

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, April 25, 1961

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

Prayer by the Rev. Mr. Philip G. Palmer of Gardiner.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of eighth grade students from the Buker School in Augusta, accompanied by their teachers, Mrs. Helen Johnson and Mr. James Lewis.

Also in the gallery are about twenty-five members of the Problems of Democracy Class of Williams High School of Oakland, accompanied by Ralph Atwood, a teacher, and Phil Harris, the Principal.

On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

The Chair also recognizes in the balcony with the group from the Buker School the Representative from Augusta, Representative Humphrey. (Applause)

The SPEAKER: Also in the gallery there are about fifty eighth grade students of the Elementary School of Warren, accompanied by their teachers, Mrs. Del Maxey and Mr. Vernon Jordan.

On behalf of the House, the Chair extends to you also a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

**Papers from the Senate  
Senate Reports of Committees  
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve Proposing an Amendment to the Constitution to

Permit the Term of Governor to Coincide with that of the President of the United States (S. P. 360) (L. D. 1093) reporting that the Resolve be recommitted to the Committee on State Government.

(Signed)

MAYO of Sagadahoc  
ERWIN of York

— Committee on part of Senate

HAUGHN of Bridgton  
DENNETT of Kittery

— Committee on part of House

Came from the Senate with the Report read and accepted and the Resolve recommitted to the Committee on State Government.

In the House, the Report was read and accepted in concurrence and the Resolve recommitted to the Committee on State Government in concurrence.

**Ought to Pass in New Draft**

Report of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes (S. P. 305) (L. D. 893) reporting same in a new draft (S. P. 515) (L. D. 1535) under same title and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the New Draft read once and tomorrow assigned.

**Ought to Pass**

**Referred to 101st Legislature**

Report of the Committee on Industrial and Recreational Development reporting "Ought to pass" on Bill "An Act to Create the Maine Recreational Facilities Authority Act" (S. P. 419) (L. D. 1358)

Came from the Senate referred to the 101st Legislature.

In the House, the Report was read and referred to the 101st Legislature in concurrence.

**Non-Concurrent Matter**

Resolve Proposing an Amendment to the Constitution Relating to Residence Requirements to Vote for President and Vice-President (S. P. 238) (L. D. 642) on which the House accepted Report "B",

"Ought not to pass" of the Committee on State Government in non-concurrence on April 20.

Came from the Senate with that body voting to insist on its former action whereby Report "A" was accepted and the Resolve passed to be engrossed, and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. NOYES of Franklin

ERWIN of York

PORTEOUS of Cumberland

In the House: On motion of Mr. Dennett of Kittery, the House voted to adhere.

#### **Non-Concurrent Matter**

Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act to Reimburse Town of Thomaston for Cost of Municipal Services Provided for the State" (H. P. 705) (L. D. 983) which was accepted in the House on March 29.

Came from the Senate with the Report and Bill recommitted to the Committee on State Government in non-concurrence.

In the House: On motion of Mr. Dennett of Kittery, the House voted to recede and concur with the Senate.

#### **Non-Concurrent Matter**

Resolve Authorizing Study of Road from Allagash Plantation to the Canadian Border (H. P. 746) (L. D. 1032) on which the House accepted the Minority "Ought to pass" Report of the Committee on Highways and passed the Resolve to be engrossed on April 12.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Gallant of Eagle Lake, the House voted to insist and ask for a Committee of Conference.

#### **Non-Concurrent Matter**

Bill "An Act Declaring Abandoned Cellars to be Nuisances" (S. P. 348) (L. D. 1081) which was indefinitely postponed in non-concurrence in the House on April 20.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed

to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. FARRIS of Kennebec

BOARDMAN of Washington

MAYO of Sagadahoc

In the House: On motion of Mr. Hardy of Hope, the House voted to adhere.

#### **Petitions, Bills and Resolves Requiring Reference**

The following Bills, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than one-tenth of the members present objecting, were received and referred to the following Committee:

#### **Sea and Shore Fisheries**

Bill "An Act relating to Taking of Alewives in Waters Leading to Winnegance Lake." (H. P. 1129) (Presented by Mr. Schulten of Woolwich)

Bill "An Act Regulating the Taking of Alewives in East Machias". (H. P. 1130) (Presented by Mr. Dennison of East Machias)

(Ordered Printed)

Sent up for concurrence.

#### **Orders**

On motion of Mr. Brown of Fairfield, the House voted to reconsider its action whereby on April 21 it passed to be engrossed Bill "An Act Revising Minimum Wage Law," House Paper 1115, Legislative Document 1537.

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

Mr. BROWN: Mr. Speaker, I now move that the House reconsider its action whereby on April 21 it adopted House Amendment "A."

The SPEAKER: The gentleman from Fairfield, Mr. Brown, moves that the House reconsider its action of April 21 whereby it adopted House Amendment "A." Is this the pleasure of the House?

The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, I would debate this amendment if it is permissible—

The SPEAKER: Is the gentleman debating the reconsidering motion?

Mr. KNIGHT: I am.

The SPEAKER: The gentleman may proceed.

Mr. KNIGHT: The amendment that was offered last Friday only clarified the law in that it accepted—or rather it took from the—

The SPEAKER: Will the gentleman from Rockland, Mr. Knight, and the gentleman from Fairfield, Mr. Brown, approach the rostrum, please. The House will be at ease.

(Conference at rostrum)

The SPEAKER: The House will be in order.

The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, I withdraw my objections and wish that my remarks be stricken from the record.

The SPEAKER: The question before the House is the motion of the gentleman from Fairfield, Mr. Brown, that the House reconsider its action whereby on April 21 it adopted House Amendment "A." Is this the pleasure of the House?

The motion prevailed.

Mr. Brown of Fairfield then offered House Amendment "A" to House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "A" to H. P. 1115, L. D. 1537, Bill, "An Act Revising Minimum Wage Law."

Amend said Amendment by striking out all of the 8th line and inserting in place thereof the following:

'the violation of section 132-C, shall have authority to enter'

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

The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, due to these maneuverings I feel that the House deserves an explanation, and I hope that the gentleman from Rockland, Mr. Knight, and the gentleman from Fairfield, Mr. Brown, will explain this situation.

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

Mr. BROWN: Mr. Speaker, the reason for my offering this amendment is this, that under the present amendment before the adoption of this one, it makes it mandatory for the Commissioner of Labor to enter into a plant on any complaint. This simply gives her discretionary powers; she does not have to enter the plant on every complaint. She has the authority to, but she doesn't necessarily have to do it.

For example, all interstate commerce and business is controlled by the Wage and Hour and if a complaint is received from a business doing business in interstate, it wouldn't be necessary for the Commissioner to enter that place of business and inspect the records. So therefore she would have discretionary power not to do it in those instances. That is my primary reason.

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

Mr. CURTIS: Mr. Speaker, it would be most helpful to me—whether it would any of the other members, to know what is the number of these amendments, and I do not have amendment 214 and this other amendment, they didn't give us any number and I don't know just what they are talking about.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, those numbers are filing number H-214 and filing number H-207.

The SPEAKER: Will the gentleman from Rockland, Mr. Knight, approach the rostrum please.

(Conference at rostrum)

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House, and Representative from down east, Mr. Kennedy of Milbridge: The amendment that I offered last Friday limited the records that could be examined to those records that will now be required by law to be kept. The original L. D. 1537 made it manda-

tory, however, that any complaint whether it is scrutinous or not, received by the Commissioner of Labor, be investigated. This might possibly mean added personnel would be needed.

This amendment, as I understand it, to my amendment, strikes out that mandatory part and gives the Commission discretion as to whether or not investigation is needed on a complaint. And after it was explained to me in the well of the House here, I feel at first blush that it is a good amendment and I am in favor of it.

The SPEAKER: The question before the House is the motion of the gentleman from Fairfield, Mr. Brown, that House Amendment "A" to House Amendment "A" be adopted. Is it now the pleasure of the House that this Amendment be adopted?

The motion prevailed and House Amendment "A" to House Amendment "A" was adopted.

House Amendment "A" as amended by House Amendment "A" thereto was adopted.

Thereupon, Bill "An Act Revising Minimum Wage Law" was passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

On motion of Mrs. Harrington of Patten, it was

ORDERED, that Mrs. Smith of Falmouth be excused from attendance today because of business.

On motion of Mr. Edwards of Stockton Springs, it was

ORDERED, that Mr. Wade of Skowhegan be excused from attendance today and tomorrow because of business.

On motion of Mrs. Baker of Orrington, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

On motion of Mr. Wheaton of Princeton, it was

ORDERED, that Mr. Maddox of Vinalhaven be excused from at-

tendance this week because of business.

### House Reports of Committees Leave to Withdraw

Mrs. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Automobile Travel by State Employees" (H. P. 540) (L. D. 784) reported Leave to Withdraw

Mrs. Baker from the Committee on Towns and Counties reported same on Bill "An Act Exempting Town of Alfred from Apportionment of County Tax" (H. P. 364) (L. D. 516)

Reports were read and accepted and sent up for concurrence.

### Ought Not to Pass

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Reestablishing Western Maine Sanatorium in Hebron" (H. P. 87) (L. D. 127)

Report was read and accepted and sent up for concurrence.

### Tabled and Assigned

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Repealing Appropriation for Tuberculosis Hospital Building at Community General Hospital in Fort Fairfield" (H. P. 788) (L. D. 1266)

Report was read.

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

Mr. CHAPMAN: Mr. Speaker, I would like to have this item tabled until May 3.

The SPEAKER: The gentleman from Norway, Mr. Chapman, moves that L. D. 1266 be tabled until May 3 pending acceptance of the Committee Report.

Mr. Hopkinson of Fort Fairfield then requested a division.

The SPEAKER: A division has been requested on the tabling motion. All those in favor of the tabling motion please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Sixty-seven having voted in the affirmative and fifty-two having

voted in the negative, the motion to table did prevail.

Mr. Drake from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Appropriating Funds to Purchase Land Adjacent to Maine State Prison (H. P. 651) (L. D. 929)

Report was read and accepted and sent up for concurrence.

Mr. Jalbert from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Providing for Purchase of "Breath - Test - Meters" (H. P. 728) (L. D. 1016)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I would appreciate it if this item six could be tabled until day after tomorrow, April 27.

Mr. Jalbert of Lewiston then requested a division.

The SPEAKER: A division has been requested on the tabling motion. All those in favor of the tabling motion please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Twenty-nine having voted in the affirmative and ninety-eight having voted in the negative, the motion to table did not prevail.

The SPEAKER: Is it now the pleasure of the House to accept the Committee Report?

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

Mr. CURTIS: Mr. Speaker, I think this is a very good bill. At least it was aimed at helping out people who are driving on the highways, that they might drive in safety. It has a very small cost and it would be a great help in order to hinder the use of alcoholic beverages while driving. Now all of those who don't care if they get killed why then they should vote to kill this bill. If you are really interested, then you may go down to the Secretary of State's office and you will find that there is something over fifty who were

killed on highways last year, and alcohol was the exact cause. And someone — I haven't checked with the last year but two years ago seventy percent of all the severe accidents, alcohol was involved in some way or another.

So this is just simply — and I don't see how anyone could possibly want to throw this in the wastebasket, because you are all driving every day, and I hope that you will not move to kill it.

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

Mr. JALBERT: Mr. Speaker, in answer to the gentleman from Bowdoinham, Mr. Curtis, number one: people who drink shouldn't drive; number two: the State Police didn't appear on this bill; and number three: the small item he mentioned is \$50,000. So let's go along with these things and we will wind up with a nine percent sales tax.

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

Mr. CURTIS: Mr. Speaker, I might answer my good friend, Mr. Jalbert, that the State claims that the loss of one adult life is a loss of \$125,000 to the State. So I do say it's a small sum, the \$25,000 or \$50,000 put up against some fifty people who lose their lives because of alcohol.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In further answer to the gentleman from Bowdoinham, Mr. Curtis, I never knew there was a price tag on anybody's life.

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

Mr. BRAGDON: Mr. Speaker, I need not call attention to the House that this was a unanimous report of the Appropriations Committee. I am sure they gave this matter careful consideration, and in arriving at this decision they felt there might be merit in these "Breath - Test - Meters," but that the time had not yet come to put them into operation in the State of Maine.

I hope you will go along with the report of your committee.

The SPEAKER: All those in favor of accepting the "Ought not to pass" Report say aye; those opposed, no.

A viva voce vote being taken, the "Ought not to pass" Report was accepted and sent up for concurrence.

Mrs. Smith from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Establishing Control Program for Mosquitoes in Cranberry Isles (H. P. 378) (L. D. 553)

Mr. Danes from the Committee on Towns and Counties reported same on Bill "An Act relating to Special Deputies for Kennebec and Penobscot Counties" (H. P. 167) (L. D. 230)

Same gentleman from same Committee reported same on Bill "An Act Permitting Counties to Expend Money for Advisory Organizations" (H. P. 354) (L. D. 506)

Mr. Jones from same Committee reported same on Bill "An Act relating to Fees of Deputy Sheriffs for Court Attendance" (H. P. 275) (L. D. 389)

Mr. MacGregor from same Committee reported same on Bill "An Act relating to Certain Per Diem Fees of Deputy Sheriffs" (H. P. 166) (L. D. 229)

Reports were read and accepted and sent up for concurrence.

#### **Tabled and Assigned**

Mr. MacGregor from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act Increasing Appropriation to Promote and Advertise County Resources and Attractions" (H. P. 911) (L. D. 1245)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Davis.

Mr. DAVIS: Mr. Speaker: This bill which I sponsored, there is a bill of a somewhat similar nature which is still in the committee, and therefore I would feel that it might be wise to table this unsigned.

The SPEAKER: Will the gentleman approach the rostrum, please.

(Conference at rostrum)

Mr. DAVIS: Mr. Speaker, I now withdraw my motion and move that this lie on the table until May 3.

The SPEAKER: The gentleman from Calais, Mr. Davis, withdraws his unassigned motion and moves that it be tabled until Wednesday, May 3, pending acceptance of the Committee Report. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

#### **Ought to Pass in New Draft New Draft Printed**

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Repair and Maintenance of State-owned Dam on Dead River, Androscoggin County" (H. P. 454) (L. D. 654) reported same in a new draft (H. P. 1128) (L. D. 1555) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

#### **Ought to Pass Printed Bills**

Mr. Wellman from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve in favor of Maine Society of the Sons of the American Revolution (H. P. 291) (L. D. 443)

Mr. Kellam from the Committee on Legal Affairs reported same on Bill "An Act to Ratify and Confirm the Incorporation of the Lewiston and Auburn Society for the Prevention of Cruelty to Animals" (H. P. 607) (L. D. 824)

Mrs. Knapp from same Committee reported same on Bill "An Act to Increase the Indebtedness of the Town of Poland School District" (H. P. 1086) (L. D. 1506)

Mrs. Baker from the Committee on Towns and Counties reported same on Bill "An Act relating to Fees of Certain Sheriffs for Service of Criminal Process" (H. P. 427) (L. D. 602)

Reports were read and accepted, the Bills read twice, Resolve read once, and tomorrow assigned.

The SPEAKER: At this time the Chair would like to recognize the



presence in the gallery of thirty-eight students from the Mt. Mercier Junior High, accompanied by Mother Annunciata and Mother Paul.

Also in the gallery is a group of the East Auburn Elementary School, accompanied by Mrs. Kent, Mrs. Wellman and Mrs. Bennett.

On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

#### **Ought to Pass with Committee Amendment**

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court (H. P. 184) (L. D. 280) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 184, L. D. 280, Resolve, Authorizing Completion and Printing of a Digest of the Opinions of the Law Court.

Amend said Resolve by striking out in the 10th and 11th lines the words "to the end that as nearly as possible the expense to the State will be defrayed".

Further amend said Resolve in the 15th line by striking out the words "the purposes of this resolve have been accomplished" and inserting in place thereof the words 'June 30, 1963'.

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

Mrs. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Participation by the State of Maine in the 1964-1965 New York World's Fair" (H. P. 377) (L. D. 552) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 377, L. D. 552, Bill, "An Act Relating to Participation by the State of Maine in the 1964-1965 New York World's Fair."

Amend said Bill by adding at the end a new section to read as follows:

'Sec. 5. **Effective date.** This act shall take effect provided that all of the New England states shall have provided by legislation or otherwise for the participation of the several New England states in the 1964-1965 New York World's Fair.'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Berry from the Committee on Legal Affairs on Bill "An Act relating to Licenses and Fees Therefor by Running Horse Racing Commission" (H. P. 827) (L. D. 1142) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 827, L. D. 1142, Bill, "An Act relating to Licenses and Fees Therefor by Running Horse Racing Commission."

Amend said Bill by striking out all of the underlined paragraph designated "'Sec. 20-A.'" and inserting in place thereof the following underlined paragraph:

" 'Sec. 20-A. Licenses; fees; revocation. For the purpose of enabling the (Running Horse Racing) commission to exercise and maintain a proper control over racing conducted under this chapter, the rules, regulations and conditions prescribed by the commission shall provide for the licensing and registering, at fees not to exceed \$10 for each license or registration, of owners, trainers, jockeys, apprentice jockeys, jockey agents, stable employees, authorized agents, valets, partnerships and assumed names. Such rules and regulations may provide for the suspension and revocation of licenses so granted

for the violation of any rules or regulations prescribed by the commission.”

Committee Amendment “A” was adopted and the Bill assigned for third reading tomorrow.

Mr. Beane from the Committee on Towns and Counties on Bill “An Act relating to Compensation of Chief Deputy Sheriffs Performing Special Duties” (H. P. 168) (L. D. 231) reported “Ought to pass” as amended by Committee Amendment “A” submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment “A” was read by the Clerk as follows:

COMMITTEE AMENDMENT  
“A” to H. P. 168, L. D. 231, Bill, “An Act relating to Compensation of Chief Deputy Sheriffs Performing Special Duties.”

Amend said bill by striking out, in the 6th line, the underlined figure “\$2” and inserting in place thereof the underlined figure “\$1”.

Committee Amendment “A” was adopted and the Bill assigned for third reading tomorrow.

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Legal Affairs reporting “Ought to pass” on Bill “An Act Providing for the Union of the Towns of Mars Hill and Blaine as One Municipality” (H. P. 412) (L. D. 587)

Report was signed by the following members:

Mrs. LORD of Cumberland  
Mr. NOYES of Franklin  
— of the Senate.

Messrs. BERMAN of Houlton  
BERRY of Cape Elizabeth  
STEWART of Presque Isle  
BRIGGS of Portland  
— of the House.

Minority Report of same Committee reporting “Ought not to pass” on same Bill.

Report was signed by the following members:

Mr. FARRIS of Kennebec  
— of the Senate.

Mrs. SPROUL of Bristol  
Mrs. KNAPP of Yarmouth  
Mr. KELLAM of Portland  
— of the House.

Reports were read.

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

Mr. BERRY: Mr. Speaker, in view of the absence in the House of the gentleman from Presque Isle, Mr. Stewart, and in noticing the divided nature of the report, I move that this be placed on the table until tomorrow.

Thereupon, the two Reports and Bill were tabled pending acceptance of either Report and specially assigned for Wednesday, April 26.

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Legal Affairs reporting “Ought not to pass” on Bill “An Act Creating a State Lottery for Old Age Assistance and Aid to Municipalities” (H. P. 895) (L. D. 1229)

Report was signed by the following members:

Mr. FARRIS of Kennebec  
Mrs. LORD of Cumberland  
Mr. NOYES of Franklin  
— of the Senate.

Messrs. BERMAN of Houlton  
BERRY of Cape Elizabeth  
STEWART of Presque Isle  
Mrs. KNAPP of Yarmouth  
Mr. KELLAM of Portland  
Mrs. SPROUL of Bristol  
— of the House.

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

Report was signed by the following member:

Mr. BRIGGS of Portland  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker and Ladies and Gentlemen of the House: In order that some of the members can study this bill and more thoroughly understand it, and also so it can come nearer to the time the tax bills come out, I would like to have this tabled until Thursday, May 4.

The SPEAKER: The gentleman from Harrison, Mr. Morrill has moved that this Bill be tabled until May 4 pending acceptance of either Re-

port. Is this the pleasure of the House?

(Cries of "No")

All those in favor of the tabling motion say aye; those opposed, no.

A viva voce vote being taken, the motion to table prevailed.

### Passed to Be Engrossed

Bill "An Act Authorizing State Park Commission Fees for Services and Accommodations" (S. P. 519) (L. D. 1544)

Bill "An Act relating to Rulings on Admissibility of Evidence by Public Utility Hearing Examiners" (H. P. 755) (L. D. 1041)

Bill "An Act Classifying Certain Tidal Waters in Sagadahoc County" (H. P. 832) (L. D. 1147)

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

### Third Reader Amended

Bill "An Act relating to Liability of Landowners Towards Hunters, Fishermen, Trappers, Campers, Hikers or Sightseers" (H. P. 934) (L. D. 1282)

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

Mr. Knight of Rockland offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 934, L. D. 1282, Bill, "An Act relating to Liability of Landowners Towards Hunters, Fisherman, Trappers, Campers, Hikers or Sightseers."

Amend said Bill in the 11th line by striking out the underlined word "any" and inserting in place thereof the underlined word "or"

Further amend said Bill by adding at the end the following underlined subsection:

"V. Definition. The word "premises" as used in this section includes lands, private ways and any buildings and structures thereon."

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House:

This amendment was before the Committee and it was omitted. It merely corrects a clerical error in the bill and adds the definition of the term "premises" as used in the bill. I hope that this amendment will be adopted.

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

The motion prevailed and the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

Bill "An Act relating to Disclosure of Vital Records" (H. P. 988) (L. D. 1375)

Bill "An Act Classifying Certain Waters in Salmon Falls-Piscataqua River Watershed" (H. P. 1013) (L. D. 1414)

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

### Third Reader Recommended

Bill "An Act Revising Laws Relating to Pollution Control" (H. P. 1125) (L. D. 1552)

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

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

Mr. WILLIAMS: Mr. Speaker, as to item seven, the Natural Resources Committee has some new evidence, and with the consent of the sponsor I now move that it be recommended to the Natural Resources Committee.

Thereupon, the Bill was recommended to the Committee on Natural Resources and sent up for concurrence.

Bill "An Act Prohibiting Illegal Collection of Sales Tax" (H. P. 1126) (L. D. 1553)

Bill "An Act Amending Law Providing for Additional Court Review in Public Utility Cases" (H. P. 1127) (L. D. 1554)

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

### Emergency Measure Tabled

An Act relating to Holding of Property by Nonprofit Corporations Operating Educational Television or Radio Stations (H. P. 826) (L. D. 1141)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(Upon request of Mr. Bragdon of Perham, placed on Special Appropriations Calendar.)

### Finally Passed Emergency Measure

Resolve in favor of Stanley Megquier of Orient (H. P. 1085) (L. D. 1495)

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

### Passed to Be Enacted

An Act relating to Initial, Digital and Antique Motor Vehicle Registration Plates (H. P. 1096) (L. D. 1509)

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

### Enactor Tabled

Resolve Providing for Publication of Maine's Water Recreational Facilities (H. P. 1118) (L. D. 1540)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(Upon request of Mr. Bragdon of Perham, placed on Special Appropriations Calendar.)

### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act relating to Actions for Injuries Causing Death." (H. P. 316) (L. D. 468)—In House Read the Third Time.

Tabled—April 18, by Mr. Jones of Farmington.

Pending — Passage to be Engrossed.

On motion of Mr. Jones of Farmington, the Bill was passed to be engrossed and sent to the Senate.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act relating to Fees of Clerks of Courts for Entry of Action and Motion." (H. P. 993) (L. D. 1380) — Amendment Filing H-187)—In House Read the Third Time.

Tabled—April 18, by Mr. Berry of Cape Elizabeth.

Pending — Passage to be Engrossed.

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

Mr. BERRY: Mr. Speaker, I believe that there was a slight error here in printing. I tabled this bill and now I would like to retable it until May 3, for further consideration. Some have approached me—

The SPEAKER: The gentleman is debating the tabling motion.

Mr. BERRY: Mr. Speaker, I would like to table this until May 3.

Thereupon, the Bill was retabled pending passage to be engrossed and specially assigned for Wednesday, May 3.

The Chair laid before the House the third tabled and today assigned matter:

SENATE DIVIDED REPORT—Majority Report "A" Ought to Pass—Minority Report "B" Ought Not to Pass—Minority Report "C" Ought to Pass with Committee Amendment "A" (Filing S-95) — Committee on Judiciary on Bill "An Act Providing for Local Option to Transport School Children to Other Than Public Schools without State Subsidy." (S. P. 377) (L. D. 1188)—In Senate Majority Report "A" Accepted and Engrossed.

Tabled—April 20, by Mr. Baxter of Pittsfield.

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker and Members of the House: I move we accept the Majority "A" "Ought to pass" Report.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago I got up in opposition to this bill and I shall do more vigorously that same procedure again today. I think the public school system is very fine as it is, and my particular area as I stated two years ago, which is still on the official record, we are surrounded in my vicinity by seven private academies. We do not now pay for the transportation costs for the public students to our secondary schools. Therefore, until such time that we do, I will certainly be in opposition, in strong opposition, to payment to private schools. And I hope that when the vote is taken, it will be taken by a roll call, and this measure is definitely defeated and cleared out of this House.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Judiciary Committee, I signed this majority "ought to pass" report, and as a Republican and a Protestant, I believe it incumbent upon me to explain the reasoning which went behind my signing of that report.

There have been three principal areas of argument on this bill, and I call to the attention of the House again the title to the bill. The title is "An Act Providing for Local Option to Transport School Children to other than Public Schools, without State Subsidy."

Now the three principal areas of argument have been religious, legal and political or public policy, as I see it. As to the first, religious, while it bulked large in much of the testimony before the Committee, in my view there is no proper question of religion involved, and I will not refer to it further. The real questions before us, it seems to me, as a law making body, are legal and political or public policy. These questions

revolve around the issue, which is very simple: Should municipalities be permitted the privilege of local option on whether or not to appropriate money for transportation of private school students?

First, taking up the legality of the proposed statute. We have the benefit of our own Supreme Court decision in the case of Squires vs. the City of Augusta as reported in Volume 155, Page 151 of the Court decisions.

The Court there stated, after having determined that existing law did not permit municipalities to expend funds for private school transportation, the Court stated as follows. This is the Maine Supreme Court speaking:

"We are satisfied that a properly worded enabling act, authorizing municipalities to expend funds for the transportation of children to private schools not operated for profit, if one were in fact to be enacted by the Legislature, would meet constitutional requirements. In so saying we recognize that the decision of the Supreme Court of the United States in the Everson case is the law of the land and that the provisions of the Maine Constitution relating to the expenditure of public monies for public purposes and to the separation of church and state, carry no more stringent prohibitions than the First and Fourteenth Amendments to the Federal Constitution."

The majority report of the Judiciary Committee regards L. D. 1188, as being, in the words of the Court, "a properly worded enabling act." So much for the legality.

Now turning to the political or public policy question, we may reasonably ask, is it in the public interest to have delegated to the people by local option the power to determine the policy as to transportation of private school pupils at local expense? To me that is of course the nub of this problem.

You will note this bill permits two things to a municipality:

- (1) The right to hold a local election on the question of whether or not to provide private school transportation;

- (2) The right to expend local funds for such transportation, if a

majority of voters so desire in the local municipality.

In considering the answer to the question, what is best public policy, I have consulted the platform of both Republican and Democratic parties, and find the following:

Democratic: Article A. Education, Sec. 1(b): It is recommended that the State shall not continue to deny the local communities the right to use public monies, as the individual communities deem appropriate, to provide transportation for the benefit of children who are receiving their education, in compliance with the compulsory education laws of Maine, by attending non-public schools.

Republican: Sec. 7. Education: We recognize that the need for transportation of private school children in some of our municipalities is a problem; we therefore recommend legislation to permit the voters of each municipality to decide the problem for themselves.

If a political party has any meaning, any significance in our society, it is to serve as a vehicle for transmitting to elected officials of the government an expression of the will of the people. When there are conflicting public views, often a party within itself cannot reach sufficient agreement among its members to formulate a statement of principle which can be translated into action. It is therefore of particular moment and worthy of the utmost respect, it seems to me, when both parties, both major parties, in their platforms recommend a definite course of action, and such recommended action is substantially the same in both parties.

The political processes of party organization, have clearly expressed public views—views on a public question. In my own party, from platform committee, county caucus, through district and the state convention, the school bus issue was considered and voted upon. The result was the plank in the platform I have read to you. In county caucus, district convention and state convention the key phrase, the typically American institution of "local option," was the dominant factor in directing

us toward a solution of the school bus problem.

In summary, the two considerations, which in my view are of paramount importance for this body, have received the benefit of views from our Supreme Court as to legality, and from the two major political parties as to public policy. Not often are we in a position of having both parties express substantial agreement on so controversial a matter.

We now have the opportunity to translate those views into permissive local option legislation.

The SPEAKER: The Chair recognizes the gentleman from Mount Desert, Mr. Kimball.

Mr. KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: Those of you here have heard me at times argue local issues with my good friend and colleague, Mr. Smith. I think here we have a situation again that in spite of its state-wide effect, is in itself a local issue as it is worded in this bill. I would like to state frankly that I am against the basic ideas of the bill providing transportation to non-public schools and so on. If the question were brought up before me in my own town, I would vote against it. But I do feel very strongly that this has enough of the local aspect to it that here in the House we should allow the local communities to pass their own judgment as to how they are going to spend their own funds as far as transportation is concerned. Therefore, I do favor the bill and I follow along with the ideas as expressed by Mr. Smith.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I have heard the honorable gentleman from Bar Harbor, Mr. Smith, say that this is a local issue. Maybe in one sense of the view it is, but this is not a problem all over the State of Maine. It is a problem solely in about ten or twelve communities. In my opinion, the proper procedure for the introduction of proper legislation should have been individual bills for individual areas where this problem is concerned. They have now

through the referendum vote forced upon each community to have to be voted upon where there's no problem existing. And when they say local option, indirectly it is, but it is still a state-wide referendum bill to the extent where every town will have to vote on it as a local option. And Mr. Speaker, ladies and gentlemen of the House, when the vote is taken, I move for a roll call and move for indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the bill be indefinitely postponed, and a roll call has been requested.

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

Mr. PIKE : Mr. Speaker, I rise in opposition to the motion of the gentleman from Bridgton, to indefinitely postpone this bill. Without any question we have a problem here, no one denies that. There are many and diverse opinions on it. My opinion is a very simple one. The problem should not be settled definitely by those of us who don't face it. In other words, in our small communities we don't have the problem at all, or if we do it's in very few of them. In the larger ones that have it, they have to face it, they have worked out their methods of handling it; and I wouldn't suspect any town or city fathers of bootlegging the operation, but I suspect right today there's a certain amount of transportation done against the law. But you all know this thing ought to be left to those who have the problem, and I just don't feel that those who come from the areas that don't have it, ought to tell those who do have it how they should settle it. I hope that the motion to indefinitely postpone does not prevail.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I cannot agree with the gentleman from Lubec, that this is not our problem. I'm sure, at least I hope to be sure, that we dare to take a stand here and not to throw the

whole state, all of the municipalities, into chaos where they will be neighbor against neighbor, and we've seen it work out here in Augusta two years ago. Simply because we dare not stand up and defend the Constitution of the United States.

Now our President is defending the Constitution and great pressure is being brought upon him. You may say that this is not a religious measure, it is a religious measure to some extent. But we should not decide simply because of that, but we should decide because the Constitution says that we shall not use public funds for any religious measure of mixture of church and state.

The Catholic people have never voted for a parochial school themselves. Back years ago this was decided and there was a Canon Law 704, and this decision was made in Rome by the head of the Roman Catholic Church and it was written into official Canon Law and formally accepted by American hierarchy of this Church of Baltimore Plenary Council of Bishops in 1884. This body ordered every parish priest to establish his schools in conjunction with his parish. The Roman Catholic people have never had any part in this decision.

Now I'm perfectly willing and happy that the Catholic people have their school instruction for their children. I'm perfectly happy with the Seven Day Adventists, who in one of my towns are operating a school themselves, and they are not in favor this bill — and they are willing to pay for their children to be transported. I cannot understand what the gentleman here said a few minutes ago. He said that this is a public policy bill but when, may I ask you, did the public policy ever state that the State could not pay a subsidy to haul children to one school, and yet pay a subsidy for the other? I assure you that there is a division right there.

Now I'm not against the Catholic faith in any way. My sister, my oldest sister married a Catholic, joined his church, and I was there at her marriage, married by a priest, and I was there when she was taken into the church, and

I have nothing against them. I have a niece who married a Catholic; although she did not join the church, yet they are bringing their children up Catholic, and the Catholic faith. I have the same with a nephew. So it is not because of the difference in faith whatsoever, that I am against this bill. It is because it is a violation of the Constitution of the United States, it violates the Constitution of the State of Maine, and regardless of what the Supreme Court may have said, I'm really somewhat surprised. I want you people here to know and realize, I believe you do, that you are over the Supreme Court of this state, and I am quite surprised, I was quite surprised when they went around and evaded the question before them, it was a Constitutional and said well, if you set up a law whereby police action and all that kind of stuff. I wish that they might have had the intestinal fortitude to come right out and spell it right up and defended the Constitution of this State of Maine. I think this would be terrible for all of the municipalities in the state, and it would cause great dissension, and I trust that this bill will be indefinitely postponed.

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

Mr. LOWERY: Mr. Speaker, Ladies and Gentlemen of the House: In these days of a mechanized nation, we are making every effort to provide for safety on our highways. Our school authorities and districts, as instrumentalities of the state, have collaborated for the progressive reduction of highway hazards by the means of programs of school bus transportation. One of the finest practices and customs of our people is the tender and diligent safeguarding from traffic of most school children. In logic, in equity, and in distributive justice, that public service should be extended to all school children. There should be no distinction amongst children of their eligibility for public bus transportation because some attend private schools.

I think that we are all agreed as to the legality of this act, in the face of the Supreme Court

decisions. However, there does seem to be a fear that we will be utilizing public money for private purposes. I disagree with this viewpoint. I would say, that for a municipality to provide money so that non-public school children may have bus transportation is not utilizing public funds for private purposes. Because the institution, as such, does not benefit. It is not a grant either to the school or to its sponsoring body. Transportation is propulsion, not learning. It is the physical process of moving children through space without appreciable contribution to the education of the child in transit. Buses carry no blackboards or instructing teachers. Bus transportation is an adjunct accommodation entirely in exercise of powers of the community applied for safety and health and for efficiency. Therefore, the child is the beneficiary and as such the state is involved because the health and safety of the child is also a consideration of the state. Considering this reasoning, I would say that it is not a misuse of public funds.

Having observed the operation of our own parochial schools and others like it, and considering the problems which face most communities such as ours, in the matter of elementary schools, I cannot help but consider the parochial schools as a most welcome part of any community. Their curriculum, as required by law, meets the standards as set by the State Department of Education. The school is also subject to the truancy laws of the state. And I might point out that the parents of these pupils contribute to the support of the public schools and public transportation. I feel that if bus transportation is essential to the public schools, it is equally as essential to the private or parochial school; and I believe that it should be provided under the powers of the community.

I hope that the motion of the gentleman from Bridgton, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House:



This bill to provide public transportation for private school children is a bill of a very delicate nature. In it we find the emotions rising high on both sides. We hear charges of bigotry and intolerance. We see churchmen unable to handle it, though well schooled to do so, and statesmen unwilling to cope with it through fear of reprisal.

This problem has no right to be here today, for while both the church and the state will lay claim to certain interests in the promotion of education, neither the church nor the state should encroach upon the other to further their own certain interests. Whenever this has been done down through history, it has proven disastrous for both groups. I stand in terror of the ultimate consequences of this bill, not because of bigotry or intolerance, but because I can read the pages of history, blood-stained by conclusions that had beginnings as innocent as this bill. When the church began dipping into the public till, it produced church power, a temporal state power the church was never intended to have. This power was ready to step in at the overthrow of the Roman Empire and instead of enlightenment and truth rising up and rebuilding from the ruins of the nation, a period of darkness settled over the known world, which lasted for one thousand years.

During this time history will prove that the church did very little to dispel the darkness. This is one reason why I am an advocate for public schools and for state controlled education, and why I believe the church should not be encouraged to advance in this field. The field of the church is that of the spiritual and moral. What happened to the Huguenots of France, the citizens of Spain, the Puritans of England, the citizens of Salem, Massachusetts, the Hundred Years' War, when the activities of the Church and state overlapped? There were torture, inhuman cruelties and bloodshed. That is why we should not permit the further overlapping of church and state functions which this bill provides. This is why sixty per cent of Protestants and fifteen per cent of the

Catholics of this state cry for this bill to be killed.

It is true that in the early days of this country, the church started most of the institutions of learning, but it is also true that in those days only a small percentage of youngsters could ever attend these centers. Thus it became necessary for the state to assume the responsibility of education. No questions were asked as to religion, color, creed, poverty or wealth. Our country set up schools for everyone. This is one reason why we became the greatest country in the world. The taxpayers build the best schools, secure the best teachers, and when transportation was needed, provided the best transportation possible for every child in America no matter where he lived. This is still available today for every child, it has never been withdrawn from a one of them.

However, freedom being what it is in America, we recognize the supreme right of the family to withdraw from this school system if they so desire and get their education by some private means. We also recognize the right of a church or other private institution to provide this education if they wish. They can hire their own teachers, they can buy their own text books, they can buy their own buses, they can do most anything they want. They can also come back into the public school system at any time. They were never expelled, they are still in America. I thank God for this right for private education, but I do not believe the taxpayer should have to provide two buses for the same child. This overlapping, which I have previously spoken of, is beginning to be asked for.

Most churches have private schools. Always the reason is the same, that a larger percentage of the youth will, along with education, be indoctrinated sufficiently so that in adulthood they will remain with the church of their youth. This is good, but it is not the business of the state, and as a state we should not get involved in it in any way. There are certain private academies and private hospitals, I notice by our budget, that

already get some state help. But I do believe classes in religion are taught in those places; and in most instances they serve as the public school under the State Board of Education and not as a supplemental school. Also transportation is usually not provided.

As you have already seen, I am afraid, I am afraid for what this can lead to. This House already knows the great benefits the church and schools now get from the state, no property taxes, no sales taxes, no income tax, fire and police protection, and innumerable other benefits such as ten to twenty per cent savings on most purchased items. Building contractors donate materials and labor—why ask for more? If this bill passes, will this be the end of it? If I thought so, friends, I would vote for it just to get rid of it. But this is not the final demand by the church's own admission. They say they will ask for more. Reverend Father Patrick Shanahan has this year published a book entitled "State Laws Providing for the Transportation of Non-Public School Children." This book is printed and distributed by the Catholic University Press of America, 1960. The very first paragraph reads: "...the importance of this study rises from the fact that transportation is the greatest fringe benefit yet received by non-public school children. It is the prime example of state aid to the non-public school child. And as such has received most attention in the past, and will receive more in the future. Other benefits," I want you to notice that, "other benefits to non-public school children may be secured and preserved through legislation similar to transportation laws and opposition to these other benefits may be similar in form to past and present arguments against transportation."

Some of the proponents today are using the cry of safety. This is a beautiful tear-jerker. However, while immoral television shows are provided in the home and beer in the refrigerator, while it takes a nine o'clock curfew to remind parents that their children are still on the street, and these same chil-

dren are sent downtown for beer and cigarettes, don't use the cry of safety in this one field alone.

Some proponents are using for a reason the fact that it is in both party platforms. If this is your reason for voting for this bill, be sure you're consistent and vote for everything in your platform, if for no other reason than for just because it's there. As for me, its presence in the Republican platform is welcome, for it shows me that the Republicans are still human. We can still make mistakes.

Some say let's be tolerant. I wonder if tolerance did not bury a lot of Germans under Hitler's regime. Tolerance enslaved Czechoslovakia and North Korea and produced an inner conflict with Communism that we have in this country today. The price we pay for tolerance is oftentimes the price of freedom. I hope that young America will never have to pay the price of suffering the lack of the best possible public education because of our avowed emphasis on tolerance today. And then someone would argue its necessity because of its constitutionality. The Supreme Court upheld the New Jersey law in 1947 which authorized use of public money to pay bus fares for children in parochial schools. However, this was a five to four decision. The four dissenting justices must have felt this cause to be a little on the unconstitutional side.

The Everson bill, which is the bill in the Supreme Court case, was objected to on two accounts. The first, that it authorized the state to take by taxation the private property of some and bestow it upon others to be used for their own private purpose. This is alleged violation of the due process clause of the fourteenth amendment. And second, they objected to it because that it violated the first amendment of the Federal Constitution. Simply because an action is found to be constitutional, it's not reason enough that we all do it. We believe it is within the framework of the Federal Constitution for two or more towns to group together under the Sinclair Act and form a School Administrative District, although there has been some doubt cast on the con-

stitutionality of that. However, as some towns have found out, although it is constitutional to do so, they may nevertheless exercise their constitutional rights and decide not to do so. Therefore, in the case of the matter in hand, it is our constitutional right that we can decide and not to accept the pending bill if we so choose.

Justice Jackson in his dissenting vote stated, "There are no good grounds upon which to support the present legislation."

Mr. Justice Rutledge, Mr. Justice Frankfurter, Mr. Justice Jackson and Mr. Justice Burton were the four dissenting Justices. Brilliant dissenting opinions were written by Justices Jackson and Rutledge. Justice Rutledge, in his dissenting opinion, said in part, "New Jersey's statute sustained is the first, if indeed it is not the second, breach to be made by this course of action. That a third, and a fourth, and still others will be attempted, we may be sure. For just as *Cochran v Board of Education* has opened the way by oblique ruling for this decision, so will the two make wider the breach for a third. Thus with time, the most solid freedom steadily gives way before continuing corrosive decision."

If the interest in such public tax money appropriation is for the benefit of the children and not the schools they attend, then it stands that parochial children should have the same benefits extended to them as public school children. The only way to guarantee this is for those schools to be turned over to the State Board of Education, that all children might be governed by the same standards. If we really had the interests of the child at heart, and not simply the propagation of our faiths, would we not do just that? At least have the Board govern the curriculum and teacher requirements.

Mr. Justice Black said, "The establishment of religion clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a Church. Neither can . . . pass laws which aid one religion, aid all religions, or prefer one religion over another."

"The First Amendment has erected a wall between Church and State. That wall must be kept high and impregnable. We could not approve the slightest breach."

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

Mr. JAMESON: Mr. Speaker, Ladies and Gentlemen: I'm awfully sorry that there was any inference to religion brought onto this floor. I served in World War I and I never asked a man his religion and no man ever asked me. We were fighting for that flag, independence, liberty, and we got it. Now there's quite a few Catholics—I am a Catholic see—I was advised that there was no religion put into this bill particularly by one gentleman. He said I know how you're going to vote, he says, and I am afraid you are going to hate me. Now I don't hate anybody. You know the licking I took on this Floor, and I don't hate anybody. But, ladies and gentlemen, this is serious, and particularly in the interest of the Catholics.

Some of our representatives here represent —

The SPEAKER: The Chair would advise the gentleman to not make reference to members of this body.

Mr. JAMESON: Mr. Speaker, I refer to a representative who represents more than one community. Is that all right?

The SPEAKER: The gentleman may proceed if he does not make any derogatory remarks.

Mr. JAMESON: What I meant, ladies and gentlemen, is this: in those three districts represented by one man, there are no parochial schools but there may be an academy, which is considered a private school. And he said, in my district, he said, would these three towns subsidize to transport these children to school? If they transport one child to this academy, the state will take away their subsidies. So that convinced me, ladies and gentlemen, that it's getting pretty hot here now, and I would like to tell you a little story. This is a good story though.

. . . A group of little boys were playing out in front of the priest's

home, the rectory, and each morning when he went into the church, all the little boys stood up quick and said "good morning Father," and tipped their hats. So, after three or four mornings, — amongst these boys was a little colored fellow, and one morning he thought he'd stop and talk to the little boy, and he asked the little colored fellow his name, he said "Sam Jones, Father." He said, "Sam, are you a Catholic?" Sam looked up at him, and he said, "Good Lord no, Father, isn't it bad enough to be a nigger?" Thank you, ladies and gentlemen.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker, Members of the House: I believe in separation between church and state. I believe that all legislation which unites church and state are subversive to human rights. I believe it is our duty to prevent the enactment of legislation which stands to unite church and state. I do not believe that this L. D. An Act relating to Transportation of School Children to Private Schools will in any way lead to a wedge between church and state. Again, I want to state, and I want to tell my good friend, Reverend Smith from Strong, and all the other members that are against this bill, I believe in separation of church and state as much as they do, but I don't believe in second class citizens. And I think that all children are entitled to school transportation and safety no matter what school they are going to.

We all know that our Supreme Court decided that transportation for school children to private schools is constitutional. And I know that the majority of this Legislature believes in home rule, and this bill calls for a referendum and I think it's up to us to pass this bill, let the voters in each town and city decide for themselves and among themselves what they want to do. This is true home rule and this is true democracy. I hope that the motion from my good friend, the gentleman from Bridgton, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, I feel called on again. I would agree with the gentleman from Strong, that when the gentlemen of the cloth get in charge of things, they are apt to over-do it. They are apt to whip their group and their flock up and get them to do foolish things. They give lip service to that little admonition "render unto Caesar, that which is Caesar's." But somehow or other as the thing goes on, there seems to be very little left for poor old Caesar. I speak as one who nearly got injured in this mess, because an old colonial aunt of mine just missed being hung in the Salem witchcraft trials. Grandpappy Robert Pike finally stopped those trials and one of the ladies married Grampy. They were all convicted and sentenced to be hung, but they slipped her out the back door and that pleased apparently old Robert very much and she later married a son of his. In my foolishness, I had always thought that she was our colonial grandmother, but she wasn't. That allowed us to go around Lubec proudly and say that we Pikes were sons of witches, which we are not. (Laughter)

The SPEAKER: The Chair recognizes the gentleman from Waterboro, Mr. Bradeen.

Mr. BRADEEN: Mr. Speaker, Members of the House: I sorrowfully detect the presence in our midst this morning of an unwelcome guest. I am not in a position to say an uninvited one, because he has been here before. If you care to turn back three of four centuries to the day Mr. Shakespeare was writing his plays, you will find that Macbeth was penned in the very early 1600's. And if you look through the pages of that particular drama, you will also find certain allusions, certain references, to a shadowy character named by the scribe as Banquo's ghost. Now it does seem to me, my good friends, that here this morning we have a prime mid-twentieth century example—a replica of Banquo's ghost. And I for one believe that we have a duty, a responsibility to the people of the

State of Maine, to the people who sent us here, to bury this ghost once and for all.

Now this issue as it looks to me, has perhaps three angles, three phases. The general welfare must be considered, the public safety, particularly the security of our children, and last my friends, but by no means least, the application and the preservation of one of the soundest tenets and perhaps the basic tenet of democracy, the principle of home rule.

Our law court in this state has told us what we may do, the course we may follow, in order to settle this issue. I know of no better source from which we are in a position to take advice. The Law Court says that the people in the communities in which this issue is a problem should decide for themselves whether or not they care to expend usually a small portion of the taxpayers' money to carry these children to school. That sounds like good sense to me.

In a book recently published we have a quotation as I recall it from Benjamin Franklin. It appears that during the Constitutional Convention in Philadelphia in 1787, according to the quote, a woman asked Mr. Franklin of the convention activities, "Mr. Franklin what are you giving us?" The reply, "Madam, a republic if you can keep it." And I say to every one of you in the sound of my voice that when you deny to the people in the localities at the grass roots of this country a right to have a voice in their own affairs, and substitute for that privilege, that right, coercion and interference from the outside, you are striking at the foundations of this republic and the great American heritage.

There is just one thing more that I would like to say to you people. I apologize for talking so long. I have never appeared at any hearing on this matter. This is what I would say. Before you vote on this roll call, take a moment alone with your conscience, place yourself at the wheel of a school bus, drive down the street in the sleet and the snow and turn the corner and see three children there. Do you, as a Christian, do you as an American citizen, feel that you

should say, which two may ride, which one must walk? I thank you.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker, Ladies and Gentlemen of the House: I am much opposed to this bill. Personally, I feel that it's unconstitutional. We're not really talking what we're teaching here, I don't think. I have a book from one of the State of Maine Schools from my area. "This Government of Ours", is the title. I would like to read just a paragraph, in the black letters, the heading is "Appropriation for Private Purposes Prohibited."

No tax shall be levied or appropriation of public money or property made either directly or indirectly except for public purposes and no public money or property shall ever be appropriated, applied, donated or used or directly or indirectly for any sect, church, denomination or sectarian institution.

Now our President has stated many times that it wasn't within the Constitution as late as March, he stated in regard to Federal aid to education bill, parochial schools should be prohibited. I have a clipping here from Monte Vista, Colorado, "transportation of pupils attending parochial schools in Monte Vista has been discontinued by the local Board of Education on advice of the State Attorney General's office. The Board advised parents of parochial students that their children would no longer be transported to and from classes in public schools. It said that according to the Attorney General the Board had no legal basis for carrying the pupils going to parochial schools."

Here's another one from the February State Government Bulletin. A school decision from Vermont. "The Vermont Supreme Court has affirmed a lower court decree declaring that payment of public tax funds as tuition to parochial schools violates the United States Constitution. The lower court had ruled the doctrine of separation of church and state was abridged by a payment of tuition fees to schools in Burlington."

Now, ladies and gentlemen of

this House, I would like to remind you that as Representatives we are bound under oath to support our Constitution.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the Reports and Bill, "An Act Providing for Local Option to Transport School Children to Other Than Public Schools without State Subsidy," Senate Paper 377, Legislative Document 1188, be indefinitely postponed, and a roll call has been requested.

For the Chair to order a roll call, it must have an expression of a desire for a roll call by at least one fifth the members present.

Will those who desire a roll call, please rise and remain standing until the monitors have made and returned their count.

A sufficient number arose.

The SPEAKER: Obviously more than one fifth having arisen, a roll call is ordered.

The Chair will restate the question. The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the Reports and Bill be indefinitely postponed.

If you are in favor of the indefinite postponement, you will answer "yes" when your name is called. If you are opposed to the indefinite postponement, you will answer "no" when your name is called.

The Clerk will call the roll.

#### ROLL CALL

YEA — Anderson, Ellsworth; Anderson, Greenville; Baker, Berry, Cape Elizabeth; Boothby, Bragdon, Brown, Fairfield; Brown, Vassalboro; Buckley, Carter, Chapman, Gardiner; Chapman, Norway; Choate, Cooper, Coulthard, Crockett, Curtis, Danes, Dennison, Dodge, Dunn, Durgin, Edgerly, Edwards, Estey, Finley, Hague, Hancock, Hanson, Bradford; Hardy, Haughn, Hichborn, Hopkinson, Hughes, Humphrey, Hutchins, Jones, Kennedy, Knapp, Linnekin, Littlefield, Merrill, Minsky, Morrill, Perry, Philbrick, Augusta; Philbrick, Bangor; Prince, Shepard, Smith, Strong; Sproul, Storm, Swett, Turner, Tweedie,

Vaughn, Walker, Waltz, Waterman, Westerfield, Wheaton, Whitman, Whitney, Williams, Winchenpaw, Wood, Young.

NAY — Albair, Baxter, Beane, Augusta; Beane, Moscow; Bearce, Bedard, Berman, Auburn; Berman, Houlton; Bernard, Berry, Portland; Binnette, Boissoneau, Bradeen, Brewer, Briggs, Brown, South Portland; Burns, Bussiere, Cyr, Davis, Dennett, Dostie, Lewiston; Dostie, Winslow; Drake, Fogg, Gallant, Gardner, Gill, Ham, Hanson, Lebanon; Harrington, Hartshorn, Hendricks, Hinds, Jalbert, Jameson, Jobin, Johnson, Smithfield; Johnson, Stockholm; Karkos, Kellam, Kilroy, Kimball, Knight, Lacharite, Lane, Lantagne, Levesque, Lincoln, Lowery, MacGregor, Matheson, Mathews, Maxwell, Moore, Morse, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Pike, Plante, Poirier, Prue, Roberts, Schulten, Sevigny, Shaw, Sirois, Smith, Bar Harbor; Stevens, Stewart, Tardiff, Thaanum, Tyndale, Walls, Wellman.

ABSENT — Letourneau, Mad-dox, Malenfant, Rust, Smith, Falmouth; Thornton, Wade.

Yes, 67; No, 76; Absent 7.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy-six having voted in the negative, with seven absent, the motion to indefinitely postpone does not prevail. Is it now the pleasure of the House to accept the Report "A" "Ought to pass" in concurrence?

The motion prevailed. The Bill was read twice and assigned for third reading tomorrow.

The Chair laid before the House the fourth tabled and today assigned matter:

HOUSE DIVIDED REPORT — Report "A" Ought to Pass in New Draft (H. P. 1114) (L. D. 1536)—Report "B" Ought Not to Pass — Committee on Labor on Bill "An Act Making Unlawful Picketing Violence Which Prevents Delivery of Necessary Supplies or Services." (H. P. 150) (L. D. 213)

Tabled — April 20, by Mr. Brewer of Bath.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from No-

bleboro, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: In reference to L. D. 213, which has been rewritten L. D. 1536, at this time I would like to discuss the changes that the Committee made in reference to these L. D.'s.

The changes to L. D. 213 made by the Joint Standing Committee on Labor which resulted in the modified bill, L. D. 1536, are acceptable to those sponsoring the legislation and meet all of the valid objections raised in Committee by the opponents of the bill, all of whom were labor union officials. The unions objected to the penalty imposed by the original bill which made violation a felony punishable by a fine of \$5,000 or two years in prison. This has been modified to make violation a mere misdemeanor punishable by a fine of \$250 or thirty days in jail. The unions objected to the use of the word "interference" in the original bill as being too broad and vague. It has been replaced by "physical obstruction." The unions objected to the "or otherwise" contained in the original bill, and it has been deleted. The unions objected to the use of the phrase "necessary to feed people employed at such enterprise." This has been left out. The Committee has seen fit to change the title of this bill to "Plant Protection," which more exactly defines its purpose and is an improvement.

The purpose of the bill is only to protect plant property and perishable foodstuffs from needless destruction. It is not an anti-picketing bill, as the unions have said, in any way, and it in no way impairs the rights of unions to strike, picket or otherwise to peacefully carry out the purpose of a strike action.

This bill has been called anti-picketing by organized labor. This bill is not that at all. Picketing has been termed by the United States Supreme Court as a method of freedom of speech and as such is protected by the Constitution. This bill does not outlaw or even curtail picketing. If you read this new draft, you will readily see that it is aimed entirely towards maintenance of any plant or buildings. I think this bill is fair. It does not affect the right to strike

nor the right to picket. I think we will all agree that during a labor dispute everybody loses. No doubt labor loses the most and certainly this bill would save labor and management many thousands of dollars through needless waste.

I think when we vote on an L. D. in this honorable body, one of the first things to consider is the purpose of the bill. Now to me, when the unions called this anti-picketing, that was wrong. All this bill does — I think if you will read this it is very short and simple, all it is aimed at is to allow the owner of any plant or equipment the right to protect his property. Now I think we all agree that we should have that right. In closing I make a motion that we accept Report "A" and request a division when the vote is taken. Thank you.

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

Mr. LOWERY: Mr. Speaker and Members of the House:

First, let me state that I am not, nor have I ever been a member of a labor union, nor am I obligated to any organized labor group. However, I do feel that this legislation is uncalled for, ill-advised and unnecessary.

Picketing is organized labor's means of advertising a dispute and is used to discourage workers and potential customers from entering company property and doing business with a concern while a strike is in progress. It is recognized as the working man's means of communication, and as long as it is peaceful and for a lawful purpose, it is protected as free speech under Supreme Court ruling. Picketing may also be used when a strike is not in progress as, for example, when a union is trying to organize a company's employees.

Much has been said of the misuse of the right to picket by members of organized labor. But, may I point out to you, that organized labor is extremely conscious of the repercussions which could follow the misuse of this practice. As examples of their concern, may I quote from notices taken from bulletins issued to various unions: First.

"picketing is not illegal because a large number of strikers happen to be involved. However, if mass picketing makes it difficult to enter or leave a plant, the union may find itself in hot water. A state court may order the union to limit the number of pickets."

The second quotation:

"The national labor law forbids the unions to restrain or coerce workers in their right to take part or not to take part in union activities. NLRB can order mass picketing stopped and the Board can, if the situation warrants it, request a federal court for an injunction." Thirdly,

"Where picketing is accompanied by violence against the company, its employees or its customers, the pickets are no longer protected by the labor law. NLRB will permit the discharge, not only of the pickets who actually take part but also pickets who merely acquiesce in the misconduct." Finally,

"A union is generally held responsible under federal law for the activities of pickets on the picket line."

As for plant protection, it is a matter of record that in strikes of recent years in Maine, by mutual agreement between management and unions, that materials for plant maintenance have been allowed to go through picket lines without hindrance. The unions themselves have been exceptionally cooperative in this respect. Organized labor, especially here in Maine, have felt that this phase of plant protection was as necessary for them as it was for management. When and where have we in Maine had any complaints of this nature?

Objections have only arisen when attempts were made to move in materials for plant operation. May I repeat, that legislation of the type called for in this document is unnecessary. It is the type of legislation which, if passed, could only lead to more difficulties and would aid in creating a most unfavorable labor climate.

I would therefore move that this bill and all its papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Bruns-

wick, Mr. Lowery, that the Bill and the Reports be indefinitely postponed.

The Chair recognizes the gentleman from Bath, Mr. Brewer.

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: This redraft of L. D. 213 is a sound piece of legislation. I have heard it referred to by some labor people as an anti-labor bill. This is far from the truth, as it deals only with the protection of plant equipment and perishable food products.

It allows for the entry to a public, commercial or industrial establishment any supply or service necessary for the proper protection of its establishment, from fire, freeze up or other casualties, such as floods or hurricanes.

Without this legislation, damage to plant installations, as a result of a strike, could increase the loss, not only to the owners but also to the working man, for upon cessation of a strike the rebuilding of a damaged installation would further increase the lost man hours, which would be detrimental to the working man.

Let me emphasize, that this legislation if enacted will not infringe on the legitimate rights of organized labor in carrying out a strike or establishing lawful picket lines to obtain what they may consider their justified demands.

It has been stated by labor, that this problem could be resolved by adding a clause to this effect in a labor-management contract rather than in the State statutes. But let me point out, that after the termination date of any contract, there is no binding agreement between union and management. This is when most of the incidents arise.

During a strike at the Bath Iron Works in the months of November and December, 1957, which was after the expiration date of the contract, union pickets refused to allow fuel trucks to enter the Harding fabrication plant in East Brunswick or the main plant in Bath. In view of the cold temperature at that time of year, loss of heat would have caused extreme damage to buildings and machinery in both plants, as well



as naval ships under construction. Sprinkler systems, water pipes, boilers and drain pipes would have frozen and been seriously damaged, and in addition would have subjected the plant to a serious fire hazard. When the situation became desperate, several fuel trucks succeeded in penetrating the picket line in spite of considerable opposition.

The use of force on either side is not the answer to a serious problem, for it could lead to physical injury to persons on both sides of the dispute, for it pits friends, neighbors and fellow workers against each other.

When we have labor legislation before us, we should consider seriously all phases, and could very well ask ourselves many questions from a labor-management viewpoint.

To be as brief as possible, I will mention only three. (1) Does it give labor or management an advantage or disadvantage over one or the other? This bill does not. (2) Does it take away the laboring man's right to organize, or strike, or picket? This bill does not. (3) Does it place the employer in a non-competitive position? This bill does not.

In conclusion, this legislation meets what I believe to be Maine's public policy in relation to labor and management and creates no advantage or disadvantage to either group as already stated.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: In regard to New Draft, L. D. 1536, as I felt the mechanics by which this new draft was handled in committee, a vote never taken to draw up a new draft, I took it upon myself to ask both the principal proponents and the principal opponent to give their views on the new draft. I have here and I will read the report I received over one week ago from the principal opponent to L. D. 213.

I. The new draft fails completely to answer the basic points of opposition which were argued at the hearing and which were emphasized in the editorials in the Lew-

iston and Portland papers, namely:

A. Force and coercion have been so rare in labor disputes in Maine and, in particular, in relation to plant maintenance, that additional legislation is clearly unnecessary. Hence it can only be assumed that a bill such as this one must be designed to be punitive and to aim at destroying the legal rights of working people to use effective self-help to assist in maintaining their working standards.

B. There is sufficient law on the statute books at the present time to satisfy the most conscientious persons that force and coercion will not be tolerated as part of picketing or labor disputes whether in connection with plant maintenance or in any other connection. These laws provided both criminal remedies and injunctive relief. The fact that an effort is now made to put another statute on the books can serve only as a notice — a false notice — to the rest of the country that Maine must be encountering so much and so dangerous labor trouble that additional and drastic legislation is required. Thus, we are really giving Maine a black eye of enormous proportions. We would be advertising to all of the other states, and to all industries who might wish to come to Maine, that criminal law has broken down in Maine and that our courts have failed to give adequate protection through the injunctive process. All of us know that this is ridiculous and that, therefore, the enactment of this kind of legislation would convey a totally misleading message to the nation. It is just another instance of how those who wish to punish working people, because they might have had some minor problems with that group, are willing to jeopardize the best interests of the entire state.

II. Analysis of defects within the new draft itself.

A. The use of the words "threat" and "intimidation" are immediately recognized as vague and dangerous in that they will permit what is essentially peaceful picketing to be outlawed and rendered criminal on the basis of quick and emotionally charged judgments. They

furnish a most inadequate criterion on which to erect a structure of crime. Peaceful picketing is peaceful when it is conducted without force or coercion. The words "force" and "coercion" are already used in the statute. Nothing is added but confusion by the use of the words "threat" or "intimidation." It is only when "threat" becomes so severe that it amounts to coercion or force that it should be recognized as a basis for crime. A very mild statement might easily be misinterpreted by another person as a threat even though it is merely a casual remark with no danger involved. Since the words "force" and "coercion" are already utilized in the statute, the additional words "threat" and "intimidation" can only be interpreted to signify something less than coercion and could be deemed to include something very, very trivial, depending on how squeamish the individual involved might be. This would be an outrageous situation. It is generally recognized that when there is picketing and striking going on, emotional tensions are running high and there can be considerable feeling. The words "coercion" and "force" are adequate to give protection. Threat and intimidation should not be utilized as something extra over and above coercion or force. Moreover, if picketing is coercive it is already illegal under state law because it involves assault and because it can be enjoined. Nothing more is added by this statute—except to allow emotions to be substituted for sober, impartial judgment.

B. The concept of physical obstruction is much too vague to be utilized in a criminal statute. If an individual man is standing at the entrance of a place of employment even for a moment, it could easily be said that his presence, his standing there, is a physical obstruction. This would also be true even were he in the process of crossing the street. Again, the concept of physical obstruction is seen to be much too ambiguous and much too dependent on the individual judgment of persons whose interests can easily color their judgment. Such vague and subjective

criterion should never be the basis on which a person can be sent to jail as a criminal. In the same vein, it could be deemed a physical obstruction if an individual were to approach a truck driver and by some physical signal of his arm request the truck driver to stop and have a conversation with him. Who is to say whether this is physical obstruction or speech? The purpose of this statute is to allow any minor official of a company to use his own judgment and bring a charge or to allow a county attorney who might become overwhelmed by the emotional tensions of a labor dispute to lose his head.

C. The statute is defective in terms of its grammatical structure in that it talks about preventing the delivery of any service. Clearly, service is not something that is delivered. It may be true that we can deliver supplies and-or commodities and that the delivery of such supplies or commodities may be regarded as service. In this bill, however, there is attempted an additional concept of the delivery of a service. This is either a complete grammatical error or else it has an insidious ulterior purpose of indicating that it includes bringing people into a plant who are to render some service within the plant. In other words, even though the statute talks about the delivery of a service, to make sense it would seem that it would have to be construed to mean the delivery of persons who are to render a service. In this respect, the new draft opens the doors wide to strike-breakers. This is especially true in view of the vague concept of proper maintenance. Very often the continuance of production in a plant may be necessary or of importance to have the buildings and equipment maintained. In this respect, it would be argued that the continuance of production is important to proper maintenance and that, therefore, the transportation of "scabs" or other strike-breakers, who are to take the jobs of the persons on strike, would be included within this proposed bill as necessary for proper maintenance of equipment, of fixtures, etc. If this is true, as it would

seem to be, the very attempt by strikers to approach automobiles carrying persons who are to take over the jobs of the strikers could be deemed threat or physical and could be made a crime.

The point is that there are so many loose ends and vague words and concepts employed, with this kind of a statute on the books, the various county attorneys and various municipal court judges could run wild, depending upon the amount of local pressure to which they are subject. This would be a most unfortunate way of handling labor disputes in Maine. It would substitute emotion and irresponsibility, induced by strong tensions, for the sober and well-considered judgment of the judges who sit in our courts and who afford injunctive relief after objective analysis.

D. The concept of other casualties is so vague and so comprehensive that it could allow any ingenious employer to figure out hundreds of possibilities as to why his equipment, machinery or fixtures might be subject to deterioration or damage. This vague term, "other casualties" opens the door so wide that the proposed bill could subject persons who are picketing to criminal prosecution, or the threat of criminal prosecution, at the whim of interested parties who have sufficient local power to induce local police or enforcement officials to act on their behalf. This would, in practical effect, outlaw peaceful picketing should an unscrupulous employer wish to terrorize persons on strike by threat of criminal prosecution.

III. The most fundamental objection of all to this proposed bill is that it aims to put the control of picket lines into the hands and judgment of persons who are too close to the scene, too much a part of the community in which a dispute may be occurring, and, therefore, too much subject to the tension and high feelings and pressures that are being generated. It can only be such a motive as this that truly underlies this proposed statute. Otherwise, such a law is entirely unnecessary. Our existing laws are entirely adequate if we wish to have a dispassionate, objective and impartial consideration

of all the factors involved in labor disputes and if we sincerely wish to have the rights of both sides adequately safeguarded.

This, as I said, is the reply to my query as far as the opponents are concerned. I understand there is a reply somewhere in the House in regard to the proponents. Ladies and Gentlemen of the House, as I believe this legislation is fought with the possible misinterpretation that ample laws now exist in this state in regard to the intent of this legislation, and that labor relations in the State of Maine are envied by practically every state in the Union, I believe this legislation is uncalled for. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Noel.

Mr. NOEL: Mr. Speaker and Members of the House: I know the hour is getting late and everybody wants to go to lunch; so do I. I will try to make this very, very brief.

I have been a member of a union for about twenty years. I worked in the same plant for thirty-six years and I have been to quite a few conventions in Maine, in Cleveland, Chicago and different parts of the states. One thing that I was very proud of was different delegates from different states all said that the State of Maine had the respect of quite a few of the states because the labor trouble in Maine was very, very small. In my talks with different delegates it always has been understood that labor relationship between the employer and the union was very good. Now I don't see why we need all of those bills to clarify one or the other. The more you put in a law the worse it is and the harder to understand. So I hope that this bill does not pass.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: I realize that I have a great deal to learn about legal procedure, but in January this year there came to this House L. D. 213, An Act Making Unlawful Picketing Violence which Prevents Delivery of Neces-

sary Supplies and Services. It was referred to the Committee on Labor, given a good hearing and found to be a bad bill, that is, so bad that it had to be re-written. Now it comes to this House three months later in different language with a new title, An Act Relating to Plant Protection, without a hearing and does it mean one thing different than the first bill?

If this is a regular practice of our Legislatures, I think that it should be brought to a halt. No one in this state wants violence and trouble, and we all want our property protected. Maine has ample law on its books already to preserve peace and ample forces to uphold lawful processes. Why clutter up the statutes with something unnecessary? Let alone something which instead of reaching its desired objective, will make trouble, cost money and make more trouble. The question may well be asked, who is so determined that this law is placed upon our books at this time? Mr. Speaker, I hope the motion to indefinitely postpone prevails.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this bill as a signer of the "ought not to pass" report from the Committee on Labor. I speak also as one who is completely unassociated with either side of the issue and have endeavored to form a completely unbiased opinion of this bill.

Due to the fact that our present laws cover any infringements on the rights of management or labor during labor disputes, and due to the fact that the relationship between our labor and management in this State has been exceptionally good with one or two exceptions, I feel that such legislation would be very detrimental to all concerned. I also feel that such a measure included in our laws would be very detrimental to any new industry considering entering our state in that it would give such industry cause for suspicion that all was not well as far as labor relations were concerned, thereby

causing them to locate elsewhere rather than to settle in a spot where there is always one trouble or another brewing.

I rather liken this bill to a common criminal in that it fulfills the same requirements that a criminal does as we know him. In the first place it is travelling under an alias which in itself should cause suspicion. We were first acquainted with it as the "Anti-Picketing" bill when it had its public hearing. Both the proponents and opponents were heard at the hearing and when it was over, it was easy for any to see that the bill was both vicious and unnecessary. Realizing this, the proponents of the bill immediately redrafted it and changed the title, calling it the "Plant Protection bill," which is the alias I refer to. They know that each and every one of us believe sincerely that plants should be protected and that the existing law does this. However, in the busy shuffle of our legislative process it would be very easy for anyone, who did not read the bill thoroughly and see the hidden implications, to vote in favor of it on the strength of its title.

Again as in the case with the criminal as we know him, this bill has many hidden implications and relies on these to do its real damage. It is already agreed by statute that the use of force or coercion is punishable and enjoined as the law stands now, and that this justice is executed by either a judge of our Superior Courts or a member of our Supreme Judicial Court. We also have to agree that these people are removed from the immediate area of dispute and are full time judges, thereby making it possible for them to make their rulings in a pressure-free, peaceful atmosphere.

This measure, however, would place the responsibility in the hands of our municipal court judges and county attorneys, who would be right in the middle of things and would be subjected to tremendous pressures. In the one instance we would have a man holding an elective political position involved, and on the other one who is a part-time judge. Let me state for the record that I am not implying any-

thing other than the possibility of pressure, political strategy, and emotion, clouding the issue; however, it must be admitted that an authority removed from the scene could certainly rule more fairly on issues such as these.

This bill also makes punishable the use of "threat" in connection with strikes. This term is vague and in a sense a real danger. It borders on the rim of violation of one of our basic rights, namely freedom of speech. It is well and good to protect any individual from force and coercion, but just where do we draw the line as to what a threat is? It is conceivable that a striker by merely talking strongly to an individual could be interpreted as a threat and the person jailed under the terms of this bill. Is this the type of legislation that we want?

This L. D. is loaded with such terms and can serve no other purpose than ruining the opportunity of the worker for protecting himself from any abuses which he may be subjected to. I am certain that none of us want this and by now can see that the need for such legislation as this does not exist.

I also would like to mention that we as citizens of Maine should be proud of the excellent relations that exist between labor and management and should feel that if the need for corrective measures ever arises, that the people of the State of Maine through their Legislature can take care of the problem at such time.

For these reasons and for the good of all concerned, I urge indefinite postponement of this bill.

The SPEAKER: The motion to indefinitely postpone is the prevailing motion made by the gentleman from Brunswick, Mr. Lowery.

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: Due to the late hour this morning, I do not wish to take too much of your time, but I have this small message here that I would like all you people here as representatives of the people of the State of Maine to take into your conscience and vote as you see fit.

Our existing laws are entirely adequate. If we wish to have a dispassionate, objective and impartial consideration of all the factors involved in labor disputes, then we must not tamper with our statutes.

However, if we choose to announce to the public in general that the conditions of labor-management in Maine are in a state that they need supervision or correction, we are inviting our condemnation.

What industry would sacrifice a momentous decision to challenge their Board of Directors to move into Maine in the face of labor unrest? Would they say this state has passed a law relating to plant protection so therefore it will now be safe to set up our plant in Maine? I cannot help but raise a question of what is so bad about labor relations in Maine that the Legislature must pass a law restricting the picketing activities of labor? Is it a fact that picketing in Maine is wide-spread? Do we have wild-cat strikes in this state? Why was this legislation passed? Was it needed? Maine's leading newspapers say that this legislation is not necessary.

They say that this legislation is an open admission to our competitive states that Maine has a labor climate not conducive to new industry. I say to you: do we merit this legislation?

I say to you: what has Maine labor done to deserve this vicious legislation? Have we witnessed any wildcat strikes? Have we seen industries bogged down in labor disputes? Have we warranted any such drastic action to curtail our activities?

"Plant Protection" is a misnomer. Do we need to protect our Maine plants? What evil forces are at work in Maine?

Ladies and Gentlemen, this law is unnecessary. The revisions were conceived in haste; amended the penalties, softened it up and sent it to the Committee as a new bill which might not raise the wrath of the critics, but it is essentially the original 213.

In the name of common decency and justice, it is essential that L. D. 1536 ought not to pass. I thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Bristol, Mrs. Sproul.

Mrs. SPROUL: Mr. Speaker and Members of the House: I suppose that there is no subject that we have discussed any more in our ranks back and forth than this bill, originally 213. I think that I can show by my votes here on roll call and otherwise that I am not against labor. I think I can appreciate the viewpoint of the working man.

As I see this bill, however, it provides for just one thing, there shall be no interference with the delivery of necessary supplies. It seems to me that when the strike is over, it will be necessary to have a plant to come back to. I cannot see that this bill is against common decency or any other thing that has been mentioned here today. I am in favor of this bill.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I am opposed to this bill for three reasons. First, that it is unnecessary, which has been amply shown, and secondly, it is because it will do a great deal of harm to labor and to ourselves. Now I was a laboring man for twenty years and as such I did belong to associations. I have been an employer of labor for thirty years, and never in doing business with the state in this state with the employer or employee have I ever found them unfair or unreasonable.

I was involved in a strike one time on a railroad, and the union there said we will haul the mail for you, or any necessary thing. I am sure that the people that go on strike in this state will be just as fair as that. Of course they realize that if they win the strike, which they hope to do, that they must have a plant to go back to, and they don't want to wait two or three weeks or a month for something to be done. The bill is loosely drawn and it does not really state what they say that it does state, to protect the plant, because I believe the citizens of this state are not that kind of citizens and never have acted so.

I believe this is a direct expression if this bill should pass of opinion of the members of this Legislature that we do not believe in the loyalty or common sense of the citizens of this state who belong to an association of citizens organized to secure life and happiness for themselves who form a picket line, and I move that we have a roll call when the vote is taken.

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

Mr. BREWER: Mr. Speaker and Members of the House: I will be very brief. L. D. 1536 is not designed as opponents would have you believe to be punitive, nor is it aimed at destroying the legal rights guaranteed to employees by law. It is to supplement the existing law civil and criminal, and its purpose is not punitive or intended in any way to abridge the rights of employees. Its purpose is none other than to prevent injury or damage to property as specifically stated in the act. The act should not be judged as to its purpose and effectiveness by, for example, pointing out that the municipal courts are not competent to determine whether or not there has been a violation of the act. It is presumptuous to presuppose that our courts are incompetent and that there would be a great deal of pressure exerted on the court in making determinations, which is attacking the judicial system rather than the act itself.

The act should be judged on its merits and what it would accomplish in the interest of public policy in the State of Maine. The Legislature has a right to enact such legislation in order to avoid substantial injury or damage to plant property that might arise from methods adopted by a union or employees when a plant has been struck.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Mars Hill, Mr. Tweedie.

Mr. TWEEDIE: Mr. Speaker, in view of the fact that the farming people think their part of the bill is incomplete and they wish to add an amendment, I would like to ta-

ble this measure until Friday next for that purpose.

(Cries of "No")

The SPEAKER: The gentleman from Mars Hill, Mr. Tweedie, has moved that this bill be tabled until Friday next. All those in favor of the tabling motion please say aye; those opposed, no.

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

The SPEAKER: The question before the House is the motion of the gentleman from Brunswick, Mr. Lowery, that the Reports and the Bill be indefinitely postponed, and a roll call has been requested. In order for the Chair to order a roll call, it must have an expression of a desire for a roll call by at least one-fifth the members present. Will those who desire a roll call, please rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER: Obviously, less than one fifth having arisen, a roll call is not ordered. The Chair will order a division. Will all those

in favor of the motion to indefinitely postpone both Reports and the Bill "An Act Making Unlawful Picketing Violence Which Prevents Delivery of Necessary Supplies or Services," please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-one having voted in the affirmative and seventy-five having voted in the negative, the motion did not prevail.

Thereupon, Report "A" "Ought to pass" in New Draft House Paper 1114, Legislative Document 1536, was accepted, the New Draft read twice and tomorrow assigned.

---

The SPEAKER: The Chair would like to announce there may be afternoon sessions tomorrow afternoon and also perhaps Thursday.

---

On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock tomorrow morning.