

# 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**

Wednesday, June 12, 1963

Senate called to order by the President.

Prayer by the Rev. Douglas H. Robbins of Augusta.

On motion by Mr. Couture of Androscoggin, the Journal of yesterday was read and approved.

**House Papers**

**Non-concurrent matter**

Bill, "An Act Continuing the Committee on Aging." (S. P. 384) (L. D. 1087)

In Senate March 26, passed to be engrossed as amended by Committee Amendment "A" (S-96)

Comes from the House, passed to be engrossed as amended by House Amendment "B" in non-concurrence. (H-435)

In the Senate, the Secretary read House Amendment B, the Senate voted to recede and concur, and the bill was ordered sent forthwith to the engrossing department.

Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays." (H. P. 930) (L. D. 1364)

In Senate, May 21, passed to be engrossed as amended by Senate Amendment "A" (S-240)

Comes from the House, passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "E" thereto. (H-439) in non-concurrence.

In the Senate, that body voted to recede and concur.

Bill, "An Act Revising the Administrative Code." (H. P. 922) (L. D. 1356)

In House, May 27, passed to be engrossed as amended by Committee Amendment "A" (L. D. 1572)

In Senate, June 4, passed to be engrossed, as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence.

Comes from the House, passed to be engrossed, as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto and by House Amendment "A" thereto (H-427) in non-concurrence.

In the Senate, that body voted to recede and concur, and the bill was ordered sent forthwith to the engrossing department.

Mr. STITHAM of Somerset: Mr. President, for the purpose of an amendment on Item 1-2, I would ask that we reconsider our action whereby we passed this to be engrossed in concurrence, and would ask then that the bill be laid upon the table until later in the day.

The PRESIDENT: The Senator from Somerset, Senator Stitham moves that the Senate reconsider its action whereby bill, "An Act Relating to Operating Business on Sunday and Certain Holidays" was passed to be engrossed.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, I know the amendment and I would oppose — Mr. President, I do not intend to debate a tabling motion. Are we not debating a motion to reconsider?

The PRESIDENT: The Senator is correct.

Mr. PORTEOUS of Cumberland: Mr. President, this amendment for which we would go through the process of reconsideration, I think would probably meet with disfavor because it would nullify the intent and purposes and value of this bill. It would only serve to lengthen the time of our deliberations today. Therefore on the motion to reconsider I would ask for a division. The amendment is to add a grandfather clause to this which would

Mr. STILPHEN of Knox: Mr. President.

The PRESIDENT: For what purpose does the Senator rise?

Mr. STILPHEN of Knox: Mr. President, what question is being debated? Are we discussing the amendment?

The PRESIDENT: The question is on the motion of the Senator from Somerset, Senator Stitham, to reconsider our action whereby we passed this bill to be engrossed, the item, being 1-2. The Senator from Cumberland, Senator Porteous may proceed in his debate providing it is relevant to the issue of reconsideration.

Mr. PORTEOUS of Cumberland: Mr. President, I would regard that

the reason for reconsidering is irrelevant and therefore I ask for a division when the vote is taken and I hope that the motion for reconsideration will not prevail.

Mr. STITHAM of Somerset: Mr. President and members of the Senate, I was caught flatfooted on this matter. I thought the procedure, mistakenly so, was that the House Amendment would be read and adopted here in the Senate before it was passed to be engrossed. I was waiting for that and that not having been done, it was just passed over and I did not have the opportunity to do what I intended to do before. It is just a matter of procedure. I was caught on a matter of procedure and for that reason I would like to have it reconsidered.

Mr. PORTEOUS of Cumberland: Mr. President as a matter of courtesy to the Senator, I will not oppose his motion further.

Thereupon, the Senate voted to reconsider its action whereby the bill was passed to be engrossed; and on motion by Mr. Stitham of Somerset, the bill was laid upon the table pending passage to be engrossed and was especially assigned for later in today's session.

#### Communication

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
Office of the Clerk  
Augusta

June 11, 1963

Hon. Chester T. Winslow  
Secretary of the Senate  
101st Legislature

Sir:

The Speaker has appointed the following Committee of Conference on the Disagreeing Action of the two branches of the Legislature on:

Bill, "An Act relating to Matching State Funds with Local Chambers of Commerce to Obtain New and Aid Expansion of Present Industries." (S. P. 47) (L. D. 97)

Messrs: LITTLEFIELD  
of Hampden Highlands  
MacLEOD of Brewer  
SMITH of Falmouth  
Respectfully,  
HARVEY R. PEASE  
Clerk of the House

HRP SR

Which was read and ordered placed on file.

#### Orders

On motion by Mr. Johnson of Somerset

ORDERED, the House concurring, that Bill, "An Act Relating to Percentage by Weight of Alcohol of Blood of Operators of Motor Vehicles," (S. P. 275) (L. D. 789) be recalled from the Legislative files to the Senate. (S. P. 623)

Which was read and passed and ordered sent forthwith to the House.

On motion of Senator 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, 3 Representatives, to be appointed by the Speaker of the House, and the Attorney General, or an Assistant Attorney General which he may appoint from his department to serve during his pleasure and in his stead, to study and report to the 102nd Legislature on the subject matter of common law, legal immunities available as a defense in actions at law against certain non-profit and governmental entities; and be it further

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

ORDERED, that the committee shall have the authority to employ clerical assistance within the limit of funds provided; and be it further

ORDERED, that there is appropriated to the committee from the Legislative Appropriation the sum of \$750 to carry out the purposes of this order. (S. P. 624)

On motion by Mr. Farris of Kennebec, the Order was tabled pending passage and was especially assigned for later in today's session.

On motion by Mr. Atherton of Penobscot

ORDERED, the House concurring, that the members of the Joint Standing Committees on Judiciary and Legal Affairs be given the copies of the Revised Statutes of 1954,

as amended, that they have used this session.  
(S. P. 625)

Which Order was read and passed, and ordered sent forthwith to the House.

**Committee Reports — House**

**Ought to Pass in New Draft**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965. (H. P. 266) (L. D. 360) reported that the same Ought to pass in New Draft, under the same title (H. P. 1105) (L. D. 1586)

Comes from the House, Report accepted and the New Draft passed to be engrossed as amended by House Amendments "A", "C" and "E"

In the Senate, the report was read and accepted and the bill read once; House Amendment A was read and adopted, House Amendment E was read and adopted.

Mr. WHITTAKER of Penobscot: Mr. President, this is a matter of extreme importance. I feel that I should like to have a day to think about it.

Thereupon, on motion by Mr. Edmunds of Aroostook, the bill was tabled pending assignment for second reading and was especially assigned for tomorrow.

**Majority — Ought Not to Pass  
Minority — Ought to Pass As Amended**

The Majority of the Committee on Appropriations and Financial Affairs on Resolve, Authorizing the Establishment of a Residential and Day School for the Mentally Retarded in Northern Maine. (H. P. 416) (L. D. 569) reported that the same Ought Not to Pass.

(Signed)

Senators:

CAMPBELL of Kennebec  
PORTEOUS of Cumberland

Representatives:

SMITH of Falmouth  
HUMPHREY of Augusta

MINSKY of Bangor  
PIERCE of Bucksport

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-408)

(Signed)

Senators:

EDMUNDS of Aroostook

Representatives:

BRAGDON of Perham  
JALBERT of Lewiston  
EDWARDS of Raymond

Comes from the House Indefinitely postponed.

In the Senate:

Mr. CAMPBELL of Kennebec: Mr. President, I move that the Senate accept the Majority Ought Not to Pass Report.

Mr. WHITTAKER of Penobscot: Mr. President, when the vote is taken I request a division. We are dealing with the welfare of children in our state who are in need of special attention through no fault of their own. As a member of the committee on the mentally retarded, I feel that this matter should be given very serious consideration before we accept the Ought Not to Pass report. We have in our state mentally retarded children of school age numbering some six thousand. Less than one thousand are receiving any special attention. At Pine-land Hospital we are unable to accept all those that are in need of attention. There are at least two hundred on the waiting list. It seems to me that we do need and need rather desperately this facility in Aroostook County for the care of the mentally retarded.

I hope therefore that eventually this bill may have passage.

Mr. CAMPBELL of Kennebec: Mr. President, a few brief remarks as to the position of the majority of the Appropriations Committee. First of all, let me say that this bill contemplates the expenditure in the first year of the biennium, of \$179,852 and in the second year of the biennium, an expenditure of \$156,830. This is a total of \$336,682 of operating money aside from capital expenditures. This is a school that is designed to accommodate fifty children so you can readily

see that the cost per child to operate this school would be \$3,000 a year. We felt that that was decidedly more than should be expended and that the money could do a great deal more good were it channeled into other programs. It seems to me that anyone who is interested in the mentally retarded would readily see this and see the advantage of the community health program which is the way that the mental health and corrections is subsidizing to some extent the training of mentally retarded children.

I would have to say to you that this program although it was studied by Mental Health and Correction was not high on their priority list and was not something that they themselves initiated. What this contemplates is that we take the Northern Maine Sanatorium which is now closed, a former facility for the treatment of tuberculosis patients and convert that into a school. The buildings themselves are not particularly well adapted to a school, because this facility up there was used at a time when you treated tuberculosis by freezing. In other words it was an open air type of thing. These buildings are frame, they are old and it is our belief that if this school was started that within a year or two you would be asked to change from the temporary type of facility to a permanent type of building with a very expensive program.

The Community Health Service which I mentioned, we think is a good program. In that program the state matches fifty-fifty the expenses of local agencies that are devoted to the training of mentally retarded children. The state is doing a fair job in that field. The Department of Health and Corrections has thirteen of these schools, and the Department of Education has six, a total of nineteen. And it seemed to us that these were the schools that should have the support of those persons who were interested in mental health, rather than to set up another Pineland for northern Aroostook. I might say that of the thirteen schools that the Mental Health and Corrections operates, four of those are in northern Maine.

There is one at Fort Kent, one at Madawaska, one at Van Buren and one at Presque Isle.

This type of facility if we embark on it will be novel. There is no other state in the Union that takes care of training of mentally retarded children in this way. There are twenty five states however, that do it on a matching basis by grant in aid.

There would be no federal money here, so you have no particular charm in the fact that you could get federal money. All in all we didn't think that it was a program we could afford. I might say that the high per student cost is due in large measure to the fact that this would be a sixteen hour program. These children would either come to the school and live or they would commute. The school would operate five days a week. Those who were in residence would be there overnight. They would have to be taken care of not only during school time but also for the rest of the day. There are to be thirty residential and twenty day students.

I think it is true that a majority of the children who would be eligible for this school would also be eligible for Pineland. I realize that is a considerable distance away and perhaps there is a large waiting list there. But I do question the wisdom of getting into a program of this sort at this high per capita cost. I trust therefore that the motion to accept the Ought not to pass report prevails.

The PRESIDENT: The question before the Senate is the motion of Senator Campbell of Kennebec to accept the Ought Not to Pass Report. A division has been requested.

A division of the Senate was had.

Twenty-three having voted in the affirmative and seven opposed, the motion prevailed.

#### Report A — Ought to Pass in New Draft

#### Report B — Ought Not to Pass

Five members of the Committee on Taxation on Bill, "An Act to Enable Municipalities to Impose a General Business and Occupation Tax." (H. P. 846) (L. D. 1233) reported that the same Ought to

pass in New Draft under new title: "An Act Amending the Charter of the City of Portland Relating to Imposition of a General Business and Occupation Tax." (H. P. 1094) (L. D. 1569)

(Signed)  
 Senator: LETOURNEAU of York

Representatives:  
 COTRELL of Portland  
 JONES of Farmington  
 AYOOB of Fort Fairfield  
 WOOD of Brooks

Five members of the same Committee on the same subject matter reported that the same Ought not to pass.

(Signed)  
 Senators:  
 WYMAN of Washington  
 BROWN of Hancock

Representatives:  
 WATERMAN of Auburn  
 ALBAIR of Caribou  
 BROWN of Fairfield

Comes from the House, reports and Bill indefinitely postponed.

In the Senate, on motion by Mr. Wyman of Washington, the Report B, Ought Not to Pass was accepted.

**Committee Reports — Senate**

**Conference Committee Reports**

The Committee of Conference on the disagreeing action of the two branches of Legislature on Bill, "An Act Amending Certain Provisions of the Employment Security Law." (S. P. 453) (L. D. 1345) reported that the Senate accept the Conference Committee Report and that the House recede from the acceptance of the Ought not to pass report—Substitute the bill for the report; adopt Senate Amendment "A" and "B" and pass the Bill to be engrossed in concurrence with the Senate.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Use of Titles by Unregistered Persons in Practice of Architecture." (S. P. 113) (L. D. 341) reported that they are unable to agree.

Which reports were read and accepted.

**Second Readers**

**The Committee on Second Readers reported the following Bills:**

**House**

Bill, "An Act Relating to Disqualification and Claims for Benefit and Employer's Contribution Rate Under Employment Security Law." (H. P. 871) (L. D. 1258)

Which was read a second time. Mr. Edmunds of Aroostook presented Senate Amendment A (S-290) and moved its adoption. Which amendment was adopted and on further motion by the same Senator, the bill was tabled pending passage to be engrossed and was especially assigned for Friday, June 14.

**House — As Amended**

Bill, "An Act Relating to Partial Unemployment Benefits and Experience Rating Record Under Employment Security Law." (H. P. 872) (L. D. 1259)

Which was read a second time. Mr. Edmunds of Aroostook presented Senate Amendment A and moved its adoption. Which amendment was adopted, and on further motion by the same Senator, the bill was tabled pending passage to be engrossed and was especially assigned for Friday, June 14.

**Enactors**

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

Bill, "An Act Relating to Investigation of Motor Vehicle Accidents by Highway Safety Committee." (S. P. 492) (L. D. 1344)

Comes from the House, Indefinitely postponed on passage to be enacted.

In the Senate, passed to be enacted.

Resolve, Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry. (S. P. 95) (L. D. 232)

Comes from the House, Indefinitely postponed on passage to be enacted.

In the Senate:  
 Mr. EDMUNDS of Aroostook: Mr. President, I move that Item 802 lie on the Special Appropriations Table.

The President declared the Senate at Ease.

Mr. Edmunds of Aroostook was granted permission to withdraw his motion with regard to Item 8-2, L. D. 232.

Mr. EDMUNDS of Aroostook: Mr. President, I might say with respect to the motion I am about to make, that the primary intent of the motion is to bring this body in non-concurrence with the other body, and I now move that the rules be suspended and that we reconsider our action whereby the bill was passed to be engrossed.

The motion prevailed and the Senate voted to reconsider its action whereby the bill was passed to be engrossed; and on further motion by the same Senator, the Senate voted to insist and ask for a Committee of Conference.

On motion by Mr. Edmunds of Aroostook, the Senate voted to reconsider its action taken this morning whereby it passed to be enacted, Bill, "An Act Relating to Investigation of Motor Vehicle Accidents by Highway Safety Committee" (L. D. 1344) (Item 8-1); and under suspension of the rules to reconsider its action whereby the bill was passed to be engrossed.

On further motion by the same Senator, the Senate voted to insist and ask for a Committee of Conference.

#### Order Out of Order

Mr. Cyr of Aroostook, out of order and under suspension of the rules presented the following order and moved its passage:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the matter of providing uniform municipal charters in alternative forms for adoption by municipalities without the necessity of legislative action; and be it further

ORDERED: That the Committee report to the 102nd Legislature such legislation as is necessary to accomplish this purpose.

The order was read and passed and sent forthwith to the House for concurrence.

#### Orders of the Day

Mr. BREWSTER of York: President Marden, would you tell me if L. D. 874 is in the possession of the Senate?

The PRESIDENT: The Chair will reply in the affirmative, having been so requested by the Senator from York, Senator Brewster.

Mr. BREWSTER: Mr. President, as I was one who voted on the prevailing side, I move that we reconsider our action whereby this bill was indefinitely postponed.

The PRESIDENT: The Senator from York, Senator Brewster, moves that we reconsider our action whereby this bill was indefinitely postponed.

Mr. PHILBRICK of Penobscot: Mr. President, seventeen years ago I was attending an institution in the City of Bangor called Bangor High School. At that school we had a Latin teacher who was rather a colorful character, and on occasion—and I might say it was on more than one occasion—when she was a bit peeved with the "Senator" from Penobscot she would say: "Mr. Philbrick, I am shocked, pained and grieved." Ladies and gentlemen, she echoes my sentiments 100 per cent, my feelings toward this honorable body at this particular time.

Last week, as you may well remember, L. D. 874 was first brought out on the floor of this body, and at that time I did what is an unusual thing for me and talked for a rather lengthy time, five or ten minutes, and then without an if and or a but considered, the bill in a peremptory manner was tabled. Yesterday the bill reappeared, was taken off the table, and at that time I made a few remarks and my good friend, the Senator from Aroostook, Senator Cyr made a rather few more remarks and then I will be darned if the bill wasn't indefinitely postponed—no objections raised to the bill, no courtesy extended whatsoever, just peremptorily killed. I think at least it might have been favored with a less drastic motion, but that was the feeling of the Senate at that time, and I hope that today you will reconsider that which you did yesterday, and I would just like to say the following:



First of all, if some manufacturing company such as Raytheon, General Motors, Ford Motors or something of that nature would offer the State of Maine a two hundred million dollar business you all know very well that we would be climbing over one another's shoulders, elbowing each other out of the way in order to welcome those people. The same thing is being done now. President Marden three weeks ago referred to out-of-staters admiring this State apparently more than we do. Well, with one exception, the gentlemen who are interested in promoting the Cross Rock project are out-of-staters, they are experts in their fields, and I do not think you have given them a fair hearing. As I said before, when Senator Ferguson made his motion to indefinitely postpone this bill no opposition whatever was broached, no reasons given why this bill should not pass, so what I would like to do now is, if he does not want to give you the reasons let me give you some of the reasons why they think this bill should not pass, and then let me give you some of the answers to those reasons.

I have in front of me here a letter dated May 14, 1963 from a hastily organized organization called "Save the Allagash." This was distributed to all members of the 101st Legislature.

The first statement:

"Put the State of Maine in the Power Business with no customers in sight."

The answer to that is as follows:

It is an Authority similar to the Turnpike Authority which does not pledge in any form the credit of the State, the liability of the State, or any political subdivision thereof that will be responsible for the construction and power production and related matters pertaining thereto.

New Brunswick and Vermont have already indicated their interest in the purchase of peak power; lower New England has indicated that they can take the total output if the price is near the Engineers' estimate. The present estimate is 9 mills or less delivered in Boston, which is the approximate price for peak power at the plant on the

great Niagara, New York Power Authority Development.

Most power projects commence with the creation of an Authority by a legislative body before any engineering or cost estimates are even made.

Rocky Reach Project, in the Northwest, for which H. Zinder and Associates were power consultants, had no power contracts at the completion of its preliminary investigation. In fact, the private utilities said they would not purchase. However, final studies confirmed the low cost of power and the same private utilities signed for 100 percent of the output. In other words, Maine and New England Utilities will have to buy when the cost of power is proven.

2. The second statement:

"Saddle Maine rate payers with a plant whose power, according to independent and widely experienced engineers would cost more than power from other sources."

The answer to that:

Section 8 of the Bill provides power contracts before the sale of the bonds. The bankers will not guarantee bonds until they know the construction costs; that means that contractor bids and guarantees must be completed.

The so-called "experienced engineers" were provided information by the Central Maine Power Company which was only summary and not detailed information which we had given to the Power Companies. The Central Maine Power Co. paid for the comments and have refused repeatedly to sit down and review these comments with Eastern International Engineering Associates. Why should the Eastern International Associates, who have been responsible for the design and management of over 40 projects, including the current development, be so wrong on this particular project when they have been singularly successful on all others?

Why should the Perini Corporation, whose contractor bid evaluation for 80 per cent of this project was within 3 per cent of the Engineers estimate, be so wrong on this particular project and so competitive on four similar projects they bid this winter?

The third statement: "Whittle down Maine's Timber Industry by destroying from 220,000 to 265,000 acres of prime timberland."

The answer to that:

First, there are only 160,000 acres of productive timberland involved in the flooding of Cross Rock Reservoir.

Some of the Timberland Companies indicate that it would affect their operations deeply; this can't be the case in the St. John Valley, Big Black and Little Black areas because nearly 100 percent of the cut goes into Canada.

In the case of the Allagash watershed, nearly 40 percent of this cut goes into Canada and only about 100,000 cords of pulpwood go to Maine mills annually. After flooding, more than twice this amount can be taken from the same area to the same mills and it can be transported to the railroad either by road or by water.

In fact, the large company that is cutting pulpwood in the Allagash owns 2,225,000 acres in the State of Maine, which is approximately 10 percent of the land surface of the State. Only 75,000 acres of this total amount would be affected by the Cross Rock flooding. In addition, the land this particular company owns outside of the St. John Allagash watershed is greater than the entire drainage area of this project (greater than 3,000 square miles.)

It is recognized by the companies and landowners in these drainage areas that the Cross Rock reservoir would provide sufficient access to the timberlands by water in the summertime and by truck in the Allagash in the wintertime to permit the construction of a new pulp mill in the St. Francis-Fort Kent area. They claim that presently the market is not good enough to establish such a mill—what about 1970 when the project is in operation?

The fourth statement:

"Commit the State to Engineering Studies that might cost \$750,000. (Who would pay the bill; the Maine taxpayer?)"

The answer to that:

Section 2 of the Maine Power Authority Bill spells out clearly that there is no State obligation or a

single tax dollar committed. This legislative body is setting up the framework within which this Authority must operate. The Eastern International Associates have not obligated the State for its work up to date and they have presented to this Committee in writing that they will work for and with this Authority if selected by it as their Engineers under a similar financial plan as that used by the Engineers' associates on the final investigations and construction and power contracts for the Placer County Water Agency of California.

Again, the framework within which the Power Authority must operate is set up in such a way that it can not obligate the State and it is the Authority's responsibility to carry this out and we, as legislators, can only approve the framework of the bill and the Authority is responsible for the carrying out of its operation.

We have now a preliminary report at this time which has advanced the realization of this project by several years and by several hundred thousand dollars. Usually, all that a legislative body has is a natural resource to develop. We have an engineering company that will prove its point and it is apparent that the power companies are afraid that they will do this. All that this engineering company can ask or can receive are normal engineering fees and nothing for their preliminary work unless the project proves out as they have indicated it will.

This State, in summary, would have the following benefits — a \$225,000,000 project and the revenues and pay-rolls, which would be equivalent to the largest industry in the State for a five year period.

What does the State stand to lose if the Power Authority is not created?

The State would lose the control and recreational benefits as well as a \$500,000 a year development fund which would make this section into one of the greatest wilderness attractions in the United States and the largest industry in Aroostook County, with continued benefits to the entire State economy.

The State would lose a \$1,200,000 revenue from power sales and in

40 years, a \$10,000,000 annual revenue after the project is amortized.

The State would lose a \$225,000,000 asset — the Power Project reverting to the State as a legacy to our children.

The State and its people would lose two 400-mile parallel transmission lines which would form the superhighways for importation of cheap power from the project as well as interconnecting the utilities from Kittery to Fort Kent. This transmission grid would cost only three and one-half million dollars annually to own and operate under the Power Authority and nearly eight million dollars annually under the utilities, due primarily to Federal Taxes and guaranteed profits.

The Maine power user would lose his sole opportunity for reduction of 20 percent in his individual residence electric light bill. This is based upon the experience of the Vermont Power Authority which reduced the cost to the home owner from the highest cost in the nation to 14th by purchasing power from the St. Lawrence Power Project since 1958. They are now negotiating with Canada for the purchase of power in order to reduce these rates still lower.

The fifth statement: "Destroy completely and forever one of Maine's most valuable natural resources, the Allagash River."

It will be the first time in history, when this project is built, that the Allagash River as a resource will be put to work to make money other than its use for log-driving and canoeing.

The canoe trips on and in the Allagash will be preserved, further enhanced and developed. There would be only one marked difference — that the canoeist rather than traveling south and north will be traveling generally from west to east in more desirable, unspoiled surroundings from the upper St. John to the grandeur of Mt. Katahdin.

Ladies and Gentlemen: If you turn this down I feel sorry for you and I feel sorry for the State of Maine.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator

Brewster, that we reconsider our action whereby the report and bill were indefinitely postponed.

Mrs. HARRINGTON of Penobscot: Mr. President, I feel that here is a chance for Maine to help itself. This is a new project and should not be allowed to receive the cruel and discourteous death that it received here yesterday. All timberland owners are not against this project. Two weeks ago I was in the office of timberland owners in Houlton. They volunteered the information that Northern Maine needed a cheaper electricity in order for industry to come in, and of all the projects they had studied, Cross Rock was the one they favored at this time.

I feel that the future of the State of Maine lies in the hands of you younger men that are here today and those that will follow you. You cannot come back here every year and raise taxes and taxes. We must have something that is going to bring in money for our State. I might add that I was pleased to read yesterday that Ashland is going to have a mill, so at least that section of the northern part of Maine will have some employment.

I really do not believe that some of you that live in the southern part of Maine realize the desperate condition that Northern Maine is in. They are just financially embarrassed, if that is the way to express it. We need something up there to bring employment to those people. And I earnestly believe that if the Republican Party is to retain its young members and to encourage new ones it should show some signs of a desire to take advantage of Maine's resources and develop them.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Brewster, that we reconsider our action whereby we indefinitely postponed the reports and the bill.

Mr. FERGUSON: Mr. President, I ask for a division.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, asks for a division. All those in favor of the motion of the Senator from York, Senator Brewster that we reconsider our action whereby the reports and bill were indefinite-

ly postponed will rise and remain in their places until counted.

A division was had.

Eighteen having voted in the affirmative and fifteen in the negative, the motion to reconsider prevailed.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Penobscot, Senator Philbrick, that we accept the minority "Ought to pass" report of the committee.

The motion prevailed and the minority "Ought to pass" report of the committee was accepted and the bill was given its first reading and assigned for second reading on the next legislative day.

The President laid before the Senate the first tabled and specially assigned matter, (S. P. 574) (L. D. 1519) Bill, "An Act Relating to a Permit for Processing of Imported Lobster Meat Under Bond," which was tabled on June 6th by Senator Wyman of Washington, pending assignment for second reading.

Mr. WYMAN of Washington: Mr. President and members of the Senate: For the sole purpose of learning the result of a conference scheduled this afternoon between the proponents and opponents to this bill in an endeavor to find an area of compromise, I move that it be retabled and specially assigned for the next legislative day.

The motion prevailed and the bill was retabled and specially assigned for the next legislative day.

The President laid before the Senate the second tabled and specially assigned matter, (H. P. 333) (L. D. 460) Bill, "An Act to Clarify the State Boating Law," which was tabled on June 6th by Senator Stitham of Somerset pending enactment, and on further motion by that Senator the bill was passed to be enacted.

The President laid before the Senate the third tabled and specially assigned matter, (H. P. 313) (L. D. 406) Bill, "An Act Increasing Sales Tax," which was tabled on June 11th by Senator Edmunds of Aroostook, pending passage to be engrossed.

Mr. EDMUNDS of Aroostook: Mr. President, I move the pending question.

Mr. LOVELL of York: Mr. President and members of the Senate: I would hardly be representing York County if I did not have a few more words on this particular bill, and I think what I have to offer would be very conducive to this body. I have an amendment that I would propose later, but I wish to presently speak against engrossment then I would prepare another amendment which I will speak on here shortly.

It has been said that the sales tax will probably continue until it reaches some eight per cent. I feel that if the sales tax goes from three to four per cent at this time that it will be very detrimental to the Republican Party, I think it will be detrimental to the State as a whole.

The Sly report, which you have all read without question, in the third report Dr. Sly states: The simplest way to increase sales tax revenue on the present base is simply to increase the rate. If the rate is raised from three to four per cent an additional nine million will be added.

Now the simplest way sometimes is not the best way, and I state that in this case the simplest way is not the best way.

This report which came out two years ago says that in two years—and they expected the sales tax at that time to go from three to four per cent—Maine will face similar pressures for new revenue. A local supplement to this state sales tax would add still further to a rate increase for any municipality.

Now I charge that the supplier of the Sly report was biased, even though it cost us some fifty thousand dollars, that this report was biased for the simplest way or for increasing the sales to this all-time high, which will be reaching a high in the nation, which in turn will hurt our tourist business and industrial development.

Now in the other body—and I will be careful in my remarks about the other body because if I get out of line I am sure Senator Edmunds

will ask for them to be stricken from the record, so I will be careful as to what I say — but I would state it has been mentioned that I have a great many bills in this session of the legislature, but I would like to bring to your attention the fact, while I have not gone over them thoroughly, I have no bills on the appropriations table for industrial and recreational development, all having been killed in the lower body or the body that somebody might say was in the basement, but which is probably not right to say.

The Industrial Development Council of Maine, which is made up of the State industrial development specialists, supported certain bills which I entered, and every single one of them has been killed. They passed this body but were killed in the other body.

We have had no pay for some six weeks, also I have not made out this amendment in regard to a combination tax because as Senator Jim Elwyn said two years ago, I am getting nothing for my advice so it is worth what I am getting paid, which is nothing.

The city of Portland and various other cities have felt that they definitely need extra revenue to offset the personal property tax and the real estate tax. I have entered measures in this legislature that in most cases would bring back a great deal of money to the State, in fact one which I would think would have meant half a million dollars a year and which an illustrious member of this body spoke on, and I am referring to the Sunday liquor bill, but that did not pass and it seems as though no measures on industrial and recreational development have passed that would bring increased revenue into the State.

Now it is the opinion of many people in York County, and I have heard a great many opinions over the last weekend, that the State sales tax will be a great detriment if increased. Down in Brunswick the business index just yesterday came out with the fact that Maine in the past five years was the lowest state in New England in per-

sonal income increase. Taxes, as you well know, are at a dangerous point. Have we reached our limit of taxation with our limit of income? What started the Revolutionary War and the Boston Tea Party was over taxation. In many counties we are suffering greatly, such as down in Washington County — and I hesitate to go against the good Senator from Washington County because he has helped me a great deal, even last night he gave me several cans of sardines to keep me going the rest of the week. But I do feel we should take the necessary time and not pass this bill to be engrossed, to add to this bill a gross receipts tax.

Now if we take the sales tax, keep it at 3 per cent, and put on a half of a per cent gross receipts tax this would cover all the money that is needed for all the very nice projects that you senators have on the appropriations table, everything down through. Or if we take the sales tax and reduce it to 2 per cent and have a 1 per cent gross receipts tax with this amendment, this again would take care of all the necessary revenue, and here again with an amendment on the bill Portland and various cities that wanted to add on, maybe on the gross receipts tax, or on the sales tax, for their own personal use, could do that, such as the bill that Portland wanted very badly and which I noticed was killed this morning. They wanted very badly to relieve Senator Porteous' business from high taxation as well as many of the other businesses in Portland which are greatly hurt. In York County we have had a great deal of bankruptcies. I campaigned Kittery and the people of Kittery on the streets mentioned, particularly one of the groups I talked to — they said, "Well, we don't mind increasing the sales tax because we are buying all our things in New Hampshire now". The merchants' statement, however, was, "Well, we would like to annex Kittery on to New Hampshire, let you folks have the State of Maine and charge your taxes over here."

So I am in a county that the increase in sales tax will greatly hurt, but a hidden tax will not be

known to the people. Now if you put a hidden tax on, the average person that goes into a liquor store doesn't question the state tax on liquor or how much we are collecting, which is plenty, about a 65 per cent mark-up. They do not question the price of cigarettes with the tax that we have on them because it is a hidden tax. I think it is much better and I think we have much more harmony with our tourists and with our own people if this tax can be hidden.

Now if a sufficient number will vote against engrossment of this bill, about twelve senators, then I will go into the details of a tax. It will not be hard to collect this extra tax. We already have our base rates on the three per cent tax so it would be very simple, and then one percent on the gross business each month can be included in the same check. I think that this is conducive to better government in Maine and will present a tax picture that you can later on add onto, such as the income tax. You can add half a cent on the gross receipts tax and pick up approximately nine or ten million dollars a year. But when we keep raising the sales tax we seem to draw a great deal of publicity, particularly where it is stated that 80 per cent of our tourists come from Massachusetts, and pick up approximately nine or ten million dollars a year. But when we keep increasing the sales tax we seem to draw a great deal of publicity, particularly where eighty per cent of our tourists come from Massachusetts, and with New Hampshire not having a sales tax, a state bordering onto us — they have, unfortunately for us, passed a lottery bill which will take a great deal of money from York County, and at the same time they will not have to have a sales tax over there for some years to come.

Now the amendment which I wish to offer is simply an amendment that the merchants in the area have asked for, that if we must have a sales tax, even three, or if it must go to four per cent, that they would like to have the privilege of including the sales tax in the price as you do on liquor, as you do on

cigarettes, as you do on gasoline. Now you can put a sign up, if you want, indicating that there is a sales tax in Maine, so that people will know it and have a certain amount of satisfaction; but if we can include the sales tax in the price — if we go to a four per cent sales tax, which I am confident for the good of the state and for the good of some political parties we should not do, because I recollect the vote of a year ago, and it was rather close in some instances — but this amendment would allow the merchant to include the sales tax in his price. In other words, if the price of an article was six dollars and a half he would simply move that price to six dollars and seventy-five cents if he so wished, or if he wished to absorb the sales tax himself he could do it.

Now in my own particular case I get certain customers from New Hampshire and I get customers in Maine that kick on the sales tax and I do absorb it myself, because I am on a base rate, I have to pay so much on my gross business every month and if I absorb it myself that is all right. But we would like it so we can advertise, if we so wish, prices of articles which include the sales tax or advertise that the store pays the sales tax. I can see no point in causing the furor and ill feeling of having to put down articles on a piece of paper and saying, "Now here is the state sales tax." I know some of the comments I get. I can see no particular reason why anybody should be against it if the merchant is foolish enough, you might say, to want to pay the sales tax himself he should be allowed to, or if he wants to include it and up his price, without saying "plus sales tax", put the price down and include the sales tax, which is now against the law, I think that he should be allowed to do that and so advertise it.

So I would like to present Senate Amendment "C" on this L. D. 406 and move its passage. I would ask for a division on this amendment and also ask for a division on the passage to be engrossed of the sales tax bill. Thank you for your courtesy, and I am sure that

you will be doing the right thing if you go along with the amendment.

Senate Amendment "C" was read by the Secretary.

Mr. EDMUNDS of Aroostook: Mr. President, I would move for the indefinite postponement of Senate Amendment "C" and would ask for a division when the vote is taken.

A division was had. Nineteen having voted in the affirmative and fourteen in the negative the motion prevailed and Senate Amendment "C" was indefinitely postponed.

Mr. LOVELL of York: Mr. President, I appreciate the people in the Senate that voted for this amendment, however I would like to ask for a division on the passage of this bill to be engrossed. I think, for the reasons that I have mentioned, combining the sales tax with a gross receipts tax, which is done in eight other states, and some states have simply the gross receipts tax, I think that this is a step in the right direction, a step that can eventually mean a great deal more money for the State of Maine in taxes without causing too much disruption and dissatisfaction amongst the citizens of Maine. So I would like to ask for a division on this motion for engrossment.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: I rise in opposition to this bill. First of all, the federal government tells us that we should have a cut in our taxes this year and yet the State of Maine tells us that we should have an increase in our taxes this year. The federal government feels it would help the economy of the country if we did have a tax cut, but the State of Maine does not feel that way, they feel we should have another cent of sales tax.

Let me point out that a new industry coming to our city brought in two and a half million dollars of machinery and you can just imagine how much taxes they had to pay on this machinery. How do we think that we can lure industries to come into the State of Maine by telling them we are going to have an extra cent of sales tax on your machinery when you do step into the State of Maine. They are go-

ing to pick them up in Kittery maybe or let them go through Portland and pick them up there.

As you know, ladies and gentlemen, in the past three or four years with the survey that the federal government had, it was indicated that we had more bankruptcies in this state than any other state, so that does not indicate that the state is doing well. We are putting millions of dollars into the Department of Economic Development and we are attracting industries but we are taxing them to the bone. I believe if we had a few bills here allowing more revenue for the State of Maine, like the Sunday liquor law or the State lottery we would be better off, but that never got to the front door and it was killed. So, at this time, Mr. President and members of the Senate, I move indefinite postponement of the bill and accompanying papers.

The PRESIDENT: The Senator from Androscoggin, Senator Jacques, has moved the indefinite postponement of L. D. 486 and its accompanying papers. The Chair recognizes the Senator from Aroostook, Senator Edmunds.

Mr. EDMUNDS of Aroostook: Mr. President, I would ask for a division on the indefinite postponement motion.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate, I think that you all are aware of my feeling on the sales tax and I am rising here with pleasure and supporting the indefinite postponement of this bill. As long as we are going to stand here and keep on taxing people that cannot afford to pay, I will vote against it. There are too many people who cannot afford to pay the taxes even if you claim that it is an equal tax. I still base myself on the fact that it is a crime to collect taxes from people on pensions, people that really cannot afford it and take away the money that they need to eat three meals a day and a very low place to sleep. As long as we are going to take the stand that we'll keep taxing these people I will be up on my feet and vote against any of those measures. You might as well hit your head against the walls

of the state house and that is the same thing as trying to take any step toward relief for these people who cannot afford to pay the taxes. I will support that motion. Yesterday I got up twice alone and if I have to I'll get up alone again.

Mr. REED of Sagadahoc: Mr. President and members of the Senate, at this point I actually don't know whether I rise to support the motion to indefinitely postpone or not but I would like to say a few words in regard to taxation. I thought I made myself clear once before but from what the papers say, I guess I did not. I would only say this, that if it comes between a sales tax and an income tax, I personally, and I speak as an individual, would favor the increase in the sales tax. However, I feel that there is an in between. There are other measures. I think you could compare taxation maybe to a piano keyboard and the more keys you have to play the better tune you can have. I feel that the base of the sales tax could and should be broadened. I realize that there are individuals who lobby that are opposed to this and I realize that the cent increase is the easiest method to raise money but I question whether it is the best method.

I would like to make my stand clear on it and I therefore believe that we probably should keep this bill alive as a vehicle because I also would like to see us save money and I would agree with the President who seems to think that our present federal income tax is handicapping our economic growth and for that reason I take my stand against an income tax here in Maine because I feel that this would also handicap our economic growth even though it may not be stepped up proportionately as high as the federal income tax. As I started to say before, I believe I will vote against the motion to indefinitely postpone. However, I will ask for a division and vote against the bill in its present form.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Jacques, that the bill be indefinitely postponed and a division has been requested.

A division of the Senate was had.

Six having voted in the affirmative and twenty-six opposed, the motion did not prevail.

The PRESIDENT: The question now before the Senate is the motion of the Senator from Aroostook, Senator Edmunds, that the bill be passed to be engrossed. A division has been requested.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, on the first reading of this bill, I paired my vote and indicated that I would have voted No. I want to say now that I intend to vote for the bill on the second reading, not because I am completely satisfied that this is the best way to raise revenues for our needs here in the state but because I believe it represents a minimum effort and one that must be supported if we are to have fiscal responsibility. I prefer another form of taxation which would place the burden more squarely upon those who are able to pay but I do intend to support this so that we may proceed to maintain the status quo in this state with regard to our services. I do not believe that the passage of this bill provides enough funds for the needs of the state but it is the best available to us.

Thereupon, a division of the Senate was had.

Twenty-three having voted in the affirmative and eight opposed, the motion prevailed, and the bill was passed to be engrossed.

Mr. COUTURE of Androscoggin: Mr. President, would it be possible to have a count of the Senators present?

The Secretary made the count.

The PRESIDENT: The Chair will inform the Senator from Androscoggin, Senator Couture, that the Secretary has counted the Senate and there are thirty-one Senators present. Thirty-one voted in the last vote. The vote was twenty-three to eight.

The President laid before the Senate Item 1-2, Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays" (H. P. 930) (L. D. 1364) tabled earlier in today's session by Senator Stitham of Somerset pending passage to be engrossed.



Mr. STITHAM of Somerset: Mr. President and members of the Senate: As you know, I have been opposed to this bill from the very beginning. I signed an "Ought not to pass" report and I attempted to convince the other members of the Senate to indefinitely postpone this measure, and in this respect I failed.

Yesterday indefinite postponement of this bill failed in the other body, and as a lawyer I can see the will of the majority must govern. I feel, however, that certain persons have acted in good faith under the law which existed prior to the passage of this bill. Historically, the last legislature, the 100th broadened the Sunday law in many respects and added a local option provision. The very persons who came before our committee to remove the local option law I understand were the same persons who agreed to this very legislation in 1961.

Now the broadened law resulted in many municipalities exercising the opinion given them to allow the operation of stores and other facilities which were not specifically exempted. Relying on this law, many persons have made investments and incurred mortgages and other contractual liabilities, and I feel that at the very least these people should be protected. While I fully realize the legislature has every right to change the existing law and that those persons who relied on the law were charged with the knowledge that the legislature had the prerogative to change the law, I believe that this is an area where the law must be clearly tempered with mercy. Therefore I am offering Senate Amendment D to this bill and will presently move its adoption.

The amendment is very restrictive and merely states that any person who could legally operate on Sunday prior to the effective date of this bill and did in fact operate on the Sunday preceding the effective date of the bill shall be allowed to continue to operate on the days specified in this bill. To the best of my knowledge this would probably cover four stores in the entire State of Maine out of the many hundreds or thousands that must

exist. I believe that this is the very least we can do if we are going to draw these arbitrary and capricious distinctions and I further call to your attention that the present law allows the local option provision to be exercised only at a regular municipal election and that there will be no opportunity for a lot of people to jump on this hand-wagon. All town meetings must be held in March and the ninety days period prior to the effective date of this act will probably be the months of July, August and September. I know of no municipality which has a regular municipal election during these months although I could be mistaken.

Now, I want to further call to your attention, and I hope you will read and follow me on the particular points that I am going to make. These are strictly legal and I am sure that we have made a great mistake here. The bill will accomplish just the opposite of what is intended. If you will — I might state first that one of the main reasons why those who did go along with this bill, did go along, was on the expressed representation that our corner neighborhood grocery stores would be allowed to remain open. I am sure that we all understood that. I say that this bill would close all of your corner grocery stores, and in support of that, if you will start at the beginning of this act it starts out with the words, "This section shall not apply to" then comes a colon. Following that, separated by semicolons are the various exemptions, taxicabs, airplanes, radio and television stations, newspapers, hotels, etc. And I call to your particular attention that in this bill, grocery stores which were formerly exempted, which are presently exempted under our law, the words "grocery stores" were deleted from this particular bill, so that they are not exempt under this proposed legislation.

So we have, as I have said, "This section shall not apply to" and then we have the exemptions. Then we come down to the words "provided that this section shall not exempt the business or facilities specified in sections 39, 40 and 41

from closing in any municipalities until the requirements of those sections have been met". I merely mention that particular thing because that is separated by a semi-colon from the following: "stores wherein no more than five persons including the proprietor are employed in the usual and regular conduct of business; stores which have no more than five thousand square feet of interior customer selling space, excluding backroom storage, office and processing space." Now you might say there is a question as to whether that semi-colon which precedes that last clause which I read, "stores which have no more than five thousand square feet" and so forth, you might raise a question which of those two previous clauses does that refer back to? If it refers back to the first one, "This section shall not apply to" it reads, "This section shall not apply to". . . . "stores wherein not more than five persons including the proprietor are employed in the usual and regular conduct of business, stores which have no more than five thousand square feet of interior customer selling space, excluding backroom storage, office and processing space'. In that case there is a double negative there. It is just the opposite from what the intent is.

If you want to construe those words following the semicolon to the other which says "provided that this section shall not exempt" and then go down, you again have a double negative and I insist upon that, that it is not what we intend and for that reason to protect those who have made investments in good faith, have incurred liabilities in good faith and to take care of the neighborhood grocery stores that we all want to remain open and to be just and fair I now present Senate Amendment D which is Filing 289, which is well-known grandfather clause, and I move its adoption.

The Secretary read the amendment.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, I rise in opposition to the adoption of the amendment presented by Senator Stitham of Somerset. I don't know exactly where to start in opposition to this amendment but

I feel that it would negate all the work and effort and the time put into correcting the 100th Legislature's bill which did have local option.

The intent of local option, I think those of you who were here at that time know, was to make sure that the communities in our vacation areas were able to keep their stores open during the brief vacation season, not only to get business but to service the vacation and travel business during that period of time. When the Senator from Somerset, Senator Stitham says that some people in good faith have expanded their businesses, they probably did it with the full knowledge that in the town in which they were situated, the mandate of the voters that they remain open, could be reversed at any particular time by an election and by the same petitions through which they were allowed to remain open.

As far as grocery stores are concerned, the grocery stores had this added to this bill by their own request and I know very well the head of one of the grocery companies who told me for instance, when I said to him, in Franklin County where there is probably no store of over five thousand feet, he said, "Well, I think ours is in Farmington, but we want to stay closed anyway." So as far as grocery stores are concerned, they are taken care of to their own satisfaction. As for the small corner store which many of us consider a necessity on Sunday to pick up a bottle of milk or a loaf of bread or a newspaper or something like that, I asked the Bureau of Public Improvements, the measure of the Hall of the House. It is roughly 4688 square feet, so we are talking about a store, the minimum size of which would be something larger than the Hall of the House. This, in my opinion, and I think in reflecting on the grocery stores in your town, would not be called a small grocery store; I think it would be a rather large one.

Finally coming to the advisory opinion handed down by the Supreme Judicial Court of the State of Maine in which they upheld while giving their opinion that this

was constitutional, — I read from Friday's calendar in case you would like to read anything more complete from it — but on page 5 of that calendar, the second sentence in the top paragraph "one purpose thereof is the elimination of concentrations of traffic and the hustle and bustle on Sundays caused by the business operations of large merchandising concerns which tend to create unreasonable interference with the efforts of the vast majority of citizens to find rest and leisure on those days."

I can only find one humorous part to this whole thing here and that is that one of the cases that they cite which I think you will appreciate is "Two Guys vs McGinley." It sounds like something out of a barrcom and not out of a department store.

In paragraph 2, "The legislature could properly take into account the economy of the state and the dependency of many small stores and shops on the patronage of vacationers and tourists." For precedence in our own laws as well as laws of other states and the law of the land, and in the law of the land which they didn't happen to cite, size is given as a measuring stick for whether a department store is included under the federal laws governing minimum wage, stores which do a million dollars of business or over are governed, and those which do less are not, the Supreme Court advisory opinion stated, and I read in part from the 3rd paragraph on page 5, "The Workmen's Compensation Law is not applicable to employers of fewer than six employees. The Employment Security Law is not applicable to employers of fewer than eight employees.

This, of course, was one of the reasons that the other body saw fit to very narrowly defeat this bill at one time and as you have seen, they have reversed their judgment since the Supreme Court has handed down this advisory opinion.

The amendment under consideration would defeat the purpose and the beneficial effects for all of Maine that are contained in this bill. I respectfully request that when

the vote is taken it be taken by a division and that this amendment not be adopted.

Mr. NOYES of Franklin: Mr. President, I have always been against the Sunday closing bills because I think this law illustrates a situation which I think we are going to find ourselves in.

Of course you have Supreme Court ruling here and there are several businesses in my area who will be forced to go to the expense of hiring lawyers. I'm sure they won't hire him. They will probably have to test out the provisions here. Now you can read this L. D. very carefully and in my opinion there are several loopholes and possibly there are other items which can be interpreted in several ways. I am willing to go along with the majority of the people and support the MacGregor bill, but it seems that in every legislature we keep changing the law and it seems too bad that some of these people must be put to the expense of trying to get opinion.

Now the Senate Amendment which has been offered is very frankly a grandfather clause, and throughout the past in this legislature, in years past, we have many examples, where we have abruptly changed the law, we have also provided for a grandfather clause which would ease the situation and says that they could continue, if in fact they were operating legally and under the law, until such time as the whole thing is straightened out. For that reason I think we should give it consideration.

One thing that has bothered me and this is not a moral-religious issue, this Sunday closing bill, but I have noticed many attempts in this legislature to legislate people out of business and it worries me. On the one hand we are asked to vote for a sales tax, and I am glad to vote for it, but there seems to be more and more specific attempt to legislate people out of business and the facts and figures show that Maine is leading in the fifty states those now in bankruptcy, that Maine indicators last months showed four per cent under last year and it just bothers me. Whether this is one person — they say "Well this

only applies to four businesses" — a man that was talking with me in my county said that this would cost him \$100,000. I don't know whether he was right or wrong. Maybe he is wrong. But under the grandfather clause at least he could keep going. We don't have to worry about him too much anyway, because he has finally got to the age that in a couple years or so if he can find somebody to buy the business, he is going to Florida.

Mr. **ATHERTON** of Penobscot: Mr. President and members of the Senate, I rise to briefly say that it does seem to me that the adoption of this amendment would nullify the entire bill and by its adoption it would leave us with the situation that exists today and make the bill of practically no effect at all. I do not believe, and I feel it is the purpose of the sponsors of the bill not to put anybody out of business but to allow the smaller stores, the gift stores and the others to continue to remain open on Sundays and holidays. I oppose the adoption of the amendment.

Mr. **LOVELL** of York: Mr. President, I would just like to ask a question. Probably I should know. If a store has three thousand square feet for example and has seven clerks, over the amount of five, does that close them even if they are under five thousand square feet?

The **PRESIDENT**: The Senator from York, Senator Lovell poses a question, through the Chair, to any Senator who may answer if he chooses.

Mr. **NOYES** of Franklin: Mr. President, the answer is Yes. This is one of the problems that I am facing.

Mr. **STITHAM** of Somerset: Mr. President, just one thing in rebuttal on the remarks of the Senator from Cumberland, Senator Porteous, I wish to set straight the impression that I don't think he intended was that the Supreme Court has said that this law as written is constitutional. Two questions were propounded to the Supreme Court as I understand it. One was, Can you pass legislation using the yardstick of five employees or the yard-

stick of five thousand square feet, or any number of square feet? The Supreme Court says that is all right. It did not pass upon the constitutionality on the bill as it is written. And I am quite sure if the good Senator would follow those double negatives, he will find that this bill will do the opposite of what he wants. I suppose, since I am opposed to it, I should just let it go through without saying anything, but I don't like to see poor legislation, improper legislation, passed by this honorable body.

Mr. **FARRIS** of Kennebec: Mr. President, I would first like to correct — I think at one time this bill may have been written in the alternative but as it is written now it uses as a yardstick, both size and number of employees and I think that the answer to the question of the Senator from York, Senator Lovell, would be that if you were under in size, the number of employees you had would be immaterial.

I might also further point out, and incidentally I went through this two years ago as Chairman of Legal Affairs, and I was kept groggy for about four months trying to work something out and I am satisfied that there is no such thing as a good Sunday closing law but I still am not satisfied that we should have everything wide open rather than completely closed. People are still trying to work out compromises and I think that will continue for a while.

But in relation to the motion now before us on the so-called grandfather clause, whether the grandfather clause is enacted or whether it is defeated it still will be necessary to have an amendment introduced merely as a clarification amendment and placed in the proper section of this bill, those two sections or provisions applying one to size and one to the number of employees. So we certainly should not confuse the issues and I certainly think it was very fair of the Senator from Somerset, Senator Stitham to point out what could have been an inconsistency in this measure if it is not corrected, at a later date.

The PRESIDENT: The question is on the motion of the Senator from Somerset, Senator Stitham, that Senate Amendment D be adopted. A division has been requested.

A division of the Senate was had.

Twelve having voted in the affirmative and twenty-one opposed, the motion did not prevail, and Senate Amendment D failed of adoption.

Mr. LOVELL of York: Mr. President, I would like to offer Senate Amendment C and move its adoption and speak briefly on the amendment which is S-248.

Mr. President and members of the Senate, I will be very brief. I do not mean to be misunderstood when I say this and I mean it in all respect, but in my humble opinion the failure on the Sunday Liquor Bill to be passed by the legislature will be considered in years to come as a major failing of this group, purely from an economic point of view. This amendment simply calls for hotels in the state which have a liquor license to serve cocktails in their dining rooms only from 1:30 to 8 p.m. This will mean approximately \$400,000 a year to the state which will give us substantial funds to pass many of the good L. D.'s on the table and it will mean a great deal more in the tourist business all year round to the state of Maine. I would hope this morning that those that drink wet would vote wet and those that vote dry will be non-voters. I hope we can separate the men from the boys this morning and pass this amendment.

The Secretary read Senate Amendment C.

Mr. LOVELL of York: Mr. President, I request a division when the vote is taken.

Mr. WHITTAKER of Penobscot: Mr. President, I move for the indefinite postponement of Amendment C.

Mr. JACQUES of Androscoggin: Mr. President, I ask for a division.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, I think I have been on record as to how I feel about the Sunday sale of liquor. It would be an economic advantage to the state but I don't regard it as belonging

in any part of this bill. It had its chance in this legislature to stand on its own feet and so has the MacGregor bill, and I think that anybody in all fairness would not vote in favor of this amendment to try to get in the back door the run under any false colors. While I favor Sunday sale I do not believe in fairness that it would be right to adopt it as a rider to this particular measure and it would certainly be an insult and a grave injustice to the many thousands of people who have based their hopes and prayers on the action of this Senate that has been taken.

I respectfully ask that this amendment be indefinitely postponed in agreement with the motion of the Senator from Penobscot, Senator Whittaker.

Thereupon, a division of the Senate was had.

Twenty-three having voted in the affirmative and nine opposed, Senate Amendment C was indefinitely postponed.

Mr. ATHERTON of Penobscot: Mr. President, in order to examine the inconsistencies mentioned, I move that this be tabled until tomorrow.

The motion prevailed and the bill was tabled pending motion to recede and concur.

The President laid before the Senate Item 4-2 Joint Order, Senate Paper 624, tabled earlier in today's session by Senator Farris of Kennebec pending passage.

Mr. FARRIS of Kennebec: Mr. President, I just would like, before the Order is acted upon, to place in the legislative record, the intent of this order. The intent of the order is that there be a study of the so-called non-profit institutions which enjoy charitable immunities as a doctrine of the law established by case law in the State of Maine, and also that the study committee if it is ordered to make a study shall also study the immunity of governmental entities which would include the government of the State of Maine as such, municipal governments, turnpike authorities and all entities which are allied in any way to governmental operations. I might also point out that there

have been two bills before the legislature touching upon this subject, and one reason that the Judiciary Committee did not wish to take any action on either of the bills at this session was because a similar issue is pending before the Supreme Court of the State of Maine and it was felt that the legislature should not indicate any legislative intent upon this subject matter until after the Court had rendered its decision.

I certainly want it in the record for the future that passage of this order or rejection of this order should not in any way ever be interpreted by a Court as having any significance in relation to legislative intent on this particular subject. At this time I move passage of the order.

Thereupon the order received a passage.

Sent down for concurrence.

The PRESIDENT: With regard to Item 8-2 on today's calendar, the Chair will appoint as Senate conferees, Senators: Noyes of Franklin, Porteous of Cumberland and Edmunds of Aroostook.

With relation to Item 8-1, the Chair will appoint as Senate conferees,

Senators: Porteous of Cumberland, Stitham of Somerset and Brooks of Cumberland.

Mr. Edmunds of Aroostook was granted unanimous consent to address the Senate.

Mr. EDMUNDS of Aroostook: Mr. President, I merely want to state that there will be an executive session of the Appropriations Committee in Room 317 at two o'clock this afternoon, and also to add that with respect to the motion I am about to make, I do not anticipate that the recess will last over ten to fifteen minutes.

Thereupon, on motion by Mr. Edmunds of Aroostook

Recessed to the sound of the gong.

#### After Recess

Senate called to order by the President.

There being no further business to come before the Senate,

On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow morning at ten o'clock.