

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, May 17, 1963

Senate called to order by the President.

The PRESIDENT: From the Senate Journal of 1875 we find that Miss Lorenza Hines, pastor of the Universalist Society of Hallowell, officiated in the devotional exercises, the first time since the organization of that body that this labor had been performed by a lady.

That may have been the first time, in 1875. Of course it was not the last nor will it be the last. We are honored this morning to have our morning prayer offered by the distinguished lady, the Senator from Aroostook, Senator Christie.

Prayer by Mrs. Augusta K. Christie from Aroostook.

On motion by Mrs. Sproul of Lincoln, the Journal of yesterday was read and approved.

On motion by Mr. Brooks of Cumberland, out of order and under suspension of the rules.

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, May 21, 1963. (S. P. 600)

Which was read and passed.

Ordered sent forthwith to the House.

Non-concurrent matters

JOINT RESOLUTION Memorializing Congress Recommending Full Development of Electric Power Potential of Passamaquoddy Bay and Upper Saint John River. (S. P. 129) (L. D. 442)

Comes from the House, Resolution adopted as amended by House Amendment "B" (H-364) in non-concurrence.

In the Senate, the Secretary read House Amendment B, and on motion by Mr. Cyr of Aroostook, the Senate voted to recede and concur.

Bill, "An Act Providing for the Study of a State Building Code and Anti-Shack Statute." (S. P. 202) (L. D. 512)

In Senate, May 15, passed to be engrossed as amended by Committee Amendment "A" (S-228)

Comes from the House, Reports and Bill Indefinitely postponed, in non-concurrence.

In the Senate, on motion by Mr. Porteous of Cumberland, the Senate voted to insist and ask for a Committee of Conference.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee, in planning for a pre-legislative conference to be held prior to the convening of the 102nd Legislature in regular session, give consideration to the feasibility of conducting at such conference an orientation program on legislative procedure and rules, and such other matters that would tend to inform the incoming members of the 102nd Legislature of the nature and workings of the legislative machinery. (H. P. 1095)

On motion by Mr. Brown of Hancock, placed on the Special Research Table pending passage.

On motion by Mr. Farris of Kennebec

ORDERED, the House concurring, that there be created an Interim Joint Committee to consist of 2 Senators, to be appointed by the President of the Senate, and 3 Representatives, to be appointed by the Speaker of the House of Representatives, to study the present statutes and regulations relating to State certification of teachers for such revisions, if any, as the Committee may find desirable; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature. (S. P. 601)

On motion by Mr. Whittaker of Penobscot, tabled pending passage and especially assigned for later in today's session.

Committee Reports — House

Report of Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Appropriate Moneys for the Expenditures of State Govern-

ment and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965." (S. P. 549) (L. D. 1481) reported, that the House recede from its action whereby it failed to pass the Bill to be enacted and whereby it passed the Bill to be engrossed, substitute Conference Committee New Draft (H. P. 1091) (L. D. 1564), under same title, for the first New Draft, and pass Conference Committee New Draft to be engrossed; that the Senate recede from its action whereby it passed the Bill to be enacted and whereby it passed the Bill to be engrossed, and concur with the House in substituting Conference Committee New Draft (H. P. 1091) (L. D. 1564) for the first new draft and pass the Conference Committee New Draft to be engrossed in concurrence.

Comes from the House, that body having rejected the Report and asked for a second Committee of Conference.

In the Senate, on motion by Mr. Brooks of Cumberland, the Senate voted to reject the report of the Conference Committee in concurrence and to join in a second Committee of Conference.

Ought to Pass

The Committee on Taxation on Bill, "An Act Exempting from Sales Tax Sales of Meals Served by Certain Institutions and Homes Licensed by Department of Health and Welfare." (H. P. 949) (L. D. 1383) reported that the same Ought to pass.

Which report was read and accepted in concurrence, the Bill read once and tomorrow assigned for second reading.

Minority — Ought to Pass in New Draft

The Majority of the Committee on Taxation on Bill, "An Act Relating to Municipal Excise Taxes on Boats." (H. P. 883) (L. D. 1268) reported that the same Ought not to pass.

(Signed)

Senators:

WYMAN of Washington
BROWN of Hancock
LETOURNEAU of York

Representatives:

JONES of Farmington
BROWN of Fairfield
WATERMAN of Auburn
WOOD of Brooks

The Minority of the same Committee on the same subject matter, reported that the same Ought to pass in New Draft, under same title, (H. P. 1093) (L. D. 1568) (Signed)

Representatives:

ALBAIR of Caribou
COTTRELL of Portland
AYOOB of Fort Fairfield

Comes from the House, Majority — Ought not to pass Report accepted.

In the Senate, on motion by Mr. Wyman of Washington, tabled pending acceptance of either report.

Mr. Boisvert from the Committee on Claims on Resolve, in Favor of Lloyd Talbot of Portland. (S. P. 205) (L. D. 515) reported that the same Ought to pass.

Which report was read and accepted and the Bill read once and tomorrow assigned for second reading.

Majority — Ought to Pass As Amended

Minority — Ought Not to Pass

The Majority of the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution to Increase Municipal Indebtedness. (S. P. 4) (L. D. 4) reported that the same Ought to pass as amended by Committee Amendment "A" (S-238) (Signed)

Senators:

FARRIS of Kennebec
PORTEOUS of Cumberland
JACQUES of Androscoggin
EDMUNDS of Aroostook
NOYES of Franklin

Representatives:

WATKINS of Windham
CARTIER of Biddeford
COTTRELL of Portland
SMITH of Strong
PLANTE

of Old Orchard Beach
The Minority of the same Committee on the same subject matter

reported that the same Ought not to pass.

(Signed)

Representatives:

SMITH of Bar Harbor
BERMAN of Houlton
DENNETT of Kittery
VILES of Anson
PEASE of Wiscasset

On motion by Mr. Lovell of York, the Majority Ought to Pass Report was accepted, the bill read once, Committee Amendment A read and adopted, and the bill as amended tomorrow assigned for second reading.

Majority — Ought Not to Pass
Minority — Ought to Pass

The Majority of the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (S. P. 531) (L. D. 1452) reported that the same Ought not to pass.

(Signed)

Senators:

FARRIS of Kennebec
PORTEOUS of Cumberland
NOYES of Franklin

Representatives:

BERMAN of Houlton
VILES of Anson
WATKINS of Windham
PEASE of Wiscasset
CARTIER of Biddeford

The Minority of the same Committee on the same subject matter reported that the same Ought to pass.

(Signed)

Senators:

EDMUNDS of Aroostook
JACQUES of Androscoggin

Representatives:

SMITH of Bar Harbor
COTTRELL of Portland
SMITH of Strong
DENNETT of Kittery
PLANTE
of Old Orchard Beach

Mr. PORTEOUS of Cumberland: Mr. President, I move that the Senate accept the Majority Ought Not to Pass report.

Thereupon, on motion by Mr. Stephen of Somerset, the bill was ta-

bled pending Mr. Porteous motion to accept the Ought Not to Pass report.

Second Readers

The Committee on Bills in the Second Reading reported the following Bills and Resolves:

House

Bill, "An Act Appropriating Funds to Aid in Dredging the Kennebunk River Harbor." (H. P. 18) (L. D. 43)

Resolve, Providing Funds to the Washington County Development Authority for Development of Recreational Areas. (H. P. 565) (L. D. 804)

Bill, "An Act Relating to the Joint Bank Account Law and the Inheritance Taxation of Joint Bank Accounts." (H. P. 1088) (L. D. 1560)

Which were read a second time and passed to be engrossed in concurrence.

House—As Amended

Bill, "An Act Relating to Work on Shade and Ornamental Trees." (H. P. 240) (L. D. 308)

Which was read a second time and passed to be engrossed, as amended in concurrence.

Senate

Bill, "An Act Relating to Minimum Number of School Days in Public Schools." (S. P. 598) (L. D. 1565)

Bill, "An Act Relating to Excise Taxes on Motor Vehicles Paid by Members of Penobscot Tribe of Indians." (S. P. 599) (L. D. 1566)

Which were read a second time and passed to be engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Providing for a Full-time Chairman of the Liquor Commission and Increasing the Compensation." (S. P. 157) (L. D. 433)

(Which was read a second time and on motion by Mr. Campbell of Kennebec, tabled pending passage to be engrossed; especially assigned for Wednesday, May 22.)

Which was read a second time and passed to be engrossed as amended.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following Bills:

Bill, "An Act Relating to Purchase of Lands by Atlantic Sea Run Salmon Commission." (H. P. 63) (L. D. 87)

Bill, "An Act Relating to Tax Assessor for City of Bath and Amending Payment of Bonds by City of Bath." (H. P. 543) (L. D. 760)

Bill, "An Act Relating to Weight Tolerances of Vehicles Loaded with Construction Materials." (H. P. 1085) (L. D. 1558)

Bill, "An Act Relating to Proceedings in Adoption of Children." (H. P. 1024) (L. D. 1485)

Which Bills were passed to be enacted.

Emergency

Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1964 and June 30, 1965." (S. P. 584) (L. D. 1536)

This Bill, being an emergency measure and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Bond Issue Act

Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Seven Million Dollars on Behalf of the State of Maine to Build State Highways." (H. P. 1072) (L. D. 1537)

On motion by Mr. Edmunds of Aroostook, placed on the Appropriations Table pending enactment.

Constitutional Amendment

Resolve, Proposing an Amendment to the Constitution Eliminating Requirements Relating to Warrants of Public Money and Publication of Receipts and Expenditures. (H. P. 991) (L. D. 1434)

On motion by Mr. Edmunds of Aroostook, placed on the Special Appropriations Table pending enactment.

Orders of the Day

The PRESIDENT: With regard to Bill, "An Act Authorizing the Forest Commissioner to Permit and

Regulate Dredging of Great Ponds", the Chair appoints Senator Stitham of Somerset, Senator Cole of Waldo and Senator Jacques of Androscoggin.

The President laid before the Senate Item 4-1 Joint Order (S. P. 601) tabled earlier in today's session by Mr. Whittaker of Penobscot pending passage.

Mr. WHITTAKER of Penobscot: Mr President and members of the Senate, with regard to Item 4-1, I move that this order be indefinitely postponed and I should like to speak to the motion.

As a member of the Joint Committee on Education, it is my opinion that this Order is both unnecessary and untimely. The subject matter of the Order is probably within the province of the State Board of Education and the Commissioner of Education. Under our general statutes, the legislature has authorized the Commissioner of Education to grant and to revoke certificates of qualification to teach or to supervise in any public school in the State. The State Board of Education recognizes the basic concern of the profession and other citizens for the maintenance of sound standards in teacher certification policies and practices and in teacher education programs.

In order that the citizens of Maine and their children be insured of the highest possible competency in the school systems serving the State and to encourage educational personnel to establish, maintain and develop the highest possible standards through their own professional organizations, the State Board of Education has established a State Advisory Committee on Teacher Education and Certification to advise it with respect to policies and practices within these critical areas.

One of the chief functions of this committee, the State Advisory Committee on Teacher Education and Certification, is to make a continuing study of the regulations concerning the preparation and certification of professional personnel for Maine Public school service and to make related recommendations.

This committee is functioning very well. Two or three days ago you

received the biennial report of the State Board of Education and I should like to call your attention to one or two paragraphs in this report.

In the Spring of 1962 after four years of conscientious study, the Maine Advisory Committee on Teacher Education and Certification recommended new and higher certification standards for all teachers. These were adopted by the State Board of Education to become effective September 1, 1963.

Here is a mimeographed copy of these new regulations which are scheduled to go into effect later this year, after four years of study by this special committee, and after review by the State Board of Education which is charged with this responsibility under our statutes. Let me quote a bit further.

"As the new regulations were being developed, leadership groups which analyzed the proposals included the Maine School Superintendents' Association (at two annual conferences), and the Teacher Education and Professional Standards Commission. General awareness of the direction the study was taking was made possible by the Teachers Association, which printed the complete proposals in its April, 1961, 'Newsletter'."

Then there follows a resume of the various ways in which the certification standards have been amended and are now proposed to be made effective later this year.

In conclusion at this point, the report reads:

"Most of the above items represent significant advances beyond current certification standards. Adoption of these regulations marks a milepost in the Board's progress toward the goal of having a truly qualified teacher in every Maine classroom."

Thus I maintain that this Order before us is unnecessary. I maintain also that it is untimely since this whole subject has been carefully reviewed by the authorized personnel during the past four years. They have made their recommendations which have been adopted by the State Board of Education and it is ready to be put into effect in September of this

year. I think it is entirely unnecessary for this matter to be reviewed at this time.

Mr. FARRIS of Kennebec: Mr. President and ladies and gentlemen of the Senate, I certainly disagree with the remarks of the Senator from Penobscot, Senator Whittaker, when he says that an Order presented here today, is untimely. I think that it is very timely, that a legislative committee review our regulations pertaining to certification of our teachers and certainly it is a logical time to have a legislative committee make such a review at a period when the new regulations are going into effect. Certainly no one is suggesting, at least I am not suggesting at this time that these regulations should not go into effect. I think they should in September of 1963 and I hope that they are workable regulations; I hope that they are good regulations and provide a good standard of certification so that our teachers will be taught how to teach and our children will be taught how to study and how to read and write and spell. I was interested in the legislative document which is the 1st tabled matter on the calendar, being the redraft of L. D. 48 and being 1547, which relates to certificates for teaching.

I personally am not convinced that at least at this time, the legislature should attempt to establish the standards by law for certification of our teachers. I think that we could become too inflexible if we were to write standards into the statutes and I am perfectly satisfied at this time to have the responsibility of establishing these regulations and standards with the Department of Education.

But I did feel that an Order such as this would be a logical approach (1) for some legislators to become a bit more knowledgeable in the field of certification because there is certainly no field more important to the future of this state or the future of our nation and when I view the alarm and distress that is manifested by the educators in the State of Maine because the Order is presented, I become even more convinced that the Order is a good

Order and that it would be wise action for this legislature to adopt it and then have a committee of legislators, two from the Senate and three from the House, who could sit down with the Department of Education and sit down with the Advisory Board and review this entire proposition. I should think it would be helpful to the educators to have legislators on a committee such as this to meet with them and to come back and report to the members in their respective bodies as to their findings but for some reason this order has, as I said, evoked great distress in certain areas of professional educators in the State of Maine. I am sorry to see that because certainly we as legislators have the same aim as do educators and that is to make certain that we are providing the best standards possible for the training of our teachers. For that reason I would certainly hope that this Order would not be postponed but that it would be adopted and we could make a start where some legislators could find out just how these regulations are being adopted and who is working on them and see if we could improve on what may already be a good set of regulations but it certainly would do no harm for a group of legislators to review them. When the vote is taken I would request a division.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate, I rise to support the motion of the Senator from Penobscot, Senator Whittaker. There is, I assure you, ladies and gentlemen of the Senate, no alarm in the Committee on Education regarding this Order. We simply don't think it is necessary. There are on the Advisory Committee, several persons, many of them lay people who have given a great deal of study over the years to this certification. It is a deep and complex problem and in deference to this body I would not state that we are not capable of studying along with these people, certifications, but I submit to you ladies and gentlemen the time element involved. It is a problem that has been studied over the years by dedicated people both professional and non professional, and I can see at this time, no apparent reason for an Or-

der for this legislature to study teacher certification.

That, ladies and gentlemen, is my reason for supporting the motion of the Senator from Penobscot, Senator Whittaker.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, I rise in opposition to the motion of the Senator from Penobscot, Senator Whittaker. I believe this is a good order and something we should pass. Particularly at this session of the legislature, we have heard quite a lot of rumbles as to the certification of teachers. I personally am acquainted with several cases where we have graduates of the colleges in the State of Maine, who have taught in the past, not able to be certified. Yet we have students coming out of the high schools going on to teach schools in the State of Maine without any training and there must be something wrong in our system of certification. In order to clear the air I think we should have this study and I certainly hope that the motion of the Senator from Penobscot does not prevail.

Mr. HICHBORN of Piscataquis: Mr. President, I am sure that we are all very much interested in getting better teachers, teachers who are qualified in our public schools. I am sure all of us would agree on that one point. I am sure if we were to think of the history of certification and of teachers throughout our state and throughout New England, we would have to go back a good many years to find it rather a long and interesting history.

We find that in the early days a prerequisite for teaching was a thorough knowledge of the Bible. That was followed shortly by a demand that teachers be able to read, write and cipher faster and better than anybody else and it also included the ability on the part of the schoolmaster or the schoolmistress to take a stout birch rod and thoroughly trounce the biggest boy in the school. Within more recent times we find that certification depended perhaps upon an examination given by a district superintendent. Every neighborhood in a community was known as a district and there was a superintendent

elected by the people. He, if he so chose, could give an oral or written examination and the teacher became certified. We continued to progress to the point where we had one superintendent to a town. Quite some years ago when I first became certified as a teacher, graduation from high school and six hours of work at a summer session enabled one to become certified. We still have some of those people teaching with no more training than they received at that time.

As time went on, it became quite apparent that that wasn't enough and the people began to demand more and more. Normal training courses were established in some of the high schools. Normal training courses in post secondary schools were set up. As time went on, progress demanded, or the people themselves demanded, more training on the part of their teachers. First we were required to have one year of training beyond high school, then two, eventually three and now four. It would appear that we do have mistakes made. I am sure that you and I both are well aware of the fact that there are some people who seem to be natural born teachers, who perhaps have never had any professional training, and who through the years have developed into teachers that we would both agree are superior. There are some who would feel that professional training perhaps is a somewhat unnecessary thing. This Board that has been studying the certification of teachers hasn't agreed with that and I think that if you and I were honest, if we would agree to go out and hire 100 teachers professionally trained and well qualified that we would have more successes than we would if we have a 100 academically qualified people who had no professional training. I think that the fact that this recent study has taken a period of nearly four or nearly five years, by a group of nineteen people, which has included college people, school committee members, teachers, laymen, has been a move in the right direction. We will never arrive at a point where we can stop. That fact that they are willing to study and to improve is I think an indication

that we are moving in the right direction.

I personally see no need for a study at this time, and for that reason I would support the motion of the Senator from Penobscot, Senator Whittaker.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, just one or two other points. The Senator from Kennebec, Senator Farris, has suggested that legislators should become knowledgeable in this field. I heartily agree but I think this can be done without setting up a special committee of this legislature as suggested by this order. We have ample opportunity to become knowledgeable in this field through study of the certification requirements as now in effect and as presented for use later this year.

The major point I should like to make, and perhaps this is reiteration, the legislature of the State of Maine has delegated authority under the statutes to the Commissioner of Education to operate in the field of teacher certification. Under his able direction, the Committee of nineteen has made a thorough study over a four year period. Their study has been reviewed by our State Board of Education, membership on which is composed of the leading educators of our state, Dean Marriner of Colby College, Professor Herbert Bown of Bowdoin College, and one of the leading law educators of our state, Charles Bragg of Bangor. These people have carefully studied this matter, and I am anxious that we of the legislature should show our confidence in the people whom we have appointed to do this important task of teacher certification.

For us at this time, when this study is to be implemented, to set up a study commission, would it seem to me, indicate our lack of confidence in those who are especially charged in this important area. I therefore hope that my motion may prevail.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, I had really not realized that a harmless little Order that does not even carry an appropriation measure with it, could raise such a flurry of debate. I have had oc-

casation to examine the history of education. I have not had the opportunity to live with the history of education as has our good friend the Senator from Piscataquis, Senator Hichborn, but I do think it would be well if this morning we took just a few minutes to very briefly review the history of education.

Actually our public education system as it is known in America was born in New England. It started off with the Boston Latin School which is still one of our finest academic secondary schools in the nation. And we do remember that there was a strong emphasis upon religious background and also upon the basics of reading and writing, spelling etc. Of course it was a strong belief in those days that reading was essential so that people could study the Bible and children would better understand their form of self government. So compulsory education in New England was really a first by the English speaking people.

That was back in the 1650's to 1775. In the Revolutionary days there was a decline in public education because of the war years. Then commencing after the 1800's there was a wave of immigration, people from the old country to the new. At that time we started to see, because of the problems of assimilation, the shift from church control to state control. But it gave all an opportunity for a free education and it did vest control and responsibility for public education in the states while according freedom through our private and church schools.

Then along in 1860 we saw the state universities come into their own, and the kindergartens and up through into the 1900's. And in the early 1900's we know there was good acceptance and public confidence in our school system. I think that several of the reasons were as follows: There was freedom from politics and propoganda at that time. Factual knowledge was taught. There was a training of our children in the homely virtues and the development of mental discipline.

Then we come into the era after the 1900's when we see the develop-

ment of progressive education and of course the progressives began by assuming that our older forms of education had been a failure and they argued for the "progressive teacher college" and the "life adjustment programs" and "child-centered classrooms." And it described the programs and we have all heard such expressions as "life related", "gripping", "dynamic" "forward-looking", "growth-oriented" and those are the areas where we find our so-called professional content in legislative, the methods courses. And a drawing away from the emphasis we had in the past on a sound academic training.

Then there was at this time when we had a shift from the educational standard of imparting factual knowledge to the political objective of indoctrinating the child for the remaking of society, and as it has been said, to "bring about a new social order". Certainly today we have the products of this school of thought as leaders in our local governments and our state and national politics.

There was one John Dewey who reorganized the — well he was really the recognized leader of progressive education and he has done a lot of writing and his writings are interesting and make quite a study in themselves, but I am not going to go into great detail. He stated in a document entitled "A Quest for Certainty" that "Men who lack skills in instruments in our earlier days of history grasped religion as a source of help in time of trouble as a drowning man would grasp at a straw, but now that man has developed his skills he can discard this primitive need". You will find the writings of progressive educators filled with statements similar to that and I cannot help but compare it with the writings of Karl Marx when Marx stated "religion is the opium of the people".

So in the 30's and up to 1954 your progressives kept continuing in this progressive field and they had a document known as "The Social Frontier" and I now quote from its April 1935 edition where it states: "The end of free enterprise as a principle of economic and social organization adequate for this country

is at hand". So today you hear the use of these names of new and modern education, because the word "progressive" fell into disrepute after the Communists labeled our prisoners of war in Korea as progressives who succumbed to their brain washing techniques.

I don't believe many Americans realize that this type of education that the progressives have been putting into our school system in America was adopted in Russia in 1918 and it proved an absolute failure so in 1932 the Central Executive Committee ordered an entire reorganization of the schools in Russia. I think Sputnik taught us that Russian education, particularly in the fields of science and math was equal if not superior to our education here in the United States in those areas.

So I think it would be well if a legislative committee were to review and have an opportunity and start as a committee to discuss these problems with the State Advisory Board, with the State Board of Education and with educators here in the State of Maine. I think it is important, very important and I sincerely hope that you vote against the motion to indefinitely postpone and then vote to pass this order.

Mr. BROOKS of Cumberland: Mr. President, members of the Senate, I rise to thank the Senator from Kennebec, Senator Farris, for a very well delivered talk on the history of education in the United States. In the course of his dissertation he mentioned "progressive" and "Marxist" and many things which I personally don't think have too much to do with what we are discussing this morning.

First, I would not call the twelve members of our Advisory Committee on certification, progressives or Marxists. I would catalogue these people in the same area that you and I like to feel we are catalogued as — citizens of the state attempting to improve upon the educational system of the State of Maine.

To get this back into perspective I would simply like to say that we have dedicated citizens already working as has been said earlier,

in this area of teacher certification. They are well qualified I believe. They represent various segments of our society. I can see no value whatsoever of an order such as this gaining passage.

Mr. STITHAM of Somerset: Mr. President and members of the Senate; I have a feeling that when we delegate certain of our powers to an administrative body we have a certain responsibility that goes with it. We have delegated practically all of our educational needs to the Department of Education. I do not believe that we should give them a carte blanche and I certainly do not go along with the idea that we should not question at all what they may do, that we are not entitled to know or make a study of what they do, and that we should just accept whatever they say is right without question.

This whole subject is coming along the same lines as it would be in a police state. I certainly would be opposed to one police system for the entire State of Maine, and I certainly would oppose, if we had such a one-unit system of law enforcement, saying to them, "We won't question anything that you do." I think we would be going in the wrong direction very strongly. Now that same thing applies to a matter that is deep in the hearts of all of us, and that is the proper education of all of our children, and it is developing into sort of a police state there. I object to the insinuation on their part that we should not know what is going on and we shouldn't question them. Certainly an innocuous order of this kind, asking merely that we be given an opportunity to understand what is going on, I cannot see why those who represent the department are so bitter against such a thing as this. I think it is time that we do learn what is going on and I certainly hope that we will be given an opportunity to find out.

Mr. JOHNSON of Somerset: Mr. President and ladies and gentlemen of the Senate: I rise in opposition to the motion of the good Senator from Penobscot, Senator Whittaker. I also agree with Senator Farris that a little order of this type certainly raised up quite a storm.

I heard a prominent educator in this State speak about two weeks ago, and he told us the story of the two boys in the third grade who were out on a recess and they were discussing the failure of an Atlas rocket to take off at Cape Canaveral. One boy deduced and figured out that the static that came from the nose and went through the second-stage rocket went through the zero degree helium and that ignited the second stage prematurely, and the other boy said, "I am amenable to that." Then the gong rang and the recess was over and the first boy said to the second, "Well, I guess we have got to go back now and finish stringing those beads." I have a child in the third grade and I know that there are many times when these children want to learn a great deal more. I think that this order should receive passage to give perhaps a new slant on something that may be in a rut at the present time.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Whittaker, that the order be indefinitely postponed. A division has been requested. All those in favor of the motion of the Senator from Penobscot, Senator Whittaker, that the order be indefinitely postponed will rise and stand until counted.

A division was had.

Six having voted in the affirmative and twenty-two in the negative, the motion to indefinitely postpone did not prevail. Thereupon the order received passage and was sent down for concurrence.

The President laid before the Senate the first tabled and specially assigned matter, (H. P. 24) (L. D. 48) House Reports, from the Committee on Education on Bill, "An Act Relating to Certificate for Teaching," Report "A" "Ought to pass in New Draft under same title," (H. P. 1080) (L. D. 1547) and Report "B" "Ought not to pass," which was tabled on May 10th by Mr. Farris of Kennebec pending acceptance of Report "B", "Ought not to pass. (Motion by Senator Brooks of Cumberland)

Mr. FARRIS of Kennebec: Mr. President, pending adoption of the

previous order by the other body, I would request that this matter lie upon the table.

Mr. BROOKS of Cumberland: Mr. President, I request a division.

A division was had. Twenty-three having voted in the affirmative and three in the negative, the motion prevailed and the order was tabled pending Acceptance of Report "B" "Ought not to pass." (Motion by Senator Brooks of Cumberland)

The President laid before the Senate the second tabled and specially assigned matter, (S. P. 416) (L. D. 1159) Bill, "An Act to Pay School Subsidies on the Basis of Uniform Local Effort," which was tabled on May 14th by Mr. Porteous of Cumberland, pending passage to be engrossed.

On motion by Mr. Porteous of Cumberland, the order was retabled until later in today's session, pending passage to be engrossed.

The President laid before the Senate the third tabled and specially assigned matter, (H. P. 930) (L. D. 1364) House Reports, from the Committee on Legal Affairs on Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays," Majority report "Ought to pass with Committee Amendment "A"; Minority Report, "Ought not to pass," which was tabled on May 15th by Mr. Atherton of Penobscot pending acceptance of either report.

Mr. ATHERTON of Penobscot: Mr. President and members of the Senate: It is my intention to move the acceptance of the majority report of the committee. By way of explanation I will say it seems that the committee amendment which was proposed did not have language which is desirable, and if the majority report of the committee is accepted it is my intention to move indefinite postponement of Committee Amendment "A" and to present Senate Amendment "A."

Senate Amendment "A", Filing S-240, is very similar to the committee amendment except in the language pertaining to the floor space in the limitation of said stores. It still retains the 5000 feet but describes it as limited to customer selling space excluding back room storage, office and processing space.

Further, I would like to point out that of the several bills pertaining to this subject which were heard before the Committee on Legal Affairs this unquestionably was the one which received the greatest amount of support and also the one which was favored by the majority of the members of the committee. So, for the purpose of bringing it up for discussion by other members who may wish to speak on it, I would now move, Mr. President, that the majority "Ought to pass" report of the committee be accepted.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: In further explanation of Senator Atherton's motion for the adoption of Senate Amendment "A", I would like to point out that at the very bottom of the first page there are the underlined words "in addition to penalty imposed, etc" the forfeiture clause would be stricken from the bill as it now stands. I believe that in the other body one of the reasons that this met with defeat by a close margin was the misunderstanding by certain members of that body that this was still in it; they did not understand that this had been stricken out by the committee amendment. The committee amendment, which is in our books, states "Amend said bill in Section 1 by striking out all of the 5th underlined paragraph of that part designated Section 38." Well, in looking at this amendment and as busy as members are in both branches of this legislature they did not see that this was the amendment that struck out that part of it which was offensive to certain members of that body. So that there is absolutely no question in your minds whether this remains in it or not, we have in this amendment by Senator Atherton put the words in there so that they are plainly visible, and it is also plainly visible that it is striking out all of the 5th underlined paragraph.

We who favor this bill — and naturally you can say it is self-interest on my part — but I want to submit to you that this self-interest is not so much monetary as it is in the interests of the people who work in my store and in the stores

of my friends and in the stores throughout the State of Maine. I submit to you that if this or similar legislation is not placed on the books it would result in a widespread opening of many, many stores throughout the State. We cannot afford to see hundreds of thousands of dollars walk past our doors on Sunday and pass into other areas where people make their purchases. If we were forced into this, we as a company and many other companies that would then open, would, with the same dollars in overhead make more dollars in volume and make more profit. It would mean more money in our pocket due to this, and it would mean more money, perhaps, in some of the employees' pockets because they would work longer hours. They are, however, and we are unalterably opposed to opening up the State of Maine full-tilt to Sunday business by all segments of the retail industry. And all segments of the retail industry including most of the so-called discount operations in the suburban areas and the traditional merchants represented in many cases by the Maine Merchants Association and most merchants that you talk to and almost everybody involved in this retail industry are in favor of this MacGregor bill.

The traditional stores of which I speak are stores that are represented by this association, stores of various sizes and selling various kinds of merchandise in every county in this State and in towns of almost every size. These are the business people that everyone turns to first for donations to the United Fund, the Red Cross, whether it is for an emergency or the regular drive, times when people are burned out, such as in Biddeford a couple of weeks ago, church bazaars, bridge parties, Legion and fraternal times, toys for underprivileged children or whatever; these are the people that you and others turn to immediately because they are on the main street of the town, they are in the public eye, and that is where you turn. These stores employ somewhere in the neighborhood of thirty-five or forty thousand good Maine citizens, and they are very much concerned

that this bill pass. Never in all the time that I have been in politics and in the two sessions that I have been here in the Senate at Augusta, have I had so many people speak to me about any one particular issue. They are definitely concerned. Most of these people have relatives at home, a wife, a husband, children, a mother or father with whom they live. Most of these people work a five-day week Monday through Friday. By the very nature of the retail business, Saturday is a day on which you cannot give your employees a day off. Yes, we have a few who have the day off because our warehouses are closed on Friday afternoon, but Saturday, is, traditionally and practically speaking, the busiest day of the week, so the selling people have to be right on hand.

Now I submit to you that these people are married to a man or woman who works in a plant like the Burnham & Morrill plant or the paper plant, or in some other industry, and those people's day off is Saturday. The days off of our employees are on Monday through Friday, because we work them five days and we are open six days. Therefore, what day are they going to get together with their families? From one end of the week to the other there is no day on which they can get together.

We have 450 full-time employees in our company. There are three who have been with us more than fifty years and about forty-five who have been with us twenty-five years or more, which is about ten per cent of the total work force. I have been working there for fourteen years and I know many of these people very well, some of the newer ones not so well. They are good people, they are good sincere workers, they take part in community projects. It is they who in many cases go out and work for the churches, they go out and work for the United Fund, they are members of clubs such as Zonta, Lions, Rotary and Kiwanis, they are members of the Legion. They are doing a good job.

Now in Augusta we spend a great deal of our time concerned with

the health and welfare of our less fortunate people, people who have gotten into trouble, who have been misguided in their lives, and we spend a great deal of money for their care. But I submit to you, ladies and gentlemen of the Senate, that by and large these retail employees on whose behalf I am speaking are the kind of people who have not required this kind of care, they have not required the attention of our Health and Welfare Department, our correctional institutions or our police enforcement officers. By and large, these are good Maine citizens and I think their views are worthy of consideration.

Now I will speak to you a little in regard to some self-interest of some of you. It has been stated that this bill is in behalf of the retail centers of the larger cities from Sanford on the South to Biddeford, Portland, Augusta, Lewiston, Auburn, Waterville and Bangor, but I submit to you who represent areas that are vacation-oriented in nature, such as the coastal regions or the ski regions, that if Sunday becomes a wide-open day for selling these areas are going to suffer because the attraction of these stores is going to attract people from the vacation and recreational areas to the business districts on that Sunday. I would say to anybody who is interested in the skiing business that I know of many people from our stores in Portland who are skiers and who go skiing on Sunday. This is the only day they can go skiing with their family. Of course the same thing is true, multiplied manyfold, in the summer time. With the father or the mother working on Sunday this would be an impossibility, they just would not be able to do it together. Certainly they might take a trip with one or the other but not as a family. And when I say "family" I say family in the sense that it is a tremendously sociological unit, one that most of the forces of our society are working to break down, not on purpose but by the very nature of various factors, such as young people having automobiles, going out by themselves and tending to be less attracted by things the family wants

to do together. But in this state we are blessed by vacation areas, by tourist attractions that beckon to a family as a whole to go out and enjoy them. We are blessed with beautiful parks, including beaches and camping sites and lakes and streams that all the family together can enjoy. I appeal to you mostly on behalf of these people. I also, as a side issue but not as a direct appeal, would have you consider the effect of wide open Sunday selling on our already heavily-traveled highways on Sunday. Add to the Sunday traffic this extra traffic and you have more accidents and more deaths.

Who is against this bill? As far as I can see, only a handful, only one or two are against this bill. They have very few employees, they are owned by out-of-state people. They have in their favor one particular word and that is the word "discriminatory." They will stress this time and time again, but I submit to you that this industry is already discriminated against in its larger units in the federal minimum wage legislation: a store with a million dollars of volume or over is included and a store below that is excluded, so that we are already in that area. Of course there are many other areas in which this word is used and some place along the way you have to draw the line. I submit to you that as this is drawn up as amended to 5000 square feet or five employees as a limitation it is merely the difference between wide-open selling or a limited selling by some stores to the vacation and traveling public that we must service in some way to make it interesting for them to be in our state through the week and on Sundays.

Those are some of the reasons why I favor this legislation, but in closing I would like to quote to you a motto of our store that we adopted. We did not think it up ourselves — we wish we had, some twenty-five years ago, and it has stuck with us and we have it mounted on a plaque over our main bank of elevators on the street floor and it is there for all to read. We feel very sincerely and very strongly about this, having worked with the

people in the store for all these years. Some seventy-five years ago my grandfather founded the business. I feel sure that all retailers feel this way about their own business. Our motto is "A store is more than just a store. It is part of the hopes and lives of people." These are the people that I am interested in, and I hope you will recognize this and vote affirmatively in favor of the MacGregor bill.

Mr. STITHAM of Somerset: Mr. President, I ask that this lie on the table and be especially assigned for Thursday next.

Thereupon, on motion by Mr. Brooks of Cumberland,

A division of the Senate was had. Thirteen having voted in the affirmative and fourteen opposed, the motion to table did not prevail.

Mr. STITHAM of Somerset: Mr. President, I am sorry that the Senate would not go along with me on the motion to table. I could not give any reason because we cannot debate a motion to table. I thought as a matter of courtesy that you would go along with me. I believe I am entitled now to state why I would have liked to have had it tabled.

First, we have a lot of absentees who are interested in this particular matter. Secondly, there are a number of amendments. We have two here in the Senate. We have two House amendments I believe, and a Committee Amendment. It is a complicated thing and I think it is entitled to a little bit of study.

However, having not been extended that courtesy, I would like to speak on the merits.

The PRESIDENT: The Senator may proceed.

Mr. STITHAM of Somerset: Mr. President, the committee on Legal Affairs gave a lot of consideration to the eight bills, that related to Sunday selling. I signed the Minority Report and I believe I should give you the reason for it. I am not trying to cram anything down anybody's throat because this is not my bill. It isn't anything that I'm particularly interested in, frankly, except for good legislation.

In the first place, the bill is entirely aimed, and you can't get away from it, it is aimed for very

few places of business, to eliminate competition. It certainly from the start is discriminatory and if it goes on, we are all apt to feel the impact of it because they may say that an industry that employs a hundred people or has a certain size must close on a given day of the week, whereas someone with a little bit less can stay open. I heartily agree with the good Senator from Cumberland, Senator Porteous, that there should be a day when all members of a family can get together and do things, and if this bill would accomplish that, I would be for it. But I call your attention to the first paragraph in this bill. There are many more people involved in that first paragraph than the people that are involved in the retail trade as mentioned by the good Senator from Cumberland, Senator Porteous. There is a long paragraph of exceptions. It is just as important for those people to have a day off as anyone else.

We have a number of industries that remain open seven days a week including Sundays. It is just as important for them to get out with their families as it is the employees of a store which our good Senator spoke about. Furthermore I could not in good conscience say to a neighbor of mine or to anybody here in the state that size is bad or that number of employees is bad. I can't sit up on a pedestal and say, "You have 4500 square feet as measured by any one of these amendments, therefore it is all right for you to remain open. You are a good store; you can remain open". But to somebody having 5500 or 5100, whatever it is, "You are bad; it isn't good for you to remain open." I don't think I am qualified to say that and I don't think it is proper or right.

I give for a third reason the fact that we start out with a Blue Law that was originally passed long before our state became a state and long before our way of living was as it is today and long before Maine became as we are trying to make it, a vacation state. It was originally a religious law, purely a religious law. They now say, "Well we

will forget this is a Blue Law, a religious law." We say now that it is just so that people can have a day to get together with their families and go out. All right. If it accomplished that it would still be fine but I can't in good conscience use religion or a Blue Law to accomplish what this specifically is, a regulation of business. A regulation of competition. I deplore the fact that these large stores we are complaining about do remain open. I wish they wouldn't, but when we start regulating business in this manner, it is bad legislation for the state. I hope that this legislation does not pass this Senate, and I will give you one more reason for it. I am convinced in my own mind, from reading the decision of the Law Court which passed upon the legislation adopted in the 100th Legislature, that this particular piece of legislation, the MacGregor bill, if it should — and it undoubtedly would — reach the Law Court, that it would be declared discriminatory and unconstitutional. If that were to take effect we would be in a worse position than we are at the present time.

I realize there has been a lot of pressure brought to bear. I get it from my small merchants up home, who have no interest in it at all but have been called by certain organizations, saying, "Oh, you have got to do it because if you don't you are going to be hurt up there.

I call your attention to the fact that this is largely a problem in certain local places and probably 90 per cent of the State does not have the problem and will not have the problem. As a great many of you know, in most of our towns they merely put an article in and everybody can remain open who wants to. That has not made a ripple anywhere. There have been no more stores open because of these actions by the various towns than there were before.

I further call to your attention the fact this is going to create more competition in my opinion than your large marts, or whatever you may call them, cause your downtown merchants today. If this legislation is passed it would mean that every store, for instance in

the city of Portland, could remain open, because there are very few that are over the 5000 square feet of space; and I submit to you that under the present law they cannot remain open and if this is passed they can remain open, the appliance stores, clothing stores hardware stores, any of them may remain open under this, and in my opinion it would lead to more competition in the long run over the State than they are having from the few stores that now remain open under the legislation passed by the last legislature. Thank you.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: My concern for Sunday perhaps is a little different from the concern of many people who are working for this bill. My concern is that Sunday should be, as far as possible, a day of rest and a day of worship. But I have had more letters on this bill — they have come, as has been said before, from people who are concerned about losing their day of rest, perhaps not so much for the reason of worship but for the reason that they do not want to work seven days a week. I believe that this would put some restriction on a trend that might cause a wide-open Sunday in every field. For that reason, I am for this bill. I do not like the floor space designated, I think it should be less, I think 3000 feet would be enough, but I am not offering any amendment. I do feel this is better than nothing and for that reason I am voting for it.

Mr. CYR of Aroostook: Mr. President and members of the Senate: I heartily concur with the Senator from Somerset, Senator Stitham, and I am wondering if Moses was to appear before us here today if he wouldn't point out to us that we are worshipping a false god. I think that the premise upon which we are basing the arguments for opening the stores is false. We are basing our whole premise entirely on floor area. Now that would be along the same line as if somebody that lives in a large house, you tell them, "You have to worship, you have to go to church today," and the fellow that lives in the small house you tell him, "Because of

the fact you are living in a small house you do not have to go to church today." I am wondering if the people who have worked on this legislation here have explored fully the possibility of revising our basic law, our so-called Blue Laws, and changing the language of "essentials" to cover the tourist industry. The tourist industry is the industry that is involved in this case, and if we were to rewrite what is essential I am wondering if that wouldn't cover the subject much better than basing it entirely on the floor space area.

We hear that the local option law that we passed at the last legislature has worked hardships. Some of the communities have voted to open and others have voted not to open, and that has caused the friction and the trouble. Now I am wondering whether we are not going to compound the hardships and the problems with this floor space proposition.

We have today trouble between one community and another community because of the local option. Now if we have the floor space determination are we not going to cause a lot of friction and a lot of trouble right within the community itself. If you have a small store with 3000 square feet on one side of the street which is allowed to open and on the other side of the street you have one which has 5100 square feet or 5500 square feet and he has to close, are we not compounding the problems by doing that? I claim that we are building on a false premise and that we are asking for more troubles than we have today. My own personal reaction is to vote against all of these Sunday-opening bills. I certainly would like to know if the proposition has been explored by any members of the Legal Affairs Committee as to the proposition of returning to the Blue Laws, so-called, or the closing on Sunday and opening only the businesses that are essential and to revise our definition of essentials to cover the tourist industry.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, poses an inquiry through the Chair to any member of the Legal Affairs Com-

mittee who may answer if they choose.

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate: Senator Cyr poses the question of whether the matter has been completely studied or not. I can assure you that I have had not one session but two wrestling with the problem of Sunday selling. I think that we have gone over, both in the last session and this session, the subject from beginning to end.

It is all very well to say you can close everything. You and I know that there must be a certain amount of travel. If we are going to have Sunday for recreation there are certain things that must be open. As for the tourist industry, I have been greatly concerned about that, and two years ago I strongly supported local option, feeling that would take care of the recreation areas. But the feeling is, and it was at the Legal Affairs hearing, that local option probably is not working out as well as it should, so from that we turn to the question of floor space.

I have a personal interest in this too. One of the members of the House said to me, "Margaret, the Sunday as we knew it is fast disappearing." I hope to hold on to Sunday as much as possible and so I considered this bill. In line with Senator Cyr's thinking, I have had something else submitted to me and that is that possibly a four months provision would take care of recreation industries. In other words, we have to think now not only of the coastal problem but the problem of the ski areas. It is a big problem. Local option has been declared constitutional and in that I agree with Senator Stitham. This bill, frankly, troubles me a little and yet it seems to be the best we can offer at this time. I therefore signed the Ought to Pass report of the committee.

There is another thing I would like to say. I have spent a good many hours keeping store and I assure you I have no personal interest in this because there is no intention on our part to stay open. I have watched men — and this Senate is composed largely of men — and I have watched them time and

time again, follow their wives into the store. The wife would say to the husband, "What do you think of this?" The husband would say, "You get what you want". And finally after about fifteen minutes it ends up with this. "You are going to look at it; I'm not." Now, you gentlemen enjoy a Sunday at the beach. I know the Senator from Somerset enjoys the pleasure of fishing on Sunday. I think a good many of you gentlemen will find yourselves in the big cities shopping with your wives on Sunday. This is just another thing I toss out to you.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate: It would be far easier and perhaps wiser for me not to speak on this issue. However, I should like to share very briefly a point of view which is not easily arrived at. I believe that this is a most complex situation and that there is no easy solution to it. When the vote is taken I shall vote for the bill but in its unamended form. I feel that if we are to consider the welfare of the state as a state that it is good for us to remove the local option provision, which this bill does. I do feel, however, that it is unnecessary for us to allow the opening of stores beyond the size indicated in the original bill, 1000 square feet. It seems to me that the list of exceptions in this bill adequately cares for the majority of the needs of the people on Sunday and would permit sufficient service to our tourists. While I am not satisfied entirely with this bill and I am not satisfied entirely with the present law, I do think that this would be an improvement over the present law if the bill was passed without the amendment upward in the square footage.

Mr. ATHERTON of Penobscot: Mr. President, if it has not been requested I would request a division when the vote is taken.

Mr. LOVELL of York: Mr. President and members of the Senate: I think it is probably impossible for us in this Senate to come out with a bill that would satisfy everyone in this state in regard to staying open on Sunday. I am sure the good Senator from Penobscot in

this case would like to see most stores closed.

Now in my own particular feeling 1,000 square feet would be almost impossible, because, for example, in the drug business, a store with 1,000 feet or under could stay open and a store with 1,000 square feet could not, and that certainly would not be fair.

I am interested particularly in the tourist business and I think this bill as written will take care of the hurt that industry that brought us last year three hundred million into the state and some ten million in direct taxes.

I think Senate Amendment "A" is also unfair. I do not mind thirty days in jail and a \$100 fine, but when it comes to the point that if somebody stays open they can confiscate all the merchandise and sell it, I think that is going just a little bit too far.

The bill itself, with the committee amendment, with 5,000 square feet, some say it is discriminatory. It probably is, but there is no way we can write a bill that will not be discriminatory. Certainly the Small Business Administration when it was formed in 1953 — it was formed under President Eisenhower, and since that time it has helped small businesses. They have discriminated for small businesses. Certainly 95 per cent of our businesses are small businesses. I think that small businesses do need help or the large businesses are going to take all of their business away from them and eventually put them out of business. In my own particular area I have had some hundred letters and a petition from the Sanford Merchants Association with some hundred signatures on it in favor of this bill with the committee amendment. I certainly feel that we should go along with this. It may not work out. The last one was passed two years ago and didn't seem to work out either. If this is unconstitutional it will have to come up before the court at a later date and maybe two years from now a better law can be written. I certainly would like to go along with this bill, L. D. 1364.

Mr. PORTEOUS of Cumberland:
Mr. President and members of the

Senate: I appreciate the remarks of the Senator from York, Senator Lovell, in favor of the bill. I assume he was out of the chamber when I pointed out that in Senate Amendment "A" the paragraph having to do with confiscation of merchandise is stricken out and this is not an addition to the bill.

As far as the constitutionality of the bill is concerned and whether or not it is a fight between those of us who are the traditional retailers and those of us who are discounters, on the one hand a very prominent gentleman of one party hired one of the most prominent members in this state, a man who served the federal government in the previous administration and on the other hand one of the most distinguished members of his own party, a former municipal judge with an enviable record of success before the bar and well-respected throughout the state for his judgment, and these two gentlemen were the principal ones who drew up this bill. They had the full benefit of the previous decision of the State Supreme Court. So this bill, on the question of whether it is constitutional or not I think you can be well-assured that it is constitutional and should meet any test. Naturally I cannot speak for the Supreme Court of the State of Maine, but I can see that even the people who brought the other bill to the Supreme Court and contested the bill that is on the books now are with us this time and are also in favor of this bill.

Mr. STITHAM of Somerset: Mr. President, I will be very brief on this point. It is merely a point in rebuttal.

In the hearing before the Legal Affairs Committee the question was asked of one of the attorneys who drew up this bill, whom the Senator from Cumberland, Senator Porteous has just mentioned — the question was pointedly asked him about the constitutionality of this bill, and if I remember his remarks correctly he said that he knows of no decision anywhere in the United States where a case has been passed upon that would support this particular legislation. The only reason, I believe, that the Law

was passed in the last session of the legislature — they specifically pointed out that there was no discrimination in that act because those departments in a department store could sell the same type of goods as another store that was allowed to remain open. The whole decision hung on the fact they found no discrimination. But you cannot get away from the fact that this whole bill is based on discrimination. I am afraid that some of the Senators here have not done enough homework and have not found out what stores in their own jurisdiction are going to be hurt by this particular bill. The impact of it is going to be tremendous, and I think if we should pass this we are going to be very, very sorry about it.

A division of the Senate was had.

Nineteen having voted in the affirmative and seven opposed, the motion prevailed and the Ought to Pass report was accepted, the bill read once and Committee Amendment A read.

On motion by Mr. Atherton of Penobscot, Committee Amendment A was indefinitely postponed.

The same Senator presented Senate Amendment A (S-240) which was read.

Mr. WHITTAKER of Penobscot: Mr. President, I rise to speak against this amendment. I shall not, however, make a motion. There are several provisions in this amendment for which I should like to vote; namely, the deletion of the forfeiture clause and I certainly agree with the addition of marinas and the selling of boats and real estate brokers. As indicated earlier, I see no justification for an omnibus clause which would allow businesses to remain open under the 5,000 square foot clause. As I read the original bill, it seems to me there are sufficient exceptions included to take care of any reasonable needs of the people on Sunday and to care adequately for our tourists.

I will simply ask a question if anyone cares to answer. What other items should be added to this section that are not already in there, for the benefit of our tourist trade?

The only possible exception I can find is grocery stores, and perhaps they could be added.

The PRESIDENT: The Senator from Penobscot, Senator Whittaker, poses a question to any member of the Senate who may answer if he chooses.

The PRESIDENT: The question before the Senate is the adoption of Senate Amendment A.

Mr. WHITTAKER of Penobscot: Mr. President, I request a division. A division of the Senate was had.

Twenty-one having voted in the affirmative and six opposed, Senate Amendment A was adopted. Thereupon the bill was tomorrow assigned for second reading.

The PRESIDENT: The Chair, on behalf of the Senate, is happy to interrupt for a moment to recognize a group of young people in our balcony. We have, or have had, a group from the 7th and 8th grades of Locke Mills, Greenwood, Newry and Greenwood City, all in Oxford County, with their teachers, Mrs. Fred Haines and Mrs. Colista Morgan. We have a group of students from Stetson elementary school with their teacher Mrs. Meery and parents Mrs. Underhill and Mrs. Savage. They are the guests of Representative Osgood. We have a group of 8th grade Maine History students from Carmel Junior High School with their teachers, Mr. Ronald King, Mrs. Theodore Wallace, and parents, Mrs. Richardson, Mrs. Tibbitts, Mrs. Mahon and Mrs. Duncan. They are guests of Representative Carter.

We hope you are enjoying these proceedings. You have been witnessing an excellent debate in the Senate of this state on an age old problem. We hope your interest may continue and that some day you may have a desire to participate in government yourself where you may sit in this same room, and maybe someday debate this very question. It is nice, indeed to have you here.

The Chair is very happy to recognize and welcome in the Senate Chambers, the wife of our good Senator from Penobscot, Senator Philbrick, Ingrid Philbrick, Thomas

Dudley Philbrick and it looks like "Bigod" Philbrick. (Applause)

The President laid before the Senate the 4th tabled and today assigned item (H. P. 634) (L. D. 890) Bill, "An Act Relating to Minimum Salaries for Teachers"; tabled on May 16 by Senator Reed of Sagadahoc, pending motion by Senator Hichborn of Piscataquis to indefinitely postpone House Amendment B; and on further motion by Mr. Reed of Sagadahoc, the bill was retabled and especially assigned for the next legislative day.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 416) (L. D. 1159) Bill, "An Act to Pay School Subsidies on the Basis of Uniform Local Effort"; retabled earlier in today's session by Senator Porteous of Cumberland pending passage to be engrossed; and that Senator moved the pending question.

Mr. Brooks of Cumberland presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted and the bill as amended was passed to be engrossed.

The PRESIDENT: Under Orders of the Day, with reference to Item 6-1 on today's calendar, the item commonly called the Current Services Budget, the Chair appoints as Senate conferees on the Second Committee of Conference, Senators: Edmunds of Aroostook, Porteous of Cumberland, Campbell of Kennebec.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 25th tabled and unassigned item (S. P. 339) (L. D. 1004) Bill, "An Act Relating to Claims on Municipalities Against State for Taxes Lost from Veterans Property Tax Exemptions"; tabled by that Senator on April 12 pending consideration; and on further motion by the same Senator, the Senate voted to insist and ask for a Committee of Conference.

The President appointed as Senate conferees, Senators: Wyman of Washington, Brown of Hancock, and Cole of Waldo.

The PRESIDENT: With reference to Item 1-2 on today's calendar, "An Act Providing for the Study of a State Building Code and Anti-Shack Statute", the Chair appoints as Senate conferees on the Committee of Conference, Senators: Porteous of Cumberland, Ferguson of Oxford and Brooks of Cumberland.

On motion by Mr. Kimball of Hancock, the Senate voted to take from the table the 65th tabled and unassigned item (H. P. 299) (L. D. 393) Bill, "An Act Relating to Definition of 'Hotel' Under Liquor Law", tabled by that Senator on May 16 pending assignment for second reading.

Mr. KIMBALL of Hancock: Mr. President, I would now offer Senate Amendment A and move its adoption and speak briefly on the subject.

The PRESIDENT: The Senator may proceed.

Mr. KIMBALL of Hancock: Mr. President, we have heard as one of the objections to the passing of this particular bill, the statement that it might put a number of people out of work by closing up certain businesses that are now in operation. The amendment that I am offering will cover what is known as the "grandfather clause" and I hope it might be successful to cover whatever objections there might be.

The Secretary read the amendment.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate I move the indefinite postponement of this amendment. This amendment would defeat anything that the bill might do. The purpose of the bill was to clean up some of the so-called "hotels" which are not operating as bona fide hotels and it seems to me if we are going to do anything in this field we must accept the bill without this grandfather clause. As we said yesterday, this provision in the amendment which we discussed, would give until 1965 for these "hotels" so-called to comply with the requirements. It seems to me that nearly two years is time enough for them to comply and if they don't want to do that I feel that are not

justified in operating as hotels. I ask for a division on this measure.

The PRESIDENT: The question before the Senate is the motion of the Senator from Arcostook, Senator Christie, that Senate Amendment A be indefinitely postponed, and that Senator has asked for a division.

Thereupon, on motion by Mr. Lovell of York, the bill was tabled pending Mrs. Christie's motion to indefinitely postpone Senate Amendment A (division requested) and the bill especially assigned for the next legislative day.

On motion by Mr. Cyr of Aroostook, the Senate voted to take from the table the 6th tabled and unas-

signed item (S. P. 194) (L. D. 493) Bill, "An Act Relating to Expending Arcostook County Funds for Renovating the Terminal at Presque Isle Municipal Airport"; tabled on March 7 by Senator Cyr of Aroostook pending adoption of Committee Amendment A; and on further motion by the same Senator, Committee Amendment A was adopted, and the bill was tomorrow assigned for second reading.

The Adjournment Order having been returned from the House, read and passed in concurrence, the Senate

Adjourned until Tuesday next at 10:00 A.M.