

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 12 - JUNE 17, 1961

and

SPECIAL SESSION

NOV. 27 - DEC. 2, 1961

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**SENATE**

Thursday, May 18, 1961

Senate called to order by the President.

Prayer by Rev. Phillip G. Palmer of Randolph.

On motion by Mr. Edgar of Hancock, Journal of yesterday was Read and Approved.

**Papers From the House**

Joint Order, Relative to Printing of Legislative Record in Pamphlet Form. (H. P. 1160)

Comes from the House Read and Passed.

In Senate, Read and Passed in concurrence.

**COMMUNICATION**

Augusta, Maine  
May 16, 1961

To the Honorable Senate and House of Representatives:

Pursuant to House Joint Order (H. P. 127) I herewith submit the Report of the Joint Select Committee to Study the Disposition of Facilities at Hebron.

Respectfully,

(Signed) GILMAN B. WHITMAN  
House Chairman

Comes from the House, read and placed on file with Accompanying Report.

In Senate, read and placed on file with Accompanying Report, in concurrence.

**Conference Committee Reports**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to the Inspection of County Jails." (S. P. 504) (L. D. 1518) reported that the Senate Recede and Concur with the House in passing the Bill to be engrossed, As Amended by House Amendment "A" (Filing No. H-177)

Comes from the House read and accepted.

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

**Non-concurrent Matters**

Resolve, Closing Hayden Brook, Somerset County, to All Fishing. (H. P. 244) (L. D. 358)

In House, March 15, finally passed.

In Senate, May 12, Indefinitely Postponed.

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

In the Senate, on motion by Mr. Carpenter of Somerset, the Senate voted to adhere.

The PRESIDENT: The Chair notes in the Senate Chamber the son of one of our fine Senators and it gives the Chair pleasure at this time to introduce to the Senate, Norman Ferguson, Jr., son of Senator Ferguson of Oxford County. Will Norman please rise? (Applause)

It is a pleasure to have you with us.

Bill, "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium." (S. P. 311) (L. D. 899)

In Senate, May 12, Committed to Committee on Appropriations and Financial Affairs.

Comes from the House, majority Ought to pass report from the Committee on Health and Institutional Services accepted, in non-concurrence, and the bill passed to be engrossed, in non-concurrence.

In the Senate, on motion by Mr. Edmunds of Aroostook, the report was read and accepted, the bill read once, and on further motion by the same Senator, the bill was tabled pending assignment for second reading and especially assigned for Tuesday next.

Bill, "An Act Relating to Interest Rate for Licensed Small Loan Agencies." (S. P. 392) (L. D. 1258)

In Senate, May 10, Indefinitely Postponed.

Comes from the House Ought to pass Report Accepted in non-concurrence, and the Bill Passed to be Engrossed As Amended by Committee Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Chase of Lincoln, tabled pending consideration.

Bill, "An Act Relating to State Retirement Benefits for Teachers." (S. P. 204) (L. D. 537)

In Senate, April 11, Passed to be Engrossed, As Amended by Senate Amendment "A" in concurrence.

In House, May 17, under suspension of rules, Passage to be Engrossed Reconsidered, and Adoption of Senate Amendment "A" Reconsidered, Senate Amendment "A" Indefinitely Postponed, and House Amendment "A" Adopted (Filing No. H-298), and Passed to be Engrossed As Amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Marden of Kennebec, tabled pending consideration.

Bill, "An Act Relating to Amount of State Retirement Benefits for Teachers." (S. P. 205) (L. D. 538)

In Senate April 11, Passed to be Engrossed, As Amended by Senate Amendment "A" (Filing No. S-101)

In House, April 13, Passed to be Engrossed, As Amended by Senate Amendment "A" in concurrence.

Comes from the House, May 17, Adoption of Senate Amendment "A", Reconsidered.

Senate Amendment "A" Indefinitely Postponed in non-concurrence.

House Amendment "A" Adopted (Filing No. H-297) and Passed to be Engrossed, As Amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Marden of Kennebec, tabled pending consideration.

Bill, "An Act Revising the Laws Relating to Auctioneers." (H. P. 1147) (L. D. 1579)

In House, May 10, Passed to be Engrossed.

In Senate, May 12, Passed to be Engrossed in Concurrence.

Comes from the House, May 17, Passage to be Engrossed, Reconsidered, under suspension of the rules. House Amendment "A" Adopted, and Passed to be Engrossed As Amended by House Amendment "A" (Filing No. H-299) in non-concurrence.

In the Senate, on motion by Mr. Farris of Kennebec, the Senate voted to recede and concur.

The PRESIDENT: The Chair notes in the Senate Chamber another friend of the Senate, a lady who worked many, many years in the Senate office and it gives the Chair pleasure to introduce Mrs. Inez Wing of Kingfield. Will Mrs. Wing please rise? (Applause)

### COMMUNICATION

State of Maine  
HOUSE OF REPRESENTATIVES  
Office of the Clerk  
Augusta

May 17, 1961

Honorable Chester T. Winslow  
Secretary of the Senate  
100th Legislature

Sir:

The Speaker of the House has appointed the following Conferees on the part of the House on the disagreeing actions of the two branches of the Legislature on:

Bill, "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law." (S. P. 325) (L. D. 1000)

Messrs. JONES of Farmington  
HUGHES of St. Albans  
MORSE of Oakland

Respectfully,

HARVEY R. PEASE  
Clerk of the House

Which was read and placed on file.

### Senate Paper

Approved by a majority of the Committee on Reference of Bills for Appearance on Senate Calendar.

Bill, "An Act Relating to Definition of Dependent Child Under Aid to Dependent Children." (S. P. 559)

Referred to the Committee on Appropriations and Financial Affairs and Welfare, Jointly, and ordered printed.

Sent down for concurrence.

### House Committee Reports

The Committee on Appropriations and Financial Affairs on Resolve, Providing for Promotion of Maine's Recreational Industry. (H.

P. 456) (L. D. 656) reported that the same Ought not to pass.

In the Senate, on motion by Mr. Noyes of Franklin, the Ought not to pass report was accepted.

The Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (H. P. 72) (L. D. 114) reported that the same Ought not to pass, as covered by other Legislation.

(On motion by Mr. Lovell of York, tabled pending acceptance of the report; subsequently removed from the table and Ought to pass report read and accepted.)

**Majority—Ought Not to Pass  
Minority—Ought to Pass with  
Committee Amendment "A" (Filing No. H-290)**

The Majority of the Committee on Labor on Bill, "An Act Providing that Employment Shall not be Conditioned Upon Membership or Non-membership in a Labor Organization." (H. P. 999) (L. D. 1459) reported that the same Ought to pass.

(Signed)

Senators:

MAYO of Sagadahoc  
EDMUNDS of Aroostook  
COUTURE  
of Androscoggin

Representatives:

HANCOCK of Nobleboro  
WINCHENPAW  
of Friendship  
BROWN of South Portland  
THAANUM of Winthrop  
JOBIN of Rumford  
BOISSONNEAU  
of Westbrook

The Minority of the same Committee on the same subject matter reported that the same Ought to pass with Committee Amendment "A".

(Signed) Representative HARDY of Hope

Comes from the House, Reports and Bill Indefinitely Postponed.

In the Senate, on motion by Mrs. Christie of Aroostook, tabled until later in the day, pending acceptance of either report.

**Order Out of Order**

Mr. Noyes of Franklin presented the following order and moved its passage:

ORDERED, that a message be sent to the House of Representatives proposing a convention of both branches of the Legislature to be held forthwith in the Hall of the House for the purpose of extending to His Excellency Governor John Reed and his guest, the Honorable Ted C. Gormell, National Commander of the Veterans of Foreign Wars, and his official party an invitation to attend the convention and address to the same such remarks as either the Governor or his guest may be pleased to make.

The Secretary conveyed the message.

Subsequently a message was received from the House, through Harvey Pease its Clerk, that the House concurred in the recent proposal of the Senate for a Joint Convention to be held forthwith in the Halls of the House for the purpose set forth in the message.

The Senate retired to the House of Representatives for the Joint Convention.

(For proceedings of Joint Convention see House Report)

**In the Senate**

The Senate was called to order by the President.

**Senate Committee Reports  
Ought Not to Pass**

Mr. Noyes from the Committee on State Government on Recommended 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) reported that the same Ought not to pass.

Which report was Read and Accepted.

Sent down for concurrence.

Mr. WYMAN from the Committee on Towns and Counties on Recommended Bill, "An Act Establishing Fees to be Collected by Register of Probate." (S. P. 447) (L. D. 1399) reported that the same

Ought to pass in New Draft (S. P. 533) (L. D. 1571)

On motion by Mr. Wyman of Washington, tabled pending acceptance of the report.

### Second Readers

The Committee on bills in the second reading reported the following bills and resolves:

Bill, "An Act Permitting Sale of Liquor for One Hour After Midnight." (H. P. 828) (L. D. 1143)

Which was read a second time.

Mr. LOVELL of York: Mr. President, as I mentioned yesterday and in keeping with my word, through error I had lost Senate Amendment A to Committee Amendment A and now I present that amendment and move its adoption.

The Secretary read Senate Amendment A to Committee Amendment A.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate, if the statements made yesterday are correct in regard to the amount of revenue which would be received over this period we would have quite a bit more sale of alcoholic beverages than we have today. The more sale we have, the more trouble we have. We have over thirty thousand alcoholics in the State of Maine today. Do we want to increase that number by increasing the sale of alcoholic beverages, because when we do extend the hours of sale we are giving more opportunity for people to indulge in alcoholic beverages. There are a great many borderline alcoholics today who are not figured in that thirty-thousand who are in our state now.

Perhaps you have heard me tell this before, but in the administration of Alexander LeFleur, of all the murders committed, and 154 murders were committed during his term of office 123 of those had liquor involved in the murder.

We find that we have much greater aid to dependent children, due to broken homes, broken by liquor.

Since I have been in this term of the legislature, two alcoholics have died in the town of Presque Isle, one by his own hand, the

other we don't know how but he was found down by the railroad tracks. Both those men were under sixty years of age. I don't say that extending the hours of sale would cause a person to commit suicide or be found dead down on the railroad tracks but I do say this: That when we extend the hours of sale we are extending the opportunity to drink, and when we do that we are endangering people and causing the great possibility of more alcoholism.

We have a great many Alcoholics Anonymous, people who have come to the end of their rope and realize that, and because they realize it they have gone to this group and have been reclaimed. Those people cannot touch liquor at all. If they did they would go back into alcoholism again.

I believe that we in the State of Maine should do everything we can to protect these people, everything we can to protect those who are weaker. We have plenty of trouble with liquor as it is now and I believe the more we broaden the sale of liquor the more trouble we will have. And so I move the indefinite postponement of this bill and ask for a division.

Mr. LOVELL of York: Mr. President and members of the Senate, I think the good Senator from Aroostook, Senator Christie, is taking a rather pessimistic attitude on this bill. It is a very inconspicuous bill allowing something that is already being done during Daylight Saving Time from May until the first of October. I can't speak for Aroostook County, they might be a little bit different down there, but in York County we very seldom find a person intoxicated. Actually in my own particular community there is almost never an arrest for drunkenness. Now I don't know how many alcoholics there are in my town there but there are very, very few, and I would question her statement of thirty thousand alcoholics in Maine and in fact, I would question her definition of an alcoholic. I could see that probably there would be thirty thousand alcoholics, if a person is an alcoholic who takes a cocktail once a week. We may

even have some in this very illustrious Body here that might do that on occasion, but nevertheless I have talked with persons in other counties and I think that as a whole we have very few of this type of person in Maine. We may get a certain amount, they have them everywhere in the country but we also have people that are sick in other ways — mentally sick and certainly not through alcoholism.

For some time I have thought alcoholism could possibly be cut down by joint meetings of the A.A. and the W.C.T.U. I think this would be a tremendous advantage. I think that this bill is a good bill because it simply makes it fair and even by permitting the sale of cocktails in Class A restaurants and in hotel lounges and private clubs until one o'clock and as I mentioned yesterday it does not permit sale in the malt beverage shops. I think the good Senator has moved for a division.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Christie, that that bill and all accompanying papers be indefinitely postponed; a division has been requested.

A division of the Senate was had.

Thirteen having voted in the affirmative and seventeen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, the Senate voted to reconsider its former action whereby it adopted Committee Amendment A.

Senate Amendment A to Committee Amendment A was adopted, Committee Amendment A as amended by Senate Amendment A was adopted, and the bill as amended was passed to be engrossed.

Sent down for concurrence.

Bill, "An Act Relating to Sunday Sales of Liquor by Hotels and Clubs." (H. P. 830) (L. D. 1145)

Mr. MAYO of Sagadahoc: Mr. President I present Senate Amendment A and move its adoption.

Senate Amendment A was read and adopted.

Mrs. CHRISTIE of Aroostook:

Mr. President and members of the Senate, Sunday sale will simply bring more liquor on the road, and for that reason I move the indefinite postponement of the bill and its accompanying papers.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, I feel that it is time the State of Maine became aware of the fact that we are supposed to be a progressive state, especially during the vacation season, the summer. We are in terrific competition with the State of New Hampshire and the State of Vermont for our tourist dollar and tourist trade. The State of New Hampshire and the State of Vermont have a law governing the sale of hard liquors similar to this amendment which I have proposed. I am not going to say it will bring in a lot of money to the Treasury of the state because I do not know that it will, but at least it will give the tourists who enter the State of Maine from other states, the idea that we welcome them and want them in our state and that we are going to do what we can to make their stay pleasant and enjoyable.

All my bill does is to allow a Class A restaurant or a hotel which has a restaurant to serve cocktails with Sunday dinner. The hours are from one o'clock in the afternoon until eight at night. No one can go into one of these dining rooms and order hard liquor or a cocktail without ordering a minimum of one dollar in food per person at the table.

The county of York which is close to New Hampshire has a very hard problem during the summer months. The simple reason is that just over the Kittery bridge in New Hampshire there are several fine restaurants which are open for the sale of liquor from one to eight o'clock on Sunday. The people who are spending their vacations in the York area on Sunday will get into their cars and move out over the New Hampshire bridge into New Hampshire for their Sunday dinners. It is not very good for the hotel owners down there to see this happening.

I am not introducing a piece of legislation which in any way is going to be detrimental to the

State of Maine. I think it is a progressive step. I think it is a step forward if we are going to call ourselves the Vacationland of the State. I personally feel that the ordinary person who goes out on Sunday for dinner, takes his family with him. He takes his children with him, he takes his mother and father with him and he may take the grandparents with him. The ordinary person who goes to the dining room of one of these hotels on a Sunday possibly would like to have one cocktail before dinner. I think it is better that he go to the hotel for his cocktail and then have his dinner than to have it at home and drive his car on the road and then have his dinner. I certainly hope that the motion of the Senator from Aroostook, Senator Christie does not prevail.

Mr. LOVELL of York: Mr. President, I would move for a division on this question but I would like briefly to read first from one of our great daily newspapers, the Bangor Daily News, which covers the upper part of the state—I don't see this paper very much but they tell me it is a very fine objective paper and on January 24, 1961 they said, "Laws that Don't Fit the Times" and they ended up, "There should be if anything a liberalization of the Blue Laws and legalization of liquor sales after one P.M. on Sundays. All of the States in New England but Maine do this." I now move for a division.

Mr. PIKE of Oxford: Mr. President, we have two very fine undertakers here with us and I hate to say anything that might hurt their business but we all know that Sunday drinking does help the undertakers an awful lot. I am going to stand with Senator Christie on this one.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, reference to certain categories of business I don't think is in line with this bill. I have been very careful during the session of the Senate not to refer to anyone as to what their particular business is. If this is an attempt to spoil a good piece of legislation

by bringing in remarks, I do not appreciate it.

I want to say again that this bill in no way will do any harm to the state and when the editorial writers realize that the State must wake up and do something in order to push ourselves ahead and claim that we are The Vacation State in New England, we have got to act like a Vacation State.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Christie, to indefinitely postpone the bill and all its accompanying papers; a division has been requested.

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 as amended was passed to be engrossed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Travel Allowance for members of the Legislature." (H. P. 53) (L. D. 94) Lucerne-in-Maine Village Corporation to Construct Dam and Fishway on Phillips Lake." (H. P. 1161) (L. D. 1601)

Resolve, Closing South Brook, Piscataquis County to All Fishing. (H. P. 241) (L. D. 355)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

Resolve, Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry (S. P. 1) (L. D. 1)

Mr. SAMPSON of Somerset: Mr. President on Item 7-6, I move for indefinite postponement.

Mr. LOVELL of York: Mr. President, I might ask through the Chair of the Senator from Somerset, Senator Sampson realizes this bill—this is not the trading stamp bill—may I ask through the Chair was he here yesterday?

The PRESIDENT: The Senator from York, Senator Lovell, asks a question through the Chair of the Senator from Somerset, Senator Sampson, may answer if he wishes.

Mr. SAMPSON of Somerset: Yes Mr. President.



Mr. LOVELL of York: Mr. President, I ask for a division. I'll have to get my material out again if we are going to debate this. I move for a division.

Mr. SAMPSON of Somerset: Mr. President and members of the Senate, it is inconsistent with good business to dump one million dollars on the DED which they have not even requested and have made no provision for and they wouldn't know what to do with it at the present time. It would take them a considerable number of days to train men to handle this advertising.

Mr. LOVELL of York: Mr. President, as I understand it, I think Senator Sampson does a great deal of advertising in his own particular business, and I think he knows and appreciates the good of advertising as does everyone in this Senate.

I think without question, the Department of Economic Development can handle these funds if and when they should get them. I won't go into how much value to the State these funds will be but certainly it is going to be tremendous. It will increase our business so much that person after person will hardly be able to handle their business in the summer time. The statistics so prove, as has shown in other states and if DED can't handle it then certainly we can get officers in DED who can handle it because this amount of money is much less than is spent in many states such as New York, Florida, New Jersey, California, Michigan and many others and certainly Maine needs this with our present economy.

Mr. PORTEOUS of Cumberland: Mr. President, a point of information in relation to this, might be in relation to the handling of the funds. Whether the Department is equal to the job of handling this extra amount of money to be spent. The Department of Economic Development does business through a professional advertising firm and this firm I am sure is physically capable of handling any extra money that was to channel through it. Probably the number of different kinds of ads might not be great but I am sure that the

size of the ads would most certainly be larger and placed in more nationally circulated magazines and in more newspapers. It would be increasing, stepping up and broadening the present recreational advertising.

These advertising agencies are certainly used to handling accounts of a million or more dollars.

Mr. SAMPSON of Somerset: Mr. President and members of the Senate, it seems that Senator Lovell of York was one of the strongest objectors to an increase in the Sales Tax. If you pass this you are well on your way to an increase in the sales tax at the present time.

Mr. LOVELL of York: Mr. President, I hate to differ with the good Senator from Somerset, Senator Sampson, but this is the reason we won't have to increase the sales tax. If we take sufficient money and spend it on tourism and it brings back the average that Maine has had of \$16 for every dollar spent, that in itself would bring back six times more money in direct taxes to the state. So if this money is taken from the surplus it is increased a year from now by at least ten or twelve times. For instance the State of North Carolina has a complete supplement in the New York Times, of twenty pages which cost some \$50,000 but you can't measure the advantages that have come to the State of North Carolina both in industrialism and tourism. You can't put a supplement in the New York Times with its tremendous circulation, for peanuts. And Life magazine I understand is \$15,000 a page but these things bring results. It has been proven. So naturally I am against the sales tax since I am in a border County but these are the reasons, tourism and industrial development where if we go out and spend some money we'll get it back ten times over.

I think any businessman or and lady in business who is in this Senate will agree with me.

Mr. EDMUNDS of Aroostook: Mr. President, I am a business man I hope—whether a good one or a poor one is immaterial at this time. However, I believe this bill

came out of the Appropriations Committee unanimously Ought not to pass. Personally I have a good deal of respect for the members of that committee, especially the three members of the Senate and I certainly hope the motion of the Senator from Somerset, Senator Sampson prevails.

Mr. FARRIS of Kennebec: Mr. President, I was opposed to the passage of this L. D. in its first reading yesterday. I now favor indefinite postponement and it certainly is not for the reason that I am opposed an increase of expenditure for national advertising of our recreational facilities, but I do feel as does the Senator from Aroostook, that we should keep our financial measures in an orderly fashion, presented in an orderly way, and that any increase for use through the Department of Economic Development for this particular purpose properly belongs in the supplemental budget and not in a legislative document where we are taking one million dollars from unappropriated surplus. If we are to do the job intelligently and properly by expending our funds for national advertising we shouldn't merely be looking to the next year or the next biennium but should be looking to future years. And the supplemental appropriation is where this belongs regardless of the dollar amount. For this reason I support the motion of the Senator from Somerset, Senator Sampson.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate, one hundred years from now men will smile when they think of the debate today in the State of Maine as to whether or not we should spend a million dollars to promote a hundred million dollar opportunity. The Gallup poll recently stated that Maine ranks third among the states east of the Mississippi in vacation preferences of the people of the United States. Of the eastern states, Florida was first, New York was second, Maine was third. The editorial from which I am reading says further, "Considering the relative pittance Maine spends to promote and develop her recreational re-

sources, our national image as a vacation state is rather comforting." On a nationwide basis Maine is eleventh, eleventh among fifty. Results of the Gallup poll on the basis of vacation preferences. Here are the states ahead of Maine: California, Hawaii, Florida, Alaska, New York, Colorado, Arizona, Washington, Texas, Oregon, then comes Maine, then comes the rest of the nation. It is with comfort and encouragement that I am standing to oppose the motion of the Senator from Somerset, Senator Stanley.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate, I hadn't intended to speak on this bill again but I do rise to concur with Senator Farris of Kennebec. The proper place for this appropriation is in the supplemental budget and I call to your attention that this can be added to that budget by amendment and can be tied down for any purpose that you so desire by the language used in the amendment. I hope the motion of the Senator from Somerset, Senator Sampson will prevail.

Mr. LOVELL of York: Mr. President, I appreciate the attitude expressed by the Appropriations Committee and I know they are cognizant of the importance of bringing in new business and new money to the State of Maine. I appreciate the remarks of the good Senator from Cumberland, Senator Davis. Possibly at the present time this state would rather not do too much business in the next biennium as to tourists. It would be too much of a shock if we doubled our tourist business and certainly I wouldn't want to have the merchants overburdened too heavily with business so I would like to amend this bill to cut down the appropriation and to have it transferred to the supplemental budget, so I would move to table this for the purpose of amendment and if I can prepare the amendment later in the day I will have it ready then.

Mr. FARRIS of Kennebec: Mr. President, not debating the tabling motion but might I inquire through the President of the Senate, of the

Senator from York Senator Lovell, as to whether he would not be just as willing to present his amendment to the supplemental budget so that we can clear the docket of an unnecessary L. D.?

The PRESIDENT: The Senator from Kennebec, Senator Farris poses a question to the Senator from York, Senator Lovell, and that Senator may answer if he wishes.

Mr. LOVELL of York: Mr. President, a simple bit of legislation rather puzzles me at times and I haven't studied it very thoroughly so if it would please the Senate I would rather make the amendment separately.

Mr. SAMPSON of Somerset: Mr. President, I ask for a division on the tabling motion.

A division of the Senate was had.

Thirteen having voted in the affirmative and seventeen opposed, the motion to table did not prevail.

Mr. NOYES of Franklin: Mr. President, I move the pending question.

The PRESIDENT: The question before the Senate is now on the motion of the Senator from Somerset, Senator Sampson, that the bill be indefinitely postponed.

A division of the Senate was had. Sixteen having voted in the affirmative and fifteen opposed, the motion prevailed.

Bill, "An Act Creating a Constitutional Commission." (S. P. 498) (L. D. 1498)

Bill, "An Act Establishing a Medical Care and Services Program." (S. P. 558) (L. D. 1605)

Bill, "An Act Relating to Inspection of Motor Vehicles." (S. P. 309) (L. D. 897)

Bill, "An Act Revising Laws Relating to Barbers and Hairdressers." (S. P. 556) (L. D. 1603)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

### ENACTORS

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

Bill, "An Act to Amend the

Charter of the City of Bath." (H. P. 680) (L. D. 958)

Bill, "An Act Relating to Maintenance of Cemeteries in Unorganized Territory." (H. P. 1008) (L. D. 1409)

Bill, "An Act Establishing Educational Requirements for Insurance Agents and Brokers." (H. P. 1080) (L. D. 1488)

Bill, "An Act Relating to the Dissolution of Corporations." (H. P. 1143) (L. D. 1575)

(On motion by Mr. Boardman of Washington tabled pending passage to be enacted.)

Bill, "An Act Relating to Inventory of Tax Exempt Property by Assessors." (H. P. 1152) (L. D. 1586)

Bill, "An Act Relating to the Pine Tree State Forest Products Council." (S. P. 546) (L. D. 1590)

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

Mr. LOVELL of York: Mr. President, in regard to Item 8-3, Bill, "An Act Classifying Certain Waters in Salmon Falls-Piscataqua River Watershed, since this bill came out of the towns of Berwick and South Berwick as well as North Berwick somewhat, have been greatly concerned.

I had a meeting with the Water Commission, several members, and with the good Senator who is chairman. We all feel that it is essential for the tourist business and also for industrial development to classify our rivers in Maine. This particular community, Berwick, and I might say York County, is a distressed labor area with 22 of our 28 towns so classified by the United States Department of Labor. Consequently in our various communities we are very hard hit.

The town of Berwick has sent me down a specific notification signed by the five selectmen of that town, and they state:

"We the undersigned feel it is our duty to the citizens of Berwick and our utmost duty to the Prime Tanning Company, our major industry, that we go on record asking for a deadline of at least fifteen years to meet the requirements of the present bill now

pending before the legislature on classification of the Salmon Falls River.

"Reasons:

"We believe that such a program or project that constitutes such costs to the public and industry should be very carefully administered, the time element should be considered to the utmost. "The price for freedom comes first and according to our President it hasn't reached its peak.

"Education, which is costing more and more as time goes on, comes second in our minds.

"General government department costs which includes a list of many essential duties to be performed comes third.

"Then programs of the kind being debated here comes next, with a time element of considerable length. Nobody is against improvement within reason if they can still have a dollar left to live on.

(Signed) George A. Clement  
Chairman, Board of Selectmen  
Verne M. Brackett  
Jessee MacDonald  
Willis S. Webber  
Glenn E. Whitman  
Board of Selectmen"

In a bill just passed, New Hampshire has agreed to classify the Salmon Falls-Piscataqua River on their side of the river. Their economy is much higher and much better than the economy of the Maine side. Now the Maine side, I feel sure, would like to classify this river but they do not feel they can do it in a matter of three to five years without possibly bankrupting the towns. They already have a large budget and they wish to maintain their school department as it has been, and the pay scale is fairly low in that area, and, as the selectmen say, they need money to live on.

So I would like to present Senate Amendment "B" to this legislative document.

The PRESIDENT: Does the Senator from York, Senator Lovell, care to make a motion to reconsider our action whereby this bill was passed to be engrossed and ask that the rules be suspended?

On motion by Mr. Lovell of York, under suspension of the rules, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

Senator Lovell then presented Senate Amendment "B" and moved its adoption.

Senate Amendment "B" was read by the Secretary.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: This is the second amendment we have to this L. D. 1414.

The program of the Water Improvement Commission for upgrading has not been initiated with established time limits in mind. There are several reasons for this. First of all no schedule could fit the needs of all householders, municipalities, and industries involved in the program. It is essential in the case of at least two villages that adequate sewerage collection be provided as soon as possible to alleviate health hazards and make possible the development of new areas for housing upon which the well being of the community depends. A long period of compliance could delay this development.

Secondly, this is an interstate program conceived within the framework of the New England Interstate Water Pollution Control Commission. Maine's partner in the program is, of course, New Hampshire. The New Hampshire statute provides that classifications shall be met in a period of not less than two years or more than five, except in unusual cases where the New Hampshire agency is authorized to extend the time of compliance. It is the intention of the pollution control agencies of both states, if the classification becomes a fact, to meet and correlate a program which can be met and thus come up with similar upgrading schedules.

It has been verified with the New Hampshire authorities that a B-1 classification (laws of the two states are nearly identical) has passed both legislative branches and been signed into law by Governor Powell. It has been further verified that no time extensions beyond the two to five year

period specified by law have been granted by New Hampshire and will not be except as the two states are able to synchronize their programs.

It is pointed out that all municipal clean-up projects covered in this group are small with simple planning and construction problems. The Kennebec Basin for which the Water Improvement Commission agreed to the feasibility of a time schedule differs considerably in its problems from the area under consideration. The planning required is more extensive and the obligations of several towns require multiple projects because they involve more than one stream. The federal grant allocations for use in Maine as well as state grant appropriations for aid in sewage treatment works construction are limited and several years will be required for the work to permit maximum grant participation.

The Committee on Natural Resources went over this very thoroughly, we had a good hearing. There are a few people in the towns of Berwick and South Berwick that are opposed to the classification of the Salmon Falls-Piscataqua River but the great majority of the people in that area are for the classification because it will give them a better income from higher tax values on their property.

I am sure that the Water Improvement Commission will give the necessary time to the industry in that area and also to the municipalities, and I do not believe they have anything to fear.

In the past I may have been suspicious of the Water Improvement Commission myself, but over the years they have done a very commendable job in classifying and in enforcing the laws of the state, and they certainly have not created any hardship on any municipality.

I therefore move the indefinite postponement of the amendment which Senator Lovell has introduced.

Mr. ERWIN of York: Mr. President, the real reasons why the people from our area are in favor

of this amendment is that information contained in the sheet just read by the Senator from Oxford, Senator Ferguson. That is, and I quote to you from selfsame document:

"The New Hampshire statute provides that classifications shall be met in a period of not less than two years or more than five, except in unusual cases where the New Hampshire agency is authorized to extend the time compliance." And it says further: "It has been further verified that no time extensions beyond the two to five period specified by law have been granted by New Hampshire and will not be except as the two states are able to synchronize their programs."

This is asking these small towns on the Maine side of the Salmon Falls-Piscataqua River boundary line to take a great deal on faith, and we, frankly, are not in a position to take this on faith.

The town of Berwick is a small town; it cannot possibly afford the \$200,000 it is estimated that this is going to cost to clear it up; it cannot afford this \$200,000 in two to five years, but give it a length of time and these men will work something out with a slow and sensible financing method. It is simply a question of whether or not the situation is different from what is in the rest of Maine because it is an interstate boundary, and we do not want to be in the position of being forced to do things that we cannot afford to do rapidly by some arbitrary decision on the part of the State of New Hampshire.

Everybody is against polluted rivers, there is no question here about not wanting to clean up rivers and not wanting to take sewage and other nastiness out of the streams in the State of Maine, but how much can these little towns afford to do? That is what is before you today. It is whether or not these little towns shall be forced to do this in a relatively short time, that is the issue involved in this amendment. We hope you will realize that places like Berwick must be legion throughout the State of Maine.

There is one industry in Berwick which is a tannery. Tanneries have a notoriously unpleasant waste. But if it were necessary to clean up the tannery's effluent the little town of Berwick in two to five years we do not know what the tax burden would be upon a little town that has not any other resources. We do not know what the burden would be upon the tannery at this point, but we do know it would be a crippling blow to the economy of one little town in Maine. Berwick is not the only one; this is just not the sentiment River, it is the watershed, if you will look at the bill, and that Berwick. North Berwick has two small industries which are putting effluent into the Great Works River.

Granted it has all got to be cleared up sometime, these little communities are hard-put now to maintain what industry and what jobs they have. We would all like to see the salmon jumping in these rivers as they did when the Indians were here, but we submit to you that you cannot do it in two to five years.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I would like to refresh the memories of some of the members of the Senate who served here in 1947 when we classified over four hundred streams in the State of Maine, and one of these was the interstate waters of the Saco River. At that time, coming from Oxford County, I was much concerned about the Baxter and the Burnham and Morrill companies operating in the Fryeburg area which were dumping stuff in the Saco River. There has not been any problem there.

The Water Improvement Commission of New Hampshire and the Water Improvement Commission of Maine have worked out a program and they did extend the time, and the New Hampshire Water Improvement Commission will extend the time.

Last week we had with us Mr. Knox, from Boston, Executive Secretary of the State Water Improvement Commission. I am sure that his commission will cooperate fully

with both states. Under the New Hampshire law there is no limit of five years; in many, many cases they have gone to ten or twelve or fifteen years in giving extensions to municipalities.

As far as municipalities in this area are concerned we are well-guarded because we have two members on the Commission, one of them from York County, representing the municipalities.

I would like to call your attention to some figures on the estimated cost to Berwick. The total cost would be \$380,000 and \$100,000 would be available from federal and state aid grants, and, as you know, we have upped that another ten per cent. The annual service cost per family for Berwick is \$78.30, South Berwick would be \$30, North Berwick would be \$30, Kittery, \$34, so it is not going to be a burden, I am sure.

I certainly hope that the Senate will go along with the indefinite postponement of this amendment. So far as water classification throughout the State is concerned, we will be coming back here in another two years, and if there is any undue pressure I certainly will be one, if I am back here, to introduce legislation to keep them in line.

Mr. LOVELL of York: Mr. President, one more word. I would like to move for a division on this motion, but before I do that I would just like to say: I know last week when I met with the good Senator from Oxford, Senator Ferguson, and the group that was with him, that I was and am definitely convinced of the necessity of classification of the rivers of Maine and I am against pollution. However, in this particular instance, as Senator Mayo mentioned last week, and various others, when I had this first amendment on, I had agreed not to argue or debate it, which I did not; but when the town of Berwick is so convinced—and I hate to differ with the good Senator Ferguson—but at the meeting when I suggested ten years to the head of the Water Commission, he said "No, that is too long; it needs to be done in a maximum of five or six years."

Now it may be thirty dollars a year for sewerage for each resident in Berwick, but that is a lot of money over in Berwick, and it would handicap and cripple this town a great deal.

I have all the respect in the world for New Hampshire, but they have a good deal more money than they do on the Maine side of the river because there are more industries and of course the state collects a good deal higher amount per capita on liquor, cigarettes and what not; they are a richer state and the cities along the border of the river are a good deal richer.

So I would hope that the Senate would go along with this amendment to give this community the opportunity so they will not put themselves in bankruptcy and will not have a hardship and so their people may continue to eat and support their schools.

Mr. CHASE of Lincoln: Mr. President and members of the Senate: I wish someone would explain why they give a fifteen-year time limit on the big rivers of the State of Maine and only five to these little rivers down by the border.

Just because New Hampshire wants it classified in a short time it does not seem fair, from what I know about this thing, that we should give fifteen years all over the state for the big rivers and come down here and pick on these little towns and give them only five years. Maybe I misunderstand the situation but from what I do know that seems very unfair.

The PRESIDENT: The Senator from Lincoln, Senator Chase, poses a question through the Chair to any Senator who wishes to answer it.

Mr. FERGUSON: Mr. President and members of the Senate: New Hampshire has a law but they have not enforced it.

The reason for the fifteen-year period on the Kennebec, one of the major rivers, was in order to take care of federal funds, millions of dollars, say here in the City of Augusta. In order to take care of your state matching funds, I think we have \$300,000 at the State level for pollution control for this next two years; there will be

a like matching amount from Washington, from the federal government; there has been a new bill just passed in congress where they are putting in an increase of fifty million to one hundred million for one year and Maine municipalities will get up to \$800,000 under this new bill, or 30 per cent of the \$800,000, whichever is the least; and in order for the state to provide the matching funds they have got to have a long-range program on some of these major rivers, and that is why we wrote it in on the Kennebec River.

I do not know whether that answers the question of the Senator from Lincoln, Senator Chase. But certainly the Salmon Falls-Piscataqua River is not going to be tied down to five years. You must remember this two to five years is for preliminary work, planning and so forth, and the same applies to the Kennebec, if you read the bill, it is for preliminary work, planning, engineering, the first phase. That is what we want in Berwick: it is just the preliminary planning and so forth and we want to get them on the road to get the river cleaned up.

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

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I certainly appreciate the problem of many of our small communities when we do commence upgrading our streams and the pollution that exists therein, but this is certainly not a sectional problem, this is a problem that we are going to have to face statewide. I feel that the upgrading of our streams is an integral part of progress in this state and it certainly is an integral part of attracting new industry and having more favorable recreational facilities available.

Now the amendment would provide a complete blanket for a fifteen-year period whereby the municipalities on this particular river would not have to do anything. Now it would be one thing for us to say that here in the State

of Maine we are willing to slow down and not be progressive, but to now say that we are going to impede the progress which our sister State of New Hampshire wishes to make would be an even further step backward than I feel the citizens of the State of Maine would care for us to take as a legislature. For that reason, I do support the motion for indefinite postponement, but if there was an amendment presented whereby we could have a step increase provided on this particular stream I would be in support, possibly, of something along that line, but not a fifteen-year blanket exemption.

Mr. LOVELL of York: Mr. President, to answer Senator Farris, that was my first amendment I did put in, for a step form, making it over a period of twelve years instead of fifteen years as the Kennebec had it, and the Water Improvement Commission and the Natural Resources Committee were against it. They said, no, we do not want this step form, we want to leave it as it is with no step form so we can enforce it just as fast as possible and clean it up at the same rate that New Hampshire does. Then when I received many calls from many people in Berwick, and certainly the five selectmen in Berwick represent that community—they requested a maximum of fifteen years. But they are not going to wait that time, they are going to start on in right away, in fact they have started laying some sewerage pipe. They certainly are not going to wait that long but they do not want to have the bill collector breathing down their back or the Water Improvement Commission jumping on them every day.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Ferguson, that Senate Amendment "B" be indefinitely postponed. A division has been requested by the Senator from York, Senator Lovell. All those in favor of the motion of the Senator from Oxford, Senator Ferguson, will rise and stand until counted.

A division was had.

Nineteen having voted in the

affirmative and eleven in the negative, the motion prevailed and Senate Amendment "B" was indefinitely postponed.

On motion by Mr. Ferguson of Oxford the bill was passed to be engrossed and passed to be enacted.

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#### Emergency

Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1962 and June 30, 1963." (S. P. 542) (L. D. 1589)

On motion by Mr. Stanley of Penobscot, tabled until later in today's session pending passage to be enacted.

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#### Emergency

Bill, "An Act Increasing the Authorized Indebtedness of the Lincoln Water District and Clarifying its Power to Borrow." (H. P. 1139) (L. D. 1572)

Which Bill, being an emergency measure, and having had the affirmative vote of 30 members of the Senate, was passed to be enacted.

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#### Orders out of Order

Mr. Stilphen of Knox presented the following order out of order and moved its passage:

ORDERED, the House concurring, that Joint Order relative to Legislative Research Committee study of Collection of Tolls for Ferry Service for North Haven, Vinalhaven, etc., be recalled from the legislative files.

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The PRESIDENT: The Chair notes in the Senate gallery thirty-one students from the New South Bristol Elementary School, escorted by their teacher, Mrs. Gwendolin Thompson. It is certainly a pleasure to have this group of students with us. We hope that their stay is enjoyable and educational; we hope that you will visit the museum downstairs and will visit the House across the corridor. We hope that some day you will be sitting in the Senate Chamber or in the House representing the town or county in which you live.



At this time I want to introduce to you the Senator from your County, Senator Chase from Lincoln County. It is a pleasure to have this group with us. (Applause)

On motion by Mr. Wyman, out of order and under suspension of the rules, the Senate voted to take from the table Item 6-5, Senate Committee Report from the Committee on Towns and Counties on recommitted bill, "An Act Establishing Fees to be Collected by Registers of Probate," (S. P. 447) (L. D. 1390) reporting that the same "Ought to pass in New Draft" (S. P. 533) (L. D. 1571) which was tabled by that Senator earlier in today's session pending assignment for second reading.

Mr. WYMAN of Washington: Mr. President, this bill originally had a committee amendment which was mislaid somewhere along the way, and I now have had it reproduced as Senate Amendment "A". I offer Senate Amendment "A" and move its adoption."

Senate Amendment "A" was read and adopted and the bill was tomorrow assigned for second reading.

On motion by Stilphen of Knox, out of order and under suspension of the rules, the Senate voted to take from the table the 5th tabled and unassigned matter (H. P. 475) (L. D. 675) Bill, "An Act Requiring Public Utilities Commission Approval of Rates for Ferry Service for North Haven, Vinalhaven, Islesboro, Swan's Island and Long Island Plantation" which was tabled on March 31st by that Senator pending enactment, and on further motion by the same Senator pending enactment, and on further motion by the same Senator the bill was passed to be enacted.

The Chair laid before the Senate the first tabled and especially assigned matter, (S. P. 522) (L. D. 1599) Bill, "An Act Relating to Operating Business on the Lord's Day and Certain Holidays," which was tabled on May 16th by the Senator from Kennebec, Senator

Farris, pending passage to be engrossed.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: The amendment which I am about to offer, being Senate Amendment "A" Filing S-200, is a two-page amendment, so I think it might be well if I just briefly explained that the amendment does not in any way alter the provisions of L. D. 1599 which is a redraft of all measures covering operation of business both on Sundays and on holidays. It does merely change the order of some of the phraseology and it is felt that it makes it possibly a little more clear to a person in reading the particular law if it becomes enacted.

The only substantive change in this amendment is that we have added as an exemption certain seasonal businesses, in other words, industries that are normally kept in continuous operation are exempt from closing on Sunday under the redrafted L. D., but now in the amendment we also add processing plants which handle agricultural produce and also products of the sea, so that these seasonal industries might also legally remain open on Sunday as an exemption.

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

Senate Amendment "A" was read by the Secretary.

Mrs. CHRISTIE of Aroostook: This seems to be my day. Mr. President and members of the Senate: As far as I can see, this bill as it is written now with this amendment it takes care of almost everything excepting perhaps one or two industries. I feel surely it is not necessary for them to operate on the Lord's Day, and I feel that our law at present takes care of the situation well enough, so I move the indefinite postponement of the bill and all accompanying papers.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie, that this bill and accompanying papers be indefinitely postponed.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: Certainly in our Committee on Legal Affairs we have had no measure on which we have worked that raises more problems and more difficulties, and there have been many, many times during the past weeks that I have been in complete accord with the statement of the Senator from Aroostook, Senator Christie. However, it does seem that if we indefinitely postpone this measure and continue to utilize the law which is presently upon the books we are accepting a stand which is completely unrealistic, because we know that there are many businesses which are staying open in violation of the law today, and even though the penalty is only ten dollars it certainly does not cope with the moral situation which exists whereby legitimate merchants, good business people for economic reasons, particularly in our coastal areas and resort areas, are compelled to keep their place of business open on Sunday and in violation of the law. I feel it is much better to provide an exemption for those businesses which we know, for their own economic welfare and for the economic welfare of the State of Maine, must remain open, to be legally permitted to so do.

I might also point out that in this redraft much of the language of the previous law which is absolutely obsolete, such as traveling on Sunday and things of that nature, has been deleted and we have reduced it down in this redraft merely to the proposition of keeping a place of business open on Sunday. In other words, a businessman can legally under this go to his office and work on Sunday, and the same with a professional man, provided that he does not have his place of business open to the public.

It became very difficult to distinguish as to whether a Sunday law was essential in the State of Maine — or I should say a Sabbath law, because we have a Sabbath law in Maine — was essential as a matter of morals or whether it is essential as a matter of the ec-

onomic welfare of the State of Maine; and I think that actually the problem is more or less a combination of both, and I do feel that this redraft is certainly a step in the right direction. I would be the first to say that it is far from perfect, but at least we are providing a more realistic penalty for businesses which do not have to stay open on Sunday to be faced with in the event they should decide to stay open. And of course the moral question is completely resolved as far as we of the Legislature are concerned: we are not legislating what is good morals for the people of the State of Maine in the various communities because under this measure the local community has the right to exercise a local option and determine that any or all businesses may stay open on Sunday. For that reason, admitting it is not perfect but stating that it is an improvement upon the existing law, I hope the motion for indefinite postponement fails and I request a division.

Mr. LOVELL of York: Mr. President, as a member of the Recreational Development Committee I received a good deal of correspondence on this particular measure, and I would like to read one letter here from a Chamber of Commerce in Boothbay Harbor. They state:

“The Boothbay Harbor Region Chamber of Commerce has recently directed me to convey to the Legal Affairs Committee our opposition to any Sabbath day legislation which would affect adversely the tourist recreational business. This area represents the largest gross volume tourist business in the state. The highest percentage days for our businesses are Saturday and Sunday. Although we are lengthening each year the number of weeks in our season, let's face it: it is still extremely short. In order to justify the investment that the people have in the resort business this state can ill afford to take away the right of doing business when the sun shines. In this short season the sun shines on Sundays. The constitutionality of such legislation will be an immediate question by Maine's

No. 1 industry should horse and buggy blue laws be forced on us. We urge the members of the legislature to separate lobby pressures from fact, thereby enabling this community to be realistic in its recommendations to the legislature.”

I personally feel that we should permit many of these things which are on this amendment that are essential, such as restaurants, taxicabs, airplanes and what not. I think this is good legislation and I ask for a division on the motion.

Mr. SAMPSON of Somerset: Mr. President, in looking at the L. D. on this, I would like to direct a question to the Senator from Kennebec, Senator Farris.

Who is going to determine, under the second paragraph, Section 38, works of necessity?

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

Mr. FARRIS of Kennebec: Mr. President, the phraseology “works of necessity” and I believe “charity” is also in that same phraseology, are words that have been in our statute ever since we were a state, as far as I can determine. This is a phraseology which has been subject to interpretation by the Supreme Court of the State of Maine, and for that reason it was felt wise to leave that same language in this bill. In specific response to your question, the court would be the one to make the determination.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie, that this bill and accompanying papers be indefinitely postponed. A division has been requested by the Senator from Kennebec, Senator Farris. All those in favor of the motion of the Senator from Aroostook, Senator Christie, will rise and stand in their places until counted.

A division was had.

Fifteen having voted in the affirmative and fourteen in the negative, the motion prevailed.

Mr. FARRIS: Mr. President, in view of the action in the House and where so much work has gone into this particular measure on the part of the Legal Affairs Committee, I would request that this matter be tabled for further exploratory opportunities, and it might be that we could salvage something which would be better than what we have on the books at present.

The PRESIDENT: The Senator from Kennebec, Senator Farris, should be informed that his motion would be to reconsider.

Mr. FARRIS: Mr. President, I would move that we reconsider our action solely for the purpose of placing this upon the table.

The PRESIDENT: Would the Senator care to set a date?

Mr. FARRIS: Yes, Mr. President, one week from today. I might be able to take it off earlier than that. That is the only reason that I request that it be unassigned.

Mr. BROOKS of Cumberland: A point of order, Mr. President. Is the Senator from Kennebec, Senator Farris, in order to ask for reconsideration? He was on the opposite side when the vote was taken.

The PRESIDENT: The point of the Senator from Cumberland, Senator Brooks, is well taken. The Senator from Kennebec, Senator Farris, did not vote on the prevailing side.

Mr. LOVELL of York: Mr. President, I did and I will ask that it be reconsidered.

The PRESIDENT: Did the Senator vote on the prevailing side? I think the Chair recalls that you voted with Senator Farris.

The PRESIDENT: Will the Senator from Kennebec, Senator Farris, please approach the rostrum.

Mrs. CHRISTIE of Aroostook: Mr. President, for the purpose of permitting Senator Farris to do what he would like to do, I move that we reconsider our action whereby we indefinitely postpone this bill.

Mr. EDGAR of Hancock: Mr. President, may I inquire of the Chair: is the motion to reconsider debatable?

The PRESIDENT: It is debatable.

Mr. EDGAR: Mr. President and members of the Senate: In view of the fact it is debatable, I would like to support very strongly the motion to reconsider.

There is scarcely a member of this Senate who does not have one or more resort areas in the county which he or she represents. If this bill were to be indefinitely postponed practically all of the businesses in the resort areas which cater to tourists and vacationers in the summer time will be operating illegally just as they have been for years under the present law.

Now if anyone or any group were to undertake to enforce the present law, it not only would close up most of the stores in the resort areas and most of the businesses in the resort areas but it would bring about the consequent depriving of a livelihood for the proprietors of those businesses who are good, legitimate local people in your communities and who depend for their all-the-year-round living on the income which they derive from the operation of their summer businesses, and, needless to say, the income derived from Sunday's business is probably the biggest single day's income out of the whole week.

We have our choice here of either putting them out of business on Sundays, with the consequent tremendous loss of income which is vital to them, or making them operate illegally and hope that nobody will enforce the present law. So I certainly strongly support the motion to reconsider on this bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie, that the Senate reconsider its action whereby this bill was indefinitely postponed. All those in favor of the motion of the Senator from Aroostook, Senator Christie, will say aye; those opposed no.

A viva voce vote being taken, the motion for reconsideration prevailed.

Mr. FARRIS of Kennebec: Mr. President, I now move that this bill lie upon the table unassigned, and I assure the Senate that I will remove it just as soon as all people who are interested can arrive at something in regard to it.

The PRESIDENT: Is it the pleasure of the Senate that this bill be tabled unassigned pending passage to be engrossed?

The motion prevailed and the bill was so tabled.

The President laid before the Senate the 2nd tabled and especially assigned matter, (H. P. 13) (L. D. 32) Bill, "An Act Relating to Certain Standards for Nursing Homes," which was tabled on May 17th by the Senator from Kennebec, Senator Farris, pending passage to be engrossed.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: This is the measure which was tabled yesterday and especially assigned for today solely for the purpose of offering an amendment. The filing number is S-201.

I might explain that this amendment has the approval of the individuals who were opposed to the amendment which was originally indefinitely postponed on motion by the Senator from Piscataquis, Senator Parker.

In effect, this amendment provides that any previously licensed nursing home may have five patients—presently they can have only three—they may have five patients without having to conform to the so-called code, which is a safety code providing for the installation of fire escapes, heat-resistant walls around furnaces and so forth, but that in the future any nursing home which is to become licensed, if they have one or more patients other than a relative of the owner, they shall comply with the code. It does not in any way affect the action which has been taken upon the boarding or lodging homes and they now will be permitted, if this measure becomes law, to go from three to five boarders without having to conform to the code.

Senate Amendment "B" was read and adopted and the bill was

passed to be engrossed as amended.

On motion by Mr. Noyes of Franklin Recessed until 1:30 P. M.

#### After Recess

The Senate was called to order.

The President laid before the Senate the 1st tabled item (H. P. 840) (L. D. 1155) House Report, Ought to pass from the Committee on State Government on bill, "An Act Increasing Number of Justices of the Superior Court"; tabled on March 29 by the Senator from Washington, Senator Cole pending acceptance of the report; and the bill read once and tomorrow assigned for second reading.

The President laid before the Senate the 2nd tabled item (H. P. 716) (L. D. 915) House reports from the Committee on Transportation on bill, "An Act Relating to Speed of Commercial Vehicles and School Buses"; Majority Report, Ought to pass with Committee Amendment A; Minority Report, Ought not to pass; tabled on March 29 by the Senator from Aroostook, Senator Edmunds pending motion by Senator Stiphen of Knox to accept the Majority Ought to pass report.

Mr. EDMUNDS of Aroostook: Mr. President, this is a bill which would increase the speed of trucks by ten miles an hour from fifty miles an hour at the present time on most of our main arteries to sixty miles an hour. Now there are just one or two things I want to get off my chest in respect to this bill, then I am going to move the pending question.

First, this bill is sponsored by the Governor's Highway Safety Committee. I appreciate that the Governor's Highway Safety Committee is a sacred cow and we can't criticize it but for the life of me I can't see how this bill in any way serves the public interest or in any way improves Highway Safety and I am somewhat amazed that the Governor's Highway Safety Committee would sponsor legislation of this type.

I think perhaps the only other thing I want to say on this bill is that it reminds me of a famous remark which was made by a lobbyist many years ago before a committee down here when he referred to a piece of legislation on which he was testifying and said it was perfectly good bill, it didn't harm anybody but the public. With that remark, I will bow to the Committee on Transportation and move the pending question.

Thereupon, the Ought to pass report was accepted, the bill read once, Committee Amendment A read and adopted and the bill tomorrow assigned for second reading.

At the invitation of the President, the Senator from Franklin, Senator Noyes assumed the Chair.

The President laid before the Senate the 3rd tabled item (H. P. 204) (L. D. 299) House report, Ought not to pass, from the Committee on Legal Affairs on bill, "An Act Relating to Number of Members and Terms of Office of Boards and Commissions of City of Lewiston"; tabled on March 31 by the Senator from Androscoggin, Senator Couture pending acceptance of the report; and on motion by Mr. Farris of Kennebec, the bill was retabled.

The President laid before the Senate the 4th tabled item (S. P. 161) (L. D. 407) Senate reports from the Committee on Education on bill, "An Act Merging Portland University with the University of Maine; Report A, Ought to pass; Report B, Ought not to pass; tabled on March 31 by the Senator from Cumberland, Senator Brooks pending acceptance of either report.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate, I believe this bill is a good bill because if passed it would offer to Maine a definite step forward in the field of higher education. The passage of 407 would assure this state of a college of Business Administration, a four year course, and a law school as an intregal part of the University of Maine. These two colleges with-

in Portland University are valuable to our economy and a tribute to the constant effort of many persons to widen the opportunities of young people of college age in Maine to acquire the type of college education they require.

Now, why is this merger bill good for the economy? Well, besides the delivery of trained men and women into our society, this merger if accomplished would offer quality education to our youth of Maine at what might be called bargain basement prices. Here we have a piece of property and an organization in good condition, in a high valued location with a net worth of over \$55,000; and a student body consisting of 105 persons in the College of Business Administration and 30 persons in the Law School. In addition there are approximately 190 persons enrolled in the adult education division. Portland University is an old school and has enjoyed great success in the area of Cumberland County and the southern part of the state and has delivered to Maine many fine and well trained persons. By this merger the university comes under the jurisdiction of our fine state university. I would only attempt in closing to convey these thoughts to you ladies and gentlemen. We are acquiring for the state university and our citizens here in Maine a fine school which by the merger can become an accredited and first class university with the two colleges, business administration and law, and like all city colleges the services such as dormitories, sewer systems, power plants, police protection, fire and so forth being provided by the city and not an additional expense to our education effort here in the state.

I would conclude by stating that I am of the opinion that this merger would accomplish a fact that we here in the legislature are all striving for, and that is an efficient and economical expenditure of funds for education.

With that, sir, I move that we accept Committee Report A, Ought to pass, and I would request a division.

Mr. BOARDMAN of Washington: Mr. President, as I look around the

Senate Chamber, I realize that I am the only member of the Senate who is actually a graduate of Portland University. I graduated from the school back in 1953 and I feel that it is well worth while that I stand on my two feet—I sometimes hesitate to do so—and explain to you that I believe that this is a good idea. At one time the University of Maine did have a law school, and as I understand it, our Portland University today derives its charter from the former University of Maine law school. Now this law school was associated with the University of Maine up until I believe some time in early 30's when the enrollment dropped to the extent that there were no students—I think that was just prior to World War 2, then the school was discontinued. However, after the war the school was started again and at that time down in Portland.

It is also my understanding that the Maine State Bar Association is in favor of this merger, the Cumberland County Bar Association is very much in favor of the merger. I would ask your support of Report A.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, could I pose a question through the Chair to the Senator from Cumberland, Senator Brooks?

The PRESIDENT pro tem: The Senator from Sagadahoc, Senator Mayo poses a question to the Senator from Cumberland, Senator Brooks, and that Senator may answer if he wishes.

Mr. MAYO of Sagadahoc: Mr. President, I would like to ask the Senator from Cumberland, Senator Brooks approximately how much money is involved in this so-called transfer. In other words what is the State of Maine buying for encumbrances that now the University of Portland has that we as citizens of the State if we buy this bill, will acquire as encumbrances. I am talking about bills, taxes due or anything of that sort.

Mr. BROOKS of Cumberland: Mr. President, we would be receiving total assets in the amount of \$96,100. We would be receiving a mortgage of approximately \$40,-

000 on a building that has a real estate value modestly estimated today at \$72,500. We would be buying four buildings with a replacement value estimated at over one million dollars and we would be buying a going business, not one that is running in the red. Does that answer the question?

Mr. BATES of Penobscot: Mr. President and members of the Senate, I signed, with four others, the Ought not to pass report on L. D. 407. The Education Committee had to look at this particular document through the eyes of education, through the eyes of value to the area involved and the state as a whole. They had to look at the picture as legislators pitting the moneys now needed and anticipating the future as against other needs of the state.

I believe that those who signed the Ought not to pass report went through these three stages in making their final decision. Looking at the situation entirely from an educational standpoint, the committee felt that that was very meritorious and I believe if that were the only factor, the report would have been 10 to 0 that it Ought to pass. On the angle of funds needed in this coming biennium, \$125,000 and the future of the value of such a merger to the State of Maine, I believe the report might at that time have been something like 8 Ought to pass, and 2 Ought not to pass. As we studied this measure, it became increasingly obvious that the eventual price tag to attain accreditation and recognized academic standing would be a huge one and there would be considerable expense involved in building alterations and improvements. So finally there were five that signed the Ought not to pass report, realizing that they must look at this matter as legislators either at that time in committee, or on the floor of their respective legislative bodies and vote as to the value to be received from moneys necessary for this project against utilizing the money for already existing programs for the university's current operating expenses or some other educational need or many other vital state needs.

This is where the signers of the Ought not to pass report found a major difficulty. Portland University's law school operates with a part time faculty. In order to obtain accreditation, it would have to be replaced with a full time faculty and a well paid full time faculty if it is to match the education offered by top quality law schools in operation no further away than the city of Boston, would, we believe, be of quite some magnitude.

It seemed to the signers of the Ought not to pass report that the law school proposals should be placed on file for the present. The University of Maine already has enough on its hands in the expansion and improvement of existing schools and so have the state taxpayers.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate, I expect if I had any bill in here this session which I can call my pet bill, this is probably it. I hope that you can see your way clear to go along with me on it. Four years ago as a sponsor of the bill which established the Portland branch of the University of Maine, I stated that this branch would do more for the cause of education in southwestern Maine at a minimum cost than any bill we had before us and I believe that experience in the past four years has borne this out. This merger here would expand the program under the same minimum cost.

This school is situated within commuting distance of at least thirty per cent of the school population of the state and I am thinking of those boys and girls who live near enough to this school so that they could attend and live at home, who might otherwise be unable to go to a school of this kind, and I hope that you will consider that. In addition in this particular measure, we would be providing business administration courses for adults and there are many in the Portland area that take advantage of this privilege. I hope, Mr. President and members of the Senate that you will support the Ought to pass report of the committee.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, I think at this time, the Senate has got to realize that we are creating a two headed monster by this piece of legislation. I fully realize that the state must move ahead in the field of education. I think that the state is moving ahead in the field of education within the realm of what the taxpayers of the state can pay.

Two years ago or four years ago the University of Maine in Portland was established. It was a very fine idea. It is a good school as is, but I ask you, members of the Senate, can we as taxpayers of the State afford two universities in the State of Maine? We are doing all that we can at the present time. We are scraping the bottom of the barrel so to speak to raise money to support our fine university in Orono. We are supporting a good part of the university in Portland as it is but can we afford to add on this university of Portland? If the university in Portland is such a good, growing business, why are they so anxious to join with the University of Maine so the taxpayers can absorb their financing?

I tell you, gentlemen and ladies of the Senate, that this is a step which we cannot afford to take. We must remember that we have taxpayers that send us up here to watch out for the money that we spend, and this is a step, definitely, which will lead us to larger expenditures two, four or six years from now.

I certainly hope that the motion of the Senator from Cumberland, Senator Brooks, does not prevail and it is not because I have any animosity against the University of Maine or against the sponsors of this bill. It is just that we cannot afford to build up this two headed monster and still live within ourselves.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate, this so-called two headed monster is a conscientious effort by responsible citizens in the State to bring together one university and make it a part of the large state university for the purpose of improving our educational system

in the state. There are many, many thousands of children in the southern counties who cannot afford to go away to school and pay the necessary dormitory fees and tuition. This merger of Portland University, I state will not create any huge additional expense to the State of Maine. It will not create a hardship on the people of Maine. The people of Maine want education and they want more education. I have sat on the Education Committee since the beginning of this session and if I received no other impression, I received this impression, that the people of Maine want quality education for their children.

The merger would give to the citizens of Maine as I have stated, a much needed additional facility and that is, one, a college of business administration in an area that is heavily populated, an area that is strong in its business firms and it would also give to the state a law school which we could with minimum expense get accredited so its graduates could compete in other states with those who graduate from law schools of national knowledge.

I don't like to have it referred to as a two headed monster by my good friend the Senator from Sagadahoc, Senator Mayo. As I said earlier, it is an effort by many of us to attempt to give to Maine an upgrading of its educational facilities, and I think it is a good bill.

Mr. PORTEOUS of Cumberland: Mr. President, since I come from the Portland area I think I know something about this proposition. I know the Chairman of the Board of Portland University very well and he and I have discussed this many times and have probed into it. For some years I have been on the advisory committee of the Salvation Army which sold this particular facility to the University of Portland and I know the high quality of the building. When they bought this they got a bargain. The Portland University to buy this building went out and raised some \$60,000 or \$70,000 or more. I believe it might have been more, from Portland area business



men, and this will be another direct plus gift to the state. As far as not being able to afford this, who adds up to the State of Maine? It is the people of the State of Maine. Our good friend, the Senator from Sagadahoc, Senator Mayo has said we can't afford this. I say we cannot afford not to have it. The people of this state that can get education this way at a commuter college can afford higher and better education in this way, better than they can going to a law school in some other state, or if you are talking of the business school here, of going out of town away from their domicile, where they would have to have all three meals away rather than just one, and have to pay for dormitory expenses. I believe my colleague, Senator Brooks has called this bargain basement education and I would call it a very good value.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, I fully realize this particular bill is by no means at the top of the priority listing by the University officials. However, there is no question as has been stated previously, that we would be obtaining probably as good if not better dollar value by accepting this transfer than with many other measures which are also for better education in the state of Maine.

This, like every other appropriation measure will not have its final passage until the entire budget has been analyzed and we have made our decision as a legislature. I feel it would be very unfortunate to defeat this particular bill now. I feel that it should be kept alive and then if at a later date we determine due to budgetary reasons that we cannot accept other programs which have a higher priority at the university, then this is one which we might well be able to accept and still be making a good step forward for the betterment of education for the people throughout the State of Maine and I sincerely hope that at least for now that this measure be kept alive—there is no way of keeping it alive through the supplemental budget because the L. D. requires certain transfers of

property and we would need the legislation on the books in order to accomplish it. Thus at this time I urge that we do keep this measure alive until we can consider it in relation to these matters pertaining to the University and that the Ought to pass report be accepted.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, I rise in support of the motion of the Senator from Cumberland, Senator Brooks. I too see this as a very good investment. Combining the Portland University with the University of Maine certainly would keep the fine law school and the business administration school at that university going. I am personally acquainted with some of the trustees of both the University of Maine and the Portland University and they are all in favor of this merger. As the Senators from Cumberland, Senator Brooks and Senator Porteous have stated, it is a case where we cannot afford to let this piece of legislation go by. We have a fine school here and certainly a chance to expand and improve the facilities by combining them. I hope the Senate will go along with the motion of Senator Brooks of Cumberland.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, in relation to the remarks in regard to having a commuter college in this section of the state, in Portland, it is necessary because so many people need this type of commuter college. We have two commuter colleges there now. We have one supported by the taxpayers, known as the University of Maine in Portland, and one known as the Portland University, which is a commuter college. I ask you why do we have to combine these? If Portland University is such a fine college and is so necessary as a commuter college, why do we have to combine the two and put the expense on to the taxpayers of the people of the State of Maine? I would assume that the Cumberland-York area is large enough to maintain these two separate colleges. That is one of the big problems we have

here in the State of Maine, our geographical location. We have five teachers colleges stretched out over the state and that is the reason we have to support five teachers colleges. We have three other colleges beside the University of Maine in the state. Do we have to continue to grow in the Portland area to where we are going to have another university down there over the years? I submit to you members of the Senate, we just cannot afford this increase upon the taxpayers of the State of Maine. We have a very fine college in Orono. I would hope that we would keep it a fine college. I would hope that we would continue to support the University of Maine at Orono but I submit to you if we keep stretching the dollar bill between two places, one of these colleges is going to suffer and I certainly hope that the original college in Orono is not the one to suffer because a certain group want to start another college in the southern part of the state.

Mr. EDGAR of Hancock: Mr. President, if I may address a question through the Chair to any one of the good Senators who has already spoken on this, in looking to the future a little bit I would like to know have any estimates been made as to what degree this measure would expand the necessary budgetary requests of the University of Maine in future sessions of the legislature?

The PRESIDENT pro tem: The Senator from Hancock, Senator Edgar, poses a question to any Senator who cares to answer.

Mr. BROOKS of Cumberland: Mr. President, this biennium the cost factor is \$125,000 for the most part to hire permanent instructors and to upgrade the quality of both the law school and the college of business administration so that we may receive accreditation. There would be money needed to develop the library; there are many books in the old law library that are available. As for the cost in years to come, it is difficult for me or anyone to make an estimate. It depends on how fast the trustees of the Portland University wish to develop

the law school and the college of business administration. It is not going to be any huge sum that the State of Maine can't afford because the State of Maine in my opinion can afford a lot more money toward education than it has spent in the past. I don't think that gave the good Senator from Hancock a good answer but I am unable to tell you exactly what it would cost.

Mr. BATES of Penobscot: Mr. President, the reasons given to the committee, and I will read to the Senate parts of the proposal. The trustees and faculty in Portland University recognize that the institution must gain recognized academic standing if it is to continue to render effective service. This prompted them to initiate discussion with representatives of the University of Maine to consider the possibility of becoming a part of the University of Maine and thereby attain the goal which is essential if the institution is to gain the status necessary to its ultimate success.

"In the discussions which the Trustees and Administration of the town institutions participated, it was agreed that if a merger of these two institutions is accomplished, the following policies would be adhered to:

"That the Law School and the School of Business Administration would be continued in Portland.

"That full accreditation would be sought for all educational programs offered by this institution."

Then skipping down to the part of this proposal which particularly answers the question of the Senator from Hancock, Senator Edgar, they make no reference to alterations, building improvements and things of that nature, but they do say: "It is estimated that the costs of operating a fully accredited law school for a maximum of 100 students would require an annual appropriation of \$150,000."

At the present time they have thirty students there. I would hope that if this merger bill does go through that they would be able to raise their sights to 100 students. I do feel as though it is only fair at this time to introduce to your thinking, those of you

who may not have had this come to your mind, the thought that the New England Board of Higher Education which is working, which has arrangements with others of the five New England States, with respect to sending Maine students on a partial or complete tuition basis for higher education purposes to these other states where law schools are available. That sort of program would benefit the State of Maine at a minimum cost as compared to the anticipated eventual cost of this particular procedure.

I now move, Mr. President, that the bill and accompanying papers be indefinitely postponed.

On motion by Mr. Mayo of Sagadahoc.

A division of the Senate was had.

Thirteen having voted in the affirmative and eighteen opposed, the motion to indefinitely postpone did not prevail.

The PRESIDENT pro tem: The question now before the Senate is on the motion of the Senator from Cumberland, Senator Brooks, that the Senate accept Report A Ought to pass.

A division of the Senate was had.

Eighteen having voted in the affirmative and eleven opposed, the motion prevailed, the bill was read once and tomorrow assigned for second reading.

On motion by Mrs. Christie, out of order and under suspension of the rules, the Senate voted to take from the table Item 6-3, bill, "An Act Providing that Employment Shall not be Conditioned Upon Membership or Non-membership in a Labor Organization" (H. P. 999) (L. D. 1459) tabled by that Senator earlier in the day's session pending acceptance of either report; and on further motion by the same Senator, the Minority Ought to pass report was accepted and the bill read once.

The Secretary read Committee Amendment A.

Mr. EDMUNDS of Aroostook: Mr. President, I would inquire if a motion to indefinitely postpone this measure would be in order at this time?

The PRESIDENT pro tem: It would.

Mr. EDMUNDS of Aroostook: Mr. President, I feel just a little bit like a traitor standing up here and making the motion which I am about to make. I believe everybody in this Senate realizes that the sponsor of this bill comes from the county that I represent in the Senate and I know of a number of people who are my constituents in that county are very much in favor of this type of legislation. However, I also feel that I would be very much of a coward if I failed to stand up here today and say why I oppose this particular piece of legislation. And the choice between being a traitor and being a coward is not an easy one and I assure the Senate that I have done good deal of soul searching before I finally decided to sign this report as a member of the Labor Committee Ought not to pass. I did sign the Ought not to pass report and I did it for five reasons, which I would like to enumerate.

First, to the best of my knowledge, while industry in the State of Maine does not actively oppose this legislation, neither does industry in the State of Maine support this legislation at this time. And this legislation most vitally concerns industry.

Secondly, to the best of my knowledge, the administration of the State of Maine, the Chief Executive, a member of my party, is opposed to this legislation at this time.

In the third place, the Commissioner of Labor and Industry in the State of Maine, who should be cognizant of the problems involved in this type of legislation is opposed to it, and I think for a very sound reason.

When this legislation was dropped in the hopper, she wrote her various counterparts in the various states—I think there are seventeen of them that have legislation of this type on the books in their particular states, and almost without exception the Commissioners of the various states where they have right to work laws wrote back and said the law

had not accomplished the purpose for which it was designed.

In the fourth place there has been a good deal of argument advanced to the effect that a right to work law enacted on our statutes would encourage industrial development here in the State of Maine. I do not think that is a valid argument and the reason I do not think it is a valid argument is that the man who I feel is in the best position to assess the validity of such arguments, our own Commissioner of Economic Development is too, opposed to this type of legislation, that it does not solve the problem as many of the people here in favor of it say that is does. It does not encourage industrial development in the state in an area in which it works. And last, organized labor as we all know is opposed to this type of legislation.

Now, I am not completely convinced that all organized labor is bad. True, I think most of the reports that I have signed from the Labor Committee have favored industry's side but I recognize that there is a great deal of good as far as organized labor is concerned here in the State of Maine. Our strike record in the State of Maine is less than one third of the strike record on a national average basis and labor in a number of instances has been extremely helpful to retain the industry here in the State of Maine.

So for those five reasons, Mr. President, I signed the report Ought not to pass and I certainly hope that the motion I am about to make, that this bill be indefinitely postponed will prevail.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, as Chairman of the Labor Committee which heard this piece of legislation I feel it is my duty to briefly explain some of the happenings of this bill. The bill went through the normal hearing process before my committee. The bill was immediately attacked and as they say "clobbered", that night, within two hours after the committee hearing was over, which I feel did not give the bill its proper chances. The bill has been

attacked by many people in prominent places; the bill has been supported by many people in prominent places. I signed the report out of my committee, Ought not to pass as it was written, but I stand here today and will support the motion that was made by Senator Christie. I think that this is a piece of legislation that should go before the public. It should go before the people whom this bill is intended either to hurt or support.

I certainly feel that this legislature of 180 some odd members is no place to finally defeat or pass this legislation. I think it is only right that it go back to the public, the public from which I have received approximately 1500 correspondences in the last three months, and I would say they are evenly for and against this bill, which is why I support the referendum clause. I feel that there is tremendous interest in places around the state by people in the state who just cannot take the time or cannot afford to come here and represent themselves.

As far as the reference to certain groups not being interested in it I think that was an agreement that was made, that they would stay way from this bill. I certainly hope that the motion of Senator Edmund of Aroostook, who was a member of my committee, does not prevail, because I feel the bill should be kept alive simply to send back to the people of the State of Maine to ask them and let them decide whether or not they want this legislation. They are the ones that are going to be affected. I hope you will vote against the motion to indefinitely postpone.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate, a few weeks ago, as a matter of fact on May 2nd, we read an editorial in the Portland Press Herald to this effect: Why should Jimmy Hoffa so suddenly and so quietly leave the state? It is not the nature of Jimmy Hoffa to do a thing like that. In this editorial it says: "It has been said that the one most significant factor in the comparatively early settlement was the existence of an

item of legislation known as a right to work law. It has been said that sources within Maine urged Mr. Hoffa not to insist on his original demands lest he stir up resentment which might be expressed in terms of support for that legislation. . . . The threat of a crippling transportation strike is lifted."

I believe we need to thank the sponsor of that right to work bill for the avoidance of that crippling strike which might have come because we know the nature of Jimmy Hoffa is not to give up until he accomplishes what he wants to accomplish. In support of this bill I am simply favoring the right of every worker to choose whether or not he will join a union. Nothing in this measure would prevent his joining if he should want to. On the other hand, he would not be compelled to join as he is now in order to work. The bill is not designed to kill the unions. In fact, states where they have a right to work law have increased their union membership faster than the other states. Today a state which does not have this law merely dictates who shall be hired and largely controls terms under which they work.

"Congress has still to come to grips with the real evil in the labor movement . . . The natural function of a trade union and the one for which it was originally conceived is to represent those employees who want collective representation in bargaining with their employers. I believe that unionism kept within its proper and natural bounds accomplishes a positive good for the country. Union shop agreements deny to laboring men the right to decide for themselves what union they will join. The exercise of freedom for many of these citizens means the loss of their jobs. I strongly favor the right to work laws which forbid contracts that make union membership a condition of employment."

Senator Goldwater comes from a right to work state, a state which has that law on the statute book.

Samuel Gompers, whom some of you know, was the real founder of the labor movement and he said,

"Men and women of our American Trade Union movement, I want to urge devotion to the fundamentals of human liberty - the principles of voluntarism. No lasting gain has ever come from compulsion. If we seek to force, we but tear apart that which united is invincible."

The overwhelming majority of right to work supporters believe in the right to organize and in collective bargaining. But they also believe in the God given right of a man to make his own choice on the question of joining or not joining a union.

The United States Chamber of Commerce in its booklet *The Case for Voluntary Unionism* says, "Actual experience has proved that voluntary unionism will produce effective unions and promote successful collective bargaining."

Senator Karl E. Mundt of South Dakota, which is a right to work state, said that new labor legislation was necessary to save rank and file workers from slavery. He said, "It appears that the forgotten man of 1957 is the tragic figure of the dues paying member who must join a union and pay its assessments to earn a livelihood, but who has lost control of what happens in or to or by his union."

A few months after the great strikes which the unions imposed on war weary American industry during 1946, Congress by an overwhelming majority adopted the Taft Hartley Act of 1947. President Truman angrily vetoed the bill and almost immediately the sweeping Congressional majorities over rode his veto.

Senator Harry Byrd of Virginia in a statement in the 86th Congress stated that the Democratic platform says "We will repeal the authorization for right to work laws, limitations on the right to strike, to picket peacefully and to tell the public facts of a labor dispute, and other anti-labor features of the Taft Hartley Act." Senator Byrd continued: "The Virginia right to work law is representative of the tenor of virtually all the State statutes and constitutional amendments on the subject."

This bill would simply put unionism on a voluntary basis as

recommended and defended by the great organizer of the movement, Samuel Gompers. Virginia has had such a law for thirteen years. Eight states have adopted it as an amendment to the Constitution. They are Arizona, Arkansas, Florida, Kansas, Mississippi, Nebraska, Nevada, North Carolina, South Carolina, Tennessee, Texas, Utah and Louisiana (the latter has a law applying only to agricultural workers) have such a law in their statutes.

Letters favoring this bill have come to me from individuals, letters and telegrams and I have here a petition with 170 names on it from people in the central part of Aroostook County from which I come. The people of that county are very anxious that we should have this law on our statute books and I am highly in favor of this bill.

Mr. EDMUNDS of Aroostook: Mr. President when the vote is taken on my motion I request a division.

Mr. LOVELL of York: Mr. President and members of the Senate, I hate to differ with the good Senator from Aroostook, Senator Christie and go along in concurrence with the good Senator from Aroostook, Senator Edmunds, but I have searched very carefully my mind and thoughts on this bill and being so strongly interested in industrial development in Maine, and feeling that this is the time to get industry into Maine and that it is a most essential thing, and it is my opinion after listening to both sides and after giving it serious thought, I feel that I should concur in this with the Department of Economic Development and the Governor in going along with the indefinite postponement because in my experience of industry in Maine, getting industry to come to Maine which I have done from Boston to San Francisco, one of the greatest assets that I have talked of is our wonderful labor in Maine its versatility and its production. For example in one particular plant in Sanford, they lost their chemical company and a group of men and women who had never had anything to do with

the manufacture of plastics before went into that plant and learned plastics inside of a year. The President of the company stated that their production was one third higher than it was in the state they came from previously.

Now I hesitate very much to disturb this particular law if it goes to referendum and is not voted on in the matter of two years it could very well hurt us in getting new industry to Maine which we so vitally need. I think in closing that we should leave the law as it is now at present.

Mr. CYR of Aroostook: Mr. President and members of the Senate, I too have searched my conscience as to just what stand I would take in regard to this particular measure. What seems to surprise me more than anything else is that those that are mostly in favor of this particular legislation passing are those that are not affected by the legislation. I come from a town which has industry and which has a good union, a strong union. I have read the contract between the union and the company and I see nothing disturbing in the contract. This particular bill is misnamed. We oftentime hear discussions of the compulsory angle of this legislation. Now if you were to ask me the question that was asked us two weeks ago, the question that was asked us two weeks ago on a TV panel. "Do you believe in compulsory unionism?" And the question was asked of us and they wanted a one word answer. They wanted us to answer it Yes or No. Well I did answer in one word but I felt I wasn't giving my TV listeners much of an answer. I answered that it was constitutional. If you analyze compulsory unionism and we look in the dictionary and find out what compulsory means, my answer would be no. Some people believe that compulsory unionism means you have to join the union before you can work. That is not so. I have been an employer all of my life and I have never had any union in my organization. When compulsory is used in the context with unions, it means that if you want to go to work for an in-

dustry that has already accepted a union, then after you have passed your forty-five day waiting limit, or sixty days or ninety, whatever they happen to have, then you have to join the union which has been accepted in that particular organization.

Some say that this is against individual rights. Well I ask you, if you are going to work for an industry and they have night shifts and you don't want to work nights, are you going to say "Management, I don't want to work the night shift". His answer is going to be very quick. He will tell you if you don't want to work the night shift you can stay home. We have areas that call for no smoking. Is that against individual rights? If you were going to work for that industry and you see there is an area where it says no smoking, will you say "This is against my individual rights". You have the same proposition here. If you intend to go to work for that industry which has already accepted the union, you know before your trial period that if you pass the test, you will have to join that union. But how is that union accepted in that particular industry? You have to petition the national labor board which will send a representative into your area, will call for a secret vote and it has to pass by a two-thirds majority. Is there any violation of any rights by doing that? I don't believe so. After that particular decision has been made as to unionize or not, the rank and file still have to vote on the union that they want to represent them and after they have accepted that, that is the body that will represent the employee.

In today's society you will find that everything is organized. I used to belong when I was in retail, to the New England Hardware Dealers Association; I used to belong to the furniture dealers association and if I wanted any protection of any kind or if there was any legislation that might be detrimental to my business, that association went to bat for us. You have it in every type of society today and with industry the size that it is today, you cannot have

an individual that will buck up a million or billion dollar industry. You have to have some kind of organization. I am not subscribing to every technique or every decision that the unions have made. There are abuses we know. There are certain situations that should be corrected. We know it. The leadership are getting to know it more and more but now that they have achieved the purpose of having solidarity behind them, we hope that eventually they will improve their unions and will give more and more voice to the rank and file. That I am in favor of but certainly I am not in favor of legislation such as this which would try to kill the union. You have certain ailments that should be corrected but if you have an ailment and go to a doctor for a cure, he is not going to kill you to cure you. This is what this legislation is attempting to do. It is attempting to kill the unions to cure the ailment. I think that it will create more problems than it will solve and for that reason I will support my colleague, from Aroostook who has taken a courageous stand. Some of us possibly are considering it as I am, as an employer, and I can tell you that it is very hard for us to get up before such a body as this and try to defend what is involved. For that reason I will support my colleague's motion for indefinite postponement of the bill and all accompanying papers.

Mr. STANLEY of Penobscot: Mr. President and members of the Senate: Just to get the bill into focus a little bit: there have been two terms used, "the closed shop" and "the union shop." A closed shop, of course, is an organized shop where a person in order to be employed there must belong to a union, or the union which is in that organization. That type of shop has been outlawed by the Taft-Hartley law which management was very happy to see go into effect and labor fought it bitterly. The union shop is when a person can be hired for a certain particular time agreed upon by labor and management and after that time is up if he wants to continue his employment in that shop he must be-

long to the union. Many people have been confused about these terms and they have been confused as to how they relate perhaps to this bill "An Act Providing that Employment Shall Not be Conditioned Upon Membership or Non-membership in a Labor Organization."

For easy expression, I suppose, this bill has been called "The Right to Work Bill." Many people have said it is misleading, but to me it is not misleading in the least. We have a right to work; we are guaranteed a right to work in this country just as we are guaranteed the right of life, liberty and the pursuit of happiness. The guarantee of that is just as strong for one as for the other. We are not guaranteed that we will be hired by any particular person, but if we are not hired we are guaranteed that we can go to work for ourselves, and it is through this individual enterprise system which we have which has made us the greatest country on earth.

There are two forms of union organization, the closed shop and the open shop. The closed shop has been outlawed. As I said, labor was not in favor of that being outlawed; they would have liked to continue it; management was very happy to see it outlawed.

There are many conditions put upon an employee when he goes to work. As the Senator from Aroostook, Senator Cyr, has mentioned, we have to be on time. I am an employee; I am an employer. We have to be on time, if there are signs of "No Smoking" we don't smoke, and we have to obey certain rules. Fortunately those conditions do not cost us any out-of-pocket expense; if it is a condition that we belong to a union, then it does cost us out-of-pocket expense. And I wonder if management pays to the union the cost of this out-of-pocket expense or do they leave it to the employee to pay? The employer is charging the employee a fee to work in his organization, to support an organization which is actually outside of his organization.

Management has a prerogative to hire people and they want to

continue to have that prerogative. Industrialists say that they would like to continue to have as a condition of employment the fact that the employee must belong to a union. I would submit that this bill would not in effect take that right from him, because if the union is responsible, if it is responsive to the desires of the individual employee, then there will be no trouble between labor and management.

If I were in management, as I am, and I had a union to contend with, if I made it a condition that my employees belong to that union, then I would feel justified in paying the dues to that union, and I think that management should do that, if it is a condition of employment, that management should pay the dues to the union.

The industrialists say they would like to continue with this arrangement which they have now, that a man must belong to a union in this organized union shop because they can bargain easier, it is easier for them and better for them to bargain with the labor organization than it is with the individual employee. In fact and in effect they are saying that we cannot,—for what the individual worker wants, for what the individual worker is thinking, as long as it is easier for us to deal with the labor organization that is the way we want it.

It has been stated that this is not the time for a right to work bill. In my opinion it is the time for a right to work bill. A right to work bill could go into effect in this state and no one would ever know the difference, only those people who are afraid of this, only those people who are afraid because it is good, that they would have to live up to obligations which they have not otherwise lived up to.

They say this will not solve the problem. There is no great problem that I know of. We have no great labor-management problems in the state, and that is a tribute to the intelligence of both management and labor and particularly of the workers of the state. And when they go into a plastic indus-



try and do such a fine job, that again is a tribute to the intelligence of the worker. Certainly if we are going to help industrial development then we should pay attention to the intelligence of these workers. Labor-management relations in Maine are now very good and have been very good.

The labor boys who are here lobbying against this bill have said that they do not want people such as Jimmy Hoffa in the State of Maine and that if we pass this bill we will have them. Well, Jimmy Hoffa has been in this state, he has left the state, very quietly, and from all the reports you would led to believe that the trucking industry and Jimmy Hoffa has signed an agreement. The agreement has not been signed unless it has been signed very recently, and I am sure that if it is not signed Jimmy Hoffa will be back after this legislation is either passed or not passed. I would not like to see Jimmy Hoffa in this state and neither would the unions like to see him in the state, and neither would management or any other individual citizen of this state. I wonder if that great portion of our United States which is known as management, which is the epitome in the chain or the ladder of our free enterprise system, I wonder if they have become so weak or that their moral and physical fibers have deteriorated to the extent that they are unable to make decisions for themselves and make decisions for their own employees? I wonder if it has come to that point that they have to go outside to some other organization to make their decisions for them and have that outside organization financed by the people that they employ?

I would certainly be in favor of the motion of the gentlewoman from Aroostook, Senator Christie.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I have no illusions as to where this particular bill is going to wind up when the history of the 100th Legislature is written.

It is not always easy, when you represent a county which is pretty

well equally divided between labor, management and the public, as to just what stand you should take for the best interests of the people you are representing. I think it does become a matter pretty much of individual conscience and belief. Certainly I do not like to oppose our Governor of this State in his stand, but I do reserve the right to put upon the record my stand.

I think that all of us are affected by legislation of this nature. I can recall, a few years ago, when I was honored to be representing the same county in this Senate, that I was one of six who stood up in favor of a minimum wage—that is one of six in my own party. I have consistently favored increases to keep up with the times, unemployment benefits, workmen's compensation benefits, even to the point of being in favor of the amended increase present workmen's compensation benefits this session to \$42.

I have had occasion, in my practice of law here in Augusta, to meet and talk with many, many workers, and I can recall when the Bates mill was on strike and many of my friends who belonged to the union wanted to return to work but they did not dare to return to work because of fear of recrimination; yet I do admit that labor relations, management relations with labor, have been fairly good in the State of Maine, and I feel that one way to assure the continuation of a good relationship between management and labor is to have a right to work law upon the books. I think we should meet this issue before the problem arises.

Certainly if I were an industrialist and were starting a business I would want a union. I believe in unions, I believe in collective bargaining. But I would want a responsible union and I would want a union leadership that was responsible to its membership. I feel that the time has arrived, not only in the State of Maine but throughout this nation, that we should take action wherever we can to return the policy, the votes and the operation of our unions

back into the hands of the membership where it belongs so that it can operate under the democratic processes under which we operate here in this legislature. I feel that it is an issue of importance to all the people and I do feel that the people of the State of Maine have a right to be heard upon this issue, and we know that if it should be passed it would go to referendum. As I say, I have no illusions as to where it is going to wind up, but when the record of the 100th Legislature is written, if I had not stood up to make my stand very clear, I fear that it would prey upon my conscience every time that I picked up the record book to read it and to realize that I had failed to stand up and be counted when this is the time for all of us to vote our conscience and not vote because of any fear of pressure of any sort whatsoever.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: Not to prolong this but to register my position too, I find it and have found it a difficult decision because I represent so many people, so many constituents on both sides. I have considered these positions, I have read as much of the literature as I have possibly had the time to do, both pro and con, and I have come to the conclusion that it will hurt the labor unions in this state, it will not hurt the laboring man. In the nineteen states that have the right to work law no labor union has suffered or has closed up. I feel that the leaders of labor were amiss in their opposition to the Landon-Griffin bill and the bill of rights for the working man, and I think they have less to fear from a right to work law than the books on the State of Maine than they think they have to fear.

I think it has been stated that the Department of Economic Development Commission is opposed to this. I would take issue with that; I do not believe he is opposed to it. I would also question the information of the Commissioner of the Department of Labor and Industry. I think that the burden of information, from the

various things I have had to read, has shown that this has not been detrimental.

To quote from a pamphlet that was put out by the Maine Citizens for Right to Work—if you want to question its authenticity that is your privilege, but I will quote from for what it is worth:

This is a statement by a man by the name of Sylvester Petro, Professor of Law, New York University (a former CIO organizer): "The McClellan Committee Record reveals to all who have clear vision that compulsory unionism is the principal cause of corruption and maladministration of unions; it draws into unions the kind of men who abuse union members, and takes from the member any real power to rid themselves of the looters."

Now I agree with the people who say that we have good labor unions and good labor union leaders in State, and I personally know many of these people, and we who have campaigned through the factories and plants and mills and processing plants of this State, as I know you all have in order to get elected, and who have talked to the men and women behind the machines and at the benches, you know they are the finest people. I believe that if we can attract to this state through legislation of this kind, without hurting the labor unions that are existing here, if we can attract just one or two good industries that will pay good wages to our people, then the enactment of this legislation is certainly worth while. I therefore support the motion of that very fine and courageous gentlewoman, the Senator from Aroostook, Senator Christie.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I suppose I hesitate to speak on this bill for the same reason that many of the other speakers have felt.

As far as my county is concerned, I can say in all honesty that probably I have received five letters and telegrams in support of the right to work legislation to one that was opposed. Be that as it may, I could very well sit in

my seat and simply vote without making any expression of my personal feelings, but I believe, as many others have indicated here this afternoon, that if we are for something we should be willing to stand up and be counted, and therefore I am standing here.

Very briefly, I would like to read a telegram that I received only this morning, one of the many that I received, but I believe that this one expresses my opinion perhaps better than I could myself. The sum and substance of this telegram is this: "No person should be deprived of his right to work because of membership or lack of membership in any organization. Compulsory unionism contributes to the abuse of power by labor union leaders since the members are denied their most effective disciplinary action, the right to stop being members of a union when its policies or the conduct of its leaders no longer have their approval. To compel any individual to be a member of and financially support an organization which engages in political activities is politically immoral and violates the spirit of the Bill of Rights." That was signed by the Executive Secretary of the Maine Farm Bureau.

I think that expresses my personal feelings very well.

Mr. PIKE of Oxford: Mr. President and fellow Senators: I did not intend to stand up but Senator Parker of Piscataquis kind of put me on the spot a little bit, I guess, made me feel kind of self-conscious.

If the Senator knew how hard it was for me to stand up they would think I was doing a pretty good job. When I was home this week end I wanted to get around and do things quick and do a lot of things, so I put on a pair of sneakers and I was on my feet practically all this week end and the backs of my legs are sore that I can hardly stand up, but I want to stand up in favor of this bill.

The PRESIDENT pro tem: The question before the Senate is on the motion of the Senator from Aroostook, Senator Edmunds, that the bill and all accompanying papers be indefinitely postponed,

and a division has been requested.

All those in favor of the motion will stand and remain standing until counted.

A division was had.

Fifteen having voted in the affirmative and sixteen in the negative, the motion did not prevail.

Thereupon Committee Amendment "A" was adopted and the bill was assigned for second reading on the next legislative day.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table (S. P. 552) (L. D. 1599) Bill, "An Act Relating to Operating Business on the Lord's Day and Certain Holidays," which was tabled by that senator earlier in today's session pending passage to be engrossed.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: This is the bill, you recall, that was indefinitely postponed this morning prior to our action on reconsideration. During the noon recess I have had an opportunity to talk with certain people who were in favor of indefinite postponement and it does not appear to me that there is anything to be gained by having this lie upon the table, in other words it does not appear that there are any amendments which could be drafted which would meet any objections which exist.

I might say, however, that several of my colleagues were not completely familiar with just what was entailed in this bill and particularly where there was a two-page amendment, they were somewhat confused as to what the amendment does.

I would like to again very briefly explain that the amendment does nothing in regard to the intent of the original redraft; it does change the format, it does set it up in better draftsmanship, and it does make it much more clearly understandable in reading the bill when you read the amendment—it includes the entire bill.

There is no question but what we have a very serious economic problem in the State of Maine and that is the problem which confronts many of our merchants who do not wish to stay open on Sun-

days. They have enough difficulty in obtaining good, competent help to operate on a six-day week, but the number of stores which are staying open on Sundays in violation of the present law, a law which all law enforcement recognizes as being unenforceable, is practically compelling many of these merchants to open up their place of business on the Sabbath.

Actually the greatest problem in the State is in the metropolitan areas or the more heavily populated areas. There could be a problem in some of your rural areas were it not for the fact that this bill now provides for a local option so that any community that wishes to permit these places of business to stay open on Sunday may by their vote so do, similar to what now exists in the law for the operation of motion picture theaters, bowling alleys, amateur sports and so forth.

This I honestly feel is a step in the right direction, it is a better law than what we have on the books, and I sincerely urge its passage by the Senate, and with the same degree of sincerity I do say this: that if we are not to have a measure of this particular type become law in the State of Maine we would then be much better off to completely repeal the existing law which is unworkable and also unfair to the many fine business people that we do have in the State of Maine who are staying open in violation of the law but who should not be in violation because they represent facets of our business where they must stay open if they are to earn a livelihood and provide employment for the workers in the State of Maine. I refer particularly to our resort areas and to our heavy industries which are open every Sunday in violation, the radio and the television industry, open every Sunday in violation of today's law.

So my entire point is this: Let us try to put on the books a law which is realistic and which will protect the business man. If we are not going to do that, then for goodness' sake let us repeal this existing law so that these good citizens will not constantly have

to be violating a law which carries a criminal penalty.

The PRESIDENT pro tem: The Chair would inquire of the Senator from Kennebec, Senator Farris: Did you make a motion?

Mr. FARRIS: Mr. President, at this time I move passage of Senate Amendment "A".

Mr. EDGAR of Hancock: Mr. President and members of the Senate: I rise to support the motion of the Senator from Kennebec, Senator Farris in the adoption of his amendment.

The Senator may have been correct when he said that the chief problem lies in the larger municipalities. Admitting that to be so, nevertheless I am very much concerned with the problems existing in the smaller communities and particularly in the communities which we loosely refer to as resort areas.

As I stated this morning, there are very few of you here in this chamber who do not have at least one or more of these resort areas in the counties which you represent, and I am sure that in those areas, as in the one from which I come, there are more than a few local people who depend for their all-the-year-round living on the income which they derive from a summer business catering to tourists and vacationers, businesses of the type of gift shops, souvenir shops, book stores and so forth. Under the present law, as Senator Farris has explained, every one of these establishments, because they are not contained in the exemptions listed in the present law, are operating in the summertime and have been operating for years and years in the summertime illegally. The only reason they have gotten away with it so far is because there has been no concerted effort on the part of anyone or any group to close them down. Now to these people the Sunday business is probably the biggest day's volume in the entire week, and, contrary to what is a rather widespread misconception, people who are in business for themselves and who own stores are not in clover. I know whereof I speak. In my area there are many people who

feel that just because you own your own business you have got it made and you wouldn't miss one day's business out of the week. That is not true, and I know whereof I speak, although I do not and I have never kept my establishment open on Sundays, therefore I cannot be accused of self-interest in this matter. But I do feel that I must protect the people whom I do know and who depend very greatly on their Sunday business for the brief period of eight to ten weeks along with the other six days in the week to provide them with a livelihood through the rest of the year.

For these reasons, I think it would be a most serious mistake. Actually if the present law stayed as it is on the books and if it were enforced, three-quarters of the businesses in my town would be closed up on Sunday with a consequent extremely damaging loss of income to those people. For those reasons, I hope that the motion of the Kennebec, Senator Farris, does prevail.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: After five years of trying to enforce the laws that you people have been passing, I can truthfully say that there are two areas in the law which gave me personally the most trouble: one was in the area of indecent literature and the second was this Sunday law, which one Senator this morning said was O.K. as it is.

When the aroused citizenry decide that a store should not be open the Sunday before Christmas, collecting thousands of dollars off of people who might otherwise be shopping at the stores of those who prefer to obey the law; when this aroused citizenry goes to the police or the prosecutor and asks for some action and action is started, someone starts reading the books and finds that for thousands and thousands of dollars of operation a ten-dollar fine will be paid; and when the prospective respondent comes to court and says, "Go ahead, but I suggest to you gentlemen that I will insist upon a warrant against the Scott Paper Company for

working their Sunday shift and against the Waterville Morning Sentinel for working on and publishing Monday's newspaper"—you begin to think a little bit about the situation in which the State of Maine finds itself in and the law that we have presently on the books.

If you look far enough you will find that really we should not mow the lawn on Sunday or take a boat ride or go to a ball game. It seems to me quite obvious that this is ridiculous, and therefore, having a ridiculous situation, the legislature took under its wings several pieces of legislation trying to straighten out the situation and came up with this bill as it is now proposed in amended form, —a thoroughly frustrating situation but not as frustrating to me as was the vote that was taken this morning.

I suggest that it is not a matter of commonsense and realism. You have voted in favor of selling liquor in restaurants on Sundays and yet you seem to indicate you would prefer not to have the many activities which are now occurring, and properly so on Sunday, be legal which are now illegal. Therefore it is my feeling that I would support the motion of the Senator from Kennebec, Senator Farris.

Mr. STILPHEN of Knox: Mr. President, I would like to inquire through the Chair of Senator Farris as to what would happen to myself if I had a hot-dog stand that I wanted to keep open on Sunday?

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

Mr. FARRIS: Mr. President, that would be considered in the category of a restaurant and could stay open.

Mr. PORTEOUS of Cumberland: Mr. President, this is a bill that would affect me and I favor it because our people have a day off in the middle of the week and I feel they should have Sunday off with their family. They work very hard, they are very competent people and I like them very much

and I want to be sure they continue to have Sunday off, and I do not care who the competition is or how long they stay open, we are going to keep our people in our store from going to work on Sunday as long as I live.

The PRESIDENT: The question before the Senate is on the passage of the bill to be engrossed as amended by Senate Amendment "A". A division having been requested, all those in favor of the motion will please stand until counted.

Twenty-five having voted in the affirmative and three in the negative, the motion prevailed and the bill was passed to be engrossed as amended.

At this point President Hillman resumed the Chair, the President pro tem, Senator Noyes retiring amid the applause of the Senate.

The President laid before the Senate the 2nd tabled matter (H. P. 70) (L. D. 170) "Resolve Regulating Fishing in Spencer Pond, Piscataquis County" which was tabled on April 4th by the Senator from Somerset, Senator Parker, pending passage to be engrossed.

Mr. PARKER: Mr. President, I find that many of the notes and information I have on this particular bill are at my home in Sebec and I will try and get them over the weekend and I would like to have this tabled until one week from today, at which time I will be prepared to debate it.

Mr. NOYES of Franklin: Mr. President, I regret that I must ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that this matter be tabled until one week from today. A division has been requested by the Senator from Franklin, Senator Noyes. All those in favor of the motion of the Senator from Piscataquis, Senator Parker, will rise and stand in their places until counted.

A division was had.

Ten having voted in the affirmative and seventeen in the negative, the motion did not prevail.

Mr. PARKER: Mr. President, I asked to have this retabled as I

indicated because the notes I have on this particular bill and the information, most of it, is at my home in Sebec. If the Senate does not feel that courtesy should be extended to me I am glad to know it.

Mr. President, first may I inquire from the Secretary if there has been an amendment? Would you kindly read the status of the bill?

(The endorsements on the bill were read by the Secretary)

Mr. PARKER: Mr. President, if I might have the courtesy extended to me I would ask for a recess for two minutes.

(Recess)

Called to order by the President.

Mr. PARKER of Piscataquis: Mr. President, referring again to L. D. 170, "Resolve Regulating Fishing in Spencer Pond in Piscataquis County," I move the pending question.

The PRESIDENT: Is it the pleasure of the Senate that this bill be passed to be engrossed as amended?

The bill was thereupon passed to be engrossed.

The President laid before the Senate the 3rd tabled matter (H. P. 204) (L. D. 299) House Report "Ought not to pass" from the Committee on Legal Affairs on Bill, "An Act Relating to Number of Members and Terms of Office of Boards and Commissions of City of Lewiston," which was tabled on March 31st by the Senator from Androscoggin, Senator Couture, pending acceptance of report.

Mr. BOISVERT of Androscoggin: Mr. President and members of the Senate: The good Senator from Androscoggin, Senator Couture, left the Chamber and he left me with the impression that he did not want to debate this question, so, concerning (L. D. 299) "An Act Relating to Number of Members and Terms of Office of Boards and Commissions of City of Lewiston" I would now move to accept the "Ought not to pass" report of the committee.

The motion prevailed and the "Ought not to pass" report of the committee was accepted in concurrence.

Mr. STANLEY of Penobscot: Mr. President, I anticipate what you are going to ask me, about the bill which I tabled this morning until later on in the day, "An Act to make Allocations from the General Highway Fund." We have a meeting on the Reapportionment Committee this afternoon; we have had a difficult time squeezing those committee meetings in. I would rather that this lie on the table until tomorrow if that is the pleasure of the Senate.

Mr. NOYES of Franklin: Mr. President, I ask for a division.

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

Senator Stanley, that L. D. 1589 "An Act to Make Allocations from the General Highway Fund from June 30th, 1962 to June 30th 1963" lie on the table until the next legislative day. A division has been requested. All those in favor of the motion will rise and remain standing until counted.

A division was had.

Seventeen having voted in the affirmative and twelve in the negative, the motion prevailed and the bill was so tabled.

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On motion by Mr. Noyes of Franklin, Adjourned until 9:30 A.M. tomorrow.