

# 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**

**SENATE**

Tuesday, May 2, 1961

Senate called to order by the President.

Prayer by Rev. Alice T. Hart of Hallowell.

On motion by Mr. Brewster of York, Journal of Friday, read and approved.

On motion by Mr. Stanley of Penobscot, the Senate observed one moment of silence in memory of the late Governor Carl E. Milliken.

The PRESIDENT: The Chair notes in the Senate gallery a group of students from Gardiner High School with Mrs. Williams, their teacher. It is certainly a pleasure to have this group with us. I have been told that this group is from Senator Farris' home town. We hope that your stay here is enjoyable and educational. We hope that you will visit the Museum and of course you will visit the House. Someday perhaps some of you will take your places in the Senate Chambers representing the County where you live. At this time the Chair would like to introduce the Senators from your county. Senator Gilbert, Senator Farris and Senator Marden. (Applause)

In the Senate Chamber also is the son of one of our beloved Senators from Aroostook, Michael Edward Cyr, son of Senator Cyr. Michael is from the junior class of Madawaska High School. The Chair will ask Senator Cyr of Aroostook to escort his son to a seat with the Pages where he has been appointed to serve as honorary page for today. (Applause)

**Papers from the House  
Non-Concurrent Matters**

Bill, "An Act relating to Obscene Printed or Written Matter or Material." (S. P. 433) (L. D. 1393)

In Senate, April 20, passed to be engrossed, as amended by Senate Amendment "A" (Filing S-109)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Farris of Kennebec, the Senate voted to insist on its former action

and ask for a Committee of Conference; the President appointed as Senate members of such Committee, Senator Marden of Kennebec, Bates of Penobscot and Farris of Kennebec.

Bill, "An Act Relating to Transfer of Duties of School District Commission to State Board of Education." (H. P. 801) (L. D. 1115)

In House, April 4, passed to be engrossed.

In Senate, April 7, passed to be engrossed in concurrence.

Comes from the House, passage to be engrossed reconsidered, House Amendment "B" (Filing H-238) adopted, and the Bill passed to be engrossed, as amended by House Amendment "B" in non-concurrence.

In the Senate, on motion by Mr. Bates of Penobscot, the Senate voted to recede and concur.

Bill, "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels." (S. P. 90) (L. D. 186)

In Senate, March 24, passed to be engrossed.

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Farris of Kennebec, the Senate voted to insist on its former action and ask for a Committee of Conference; the President appointed as Senate members of such Committee, Senators: Porteous of Cumberland, Edgar of Hancock and Farris of Kennebec.

**Orders**

On motion by Mr. Erwin of York ORDERED, that the Secretary of the Senate be directed to have printed in document form, 1000 copies of Senate Amendment A to S. P. 456, L. D. 1462, "An Act Establishing the Uniform Commercial Code."

Which was read and passed.

On motion by Mr. Cole of Waldo ORDERED, that the Secretary of the Senate be directed to have flowers sent to Mrs. Earle Hillman with the sympathy of the Senate and wishes for a speedy recovery.

Which was read and passed.

Mr. MAYO of Sagadahoc: Mr. President, I just noticed on the calendar on Page 3, Senate Committee Report referring Bill, "An Act Establishing the Uniform Commercial Code" to the 101st Legislature, and a few minutes ago we passed an order for 1000 copies to be printed. I would like to ask through the Chair a question of the Senator from York, Senator Erwin: How does this order that we just passed reflect on Item 6-14 on Page 3, referring this same bill to the 101st Legislature?

The PRESIDENT: The Senator from Sagadahoc, Senator Mayo, asks a question through the Chair of the Senator from York, Senator Erwin, and that Senator may answer if he wishes.

Mr. ERWIN of York: Mr. President, to answer the question of the Senator from Sagadahoc: The Committee on Judiciary, as you will note on Page 3, Item 6-14, has recommended that this Act Establishing a Uniform Commercial Code be referred to the 101st Legislature. The reason for the action of the committee in regard to this legislation is that this is such major legislation and it is so large and so important and there have now been offered several pages of amendments to the bill, the Judiciary Committee felt that the only way that the legislature and the people and the bar association could study the bill intelligently would be to have it lie over and to have these amendments printed in document form so that they can accompany the act itself when people come in requesting information about it. That was the reason for the order this morning.

The PRESIDENT: Does that answer the question of the Senator from Sagadahoc, Senator Mayo?

Mr. MAYO: Thank you, Mr. President.

#### House Committee Reports Leave to Withdraw

The Committee on Judiciary on Bill, "An Act Relating to Certain Property of Town of Union, Knox County, Acquired Under Will of Francis E. Thompson." (H. P. 886) (L. D. 1221) reported that the same should be granted Leave to Withdraw.

Comes from the House recommended to the Committee on Judiciary.

In Senate, recommended to the Committee on Judiciary in concurrence.

#### Ought Not to Pass

The Committee on Highways on Bill, "An Act Appropriating Monies for Construction of a Road for Elliottsville Plantation." (H. P. 385) (L. D. 560) reported that the same Ought not to pass.

Which report was read and accepted.

The Committee on Legal Affairs on Bill, "An Act Relating to Political Registration of Members of Lewiston Boards and Commissions." (H. P. 202) (L. D. 297) reported that the same ought not to pass.

Mr. COUTURE: Mr. President and members of the Senate: In regard to this piece of legislation here, I do not know how many of you are aware of the charter of the City of Lewiston but I shall start by explaining this law that we have in our city.

Our city, in all elections, operates on a non-partisan basis; in other words the election is open for either party to vote for the candidate of their choice whether he is a Republican or whether he is a Democrat. The charter is founded on boards and commissions and is the charter of the City of Lewiston, governed by a Mayor and Council and boards and commissions on a non-partisan basis. In all our boards and commissions after they are elected on a non-partisan basis, the appointments on those boards and commissions are on a partisan basis. By law you have to appoint three of the prevailing party and two members of the other party. I for one feel that where it is a non-partisan election that we should not make the appointments on boards and commissions partisan. So at this time I will move to substitute the bill for the report of the committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Couture, that the Senate substitute the bill for the report of the committee.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I have long been vaguely familiar with the city charter of the City of Lewiston. I can almost say without fear of contradiction that from what has transpired at hearings before the Legal Affairs Committee, two complete days, that probably I am almost qualified as an expert on the charter of the City of Lewiston.

I would like to point out that there were very extensive hearings on all of the charter proposals for changes that were submitted. On this particular issue there is a group called "LIFT," meaning "Lewiston Improvement for Tomorrow," represented by very substantial citizens in both political parties but predominantly the Democratic party. The League of Women Voters are very actively interested in the problems pertaining to the charter of the City of Lewiston; also a group known as the "Vigilantes," which have long been active in political circles in the City of Lewiston. All of those groups were unanimously opposed to the passage of this proposal.

Now it is true that in the City of Lewiston they have what we would call non-partisan elections, but I think it is safe to say, again without fear of contradiction, that the results of any of those elections in the City of Lewiston are never exactly what you would call non-partisan results.

I think that this would be a step backward for good government in the City of Lewiston if you were to substitute the bill for the report, and at this time I would move the indefinite postponement of this bill.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: I think it is my duty to talk on this bill. As you know, I had to make appointments a little while ago as Mayor of the City of Lewiston.

The charter reads that the Mayor will appoint, as the outgoing members go out, three members from the Democratic party and two members from the Republican party. Now if you are an independent you have to be enrolled in the party at least a year prior

to the appointment. I believe that the charter is inconsistent. A lot of these business men do not want to register in any party. I think you saw that in the last election: that we have as many independents in our state as we have party members and independent members can not serve on any one of these boards, because the charter says you have to be enrolled as a member of a party.

I thought I should say something about that.

Mr. COUTURE: Mr. President and members of the Senate: I hate to contradict our good Senator Farris, but I will say that a group that gets together and comes up here is not the population of our city. Certainly if I did not feel in my mind that it is what the people of Lewiston want in their charter I would not be up on my feet supporting this piece of legislation.

I have been a member of the City Council in Lewiston for nine years. I have fought similar bills in this legislature. I was elected afterwards. Does it mean that the people are really opposing what I am fighting for?

Bear in mind that our city is a textile city, a shoe factory city, and certainly it is not everybody who can afford to loaf a day or take a day off to come up here to a hearing before the legislature. Those that were present here, some of them are in business and were able to leave their store or their business to come up here without losing anything. But I remember the day we had a referendum in our city according to our charter, and it was voted two to one to change. After the vote was taken somehow or other they have proven that the referendum was illegal, but I can assure you that when the people of our city go to the polls and vote two to one against the present charter it does mean that the majority are opposed to it. Our good Senator, Senator Farris, certainly may know our charter by heart but he does not know the feeling of the people of Lewiston as I know it. I am the one who represents these people. He might have an idea about what was brought out at the hearing, but I

am going to repeat what I said: this does not mean that it is a majority of the City of Lewiston. I do not see any reason whatsoever why a party basis should be used on appointments to serve for five years when a man is elected for one year.

In our last city election — and this proves how open-minded people are and that they are not following party lines — the biggest Democratic city in the State of Maine has elected as one member of the city council, a Republican in a Democratic ward. A good many times these appointments are tied up to a party affair and some years you have to appoint a Democrat where for the good of the city a Republican is willing to serve but by the charter the Mayor cannot appoint him. And another time he has to appoint a person from the opposite party that will possibly not be half as good for the taxpayers as the one that the Mayor would have appointed if he were free to do so. In time you will have to appoint a Republican when possibly a Democrat could do a better job for the City of Lewiston because of his qualification, but the Mayor has to appoint someone from the opposite party. The qualifications of the person may be nowhere near as good, but according to the charter he has to do it. I do not believe that it is good representation for a city. A man who is elected Mayor, certainly if he wants to be Mayor of the City after his commissions are concerned his hands should not be tied in appointing someone to represent the city for five years.

I am not speaking now of any personal fear that I might have for the future; I am speaking briefly here in representing the people of my city. A good many times I have been told by people who live thirty, forty or sixty miles from the City of Lewiston that a bill affecting the City of Lewiston ought to pass or ought not to pass. Who knows better than the people that represent that city. In the Maine Legislature, six terms in the House and my first term in the Senate, this is not the first time that I have fought this bill. The people have repeatedly elected me. An

editorial came out one time, a double column, practically the length of the page opposing me for re-election and changing the charter of the city, but the following election I was still re-elected. It was a short time before the city election that they used this editorial, but still with opposition in my ward I was elected over two to one. Now I believe if I was wrong the people would not have put me back in office.

Certainly I wish to see the Senate go along in substituting the bill for the report of the committee.

Mr. BOISVERT of Androscoggin: Mr. President and members of the Senate: I am sorry to rise in opposition to my good friend, the Senator from Androscoggin County.

I rise in support of the motion of Senator Farris. I do not want to prolong this debate, but I certainly will give you my reasons.

There are at the present time civic-minded groups who will form a committee and study the whole city charter of the City of Lewiston, and, instead of trying to make changes piecemeal at the next legislature they will present the proper changes to be made, so again I say that at this moment I am in favor of the motion of Senator Farris, and I do believe that we can count on the Senate to support that motion.

When the vote is taken I request a division.

The PRESIDENT: The question is on the motion of Senator Farris of Kennebec, that the bill be indefinitely postponed, and a division has been requested.

A division of the Senate was had. Twenty-nine having voted in the affirmative and two opposed, the motion to indefinitely postpone prevailed.

The PRESIDENT: We have the honor today of having with us, Governor Albert Nicola of the Penobscot Tribe of Indian Island and also Chief Poolaw of Indian Island. Will these gentlemen please rise and be recognized by the Senate? (Applause)

The Committee on Taxation on Bill, "An Act Abolishing Tax on Transient Rentals" (H. P. 175) (L.

D. 238) reported that the same ought not to pass.

The same Committee on Bill, "An Act Relating to Apportionment to Municipalities of Tax on Railroads." (H. P. 359) (L. D. 511) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

#### Ought to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for the Construction of an Addition to Edmunds Elementary School in the Unorganized Territory." (H. P. 567) (L. D. 787) reported that the same Ought to pass.

The same Committee on Resolve Appropriating Funds to Public Utilities Commission for Water Resources Investigation. (H. P. 379) (L. D. 554) reported that the same Ought to pass.

Which reports were read and accepted in concurrence, and the Bill and Resolve read once and tomorrow assigned for second reading.

The Committee on Natural Resources on Bill, "An Act Classifying Certain Tidewaters Bordering Thomaston." (H. P. 693) (L. D. 971) reported that the same Ought to pass.

Comes from the House recommitted to Committee on Natural Resources.

In Senate, recommitted in concurrence.

#### Ought to Pass — As Amended

The Committee on Legal Affairs on Bill, "An Act Creating the Passenger Tramway Safety Board." (H. P. 1019) (L. D. 1420) reported that the same Ought to pass, as amended by Committee Amendment "A". (Filing H-230)

The same Committee on Recommitted Bill, "An Act Relating to Determination of Quorum at Special Town Meeting in Kittery." (H. P. 683) (L. D. 961) reported that the same Ought to pass, as amended by Committee Amendment "A". (Filing H-231)

Which reports were read and accepted in concurrence. Committee Amendments "A" were read and adopted in concurrence, and the

Bills read once and tomorrow assigned for second reading.

#### Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys for Maine Civil War Commission." (H. P. 86) (L. D. 126) reported that the same Ought to pass in New Draft, Same Title (H. P. 1137) (L. D. 1567)

The same Committee on Resolve, to Reimburse Old Town School Department for Tuition for Children Living on Indian Island. (H. P. 455) (L. D. 655) reported that the same Ought to pass in New Draft, New Title: "An Act to Provide Schooling for Non-Indian Children Living on Indian Reservations." (H. P. 1136) (L. D. 1566)

Which reports were read and accepted in concurrence, the Bills in New Draft were read once and tomorrow assigned for second reading.

The Committee on Legal Affairs on Bill, "An Act Relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of the Town of Old Orchard Beach." (H. P. 521) (L. D. 719) reported that the same Ought to pass in New Draft, under the same Title: (H. P. 1132) (L. D. 1559)

Comes from the House, passed to be engrossed, as amended by House Amendment "A" (Filing H-239)

In Senate, Report accepted in concurrence, and the Bill in New Draft read once. House Amendment "A" read and on motion by Mr. Edgar of Hancock the bill was tabled pending adoption of House Amendment A.

#### Senate Committee Reports Ought Not to Pass

Mr. Erwin from the Committee on Judiciary on Bill, "An Act Relating to Default under Trustee Process." (S. P. 421) (L. D. 1301) reported that the same Ought Not to pass. Which report was read and accepted.

Sent down for concurrence.

**Referred to the 101st Legislature**

The same Senator from the same Committee on Recommended Bill, "An Act Establishing the Uniform Commercial Code." (S. P. 456) (L. D. 1462) reported that the measure with proposed Committee Amendment "A" be referred to the 101st Legislature.

Which report was read and accepted, and the Bill so Referred. Sent down for concurrence.

**Ought to Pass - As Amended**

Mr. Cyr from the Committee on Natural Resources on Recommended

Resolve, Providing for Publication of Information on the Public Lots by Forestry Department. (S. P. 491) (L. D. 1486) reported that the same Ought to Pass, as amended by Committee Amendment "A" (Filing S-151)

The report was read and accepted, and the Bill read once. Committee Amendment "A" (Filing S-151) Read and Adopted, and the Bill, as amended, tomorrow assigned for second reading.

**Second Readers**

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

**House**

Bill, "An Act Providing for the Union of the Towns of Mars Hill and Blaine as One Municipality." (H. P. 412) (L. D. 587)

Bill, "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island." (H. P. 591) (L. D. 812)

Bill, "An Act to Provide for a Civil Service Commission for the Fire Department of the City of Biddeford." (H. P. 1133) (L. D. 1560)

Bill, "An Act Relating to Search and Seizure of Vehicles Containing Liquor." (H. P. 1135) (L. D. 1562)

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

**House - As Amended**

Bill, "An Act Relating to Petition for Review of Incapacity Un-

der Workmen's Compensation Act." (H. P. 506) (L. D. 705)

Amended by Committee Amend. "A" (Filing H-189)

Bill, "An Act Relating to Powers of Arrest by Inland Fish and Game Wardens." (H. P. 491) (L. D. 691)

Amended by Committee Amend. "A" (Filing H-217)

Bill, "An Act Revising Certain Probation and Parole Laws." (H. P. 498) (L. D. 697)

Amended by Committee Amend. "A" (Filing H-218)

Bill, "An Act Amending the Juvenile Offender Law." (H. P. 499) (L. D. 698)

Amended by Committee Amend. "A" (Filing H-219)

Bill, An Act to Amend the Charter of the City of Bath." (H. P. 680) (L. D. 958)

Amended by Committee Amend. "A" (Filing H-216)

(On motion by Mr. Mayo of Sagadahoc, tabled pending passage to be engrossed.)

Bill, "An Act to Grant a New Charter for the Town of Falmouth." (H. P. 690) (L. D. 968)

Amended by Committee Amendment "A" (Filing L. D. 1561)

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

**As Amended - in non-concurrence**

Bill, "An Act Relating to Compensation of Medical Examiners for View Without Autopsy." (H. P. 162) (L. D. 225)

Amended by Senate Amendment "A" (Filing S-137)

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

Bill, "An Act Relating to Plant Protection." (H. P. 1114) (L. D. 1536)

Amended by House Amendment "A" (Filing H-232)

Which was read a second time and passed to be engrossed, as amended by House Amendment "A" (Filing H-232) and by Senate Amendment "A." (Filing S-149) in non-concurrence.

**Senate**

Bill, "An Act to Revise Laws Relating to Department of Mental



Health and Corrections." (S. P. 282) (L. D. 883)

Which was read a second time and the Bill passed to be engrossed. Sent down for concurrence.

**Senate - As Amended**

Bill, "An Act Governing Hospitalization of the Mentally Ill." (S. P. 497) (L. D. 1496)

Amended by Senate Amendment "A" (Filing S-146)

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

Sent down for concurrence.

**Enactors**

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

Bill, "An Act Increasing Fee of Physicians in Commitment Proceedings of Insane Criminals." (H. P. 496) (L. D. 695)

Bill, "An Act Relating to Larceny by Trustee in Trust Receipt Transactions." (H. P. 599) (L. D. 866)

Bill, "An Act Relating to the West Paris Village Corporation." (H. P. 692) (L. D. 970)

Bill, "An Act Relating to Allegation of Prior Conviction in Criminal Cases." (H. P. 751) (L. D. 1037)

Bill, "An Act Permitting Governor of Penobscot Tribe of Indians to Bring Action for Money Due." (H. P. 1123) (L. D. 1547)

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

Which Bills were passed to be enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

On motion by Mr. Parker of Piscataquis, the Senate voted to reconsider its action taken earlier in the day on Item 6-2, House Report from the Committee on Highways, Ought not to pass on bill, "An Act Appropriating Moneys for Construction of a Road for Elliotsville Plantation (H. P. 385) (L. D. 560) whereby it accepted the report of the Committee.

Mr. PARKER of Piscataquis: Mr. President, I move that this bill lie on the table unassigned. I assure you that the only reason I am doing this is because of the possibility of new information concerning the town involved, and I shall take it off the table as soon as I receive that information.

The motion prevailed and the bill was tabled pending acceptance of the report.

**Orders of the Day**

The President laid before the Senate the 1st tabled and today assigned item (S. P. 135) (L. D. 318) Senate Report, Ought not to pass, from the Committee on Appropriations and Financial Affairs on bill, "An Act Providing that the Legislative Research Committee Study a State Building Code and Anti Shack Statute," tabled on April 25 by Senator Ferguson of Oxford pending acceptance of the report; and on further motion by the same Senator, the report was accepted.

Sent down for concurrence.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 974) (L. D. 1338) House Report, Ought to Pass in New Draft and under New Title of "An Act Relating to Store Registration under Pharmacy Laws" (H. P. 1100) (L. D. 1513) from the Committee on Health and Institutional Services on bill, "An Act Relating to Store or Department Registration under Pharmacy Laws", tabled on April 25 by Senator Sampson of Somerset pending acceptance of the report.

Mr. SAMPSON of Somerset: Mr. President and members of the Senate under this bill no merchant would be permitted to open a drug department under supervision of a registered pharmacist unless that store maintained an inventory of prescription drugs in the amount of ten per cent of the total inventory of all goods carried. This bill would make it more difficult for a larger store to comply than a smaller one and therefore makes it discriminatory between classes of business in relation to size. A small filling station for instance with an inventory of one thousand dollars in salable merchandise

could open a branch drug store in the same place by maintaining an inventory of \$100 in prescriptions while a supermarket with experienced help and clean, responsible clerk service, with up to the minute improvements and facilities having a total inventory of one hundred thousand dollars must stock ten thousand dollars worth of required drugs. This bill would also restrict further advancement of opportunities for registered pharmacists on the grounds that heavy inventory requirements would make it impossible to warrant the establishment of any new drug units, or anyone wishing to start in the drug business.

In the public interest no such restrictions should be imposed on any merchant since the public wants better service every day in better stores. If a registered pharmacist is to be employed, why then is it necessary to require an inventory provision by legislature. I move that we concur with the House in indefinite postponement of this bill.

Mr. LOVELL of York: Mr. President and my conscientious friends in the Senate, I wish to speak briefly on L. D. 1513. The Pharmacy Association naturally wants to protect the health and welfare of our good citizens. A redraft of the bill has come from the Committee as ought to pass and I am sure you agree with the Committee. I shall not speak for long on this as I am sure that you all are interested in the good health of the people.

One of the reasons for this bill is the reason I spoke on last week. Certainly a pharmacy should restrict itself to drugs and not try to compete with the grocery stores or the supermarket. We want to cut down on our outside inventory and to do so would be to make it a little bit stricter for our pharmacists in Maine. Actually it was mentioned by our good friend from Somerset, Senator Sampson, that ten per cent of the inventory be drugs. Well actually in most stores it runs to at least a third. The average pharmacy that carries normal prescription stock must have ten thousand dollars in prescription stock alone. Last week you

voted against me in allowing dangerous drugs to be sold in grocery stores and I sincerely hope that you will vote with me this week. I am confident that you will not want to permit the grocery store and supermarket to swallow up the corner drug store and put the store out of business so he will have to go to work in the grocery store. We need to keep our drug stores as drug and prescription centers. In a short time the way things are, we can all go to a supermarket to get groceries. There will be a doctor or lawyer in attendance to care for your wants, and there will be trading stamps to go along with the fee for the doctors and lawyer. I will not be surprised if in the back part where the meat section is, that eventually you will find even a cut price undertaking section. There is just no limit where these markets wish to go.

It doesn't seem to me that you would want this condition. This bill simply requires that to maintain, open, manage, establish or supervise an apothecary store to get a permit the person must be a registered pharmacist. We want to uphold the profession of Pharmacy and the health of our citizens. This bill does not prevent the supermarket from operating a drug store but he must have a registered pharmacist to get a permit and he must have ten per cent of his inventory in drugs. This is good protection for you. Last week the grocery supermarkets won a big victory in being allowed to sell dangerous drugs. Let's not put them in a position to handle professional services of health and welfare without qualified licensed personnel.

Please do not listen to the strong lobby against this bill. They outmatch me and have more funds than I to spend. I am sure the good Senators will realize the importance of this bill and will vote for it. Please protect your druggist and small business. I ask for a division on the motion to indefinitely postpone.

The PRESIDENT: The question is on the motion of Senator Sampson to indefinitely postpone, and a division has been requested.

A division of the Senate was had. Twenty-three having voted in the affirmative and eight opposed, the motion to indefinitely postpone prevailed. (in concurrence.)

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 165) (L. D. 411) Bill, "An Act Relating to Retirement of Chief Warden of Inland Fisheries and Game," tabled on April 26 by Senator Carpenter of Somerset pending motion by Senator Davis of Cumberland to indefinitely postpone.

Mr. CARPENTER of Somerset: Mr. President, in view of some happenings over the week-end which probably many of you have read about, I would like to retable this bill, and I assure the members of the Senate it will not remain on the table long.

The motion prevailed and the bill was retabled.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 652) (L. D. 930) House Reports from the Committee on Business Legislation on bill, "An Act Relating to Form of Standard Fire Insurance Policy," Majority Report, Ought to pass; Minority Report, Ought not to pass, tabled on April 26 by Senator Brown of Hancock pending acceptance of either report.

Mr. BROWN of Hancock: Mr. President due to the fact that a companion bill goes along with this and we will have it later, I move that this bill be retabled.

The motion prevailed and the bill was retabled.

The President laid before the Senate the 5th tabled and today assigned item, (S. P. 438) (L. D. 1359) bill, "An Act to Further Regulate the Sale of Malt Liquor Between Manufacturers and Wholesalers", tabled on April 27 by Senator Carpenter of Somerset pending motion by Senator Stanley of Penobscot to adopt Senate Amendment A.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: As a former member of the Liquor Control Committee, I believe that this Senate Amend-

ment "A" will make this a good bill. I have every faith in the ability of the Liquor Commission to handle these situations as they arise, and I hope that the Senate will go along in adopting Senate Amendment "A".

Mr. MAYO of Sagadahoc: Mr. President, if my recollection is correct, I think this is the bill that we debated quite thoroughly last week sometime and I am still upset about this bill because I still do not think the Liquor Commission should get into this type of legislation. I do not think the State of Maine or the Legislature should get into the type of legislation where we are going to start telling business houses or business people how to write their contracts. I am going to move the indefinite postponement of this bill and accompanying papers.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: I am pleased to concur in the expression of opinion and the motion of the Senator from Sagadahoc, Senator Mayo. If the information which comes to me is correct, the Liquor Commission does not want this legislation. I know the Judiciary Committee, by unanimous vote, did not want the bill as written, and, for the life of me, gentlemen, I cannot yet see where the public interest is at all affected by any of the language or the intent or the very philosophy of this piece of legislation. I therefore will support Senator Mayo's motion.

Mr. BROOKS of Cumberland: Mr. President, I am sorry I can not agree with my good friend, the Senator from Kennebec, Senator Marden, in his statement that it is not in the public interest that we do something to protect our wholesalers in Maine regarding their relationship with the breweries from out of the state. Obviously this bill has been presented in an effort to regulate to some degree the operation of the breweries within the state, and if it had not been for past abuses this bill would not have had to be presented to us for action. I cannot agree with Senator Mayo, and I wish that this body would accept Senate Amendment "A".

Mr. EDMUNDS of Aroostook: Mr. President and members of the Senate: I am as strongly opposed to this type of legislation today as I was yesterday. I am not a lawyer, and I am therefore not qualified to discuss the legal questions involved, but I am a businessman, and I believe I can recognize the principles involved in legislation of this type.

Briefly, this law provides that a brewer, after recognizing that a wholesaler is not doing the job he has agreed to do, must wait three months before making arrangements for someone else to sell his product. It is an attempt to legislate contracts. God forbid that our legislature involve itself in the field of contractual relationship between brewers and beer wholesalers.

The original bill was reported out of the Judiciary Committee unanimously "Ought not to pass." The amended bill contains substantially all of the provisions of the original bill, with the added provision that the Liquor Commission shall be the determining authority. Not only has the Liquor Commission indicated that they do not want this authority, but picture what power you are placing in the hands of the Liquor Commission, a commission of political appointees that quite conceivably, in the future, might not reflect the high moral and ethical standards of the present and former commissions.

The beer is important to the State of Maine. It brings in about two and a quarter million dollars in tax revenue annually. I do not believe we should tamper with a business relationship that has been operated so successfully over a long period of years. The wholesalers of Maine who are industrious and progressive have been extremely well compensated for their efforts. I am reliably informed that many of them do not see the need for legislation of this sort. I do not see how this body, in good conscience, can approve legislation that will keep the inefficient and marginal operator in business at the expense of his suppliers and competitors.

I certainly hope that the motion of the Senator from Sagadahoc, Senator Mayo, prevails.

Mr. STANLEY of Penobscot: Mr. President, I think everyone is here today who was here last week when I made my explanation of this amendment which I have presented.

This bill, as the Senator from Aroostook, Senator Edmunds has mentioned, received a unanimous "Ought not to pass" report from the committee. This amendment is somewhat different than the bill which came out of the committee.

As far as the Commission getting into a state where they could not handle their affairs, I am not too concerned about that because I think we have a commission now made up of human beings like you and I, and if they could be prejudiced by this bill they are prejudiced now. This would make no difference to them. If we have people whom we do not feel are good commissioners then let's get rid of the commissioners. This would not prejudice the commission or any commissioner. As far as the commission not wanting it, is that a reason not to have this bill or is it a reason to have this bill. I would be very much opposed to indefinite postponement.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: In regard to the very interesting statement by the Senator from Penobscot, Senator Stanley, in regard to the fact that the amendment changes his concept of this bill, I hope the Senators will realize that this bill had a public hearing and at that time the bill itself was heard.

Now here is an amendment that would change the concept of the bill. I do not feel that that is the type of legislation that this Senate wants to go along with. A public hearing was held on one bill and then an amendment comes in which changes the bill. I again say that indefinite postponement is the only thing to do with this piece of legislation.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I believe this is the first time during this entire session that my good colleague Senator Marden and myself have been in dispute so far as debate is concerned; but I do wish to point out that I have

great sympathy for the businessman and I am very reluctant to see any legislative body enter into a business field and impair obligations of contract; but it has been long recognized by the courts of this land and the courts of this state that this particular industry is one that is subject to legislative control. As a matter of fact it is an industry that could be legislated right out of business, and that certainly is not true of any other type of industry I can think of which is legally operating today. This of course is a dispute between the brewers, interests outside of the State of Maine, and distributors who operate solely within the State of Maine.

I rise in support of Senate Amendment "A" and I hope it will be adopted.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: A little while ago one of the big distributors which operates out of Lewiston lost its franchise on a certain brand of beer, and every other dealer in Lewiston was concerned, not knowing what was going to happen to their franchise. Being a big distributor, naturally he has preference with those companies in regard to taking on the beer since he covers the whole state. They were worried that they would lose their franchise. I think that these companies should have a little time to get rid of their product before this company could come in and say, "Well, this is it. We are going to give this contract to this big concern because they can sell more beer than you can. Again, I think that this shows they are looking out for the big concerns and not for the little fellow.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate; I really think this bill as amended is just a protection of our own business in the state and injecting a piece of legislation such as this is putting business out of the State. I think we should do everything in our power here to support our own business in our state. As my colleague, Senator Jacques, has brought out, this is the truth, it would practically put these people out of business. There was also brought out the sale of

this merchandise, sales of over seventy-five per cent.

So far as the public hearing on the bill and not on the amendment, as our good Senator Mayo stated, I have attended public hearings from one-thirty in the afternoon until close to six o'clock at night, and the whole bill has been changed, redrafted by the committee, a change in the name of it and everything else. In other words, it is a committee bill. We just acted on a similar one this morning, so I do not think it should have any bearing at all. I think the committee should hold itself responsible to amend or redraft a bill as we did in sessions before this. Certainly this is a bill to protect our own business people and our own state, and I do not think this Senate should take the stand of protecting out-of-state business when our own business in our state is in danger. I think it is our duty to do all that we can to keep our wholesalers in Lewiston in business because this is our own business.

Mr. JACQUES of Androscoggin: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question is on the motion of Senator Mayo of Sagadahoc to indefinitely postpone, the bill and all accompanying papers and a division has been requested.

A division of the Senate was had. Twenty having voted in the affirmative and eleven opposed, the motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

The President laid before the Senate the 6th tabled and today assigned item (S. P. 405) (L. D. 1346) bill, "An Act Relating to Form of Standard Fire Insurance Policy") tabled on April 27 by Senator Brown of Hancock pending adoption of Senate Amendment B and on motion by the same Senator, Senate Amendment B was indefinitely postponed and that Senator presented Senate Amendment C. Thereupon, Senate Amendment C was read and adopted and the bill as amended by Senate Amendment C was passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate the 7th tabled and today assigned item (S. P. 377) (L. D. 1188) bill, "An Act Providing for Local Option to Transport School Children to Other Than Public Schools Without State Subsidy," tabled on April 28 by Senator Farris of Kennebec pending passage to be engrossed.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: This amendment which I am about to offer in substance provides this: that before such time that any municipality might authorize the use of public funds for the transportation of students to private schools that first they should make arrangements for transportation of all public school children to and from the public schools.

Now the question has been asked of me by people who have read this amendment, "Do you mean transportation of public school children regardless of how far they live from the school?"

That is not a question in point because your local school board will make the determination as to what distances shall be involved before public transportation or bus transportation shall be provided. I believe it is generally accepted by most school boards that children living more than a mile from the school shall be transported by bus.

Now in the City of Augusta a short time ago, I believe about two or three years ago, a number of people were interested in this proposition of having the high school children transported by bus. These were people who lived four, five and six miles from the school. In many instances the father or the head of the family went to work before such time as the children would be going to school and it was essential that the family purchase a second automobile merely so that their youngsters could have transportation to school even though again, in many instances, the parents did not wish to entrust their children with an automobile at that particular age level, but they were forced to in that particular situation.

I wish to make it very clear that this amendment is offered in no way as a frivolous amendment for

the purpose in any way of defeating the principal measure which is before us, and I believe that this will be the only amendment that will be offered to this particular bill that I personally would be supporting. I think this is a very valid principle and a very valid point these people have taken here in the City of Augusta. I might mention that this originated from a group of people in the St. Mary's parish here locally. They feel, and I concur with their point, that before we do expend any public moneys for transporting private school children that we first make provision to transport all of our public school children who live further than walking distance from their particular school.

At this time I offer Senate Amendment "B" and move its adoption.

Senate Amendment "B" was read by the Secretary.

Mr. COUTURE of Androscoggin: Mr. President, could I ask a question of Senator Farris?

The PRESIDENT: The Senator from Androscoggin, Senator Couture, poses a question through the Chair of the Senator from Kennebec, Senator Farris, and that Senator may answer if he wishes.

Mr. COUTURE: Mr. President, I would like to ask this question: In the City of Lewiston they are not giving transportation to children in high schools. Will this amendment force the city to give transportation to children in high school before giving any transportation to children in the parochial schools?

The PRESIDENT: The Senator from Kennebec, Senator Farris, may answer if he wishes.

Mr. FARRIS: Mr. President, that is correct; but the authority for making decision as to how or from what distance the high school students should be transported would still be left under the general law in the hands of the local school board or the administrative unit. In an administrative district today, under our district set-up, it is already provided that public transportation shall be available to high school youngsters who do live more than a certain distance from their school.

Mr. CYR of Aroostook: Mr. President and members of the Senate:

First of all, I do not believe that this amendment is germane to the main problem. I also believe that this would add more confusion. The proponents of this legislation have no intention whatsoever to change what is being done today; they have no intention of appearing as a favored group in any way. It is only to legalize what is already being done in the communities that are affected. I certainly believe that this particular amendment here will just add confusion. The decision as to whether or not the children within so many miles from an area will be transported is entirely in the hands of the school board and the superintendent of that particular community. That is home rule at its best, and I think that is the way it should be. By adding this amendment to it I think you will in many communities raise more questions than you will answer. So I would move for indefinite postponement of this amendment.

Mr. STILPHEN of Knox: Mr. President, I would like to ask through the Chair a question of the Senator from Kennebec, Senator Farris. Whereabouts in the amendment does it provide that the local school authorities shall have the option to do anything other than what it says in the amendment: "unless such municipality provides transportation for all public school children to and from public schools?"

The PRESIDENT: The Senator from Knox, Senator Stilphen, poses a question through the Chair to the Senator from Kennebec, Senator Farris, and that Senator may answer if he wishes.

Mr. FARRIS: Mr. President, I believe I stated that when I presented the amendment and I believe it was repeated in reply to Senator Couture's question, and that is that all of your schools are operated by your local school boards, and as the Senator from Aroostook, Senator Cyr, has stated, this is a home rule proposition and under the general law the school boards have the authority to establish distances and make decisions as to when transportation shall be available, so you go to the general law for that.

Mr. GILBERT of Kennebec: Mr. President and members of the Senate: Again I rise on the same bill we have been discussing for several days.

In answer to my good friend, Senator Farris, in regard to these so-called calls from the City of Augusta by the party who lives so far out of town, it seems to me I know the party because this party is the one that is always calling after a snowstorm and wants to be plowed out first before anybody else. There are only one or two houses on that road and they want to be ahead of five hundred other people. That is beside the point because that is a local problem.

Speaking on this amendment, I again must remind the members of the Senate that, based on the Sinclair Act, all district schools connected with so-called high schools or affiliated with high schools, the high school students are to be transported if they receive a state subsidy. This bill calls for transportation of children without state subsidy. I am sure this would not be too good a point to try to drive to these people in these respective communities where they are receiving state subsidies. Actually it would be taking it away from them if we went along with this amendment.

Secondly, I would say that way back and right through we have been favoring smaller children, their health, their safety and their welfare. In this case here it means also that we will transport a boy up to twenty years of age in high school—some of them are married now—before we appropriate money for the little fellow of the age of seven or nine up to ten or fourteen years of age. Therefore if there is not enough money appropriated we give a ride to the man who is eighteen, nineteen or twenty and we let the little fellow walk. That I am very much opposed to.

Also, in regard to transportation of high school children here in Augusta, I find that our biggest problem is not in transporting them, it is to find a parking lot for their cars. We are really stuck with it. Most every one of them owns an automobile today. So I go along

with the good Senator from Aroostook, Senator Cyr, for indefinite postponement of this amendment and when the vote is taken I ask for a division on it.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: We in Lewiston do not carry our high school children to our high schools. If this amendment should go through it would mean a cost to the City of Lewiston of twenty to twenty-five thousand dollars or maybe more. I am certainly against this amendment.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Cyr, that Senate Amendment "B" be indefinitely postponed.

Mr. COUTURE: Mr. President, through the Chair I would like to ask another question of the Senator from Kennebec, Senator Farris.

The PRESIDENT: The Senator from Androscoggin, Senator Couture, through the Chair poses a question of the Senator from Kennebec, Senator Farris, who may answer if he wishes.

Mr. COUTURE: Mr. President, what will happen to the children that live out of the City of Lewiston that we are taking care of in our Lewiston High School. Will it be possible for these children just to walk to the borderlines of the city or town where he lives and then the City of Lewiston will have to furnish them transportation to the high school? We have a number of children in our Lewiston High School that do not even live in the City of Lewiston. We take care of these kids to give them an education because possibly the facilities in the town where they live are not suitable. It seems to me that, according to this amendment— I will ask Senator Farris what about these children living outside of the City of Lewiston; would be obliged to go out and get them in another town?

Mr. FARRIS: Mr. President, in reply to the question: The local school board, whether it be an administrative unit like a city or an administrative district, only has authority to make provision for transportation within the territorial limits of that particular juris-

diction. The children who are going to the Lewiston school or any other school from another community are having their tuition paid by the community in which they reside. I hope that answers the question.

And merely as an observation in rebuttal to the argument against this amendment, I think it would be fine if we could provide more parking spaces in the City of Augusta; I think it would be fine if we could take more teen-age drivers from being forced to being on the road merely to drive to school, even with their parents' permission. I can see no danger in this amendment but rather actually a benefit to all of the public school systems because it would merely be bringing the administrative unit so far as public transportation is concerned into conformity with the so-called administrative district under the Sinclair Act.

The PRESIDENT: The question is on the motion of Senator Cyr of Aroostook to indefinitely postpone Senate Amendment B, and a division has been requested.

A division of the Senate was had. Twenty-four having voted in the affirmative and five opposed, the motion prevailed and Senate Amendment B was indefinitely postponed.

The PRESIDENT: Is it now the pleasure of the Senate, that the bill be passed to be engrossed?

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate, we certainly have ample backing for our opposition to this bill. I would like to quote from a recent article by May Craig. She said, "Nothing has so reassured the bulk of the people of this country as the declaration of President Kennedy that the Constitution clearly prohibits aid to parochial or other private schools. In his campaign he promised that in any issue of the presidency he would obey his oath of office to defend the Constitution and put his official duties first. When the President was asked why he does not recommend federal aid to private and parochial elementary and secondary schools he replied that the Constitution clearly forbids it."

The Secretary of Welfare, Abraham Ribicoff said he was absolutely opposed to including any non-



public school aid in the Kennedy administration's 2.3 billion dollars aid to education bill. He said, "To consider public and parochial school aid together would be most tragic and would jeopardize the administration's program." Some will undoubtedly say that transportation is not education but a safety measure. In my opinion it is aid to schools for the simple reason that children would be transported to and from school. In support of my thinking, I quote from the Catholic University of America Press as follows: "The importance of this study arises from the fact that transportation is the greatest fringe benefit received by the non - public school child and as such has achieved much attention in the past and will receive more in the future. Other benefits to non-public school children may be secured and preserved through legislation similar to transportation laws and opposition to those other benefits may be similar in form to past and present arguments against transportation."

We in this legislature took an oath to support the Constitution of the United States and of this state. I definitely feel I would be violating my oath if I voted to permit the use of public funds, whether they be local, state or federal for aid to education in any private or parochial school. Transportation to or from school is certainly aid to education and for that reason I am sure it would be a violation of our Constitution to provide even local funds for this service. I hope the Senate will not go along with this measure.

Mr. President, I now offer Senate Amendment A and move its adoption.

The PRESIDENT: The Senate may be at ease for a moment while the Senators read this amendment.

Senate called to order by the President.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate, speaking in regard to the amendment, I wish to say it is not my policy to put out to the people anything of which I do not myself approve but I have many many letters, this stack of cards

and letters have been sent to me, asking that this be put out to referendum and for this reason I have introduced this amendment even though I am not in favor of the bill.

Mr. GILBERT of Kennebec: Mr. President and members of the Senate, again I rise on the same question. Referring to the letter from Mrs. Craig, I also happen to have a clipping here from the Kiplinger Report stating that they are in such a state - it is headed this way—Big Row over Government Aid to Schools will be settled this way. Public schools will get federal help advanced to states and localities for new buildings but probably not for teachers' pay. Also later on it says parochial schools will not get such aid. Further down it says "A separate bill for parochial schools will finally come up as many of the Congressmen are in favor of such a bill."

Therefore, I feel that the statement of Elizabeth May Craig is good and so is the statement from the Kiplinger Report. On this state referendum amendment, again I feel that we are just weakening the bill and it doesn't seem fair to me for a community like Hallowell, for instance, to tell Lewiston or Biddeford or Augusta or any other community in the State of Maine what to do. It still will be strictly up to the Board of Education and the City Council. I don't believe it is right that we should vote in such a way that we in Augusta would be telling other communities what to do. I have a great deal of respect for the Judiciary Committee. They came out with a report after a great deal of study on this bill, lasting over two weeks and with the respect that I have for them coming out with an 8-1-1 Ought to Pass Majority Report, I have to go along with the motion to indefinitely postpone this amendment.

Mr. CYR of Aroostook: Mr. President and members of the Senate, I will, more or less, read the remarks that I have to make, because this is a rather sensitive subject and I would not want to offend anyone or use language or a word that might be construed otherwise.

The arguments in support of this legislation have all been exhausted. The questions posed by the opposition have all been answered, including the most important one on the Constitutionality which was answered by the highest Court of the land. Our own Supreme Court here in the State of Maine made the statement that if the legislature passed permissive legislation that it would be Constitutional.

If we look back in retrospect to the beginning of this conflict we have to conclude that Christian principles of brotherhood were not operative in this controversy. Some religious leaders turned this into a crusade, thereby jeopardising the rights of the innocent children and fogging the main issue.

Theodore Powell in his book "The School Bus Law" made the following observations in his conclusion in regard to the behaviour or the legislature and the clergy during the Connecticut bus debate. I quote: "The distinctive feature of the legislative battle over the school bus bill was a great irony. The qualities esteemed by religious standards, persuasion, moderation, patience, respect for the demands of another's conscience, forgiveness, a spirit of brotherhood that persists despite strong differences of opinion,—these qualities were displayed by the politicians and the legislators. The same, however, could not be said for the clergy. This regrettable lack shocked the public, the politicians and the clergy themselves." End of quote. A statewide referendum is of great concern to many because it would only serve to continue the struggle on a statewide basis. The same religious leaders that suggested this statewide referendum are not looking for a solution but a battleground and if this is to be a test of strength on the religious basis the answer is obvious.

We may as well save the State of Maine the cost of a referendum and the continuation of this crusade of vindictiveness and animosity. If this amendment is accepted I shall personally vote against the whole legislation because I am firmly convinced that this is but a cowardly way to kill the whole legislation. We are perfectly capa-

ble as I just mentioned to you, through the experience that happened in Connecticut, we are perfectly capable to resolve this matter right here, being the representatives of the people. We are all fair minded and we have no theology to sell.

Isn't it strange how men of good will can complicate a simple matter. If we pierce the confusion we see children regardless of race or creed, standing alongside the road for a ride to school. This practice has been done for years not realizing that it was illegal to transport those that were going to other than public schools.

All that this legislation is asking is to legalize a practice that has been accepted by everyone of us as a part of our everyday life. It is merely a welfare service to the child and this has been proven time and time again through the courts, through the State court, through our Supreme Court of the United States. In fact, the Supreme Court of the United States in February came out backing the constitutionality of the bus bill in Connecticut. So it is merely a welfare service to the child.

I'm therefore appealing to your sense of fair play to pass this legislation and for the sake of harmony, justice and peace throughout the State of Maine, I ask you to vote for indefinite postponement of this amendment.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, I want to make my position very clear. Probably it is not clear from the record at the present time and certainly could be well misunderstood from the overwhelming defeat of the amendment which I presented in all sincerity and with no attempt to in any way defeat the major portion of the legislation which is before us. I do, however, arise to offer defense to those who sincerely believe that a statewide referendum would be in order. Let us review the history.

This matter has been handed directly into the hands of the legislature on two occasions, two separate legislatures. It has been a closely contested matter in each session of the legislature. It obviously involves a principle which

is of deep interest to all of the people of the State of Maine and the offering of an amendment for a statewide referendum is certainly in order and the people of the State of Maine, certainly if this legislature in its wisdom thinks it should be passed out to the people, are entitled to have their voices heard on the extension of a very deep seated principle in government.

However, I myself arise in support of the motion of the Senator from Kennebec, Senator Gilbert, for the indefinite postponement of this amendment. My reason is this: A portion of it has been stated by the Senator from Aroostook, Senator Cyr. I can see no point in engendering further emotional controversy throughout the state and I am finally decided upon my position to support the motion to indefinitely postpone by the fact that this was a plank in our party platform and I feel that in good conscience I can support that plank. If a division has not been requested, I shall request a division on the motion to indefinitely postpone.

Mrs. LORD of Cumberland: Mr. President, I would like to speak to the amendment. It seems to me that we are amending the Constitution if we make this change. I have in my hands a book that was written by Professor Helmreich of Bowdoin College and he reviews the whole history of the parochial school requests for money for transportation. In Article 8 of the Constitution it says that the legislature should require towns at their own expense to support schools, that the legislature should encourage and suitably endow academies, seminaries and colleges provided that no grant shall be made unless at the time of making the endowment the state has the power to alter, limit or restrain any of the powers vested in such literary institution. It seems to me that if we are going to do this, to change this procedure which has been going on for years, regardless of how many people have transported pupils contrary to the law, that we should amend the Constitution. The only way to amend

it is to put it out to the people for a vote.

In regard to the United States Supreme Court decision, Professor Helmreich says "The United States Supreme Court has ruled on the matter once. In *Everson vs Board of Education* by a 5-4 decision the court ruled that the New Jersey law permitting municipalities to transport parochial school children is not a federal question. The *Everson* case was cited by the Maine Supreme Court when the issue of bus transportation came before it in 1959." So it seems to me the Court did not rule one way or the other. They just ruled that it was not for the Court. It seems to me if we are going to amend this, this is the only way we can do it.

Mr. CYR of Aroostook: Mr. President and members of the Senate, it seems to me that we are complicating things and mixing things up. First, to answer Senator Lord, the Court here in its decision went further than the decision they were required to make. They made the specific reference that if permissive legislation was passed by the legislature it would be Constitutional. That takes care of that end of it.

Now, the Senator from Aroostook my colleague from Aroostook, made reference to aid to parochial schools and the federal aid that is being debated now. We are not trying to debate parochial schools in this issue at all. It is merely to legalize the practice that has been going on for years. There is no subsidy attached to it. A town can use it if the town wants to, or not. It is up to them. It is just permissive legislation. The town that doesn't have the problem doesn't have to have the referendum and doesn't have to bring this to the people in any way whatsoever. The towns that can use it, they have to follow the procedure outlined in the bill which is a petition which would require twenty per cent of the voters to bring it to a referendum on the local level. That is all it is. There is no aid to parochial schools attached to this bill and the Supreme Court - I made reference to that a while ago - the Supreme Court of the United States in Feb-

ruary upheld the constitutionality of the ruling passed in Connecticut.

Mr. JACQUES of Androscooggin: Mr. President and members of the Senate, I think this is the most important legislation that this Senate is facing this year, being endorsed by the Republicans as well as the Democrats in their platforms. While I am on my feet, I would like to tell you a little story that happened to me a few weeks ago.

One Saturday night when I had worked all night and hadn't earned any money during the day and I figured I would go home and see if I could watch a program, the name of which is "Gunsmoke." So I hurried home but there happened to be a parade that night and I got home just in time to sit down by the TV set and I sat down and was going to enjoy that program. All of a sudden I looked in back of me and I could see a light from a door opening and there was my son. He was looking in and wondering why the TV was on and he could see no one in the room. Finally he saw me sitting in the chair and he ran up to me saying, "Daddy." I said, "You get right back to bed." And there he was and he started crawling down from me and I said, "Come on son, you stay right here." I happened to look on the desk and I saw a Life magazine and on the back page was an advertisement of L and M Cigarettes and it had a picture of the world on it. I said, "Son, you go get a pair of scissors." So he got the scissors and came back, and I cut the world into about forty pieces, and I said, "Son, you go back into the other room and get those pieces together." He went into the other room and I figured I was all set for about a half hour - it would have taken me forty minutes to put it together. Within eight minutes he came back and he said, "look, Daddy I got it together." I said, "For gosh sake how did you do that so fast?" He said, "Well, you see, Dad, on the other side of the page is a man's face. All I had to do was put the man's face together and the world was all right."

I think this should be a lesson to us here today.

The PRESIDENT: Senator Christie has sent up a note saying that her brother is going to have lunch with her at 12:15. He is from New York. I would say I am not trying to stop the debate but that is the note that was sent to me.

The question before the Senate is on the motion of Senator Gilbert, that this Senate Amendment A be indefinitely postponed.

Mr. STANLEY of Penobscot: Mr. President in all due respect to Mrs. Christie's brother and their lunch, I would like to say a couple of words on this amendment. As far as the Constitutionality of the bill which we are talking about is concerned, I have no question about it at all and constitutionality has never bothered me a great deal because if constitutionality is something that we want to do away with we can do away with it. If the Supreme Court of our land has said that if we pass a law in this legislature giving the towns permissive legislation to transport students to private schools, then there is nothing constitutional or unconstitutional about it. This is what this bill intends to do. I wonder if it is of as great importance as it has been played up. I wonder if this could not have been taken care of in the local communities where those things should be taken care of and where we are passing it back to the local communities now.

I think in this legislature that we should take a stand on these various issues and not send them out to the people. In this particular instance as it has been brought out so many times, perhaps it might be a good idea to send it out to the people but I can see that there would be a great deal of hardship and controversy created by this. There will be controversy created by our sending it out to local referendum to those towns who have been doing it but doing it illegally. It seems to me as Senator Cyr has said, that we are creating a battle ground and if we send this legislation out, we are going to create a battleground. The legislation itself will create a battle ground. He has mentioned that men of good will complicate things

and we are complicating them by discussing this in the legislature. It seems to me that the local communities could take care of this by themselves; that these private schools if they were interested in having transportation for their pupils which they have said is for the health and welfare of the pupils, that they would have provided transportation for them long ago by their own free will. In the community in which I live, we provide transportation to public school students in contract with a bus operator who carries the students back and forth. If these people are looking for bus transportation to the private schools - my boy goes to a private school - if they are looking for transportation to private schools, they could contract with this same bus driver the same bus, going over the same route. It could be done without all of this hardship, all of this confusion and complication as has been brought out here today.

It is a simple matter and I think it could be settled at the local community without any legislation from us at all. They could do what they have been doing illegally, by contracting with the local school board or local private bus operators to do the same thing.

The PRESIDENT: The question before the Senate is on the motion of Senator Gilbert of Kennebec to indefinitely postpone Senate Amendment A, and a division has been requested.

A division of the Senate was had.

Twenty-two having voted in the affirmative and eight opposed, the motion to indefinitely postpone Senate Amendment A prevailed.

The PRESIDENT: Is it now the pleasure of the Senate that the bill be passed to be engrossed as amended? It is a vote.

Mr. LORD of Cumberland: Mr. President, I did not have a chance to speak.

The PRESIDENT: You may ask for reconsideration, Senator.

Mrs. LORD: I ask for reconsideration, Mr. President.

The PRESIDENT: The Chair will ask if the Senator from Cumberland, Senator Lord voted with the prevailing side?

Mrs. LORD: Mr. President, nobody voted; the gavel was brought down and you said "It is a vote." I tried to get up in time to speak.

The PRESIDENT: I am sorry, Senator Lord.

Mrs. LORD: Mr. President, I now move that the Senate reconsider its former action whereby the bill was passed to be engrossed.

Mr. CYR of Aroostook: Mr. President, I object.

The PRESIDENT: Will the Senator state his objection?

Mr. CYR: Mr. President, I believe that the bill has been discussed and been debated enough so that everybody knows what it is all about.

The PRESIDENT: Does the Senator ask for a division on the motion of Senator Lord to reconsider?

Mr. CYR: Mr. President, I will withdraw my objection.

A viva voce vote being had, the Senate voted to reconsider its action just taken whereby the bill was passed to be engrossed.

Mrs. LORD of Cumberland: Mr. President, I realize that we could let this go for its second reading and not debate it, but I feel that the time to settle it is now, and we might just as well do it.

I am opposing this from a historical standpoint. I have referred to the article by Professor Ernst C. Helmreich of Bowdoin. He is the Thomas Brackett Reed Professor of History and Political Science, Bowdoin College. From time to time different Bowdoin professors have gotten out books on different articles. This happens to be "Religion and the Maine Schools. An Historical Approach." It takes it back to the beginning of the time when Governor King was elected Governor of the State of Maine. He had promised the people that never again would they be taxed for churches. Up until this time a tax was levied for churches as well as for schools. This was the promise he made. He got his good friend, Thomas Jefferson, to write the Article VIII of our Constitution and which says that no money shall be granted unless at the time of the making of the endowment the State has the power to alter, limit

or restrain any of the powers vested in such literary institution.

I maintain that the State has no power to limit or change these institutions, the running of them.

We have in the State of Maine other parochial schools besides the Catholic schools. I have no feeling so far as religion goes. It does not mean a thing to me that these are parochial schools; they are all parochial schools. We have some that are outside of the Catholic schools.

He says, "I have come across references to former Episcopal parochial schools but there are apparently none today. The Seventh Day Adventists are operating eight parochial schools at present and are contemplating opening a new consolidated school at Freeport to which pupils from Bath, Brunswick, Portland and surrounding areas will be transported. There is also a Jewish and a Presbyterian school in Portland, a Nazarene-sponsored school at Medway, and a Christian (Church of God) School at Rockport."

So he is speaking of many schools, not just a few or one religion. It seems to me that if you do this—I cannot see any difference between buying busses and buying books, personally, and I know that in many places busses will have to be purchased to transport these children. I think if we do this we are going to set up another system of schools we are going to have to support and I think our public schools are going to suffer from it. I am against the bill as written or any bill that would do this.

I would like to read briefly from what Governor Baxter said when he became Governor in 1923. He greeted his legislature with a long inaugural address. He touched on many things and among others concluded: "The private institutions in Maine that receive public money present a problem. After close study, I believe the principle is sound and fundamental that public money should be used exclusively for public institutions." He returned to this latter subject in a special message on February 7th. His opening words stated: "The 81st Legislature has an un-

usual opportunity to stand for a great principle that is one of the foundation stones of this republic. That principle is that public money shall be needed only for public purposes. In other words, money taken from the people as taxes shall not be used for private purposes no matter how worthy they may be. If all our State institutions were completely equipped and were on a comfortable financial basis, I still should advocate the adoption of a constitutional amendment prohibiting the giving of people's money to private undertakings. State aid, which is public money, has been and is now granted to certain private institutions which do excellent work, but in my opinion public money spent for educational purposes should be used only for public schools. I am a firm believer of our public school system which, from the early days of this republic has been recognized as one of the cornerstones of our liberties. I believe the people of Maine stand squarely behind this system and once the issue is placed before them in my opinion they will agree that no public money shall be given to any schools that are not exclusively under the management of state and municipal public authorities."

So I think the problem is: Are we going to give money to private schools no matter how worthy they are. I cannot see any difference between buying busses and buying books or anything else that they need in the schools. Certainly if a school needs a fire escape you would have to buy that under the provision for the needs of the health of these children. There is no place to stop, and I think that once you open the door you are going to have more and more of these requests, so I move the indefinite postponement of the bill.

Mr. LOVELL of York: Mr. President and members of the Senate: I hate to differ with the good Senator from Cumberland, but I think there comes a time when we must search our hearts a little bit and see just how much charity we have in it and what we are going to do.

For the past twenty years I have spent most of my time in

charity work. A year ago I was in Africa at no pay, helping people there regardless of race, color or creed, and I received awards for outstanding charity work from the Boy Scouts, the Girl Scouts, Veterans of Foreign Wars, the Lions, the Kiwanis, was made an honorary member of the Rotary Club, the United Fund and the Maine Pharmaceutical Association.

Now this bill as written is the bill that should definitely be passed. I can think of two communities in my county, Sanford and Biddeford, that have been carrying the children. They do not need any extra buses. They have been carrying the children and they are going to continue to carry them. I do not see why, if we are going to take a group of children to school, we have got to leave another group on the corner when it is ten or fifteen below zero and let them get to school the best way they can. I certainly am wholeheartedly in favor of Senator Gilbert's bill as it is written. It will cost most of the towns that vote this nothing, and other towns who do not want to do this won't have to vote for it. If Portland or some of the communities in York County do not want to carry the private school children they do not need to.

I know the hour is getting late, so I would move for a division on the motion for indefinite postponement.

The PRESIDENT: The question before the Senate is on the motion of Senator Lord of Cumberland that the bill be indefinitely postponed.

A division of the Senate was had.

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

Thereupon, the bill was passed to be engrossed as amended.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 44th tabled and unassigned matter, (S. P. 325) (L. D. 1000) Bill, "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law,"

tabled by that Senator on April 13th pending consideration.

Mr. FARRIS: Mr. President and members of the Senate: This has been on the table for a long time and I know you will all be pleased to have it go on its way one way or another. Regardless of how you feel on the merits of the bill, you are all aware of how I feel on the merits of the bill.

We have been discussing charity and items of that nature, and I think this bill falls within that category.

In the law, in the trial of a case, when a jury cannot agree, the judge will call the jury back into the court room, after they have been out for a long time, and read to them what we call in the law 8th Cushing, which in substance says, as he points out to the jury, that if a majority are feeling one way then you should examine your conscience and see if you can not find it within your heart to go along with the majority of your fellow-men. In this legislative session, in both, bodies the vote is roughly 108 in favor of this bill and 46 against it. It passed the House resoundingly by a vote of 93 to 29. In the Senate the vote was roughly 17 to 15, as I recall. I feel this is a fair piece of legislation and that it is not going to harm anybody. I move at this time that we recede and concur in the action of the House, and when the vote is taken I request a division.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: As I look around the Senate I note that many Senators have left their seats. I think this is a very important bill, and therefore I am going to move that it be tabled unassigned.

The motion prevailed and the bill was retabled pending the motion of the Senator from Kennebec, Senator Farris, to recede and concur with the House.

On motion by Mr. Stanley of Penobscot,

Adjourned until 9:30 tomorrow morning.