

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Special Sessions

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

October 28, 1957

January 13, 1958

May 6, 1958

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

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

**Ought to Pass
with Committee Amendment**

Report of the Committee on Education on Bill "An Act relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units" (S. P. 658) (L. D. 1637) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read.

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

Mr. WINCHENPAW: Mr. Speaker, I don't know just how to go about this but could I make a little speech at this time?

The SPEAKER: The Chair hears no objection, the gentleman may proceed.

Mr. WINCHENPAW: Mr. Speaker, some of us have been studying this thing over and I am not against education, but I would like to make a motion that this bill be referred to the next legislature if that motion would be proper.

The SPEAKER: The motion is proper. The Chair understands the question before the House now to be the motion of the gentleman from Friendship, Mr. Winchenpaw, that the Report and Bill be referred to the next regular session of the legislature?

Mr. WINCHENPAW: That is right.

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

Mr. FULLER: Mr. Speaker, I don't know as some of you realize what that would mean to a good many people in the State of Maine. You here in the legislature during the other special session set up a joint select committee to study the Sinclair Bill. The Sinclair Bill—and again some people don't seem to realize, is on our books right now, it is a law, and nobody has ever

said that it is unconstitutional. However, among some of the so-called legal experts there were grave doubts as to some parts, of the legality of some parts of the so-called Sinclair Bill, and as the Governor said in his message Monday that select committee we felt were charged with two things. First to make sure that the bill was constitutional, and I am pleased to say that right here on your desks you do have a report from the Supreme Court saying that it is one hundred per cent constitutional and it has a clean bill of health so to speak.

Now as I said before, we have the Sinclair Bill on our books. If we refer this to the next legislature we still would have the Sinclair Bill on the books, but there are some places in it which might be unconstitutional. Why should we wait? What reason would anybody have for not passing this bill to make the original bill constitutional if there are some doubts about its constitutionality? In other words, your Education Committee felt that some of the amendments had a lot of merit and before a year is over the legislature is going to meet in regular session.

I plead with you every one of you that we need this law on the books, a constitutional law, so that those who are ready to go can go. They are waiting, they are just looking to us to give them something, a vehicle with which to work and, as I said, we felt that a lot of the amendments that were presented to us and will be presented here today had a lot of merit, but they were not—we didn't feel at least—they were not for a special session. They require a lot of thought and deliberation. For instance when you go changing numbers you don't know what it might do to the bill. Furthermore than being declared constitutional by our own Supreme Court we have a letter, I have been informed by the Chairman of our Committee, from Mitchell Pershing, one of the largest law firms in New York who handle all of our building authority bonds, and they have given this bill a complete clean bill of health so to speak as far as being able to borrow bonds or borrow money. So why would anybody if you passed the original

bill be against this bill which is a better bill?

There is another point which we did do. We have always been strongly in favor of allowing the school districts, six of them in Maine, to become an administrative school district if it was possible. We did not know whether it would be possible or not and so they were not included in the original bill. In this bill they are included. We felt here were six classes of towns that took a step and a forward step without any incentive, without any incentive as far as the legislature or money is concerned, and if it was possible that they should be included, so we found that they could be included legally and they have been included and we feel very good about that.

So we have really a better bill than we had last winter which we passed and is on the law books now. Now the first paragraph of this bill if it is passed just abolishes the original bill, but if this bill is not passed, you have still got the Sinclair Act on our books just as we passed it last winter. And as I said there are grave doubts about some of it being constitutional, and we know this is constitutional; so why would anybody have any objections in putting this bill on the books? If I can answer any questions I would be happy to do so.

The SPEAKER: The question before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the report and bill be referred to the next legislature.

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

Mr. DENBOW: Mr. Speaker and Members of the House: I would like to make a few comments on this bill, and I am opposed to the bill now and to satisfy my conscience I shall vote against it. My reason for voting this way is not to try and do anything that would harm the educational possibilities in Maine, but I think in one page here you have something that is being increased too rapidly, which is the debt limit of 12½ per cent on page fifteen. To me this bill is providing the machinery that could almost bankrupt small towns and still not be outside

the legal debt limit. For instance we have now a 7½ per cent debt limit I believe on our books. This increases it to 12½ per cent or an increase at one time of about 65 per cent.

You will also notice in this bill that the notes or bonds or loans or contracts or agreement, whatever, with the Maine School Building Authority are not legal obligations of the district, that is, as far as debt limit is concerned. So here is what could happen. This probably is theoretical but it still could happen. Regardless of whether it is a district it is still the municipality that is paying the bill, but it still won't be applied to their debt limits, so anybody could go out, any town or district could borrow a large amount of money from the district. It isn't applicable to the debt limit so there are no strings to tie it down, and at the same time it must be assessed to each individual in the municipality. I think it is a dangerous thing and it is increased too much and I don't think there is a need of a debt limit of 12½ per cent.

Another thing, I don't see any reason why an obligation to the Maine Building Authority should not be considered in the debt limit for the simple reason that further than the bill is marked as a legal obligation to the legal debt, it has got to be paid just the same and the machinery is included to see it is paid. It is just as much an obligation to me as if it were owed an individual, and for those reasons I want to make myself clear.

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

Mr. TARBOX: Mr. Speaker, there is another one here, provision for using the latest state valuation in the determination of subsidy aid rather than 1956 valuation. That was an amendment I put in in the last regular session and it was put in just for the reason to protect small towns. Say if a small town was receiving 50 per cent subsidy on the 1956 valuation and there wasn't money enough to pay that off, all the Department of Education would have to do would be to revalue the town or the area and maybe they could cut it down to 30 per cent. Of

course this is dangerous for small towns and I think that should be taken into consideration.

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

Mr. ELWELL: Mr. Speaker and Members of the House: I believe that the new draft of this bill, while it may not be flawless, is certainly workable and constitutional and most important of all it fills a very serious need in some of the rural areas of our state. As most of you people know, there has been a movement in my particular area to form an administrative district under the present Sinclair Bill, the Sinclair Law. We have an application pending before the School District Commission which I understand is for the first such district under the law. I have had a chance as the Chairman of the citizens committee which is working on this particular project in my community to see first hand the problems which are involved, and since I feel these problems are typical of many of the rural areas of the state, I would like to relay to you some of the facts we have uncovered in our own community.

We had a staff of school administrators come into our district headed by Dr. Clair Porter Shirley who is Superintendent of Schools in Newport, Rhode Island. He worked with our local committee with a survey that took some six weeks to complete and the report which I have here with me was some forty odd pages long. Very briefly we found four areas which very definitely need attention in our school program. The first problem is the problem of the inadequacy of school buildings, and I can cite one example in one of the towns, as a matter of fact one of my fellow representatives in this House is a resident of the town and will bear me out. The town has three one room school buildings approximately a hundred years old with improper lighting, no running water, nine grades with one teacher in a one room school. I think it is apparent to all of you that such a situation is not providing the best type of education for those children.

The second point was the limited course of study that we observed

was being offered in the small high schools in the area. We find in these twelve towns, while they have only three hundred and fifty secondary students, they are operating six small high schools. None of the high schools are offering the broad curriculum which could be offered under a community school. The third point which we disclosed was the inability to secure adequate school personnel because of the substandard teaching facilities and conditions under which the teachers were expected to work. Fourth was the limited financial resources of the area with which to provide adequate buildings and adequate salaries for the present and future school personnel. For many years these towns have tried individually and with varying success to solve these above problems. What success they have achieved has been related to the size of the community, yet each town has been dissatisfied with its educational progress and with the present or future school programs available for its children. The most efficient school program for the greatest educational opportunities must be larger than any individual town in our group can provide. In this area only by the united efforts of all the communities can an efficient school system be organized.

Up to this year consolidation of an area like ours into a school system large enough for maximum efficiency would have been too costly. Now the Sinclair Bill enacted by the last legislature promises financial help for communities such as ours if we are willing to combine our efforts to educate our children. Moreover the educational benefits cannot be ignored by not giving a proposed school administrative district a chance, so the need has developed urgently for the formation of such a district in our communities. Citizens in many individual towns outside of our own district have been studying their school needs under this Sinclair Bill, and they have anticipated favorable action by this legislature. The interest of this area can only be served I think by the immediate enactment of this revision of the law. We are now ready to move in these twelve towns which are lying in the northern part of Waldo County and

Kennebec County and we are waiting for you to implement this bill so that we in turn can implement our consolidation. I hope you people give us a chance to do this. Our children currently in our area are being short-changed and any further delay in this bill will just cheat them further. I see by the answer to the questions that the Supreme Court says that this bill is now constitutional. We have been informed that the bond attorneys say it is acceptable to them. And for my part, speaking for the children in my area, I am saying to you, please let's get this revision of the bill on the books so that we can go ahead.

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

Miss CORMIER: Mr. Speaker and Members of the House: I really feel that we would not gain a single thing by referring this to the next legislature because as Mr. Fuller, the gentleman from South Portland, has said, we would still have the Sinclair Bill on our books. The only thing that we would do would be to prevent some of the towns from consolidating because the bonding companies would not be willing to go along with the bill due to certain features which have been corrected under Committee Amendment "A". I would rather that we discuss the bill here this afternoon, give it its first reading, let the amendments that are to be proposed be discussed on the floor of the House and I think that we would be gaining much more than by trying to refer this to the next session. We would still have the Sinclair Bill on our books and we would have a bill which would almost seem that it were unconstitutional.

I do think there are many, many things in the Sinclair Bill that I personally do not like, that I personally will try to do all in my power to change. I think that there are many, many inequalities, there are many things such as the 12½ per cent debt limit which I do not go along with, but I don't think that we would gain a single thing by referring this to the next legislature. We would still have the Sinclair Bill with such parts of it that

the towns who are ready to consolidate could not do so. Consequently, I would ask you to be very careful before you vote on that. Let's accept it, let's discuss it, let's amend it and make it a better bill if we can, and certainly let us try to work with it and correct the inequities if that is what we want to do.

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

Mr. MAYNARD: Mr. Speaker, Abraham Lincoln used to tell the story a long time ago about a little girl who just loved to eat. She went to a party one day and filled herself up with ice cream, cake, punch, everything she could get hold of, until she was bursting at the seams. She topped it off with a huge cluster of raisins. Of course soon there was a war. After things had quieted down considerably, Mr. Lincoln asked the little girl how she felt. She said well she thought she felt pretty good now because she was down to the raisins.

I think in the last year or more that we have discussed this bill we have about got down to the raisins. The amendments that the committee accepted yesterday in a long hearing were amendments that were well, as far as I could see, technical amendments. The same old bogies, the same old scarecrows of last year raised their ugly heads. I would like to agree with the gentlewoman from Rumford, Miss Cormier, that there are many things about the Sinclair Bill that I too do not like. I am not going to go into detail, but I do like to point out that the philosophy of this bill is such as to look ahead, as to bring Maine ahead many years in their schools, in their school attitudes. Without this bill we will be just where we were. I cannot see how the bill can be improved right now. I would like to see it improved. I cannot see how it can be improved without some practice. There are towns waiting for the chance to improve themselves. They cannot do it unless this bill comes on the books.

How do you folks feel that the founders of this country felt when they adopted the Constitution of the

United States? They had nothing to go on you see. Many of them, Franklin for one, did not like many things in that Constitution, yet he realized with all its faults, of course you realize, that the freedom of many people has been bound through that fabric, that that Constitution is one of the great hopes of the world today. We don't get anywhere, ladies and gentlemen, without taking some chances. All I can say about this is, let's get on with it and let's trust the good judgment of the legislatures that follow and the men and women of this state.

The SPEAKER: The Chair recognizes the gentleman from New Sharon, Mr. Caswell.

Mr. CASWELL: Mr. Speaker and Ladies and Gentlemen: This forenoon we heard twice I think some very beautiful lines of poetry by speakers more eloquent than I can be. A couple of lines that I learned a good many years ago I can't remember the whole poem, just about as well that I can't, but they read like this: "Heaven is not reached by a single bound, but we build the ladder by which we rise, from the lowly earth to the vaulted skys, and we mount to its summit round by round." The framers of this bill acknowledge that it is not perfect. However, this is one of the two bills that we were called down here to take action upon. I hate to think of what not only the Press but what our own constituents will say about us if we pass the buck, which is what we would be doing by referring this to the next legislature. Let's take a chance on it.

The SPEAKER: The Chair recognizes the gentleman from Chapman, Mr. Foss.

Mr. FOSS: Mr. Speaker and Ladies and Gentlemen: I will say that I am going to vote for this bill, but I want to register a protest on the inclusion of items one and two under Table 1 on page four of the bill, and I want you to consider those very carefully. They are giving this Commission power to force communities into compliance. Now some say they don't do that and some try to say it doesn't do that, but I took it up with some of the authorities yesterday and put it on the line and they admitted that it

was there for that purpose and that purpose alone.

Now I can go along with the idea of giving help, encouragement and some financial assistance to those who will form administrative districts. They are good. In my own community we had the first high school and grade combination there was in the State. It was a medium high school. We lost our building and we came in here to try to build it and we have been held up on this bill for at least a year on our educational program and getting along from hand to mouth because our grade building has to accommodate both high school and grade and this bill has been the bone of contention all along and the way it was the other day, we were neither beast, bird nor fish. We couldn't come in and we couldn't stay out and we couldn't build a building. That has been corrected by this amendment that came in this morning from the Education Department and I think it was probably made up just to fit the Mapleton situation, Mapleton, Washburn, Perham, Wade and that district there, because they lacked the three hundred by about twelve. We had a community school district in Mapleton but we couldn't get any help and we couldn't build a building unless we went ahead on our own, and we were within this fifteen mile limit of Presque Isle who are planning on taking Westfield, entering a unit, which would make them happy and give them something like forty thousand dollars of state money to build a wing on the high school, but if we hadn't been able to get this amendment, we were all within fifteen miles of the nearest school district, but we couldn't join it and we couldn't make one of our own.

This item 1 and 2 under the Table was put there only for the purpose of forcing, when it is in, but it is a clumsy attempt to do it. There was no need of it and if you will look at Table 1 and 2 you will see your subsidies are set up and could be figured very readily without putting 1 and 2 in, which will penalize those small communities who fail to come into an administrative district. But it didn't say whether they

could come in or not, and if they were in a community or in a section where it was impossible to come in even though they voted to come in and form an administrative district, they were penalized anyway. That is still there. I thought of presenting an amendment to try to cut those out, but it is impossible at this time, but I think it would be a nice thing to look that over and consider the possibilities there and a year from now that thing should be gone into very thoroughly before you give the Commission authority to use a group of the small communities of our state to try to force them to go into a unit.

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

Mr. WINCHENPAW: Mr. Speaker, I would like to say just a few words in defense of my motion. The gentleman from Chapman, Mr. Foss, has helped me out quite a bit. I felt that I hadn't had time to study this and I know — I feel in my heart that this is so complicated it should be referred to the next regular session of the legislature because all the part we are interested in or most of us is the subsidy that was passed in October, and we passed this subsidy for one year, I hunted up a copy of it. Well now, next November or December in 1958 I predict that there is going to be a lot of wailing and mourning and gnashing of teeth when they get the subsidy bill from the State Education Department because a lot of them are going to be slashed under this Sinclair Bill because they are towns that can't qualify, towns that can't go in under a unit with someone else, and those towns will be penalized just as the gentleman from Chapman, Mr. Foss, has just said.

Now there was one other reason why I hoped this would be referred to the next session and it has already been predicted that we will be back here next September in another special session to straighten this out if we pass this thing in the condition it is. And that is only eleven months from now and you can't build many school buildings in eleven months, and it would

give people a chance to study both of these bills, it would give them a chance to study the bill that is on the books already and give them a chance to study the bill which we have before us. And one member, I don't know whether this is true or not, but one member of the Educational Committee has already said that we will be back here in September to a special session and he didn't want it to leak out, but I'll tell you frankly, it did leak out because some of us figured it out for ourselves last evening that there is a possibility of another special session. Now to my knowledge we have never had so many special sessions to straighten out the mistakes of the regular session, ever since I have had anything to do with this. And I think we should just lay this over to the next regular session. It will only be eleven months and those schools can keep on running in that time, we provided them the money on October 28 so most of them are pleased with the extra subsidy they got. That was the reason for my making the motion and Mr. Speaker, when the vote is taken, I request a division.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I have been much in favor of the Sinclair Bill since it was first drafted and I have worked a great deal on it this summer, and of course I found these things in it that have been spoken of here even by proponents but I did wish that it would pass at this time. I agree with the able gentleman from Waldo County because I find myself in the very same position, but I do find that there are these unworkable things in here. I do find that the people who are in favor of passing this at this time realize it and say that we can straighten it out later. I say — why wait until later when we know they are there? And it has been brought out by my friend from Friendship, Mr. Winchenpaw, it is only eleven months until such time as they could be brought out. I don't think you will be doing this any particular harm if you wait. In fact I

have one town that I represent that has their money already to build a schoolhouse and heavens knows they need it bad enough.

Perhaps I should vote right now for this, but with all of these bugs in it and we know they are there, I don't think there would be any harm or it would make them feel too awful bad if they had to wait eleven months or a little mite longer to build that schoolhouse. I do not feel that a special session is the place to go over anything quite so serious and quite so deeply affecting all of the people of our state as this Sinclair Bill does. It is not the time for it to be finally passed. For that reason I am going to support the motion of the gentleman from Friendship.

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

Mr. FULLER: Mr. Speaker and Members of the House: I would like to agree with my friend from Bowdoinham, Mr. Curtis, one hundred per cent. That is exactly the way we felt, that this special session was no place to make changes in the Sinclair Bill and that is exactly what we didn't do. I can say to you people right here that the philosophy of the Sinclair Bill hasn't been changed one iota and we felt that that was the way that you wanted it and that is why we did not change it. The only thing that has been changed is the language in some cases to make it number one, constitutional, and number two, make it workable, and those are the two things that we felt we were charged with and we did our best to do those things.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the Report and Bill "An Act relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units". Senate Paper 658, Legislative Document 1637, be referred to the next legislature. A division has been requested.

Will those who favor the motion to refer the Report and the Bill to the next legislature please rise and

remain standing until the monitors have made and returned the count.

A division of the House was had.

Seven having voted in the affirmative and one hundred and one having voted in the negative, the motion did not prevail.

Thereupon, the "Ought to pass" Report as amended by Committee Amendment "A" was accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 658, L. D. 1637, Bill, "An Act Relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units."

Amend said Bill in that part designated "Sec. III-F" of section I by inserting at the end of the 3rd paragraph from the end the following underlined sentence: 'The creation of any such community school district and all proceedings taken in connection with the issuance of such outstanding indebtedness are hereby ratified, validated and confirmed.'

Further amend said Bill in that part designated "Sec. III-H" of section I by adding at the end thereof the following underlined paragraphs:

'Any municipality within any School Administrative District that has taken over the operation of the public schools may raise the appropriate moneys and transfer the same by vote of the municipality to the School Administrative District solely for capital outlay purposes.

Any municipality within the confines of an area which has applied to the School District Commission to be approved as a School Administrative District may raise and appropriate money by proper vote of the town to be transferred to the proposed School Administrative District, if and when said district takes over the operation of the public school within its jurisdiction. Said moneys shall be used only for capital outlay purposes. If the town shall vote to make such a transfer, it shall not have the right to rescind such vote until 9 months after said vote or until the proposed School Administrative Dis-

trict fails of approval either by the School District Commission or by the residents in the several towns within the proposed School Administrative District, whichever is earlier.'

Further amend said Bill in that part designated "Sec. III-L" of section I by striking out the underlined word "inhabitants" in the 13th line from the end and inserting in place thereof the underlined word 'residents.'

Further amend said Bill in that part designated "Sec. III-R" of section I by striking out the underlined word "dates" in the 12th line and inserting in place thereof the underlined word 'date.'

Further amend said Bill in that part designated "Sec. III-S" of section I by inserting after the underlined word "conspicuous" in the 2nd line of paragraph D of subsection II of said section the underlined word 'public.'

Further amend said Bill in that part designated "Sec. III-T" of section I by inserting after the underlined word and punctuation "Authority," in the 5th line the following underlined words and punctuation: 'or to authorize the school directors to contract for the schooling of secondary pupils.'

Further amend said Bill in that part designated "Sec. III-T" of section I by adding at the end of subsection III the following underlined paragraph D:

'D. When a meeting is called for the purpose of authorizing the school directors to contract for the schooling of secondary pupils, the article to be inserted in all warrants shall be as follows:

"Shall the school directors of School Administrative District No. be authorized to contract in the name of the name of the district with

(Name of Administrative Unit or Academy)

for the schooling of secondary pupils for a term of years.

Yes ☐ No ☐

Further amend said Bill in that part designated "Sec. III-E" of section I by adding at the end thereof the following underlined paragraph:

'The School District Commission may in addition to the power conferred in the preceding paragraph approve the formation of a School Administrative District from any community school district existing on April 1, 1957, which has been formed under the general law or by special legislative charter and was operating a school on April 1, 1957, which offered a program of education in grades 9 through 12 along with any other municipality or municipalities which desire to join with the area within any existing community school district, irrespective of the number of resident pupils educated at public expense in grades 9 through 12 as indicated in the last return made to the Commissioner of Education under section 71.'

Further amend said bill in that part designated "Sec. 237-D" of section I by striking out the underlined words *Per Pupil* found in the heading to Table I so that it now reads *Foundation Program Allowances*.

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

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: As I just said, I believe in the Sinclair Bill; I believe in the fundamentals that it tries to—that it sits on and the remedies that it tries to put into effect in our system, our education system in the State of Maine. Now as I understand this bill, and I don't pretend that I understand it thoroughly, but I have made considerable study. In fact I have been studying all summer on it and been in consultation with the Department of Education several times, why, the fundamental of this bill was to help the smaller areas who are not able to help themselves by giving their children the proper education. In other words, why should a child being born in Bowdoin, a small town of two hundred and ninety-six thousand valuation with a tax rate of one hundred and four, why shouldn't they have the same opportunities for education as someone who is born in Portland or in some of

the larger cities where they have millions and millions of taxable property and can give so much better education? To me this Sinclair Bill would remedy that.

But now we find here that the monkey wrench is thrown into the machinery of this amendment. Now we take the city of Portland, I don't know exactly what their valuation is, but it is way way into the millions and the tax rate is very low, they have many, many millions of dollars, and it would seem only reasonable that they can have a high school that is adequate in every respect without any help from the Sinclair Bill. In fact that was the thought I believe behind the drafters of the bill in the first place, it wasn't to help these cities who needed no help. Now this bill will cost a lot of money, let's not forget that. It wouldn't be surprising to me at all that within five years after this bill has been adopted that we will have to change the percentage of where the state is going to have to pick up the tab for school construction as provided for in this bill because this is going to amount to so many millions of dollars. Now if we have just got to go ahead and pick up the tab for the cities who are plenty able to take care of themselves, we can wreck this whole thing and destroy the very thing that we set out to do. Therefore, I move the indefinite postponement of this amendment.

The SPEAKER: The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that Committee Amendment "A" be indefinitely postponed.

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

Mr. FRAZIER: Mr. Speaker, I personally should very much hate to see Committee Amendment "A" go by the board and I wonder perhaps if that is the amendment that the gentleman from Bowdoinham, Mr. Curtis, was referring to. Looking over his shoulder here I saw that he had a different paper in his hand and I wonder if he intended to move the indefinite postponement of Committee "A" which is printed as L. D. 1673. Could I ask through the Chair of him if that was his intent?

The SPEAKER: The Chair understood the motion of the gentleman from Bowdoinham, Mr. Curtis, to be the indefinite postponement of Committee Amendment "A". Did the Chair understand correctly?

Mr. CURTIS: Mr. Speaker, I thank Brother Frazier, that is Amendment "B" I was speaking of.

The SPEAKER: Amendment "B" has not yet come before the House.

The question before the House is as to the adoption of Committee Amendment "A". Is it the pleasure of the House that Committee Amendment "A" shall be adopted?

The motion prevailed.

The SPEAKER: The Chair understands that there are amendments to be presented and would suggest that now is the time for the presentation of those amendments.

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

Mr. LETOURNEAU: Mr. Speaker, I don't know, I hesitate to put in my amendment because it was almost defeated before it even got in there, but I will put it in anyway. I would like to present House Amendment "B".

Thereupon, House Amendment "B" was read by the Clerk as follows:

HOUSE AMENDMENT "B" to S. P. 658, L. D. 1637, Bill, "An Act Relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units."

Amend said Bill in that part designated "Sec. 237-H" by striking out the underlined figure "700" in the 4th line from the end of the first paragraph and inserting in place thereof the underlined figure "300".

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

Mr. LETOURNEAU: Mr. Speaker and Members of the House: The position that I am in reminds me of a story, and it happened many years ago. A former President of the United States attended Sunday services in his own town in Vermont, and I refer to ex-President Coolidge. When he returned home Mrs. Coolidge said to Mr. Coolidge, what did the Reverend speak about? And of course we all know that Pres-

ident Coolidge wasn't one to make too many lengthy speeches, and he says, he spoke about sin. And Mrs. Coolidge says, what did he say about sin? Mr. Coolidge said, well, he was opposed to it. Well here we are talking about education. We are all in favor of education. All of us in Sanford certainly are because fifty per cent of our budget in Sanford goes for education, and I think that most of you members of the legislature have received a circular of this nature, and I could read it to you and state the reason why we should change the number from seven hundred to three hundred. I hope that you have read it and I imagine that some of you have read it.

I don't know, I have been trying to find out for a long time where this figure seven hundred and three hundred came from. Now I assume that they must have a good reason for having seven hundred or three hundred, but as far as Sanford is concerned seven hundred is not a good figure for us. Under this bill Sanford will not get anything out of it so that is the reason why we would like to change it. I assume that it is quite a proposition to do that. Monday I was listening to the Governor's message and I don't want to criticize the Governor, but I am trying to get back to this problem of the seven hundred figure. On this bill Section 237 it says you must have seven hundred resident students. In Sanford we don't have seven hundred, we have about five hundred. We have a few that come in from the outside and they tell us we can't change the word "resident" and they also say we can't amend the bill by reducing the number from seven hundred to five hundred.

Yesterday afternoon some of you I am sure attended the lengthy hearing on education and some very capable gentlemen gave sound reasons why this amendment should be adopted. Now I am not capable of duplicating their efforts. I wish I could. Perhaps I could convince some of you. I have talked with some members of the Education Committee in the House and off the record some of them agree that we have a problem in Sanford. We have a few towns in the State

of Maine — we are being affected by this. Perhaps you might say, well it is a selfish reason we would like to come in under this subsidy program. Naturally we do. Sanford has been living in a very precarious position for several years. Our valuation has dropped, our school attendance has increased by thirty-three per cent and we are spending a lot of money and we want to educate our children and we would like to come in under this bill if we could possibly get some of it. I certainly, as far as I am concerned and I am sure the people of Sanford, they want to raise the level of education in the State of Maine. It is a good thing and we want to do that. If this amendment were to do harm to any of these small schools in any way I would be the first one to withdraw it. I hope that you will give this matter some consideration and if you see fit to vote for it I would thank you very much.

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

Mr. WILLIAMS: Mr. Speaker, I have no quarrel with the amendment of Mr. Letourneau, the gentleman from Sanford, of three hundred, but it just so happens that in the northern part of my district according to the educational people's account, we have two hundred and thirty-six possible students that could go to one of these schools. In the southern part they would have to go into the town of Danforth which would be the only possible place, and I don't think they are any larger if as large as ours are. That seems to be all there are. We are crowded right up against the Canadian border there, just like living beside the ocean, we can't golf from our territory. Now we heard Mr. Elwell, the gentleman from Brooks, tell the advantage this bill was going to be to the children of the small towns, but how under the light of heaven are my small towns going to obtain these advantages? They can't find the three hundred students and they can't go across the Canadian border to get any more. Now our children need help perhaps more than any others, but we are left out in the cold because we are just too small. Right now in our local high school

we are transporting pupils twenty-five miles. Some grades we are transporting twenty-five miles. Now the way I understand this from the previous speakers these small towns that can't combine are going to be penalized and it looks to me as though the best thing for us to do would be to go and make a trade with the people on Indian Island in Old Town and maybe Passamaquoddy Point and get some dope on building tepees and calling moose.

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

Mr. FULLER: Mr. Speaker, I have all the sympathy in the world for the gentleman who just spoke from Hodgdon and I am sure that the legislature would have that same sympathy. There are provisions in this bill to take care of situations just such as he has mentioned, and I am sure that the legislature would go along with me and with him if we are here to take care of those situations where they are unable to maintain a school of three hundred if they did combine which seemed to be a reasonable district. We realize that there are a lot of places in Maine that it would be humanly impossible to obtain a high school of three hundred and so we have provisions in this bill to take care of those situations.

I have all the sympathy in the world for my friend the gentleman from Sanford, Mr. Letourneau. I think that his amendment has a lot of merit, but we felt that this is not the time to consider it. As I said before, we passed the bill, it is on the books and our job is to make the bill workable and make it constitutional, and it is less than a year, about ten months or eleven before the regular session comes in, and there are a lot of things to consider when you start making amendments. If you start changing figures you don't know what it might do to the bill. For instance, the cost, nobody knows the cost of changing the seven hundred to three hundred and I can assure you it would be considerable. Now I would be in favor of it if we can afford it, but I think it should be something that requires a great deal of de-

liberation and that is why it should be brought up at a regular session when the Education Committee and the State Department, or whatever Committee it might be referred to, would have time to consider it and get out the figures as to the cost and possibly even it might hinge on the constitutionality of the bill if you start monkeying around with the figures, I don't know. That is why the Education Committee felt that we were not in a position at this time to make any major changes in the bill even though we felt that a lot of these amendments which we knew were coming in had some merit, but we do in all seriousness need time to find out what they mean and the cost and how it might affect the bill and all those things. It would be quite serious if we passed amendments here and found afterwards that the bill was unconstitutional and it cost us two million more which we didn't have. So I think it would be better and I will say again, I think a lot of the amendments have merit, but I think it would be better if they were brought up at a regular session where they can be given the proper consideration.

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

Miss CORMIER: Mr. Speaker and members of the House: This amendment is trying to correct one of the inequalities which I feel is a glaring one in the bill. The Sinclair Bill states that an efficient school unit should be three hundred. Yet it states that in order to get any construction aid, if you are a single municipality, that is, if you can't consolidate with anyone, you must be a school of at least seven hundred resident students. Now that affects my town and it affects seventeen other towns. Because we have taxed ourselves to the hilt, because we have not dragged our feet and have done a good job in education, we are being penalized.

It means also that the six largest cities in the state, because they have seven hundred resident students, can get construction aid. In my estimation it is just as feasible for some towns to consolidate with any of these cities as it is for towns to consolidate with large towns like

mine, for example. We have a paper industry. Our valuation is high. The neighboring towns send their students to our schools and pay tuition. We are doing the job of an area school. We also have a program far in excess (in quality) of the foundation program. It would cost these towns more to join with us and consolidate than it would to pay tuition. In some cases, it would even be greater than their total budget. So naturally they don't want to consolidate with us.

However, even in view of those facts I still think that in all fairness I can't say that the three hundred called for in this amendment is the number. Perhaps towns of two hundred forty-five or two hundred fifty-nine or two hundred ninety-nine might be in the same position that we are in. I think it is a glaring inequality and I think it must be corrected, and I think if we work with the Sinclair Bill that perhaps we can find some way to correct it.

I think the principal involved in this amendment has great merit, and if we were not in special session I would urge each and every one of you to vote for it, but I think in fairness to the other towns of less than three hundred resident students, who might be in the same position as Rumford, it would be a good thing if we waited for the general session and give this bill a chance to work. I don't know what I will get when I come home.

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

Mr. RANKIN: Mr. Speaker and Members of the House: I don't believe there is any law that requires that a special session shall end after so many days have passed. We are now, the 98th Legislature, in our second special session. Don't we have the time now to straighten this bill out even though we have to stay another week or two?

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I am not going to repeat what I got off on the wrong foot, but I stand on just what I said, I thought I was speaking to this amendment "B", and for the same reasons I am opposed

to this because this is what I was speaking to, perhaps because I am so interested and believe so much in the Sinclair Bill, and reading this amendment I didn't notice exactly the filing number, why I got off premature, but I will say this that I am very happy indeed that my good friend from Sanford does have a school of five hundred. If Bowdoinham had a school of five hundred we would thumb our nose at the Sinclair Bill and say we don't give a hoot, we can run it ourselves, and I think that is the way the people thought who drew up this bill in the first place. If you are big enough to have five hundred you are big enough to have a proper school and you are wealthy enough to maintain it, and that's why it is written that way, and I still believe the same thing. This Sinclair Bill, the fundamentals of it is to help these poor towns to give the proper education and not penalize their youngsters because he was born in Bowdoinham or Bowdoin or Georgetown or some of the small towns that I represent, and a great many of you represent some of the small towns too, and if you are going to take the money out and give it to the cities who have ample high schools now and who have ample education, who are teaching so many more courses than the little schools are, why you are going to defeat the whole setup as I see it and therefore I move the indefinite postponement of House Amendment "B" to L. D. 1637.

The SPEAKER: The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, for the indefinite postponement of House Amendment "B".

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

Mr. LETOURNEAU: Mr. Speaker, I am trying to remember a passage that I read this week, something a lady said, that when you speak weigh your words very carefully so that you would want them to stand through a hundred years and eternity. Well I am sure that I am not capable of offering any such words that would have to stand the test of that length of time. It is true in Sanford that we have five hundred and some odd

children in our high school. We have supported these schools and we are going to keep on supporting them regardless of the Sinclair Bill, we are not asking for any handout, but we certainly would like to be considered with some of the other towns and cities of the State of Maine who are getting subsidy and we are not. I think in my mind that that is discrimination. We shall continue to educate our children like we have in the past whether we get anything from the Sinclair Bill or not.

The SPEAKER: The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that House Amendment "B" be indefinitely postponed. A division has been requested.

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

A division of the House was had.

Thirty-six having voted in the affirmative and fifty-five having voted in the negative the motion did not prevail.

Thereupon, House Amendment "B" was adopted.

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

Mr. BEYER: Mr. Speaker and Members of the House: Thirty seconds ago I was going to make a comment about the writing on the wall. However, there is just a glimmer of light now on the horizon and therefore I approach my present task with renewed courage. I rise for the purpose of presenting another amendment known as House Amendment "A", and preliminary to explaining it I would like to make a few general remarks. I am not opposed —

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Beyer, offers House Amendment "A". The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to S. P. 658, L. D. 1637, Bill, "An Act Relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units."

Amend said Bill by striking out

that part of section 1 designated "Sec. 237-F" and inserting in place thereof the following underlined section:

'Sec. 237-F. Subsidy payments in December, 1958 and 1959. In those administrative units where state subsidy for 1958 and 1959 under the general purpose educational aid law would have been greater than the subsidy calculated under the provisions of sections 237-D and 237-E, the following shall apply: The payment for the current biennium for any administrative unit shall not be reduced unless there shall be a decrease of 5 per cent or more of the base figure for average daily membership used in section 237-E compared with the average daily membership of the 2 preceding years. In the administrative units which have a decrease of 5 per cent or more, for payment in December, 1958 and 1959, the payment will be the subsidy due under sections 237-D and 237-E plus $\frac{1}{2}$ the difference between this amount and the amount that would have been allowed under the general purpose educational aid law.'

The SPEAKER: The question before the House is the adoption of House Amendment "A".

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

Mr. BEYER: Mr. Speaker, as I started to say I am certainly not opposed to this bill in its broad concepts as nobody really could be. It reads as someone has just said here almost like the Bible, you would have to be in favor of sin to oppose the broad concepts of this bill. I certainly realize that many of our small communities do not and perhaps cannot offer the curriculum in their schools that we expect of a modern educational system, but I can see many defects in the bill that need corrective action at least at the next legislature now that it seems to be the consensus that this bill must go through. The many defects might be listed very briefly again.

There are many problems to make an administrative unit, and perhaps there are exceptions in the bill which can be used to compensate for this. In my town, for example, sandwiched in between the

ocean on two sides and the city of South Portland on the other, when South Portland already qualifies for an administrative unit, there can be very little incentive for them to combine with us. Possibly the answer is to combine with the town of Scarborough which just built a new high school, and I am wondering what the problem is if we write them and they refuse to form an administrative district with us. Anyway there are many problems, but in the meanwhile my amendment would be a semi stop-gap measure to give some relief to those towns in a class like my town is which are now furnishing substantial educational programs in excess or at least as good as the qualifications laid down in the Jacobs Report. We pay our teachers more than the minimum salary. We have no classes in excess of twenty-five pupils per room. We are endeavoring in every way to give the best educational program possible to our children.

However, due to the formula laid down in the Jacobs Bill, the Sinclair Bill, some towns, a very small minority of them, take an operational subsidy cut, in a way are penalized under this bill. It is my opinion again that any bill which is supposed to encourage and further educational programs in any town does not intend to penalize any community. Now I know it is very difficult to draft a bill to satisfy all communities. This does not make it any easier for us to comply with the Jacobs Bill and become qualified as an administrative district, this amendment, but it does perhaps save us from being penalized in a 25% cut in our subsidy by providing that no town shall suffer a cut in its subsidy by reason of the Jacobs Bill. The only change in the wording under the amendment, House Amendment "A", is after the first sentence or that portion of the wording of the first four and a half lines which ends with the word "apply". It starts in and adds new wording with the words "The payment for the current biennium for any administrative unit", which incidentally is a town until they combine into other towns, the present town units now, "The payment for the current biennium for any administrative unit shall not be reduced unless there shall be a de-

crease of 5% or more of the base figure".

Now naturally we didn't want to arbitrarily draft an amendment which would not allow reflection of a decrease in the number of pupils because if for some reason or another everybody should move out of the Cape tomorrow, we wouldn't expect the state to continue to pay the present subsidy. Therefore we have an arbitrary figure perhaps of 5%, that if the town decreases in its school population by 5% or more why naturally there should be a decrease in the state subsidy. In effect what it does is put a floor under the present subsidy payments and gives some relief to those towns especially perhaps my town, that is why I am speaking today, and the town of Yarmouth and the town of Lebanon and the town of Rumford, which take substantial cuts under this bill.

I just hope very sincerely that you will consider this amendment in the light that most of you get increases in your operational subsidy. I don't believe that this bill will cost so much that you won't feel it fair to take care of those towns which are operating one hundred per cent in compliance with the Jacobs standards. I don't feel it is fair to cut just a few because there are perhaps not enough votes in those towns to clear the measure. I plead to your fairness in this matter. It would cost in fairness again to you, I am being frank, the Superintendent and I added up the cuts, it will cost the State \$111,222, for this amendment.

I know there are many pleas and urgencies for economy but I urge you, I submit to you that the cost of this bill not being known exactly but being in the neighborhood of a million and a half, another one hundred and eleven thousand to make it at least into a semiequitable bill is not more than a just request of you, and I urge very humbly your support of this amendment.

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

Mr. FULLER: Mr. Speaker, it would be nice to adopt this amendment too because it would cost some money, but when you adopt amendments like these you are

throwing the equalization aspects of your bill right out the window. And while I am on my feet, Mr. Speaker, I believe there was quite a lot of confusion on the other vote on the Amendment "B", I guess it is. Some people apparently didn't understand the way the motion was put. I may be wrong, but as you know the amendment was adopted, and there again we don't know what we have done. We may have said it will cost the State two or three million dollars, and I think—

The SPEAKER: The Chair will have to remind the gentleman that the question before the House is on House Amendment "A" at the moment.

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

Mr. FRAZIER: Mr. Speaker, I rise hesitantly here but I am afraid this particular amendment before us at the present time does strike at the basic philosophy of the bill. I think these towns that are taking a cut and are being penalized, as they put it, are being penalized because of the fact that they haven't been supporting their schools to the extent that the other towns have had to support their schools in accordance with their ability to support the schools. Therefore, I personally feel that the intent of the bill was to give some financial aid to the towns who are already taxing themselves very heavily to provide better education. Some of the towns with industry or because of their location are more favorably situated and a small portion of their tax dollar goes for the support of education within those towns. That is the reason I think that their subsidy would be cut and there would be an equalization then for education of students throughout the state. Therefore I personally would be opposed to this particular amendment.

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

Mr. BEYER: Mr. Speaker and Members of the House: In brief rebuttal to my colleague's recent statements, may I just point out that perhaps we are a—we have a large valuation. However, we have no industry. This entire tax comes out of the householder. Under the Jacobs Report standards, and here

I have a computation of the State Department of Education's own printing, they only require us under that to spend \$160,278 for our schools. We appropriate \$211,000 or 31 per cent more than the Jacobs standards requirements. Now we started building these buildings and new schools and raising our teachers' salaries many years ago and because we did this, if we had been below our support we would be benefited by the bill, but because we started to pull ourselves up by our boot straps many years ago, now I submit that perhaps this bill is in the form of a penalty.

And another point I would like very much to stress, this only takes care of the years 1958 and 1959. So if we come back to the legislature and have found that we can form a district or that situations have changed, then I submit that we haven't by this amendment destroyed the formula foundation as the gentleman from Portland, Mr. Fuller pointed out, that we have merely put a floor under our present thing, we will not go up as we appropriate more money until the formula takes effect to perhaps increase our subsidy. It merely takes the penal provision of the bill out. And I submit to you that I don't think that is very much to ask, and I have the exact dollars and cents, you know it, it is not as vague as the other amendment which Mr. Fuller made allusion to in talking about my bill, and I hope you don't get confused with Mr. Fuller's remarks about my bill.

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

Mr. TARBOX: Mr. Speaker and Ladies and Gentlemen of the House: I am in favor of this amendment because as you all probably know we formed one of the first area high schools in our locality that has been formed, and they found it would work and this Jacobs Report thing is probably based on how ours has worked. The four towns got together and formed the area, we do not come under this thing because we haven't seven hundred pupils either. And I don't think you should cut us where we are in debt over our ears, so I am in favor of this amendment.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Beyer, that the House adopt House Amendment "A". Did the gentleman request a division?

Mr. FULLER: I request a division.

The SPEAKER: A division has been requested by the gentleman from South Portland, Mr. Fuller.

Will those who favor the adoption of House Amendment "A" 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 sixty-five having voted in the negative, the motion did not prevail.

Mr. Flynn of South Berwick offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to S. P. 658, L. D. 1637, Bill, "An Act Relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units."

Amend said Bill in that part designated "Sec. 237-H" of section 1 by striking out all of the last underlined sentence of the 1st paragraph and inserting in place thereof the following:

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

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Flynn.

Mr. FLYNN: Mr. Speaker and Ladies and Gentlemen of this 98th Legislature: We make the laws of the State of Maine. If they are not right, we get blamed for them. Ac-

cording to what I have heard here this afternoon there are still a lot of bugs left in this bill. I think it is our duty to take them out and take them out now and not wait until next year. The part that my amendment pertains to is under section 237-H, state aid construction. The town of South Berwick never has owned a high school. We have always used the Berwick Academy to educate our high school pupils. We have been ordered out of the Berwick Academy by the year of 1960. We face the situation in the town of South Berwick where we have to build a new high school before that date. Under this bill we are definitely unable to get anybody in our community to form an administrative unit with us. Berwick, Eliot, North Berwick and Lebanon are our neighboring towns. They have all in the past ten years, being located in a defense area ten miles from the airport and ten miles from Kittery Navy Yard, and there has been a big influx in population in our territory and we have all expanded our elementary and our secondary school systems within the area. York, Kittery, Wells, North Berwick, every one of us. None of our neighbors see fit to join an administrative unit with the town of South Berwick, but under this bill there is no provision where we can get any state aid construction which we say that equalization of state subsidy, I have always believed, meant what it said. When you have a bill that has penalties in it because you are not in an administrative unit it seems to me like somewhat of poor legislation, and I do urge that this Amendment "C" be adopted by this legislature. This would give towns like mine, the Commission, an opportunity to grant subsidy construction money to towns that might be in the same predicament as mine. I thank you.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: I rise most reluctantly to oppose this particular amendment of the very good friend of mine from South Berwick, but the original bill which was changed

by the interim committee and the Attorney General's Department changed this particular portion on the basis of its possible unconstitutionality. This amendment that is proposed by the gentleman from South Berwick, Mr. Flynn, puts it right back into that category, and I hesitate very much. I know the idea of this, I know his situation very well and they are in a predicament. The bill in its present form would allow South Berwick to come to the commission and then to the legislature at the next session. Now they say that isn't time, I think it possibly might be, but they have substituted the judgment of the legislature, have given that to the commission back again, and it was changed from the original bill for that very reason on the constitutionality basis, and I cannot support this particular thing. I think that this is a portion which the Supreme Court has checked and O.K.'d under the present bill and I know it would worry one very young gentleman in the Attorney General's Department.

The SPEAKER: The question before the House is the motion of the gentleman from South Berwick, Mr. Flynn, that the House adopt House Amendment "C". The Chair will order a division. Will those who favor the adoption of House Amendment "C" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Six having voted in the affirmative and seventy-six having voted in the negative, the motion did not prevail.

Mr. Farmer of Wiscasset offered House Amendment "D" and moved its adoption.

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

HOUSE AMENDMENT "D" to S. P. 658, L. D. 1637, Bill, "An Act Relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units."

Amend said Bill in that part of section 2 designated "**Sec. III-L**" by striking out the 28th, 29th, 30th and 31st lines of said section and inserting in place thereof the following underlined lines: 'upon the tax-

able polls and estates within said municipalities a proportional amount of the total sum required each year computed on the average of the 2 following ratios: The ratio that said municipality's state valuation bears to the total state valuation of all the participating municipalities, and the ratio that the total number of pupils of said municipality bears to the total number of pupils in the district; and to commit the assessment to the constable'

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Farmer.

Mr. FARMER: Mr. Speaker and Members of the House: On the problem of who is going to pay for the cost of this proposed school district there are probably two bases of thought, and one is encompassed in the body of the bill, it states that it shall be apportioned amongst the towns and districts on a valuation basis, and probably the other one is the one that would pay for the cost of this district on the basis of per pupils basis.

Now my amendment would seek a half-way point between these two. It would still entail the richer towns paying a more than proportionate share of these costs and yet it would water it down a little so that in many cases the school district could be formed where they certainly couldn't be under the present bill. For example, I would like to use some of the towns in my own district. I am from the town of Wiscasset. Under this present bill the town of Wiscasset would never on its own volition go into a school administrative district. Now assuming that that is a fact, which I personally believe it to be, who is losing from that? Is it the town of Wiscasset or the State of Maine or the neighboring towns around Wiscasset? The small towns such as the town of Westport which has perhaps a population of three or four hundred, the town of Edgcomb who possibly has a population of a thousand, or the town of Dresden? These are all towns in my district. These small towns are the ones that will suffer the most for this valuation basis of apportionment in that particular case. I used this as an example because that is the one

I am concerned with, and the one that I know most about.

However, I know that this is not local to Wiscasset. I believe the representatives from the Mt. Desert area, from the Bingham and Moscow area, from the Yarmouth area, from all these areas will find themselves in the same position we are in down here. Now this bill will not hurt the wealthiest towns in these areas anywhere near as much as it will the small towns. They are the ones who cannot afford a high school and they will go on as they are now. I presume that consolidation is one of the primary purposes of this Sinclair Act, I believe it is one of the basic philosophies, and whereas this amendment will not hinder any town, I really can't see where it will hinder one town in the State of Maine from consolidating and it will certainly make it possible for many towns to consolidate if this amendment were adopted who presently will not do so. On that basis I can see what the opponents to this amendment are going to use for an argument. They will say it strikes at the heart of the bill. This bill has more parts than an octopus, it really does. Every amendment that comes up here strikes right straight at the heart of the bill. They will say well, we don't have time. Well, it doesn't take much time.

I mean this is a simple question, and I believe the question boils down to what are we trying to equalize in the State of Maine. Are we trying to equalize educational opportunities or are we trying to equalize the wealth of the towns? And if it is the wealth of the towns that you want to equalize then you certainly should vote against my amendment. But if it is educational opportunities I really don't see how anyone can vote against this amendment. I frankly don't see it. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Wiscasset, Mr. Farmer, that the House adopt House Amendment "D".

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

The SPEAKER: A division has been requested. Will all those who

favor the adoption of House Amendment "D" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER: The Chair understands that there are no further amendments to be presented at this time?

The question now before the House, is it the pleasure of the House that under suspension of the rules —

The Chair recognizes the gentleman from Fryeburg, Mr. LaCasce.

Mr. LaCASCE: Mr. Speaker and Ladies and Gentlemen of the House: Representative Fuller, the gentleman from South Portland, figured that some did not understand the question when we voted on House Amendment "B". I voted for that amendment and would like to move that we reconsider the amendment.

The SPEAKER: The gentleman from Fryeburg, Mr. LaCasce, moves that the House reconsider its action whereby it adopted House Amendment "B". Is the House ready for the question?

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

Mr. LETOURNEAU: Mr. Speaker, I rise for a point of information, I just came in.

The SPEAKER: The gentleman may state his question.

Mr. LETOURNEAU: I understand there is a question of reconsideration on House Amendment "B"?

The SPEAKER: The gentleman is correct.

Mr. LETOURNEAU: Mr. Speaker?

The SPEAKER: Will the gentleman defer just a moment please.

The SPEAKER: The Chair will now recognize the gentleman from Sanford, Mr. Letourneau. The question before the House is the motion of the gentleman from Fryeburg, Mr. LaCasce, that the House reconsider its action whereby it adopted House Amendment "B".

Mr. LETOURNEAU: Mr. Speaker and Members of the House: I don't know—I am sort of lost as to what to say on this question of reconsid-

eration. Perhaps I should accept defeat with good graces and go home and be satisfied. But to me it is still hard to understand how somebody picked this figure of seven hundred out of the air, and saddled Sanford with this proposition, and a few other towns. Now, perhaps in your wisdom you may be right. I have said about all I can say about this thing—I mean I could talk—I could read you all this thing, and perhaps you know more about it than I do now, I am not going to. I will leave the decision to you. And I hope that the motion for reconsideration does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. LaCasce.

Mr. LaCASCE: Mr. Speaker, is it permissible to say a few words on this?

The SPEAKER: The motion is debatable.

Mr. LaCASCE: To my way of thinking this whole section here, which is found on page seven at the top of the page, that 237-H is wrong. We have—the bill was designed to bring the level of secondary schools up to three hundred. When that came up, then there was an amendment came in from your bigger communities, where they set a figure of seven hundred dollars, where a single community could form a district with just one community in it. Therefore, the schools or the communities with seven hundred in their secondary schools, could get the benefit from the state on construction.

Now that leaves a blank between the three hundred, which the bill was designed to bring schools up to that level, between the three hundred and the seven hundred number, and Sanford is in that group. Now I think that Sanford deserves assistance probably as much as any community in the state. They were hard hit when Goodall moved out and they have done a lot to lift themselves up. Now personally I would like to see the seven hundred dollars for single communities cut out and leave it just up to three hundred; leave them all out. It is very difficult to take that out of the bill at the present time.

When the motion was put I figured that possibly if we voted for

it, then it wouldn't be quite so severe if we postponed it until the next legislature next January. That is what I would like to see done rather than to see indefinite postponement.

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

Mr. ELWELL: Mr. Speaker and Members of the House: I don't want to belabor the question as to the merits of the particular amendment, but I would like to point out what I think would be the advantages in referring this to the next session of the legislature.

One of the prime duties of the new School District Commission is to study just such problems as this during the next eleven months and make those recommendations to you next fall as to their solution. Further than that, the Commissioner of Education is charged in this bill with preparing for you a revision in the subsidy formula before you meet in the next regular session. And further still, I think that there is a responsibility on the part of everyone of these communities involved, to make an honest, thorough and aggressive attempt to implement the principles laid out in this bill and not just give it "lip service." I think it would be very unfair to the children particularly in the communities involved if we were to—before we even passed the bill itself to start making exceptions for communities who simply say they can't form a district around them.

And now I will go back again and refer you to those people in the area which I live in, where we have a distance across the proposed administrative district of forty miles, and we have to sell up to twelve different communities with all of their individual problems. And I think it is fallacy for us to say here to any community that we are going to let the rules—set the rules aside for you before we even enact a piece of legislation. I would be very much opposed to accepting this amendment.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from South Portland, Mr. Fuller.

Mr. FULLER: May I approach the rostrum?

The SPEAKER: The gentleman may approach the rostrum.

(Conference at rostrum)

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

Mr. FULLER: Mr. Speaker and Ladies and Gentlemen of the House: I hope that you will support the motion of the gentleman from Fryeburg, Mr. LaCasce. I have talked with the sponsor of this amendment and he is perfectly willing to have it referred to the next legislature. If you support the motion to reconsider of the gentleman from Fryeburg, then I will move that this amendment be referred to the next legislature.

The SPEAKER: Will the gentleman from South Portland approach the rostrum please.

(Conference at rostrum)

The SPEAKER: The Chair must advise the House and the gentleman from South Portland, Mr. Fuller, that it is impossible to refer an amendment to the next legislature, so the intent of the remarks of the gentleman from South Portland, Mr. Fuller, are not capable of carrying through.

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

Mr. JALBERT: Mr. Speaker, I arise for a point of information. Would this be proper if the motion to reconsider was entertained and the amendment was indefinitely postponed, then would it be in order either today or tomorrow to present an order asking that this be referred to the 99th Legislature?

The SPEAKER: Does the gentleman refer to the amendment or the bill itself?

Mr. JALBERT: To the bill.

The SPEAKER: The Chair must advise the gentleman that the subject matter of an amendment cannot be referred to the next legislature.

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

Mr. CHILDS: Mr. Speaker, if I remember correctly, the original cloture order stated that other legislative documents could be introduced which would expedite or pertain to particular legislation which is now under consideration. There-

fore I believe that you could draw a bill up of the contents of this amendment and introduce it, then refer it to the next session of the legislature.

The SPEAKER: The Chair will advise the gentleman from Portland that if the sponsor of this amendment wished to draw a separate legislative document which embodied this amendment, if it were the will of the House or of the legislature that legislative document could be referred to the next legislature.

At the moment the question before the House is the motion of the gentleman from Fryeburg, Mr. LaCasce, that the House reconsider its action whereby it adopted House Amendment "B".

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

Mr. RANKIN: Mr. Speaker, I am confused. First we are told it would be wrong to refer the bill, the Sinclair Bill, to the next session of the legislature. And now we are told that we should refer the problems that are arising in the passage of it to the next legislature.

The SPEAKER: The Chair would advise the gentleman that if he is referring to the mechanics of it, the House has not been advised that it would be impossible to refer the Sinclair Bill to the next legislature.

Mr. RANKIN: I would say it would be wrong, not mechanically, but perhaps morally wrong, to shove the Sinclair Bill into the next session. And yet now we are asked to shove certain problems that are arising into the next session.

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

Mr. LETOURNEAU: Mr. Speaker, I arise for a point of information. We seem to be a little bit confused here. I certainly had no intention of throwing confusion into this House. I wonder if it would be possible to table this matter until tomorrow so that we can take it up tomorrow morning.

The SPEAKER: Before the Chair answers the gentleman or secures an answer for the gentleman, the House will be at ease.

House at Ease

Called to order by the Speaker.

The SPEAKER: The gentleman from Sanford, Mr. Letourneau, has requested sufficient time to make a telephone call in connection with this subject, and pending his return the House will be at ease.

House at Ease

Called to order by the Speaker.

The SPEAKER: The question before the House is the motion of the gentleman from Fryeburg, Mr. LaCasce, that the House reconsider its action whereby it adopted House Amendment "B".

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

Mr. LETOURNEAU: Mr. Speaker, I move to support the motion of Mr. LaCasce, the gentleman from Fryeburg.

The SPEAKER: The Chair understands the gentleman from Sanford, Mr. Letourneau, states that he is in support of the motion of the gentleman from Fryeburg, Mr. LaCasce. Is it the pleasure of the House that the House reconsider its action whereby it adopted House Amendment "B"?

The motion prevailed.

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

Mr. LETOURNEAU: Mr. Speaker, I now move indefinite postponement of House Amendment "B", but before the vote is taken I would like to make a few remarks. I want to thank the Speaker and Members of this House for their courtesy this afternoon. I know it has been very trying and a little complicated and confused. After indefinite postponement of this amendment, tomorrow I will with unanimous consent, I would like to draw a bill embodying the purposes of this amendment so that it

may be referred to the 99th Legislature.

The SPEAKER: The question before the House is the motion of the gentleman from Sanford, Mr. Letourneau, that House Amendment "B" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

Thereupon, under suspension of the rules the Bill, "An Act relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units", (S. P. 658) (L. D. 1637) was given its third reading, passed to be engrossed as amended by Committee Amendment "A" in concurrence, and sent forthwith to the Senate.

The following paper from the Senate was taken up out of order and under suspension of the rules:

Petition of Paul N. Dwyer Seeking the Right to Bring Civil Suit Against the State of Maine (S. P. 667)

Came from the Senate referred to the Committee on Judiciary.

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

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

Mr. ROSS: Mr. Speaker, before making the motion to adjourn, because of the excellent courtesy and cooperation of the gentleman from Sanford, Mr. Letourneau, I hope as leadership of the Republican Party in the House that the House will grant him the privilege of introducing his bill tomorrow by unanimous consent whereby he refers the subject matter to the next special session — to the next session of the legislature.

On motion of Mr. Ross of Bath,

Adjourned until ten o'clock tomorrow morning.