

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Eighth Legislature*

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

### Finally Passed

Resolve Regulating the Taking of Clams in Steuben (H. P. 443) (L. D. 619)

Resolve Regulating Digging of Quahogs in Middle Bay, Cumberland County (H. P. 517) (L. D. 727)

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

The gentleman from Bangor, Mr. Totman, was granted unanimous consent to address the House briefly.

Mr. TOTMAN: Mr. Speaker and Members of the House: Before making a motion that we now recess until one o'clock, I would like to point out that we have a first order of business immediately after lunch which is the so-called Jacobs Bill, and we also have on unfinished business, nineteen items plus specially assigned for today twelve items. It is the intent and suggestion that we go until approximately three o'clock this afternoon. Therefore, with this plan in mind, I now make the motion that the House recess and return at one o'clock.

(Conference at rostrum)

The gentleman from Bangor, Mr. Totman, was granted unanimous consent to address the House.

Mr. TOTMAN: Mr. Speaker and Members of the House: It is quite obvious that Friday afternoon is a very controversial time to attempt to continue. We were advised this morning that many members would be willing to stay to work. Since then some people have pointed out that the snow is beginning to fall in Aroostook County, etc., etc., etc., so I sincerely hope that when I put this motion to recess, that you will indicate how you really feel and I would request a division.

The SPEAKER: The motion before the House is the motion of the gentleman from Bangor, Mr. Totman, that the House recess and reconvene at one o'clock this afternoon.

Mr. ERVIN: Mr. Speaker?

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

that a recess motion is not debatable but the time of reconvening is.

Mr. ERVIN: Mr. Speaker, just as a suggestion, there are some that do have a long ways to go and if we had a shorter recess, say until twelve-thirty, I think it would be very agreeable to the House.

The SPEAKER: The motion before the House is the motion of the gentleman from Bangor, Mr. Totman, that the House recess and reconvene at one o'clock this afternoon, and he has requested a division. Will all those who favor recessing now and reconvening at one o'clock, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-six having voted in the affirmative and forty-nine having voted in the negative, the motion prevailed.

### After Recess 1:00 P. M.

The House was called to order by the Speaker.

The following paper from the Senate not on the Advance Journal:

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, May 7th, in the forenoon. (S. P. 557)

Came from the Senate read and passed.

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

### Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the special order which was assigned earlier in this morning's session relating to the Committee of Conference Report on Bill "An Act Relating to Educational Aid and Reorganization of School Administrative Units", Senate Paper 515, Legislative Document 1478.

The pending motion before the House is that the House accept the Report of the Committee. Is it the pleasure of the House that the House accept the Report of the Committee?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that the House recede from its former action whereby it passed to be engrossed Bill "An Act Relating to Educational Aid and Reorganization of School Administrative Units"?

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Beyer.

Mr. BEYER: Mr. Speaker, if everybody has had all the time they wish to explain this matter further, I would like to say a few more words before I make a motion—I yield to the gentleman.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker, and Members of the House: I thank the gentleman for the courtesy of inviting me to speak because it is my understanding that he intended to table the measure. At this point the Report of the Committee of Conference carries me back to the time in the last session where the House had enacted a measure, passed a measure which involved one of the principles which is involved in this bill. It was passed by a 99 to 24 roll call vote on a bill which I sponsored which would have provided school building aid to individual towns. And I certainly want to congratulate the Committee of Conference on their perseverance and successful compromise in this matter.

I'd like to say that I think that the Jacobs Survey and the subsequent report on the educational problems of the State are as candid an appraisal of the situation as it would be humanly possible for any man living in Chicago to make for the State of Maine.

I am happy to endorse and accept the principles of the equalization of educational opportunity for all Maine youth by use of the instruments proposed in the Sinclair bill. Those instruments are: an eventual uniform tax effort based upon state valuation of every town and city; consolidation of small schools to provide for a broader educational program and the establishment of a foundation program to which state dollars will be contributed in order to realize the

maximum value in terms of education.

I don't think that I need to convince you that it is the responsibility of all of us to see that every child in this state has an opportunity to have a better education than is offered at present in some of our rural communities. I do want to tell you that I think that there are certain benefits in our larger schools which are not available to our rural youth. I think that consolidation will allow the students in our smaller schools to have the benefits of a broader educational program which can only be realized by consolidation.

I would like to say in summary that this bill reaches into the hearts and the homes of nearly every parent with school children in this state.

In the final analysis this bill, if enacted, will be successful only to the extent that those individual parents take advantage of it in their individual town meetings, and it is my hope that we not only pass this bill here today with a good vote, but having passed it, that we go back into our own communities and try to encourage participation on the part of our own citizens in endorsing it. In so doing, I think we will be assuming our proper position of leadership in this movement which I think is probably destined to be the most progressive movement of this generation in the State of Maine.

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

Mr. FULLER: Mr. Speaker, I too would like to thank the gentleman from Cape Elizabeth, Mr. Beyer.

I hope just for the sake of getting out of here sometime before the fourth of July that maybe we could pass this Bill to be engrossed, because it is a long bill, and if it could be engrossed over the weekend it probably would facilitate matters so we could gain two or three days. And it certainly is going to come back in the House for further discussion if anybody cares to discuss it. You have had the amendments reprinted, reproduced, and they have been on your desks. You have had a chance to study

them, and Miss Cormier, the gentleman from Rumford, and I are willing to answer any questions you might have about them. And it seems to me that it would serve no purpose in tabling this matter for any longer. Mr. Speaker, I move that this Bill be passed to be engrossed, and when the vote is taken I move that it be taken by yeas and nays.

The SPEAKER: The Chair must advise the gentleman from South Portland, Mr. Fuller, that a motion at this time for passage to be engrossed is not in order. The pending question is the House receding from its former action.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Beyer.

Mr. BEYER: Mr. Speaker, I believe that if nothing else comes of this discussion today, you may agree with me that I have given everybody certainly the opportunity to discuss both the merits of the tabling as well as the merits of the bill, and that certainly there will be no arbitrary cutting off of any discussion of the matter.

When one takes a stand on such a controversial issue as this, it seems well to try to explain yourself to the Party as well as to the folks at home. And I believe that to those who have said that we will hurt the Republican Party by killing this measure, that I would answer that this is such a basic departure from our previous concept that it is something that we have to take home, discuss and try to satisfy the people. Of course, I always reserve the right to make the final decision myself, but you can tend to be influenced or much influenced by their thinking.

I'm not sure just what I'm going to say to the people at home when I go home and say that I participated in a bill which not only cut my town's subsidy 25 per cent, but which resulted in the necessity of passing a sales tax to support it, and they have now the program by which they can set up an administrative district. But the problem with my town, and possibly there are other towns, in setting up an administrative district are that the only other one, because we are on

one side of South Portland and the sea on the other, is Scarborough. My colleague the gentleman from Scarborough, Mr. Higgins, and I get along very well as do our towns and our school union. And we have progressed so far, in fact, we are above the standard set by the Jacob's Report, but in this case it would be difficult I think, for my people to vote that with only 40 per cent of the students they should pay over half of the cost because of our relative valuations. Therefore the bill, and again I don't know whether this is entirely selfish, I think you have to think of your town as well as the state when you vote on a measure in any legislature. My town not only has no incentive to form an administrative district geographically because our joint schools would not come up to the \$700 high school level, although I realize there is some give and take in there, but by its very terms it provides every motive financially for not doing so.

There are some amendments today that I haven't had much more than about half an hour of undivided attention to devote to and I would like to discuss them at home again; for example, it speaks of towns getting together and having a town meeting on the joint budget for the administrative district. I am not so sure what effect that would have. And to delay further time taking of yours today I would now like the indulgence of this body to table this bill, specially assigned for Wednesday next, in the hope that perhaps I could come back somehow changed by either my people at home or by further study of this bill and in the thought that perhaps others of you would like further time, and therefore, Mr. Speaker, I make that motion.

Mr. SPEAKER: The motion before the House is the motion of the gentleman from Cape Elizabeth, Mr. Beyer, that the Report of the Committee be tabled until Wednesday next pending the question of the House receding from its previous action of whereby it passed the Bill to be engrossed.

For what purpose does the gentleman arise?

Mr. TOTMAN: I arise to request a division on the motion.

The SPEAKER: The motion before the House is the motion of the gentleman from Cape Elizabeth, Mr. Beyer, that the Committee Report be tabled and specially assigned for Wednesday next pending the question of the House receding from its previous action whereby it passed the Bill to be engrossed. The gentleman from Bangor, Mr. Totman, has requested a division.

Will all those who are in favor of the tabling motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-eight having voted in the affirmative and eighty-four having voted in the negative the tabling motion did not prevail.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I want to speak to the motion that is upon us I believe now, to recede and concur.

The SPEAKER: The question before the House is that the House recede from its former action.

Mr. TOTMAN: I would like to speak to that motion.

The SPEAKER: The gentleman may proceed.

Mr. TOTMAN: And I would like to speak mainly to the fact that my sole reason for not supporting the motion just voted upon by the gentleman from Cape Elizabeth, Mr. Beyer, was definitely not because of any feeling that we have got to rush the measure through. I do feel that under our parliamentary procedure if this House sees fit as a result of the very serious hours of effort that our special Committee of Conference put in trying to reach agreement, and apparently they have done what I have seldom seen in this legislature, they have reached agreement, I feel that the Bill will spend the weekend being engrossed, which means that the members of this House, such as the gentleman from Cape Elizabeth, Mr. Beyer, will come back next Tuesday, and they find out that there are amendments that they feel very strongly about, if they wish to present them to the House a motion to reconsider on passage to be engrossed can be made next week, next Tuesday when

the Bill comes back before the House.

However, I hope that there will be a substantial majority in the House today who feel as I do, that this Bill has certainly received a very thorough and searching examination, and that further committee of conference and further work is quite frankly futile. We have absolutely attempted to reconcile all the major differences. And if we are to preserve the major frame up of the Bill, the time of issue is at hand this afternoon. And I sincerely hope that we will progress in debate and reach a final decision.

The SPEAKER: The question before the House is, is it the pleasure of the House that the House shall recede from its former action whereby it passed this Bill to be engrossed?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that the House concur with the Senate in the adoption of Senate Amendment "B"?

The Clerk will read Senate Amendment "B".

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

SENATE AMENDMENT "B" to S. P. 515, L. D. 1478, Bill, "An Act Relating to Educational Aid and Reorganization of School Administrative Units."

Amend said Bill in that part designated "Sec. 237-H" of section 1 by striking out the period and the single quotation mark at the end and inserting in place thereof the following underlined words and punctuation: "and in smaller administrative units when in the judgment of the Commission the formation of a school administrative district by consolidation is not geographically or educationally practical."

Senate Amendment "B" was adopted in concurrence.

The SPEAKER: Is it now the pleasure of the House to recede from the adoption of House Amendment "D"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to recede from the adoption of House Amendment "E"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to recede

from the adoption of House Amendment "F"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to recede from the adoption of House Amendment "I"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to indefinitely postpone those amendments "D", "E", "F", and "I"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to adopt Conference Amendment "A" submitted with the Report?

The Clerk will read Conference Amendment "A".

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

CONFERENCE COMMITTEE AMENDMENT "A" to S. P. 515, L. D. 1478, Bill, "An Act Relating to Educational Aid and Reorganization of School Administrative Units."

Amend said Bill in that part of Section 1 designated "Sec. 237-E" by inserting before the 3rd underlined paragraph from the end the following underlined paragraph:

**'Any administrative unit, approved by the School District Commission as a necessary and efficient administrative unit, in which the average net operating cost in any biennium exceeds the amount of the average net foundation program allowance shall be entitled to an additional subsidy allocation on that part of its average net operating cost which exceeds its net foundation program allowance, said subsidy to be 10 per cent of the percentage to which said administrative unit is entitled to receive in Table II.'**

Further amend said Bill in that part of Section 1-B designated "Sec. 111-B" by inserting after the underlined word "**Governor**" in the 7th line, the underlined words '**with the advice and consent of the Council**'; and by inserting after the underlined word "**Governor**" in the 10th line, the underlined words '**with the advice and consent of the Council**'

Further amend said Bill in that part of section 1-B designated "Sec. 111-K" by inserting after the 3rd

sentence the following underlined sentences: '**Except that in those school administrative districts composed of towns and no cities, such budget must be approved by the voters of the district at a district meeting to be held before April 1st of each year and to be called by the directors of the district and held in the same manner as town meetings. Notice of such district meeting shall be posted in each town in the same manner as town warrants. The secretary of the district shall be clerk of the meeting.'**

Conference Committee Amendment "A" was adopted.

The SPEAKER: The question before the House is now on the passage to be engrossed. The gentleman from South Portland, Mr. Fuller, has requested a roll call.

Mr. FULLER: Mr. Speaker, I move that the Bill be passed to be engrossed, and when the vote is taken it be taken by yeas and nays.

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: I would just like to ask a question through the Chair. Assuming that we pass this measure to be engrossed right now, and then some member comes back here next Tuesday or Wednesday when this thing comes up as an enactor, and an amendment should be accepted at that time, would that mean that would have to be engrossed all over again?

The SPEAKER: The House would have to recede from its action whereby it passed the Resolve to be engrossed today, which would take a two-thirds vote. And then it would have to be reengrossed after action on the amendment that you hypothetically mentioned.

Mr. WINCHENPAW: I just wanted to be sure that everyone understood that. It seems to me that we are being driven into this thing just a little bit too fast, and I am not too anxious to vote to have it passed today because there are things I would like to find out at home, whether they want to accept the penny sales tax that goes along with it or not.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Tarbox.

Mr. TARBOX: Mr. Speaker, after we have accepted all of these amendments, I too would like to go home and find out, because right now I shall vote no, whether it is a roll call or no matter how it is unless I find out whether they want to or not. That is my feeling right now and you don't need to call the roll to find out. I want to find out if my people are willing to accept these amendments, and if we are in too much of a hurry to get it through then I would certainly be opposed to it.

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

Mr. ROLLINS: Mr. Speaker, I agree with the gentleman from Friendship, Mr. Winchenpaw, we are getting right into this thing pretty solid. And the assumption was from our floor leader that if we came back here next week and wanted to add an amendment or two to this Bill, it would be possible.

You realize if you vote to engross this Bill now, it will be quite a job from looking at this figure of eighty-four to thirty-eight, to get a two-thirds vote to recede from our former action.

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

Mr. PIERCE: Mr. Speaker, assuming a yea and nay is ordered, I would request distribution of the tally sheets.

The SPEAKER: The tally sheets will be available if the roll call is ordered.

The motion before the House is the motion of the gentleman from South Portland, Mr. Fuller, that the Bill be passed to be engrossed, and when the vote is taken—

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: I don't mean to stand here and oppose the leadership. Just as a matter of record and without bragging or boasting in any way, I held the same honorable post that the gentleman from South Portland, Mr. Fuller,

holds right now. In 1951 I was House Chairman of that Educational Committee, and I know what he is going through, I know there is all kinds of pressure being put on him. But in view of the fact that the sentiment has changed here a bit in the last few minutes, and maybe rather than having this put to a test right now, I move that it be tabled until Wednesday next.

The SPEAKER: The motion before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the Committee Report be tabled and specially assigned for Wednesday of next week. The gentleman from South Portland, Mr. Fuller, has requested a division. The Chair will restate the motion.

The motion before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the Committee Report be tabled and specially assigned for Wednesday of next week pending passage to be engrossed. The gentleman from South Portland, Mr. Fuller, has requested a division.

Will all 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. Thirty-five having voted in the affirmative and eighty-six having voted in the negative the tabling motion did not prevail.

The SPEAKER: The question now before the House is the question of whether this Bill shall be passed to be engrossed, and the gentleman from South Portland, Mr. Fuller, has requested a roll call.

For what purpose does the gentleman arise?

Mr. CALL: I would like to ask a question through the Chair of the gentleman from South Portland, Mr. Fuller, if I may.

The SPEAKER: The gentleman from Cumberland, Mr. Call, addresses a question through the Chair to the gentleman from South Portland, Mr. Fuller, who may answer if he chooses.

Mr. CALL: Mr. Fuller, the purpose of asking for the yea and nay vote I presume is for the matter of record. And my question is, would you be satisfied with a division so



as to make it possible to send this Bill along for engrossment?

The SPEAKER: The gentleman may answer if he chooses.

Mr. FULLER: For the sake of expediency I would withdraw my motion, Mr. Speaker.

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

Mr. JALBERT: Mr. Speaker, I am not an expert in so far as the Committee on Education is concerned. I want to take this opportunity however, to thank the experts, the experts being the six members of the House and the six members of the Senate who have worked hard, diligently and honestly on this Bill.

I would like to state that I went to the effort of going to many of the educators at home, business people, laymen, and my own superintendent of schools, and I am proud to say that he is one of the best in the State of Maine. According to these changes that have now been entertained by this Committee of Conference, he states in effect "Whether this change in the law is an improvement into the area of the philosophy that administers the practices is certainly to be recognized. No doubt the average citizen would feel a little more secure with this added check, which they have, and from all I have heard it has worked reasonably well in the presently established school districts." I could read this whole thing, it is a very well written letter, but what impresses me more, at the bottom of it "None of these provisions will effect Lewiston particularly, but only in a general scope of the law." Excuse me a moment —

I would like to say as far as discussing this thing and bringing this Bill back home, we have now arrived at the very stage that I have spoken about and screeched about for the last sixteen or seventeen weeks. We are at a point where we must make major decisions or else we will stay here until July Fourth, and that is no joke.

Now, as far as our own community is concerned, and I am sitting here and there are five others on the other side who are from Lewiston, I will read from page five of the Bill, and this stays in the Bill. "As larger and more efficient ad-

ministrative units are established throughout the state, the existing inequities in state subsidy will level off. As this condition progresses it is the intent of the Legislature to revise Table II towards the ultimate end that all administrative units will be required to exert a single uniform tax effort on state valuation to support the foundation program." And on page seven, roman numeral III, "To evaluate the impact upon consolidation on valuation per pupil in the larger district as compared to the individual towns comprising the district and make definite recommendations with respect to an eventual uniform minimum tax rate toward the support of a foundation program of education when these larger districts have been appropriately established throughout the State." This is in the Bill. This means that as far as we are concerned in our locality, the second largest city in the State, we will get some \$27,000 or \$28,000 for the next two years. It means, however, going back to page five, that as these units are efficiently established, and the subsidy levels itself off and the uniform tax rate levels itself off, the money must come from somewhere. And it can well be, unless the law would be amended, and after all we can amend this thing, the State of Maine is certainly not going to fold up within the next two years, but it means in a sense, even if it stays this way, that when these level offs come to the point, that the money would be probably taken from some of the wealthier communities or some of the large communities.

As far as I am concerned, I would like to see, naturally, my own community getting more and more subsidies, as anybody else would. But I am mindful of the fact, and I know my colleagues are, that coming from a larger community, we are also aware of the fact that on the Federal level the smaller and poorer states are helped, and on this level here we must contribute as the people from the small towns contribute on our main streets when they purchase our own products that they cannot purchase in their own communities.

In so far as the statement of the gentleman from Cumberland, Mr. Call, that this would put us on

record, his statement is extremely well taken, and it has been brought out twice before, that at times many have enjoyed the pleasantries of voting for all spending bills and no tax bills. A good pastime, but hardly in my estimation, statesmanlike. I can certainly recall a few years ago, seated in my usual seat, 108, standing alone killing off eighty-three year old pensions. I felt just as bad as anybody else, but it had to be done because the money was not available.

I again want to congratulate those people on the Conference Committee, and some of whom I have battled, I assure you, for the work they have done. The work that they have done is an improvement on this Bill. We have all had a chance to study it very thoroughly. They have done a splendid job. I feel we are really definitely ready to take a step forward in this piece of legislation. I move that when the vote is taken it be taken by roll call.

The SPEAKER: The question before the House is the question of passage for engrossment. The gentleman from Lewiston, Mr. Jalbert, has requested a roll call.

Will those who favor the request for 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 of the House having arisen in favor of the roll call, the roll call is ordered.

For what purpose does the gentleman arise?

Mr. CHILDS: I arise for the purpose of making an inquiry.

The SPEAKER: The gentleman may proceed.

Mr. CHILDS: I have on my desk House Amendments "J" and "K". Have they ever been offered?

The SPEAKER: The Chair is advised that neither of those amendments has been offered.

Mr. CHILDS: Well, I notice that they are filed by Mr. Roberts of Dexter. I wonder if the Chair would inquire if he intends to offer them, and that he should do it at this time before the Bill is passed to be engrossed.

The SPEAKER: The Bill is still subject to amendments and is still subject to debate.

The Chair would inquire of the gentleman from Dexter, Mr. Roberts, as to whether or not he wishes to offer either or both of Amendments "J" and/or "K".

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

Mr. TOTMAN: Mr. Speaker, in an effort to perhaps expedite the answer to the question of the gentleman from Portland, Mr. Childs, may I ask through the Chair of the gentleman from Dexter, Mr. Roberts, if he presented his proposed amendments to the special Committee of Conference as was suggested?

The SPEAKER: The gentleman states that he did.

Does the Chair understand that the gentleman from Dexter, Mr. Roberts, offers these two amendments and moves their adoption?

The Chair would advise the gentleman that the Clerk is in possession of copies of those amendments if that is what you are looking for.

Mr. ROBERTS: I present Amendment "J" and move its adoption.

The SPEAKER: The gentleman from Dexter, Mr. Roberts, offers House Amendment "J" and moves its adoption.

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

Mr. TOTMAN: Mr. Speaker, before consuming more valuable time discussing these individual amendments, I would request through the Chair of any member of the special Committee of Conference, what their feeling was on these two amendments, or the amendment now in progress.

The SPEAKER: Would the gentleman permit the reading of the amendment first, please?

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

HOUSE AMENDMENT "J" to S. P. 515, L. D. 1478, Bill "An Act Relating to Educational Aid and Reorganization of School Administrative Units."

Amend said Bill by striking out all of that part designated "Sec. 111-B" of section 1-B.

Further amend said Bill by striking out the underlined words

**“School District Commission”** whenever they appear in said Bill and inserting in place thereof the underlined words **‘State Department of Education’**

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

Miss CORMIER: Mr. Speaker, this first Amendment “J” is very clear I think. It would do away with the school district commission entirely and leave all of it up to the Department of Education. Now, as the Bill is written, this school district commission serves for a term of five years and then automatically is off the books, that is, this commission will serve only in the period they are trying to organize these districts. It was the opinion of the Committee that for the Department of Education to be able to take over this job it would mean personnel help, and it would mean that they would have to find someone just as we would have to find someone for the District, and they would become permanent members of the Department of Education. And consequently the Committee felt that since the school district commission is called for in the Bill, since it is only for five years, at the end of five years it is automatically dissolved, that it was better to leave it to this commission than to leave it in the Department of Education where someone — a Commission would have to be set up to do this work and would perhaps remain permanent personnel in the Department.

The SPEAKER: The question before the House is as to the adoption of House Amendment “J”.

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

Mr. FULLER: Mr. Speaker, I presented both of these amendments to the Committee as I told my friend, the gentleman from Dexter, Mr. Roberts, I would, and we discussed them very thoroughly, but the Committee just felt that they could not go along with them. And I would like to add one word to what the gentlewoman from Rumford, Miss Cormier, has said. This district commission serves without pay, and if you put it in the hands of the

Department of Education it is going to make a bureaucracy a still bigger bureaucracy, and after five years this commission goes out of existence automatically and it goes into the Department of Education because it is hoped by that time that most of the districts would be formed. Of course, it is in the power of the legislature if they see fit, to give the commission another five years, in case they feel that it is necessary.

While I am on my feet, if it is not out of order, I might as well mention the next amendment, and that practically does away with certification of the teachers. That is not any part of this new bill, that is in the general law and has been, long before I was born. And it says in effect that any teacher caught teaching without a certificate shall forfeit money which has been paid. You are just saying, in effect, if you adopt this amendment, that you are doing away with certification. We just feel that is ridiculous.

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

Mr. WINCHENPAW: Mr. Speaker, I would just like to ask a question of the gentleman from South Portland, Mr. Fuller. This district commission has been my pet gripe. I can't see any need for this commission and in that five years they are going to spend \$130,000, more than that, \$60,000 each two years, and half a year, \$150,000 they are going to have to spend. On page seven it says they will be paid \$10 a day and traveling expenses. Did any one of those amendments take that out? It is hard to follow those amendments around the corridors there.

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, asks a question of the gentleman from South Portland, Mr. Fuller, who may answer if he chooses.

Mr. FULLER: It was not taken out. It wouldn't be fair or even sensible to ask any man to serve on a commission and travel to Augusta or any place else without giving him mileage. I also think that is ridiculous. But at least he is not getting the salary.

The SPEAKER: The motion before the House is the motion of the gentleman from Dexter, Mr. Roberts, that the House adopt House Amendment "J".

Those in favor of adopting House Amendment "J" please say aye; those opposed, no.

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

The SPEAKER: The Chair now understands that the gentleman from Dexter, Mr. Roberts, offers House Amendment "K".

The Clerk will read House Amendment "K".

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

HOUSE AMENDMENT "K" to S. P. 515, L. D. 1478, Bill, "An Act Relating to Educational Aid and Reorganization of School Administrative Units."

Amend said Bill by striking out all of section 79 and inserting in place thereof the following:

'Sec. 79. R. S., c. 41, § 187, repealed. Section 187 of chapter 41 of the Revised Statutes is hereby repealed.'

The SPEAKER: The motion before the House is the motion of the gentleman from Dexter, Mr. Roberts, that the House adopt House Amendment "K".

Those in favor of adopting House Amendment "K" will please say aye; those opposed, no.

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

The SPEAKER: The question now before the House is the motion of the gentleman from South Portland, Mr. Fuller, that the Bill "An Act Relating to Educational Aid and Reorganization of School Administrative Units", Senate Paper 515, Legislative Document 1478, be passed to be engrossed, and the gentleman from Lewiston, Mr. Jalbert, has requested a roll call, which has been ordered.

Will the Sergeant-at-Arms and the Doorkeeper please see that the aisles are kept closed and no one is allowed out the back door.

The House will please be in order and remain very much so, so the Clerk may accurately hear the voting.

The Clerk will call the roll.

### Roll Call

YEA — Allen, Babineau, Baird, Bartlett, Beane, Augusta; Besse, Blanchard, Bragdon, Brewster Broderick, B r o w n e, Bangor; Bruce, Burnham, Call, Carey, Carter, Etna; Carter, Newport; Caswell, Childs, Christie, Cole, Cormier, Cote, Couture, Bath; Couture, Lewiston; Coyne, Crockett, Cyr, Davis, Westbrook; Dostie, Dudley, Dumais, Duquette, Earles, Edwards, Elwell, Emerson, Emmons, Ervin, Farmer, Flynn, Foss, Frazier, Fuller, Gallant, Hancock, Hanson, Harriman, Harrington, Harris, Hatfield, Hathaway, Haughn, Heald, Hendricks, Hendsbee, Hersey, Hickey, Hilton, Hutchinson, Jack, Jacques, Jalbert, Jewell, Johnson, Jones, Karkos, Kelly, LaCasse, Lane, Latno, Libby, Lindsay, Mann, Mathieson, Maynard, Miller, Morrill, Morway, Nadeau, Pierce, Plante, Porell, Prue, Quinn, Rancourt, Rankin, Ross, Bath; Rowe, Limerick; Rowe, Madawaska; Saunders, Shaw, Smith, Falmouth; Smith, Portland; Stanley, Stilphen, T e v a n i a n, Thackeray, Totman, Turner, Vaughan, Wade, Walker, Walsh, Walter, Warren, Webber, Wheaton, Whiting.

NAY—Bean, Winterport; Beyer, Carville, Denbow, Edgerly, Emery, Frost, Graves, Hatch, Higgins, Hughes, Knapp, Rich, Roberts, Rollins, Ross, Brownville; Sanborn, Shepard, Storm, Tarbox, Williams, Winchenpaw, Wood.

ABSENT — Andrews, Anthoine, Brewer, Brockway, Brown, Ellsworth; Curtis, Davis, Calais; Day, Desmarais, Hanscomb, Hoyt, Kinch, Leathers, Letourneau, Maxwell, Needham, Roy, Violette.

Yes 109, No 23, Absent 18.

The SPEAKER: One hundred and nine having voted in the affirmative and twenty-three in the negative, with eighteen absentees, the motion that this Bill be passed to be engrossed does prevail. It will be sent to the Senate.

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

Mr. FULLER: Mr. Speaker, I move that this Bill and its accompanying papers be sent forthwith to the Senate.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, requests under unanimous consent that this Bill and accompanying papers be sent to the Senate. Does the Chair hear objection? The Chair hears none and it is so ordered.

The SPEAKER: Under Orders of the Day the Chair lays before the House the first item of unfinished business, Bill "An Act relating to Retirement of Members of Portland Police and Fire Department not under State Retirement System", House Paper 1057, Legislative Document 1512, tabled on April 24 by the gentleman from Portland, Mr. Broderick, pending third reading, and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Broderick of Portland, the Bill was retabled pending third reading and assigned to Tuesday, May 7.

The SPEAKER: Under Orders of the Day the Chair lays before the House the second item of unfinished business, House Divided Report, Majority "Ought to pass" and Minority "Ought not to pass" of the Committee on Public Health on Bill "An Act relating to Certificates Issued by Board of Commissioners of Pharmacy", House Paper 788, Legislative Document 1121, tabled on April 24 by the gentleman from Millinocket, Mr. Emerson, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. EMERSON: Mr. Speaker, I move the Majority Report be accepted and I would like permission to speak briefly on this Bill.

The SPEAKER: The gentleman from Millinocket, Mr. Emerson, moves acceptance of the Majority "Ought to pass" Report. The gentleman may proceed.

Mr. EMERSON: Mr. Speaker and Members of the House: I feel this Bill needs explanation to this body. Two years ago the National Board and Colleges of Pharmacy established a ruling that after 1960 all accredited colleges of pharmacy offer a five year course giving a B.S. Degree in pharmacy.

After 1960 it would be necessary to abolish the so-called qualified assistant or assistant pharmacist ex-

amination in order to comply with the other states in the union, and to have reciprocity and be acknowledged by them. All present qualified assistants will retain certificates. The Maine Pharmacy Association is desirous of going along with this national program. Therefore, I move the Majority Report be accepted.

The SPEAKER: The motion before the House is the motion of the gentleman from Millinocket, Mr. Emerson, that the House accept the Majority "Ought to pass" Report on Bill, "An Act relating to Certificates Issued by Board of Commissioners of Pharmacy", House Paper 788, Legislative Document 1121.

Is it the pleasure of the House to accept the Majority "Ought to pass" Report?

The motion prevailed and the Bill was given its first and second readings and assigned for third reading the next legislative day.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the third item under unfinished business, Senate Report "Ought to pass" with Committee Amendment "A" of the Committee on Labor on Bill "An Act relating to Petition for Review of Incapacity Under Workmen's Compensation Act", Senate Paper 162, Legislative Document 409, tabled on April 25 by the gentleman from Houlton, Mr. Ervin, pending acceptance in concurrence of the "Ought to pass" Report.

Thereupon, on motion of the gentleman from Bingham, Mr. Shaw, the Bill and all accompanying papers were recommitted to the Committee on Labor in non-concurrence and sent up for concurrence.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the fourth item under unfinished business, House Report "Ought not to pass" of the Committee on Business Legislation on Bill "An Act Prohibiting Gasoline Suppliers from Engaging in Retail Sale of Gasoline", House Paper 936, Legislative Document 1329, tabled on April 25 by the gentleman from Bangor, Mr. Quinn, pending acceptance