

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

Wednesday, January 27, 1960

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

Prayer by the Rev. Mr. Robert M. Mitchell of the Carmel Union Congregational Church.

The journal of yesterday was read and approved.

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of a group of fourth grade pupils from the elementary school at Hallowell, accompanied by their teacher, Mrs. Anne Blake.

On behalf of the House, the Chair extends to this group a most cordial welcome. We hope you will enjoy your visit with us today. (Applause)

Paper from the Senate

From the Senate: The following Petition:

Petition of Robert H. Mottram to the 99th Maine State Legislature in Special Session, asking that his Petition filed one year ago under Article 1, Section 15, of the State Constitution, be brought forth and examined (S. P. 545)

Came from the Senate referred to the Committee on Judiciary.

In the House, the Petition was referred to the Committee on Judiciary in concurrence.

**Senate Reports of Committees
Ought to Pass
Printed Bill**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act Appropriating Moneys for Office of Director of Legislative Research" (S. P. 522) (L. D. 1429)

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

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

Mr. Stanley of Bangor was granted unanimous consent to address the House briefly out of order.

Mr. STANLEY: Mr. Speaker and Ladies and Gentlemen of the House: You have all noticed the lovely bouquet of roses in front of us here this morning. I think that we should make note of having the beautiful roses and we also have a lovely lady behind them. We were saddened, of course, by having our good Clerk, Harvey Pease, have to go to the hospital but Mrs. Chapman, who has been our Assistant Clerk for a good many years, at least five or six, we are very happy to have her take care of this for Harvey and I am sure that you all appreciate the fine job that she is doing. Today is her birthday and she is in her thirties, and I think that she should have a round of applause for her activities. (Applause)

Mrs. CHAPMAN: Thank you very much.

**House Reports of Committees
Ought to Pass with
Committee Amendment**

Mrs. Smith from the Committee on Appropriations and Financial Affairs on Resolve Providing Matching Funds for Federal National Defense Education Act Allotments (H. P. 1012) (L. D. 1423) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 1012, L. D. 1423, Resolve, Providing Matching Funds for Federal National Defense Education Act Allotments.

Amend said Resolve by striking out in the 1st and 2nd lines the words "for the use of the Department of Education in the fiscal year ending June 30, 1961,"

Further amend said Resolve by adding before the last paragraph the following:

'Resolved: That these funds be a continuing carrying account until June 30, 1961; and be it further'

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Permit the Town of Perham to Withdraw from School Administrative District No. 2" (H. P. 997) (L. D. 1406)

Report was signed by the following members:

Messrs. CHARLES of Cumberland
MARTIN of Kennebec
— of the Senate.
Messrs. HUTCHINSON of Carthage
COTE of Lewiston
BROWN
— of Cape Elizabeth
LINNELL
— of South Portland
GOOD of Sebago
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. KELLAM of Portland
TRUMBULL of Fryeburg
— of the House.

Reports were read.

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

Mr. GOOD: Mr. Speaker, I move that the House accept the Majority "Ought not to pass" Report and I would like to speak on the bill.

The SPEAKER: The gentleman may proceed.

Mr. GOOD: Mr. Speaker and Members of the House: What we have before us this morning is Legislative Document 1406. Now if this bill were to pass, it would permit the town of Perham to withdraw from School Administrative District No. 2. I hope you will pardon me if I take a little of your time this morning to explain the background to this bill and the reason for the majority ought not to pass report.

This is one of the bills for which the emergency session was called and I believe that it requires due consideration. Now the Legal Affairs Committee has made their decision. It will be up to you now, Members of the House, to make yours. I think that the decision of the majority report of the committee rested upon the so-called escape clause in the so-called Sin-

clair Act. Now the Sinclair Act comprises Section 111-A to Section 111-U of Chapter 41 of the Revised Statutes, and I have a little pamphlet here which has those sections in it. And there is a withdrawal procedure provided in the Sinclair Act and the contention of the majority report of the Legal Affairs Committee is that the town of Perham has not as yet complied with the provisions as set forth therein.

Now the provisions are three. First of all there must be a two-thirds vote of those in the town, of those attending and voting in favor of withdrawal. That requirement of the three has been complied with by the town. The other two have not as yet. The second condition to be fulfilled by the town of Perham is that it must be approved by the Legislature. Let me read that part of the escape clause pertaining to the withdrawal and the sanction of the Legislature, and I quote in part:

"When the residents of a participating municipality have indicated their desire to withdraw from a school administrative district by a two-thirds vote of the legal voters in said municipality present and voting at a special meeting called and held in a manner provided by law for the calling and holding of town meetings, such withdrawal may be authorized by special act of the Legislature."

So there are your two conditions. Now your third condition is this, and contention of the majority of the Legal Affairs Committee is that this has not been met, and I quote again: "No such withdrawal shall be permitted while such School Administrative District shall have outstanding indebtedness or shall be obligated to the Maine School Building Authority pursuant to any contract, lease or agreement."

Now the contention of the majority of the Legal Affairs Committee is that there is outstanding indebtedness. Now I took the liberty this morning to check the definition of indebtedness. And I quote from Black's Law Dictionary, and I quote and it gives the definition of debt, "a sum of money due by certain and express agreement." Now I will say it again, a sum of money due by certain and express

agreement, and I will continue, "as by bond for a determinate sum, a bill, a note."

Now we contend that there is due money for bills and for notes at least. Now don't confuse this definition with net worth. A person's net worth — I will give an example, a person may have \$10,000 in the bank and they owe \$2,000 on a car. Now that's their total assets and their liabilities, you subtract one from the other and you get \$8,000, and that's their net worth. That's not what we are talking about here, not net worth. We are talking about a debt. Now I will use that same example for a debt. A person has \$10,000 in the bank and he owes \$2,000 on his automobile, so he has a debt of \$2,000. We contend there is outstanding indebtedness here.

Now I am hoping that I can present enough information at this particular time not to confuse you but at the same time assist everybody in making up their decision. Now last winter we debated this matter in the House, but that came before us as an amendment to a bill, and that was L. D. 747. Now that L. D. 747 was an innocent little validating bill to validate the school districts one through six, and it would have gone through as easily as our validating bills are going through the House at this time. However, when it was in the Senate there was an amendment attached to this simple validating bill which would, if it had passed the House, would have permitted the withdrawal of Perham and Liberty. Now it came into the House late. Apparently it had been tabled for a great length of time, so we didn't have too long in the House here to study it. The amendment never had a public hearing before the committee.

Now checking through the legislative document of last winter, I have read the debate over again that took place here, I find that on June the fifth, you can see how late that was, 1959, on page 2354 there was a motion made to adopt in the House Senate Amendment "A". Now some fifteen pages later on the same day Senate Amendment "A" was adopted in the House. Now on June the twelfth

we were still struggling with this amendment and with this bill, which would have permitted Perham and Liberty to withdraw. And on page 2581 the bill was indefinitely postponed.

Now I looked over that record and I didn't find any mention of this escape clause in it. Apparently we talked about everything except the law involved. We talked about additional costs, proposed location of the new high school, transportation, drilling wells, power lines. I just mention these so that perhaps we won't get into those things again. I find that there was no information contained in the debate of last winter which has not all again been presented to the committee this year.

Now I will get into the present time. Section 111-F in the Sinclair Act provides the steps that these towns must take in order to form a semi-municipal corporation — that should be quasi-municipal corporation. The most important step, perhaps along the line, is the adoption of certain necessary articles in the town warrant. Now set forth in the Sinclair Act is an article here that must be in the town warrant called especially to see if the town wants to join this organization, and this is done after certain other steps have been taken. But this is quite important. Now this article says this, "to see if the municipality will vote to authorize the district to assume full responsibility for amortizing the following listed indebtedness."

Now on July the first, 1958, the town of Perham held such a meeting, and I have here a copy of the warrant that was in the Town Report at that particular time. And set forth under Article 4 and I will quote Article 4: "to see if the municipality," that means Perham, "will vote to authorize a district to assume full responsibility for amortizing the following listed school indebtedness now outstanding in the municipalities, school districts and community school districts comprising the School Administrative District under consideration." And in that Article was listed the outstanding indebtedness at that time, so all the voters who

voted on it would see what they were voting on.

Perham had no outstanding indebtedness. Washburn had bonds in the amount of \$40,000. There are \$30,000 of those outstanding today, the balance have been paid off by School Administrative District No. 2. Castle Hill had \$5,000 in bonds unpaid at that time, they have since been paid by the School Administrative District No. 2. And there was \$26,000 in bonds outstanding which the School Administrative District assumed from the Community School District which had been composed of Castle Hill, Chapman and Mapleton. There is \$20,000 of those still outstanding, the other \$6,000 has been paid by School Administrative District No. 2. There were notes in the amount of \$8,000, those have all been paid by the School Administrative District No. 2. There were notes in the amount of \$3,255, those have been paid. There were notes in the amount of \$8,433.50, those have been paid. And there was a bond in indebtedness outstanding from that Community School District in the amount of \$275,000. There is outstanding on that to date \$255,000. So there is as of even date an outstanding indebtedness in the amount of \$305,000.

Now I want to give you all the facts, because you have got to make the decision and I don't want to hide anything here at all. There is \$275,000 available in cash. In addition to that Mapleton turned over to the School Administrative District No. 2, \$75,000 in cash they had received from an insurance policy by reason of the loss of their high school through fire. Some of that money had been used to purchase a proposed site for the high school so there remains there cash of \$31,215. So we can say at this time there is approximately cash on hand sufficient enough to pay the outstanding indebtedness. However, that is getting into net worth, and the definition of indebtedness is whether or not you have outstanding obligations at this particular time, whether or not you have money to meet the payment.

Now I will say from an examination of the records of last winter that the gentleman from Perham,

Mr. Bragdon, served his constituents well in presenting the case on behalf of his town. However, as I say, I do not believe that the escape clause and the requirements to be met were discussed at that particular time.

Now if we rest right here to date I don't think that anyone can dispute the statement that I have made. So we have here as of July the first, 1958, the town of Perham, which voted in the affirmative on all of these articles in the town warrant. And that vote was thirty-four to nothing. And all of the other towns which were to come into this School Administrative District also voted in the affirmative on all the articles, with the exception of Washburn, and they twisted their article a little bit and instead of voting to assume all of the obligations of the School Administrative District they said, and I quote in part, "that we assume the responsibility of our portion of this indebtedness," and their vote was yes one hundred and forty-five to nothing. The Attorney General's office of the State of Maine has indicated that that vote was sufficient to comply with the requirements.

So here we have a School Administrative District which apparently has been legally formed, and no one I don't believe is going to dispute anything I have said up to date, so anything that happens since then—in other words, if you are going to get out of this School Administrative District as of July the first, 1958, you would have to comply with Section 111-P, and it is the contention of the majority report of the Legal Affairs Committee that that hasn't been done because there is outstanding indebtedness.

Now what has Perham done since? I don't want to get into all that, but here is what they have done since. On April the eighteenth, 1959, they did vote to get out by the necessary two-thirds majority, one hundred and eleven to fourteen. The other two steps are still remaining to be complied with, the vote of the Legislature and secondly, there must be no outstanding indebtedness.

Now a lot of other things happened too since that July the first

date, but our contention is that they were a legally formed school administrative district as of July the first, 1958, and in order to get out they must comply with the statutes as set forth in the Sinclair Act. Rather than confuse the issue I won't go into all the ramifications that happened after that particular date, simply to say that there is a petition for a declaratory judgment in the courts at this particular time requesting a decision on a lot of these items which happened after July the first, 1958, and the Legal Affairs Committee feels that where it is in the courts they have no judicial power to make these legal decisions and that perhaps some of the problems will be resolved as a result of the court's decision. Thank you very much for your patience.

The SPEAKER: The question before the House is the motion of the gentleman from Sebago, Mr. Good, that the House accept the Majority "Ought not to pass" Report.

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

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

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the House: I find myself in a very difficult situation this morning as perhaps most of you realize. I am facing a majority report of the Legal Affairs Committee of this House in opposition to this bill before us, L. D. 1406, which attempts to permit the withdrawal of the town of Perham from this School Administrative District. I wish to say that the gentleman from Sebago, Mr. Good, has presented to you the facts in the case probably much more clearly than I could, the reasons for the Town wishing to withdraw, and probably these reasons have occurred in many of these districts all over the State which have been formed, so many of you are familiar with the controversies that we get into in the formation of these districts. He has presented the situation with regard to liabilities

of the district exactly as I understand them.

So it seems to me the whole question resolves down to this: What did the Legislature intend when they passed the Sinclair Act and provided this escape clause? What did they mean by debt? Did they mean that when a town goes into a combination like this that they could never get out? If you accept that liberal interpretation I say that they never can, there will always be debts, obligations, as long as the district is operating. If that is what they meant I would agree that we probably will never have means of getting out. I doubt somewhat if that was what they intended. I doubt if it is wise to continue with that feeling, because I think perhaps this was written with the idea of being a saving clause, perhaps, in this law and I believe that many of you feel that it has turned out to be perhaps its weakest link. I would like to quote from the Kennebec Journal of this morning. Perhaps you have all read it but I would like to call your attention to it. The comment of the Chairman of this Committee as quoted in this Journal where he says "he suspected that there would be less sentiment for withdrawal in the Legislature now then there was in the regular session last year, when withdrawal of Perham and Liberty was approved by the Senate and turned down in the House by only five votes."

And he goes on further to say that "he thought the State Department of Education owes it to the next Legislature to write a new withdrawal section that is clear and explicit or to recommend that the present section be taken out entirely." By that I seem to infer that we are pretty much in agreement that if we continue with this feeling we have a monster in the law which is going to destroy its effectiveness. I think we have seen this in operation.

Now the question that I would like to ask you is this, in regard to the indebtedness of this district. The gentleman from Sebago, Mr. Good, pointed out that there are cash assets more than enough to cover all of the outstanding long-term liabilities of this district. In view of

the fact that this operation of this district is being held up, do you feel that there would be any difficulty in attempting to arrive at a satisfactory settlement under those conditions, assuming as I believe that the other towns in the district are willing, in order to get this show on the road so to speak, get their construction going, do you believe that there will be any difficulty in arriving at an agreement amongst the towns, considering that no new bonded indebtedness has been floated, that all these debts were there when we went into the district; and it appears before the thing gets going it is going to be necessary to do something like this.

In reference again to the statement, the quote from the Chairman of this Legal Affairs Committee, I would like to call your attention to the fact that this is one of the primary purposes of calling this special session of the Legislature, to straighten out this difficulty. If an amendment is necessary I believe that now is the time to do it, because these people who have been waiting, and I refer to the people of the towns of Mapleton, Castle Hill, Chapman principally, have been waiting for some time hoping that the Legislature could settle their problems, and they were refused before and are here again; they are in the courts, and everybody agrees that they are an unwilling partner in this corporation or body that they have gone into and will never be operational until they can be removed.

I feel that it is the duty of this Legislature at this time, not at some future date, not at some future legislature, to wrestle with this problem, because certainly when children have been waiting for suitable high school facilities for two years and face, because of any refusal of action by this Legislature and prolonging this action in the courts, that they are going to be deprived for a long time. Many of them say that they have got pretty near through high school without proper facilities and probably they will finish up that way. It is a bad situation.

I believe that if you will face up to it that you can at this session come up with a satisfactory solution. I am confident from what I am

told that these law suits in these two districts are holding up not only in these districts, the successful operation of this program, but statewide. If you feel that is what we want, and continue to delay, that is up to you. But I believe we are shirking our responsibility if we don't take hold of this thing and attempt to settle it now, for the interests of education and the welfare of all concerned.

I think that if you would see fit to act favorably upon this Legislative Document 1406 that you would be preparing a way for a settlement in this particular district. And probably the same applies to other documents which — to other districts which will be before you later. If we start on this thing I believe that amendments possibly can be suggested, some are floating around here, which will clear up this whole situation. I again want to say that I appreciate the very fair presentation of the gentleman from Sebago. He gave you only the facts. But I think that we should find a way to take hold of this thing now and not put it over to some future legislature, in view of the situations which have arisen all over the State of Maine.

The SPEAKER: The question before the House is the motion of the gentleman from Sebago, Mr. Good, that the House accept the Majority "Ought not to pass" Report.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I will confine myself pretty much to the terms of the indebtedness as Mr. Good has previously talked about. It is my belief that it is possible in any law that we pass for someone to come within that particular law. The Town of Perham is now trying to come within the withdrawal feature of the Sinclair Act. The bill provides primarily for withdrawal only in that instance when the Legislature permits it and the town wants it, and the town must want it more than they wanted previously to be in the district, they voted for a majority to get in and they have got to vote two-thirds for them to get out, and they have to have our permission.

If we permit the withdrawal of Perham, they will be let out of this district regardless of what any interpretation of the indebtedness feature in the bill is, but since that is the primary objection, my thoughts on the matter are that to interpret this bill, the words indebtedness should be correlated with the fact that a district has been in being for some period of time, and now a particular town wants to be out. In those instances the school district will have acquired some indebtedness during this period of operation. Therefore, it is only right that the town should not be let out unless the indebtedness is taken care of, some provision is made for the repayment or the fact that it is liquidated before the withdrawal takes place.

This would be primarily to preserve the security of the bondholders. This is a fact — I know you have heard this in the corridors and around the building a number of times, that it would hurt the security of the bondholders. Well that would be true if the district had been in being and had floated bonds, but this is not the case in this bill. The Town of Perham and the school district has never floated any bonds, has never incurred any indebtedness. The indebtedness that has been incurred is the assumed indebtedness by the towns in their individual warrants. Reading the warrant for the Town of Washburn, I think it clearly indicates that they did not assume the indebtedness of the district or they did not allow the district to assume the indebtedness of all the individual towns. They stated that we will assume all responsibility for our portion as set forth and then there was a bill of particulars setting forth Washburn's \$40,000. Well this is a legal question and it is in the courts at the time. I wouldn't bother to get involved in that, but it is possible that the Court will say that they did not comply fully with the act and that that will cause further hardship in this matter, but my feeling is if we now let Perham out — Perham does not want to be in, it is an unwilling partner, it is going to cause trouble in this area if we keep them in. If we let

them out, the other towns can organize themselves and let Perham go its way.

I did want to bring out the fact that the Towns of Mapleton and Chapman and Castle Hill had previously been in a community school district, and therefore there would be no problem involved in transferring over to an administrative district just in case the other criteria were not met such as number of pupils and those things.

Now as to indebtedness, the security for the bondholders being the primary reason for not letting them out, I feel that that should also be carried forward in this particular instance when the Town of Perham had no part of the original debt. In other words, if we are not going to impair the security of the bondholders in an established district when the bonds are sold, why should we give them a windfall of a further guarantee, further collateral for the bonds that were sold for the Town of Washburn or Mapleton? I see no reason why they should now have Perham as guarantors in these bonds when they sold the bonds and when the bonds were held out to the public for sale that they did not put up any security in this regard. They base their purchasing or failure to purchase these bonds solely on the credit of the towns involved of which Perham was not one of them. Therefore, this is an entirely different situation than any other that will come before us when an established district borrows money.

Therefore there would be no precedence in the sale of future bonds, if there is a feeling hanging over that a town may get out after the bonds are purchased. This bill would not allow for that in any way. I think it would be entirely opposite, the bondholders could feel safe that once the district had been established and bonds had been sold, the Legislature would not permit a town to withdraw, but in this particular instance no bonds were sold by the school district, the indebtedness is purely a third party matter by the fact the indebtedness has already been in existence, and there was no holding out to purchasers of these bonds or the lending agen-

cies that Perham would in any way ever be liable for them.

The SPEAKER: The question before the House is the motion of the gentleman from Sebago, Mr. Good, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Permit the Town of Perham to Withdraw from School Administrative District No. 2," House Paper 997, Legislative Document 1406. Is the House ready for the question? The Chair will order a division. Will those who favor the motion to accept the Majority "Ought not to pass" Report please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-eight having voted in the affirmative and fifty-five having voted in the negative, the motion did prevail, the Majority Report was accepted, and without objection, sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Supplemental Payments to the 1959 Education Subsidies to Certain Administrative Units" (H. P. 988) (L. D. 1397) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. ROGERSON of Aroostook
DUQUETTE of York
—of the Senate.
Messrs. JACQUES of Lewiston
EDWARDS of Raymond
Mrs. SMITH of Falmouth
Messrs. DAVIS of Calais
BRAGDON of Perham
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. PIERCE of Hancock
—of the Senate.
Messrs. STANLEY of Bangor
BROWN of Ellsworth
—of the House.

Reports were read.

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

Mr. HAUGHN: Mr. Speaker, I would move acceptance of the Majority "Ought to pass" Report as amended by Committee Amendment "A".

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that the House accept the Majority "Ought to pass" as amended by Committee Amendment "A" Report.

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

Mr. STANLEY: Mr. Speaker and Ladies and Gentlemen: Not to try to debate this bill at all, I know how difficult it is in a few days to try to assimilate in your minds all of the problems that come up in a special session of the Legislature where we are always in a rush to get home and the merits of the cases are sometimes overlooked because of our unwillingness to stay here and thrash them out. For that reason, I am very much opposed to special sessions and I have publicly stated that this one was very unnecessary.

To get to the bill, we have before us a bill in which the Education Department is asking us to do something which was overlooked in the last session of the Legislature. Some of the towns had prepared their budgets and made up their budgets for schools with the thought in mind that they were to receive so much money from the State for subsidy. Because of the change that we made in the year which we would use, showing the valuation of the towns, some of the towns got less money than they had anticipated. I would add that no town got less than they had in the prior year, but they did get less than they had anticipated. At the same time that this was happening and this was known during the regular session of the Legislature, other towns in the State received \$408,000 more than they had anticipated. The towns who got less of course clamored for their money; the towns who got more, well, there was no clamor.

In all fairness, when we are trying to do something for education, when we are trying to build the best schools that we can and where we are trying to equalize the taxation

so that the smaller towns can have better schools, it seems to me that it would have been fair and just if those towns who got more money than they had anticipated, had turned it back to the State and thereby we would not have to have this bill before us.

However, I said I would not debate the issue, I will just bring these facts before you for your own consideration. The bill calls for \$271,000. The Town of Lincoln got \$40,000 less than it had anticipated; it got \$37,000 more than it did the year before. The City of Brewer across the river from me got less by \$19,900, the City of Bangor, however, got \$23,900 more. That's all I will say on the bill itself.

Next we have attached to the bill an amendment, and I am primarily opposed to the amendment because it was screened by the Governor and the leadership of both branches of the Legislature, and turned down as being a fit bill for the Legislature this special session. We have turned down others who have tried to come in, and for that reason I think that we should be somewhat consistent and refuse this one. This one of course has the great appeal that everyone likes to see, it has the appeal for the mentally retarded and the physically handicapped.

In our state we have forty-four schools according to the Department of Education which are operating now for the mentally retarded and physically handicapped. Of those forty-four schools, there were only two towns who got less money than they had anticipated. The Town of South Portland got \$830 less and the Town of Orono got \$3,177 less. But the other towns where they have these schools received \$214,880 more than they had anticipated, and the Department of Education tells me that they should not say anything about that because it was the legislative intent that they get it. They are now asking for more money because they don't have subsidy for these various programs when they already received \$214,000 more than they had anticipated in the first instance. This was a subsidy for education of the mentally retarded, the physically handicapped, adult education, driver education and vocational education,

and the Commissioner of Education in his report to us said the Board would like me to point out to you that the program of state support of vocational education while not specifically authorized by the Legislature, has had the sanction of the Legislature through appropriations made over a twenty year period. On the one hand they say it was the legislative intent to give these towns the subsidy which they did not give; on the other hand they say it was the legislative intent, even though not sanctioned by law, to provide money for vocational education.

The question of germaneness was brought up, and I would not question that whatsoever of the amendment. I just feel that it was turned down in the first instance by the Governor and the screening committee, and we have not let in anything since then, and as I have stated before, the towns where we have the mentally retarded and physically handicapped schools, and those are the schools who were the shortest on subsidy, received \$214,880 more than they anticipated.

The SPEAKER: The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House accept the Majority "Ought to pass" as amended by Committee Amendment "A" Report.

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

Mr. HAUGHN: Mr. Speaker and Ladies and Gentlemen of the House: I will agree in part as to what has been said by my colleague from Bangor, Mr. Stanley, but I wonder if he realizes as he stated the amount received by Bangor was greater, the list that I had submitted to me for the Education Department shows that under this amendment the City of Bangor would receive an additional \$5,395.44 which under this act would provide subsidy payments to towns and institutions which are listed below which I have a complete and accurate listing of each and every town and the amount, this payment represents the difference between the subsidy already paid and the amount due in order for the State to meet its full obligations described in section 207 A1 inclusive, and

this was amended under Chapter 41 Revised Statutes of 1954. When he says these towns received so much on the original bill I presented on the \$271,000 which the Governor has advocated in his legislative message to this joint convention, I did submit this amendment to this afterwards, and I will concede without consent of the Governor or in his message for consideration. I do concede the fact that it was not authorized by the screening committee, but at that time these particular figures were not available and showed what has happened since then.

When the budget was prepared the latest available figures that were available were for the school year 1956 and '57. During that year they had twenty-one classes and thirty-four individual cases. It was estimated that there would be twenty-four classes for the year 1958 and '59 and thirty-two classes for the year of 1959 and '60. It was thought the individual cases might remain approximately the same or even decrease, as it was given to encourage communities to serve these pupils in their classes. However, experience has shown that in 1958 and '59 that they had thirty-two classes instead of the twenty-one, and they had seventy-two individual cases. At the present time now exists forty-two classes and eighty-four individual cases. In the area of the physically handicapped in 1956 and '57 there were 248 individual cases and twelve classes. In 1958 and '59 there were eighteen classes and 289 individual cases for the current year — cases, and for the current there were eighteen classes and 393 cases now. The number of individual cases in the physically handicapped program will undoubtedly increase between now and spring as these have been reported since January 11 several additional cases.

As far as this coming in on a special session, an emergency, the change of conditions have merited and warrant this to be brought to our attention for action because we have put the cities and towns throughout the State of Maine in such a position their budgets, practically everywhere except those who were mentioned by Mr. Stan-

ley, in such a position where they have had to call special town meetings, go out and borrow more money which is expensive, retard their programs, and we as legislators, or at least speaking for myself, would be remiss in my duty if I did not bring to your attention the problems which exist in the educational field and especially to the physically handicapped and the mentally retarded children.

And as you gentlemen know from an article in the Portland Press Herald this morning by Doctor Bowman, and I will quote part of his talk: "I believe," said Dr. Bowman, "that it is immeasurably cheaper to educate a child of limited intelligence in the community school than to build costly dormitories at considerable expense and to finance a costly year-round operating budget for children whose parents are perfectly willing and capable to provide an adequate home," "but not to educate them there, "Cheaper also," said the doctor, "is making such children economically independent rather than the object of public spending. The average retarded child at the educable level is capable of self-support," "and as his clincher Dr. Bowman states, this is a term of economics and sound investment for the State of Maine. And I know there are several of us who are deeply concerned and interested. The hearing was well attended, well presented, and I think you gentlemen and ladies here in this House, if you consider what we may have in the future, you will now prepare in advance for it and take that necessary measure which is before you.

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

Mr. BROWN: Mr. Speaker, I was one of the members of the Committee that voted against this amendment because I figured it would take another \$269,000 from the general fund. I personally didn't feel that this money was needed at this time. We are giving the cities and towns \$271,000 additional subsidies in this original bill. Most of the money in this amendment will go to the cities, and they have already been overpaid \$300,000 in subsidies now. They can use that

money for these purposes if it is needed. I also felt that this amendment was sneaking a bill in the back door after our leaders wouldn't let the bill in.

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Dennison.

Mr. DENNISON: Mr. Speaker, I think a lot of these people are confused by the order that I put in, and it was only an order to the Educational Department to show how much money, how much more money in payments that a certain — well about three hundred and fifty towns and cities got in comparison with the \$271,000 that the two hundred and twelve got which was caused wholly by the change in subsidies from '56 to '58. Now we made that — we voted in this last Legislature to go by the '58 subsidies. Now these towns, all of them, every one of them made up the budget before they knew anything about this. This wasn't a law at the time and it didn't come out until September after we left, three months. Now they made up these budgets with the full understanding and thought and belief that they were going to get as much subsidy as they did before. Well now the way it has come out, they lost \$271,000, and it is no more than right that this money should be replaced to them because it was a misunderstanding, and Mr. Stanley's talk right along might give you the understanding that the difference — the amount of money received by this three hundred and fifty towns was only about \$400,000 more than they received the year before.

When the report comes out, and we thought it might be out after this was voted, and it won't be out until two o'clock this afternoon, possibly when we are in session, and it will be put on everyone's desk, and it will show that a certain class of towns and cities did receive perhaps over half a million dollars more than they did the year before, and it also will show, and we know that next year we are going to take and pay this Educational Department over half a million dollars more just the same. And these towns and cities when they go to prepare their budgets this spring, they have got to make up \$271,000 or more,

instead of it coming out of the state it has got to come out of the towns and cities, and this amendment — this order that I put in really has nothing to do with this what you are arguing on now, and you will see the amount of change when you get it this afternoon.

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

Mr. DUMAINE: Mr. Speaker, may I ask a question through the Chair of the gentleman from East Machias, Mr. Dennison, are you or are you not for this amendment?

The SPEAKER: The gentleman from Readfield, Mr. Dumaine, has addressed a question through the Chair to the gentleman from East Machias, Mr. Dennison, who may answer if he chooses.

Mr. DENNISON: Yes, I am fully in agreement, I think the State should reimburse an amount similar to \$271,000.

The SPEAKER: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker and Members of the House: I don't figure that I am too readily qualified to speak on the other departments here on this deal, but I do want to speak on especially education for the mentally handicapped children and mentally retarded. As you probably realize, there are around two hundred or three hundred or so that are waiting to get into Pine-land. Now we have no room for them, and I feel that all the money that we can expend for these children for the education at home or in these little private schools that they have is money well spent, and I hope that you don't overlook this bill.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I think that many of us have some doubts because this was not included in the Governor's fifty-one bills. I think that was the thing that bothered many of us, but from what information I have been able to gather it was not — there were several reasons for it and not altogether because they were against it. It

was sort of overlooked as near as we can determine and I at least have not been able to determine just what did happen. But this is the same type of subsidy in the amendment that is in the original bill. It is a subsidy that was promised to the towns. Now whether these subsidies should have been promised to the towns is not the question that we have to decide here, it is a question as to whether we will pay to the towns what we promised them, and when they made up their budget — I for one wonder if we should pay for summer training of pupils for driver training, but the law is so written that it now says that we will give these towns a subsidy of \$10.00 for those summer courses.

I think we ought to think about it. But I also think that if we are willing to pay for driver education for normal children, we owe to those who are not normal at least the right to learn to read and write, and I have been assured that this subsidy goes only toward children who are able to learn, those who are above fifty. This is not a case of paying for classes that are simply kept there to have a place for them to stay. They are definitely able to be trained, and that is my reason for signing out the "Ought to pass" Report.

(At this point, the gentleman from Sebago, Mr. Good, assumed the Chair as Speaker pro tem)

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

Miss CORMIER: Mr. Speaker and Members of the House: I was present at the leadership meeting that screened the bills, and the reason I think that we did not permit the bill to come in was because we felt there were other departments perhaps that had deficiencies and that we were opening the door to those if we permitted this one to come in. There was no question as to whether or not we believed in the bill. I also understood that this could be taken care of in another manner for the rest of the biennium.

However, the bill is now before us, and I feel as the gentlewoman from Falmouth has just expressed,

that we have through legislation in the past and also in the last regular session enlarged the program for the mentally retarded, enlarged the program for driver education, enlarged the program for the physically handicapped, and many of the towns have adopted these plans and now they find that they do not have the subsidy to carry out their program. I think that it is very much cheaper for the Legislature to educate these mentally retarded, these physically handicapped who are just as much entitled to an education as the very gifted and that it is cheaper to educate them in our schools than to try to take care of them in our institutions which are overcrowded and which are a great financial burden on the State.

I also feel that in vocational education we are making great strides in the State of Maine and that there again some of these towns have not the subsidy to carry on their program.

In vocational rehabilitation I think we have one of the finest programs of the states. I think that every dollar that we invest there brings us back great dividends because we are placing these people not in institutions or not taking care of them through old age assistance, but we are rehabilitating them and making them citizens that can contribute to the economy of the State rather than drain the economy of the State through institutions and otherwise. Consequently, I am very much in favor of this amendment and the bill itself, and I hope that it will receive passage from this House.

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

Mr. HEALD: Mr. Speaker, as a member of the American Legion Committee on Legislative Affairs I want to go on record as being in favor of this amendment, and I also feel that from the numerous calls from my constituents in my area that this is very important legislation and should be passed.

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

Mr. MILLER: Mr. Speaker, Ladies and Gentlemen of the House: It is indeed a pleasure to be able to rise here today and go along in favor of this amendment to this subsidy bill. The gentleman from Ellsworth, Representative Brown, stated that he did not feel that the money was needed at this time. I certainly am one who is willing to go along with the feelings of those dedicated citizens who have worked on such a program over the years and who are advocating the passage of this amendment. I point out the Maine Association for Retarded Children, and these people who are serving on this Association are dedicated citizens. They are citizens who are giving of their time to try to bring to us the problems that are facing the citizens of the State of Maine.

Now they have come out, and each and every one of us I believe has received the same letter that I have on my desk here this morning, and they go on to say that they would like to call your attention to a bill which they believe is very important for the Legislature to consider in this special session. The bill will make up for the shortage which has developed in the funds available for several state subsidies paid to local school systems in order to encourage them to operate certain programs such as special classes for retarded children, classes and home instruction for physically handicapped children, driver education, adult education and vocational education. Now I feel that this organization is a worthy one, and far be it from me as a Representative to knock down all of the work and vote against what they are requesting us to pass now. This morning I also received two telegrams, one from the Greater Portland Association for Retarded Children advocating the passage of this amendment, and the bill. Another one from the Pride Training School for Mentally Retarded Children. Now I hope that when the vote is taken that we will vote for the passage of the amendment. Thank you.

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

Mr. RANKIN: Mr. Speaker, I have a parliamentary question. Apparently the majority of the House is in favor of the original bill, Legislative Document 1397. Now there may be those who are opposed to the amendment. How will those who are opposed to the amendment but in favor of the bill, vote? As I see it, if you vote for the Majority "Ought to pass" with an amendment, or rather vote against it, you are voting against the bill too, are you not?

The SPEAKER pro tem: Well, my answer to that would be this, and the Speaker of the House will correct me if I am wrong, that if you wish to vote for the bill we can give it its first two readings, and then when the amendment is introduced for adoption, you could kill the amendment. Is that right Mr. Speaker? Did I make myself clear? If you oppose the amendment, but you favor the bill, then you will permit the bill with the amendment to receive its first two readings, and then when the amendment is introduced for adoption, you can at that time move that the amendment not be adopted, and then of course the bill will go on as not amended and will come up for third reading tomorrow.

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

Mr. JALBERT: Mr. Speaker, on the basis of your fine explanation, I move the previous question.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jalbert, has moved the previous question. For the Chair to entertain a motion for the previous question, it must have an expression of a desire by at least 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 their count.

A sufficient number arose.

The SPEAKER pro tem: Obviously more than one-third having arisen, the Chair will entertain the motion. This motion is debatable with a time limit of five minutes for any one individual member. Is it now the pleasure of the House that the main question be put now? All

those in favor say aye, those opposed, no.

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

The SPEAKER pro tem: The main question now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House accept the Majority "Ought to pass" Report as amended by Committee Amendment "A", and the Chair recognizes that gentleman.

Mr. HAUGHN: Mr. Speaker, I request a division when the vote is so taken.

The SPEAKER pro tem: A division has been requested. The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Could I ask one more question through the Chair before this is put to a vote?

The SPEAKER pro tem: I am afraid that you are out of order. For what purpose does the gentleman arise?

Mr. BROWN of Ellsworth: A parliamentary inquiry.

The SPEAKER pro tem: The gentleman may proceed with the question.

Mr. BROWN: I am still a little bit confused that if we vote for this bill with an amendment then we are accepting the amendment along with the bill.

The SPEAKER pro tem: You are accepting the amendment just for the first two readings, and then the amendment will be introduced, and at that time you may make a motion that the amendment — or I will put the motion and you can vote down that the amendment be adopted, so you will have an opportunity to vote against the amendment if you wish.

A division has been requested. I will restate the motion. The motion is that of the gentleman from Bridgton, Mr. Haughn, that the House accept the Committee "Ought to pass" Report as amended by Committee Amendment "A" on Bill "An Act Providing for Supplemental Payments of the 1959 Education Subsidies to Certain Administrative Units," House Paper 988, Legislative Document 1397. Will all those in favor of the adoption of the Majority Report please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred six having voted in the affirmative and eight having voted in the negative, the motion did prevail.

(At this point, Speaker Edgar resumed the rostrum)

The SPEAKER: The Chair would thank the gentleman from Sebago, Mr. Good, for his excellent services as Speaker pro tem. (Applause)

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

Mr. WINCHENPAW: Mr. Speaker, I would still like to get some kind of a question on the Floor of the House here, just what would — just what did we just vote for, I refrained from voting —

The SPEAKER: The Chair would advise the gentleman that the vote just taken was on the motion to accept the Majority "Ought to pass" Report as amended by Committee Amendment "A" of the Committee.

Mr. WINCHENPAW: That was the bill and the amendment both?

The SPEAKER: You merely accepted the Committee Report, you have not bought the bill, you have not bought the amendment.

Whereupon, the bill was given its first and second readings.

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

COMMITTEE AMENDMENT "A" to H. P. 988, L. D. 1397, Bill, "An Act Providing for Supplemental Payments of the 1959 Education Subsidies to Certain Administrative Units."

Amend said Bill in the title by adding at the end before the period the following: 'and Payments for Various Educational Subsidy Programs'

Further amend said Bill by adding after the 4th paragraph of the emergency preamble, the following:

'Whereas, supplemental appropriations are required immediately to provide the necessary funds to support certain educational subsidy programs; and'

Further amend said Bill by adding at the end before the emergency clause, the following:

'Sec. 4. Additional Appropriation. There is further appropriated from the General Fund the sum of \$269,364, the breakdown by account and line category to be as follows:

| DEPARTMENT | 1959-60 |
|--|-----------------|
| EDUCATION, DEPARTMENT OF | |
| Vocational Education - State | |
| All Other | \$ 43,175 |
| \$10,367 to be expended during the 1959-60 fiscal year and \$32,808 to be carried at June 30, 1960 and expended during the 1960-61 fiscal year for the same purposes. | |
| Special Education for Physically Handicapped Children (including the Mentally Handicapped) | |
| All Other | 183,172 |
| \$63,691 to be expended during the 1959-60 fiscal year and \$119,481 to be carried at June 30, 1960 and expended during the 1960-61 fiscal year for the same purposes. | |
| Industrial Education | |
| All Other | 8,618 |
| \$2,926 to be expended during the 1959-60 fiscal year and \$5,692 to be carried at June 30, 1960 and expended during the 1960-61 fiscal year for the same purposes. | |
| Driver Education | |
| All Other | 27,800 |
| \$7,800 to be expended during the 1959-60 fiscal year and \$20,000 to be carried at June 30, 1960 and expended during the 1960-61 fiscal year for the same purposes. | |
| Secondary Education for Island Children | |
| All Other | 6,599 |
| \$3,423 to be expended during the 1959-60 fiscal year and \$3,176 to be carried at June 30, 1960 and expended during the 1960-61 fiscal year for the same purposes. | |
| | <hr/> \$269,364 |

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

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

Mr. STANLEY: Mr. Speaker, I wish that I could stand up and say that I am very proud and very

happy to represent a group of people who have done a fine job. I am very proud and very happy to represent what I think are the people of the State of Maine.

The gentleman from Bridgton, Mr. Haughn, said that the City of Bangor was short \$5,000. A letter from the Superintendent of Schools in the City of Bangor does indicate that on those five programs, the mentally retarded, the physically handicapped, the driver education, adult education and vocational education, they were short in their subsidy by \$5,395.44. However, from their general purpose subsidy they received \$23,970 more than they had anticipated. If I were operating — which I am not — the Bangor schools, I think probably I could get by with adult education and the mentally retarded program which we were short \$5,000 on the \$23,000. It is not a question as to whether we educate the mentally retarded or the physically handicapped and keep them out of our institutions. The question is, just how much money can we afford, when we are giving these towns \$408,000 more than they had anticipated and because they are short on two or three little items they come back and ask for \$262,000 more. That is the only question. The education is there. The money is there to educate them. It's just a question of the people who are operating those to operate them efficiently, and I think that is one thing that we all strive for is efficiency.

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

Mr. HAUGHN: Mr. Speaker, I do agree in part with the words spoken by the gentleman Mr. Stanley, but I think it's become confused, at least in my mind, what he is trying to drive at. You have two separate programs both dealing with education and subsidy. Because we did supply these towns on the state subsidy for schools and some did receive we will say a lion's share, we should not conflict these two items into one, and as Mr. Dennison, the gentleman from Machias has stated, that he is bringing out a paper for your consideration, true, in the next legislature, to correct what he be-

lieves to be an injustice, the lion's share to the largest cities and a reduction in the smaller towns and cities as we now have, but that is a problem to be faced when the 100th Legislature convenes and a study to be made in the meantime which I believe is being done, so I hope that this will not be confusing to you as expressed by Mr. Stanley to conflict these two programs into one because the correction of process is in the making to correct any inconsistencies which might exist for future subsidy programs.

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

Mr. STANLEY: Mr. Speaker, I am sorry if I have confused the gentleman from Bridgton, Mr. Haughn. It was not my intent certainly. As I stated a short time ago, I would not question the germaneness of this amendment. The gentleman says that we are confusing the issue by getting two things which are not alike. To me that is the essence of non-germaneness. I am not going to question the point of germaneness, but the gentleman brought it up, and by the action of the Education Department we have that before us today, that they are confusing two things. We are putting two things together, which although they are alike, the Education Department says that they cannot assimilate them, that they cannot assimilate dollars and cents in one till with dollars and cents in another till of the same department. I say that they can.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I think we are a bit confused. I can go along with Mr. Stanley with all my heart. The cities did take the lion's share the last time, there is no question, but the thing of it is which you must realize, that if we are to take care of the towns who did not receive the lion's share but who were promised something, then we have to pass this amendment. We cannot take from the cities something we gave them.

Now I with all my heart feel that the cities should not have building

costs, they get them. The towns such as my towns, do not, and I voted against their receiving them because I didn't think we could afford it. But it is these towns who have not received their fair share who are not receiving it now. The cities certainly are. As you see this list you may look them over, but this is the point. I hope you understand that some of the cities did receive it, some of the towns did not, but you can't take away from the cities if you are going to give to the towns. I mean you have either just got to let it go along that way or deny the towns the subsidy that they thought they would have when they set up their budget.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Lowery.

Mr. LOWERY: Mr. Speaker and Members of the House: I feel that passage of this amendment is very necessary. We in Brunswick quite fully realize the value of education for the mentally retarded and physically handicapped as we were one of the pioneers in Maine in this field of education and we have been carrying on programs for the past thirty-five years. The granting of state subsidies in 1955 enabled us to expand our program which is now considered to be one of the best in the State of Maine.

I wonder how many members of this Legislature have had the opportunity to visit one of these classes for the handicapped children? It is inspiring to see the marvelous work that is being done. In Brunswick, and I am sure that it is the same in other communities having this same program, the results have been most gratifying. It is wonderful to see these children treated with care and understanding and trained to their capability to take their normal place in a normal society.

Properly trained in a program such as suits their needs during their formative years, most of these children become self-supporting citizens. Can we afford to curtail this valuable phase of our educational system? Other reasons aside from the human factor, it is sound economy for the State to grant these subsidies. Of equal importance I

believe are the other fields of education covered by this amendment. Their value has been cited before and is generally recognized. Therefore, I urge passage of this amendment. Thank you.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: As a member of the Appropriations and Financial Affairs Committee and as a signer of the "Ought to pass" on this amendment as well as the bill itself, I feel that we have set up the machinery to educate for these special classes, that we have encouraged the municipalities to make these classes available to the different groups within their municipalities. We have set up a formula or yardstick in which we should repay if they did set up for these classes, and I feel that we have an obligation to these municipalities to fulfill. And for that reason I voted in support of the amendment, and I hope that the members of the House will also do the same.

The SPEAKER: Is the House ready for the question? The question before the House is on the adoption of Committee Amendment "A" on Bill "An Act Providing for Supplemental Payments of the 1959 Education Subsidies to Certain Administrative Units," House Paper 988, Legislative Document 1397. The Chair will order a division. Will those who favor the adoption of Committee Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred having voted in the affirmative and twenty-three having voted in the negative, the motion did prevail, Committee Amendment "A" was adopted and the Bill assigned for third reading at two o'clock this afternoon.

Passed to Be Engrossed

Bill "An Act Authorizing Town of Franklin to Receive Legacy for Water System" (S. P. 526) (L. D. 1433)

Bill "An Act relating to Appeals from Decisions of the Joint Board

in Highway Condemnation Proceedings" (S. P. 527) (L. D. 1434)

Bill "An Act to Reconstitute School Administrative District No. 2" (H. P. 1011) (L. D. 1420)

Bill "An Act relating to Juvenile Offenders in Certain Motor Vehicle Violations" (H. P. 1016) (L. D. 1445)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Bill "An Act Appropriating Additional Funds for Certain Construction at Portland Municipal Airport" (H. P. 1018) (L. D. 1426)

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

Mr. Lantagne of Biddeford offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1018, L. D. 1426, Bill, "An Act Appropriating Additional Funds for Certain Construction at Portland Municipal Airport."

Amend said Bill in the title by adding after the word "Airport" the words "and at Biddeford Municipal Airport"

Further amend said Bill by inserting at the beginning of the first line the underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill by adding at the end a new section 2 to read as follows:

'Sec. 2. Biddeford Municipal Airport construction; appropriation for. There is appropriated from the General Fund the sum of \$24,500 for such construction work at the Biddeford Municipal Airport as may be recommended by the Maine Aeronautics Commission. Such expenditure as may be authorized by this section shall be contingent upon the fact that not more than 25 per cent of the cost shall be paid for by funds herein appropriated. It is the intent of the Legislature to so limit the use of state funds as to require that federal funds and other funds shall finance 75 per cent of the cost of such work. This appropriation shall not lapse,

but shall be carried forward to the 1960-61 fiscal year.'

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

Mr. LANTAGNE: Mr. Speaker, Ladies and Gentlemen of the House: The Federal Aviation Agency has allotted to the City of Biddeford \$49,000 for improvements on its airport. However, if the necessary State appropriation of \$24,500 is not granted, Federal assistance will automatically be withdrawn by April 30th of this year. Our city is prepared to meet its obligation of \$24,500 so, in effect, unless we are successful in having this amendment adopted at this time, our entire airport improvement program will fall by default.

We sincerely feel that this amendment is closely allied to L. D. 1426, and consequently, is appropriate and in accord with the principle of germaneness. Therefore, we trust that in your good judgment you will support it. If you have any particular questions relative to this amendment, I shall be pleased to try and answer them. Thank you.

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

Mr. EMMONS: Mr. Speaker, I would ask the Speaker to rule on the germaneness of this amendment.

The SPEAKER: The gentleman from Kennebunk, Mr. Emmons, requests a ruling from the Chair on the germaneness of this amendment. As the Chair stated yesterday when the same question was raised in connection with another matter, the Chair cannot consider in making its ruling the merits or demerits of any amendment that is offered. The Chair must consider only the technical question of germaneness. Again as the Chair stated yesterday, for an amendment to be germane it must pertain to the subject matter of the bill to which it is sought to be attached.

In this case, we have a bill dealing with appropriation of money for the Portland Municipal Airport, and in the amendment which is offered, we are asked to appropriate money for the Biddeford Municipal Airport. The two situations are similar, but

the amendment does not in any way affect the appropriation of money for the Portland Municipal Airport, and any amendment to be germane in the opinion of the Chair, must affect the appropriation for Portland. For these reasons, the Chair will rule that the amendment is not germane, and the Chair will remind the gentleman that he may appeal the ruling of the Chair to the House if he chooses.

Mr. LANTAGNE: Mr. Speaker, I do not choose to appeal from your decision.

The SPEAKER: The gentleman does not choose to appeal the ruling of the Chair, and the Chair must declare the amendment not in order.

Mr. VARNEY: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. VARNEY: Mr. Speaker, I make a motion that the rules be suspended in order to permit the gentleman to present his motion for consideration by the House.

The SPEAKER: The gentleman from Eliot, Mr. Varney, has moved that the rules be suspended. Would the gentleman be so kind as to be specific as to which rule he wishes to suspend? The Chair would remind the gentleman that there are no rules regarding germaneness as far as House Rules are concerned. The question of germaneness is a parliamentary rule and it is the Chair's prerogative to rule on it. There are no House Rules on germaneness.

Mr. VARNEY: It is a parliamentary rule on germaneness which I ask that this House suspend, I think it is a Joint Rule if I am correct. I think we have a right to suspend the rules as I remember it by a two-thirds vote. I think it takes a two-thirds vote to suspend them.

The SPEAKER: Would the gentleman be content if the Chair put an appeal of the Chair's ruling to the House?

Mr. VARNEY: No, I do not wish to appeal from the ruling of the Chair, I think the Chair's ruling was perfectly correct. I do think that this House has a right to suspend the rules if they wish to do so by a two-thirds vote.

The SPEAKER: The Chair will put the House at ease and will re-

quest the gentleman from Eliot to show the Chair the rule that he wishes suspended.

House at Ease

Called to order by the Speaker.

The SPEAKER: The gentleman from Eliot, Mr. Varney, has brought to the attention of the Chair Rule No. 36 under House Rules, on page 89 I believe of the Register if you have your Registers with you. The Chair will read the rule: "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." In other words, that establishes the principle of germaneness as far as the House is concerned.

Now, the Chair understands the gentleman from Eliot to move that the House suspend Rule 36 to permit the gentleman from Biddeford to submit his amendment. This must have a two-thirds vote. Will those who favor suspending this rule, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-four having voted in the affirmative and seventy-three having voted in the negative, the motion did not prevail, having failed to receive the necessary two-thirds vote.

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

Bill "An Act to Reconstitute School Administrative District No. 3" (H. P. 1020) (L. D. 1421)

Bill "An Act Appropriating Monies to Maine Port Authority for a Survey at Long Island Plantation" (H. P. 1027) (L. D. 1448)

Resolve Providing for Decrease in Retirement Benefit for Helen D. Perry of Rockland (S. P. 535) (L. D. 1442)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act relating to Revenues and Eminent Domain of Lewiston

Parking District" (S. P. 529) (L. D. 1436)

Bill "An Act Appropriating Monies to Maine Port Authority for Ferry Service" (H. P. 1014) (L. D. 1425)

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

House at Ease

Called to order by the Speaker.

On motion of Mr. Wade of Auburn,

Recessed until 1:30 P.M. this afternoon.

After Recess 1:30 P.M.

The House was called to order by the Speaker.

(Off Record Remarks by
the Speaker)

The SPEAKER: At this time, the Chair wishes to recognize the presence in the rear of the Hall of the House of the Class on American Government Problems from Skowhegan Senior High School, accompanied by their Instructor, Robert Brown.

On behalf of the House, the Chair extends to you ladies and gentlemen a most hearty welcome, and we hope you will enjoy your visit here today. (Applause)

Passed to Be Enacted Emergency Measure

An Act relating to Identification Numbers and Disposition of Fines under Boating Law (S. P. 525) (L. D. 1432)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Ratify and Make Valid the Incorporation of the Wiscasset School District (S. P. 532) (L. D. 1439)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Increasing the Indebtedness of the Town of Palmyra School District (S. P. 533) (L. D. 1440)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize the Municipalities of Gray and New Gloucester to Form a School Administrative District (H. P. 992) (L. D. 1401)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 124 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize the Municipalities of Dixmont, Hampden and Newburgh to Form a School Administrative District (H. P. 993) (L. D. 1402).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds

vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize the Municipalities of Cornish, Limerick, Newfield and Parsonsfield to Form a School Administrative District, and to Authorize the Municipalities of Enfield, Greenbush, Howland, La-Grange, Maxfield, Passadumkeag and Seboeis Plantation to Form a School Administrative District (H. P. 994) (L. D. 1403).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 126 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize the Municipalities of Danforth and Weston to Form a School Administrative District (H. P. 995) (L. D. 1404).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 126 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Increasing Indebtedness of New Gloucester School District (H. P. 998) (L. D. 1407).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Increase the Indebtedness of the Town of Hermon School District (H. P. 1021) (L. D. 1422).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Reconstitute School Administrative District No. 9 (S. P. 523) (L. D. 1430).

An Act to Reconstitute School Administrative District No. 5 (S. P. 524) (L. D. 1431).

An Act to Authorize the Municipalities of North Yarmouth and Pownal to Form a School Administrative District and Contract with the Town of Cumberland for High School Education and to Authorize the Municipalities of Chelsea, Windsor and Whitefield to Form a School Administrative District (H. P. 991) (L. D. 1400).

An Act Permitting Town of Hartland to Build and Maintain Dams and Sluice Ways on Sebasticook River (H. P. 999) (L. D. 1408).

An Act to Increase Indebtedness of Bath Parking District (H. P. 1000) (L. D. 1409)

An Act to Reconstitute School Administrative District No. 1 (H. P. 1001) (L. D. 1410)

An Act to Reconstitute School Administrative District No. 13 (H. P. 1003) (L. D. 1412)

An Act to Reconstitute School Administrative District No. 12 (H. P. 1004) (L. D. 1413)

An Act to Reconstitute School Administrative District No. 11 (H. P. 1005) (L. D. 1414)

An Act to Reconstitute School Administrative District No. 4 (H. P. 1006) (L. D. 1415)

An Act to Reconstitute School Administrative District No. 10 (H. P. 1007) (L. D. 1416)

An Act to Reconstitute School Administrative District No. 6 (H. P. 1008) (L. D. 1417)

An Act to Reconstitute School Administrative District No. 7 (H. P. 1009) (L. D. 1418)

An Act to Reconstitute School Administrative District No. 8 (H. P. 1010) (L. D. 1419)

An Act to Authorize School Administrative District No. 5 to Take a Schoolhouse Lot by Condemnation in the City of Rockland (H. P. 1019) (L. D. 1427)

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

Orders of the Day

The SPEAKER: The Chair will lay before the House the following Bill which was assigned this morning to have its third reading at two o'clock this afternoon.

Passed to Be Engrossed

Bill "An Act Providing for Supplemental Payments of the 1959 Education Subsidies to Certain Administrative Units and Payments for Various Educational Subsidy Programs" (H. P. 988) (L. D. 1397)

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

On motion of Mr. Wade of Auburn,

Adjourned until ten o'clock tomorrow morning.