaker, I rise in opposition to that motion and when the vote is taken I ask that it be taken by division.

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

Mr. STANLEY: Mr. Speaker and Ladies and Gentlemen: The reason that I have moved that we indefinitely postpone Senate Amendment "D" is that in the early part of the session the Appropriations Committee had a bill before them which would do the very thing that this amendment would do.

The bill came out of Committee with a Report of leave to withdraw. On the bill there was attached a price tag of \$50,000 for the economic structure study. The Committee went along with the \$50,000 and put it in the supplemental appropriation bill and we assumed because it was presented to us by the Department of Economic Development, we just assumed and it was their suggestion that any study would be made by an outside independent firm and they would be responsible to the advisory committee of the Department of Economic Development, and that is the way we left it. If we should accept this amendment we would be putting the study into the hands of another group, you might call it a citizens committee, which we didn't feel was necessary. We felt that the advisory committee of the Department of Economic Development could handle it very well, and therefore I have made the motion that we indefinitely postpone this amendment.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Stanley, that the House indefinitely postpone Senate Amendment "D". Is this the pleasure of the House?

(Cries of "No")

Will those who favor the indefinite postponement of Senate Amendment "D" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred fourteen having voted in the affirmative and one hav-

ing voted in the negative, Senate Amendment "D" was indefinitely postponed.

Thereupon, on motion of Mr. Stanley of Bangor, Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendments "A", "B" and "C" in non-concurrence and sent up for concurrence.

The SPEAKER: The Clerk will proceed with the last item on the reverse side of supplement number two.

Non-Concurrent Matter Tabled Until Later in Today's Session

Bill "An Act to Clarify Procedure for Reorganization of School Administrative Units," (H. P. 981) (L. D. 1394) which was passed to be engrossed in the House earlier in the day.

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

In the House:

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I am very sorry that this amendment has been presented because we have ironed out the Sinclair Bill to do the things for which it was conceived and brought forth to do, and that is to help hundreds and many hundreds of children who are forced to be born in small communities that they might receive an education equal or somewhere near equal to those who were born in the larger communities.

Now this is just putting back into the bill the thing that we have already taken out which was put in the original bill that if there were 700 scholars in the school that they could become a district and the State would pick up the tab for reconstruction to a certain amount. Now why the law was enacted to pick up the tab for these small places was because if they went into an administrative district they were going to pay much more money for teachers in order to give

them a better education and that was going to cost the towns a lot more money, but it was not going to affect the larger communities. Now it was said when this was put on the original bill in the last session that it had to be put on in order to sell it to the larger cities. Now I do not believe that that is true. I have never lived in the large city but I have associated with people in the large cities and representatives here from the large cities and I believe they are just as fair-minded and just as anxious to see that the children of these small communities have as good an education or somewhere near as good as they do in the larger cities. This would just undo all of the basic principles and the very fundamental idea of the Sinclair Law if we adopt this amendment and I hope you will give it real serious consideration because I now move the indefinite postponement of this.

The SPEAKER: Would the gentleman from Bowdoinham please approach the rostrum?

(Conference at rostrum)

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

Mr. CURTIS: Mr. Speaker, I wish to withdraw my motion to indefinitely postpone.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis withdraws his motion to indefinitely postpone Senate Amendment "A".

The Chair recognizes the same gentleman.

Mr. CURTIS: Mr. Speaker, I now wish to move that we insist and request a Committee of Conference.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, now moves the House insist and request a Committee of Conference.

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

Mr. PLANTE: Mr. Speaker, I move we recede and concur.

The SPEAKER: The question now before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that the House recede and concur.

The Chair recognizes the gentleman from Sanford, Mr. Desmarais.

Mr. DESMARAIS: Mr. Speaker, would I be in order to ask permission to table this amendment because I have an amendment to present to this amendment and it is not all complete yet for every member.

The SPEAKER: The gentleman would be in order, and the Chair understands the gentleman from Sanford, Mr. Desmarais, to move that this matter be tabled and specially assigned for later in this evening's session pending the motion of the gentleman from Old Orchard Beach, Mr. Plante, that the House recede and concur. Will those who favor the tabling motion please say aye; those opposed, no.

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

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen: At the outset I will have to admit to partisanship in this matter. As you probably are aware, I am one of three representatives from the City of South Portland. I first wish to state that I was in this Legislature last session when the Sinclair Bill, I think, occupied as much of our attention perhaps as the several budgets that have been bouncing around here from one branch to the other, and I fully agree with some of the remarks that have been previously stated that the primary emphasis of the bill was to procure, to implement and to expand adequate educational facilities for the small communities that were unable to do so. My recollection also brings to mind the fact that ironically a large number of the small communities were very reluctant, through their representatives at that time, to agree and assent to and vote for the Sinclair Bill. They emphasized home rule. They emphasized the year of incorporation of their town, their integrity and their individual of their particular municipality, which they quite properly should and did do, and as in the consequence of trying to procure legislation that covers the entire state, the larger municipalities were looked upon to participate in this statewide bolstering of education for the smaller communities. And

whether you wish to be cynical or not and say that it was a little honey for the bee, or inducement, or whatever you wish, there was enacted into the law at that time an inducement whereby the so-called single administrative district, the schools that have seven hundred pupils or more, would receive a percentage compensation for their capital outlay.

The Sinclair Bill was enacted and the larger municipalities relying upon the word of the law contracted for schools, became obligated, and were positive that the State would honor the letter of the law. In this particular instance, I am speaking immediately of the City of South Portland. The percentage which the State under the obligation which it assumed by virtue of the Sinclair Bill, as passed in the last Legislature, the State obligated itself to the City of South Portland for school building contracts currently in existence for some \$270,000. I realize, and I think it is mistaken, that oftentimes people from the smaller localities think of a so-called city as well-to-do. South Portland is a suburban city. Some have said that it is sort of the bedroom of Portland, and so forth. We don't have any major industries. We are fortunate to have a few oil tanks that bring in a reasonable amount of tax money, but recently we had a tax revaluation, and it was a second Boston Tea Party because of that fact. We are having our problems as well as the small communities, and perhaps they are not quite as gray, but percentagewise they do exist, and there are several communities in this State that have a situation that is very much analogous to the City of South Portland. As far as I can determine there is no reassurance that, let alone of future action, if this amendment is to take effect, there is no assurance that the existing contracts for the building of schools that the City of South Portland has obligated themselves to will insure them that the State will honor the contract of the 270 odd thousand dollars. So I think that you can realize that although you may feel I am partisan, and I admit that to be the case, I think it is only fair, that I

do have a point and that we should receive some consideration.

Our consideration is namely that of a percentage nature. We have no desire, believe me, to jeopardize the Sinclair Bill, and I do not believe, from what little I know, that it will destroy it, and I assume you may possibly hear from other municipalities that will be affected. All I plead for is that we all have our individual rights recognized and we reach some reasonable compromise whereby we all can live with the Sinclair Bill which in this age of demand for advanced education of our youth is so important, and with that I will conclude and hope that the prevailing motion, which I assume to be to insist, does not prevail, and to perhaps buy a little insurance I will move we recede and concur with the Senate in its non-concurrent action.

The SPEAKER: The Chair would advise the gentleman that a motion to recede and concur is already before the House.

The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker, I rise in support of the gentleman from South Portland. If we cannot keep this Sinclair Law as it went on the books, I am afraid that in my district something will be coming up, and they are going to take something away from us. I don't want to have our district commit itself to something and then find out that down at the Legislature they are going to change it over and we are going to have to pay more than we expected to.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Desmarais.

Mr. DESMARAIS: Mr. Speaker, after this voice vote here I was going to request a division, and I was not recognized here. These people voted against my amendment and they don't know what the amendment is about. Would it be proper for me to read the amendment now?

The SPEAKER: The gentleman may read the amendment which is not before the House. No, the gentleman may explain to the House what he proposed to do first.

Mr. DESMARAIS: Thank you. My amendment, what it proposed to do is just to strike out the underlined word "resident" in the Senate Amendment "A" which states here that in single municipality administrative units where the April first enrollment of resident pupils in grades nine through twelve for that year is over seven hundred pupils. Well, we have over seven hundred pupils in our schools in Sanford, our high schools. We have seven hundred and eighteen, but they are not all resident students so I believe that we are only asking for our fair share of this school administrative aid. We are the highest rated school in the State here so we are doing, I think, our share toward education in the State here, and if it is going to help the larger schools who have the seven hundred, I believe that these schools, our schools, my school in fact should be helped.

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

Mr. MILLER: Mr. Speaker, as a representative from Portland, I would like to concur wholeheartedly with the gentleman from South Portland, and many of the things he has said here tonight. I want to read into the records, and I know that all of us depend largely on many of the things that are told to us by our Superintendent of Schools because that is the job that they are paid to do, and I am going to read into the records a few excerpts of a letter which he has forwarded to the representatives from Portland.

He goes on to say that "This bill would destroy the whole purpose of the Sinclair Law, namely, the provision of incentive to establish school administrative units of a size large enough to have an educational program that could be efficient, effective and economical.

"It would repeal the State aid for school building construction to the larger municipalities — already sufficiently large to operate on an economical educational program.

"Many provisions of this bill correct parts of the Sinclair law which need revision for sound school administration. It is unfortunate that

they have been included in one and the same bill."

I know that this has been straightened out with these many drafts that have been presented to us over the last two or three weeks, and I believe now that it has been straightened out with this amendment, and I hope that the members of this House will go along with the motion to recede and concur. Thank you.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: As I see it, I think the time has come to call a spade a spade. At the last session, the small towns were very much in favor of the Sinclair Act. In order to obtain this Act, they went to the cities and said, support us and those with seven hundred resident pupils or over will receive aid. It was a marriage of convenience or call it a shotgun wedding if you will. Now the honeymoon is over, they feel that the cities are no longer necessary, so let us get a divorce. I, in true conscience, cannot support this at this time. Four years from now would have been a more appropriate time for a divorce than after a honeymoon of two years. I feel that we should leave well enough alone. Leave the seven hundred figure in for the cities, and therefore I support the motion to recede and concur.

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

Mr. MAYO: Mr. Speaker and Members of the House: In support of my friend and seatmate the gentleman from Sanford, Mr. Desmarais, I would like to explain that the amendment which he has tried to present to this group is in the process of being printed, and I think out of courtesy, and in respect to the economy bloc of this House so as not to waste the paper that this amendment is being printed on, that if we should table this for about a half an hour until something else is taken up, it would be just courtesy to the gentleman on my left. I will, therefore, move that we table this for at least a half an hour.

The SPEAKER: The question now before the House is the motion of the gentleman from Bath, Mr. Mayo, that Bill "An Act to Clarify Procedure for Reorganization of School Administrative Units," House Paper, 981, Legislative Document 1394, be tabled and especially assigned for later in this evening's session pending the motion of Mr. Plante that the House recede and concur.

Will those who favor the tabling motion please say aye; those opposed, no.

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

Thereupon, Mr. Mayo of Bath requested a division.

The SPEAKER: 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-two having voted in the affirmative and twenty-eight having voted in the negative, the tabling motion prevailed.

The SPEAKER: At this time the Chair would appoint the following Conferees on the part of the House on the disagreeing action of the two branches on Bill "An Act Increasing the Salary of Members of the Legislature," House Paper 15, Legislative Document 24, the gentleman from Belfast, Mr. Rollins, the gentleman from Fryeburg, Mr. Trumbull and the gentleman from Lewiston, Mr. Jalbert.

House at Ease

Called to order by the Speaker.

The SPEAKER: Is there objection to taking up at this time the Committee of Conference Report on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Salaries of County Officials and Clerk Hire" Senate Paper 491, Legislative Document 1369, tabled earlier in the day by the gentleman from Auburn, Mr. Wade, pending acceptance? The Chair hears none.

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

Mr. EARLES: Mr. Speaker, I move the House accept the Report of the Conference Committee.

The SPEAKER: The gentleman from South Portland, Mr. Earles, moves that the House accept the Committee of Conference Report. Is this the pleasure of the House?

The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, I have an idea that most of us haven't seen or heard of that Conference Report.

The SPEAKER: The Chair is advised that the Conference Report was distributed to the members' desks somewhere around three o'clock this afternoon.

Mr. PIKE: It is under an L. D., I have found it, thank you very much.

The SPEAKER: The Chair would also advise the House that Conference Committee Amendment "A" was distributed to the members' desks several hours ago under the number of L. D. 1396.

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I think if you will refer to 1396 you will see that it contains all the amendments that have been adopted by this House as well as those adopted by the Senate. There were one or two minor changes. On page 5 of the document near the bottom of the page after January 1 the date was changed from 1961 to 1962, and then we had the matter of Washington County wishing to be taken from the retroactive list, and that has been taken care of. As far as I know now this bill is in agreement with all the amendments that have been adopted.

At this point the gentleman from Auburn, Mr. Wade, assumed the Chair as Speaker pro tem.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from South Portland, Mr. Earles, that the House adopt the Conference Committee Report. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the House voted to recede from its action whereby this bill was passed to be engrossed as amended; to recede from the adoption of all Senate and House

Amendments, and to indefinitely postpone all Senate and House Amendments.

Conference Committee Amendment "A" was read by the Clerk. (L. D. 1396)

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

House at Ease

At this point, Speaker Edgar resumed the rostrum.

Called to order by the Speaker.

The SPEAKER: The Chair lays before the House, Bill "An Act to Clarify Procedure for Reorganization of School Administrative Units," House Paper 981, Legislative Document 1394, which was tabled a short time ago and specially assigned for later this evening. It was tabled by the gentleman from Bath, Mr. Mayo, pending the motion of the gentleman from Old Orchard Beach, Mr. Plante, that the House recede and concur.

The Chair recognizes the gentleman from Sanford, Mr. Desmarais.

Mr. DESMARAIS: Mr. Speaker and Members of the House: I would like to present House Amendment "A" to Senate Amendment "A" and I wish to speak on it briefly.

The SPEAKER: Would the gentleman from Old Orchard Beach please approach the rostrum?

(Conference at rostrum)

The SPEAKER: The Chair must advise the gentleman from Sanford, Mr. Desmarais, that in a non-concurrent matter a motion to recede and concur, insist or adhere are the only motions which are in order. For the gentleman to introduce his amendment it would be necessary to dispose of the motion of the gentleman from Old Orchard Beach, Mr. Plante, that the House recede and concur.

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

Mr. PLANTE: Mr. Speaker, as a courtesy to the gentleman from Sanford, Mr. Desmarais, I will with-

draw my motion and move that we recede.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, withdraws his motion to recede and concur and moves that the House now recede from its action whereby it passed this bill to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Thereupon, Mr. Desmarais of Sanford offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to SENATE AMENDMENT "A" to H. P. 981, L. D. 1394, Bill, "An Act to Clarify Procedure for Reorganization of School Administrative Units."

Amend said Amendment in the 7th line by striking out the underlined word "resident"

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

SENATE AMENDMENT "A" to H. P. 981, L. D. 1394, Bill, "An Act to Clarify Procedure for Reorganization of School Administrative Units."

Amend said Bill in section 21 by striking out the 2nd underlined paragraph after the amending clause and inserting in place thereof the following underlined paragraph:

'Said apportionment shall apply similarly to payments made for capital outlay purposes on school construction approved by the Commissioner of Education after August 28, 1957, in single municipality administrative units where the April 1st enrollment of resident pupils in grades 9 through 12 for that year is over 700 pupils and in smaller administrative units when in the judgment of the Legislature, on recommendation of the commission, the formation of a School Administrative District by consolidation is not geographically or educationally practical.'

The SPEAKER: The pending question is the motion of the gentleman from Sanford, Mr. Desmarais, that the House adopt House Amendment "A" to Senate Amendment "A". The Chair recognizes that gentleman.

Mr. DESMARAIS: Mr. Speaker and Members of the House: The question will come up for what reason don't we consolidate with these small towns that are going to Sanford High School. We are taking care of Alfred, Acton, nine small schools, and their student body is 247 that comes to our high school, and these small towns have recently built their small schools, they are well taken care of themselves, they don't need any help, and we are taking care of their high school students much cheaper than what the tuition would be for the State of Maine and this figure of 700 resident students here is eliminating us from receiving construction aid for our high school, and I hope that you will allow my amendment to be presented.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker and Ladies and Gentlemen of the House: On House Amendment "A" to Senate Amendment "A", House Paper 981, L. D. 1394, I move indefinite postponement. I come from a small town and we want to live and I hope my motion will prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from Freeport, Mr. Crockett — the Chair must advise the gentleman from Freeport, Mr. Crockett, does the Chair understand the gentleman moves the indefinite postponement of House Amendment "A" to Senate Amendment "A"?

Mr. CROCKETT: Right sir.

The SPEAKER: That is the pending question. The pending question is the motion of the gentleman from Freeport, Mr. Crockett, that House Amendment "A" to Senate Amendment "A" be indefinitely postponed. The Chair will order a division.

Will those who favor the indefinite postponement of House Amendment "A" to Senate Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-eight having voted in the affirmative and fifty-seven having voted in the negative, the motion to indefinitely postpone did prevail.

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

Mr. PLANTE: Mr. Speaker, if I am in order I move we now recede and concur.

The SPEAKER: The Chair understands the gentleman from Old Orchard Beach now moves that the House concur in the adoption of Senate Amendment "A" and pass the bill to be engrossed as amended by Senate Amendment "A" in concurrence.

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

Mr. FRAZIER: Mr. Speaker and Ladies and Gentlemen of the House: I hate to repeat many of the things I said the other day on the Floor of this House, and I apologize to you from the Education Committee and I think also perhaps from the Appropriations Committee, but I would like to give you just a little history of what has gone on here. We started out with the bill called 1263. That bill was gone over in the Education Committee, and we came out with the redraft of 1360 on May 6 and introduced it to this House. That was tabled and sent to the Appropriations Committee, and a bill came out called 1388. That bill then was met on the Floor of the House with opposition and offered as an amendment here in the House 1391. Those two were then sent back to the Appropriations and Education Committees combined, and we now have before us L. D. 1394 which went through this House this morning with passage to be engrossed, and now we are back here again with an amendment from the Senate, and that is what I am in the process of discussing now, and hoping that we will not recede and concur with the Senate.

First of all, the Sinclair Act was originally written, and as I think I pointed out the other day, the primary purpose of the Act was for the benefit of the small towns of the State of Maine to give them an opportunity to combine. We felt the only way we could give them an inducement to combine with one another was to offer perhaps some school construction aid. That school construction aid varies in the percentage according to the taxable valuation of any particular town.

There is a skip now in our existing Sinclair Law which says that districts when they have organized with three hundred students or less, if the Legislature so recommends, can get school construction aid. There is another section of the law which says that any single municipality with over seven hundred residents can get school construction aid, leaving in between there a number of towns who have secondary school pupils numbering from three hundred to seven hundred, who are not eligible unless they form a school administrative district to get school construction aid, and here my sentiments lie with the gentleman from Sanford entirely. I think they have one of the finest educational institutions, and they have taxed themselves to run a very excellent high school. Because of this situation, however, of not having seven hundred secondary high school resident pupils, they in no way can get construction aid unless they in turn will combine with the towns about them or as a new feature of the document which is in front of you now, there is another possibility, and that will be for the towns about them to form a district of their own and then contract with Sanford. That possibly will alleviate their problem.

However, this Education Committee this year has been beset continually with problems that come about because of the fact that the cities are able and eligible under the existing law to receive school construction aid. Now, I certainly don't deny that to these cities. I wish we had money enough here in the State of Maine so that every municipality could have school construction aid. Unfortunately there are some who feel definitely that there isn't that much money available. It apparently was the reason that the so-called Letourneau bill which would have reduced this figure to three hundred, was one of the reasons that that particular bill was defeated in both branches just recently.

I do feel in my own mind that perhaps we are going back on a commitment that has been made for two years now by the former Legislature in which this money was promised to these cities such as

the gentleman from Portland, Mr. Earles, speaks of. However, I want you to be assured that in this bill, the Department of Education will be paying for any construction that is already under way in any of these cities. Some of these cities already are being paid and some will expect to be paid. Augusta, for instance, payable in 1959 on a ten-year loan some \$12,600; Lewiston some \$5,670; Portland some \$2,430; South Portland some \$4,406.40, and the totals become much larger than that if we anticipate some construction that they are anticipating.

I certainly feel that all schools should have construction aid as long as the money is available. However, if the money is not available, I do not feel that our wealthier communities should receive it while other cities that may lay in a six hundred, or five hundred, or four hundred category cannot have that money. To me, it is unjust. To me, it is unfair. When money becomes available to give it to everyone, I certainly would vote and support it because I am a firm believer in education. I am a firm believer in this bill that we have before us. There are many provisions that we certainly want to retain. They are excellent provisions, one of them being a revision of tables to all towns in this State. The tables go up some fourteen per cent. Under that every single municipality is going to benefit in their payments that are going to be made from State subsidy two years hence, but to remove this one stumbling block that appears every single day in the Sinclair Bill, and if you could have been with the Education Committee this winter, I am sure you have heard it over and over again: Why can those people have it, and why can't we? It just to me seems a very unjust thing, and one other section that I would like to mention briefly while I am on my feet as the gentleman from South Portland, Mr. Earles, pointed out. He used the term single administrative districts qualifying for this money at the present time. I think what he meant was single administrative units.

Now others must become a district, and in the district organization plan, there are several differ-

ences from a single administrative unit. However the cities, just because they are a city, as in a single administrative unit are eligible for this money. In other areas we have to become an administrative district before we are eligible for school construction aid.

One other point too that I must mention while I am here is that we have written into this revision of the law itself, a plan that I think is going to help out some of the small towns and some of the cities, and that plan is simply this. Anywhere there is a community of sufficient size which is surrounded by several communities of a lesser size, these smaller communities may form themselves into a district, sign a contract with the larger school for the education of their secondary school pupils, the smaller group which has then become a district will be eligible for school construction aid and general purpose aid. The community with which they contract will also become eligible to the minimum of eighteen per cent for school construction aid. We think perhaps we have solved part of the problem this way. Now I may have confused many. I hope not, but I must move the indefinite postponement of this amendment, and if there are questions, I am sure someone on the Education Committee will try to answer them.

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen: I appreciate the sincerity of presentation of the gentleman from Lee, Mr. Frazier. I sympathize with his problem, and the labor pains that he and the Education Committee and the Appropriations Committee have gone through through this successive and multiple birth in producing this final redraft, but I feel that the cities, neither the large nor the small cities can live in an academic isolation booth, that we must be integrated. We must rely upon each other, and endeavor to assist. It must be reciprocal arrangement. As I emphasized before, I am conscious of the fact that the primary emphasis is upon assistance to the towns having the smaller student load. However, I would like first to

be reassured by specifying the section whereby the outstanding obligations of the City of South Portland and the other cities having secondary schools of over 700 pupils will be protected in their current construction obligations. I have asked several people and they roll their eyes like a fellow in a minstrel show and I get no answer. I feel probably the gentleman from Lee can provide me with that, but I perhaps being an attorney and having been down here awhile, I would like to have it shown to me, because I have to report back as does the gentleman from South Portland, Mr. Linnell, and the gentleman from South Portland, Mr. Danes, and the gentlemen from the other various communities to their municipal officers and tell them specifically they are going to be protected and under what section. If we don't do that they think we must be boys in small pants, if we accepted something and find we were incorrect. I would hope that we would have that real assurance, but in any event I feel although I reluctantly do so, that I must strenuously, fervently and entreatingly oppose the motion of the gentleman from Lee, Mr. Frazier, that the proposed motion before this body be indefinitely postponed, and if it necessarily comes to a vote I request a division.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Barnett.

Mr. BARNETT: Mr. Speaker and Members of the House: At the outset let me say that not being a member at the last session, I know nothing about any maneuvers that took place in respect to this Sinclair Act, but in hearing the discussion the other day on I believe L. D. 12, or where it would reduce this to 300, I believe it was the gentlewoman from Rumford, Miss Cormier, mentioned because of that group in the middle class that might be forced to form what she called a district, that would really be a farce just for the sake of forming a district to get assistance in their building construction. I feel if Senate Amendment "A" is not adopted you will see cities being forced to also form a district and that would be just a farce on the

face of it to get construction. As a Representative from Augusta I am only familiar somewhat with our own situation. We are not a large city, if you include the inmates at the State Hospital which are counted in our census we are still under 20,000, and all I know is what I read in the paper, and if you people read the K. J. you saw the glaring headlines that our rate is going up three mills, and if you read further down you will see that two and one-quarter of that three mills is caused by the increased costs of our school system and only three-fourths of one mill is caused by other increases in all other departments in the city. In the overall total budget fifty percent goes to the school system.

I know Augusta is fast being faced with a serious overcrowding condition in its high school. They had to announce a number of deserving schools will be restricted next year because we don't have room and we are in the process at present and have under construction our third new school building in the last five or six years, and it is a building that will house students who go to the sixth, seventh and eighth grades.

I also know Augusta had a revaluation effective in 1955 that set the tax on the basis of ninety percent of the true valuation of 1955, and so that is going to raise our tax rate to thirty mills which is fast getting to the bending point the people can stand, and they are aware of the Sinclair Act. You heard the gentleman from Lee, Mr. Frazier state that we are to receive \$12,000 assistance from the State on our building now under construction. If we were not to receive that assistance, again the tax rate would be affected. Therefore, I support this amendment on the face value of it, that I still feel we are in a situation where we need assistance as much as the other towns.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I find it difficult to be critical of the speakers who wish to alter the present Sinclair law so as to remove from its benefits a segment of our school

population. I know they are sincere in their beliefs. However, I feel in their inducement for the creation of school districts they have become over - concerned with the district making something of a fetish of the word and too little concerned with the schools. It is my belief that the Sinclair law was designed to provide a certain level of education for our school children regardless of where they may live in the state. This can be accomplished through the creation of an economic school, that is, a school of sufficient size that they would provide economic teaching. I believe it is ridiculous for us not to realize when a school is still at a size of something less than the pupils that it is not at the best size for teaching and that the creation of a district, school district, would be absurd. I believe that when the Sinclair law was enacted this was accepted and therefore these schools were granted a minimum subsidy of eighteen percent because they would not be expected to form school districts. I am sure a lot of you know the school district subsidy plan is based on a sliding scale and that the large schools which receive eighteen percent receive the absolute minimum. Therein I believe is the basis for the difference or for the allowance of more money for the smaller schools that form into a district.

Now a great deal has been said about the intent of the Sinclair law at the time of its passage and I believe and I feel we should all believe the intent of the bill is what the bill says, it says schools with 700 resident students should receive this construction aid. What individual members of the previous Legislature might have thought I don't know, but that is the law we have today, and the subsidy program we are talking about is the program in effect today. I believe the way this bill has been presented might be somewhat misleading to several people. The gentleman from Lee, Mr. Frazier, outlined the bill for you. I would like to take it back one more step to the recommendations made by the Maine School District Commission. We all get these reports and somehow or other we keep a few or some we don't, but we read them at least. This re-

port issued January 10 by the School District Commission outlines the features they want placed in a bill to be studied by the 99th Legislature. This bill was compiled and offered as L. D. 1263. At that time the bill contained the amendment now in question. In other words, the District Commission didn't intend to change in any way the subsidy program for large schools. They did intend to change several other facts which have appeared and upon which there is seemingly agreement upon in raising the foundation program. This bill when it came out of the Education Committee came out in redraft and in the redraft they had removed these large cities from the subsidy program. I don't believe there was ever any hearing on whether they should be removed or not. This is the opinion of the Education Committee they should be included. They are entitled to their opinion. They have their own impression of what the Sinclair law should do, but I don't believe that it should be read into a bill so as to indicate the amendment is making the change. This amendment does nothing to the present law but leave it the way it is. If we adopt the bill as it has come out the third time with the 700 program removed we will be in effect changing the law.

As I said before and I have heard it many times in relation to the previous talk we had about the 300 school pupils, it is not the wealth of the community so much involved as it is the pupil himself. I know there are many towns that can afford to pay considerably more than we can afford to pay our teachers. I feel that in no way should endanger their subsidy program. I support the motion of the gentleman from Old Orchard Beach, Mr. Plante.

The SPEAKER: Before recognizing anyone else, the Chair understands that since it is 9:00 o'clock, the gentleman from Auburn, Mr. Wade, moves the House suspend that part of House Rule 26 which says that no business shall be transacted in the House after the hour of 9:00 o'clock. Is there objection? The Chair hears none and it is so ordered.

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

Mr. COUTURE: Mr. Speaker, I think we have heard from the towns and cities and we have heard enough and at this time I will move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Couture, has moved the previous question. For the Chair to entertain the motion for the previous question, the Chair must have the approval of one-third of the members of the House. Will those who favor the Chair entertaining the motion for the previous question please rise and remain standing until the monitors have made and returned the count.

Thirty - three members having arisen and one hundred and ten members being present, this being less than one-third, the previous question was not ordered.

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

Mr. COUSINS: Mr. Speaker, I am a country boy living in a city now, but I have to go along with the gentleman from South Portland, Mr. Earles and the gentleman from Portland, Mr. Kellam. I believe the motion is that of the gentleman from Lee, Mr. Frazier, that the amendment be indefinitely postponed?

The SPEAKER: That is correct sir.

The pending question is the motion of the gentleman from Lee, Mr. Frazier, that Senate Amendment "A" be indefinitely postponed.

Mr. COUSINS: I certainly don't want to go along with that motion, and I oppose it. Mr. Kellam mentioned the fact that the legislative intent is shown by what is in the statute, and that is certainly true. The first rule of the construction of a statute is what the statute says clearly. It certainly is clear regarding the matter of seven hundred pupils. This boils down to a matter of fair play. The various cities have been counting on the aid that they are going to get from the Sinclair Act. My own city, the City of Bangor, while we haven't actually started construction, we are so close to it that you might just as well say we have. We have purchased land. We have hired archi-

fects. Our plans are well under way for the construction of a large high school building. The money that the gentleman from Lee, Mr. Frazier, mentioned would not cover any expenditures that we have made, and certainly would not cover what we are planning to make. We feel we are entitled to the help from the Sinclair Act. After all, when you look at the population of the seven largest cities in the State of Maine and figure out what they are paying for taxes, the cities are not stealing this money. They are paying for it themselves. The bill was written as such. We feel we deserve it, and I hope the motion does not prevail.

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

Mr. HEALY: Mr. Speaker, Ladies and Gentlemen of the House: I am pretty fuzzy on this whole deal, and after listening to the tobacco auctioneer from Lee, Mr. Frazier, it has not cleared it up too much. However, I have sympathy for those places that are caught in between that the gentleman from Sanford, Mr. Desmarais, speaks of. However, I don't see why the larger cities should be discriminated against in this matter, and I trust that the fine ladies and gentlemen members of this House will not go against this measure. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, a point of correction. I believe that I made the motion to indefinitely postpone.

The SPEAKER: To indefinitely postpone what, Mr. Crockett?

Mr. CROCKETT: House Amendment "A" to Senate Amendment "A."

The SPEAKER: That was acted upon I believe. The Chair would also advise the gentleman from Freeport that his own motion prevailed.

Mr. CROCKETT: Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Lee, Mr. Frazier, that the House indefinitely postpone Senate Amendment "A."

The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: It would seem as I sat here listening that we are hearing from the metropolitan areas of the State of Maine. I stand here not to subscribe to all phases of the Sinclair Act. There are many parts of it that I do not condone, but if my memory of history serves me right, we have been going through this process for a hundred and seventy-five years. Benjamin Franklin, as I remember it, instituted public school systems in this country much to the objection of the wealthy landowners of this country. At that time, as you remember, there were private schools in this United States of America, or the Colonial States. He conceived the idea that the wealth of the country should provide for the poor. Right or wrong, this condition has existed for one hundred and seventy-five years, and I stand here to support the motion of the gentleman from Lee, Mr. Frazier. Whether right or wrong, this is the system that we have been laboring upon and under for a good long time. I was interested and bemused by the remarks of the gentleman from South Portland, Mr. Earles, relative to the labor pains of the Committee on Education, and certainly the educational system of this country did endure labor pains, conceived and evolved the system which we enjoy today. This is the only country that I know of in the history of the world that enjoys this privilege.

Ladies and gentlemen, this is one of the penalties of being wealthy. Probably this was the institution of the welfare state when we adopted the public school system. I regret to say this; there are many inequities involved in this system. However, it has proved effective, and for the commonweal of our populace. Now, it has been mentioned by gentlemen from the larger cities that their school budgets are fifty per cent of their total appropriation. I would remind the country folk in this hall that the areas of less than two thousand population, and you may look this up in the record, that their appropriation for school activities are anywhere from sixty-five to seventy-five per cent of their total ap-

propriation. It would be a sad event, ladies and gentlemen, if you did not assist the small towns in their educational programs. You might not like it. You have not liked it for a hundred and seventy-five years, and it is up to you to decide tonight whether you wish to continue the program that has existed for all of these years, but of course I will stand in support of the motion of the gentleman from Lee, Mr. Frazier, when the division is taken.

The SPEAKER: Before recognizing anyone else the Chair will request the Sergeant-at-Arms to escort to the rostrum the gentleman from Pittsfield, Mr. Baxter, to serve as Speaker pro tem.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Biddeford, Mr. Caron.

Mr. CARON: Mr. Speaker and Ladies and Gentlemen of the House: I have enjoyed the debate greatly, and it has been going on for days, and it is getting confusing, so in favor of progress, ladies and gentlemen, fairness and finally reaching a conclusion without too much confusion, I would like at this time to request that the House accept a motion for the previous question.

The SPEAKER pro tem: The gentleman from Biddeford, Mr. Caron, moves the previous question. In order for the Chair to entertain the previous question, it must have the approval of one-third of the members of the House present and voting.

All those in favor of entertaining the motion for the previous question please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER pro tem: Obviously more than one-third having arisen, the motion for the previous question is entertained. The question now is, shall the main question be put now? This is debatable with

a time limit of five minutes for any member who wishes to speak.

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

Mr. BRAGDON: Mr. Speaker, I would debate the question only to say this, that I would rather the main question would not be put now because I had committed myself to make a statement, it is only brief. If the main question is not put now, I would fulfill the commitment that I have made.

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

Mr. STANLEY: Mr. Speaker and Ladies and Gentlemen: Under that same condition I won't speak five minutes, can I say what little I have to say on this now?

The SPEAKER pro tem: The gentleman from Bangor is out of order.

The Chair recognizes the gentleman from Auburn, Mr. Berman. For what purpose does the gentleman arise?

Mr. BERMAN: To debate the motion.

The SPEAKER pro tem: The gentleman may proceed.

Mr. BERMAN: I trust that the members of the House will not let the hour or the date or the length of the session interfere with anyone who wants to be heard on this vitally important question. We have been here almost six months and an hour or so either way won't make any difference. I feel this matter is of such importance that anyone who feels they wish to speak should have that opportunity.

The SPEAKER: Is the House ready for the question? The question before the House is, shall the main question be put now? All those in favor will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-eight having voted in the affirmative and forty-four having voted in the negative, the main question was ordered.

The SPEAKER pro tem: The question before the House at this time is the motion of the gentleman from Lee, Mr. Frazier, that Senate Amendment "A" be indefinitely postponed.

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

Mr. ERVIN: Mr. Speaker, I request a division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: I request a roll call.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call the Chair must have the expression of a desire for a roll call on the part of one-fifth of the members of the House. Will those who favor the Chair ordering a roll call please rise and remain standing until the monitors have made and returned the count.

Less than one-fifth of the members arose.

The SPEAKER pro tem: Obviously less than one-fifth having arisen, a roll call is not ordered. A division has been requested. Will those who favor the indefinite postponement of Senate Amendment "A" to House Paper 981, Bill "An Act to Clarify Procedure for Reorganization of School Administrative Units," please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty having voted in the affirmative and fifty-two having voted in the negative, Senate Amendment "A" was indefinitely postponed.

Mr. ERVIN: Mr. Speaker?

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

Mr. ERVIN: I move we insist and a Committee of Conference be appointed.

The SPEAKER pro tem: The question before the House is, shall this bill be passed to be engrossed?

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

Mr. BRIGGS: Mr. Speaker and Members of the House: I believe that the urban populations in Maine here tonight have not been treated fairly. Therefore, I move this bill be indefinitely postponed.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Portland, Mr. Briggs, that this bill, L. D. 1394 be indefinitely postponed.

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

Mr. ERVIN: Mr. Speaker and Members of the House: The question has just been posed that the urban communities have been treated rather badly, and the motion made to indefinitely postpone this bill and all its papers. For the information and the benefit of the members of this House, if you indefinitely postpone this bill, this bill carries with it in its present form a saving to the State of Maine of some \$675,000 and if you indefinitely postpone this somewhere along this House and the other branch have got to dig up \$675,000 for education. For that reason and that reason alone I must oppose the indefinite postponement of this bill.

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

Mr. EARLES: Mr. Speaker and Members of the House: In this instance I must disagree with the remarks of the gentleman from Portland, Mr. Briggs. In my remarks I have made I have in no way attempted to offend the representatives in the smaller communities. I have attempted to be objective and fair and I think the vote alone, a close vote such as has been tallied here, should show beyond all question that the urban population has not been treated unfairly in the House and I think people of moderation and fairness should be willing to go along. We have contested this matter vocally for some time. The urban representation shall we say have not obtained the vote necessary to sustain their particular point of view, at least for the present, and I feel in fairness and playing the game that we should vote against the motion of the gentleman from Portland, Mr. Briggs and go along with the action moved by the gentleman from Houlton, Mr. Ervin, that the House join in the Committee of Conference with the Senate and attempt to work out a mutually amicable and satisfactory arrangement for the betterment of education in the entire state for all communities whatever the size.

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

Mr. BRIGGS: Mr. Speaker, under the circumstances I withdraw my motion.

The SPEAKER pro tem: The Chair understands the gentleman from Portland, Mr. Briggs, withdraws his motion. The question before the House is the passage for engrossment of this bill. All those in favor of the passage of this bill to be engrossed please say aye, those — for what purpose does the gentleman arise?

Mr. JALBERT of Lewiston: Mr. Speaker, I didn't understand the motion, I thought the gentleman from Houlton, Mr. Ervin, made the motion that we insist and join in the Committee of Conference. The motion you placed was to pass the bill to be engrossed.

The SPEAKER pro tem: The Chair has been advised that the motion to insist is not in order until after the bill has been passed to be engrossed, after which the motion may be made and will be entertained.

Mr. JALBERT: Mr. Speaker, in view of that fact, I am thoroughly convinced after scrutinizing the amendment very thoroughly and after reading the laws wherein they relate to public schools in Maine, I can't see where a Committee of Conference joining with the other branch could necessarily straighten out anything this branch couldn't straighten out itself. And I will concur with the remarks made that being from an urban area, I don't feel anybody stepped on my toes. They have a right to fight their battles and we have a right to fight ours. In view of the fact that I am convinced we should straighten out our own linen here, if we couldn't then go on the other side for them to help us, I move this item, because of the importance of it to my area, I move this lie on the table and be specially assigned as the first order of business when we reconvene tomorrow morning.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jalbert, now moves that — does the gentleman wish to ask unanimous consent that the subject be made a special order for tomorrow?

Mr. JALBERT: I will withdraw that phase, and I will move to table. I can't debate it, but I stated

my case. I will move to table and withdraw the other phase of my motion, and assign it for tomorrow morning.

The SPEAKER pro tem: The Chair understands the gentleman from Lewiston, Mr. Jalbert, moves that Bill "An Act to Clarify Procedure for Reorganization of School Administrative Units" be tabled until tomorrow morning pending passage to be engrossed.

The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, I request a division.

The SPEAKER pro tem: A division has been requested. 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.

Twenty-eight having voted in the affirmative and seventy-eight having voted in the negative, the tabling motion did not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: I would like comments read into the record if it is your pleasure.

The SPEAKER pro tem: The Chair would inquire whose comments?

Mr. KENNEDY: Representative Kennedy, Mr. Speaker.

The SPEAKER pro tem: The matter before the House is debatable and the gentleman may proceed.

Mr. KENNEDY: Mr. Speaker, I rise to commend the gentleman from South Portland, Mr. Earles, for his gracious comments to the effect that the urban communities were not served unfairly by the House this evening. He and I are both aware of the inequities of the cost of education and I know those who rose with me feel that he was most gracious in making the comments that he did in the record. (Applause)

The SPEAKER pro tem: Does the gentleman wish to debate the question of the passage of this bill to be engrossed?

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

Mr. LINNELL: Mr. Speaker and Ladies and Gentlemen: I do not think that it would be necessary to take any particular action, but I would like to suggest that whereas the document pending engrossment, L. D. 1394, does not specifically allow for consideration of commitments already contracted by the larger cities involved, that if and when a conference committee is appointed and does sit down with the other branch, I hope they will seriously consider the possibility of including in any report a provision which would specifically allow for this consideration.

The SPEAKER pro tem: The question is on the passage to be engrossed. Does the gentleman wish to debate that question?

Mr. FRAZIER of Lee: Could I make remarks on the line of those made by the gentleman from South Portland, Mr. Linnell, and be in order?

The SPEAKER pro tem: Debate is in order. The gentleman may proceed.

Mr. FRAZIER: I just want to say that I personally feel as though that provision is there as we discussed it a long time before the bill was printed, and if it isn't there I certainly would concur with him. I wouldn't consider not having those commitments guaranteed, and none of the Education Committee would.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members: I will say I'll go along with the urban population if they can perhaps get some benefit from this Sinclair Act. Now I represent fourteen small towns tucked in between the Canadian boundary and the big wilderness and as far as I can see or anybody else can see, the Sinclair Act has set up impossible conditions which we have never been able to meet and as far as you can see never will be able to meet. Therefore we will be happy to pay our share of the big school costs and like it.

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

Mr. JALBERT: Mr. Speaker, I move we reconsider our action

whereby Senate Amendment "A" failed of adoption.

The SPEAKER pro tem: Did the gentleman vote with the prevailing side?

Mr. JALBERT: Mr. Speaker, I apologize, the lateness of the hour, that is why I am so stupid.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Desmarais.

Mr. DESMARAIS: Mr. Speaker, I move for the previous question.

The SPEAKER pro tem: The question before the House is the motion for the previous question. In order for the Chair to entertain the motion for the previous question the Chair must have the expression of a desire on the part of one-third of the members present. All those in favor of entertaining the motion please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER pro tem: Obviously more than one-third having arisen the motion is entertained. The question now before the House is, shall the main question be put now? Is there any debate? All those in favor of the main question being put now please say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER pro tem: The question before the House is the passage to be engrossed of Bill "An Act to Clarify Procedure for Reorganization of School Administrative Units," House Paper 981, Legislative Document 1394.

Will those who favor the passage to be engrossed of this bill without amendment please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the Bill was passed to be engrossed in non-concurrence.

Thereupon, on motion of Mr. Ervin of Houlton, the House voted to insist and ask for a Committee of Conference on a viva voce vote.

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would like not only to thank the gentleman from Pittsfield, Mr. Baxter, for his excellent relief services

as Speaker pro tem, but the Chair wants to present him with his diploma. (Applause)

Thereupon, the Sergeant-at-Arms conducted the gentleman from Pittsfield, Mr. Baxter, to his seat on the Floor, amid the applause of the

House and Speaker Edgar resumed the Chair.

On motion of Mr. Wade of Auburn,

Adjourned until 9:00 o'clock tomorrow morning.