

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

*One Hundred and First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 9, 1963

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

Prayer by the Rev. Mr. Alton Maxell of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Senate Reports of Committees
Ought Not to Pass
Recommended**

Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Providing for a Full-time Chairman of the Liquor Commission and Increasing the Compensation" (S. P. 157) (L. D. 433)

Came from the Senate with the Report and Bill recommitted to the Committee on State Government.

In the House, the Report was read and, on motion of Mr. Dennett of Kittery, the Report with accompanying Bill were recommitted to the Committee on State Government in concurrence.

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to Disposition of Persons Pleading Insanity" (S. P. 104) (L. D. 332) reporting same in a new draft (S. P. 588) (L. D. 1553) under same title and that it "Ought to pass"

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

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

**Ought to Pass with
Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act relating to Penalties for Possession of Narcotic Drugs" (S. P. 149) (L. D. 426) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A."

In the House, the Report was read and accepted in concurrence, the Bill read twice, and assigned for third reading tomorrow.

Report of the Committee on Judiciary on Bill "An Act relating to Habeas Corpus and Post Conviction Procedure in Criminal Cases" (S. P. 316) (L. D. 982) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A."

In the House, the Report was read and accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 316, L. D. 982, Bill, "An Act relating to Habeas Corpus and Post Conviction Procedure in Criminal Cases."

Amend said Bill by striking out all of the first underlined sentence of the 2nd paragraph of that part designated "Sec. 1-A," of section 1 and inserting in place thereof the following underlined sentence: **'The remedy of habeas corpus provided in sections 1-A to 1-G is not a substitute for nor does it affect any remedies which are incidental to the proceedings in the trial court, or any remedy of direct review of the sentence or conviction but, except as otherwise provided in sections 1-A to 1-G, it comprehends and takes the place of all other common law remedies which have heretofore been available for challenging the validity of a conviction and sentence and shall be used exclusively in lieu thereof.'**

Further amend said Bill by striking out all of the 3rd underlined sentence of that part designated "Sec. 1-B," of section 1 and inserting in place thereof the following underlined sentences:

'The clerk shall enter the position on the docket upon its receipt and bring it forthwith to the attention of the Chief Justice of the Supreme Judicial Court and to the Attorney General by sending to each of them a copy of the petition. The Chief Justice shall promptly assign

the matter to a Justice of the Superior or Supreme Judicial Courts.'

Further amend said Bill in that part designated "Sec. 1-F," of section 1 by inserting before the underlined word "Constitution" in the 4th line the underlined words 'State or Federal'

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law" (S. P. 180) (L. D. 479)

Report was signed by the following members:

Messrs. HINDS of Cumberland
COUTURE of Androscoggin
— of the Senate.

Messrs. BROWN of South Portland
NOEL of Waterville
EWER of Bangor
PRINCE of Oakfield
— of the House.

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

Report was signed by the following members:

Mr. JOHNSON of Somerset
— of the Senate.

Messrs. GIFFORD of Manchester
MENDES of Topsham
DUNN of Denmark
— of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Gifford.

Mr. GIFFORD: Mr. Speaker I move that item 5, L. D. 479, be indefinitely postponed together with its accompanying reports, and I would speak briefly to the motion.

The SPEAKER: The gentleman may proceed.

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: This bill is not unfamiliar to you. It is a perennial. It was heard before the Labor Committee where

full opportunity was made available to the proponents and opponents to present their views. In the opinion of the signers of the "Ought not to pass" Report, it proposes nothing that would be a desirable addition to present law. Under the present laws, there is nothing to prevent the use of chiropractic treatment if prescribed by a physician, nothing under the present law which would prevent the use of such treatment if the employer agrees and wishes directly or through his insurance company to pay the bills for such treatment.

What this bill proposes is to make it mandatory upon employers that they shall pay for such services whether or not a physician has diagnosed the ailment or recommended such treatment. I would remind you that only medical doctors and osteopaths are physicians and trained in diagnostic procedures. Chiropractors are not. Their license limits them to the physical manipulation of the spine and their training is similarly limited.

Now it is true that an individual may go today to a chiropractor who is licensed under state law without previously consulting a physician and have some ailment of his treated by this chiropractor. In so doing, this individual is in effect practicing self-diagnosis. This is his perfect right; just as he may also be his own attorney, or his own plumber in his own home. However, under the Workmen's Compensation Act, we do not have a relationship exclusively between the injured person and his choice of a healer. There is a third party very much involved, the employer, who is required by law to pay the necessary bills, and it is my strong feeling that the rights of this third party must be protected by requiring a sound procedure, by requiring the diagnosis of the ailment be made by one who is trained in diagnosis. I strongly urge that this bill be indefinitely postponed and hope that the House this morning will support that motion.

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the proposal of the gentleman from Manchester, Mr. Gifford. I feel strongly that the chiropractic profession is worthy of recognition. These professionals are authorized and licensed to work and practice upon patients within the State of Maine. This is very similar to the optometrist bill which we passed recently. I can see no difference between optometrists and chiropractors except that they do different things under the medical profession. The M. D.'s oppose strenuously the optometrists but, through the wisdom of the members of this House and Senate, we passed that bill to be engrossed. And I think it was a fine move on everybody's part in doing so. The chiropractors are licensed professional men and professional people in this state and certainly have the rights of all professional people to operate within our state and upon the people of our state, and should be recognized by the Workmen's Compensation laws. And I hope when the vote is taken, that the gentleman from Manchester, Mr. Gifford, is soundly defeated and that the "Ought to pass" Report will be accepted. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Hendsbee.

Mr. HENSBEE: Mr. Speaker, I also would like to oppose the indefinite postponement of this bill and by so doing, I think we can go back a few years and I can explain to you ladies and gentlemen here in the House how many years ago that we worked hard and long to get recognition for osteopaths. At that time a discovery was made that many osteopathic physicians were men well qualified, having spent four years in medical school and four years in osteopathic school, and we finally got adoption under Workmen's Compensation for osteopathy.

Now this chiropractor's bill, as has been mentioned, is a perennial. I recall it was here six years ago when I was at that time in the House. Under the setup that we

have in the mill where I work, our insurance company does allow us to go to a chiropractor if we so desire. But we must furnish our own transportation because there is not one living in the town where we live, but in the next town there is one. Now all that we ask under Workmen's Compensation, is that you allow an injured person to go to the doctor of his choice and if his choice happens to be a chiropractor, why he has a perfect right to go there. And we have found without any question that going to people that you have some faith in, you get more of a cure than if you go to a man who you do not believe much in his treatments or anything that he does. And we have had that protection for some years; and if one company will do it, I can't see why it doesn't become statewide. It is only a matter of choice. There is nothing mandatory about it. You do not have to go. Under the insurance company that we have, as I previously stated, you may go to any doctor that you desire, and I can state truthfully and well that in the year and one-half that I was crippled, I have been allowed to go to six doctors because they felt that maybe one might be able to help me more than another. I have traveled a good bit over this state to different doctors with permission from the insurance company that we have a right to go to the man that you think will do you the most good.

Now I haven't gone to a chiropractor, but I sure have faith in him. If I felt that a chiropractor would help me, I should go to him; but it was necessary to have surgery in my injury so therefore that let the chiropractor out. I support this bill. I feel that it is a step in the right direction and it is not going to hurt anybody. It is going to give the working man a chance to get help where he needs it. I thank you.

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

Mr. JAMESON: Mr. Speaker, I too am opposed to the indefinite postponement of this bill. I don't like repetition, ladies and gentlemen, any more than you do, but

there are so many of you new here that I have got to repeat what I said two years ago. I can't understand, ladies and gentlemen, why the Industrial Accident Commission refuses to recognize a chiropractor.

Now quite a few years ago, I dropped a stitch in my back, so-called, it is a slipped disk. I was taken to a medical doctor, I was strapped up for twelve days, helpless. About a year afterwards, I did the same thing only I was taken to a chiropractor. I think it happened about nine o'clock in the morning. The very next day I was back to work. Can you understand why the Industrial Accident Commission doesn't want a man back to work the next day and why he shouldn't come under the Workmen's Compensation Act? It is much better to get the man back in one day than it is to hold him up for twelve or thirteen days.

Now I had a nephew that was taken to the Eastern Maine General Hospital from an accident. He laid there in the hospital practically totally paralyzed for seven months. This is all going in the record—I know that, so you know I am not telling you any fib. We convinced my brother to take his boy out of the Eastern Maine General because neither an osteopath or a chiropractor were allowed in the hospital. So he took the boy home. Two treatments from that chiropractor and that boy was walking again and he has been walking ever since. Now I ask you ladies and gentlemen, do not turn this bill down. The chiropractor doesn't under any condition try to give you a prescription for sickness, he will turn you right over to a medical doctor or an osteopath. You are misinformed on a lot of things that a chiropractor is accused of. So I hope, ladies and gentlemen, that you will turn down this motion to indefinitely postpone and I ask for a division.

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

Mr. DUNN: Mr. Speaker, I was one of the signers of the Minority, "Ought not to pass" Report. Before the hearing I believed, I think, that as long as they were licensed here in the State to practice

that they should be entitled to have part of this work. But before the hearing was over, the diagnosis part was brought out and to me that was the turning point as far as I was concerned. It was hinged on that one fact, diagnosis, and I couldn't report it out favorably.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker, I wish to go on record as being in concurrence with the remarks of the gentleman from Manchester, Mr. Gifford, and in favor of indefinite postponement of this bill.

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

Mr. BUSSIERE: Mr. Speaker, I arise in favor of this bill and I think the chiropractors should be given more consideration and speaking for myself, I have been to see one myself last night. I feel much better than I did for the past two weeks. The only difference that I can see is that when you go to see a chiropractor, you can go home with some change left in your pocket where if you go to some doctors, they will drag you on and you won't have enough to pay for them. I have been twice to a chiropractor and I am very satisfied with him. I hope that this bill passes. I request a division, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Hutchins.

Mr. HUTCHINS: Mr. Speaker, the wording of this bill appears to be — that an employee shall be entitled to reasonable and proper medical, surgical, hospital, nursing, medicines and mechanical surgical aids when they are needed. It is inconceivable to me that the chiropractor could do more than that. I am in favor of indefinite postponement of this, and I believe that it is not a thing that we need in our present situation.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: The chiropractors' group is a professional group which enjoys a fine

reputation. Now if a person goes to the chiropractor and the chiropractor's time is consumed, I think the chiropractor should be paid for it. I do feel that they are professional enough to recognize that if something is beyond their training and their ability to treat it, they know that they should refer the patient to another doctor. I don't think that anybody has said anything against the professional ability of the chiropractor. I am against the indefinite postponement of this bill.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: For 30 years I have worked in the railway mail service under Workmen's Compensation. At the time I applied and was appointed to Boston, they called me into the office and explained to me the value of keeping my sick leave in case of sickness or in case of a wreck. They explained that we had ten days of sick leave each year which was cumulative so that if you didn't use any sick leave for a period of five years, you would have fifty days of sick leave. Then if you had a train wreck, you could use this sick leave and get your pay for it. You could go to a chiropractor, you could go to a doctor or anyone you wished and you would be paid your sick leave. They would sign the applications in the office and you would get your pay. But for the poor fellow who happened to be unfortunate enough to use all of his sick leave and have to go back on the compensation and he was in the train wreck, his application for sick leave would not be accepted if he went to a chiropractor. I worked under those conditions for 30 years, and I hope that this bill can be passed and relieve that situation. I wish to support this bill on the grounds that chiropractors are licensed by the state and there is no logical reason why they should be excluded from treating persons under Workmen's Compensation Law. I would like the right of individual freedom to have a chiropractor if I so choose. I am not in favor of the indefinite postponement of the bill.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly I will try to explain to you a situation that happened in the northern part of Aroostook County last year. An employee was injured in the mill and it just so happened at that time of the week that in the State of Maine like anywheres else in the country, the doctors are allowed a day off if they so desire. Fortunately enough in those cases, a doctor is always left available to replace those that are off. Circumstances always happen that sometimes those doctors that are left to take care of emergencies, are not far and wide enough to be contacted or to be available when things happen.

So this injured employee on that day twisted or turned his back in a position that he could not straighten himself again. So he notified the mill nurse. The mill nurse tried to contact a doctor and none was available. At the time, he knew of a chiropractor in the Province of New Brunswick which is across the river from Madawaska which was available and which he availed himself of his services. In a matter of hours, he was back on his own two feet and walking because of a sprained back or a twisted or whatever they want to call it. So the next day in order to file the records and make it straight that it was an accident and that all responsible people would know about it, he was informed that under the Industrial Accident Commission he was not going to be compensated or his doctor was not going to be compensated because under the Industrial Accident Commission ruling, that the Industrial Accident Commission under no circumstances will pay for chiropractic care.

Now to me this might be an isolated position, but I certainly don't feel that the chiropractor gets fair — if we allow him to practice in the State of Maine or anywhere else in the country that they should be discriminated against. These people are allowed to practice in their own particular field, and I certainly feel that if they are al-

lowed to practice that something should be done so that under the conditions that we have here in the State of Maine, it is a long state and it is a wide state, and we can't have enough doctors now or ever to fill in all the vacancies that are now made in the State of Maine, so I feel that if an employee is injured and can be served by a chiropractor or by chiropractic treatment, then we should allow them to do so. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Paris, Mr. Hammond.

Mr. HAMMOND: Mr. Speaker, I believe this is a good bill and I rise in support of it. I cannot understand why this legislation was not passed years ago. I have never employed a chiropractic physician in my life; however, if I decided that I wished to, I believe that I should have the right to do so and I believe that anywhere that I am employed that they should pay the bills. I heartily support this bill and urge its passage.

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

Mr. LIBBY: Mr. Speaker, Ladies and Gentlemen: I have in my hand a signed letter from the Maine Medical Center House Officers Association. I will not read it in total, but in part they would like to go on record as being against this bill. Part of their reason is that you may know the Maine Medical Center with its forty house officers from all parts of the United States and Maine is the only hospital in Maine at present with an active interne and resident training program. The most obvious source of new physicians for Maine would be from this group. They go on to point out that they feel that the passage of this bill would discourage physicians from selecting Maine as a place to practice. Therefore, I would like to say that I am for the indefinite postponement of this bill. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Madison Mr. Hendsbee.

Mr. HENDSBEE: Mr. Speaker, one more thing that I would like to call to your attention previous-

ly, ladies and gentlemen, is the fact that a chiropractor is a man that has gone to school, he has graduated, he has been examined by a state board and given a license to practice. He has a copy of that license hung on the wall in his office. Now how discriminatory can we be? What would happen if the lawyer who went to a bona fide law school and graduated and they said to him, you can only try certain kinds of cases. We say to the chiropractor, there are only certain things you can do. We give you a license to practice, but we are going to tie your hands while we do it.

Now we are asking for recognition for these men by all companies in the State of Maine. I don't think that is out of line one bit. We expected opposition and we got it from different sources. We have had that opposition for many years previously. If we are to live and let live, if this man has been seen fit to practice by the board of examiners here in the State of Maine, he should be allowed to practice on people who require his treatment and not just for the ones that are allowed to go to him. I will say again, that the United States Army and the United States Navy have adopted chiropractic treatment and they have a pretty fair amount of employees on their payrolls.

The SPEAKER: Is the House ready for the question? The question before the House, is the motion of the gentleman from Manchester, Mr. Gifford, that both Reports and Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law," Senate Paper 180, Legislative Document 479 be indefinitely postponed. A division has been requested.

All those in favor of indefinite postponement, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-five having voted in the affirmative and seventy-five having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, on motion of Mr. Brown of South Portland, the Majority "Ought to pass" Report was accepted in non-concurrence, the Bill read twice and assigned for third reading tomorrow.

The SPEAKER: The Chair is delighted this morning to recognize in the gallery of the House, 30 pupils from the seventh and eighth grades of the Franklin School of Newcastle accompanied by their school principal, Mr. Demers. These are the guests of Senator Sproul during their tour of the State House today.

Also in the gallery of the House, twenty-seven pupils from Erskine Academy of South China, accompanied by Mr. Kenoyer, the principal; and Mr. Muder, the director of guidance and teacher.

On behalf of the House, the Chair extends to you young people a warm welcome and we trust that you will enjoy and profit by your visit with us here this morning. (Applause)

On motion of the gentlewoman from Peru, Mrs. Vaughn, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Authorizing Forest Commissioner to Permit and Regulate Dredging in Great Ponds" (H. P. 1015) (L. D. 1469)

Which was passed to be engrossed as amended by House Amendments "A" and "B" in the House on April 9.

Came from the Senate passed to be engrossed as amended by House Amendments "A" and "B" and Senate Amendment "B" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Waterman.

Mr. WATERMAN: Mr. Speaker, I would move that we indefinitely postpone Senate Amendment "B."

The SPEAKER: The gentleman may move to recede, concur, insist or adhere.

Mr. WATERMAN: Mr. Speaker, I move that we insist on our former action.

The SPEAKER: The gentleman from Auburn, Mr. Waterman, moves that the House insist on its former action. Does the gentleman wish to ask for a Conference or just to insist?

Mr. WATERMAN: Mr. Speaker, may I table this until tomorrow?

Thereupon, on a viva voce vote, tabled pending the motion of Mr. Waterman of Auburn that the House insist on its former action, and specially assigned for tomorrow.

Non-Concurrent Matter Tabled and Assigned

An Act relating to Proceedings in Adoption of Children (H. P. 1024) (L. D. 1485)

Which was passed to be enacted in the House on April 26 and passed to be engrossed on April 2.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I am about to make a motion and the purpose of this motion is to ask reconsideration of the bill so that another amendment can be offered to make corrections in the redraft of the bill which are quite necessary. I move that we reconsider our action where we enacted this bill on April 26.

The SPEAKER: The gentleman's motion is not in order. He may move to recede, concur, insist or adhere.

The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, I move that this be tabled until tomorrow.

Mr. Rust of York then requested a division.

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

A division of the House was had.

One hundred seven having voted in the affirmative and four having voted in the negative, the tabling motion did prevail.

Thereupon, the Bill was tabled pending further consideration and specially assigned for tomorrow.

Non-Concurrent Matter

House Joint Order relative to Search and Seizure Bill to be Reported by Judiciary Committee (H. P. 1081) which was passed in the House on May 2.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

On motion of Mr. Knight of Rockland, the House voted to insist on its former action and request a Committee of Conference.

The following Communication:

OFFICE OF THE SECRETARY
SENATE OF PENNSYLVANIA

May 6, 1963

Honorable Harvey R. Pease
Clerk of House of Representatives
State Capitol Building
Augusta, Maine

Dear Mr. Pease:

At its session on April 29, 1963, the Senate of Pennsylvania unanimously adopted Senate Resolution Serial Number 44 relative to the President of the United States and the State Department interceding with the Soviet Union on behalf of Jewish citizens, introduced by Senators Israel Stiefel, Charles R. Weiner, Martin Silvert, James S. Berger and Benjamin R. Donolow.

In accordance with the directions contained therein, I am forwarding a certified copy of this resolution to you.

Sincerely yours,

(Signed) MARK GRUELL Jr.
Secretary

The Communication was received by unanimous consent, read and with accompanying Resolution ordered placed on file.

Orders

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker, I would like to inquire if Senate Pa-

per 129, L. D. 442, Joint Resolution Memorializing Congress Recommending Full Development of Electric Power Potential of Passamaquoddy Bay and Upper Saint John River, is in the possession of the House?

The SPEAKER: The Chair will inform the gentleman that the paper is in the possession of the House.

Mr. BOOTHBY: Mr. Speaker, I would now like to move for reconsideration of our action of yesterday.

The SPEAKER: The gentleman from Livermore, Mr. Boothby, moves that the House reconsider its action whereby this matter was adopted as of May 8. Is that the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker, Ladies and gentlemen of the House: My purpose was simply to get this before the House again and I hope some of my good friends will lay it on the table so that we could see some of the reports of the other bills in regard to the Allagash before we had to make a definite commitment on this one. That was my only purpose.

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

Mr. WELLMAN: Mr. Speaker, I move this item lie on the table for one week.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves that the Joint Resolution be tabled for one week. Is that the pleasure of the House?

Mr. Littlefield of Hampden then requested a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that the Joint Resolution be tabled for one week.

Mr. Berry of Cape Elizabeth then requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All those who desire a roll call, will please

rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having arisen, a roll call is not ordered. A division has been requested. The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that this Joint Resolution be tabled for one week, pending adoption.

All those in favor of tabling this matter, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred four having voted in the affirmative and eighteen having voted in the negative, the tabling motion did prevail.

Thereupon, the Joint Resolution was tabled pending adoption and specially assigned for Thursday, May 16.

Mr. Finley, of Washington, presented the following order and moved its passage:

WHEREAS, the members of the House have learned that today is the birthday of Mr. MacPhail of Owl's Head,

BE IT ORDERED, that the members extend to Mr. MacPhail their best wishes not only for today but for the entire year. (Applause)

The Order received passage.

On motion of Mr. Anderson of Orono, it was

ORDERED, that the congratulations of the members of the House of Representatives be extended to Representative Louis E. Ayob on account of his selection as the outstanding citizen of his home town of Fort Fairfield for 1962 and the awarding to him on May 6, 1963 of the Arthur R. Lockhart Memorial Award at the Jaycee Award Installation Banquet. (Applause)

House Reports of Committees Leave to Withdraw

Mr. Rust from the Committee on Judiciary on Bill "An Act relating to Use in Probate Court of Blanks Made by Commission on Probate Rules and Blanks (H. P. 916) (L.

D. 1350) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Rust from the Committee on Judiciary on Bill "An Act relating to the Joint Bank Account Law and the Inheritance Taxation of Joint Bank Accounts" (H. P. 539) (L. D. 756) reported same in a new draft (H. P. 1088) (L. D. 1560) under same title and that it "Ought to pass"

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor on Bill "An Act Revising the Maine Employment Security Laws" (H. P. 778) (L. D. 1151) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. HINDS of Cumberland
COUTURE of Androscoggin
JOHNSON of Somerset
— of the Senate.

Messrs. BROWN of South Portland
GIFFORD of Manchester
PRINCE of Oakfield
EWER of Bangor
NOEL of Waterville
— of the House.

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

Report was signed by the following members:

Messrs. MENDES of Topsham
DUNN of Denmark
— of the House.

Reports were read.

(On motion of Mr. Wellman of Bangor, tabled pending acceptance of either Report and specially assigned for Thursday, May 16.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought not

to pass" on Bill "An Act relating to Disqualification and Claims for Benefit and Employer's Contribution Rate under Employment Security Law" (H. P. 871) (L. D. 1258), as it is covered by other legislation.

Report was signed by the following members:

Messrs. HINDS of Cumberland
JOHNSON of Somerset
COUTURE of Androscoggin
— of the Senate.

Messrs. BROWN of South Portland
GIFFORD of Manchester
PRINCE of Oakfield
EWER of Bangor
NOEL of Waterville
— of the House.

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

Report was signed by the following members:

Messrs. DUNN of Denmark
MENDES of Topsham
— of the House.

Reports were read.

(On motion of Mr. Wellman of Bangor, tabled pending acceptance of either Report and specially assigned for Thursday, May 16.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Partial Unemployment Benefits and Experience Rating Record under Employment Security Law" (H. P. 872) (L. D. 1259), as it is covered by other legislation.

Report was signed by the following members:

Messrs. JOHNSON of Somerset
HINDS of Cumberland
COUTURE of Androscoggin
— of the Senate.

Messrs. BROWN of South Portland
PRINCE of Oakfield
GIFFORD of Manchester
EWER of Bangor
NOEL of Waterville
— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. MENDES of Topsham
DUNN of Denmark
— of the House.

Reports were read.

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

Mr. WELLMAN: Mr. Speaker, I move this item lay on the table until the 16th.

Mr. Anderson of Ellsworth then requested a division on the tabling motion.

Thereupon, a division of the House was had.

One hundred eight having voted in the affirmative and four having voted in the negative, the tabling motion did prevail.

Thereupon, the Reports and Bill were tabled pending acceptance of either Report and specially assigned for Thursday, May 16.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Sale on Sunday Afternoons of Malt Liquor not to be Consumed on the Premises" (H. P. 668) (L. D. 924)

Report was signed by the following members:

Mr. KIMBALL of Hancock
Mrs. CHRISTIE of Aroostook
— of the Senate.

Messrs. BERNARD of Sanford
CHAPMAN of Norway
MEISNER

of Dover-Foxcroft
Mrs. OAKES of Portland
Messrs. WADE of Skowhegan
TOWNSEND of Baileyville
— of the House.

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

Report was signed by the following member:

Mr. JACQUES of Androscoggin
— of the Senate.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: In the light of the disposition of previous leg-

islation regarding the sale of liquors on Sunday, I realize that it would be entirely futile to attempt to argue this bill in any manner. I do not intend in the least to prolong this session this morning by giving any argument.

I do wish to bring out one thing, however; and that is the fact that there are elements within our state who have long protested that this state had liberalized its liquor laws to the detriment of the people of the state. I think ample evidence can be produced to the effect that the opposite has taken place. Since 1954 there is one thing that is interesting to note and I discovered it quite by accident in the office of the Secretary of State, and that is the conviction for the operation of motor vehicles while under the influence of intoxicating liquor. Since 1954, these convictions have fallen approximately ten percent in the State of Maine despite the fact that since that time, sixty thousand more vehicles are upon our highways. Now I think this is a fitting tribute to the people of the State of Maine not particularly to legislation, but to the people themselves who realize what the use of intoxicating beverages can mean, when to operate vehicles, and when not to operate them. I think the people of the State of Maine well know what the use of these beverages are and are certainly behaving themselves in a very fine manner.

I further believe that these liberalizations if put into effect would ultimately cut down accidents rather than increase them and bring about better conditions in its entirety. I further realize that Maine to a considerable degree is a tourist state, and it cannot isolate itself from the rest of the country, particularly the northeast where the laws are more liberal in this regard. I feel that no doubt this bill is ahead of its time. I feel ultimately that Maine will see the light and liberalize and progress. With this, ladies and gentlemen of the House, I move the acceptance of the Majority "Ought not to pass" Report of the Committee.

Thereupon, the Majority "Ought

not to pass" Report was accepted and sent up for concurrence.

Divided Report

Report "A" of the Committee on Municipal Affairs reporting "Ought not to pass" on Bill "An Act to Grant a Council Manager Charter to the City of Lewiston" (H. P. 603) (L. D. 838)

Report was signed by the following members:

Mr. CYR of Aroostook
— of the Senate.
Mr. CHOATE of Winsor
Mrs. KILROY of Portland
Messrs. WELLMAN of Bangor
HARDY of Hope
— of the House.

Report "B" of same Committee on same Bill reporting same in a new draft (H. P. 1087) (L. D. 1559) under title of "An Act Providing for a New Charter for the City of Lewiston" and that it "Ought to pass"

Report was signed by the following members:

Messrs. CRAM of Cumberland
JACQUES of Androscoggin
— of the Senate.
Mr. DUDLEY of Enfield
— of the House.

Report "C" of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. MacGREGOR of Eastport
Mrs. LINCOLN of Bethel
— of the House.

Reports were read.

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

Mr. WELLMAN: Mr. Speaker, I move we accept Report "A" "Ought not to pass."

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves the House accept Report "A" "Ought not to pass."

The Chair recognizes the gentleman from Lewiston, Mr. Bussiere.

Mr. BUSSIÈRE: Mr. Speaker, I move we accept Report "B" "Ought to pass" in New Draft and I request a division.

The SPEAKER: The gentleman is not in order. The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, to accept Report "A."

The Chair recognizes the gentleman from Lewiston, Mr. Poirier.

Mr. POIRIER: Mr. Speaker, if I am in order I move the indefinite postponement of this bill and all its reports and when the vote is taken, I move it is taken by division.

The SPEAKER: The gentleman from Lewiston, Mr. Poirier, now moves that the Reports and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Lewiston, Mr. Bussiere.

Mr. BUSSIERE: Mr. Speaker, if I am in order, could we debate before a vote is taken?

The SPEAKER: The gentleman may proceed.

Mr. BUSSIERE: Mr. Speaker, this charter bill here brought up a lot of controversy in the past two months and I think that the present charter that the City of Lewiston operates on is the result of a lot of confusion and since the past twenty-four years, and a change is long overdue. I think that the main reason why would be that a saving to the city of approximately two mills in taxation. We have so many commissions and boards, and that is the result of so many confusions and troubles and arguments, personalities and I think that before the vote is taken the people should realize that, because the City of Lewiston brought in more bills here in the Legislature than all the other cities in the state put together.

In 1947 the police commission was made up of three members and the fire commission was made up of three members on the commission which they were the only ones with three members, the rest of them with five members, and the fire commission didn't get along so a bill was introduced in the Legislature and they made that commission, the police commission and fire commission five members. So all in all, if you ask me today to name all the commissions there is in the city I wouldn't be able to,

there is so many that they fill the city hall. I think that we need a change if we are to restore dignity and efficiency in the city government, and I would appreciate very much if the House would take that under serious consideration. I don't believe that this bill should be turned down at this time. This would be the end of it, if this committee report is accepted the City of Lewiston wouldn't have to come back here every time they want to make a change. In the past twenty-four years this charter of ours has been amended maybe a hundred times, not to make it better, only to make it worse. So I request a roll call on this, Mr. Speaker.

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

Mr. WELLMAN: Mr. Speaker and Ladies and Gentlemen of the House: Far be it from me to interject myself into the problems of the fair City of Lewiston if I value my skin. However, I would like to state my reasons for the way I signed this report.

Unfortunately, this state does not have a true home rule set-up. Therefore in lack of that, this Legislature, through its various committees, have ordinarily insisted that sweeping charter changes of this nature that is now before you, shall have gone through some normal routine and thorough consideration by the people of the municipality involved or by their governing officers. We have seen this several times before our committee and towns that have wished to become cities and cities that have wished to re-do their charters. Some of these charters have been under consideration for years by various citizens groups organized and directed through governing bodies.

In our hearing we did not find such a condition existing in the City of Lewiston. For this reason, ladies and gentlemen, I signed the "Ought not to pass" Report. Thank you.

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

Mr. BUSSIÈRE: I would like to table this bill for a week, please. (Cries of "No")

The SPEAKER: The gentleman from Lewiston, Mr. Bussiere, moves that item seven be tabled for one week. All those in favor will say aye; those opposed, no.

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: You will notice there are three reports. The City of Lewiston would like an opportunity to go into a long-range study of its program if there need be a long-range study of this program, number one. We also like to retain some significance of bipartisan government. The groups that were in opposition to this bill comprised the League of Women Voters, members of both parties, the Lewiston-Auburn Chamber of Commerce, the Lewiston Municipal Association, representatives from the police and fire departments and several other groups, four or five individuals, three of whom are on the present city government as members of the aldermanic board were opposed to this thing. I certainly hope that the membership of this House will go along with the majority and allow us to take care of our own affairs in the proper manner by a long-range study and then come up here with proper legislation.

I have presented several amendments to our charter as cities of Portland and other cities do present amendments to charters. I have never presented one unless it was backed up by the various groups that involved the opposition to this measure. I certainly hope that the House will go along with the motion of the gentleman from Lewiston, Mr. Poirier, to indefinitely postpone this measure.

Mr. Bussiere of Lewiston was granted permission to speak a third time.

Mr. BUSSIÈRE: Mr. Speaker and Members of the House: The idea of presenting this bill this year was not my own only. A vote was taken at the city council and it was

unanimously decided, and we have had a lot of calls and the people are very much in favor of a change in the City of Lewiston. I think that the charter bill that I have got there will be the answer to that.

Another thing, it has got a referendum clause on it, so I can't see anything wrong in having the people decide as to what kind of form of government they want. I feel that it is the privilege that people should be given. If they want to turn it down at the polls, that would be up to them. I can't see why the legislature would go against that. Because after 24 years under this present charter, the number of the opponents — there were only four and they were department heads at the committee hearing — naturally they would speak for themselves. There was as many speaking against but since this bill carries a referendum, I can't see why the people of Lewiston should be denied the right to decide for themselves as to what kind of form of government they want.

I noticed looking in a magazine that I picked up here today in the State of Maine alone we have 138 cities and towns under the city manager form of government, and I think the people of the State of Maine are intelligent and there must be a reason for it. And besides, I have here a national magazine that says 485 cities have joined the city manager form of government in the United States since 1959. That is only four years. I think there must be something good. Because if it is good for other cities, it should be good for Lewiston too. I don't think I am asking the impossible in asking the right to put it to our people to decide if they want it, and if they don't want it, that will be settled once for and all. I am very much against this motion to indefinitely postpone. I think it is denying the people the right to express themselves at the polls. Thank you very much.

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

Mr. BERRY: Mr. Speaker and Members of the House: Two years

ago it was my privilege to serve on the committee that heard this identical bill. The Committee at that time gave it the same study that this committee has given it this year and we came out with the same majority report. Affairs in Lewiston have not always been as harmonious and sweet-smelling as they are now. The present charter provides for a bi-partisan form of commission government which does give representation to both political parties as we have several of our state commissions. At that time as is now and as has been mentioned, several of the civic groups were very strongly in favor of maintaining the status quo and I should feel that the House would do very well to endorse the motion of the gentleman from Lewiston, Mr. Poirier.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Lewiston, Mr. Poirier, that the Reports and Bill "An Act to Grant a Council Manager Charter to the City of Lewiston," House Paper 603, Legislative Document 838, be indefinitely postponed. A division has been requested.

All those in favor of indefinite postponement, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred eight having voted in the affirmative and twenty-one having voted in the negative, the motion to indefinitely postpone did prevail.

Thereupon, the Reports and Bill were indefinitely postponed and sent up for concurrence.

**Passed to Be Engrossed
Third Reader
Amended**

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

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

Mr. Ross of Brownville offered House Amendment "A" and moved its adoption.

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

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

Amend said Bill in the 6th, 7th and 8th lines by striking out the underlined words "and highway construction materials carried in dump trucks, tractor dump trucks or transit-mix concrete trucks" and inserting in place thereof the underlined words "or dump trucks, tractor dump trucks or transit-mix concrete trucks carrying highway construction materials"

House Amendment "A" was adopted, the Bill passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

**Amended Bills
Third Reader
Amended**

Bill "An Act to Incorporate the Baileyville Water District" (H. P. 972) (L. D. 1411)

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

Mr. Townsend of Baileyville offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 972, L. D. 1411, Bill, "An Act to Incorporate the Baileyville Water District."

Amend said Bill in section 19 by striking out in the 6th line the words "board of registration" and inserting in place thereof the words 'registrar of voters'; and by striking out in the 9th line the word "board" and inserting in place thereof the words 'registrar of voters'; and by striking out in the 11th line the word "board" and inserting in place thereof the words 'registrar of voters'

House Amendment "A" was adopted, the Bill passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent to the Senate.

Bill "An Act relating to a Tax Assessor for City of Bath and Amending Payment of Bonds by

City of Bath" (H. P. 543) (L. D. 760)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

Passed to Be Enacted

An Act Increasing Salaries of Justices of Supreme Judicial Court and Superior Court (S. P. 221) (L. D. 606)

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

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: Item 1, L. D. 606, I have some questions on this bill. I notice that instead of going to State Government it was assigned to Appropriations, and it must have gotten a favorable report as I haven't heard any discussions. However, I am wondering if you look at the bill, if we are spending the state's money wisely. This involves quite an increase, also retirement and some other things. I haven't had time to look into it, it might be wise if you want to spend the state's money wisely, that somebody table this and look into it a little bit. I am not too pleased with it myself. Thank you.

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

Mr. SMITH: Mr. Speaker, I would like to point out to the gentleman from Enfield, Mr. Dudley, that there has been an amendment to this bill. I don't have the filing number before me, but the bill as it has come out with the amendment has an increase less than that shown in the original by \$1,000, I believe, in each position. This matter of salaries for the judiciary is the most important one. To obtain and retain the calibre of men we have on our Supreme Judicial Court and the Superior Court, we must pay salaries consistent with the dignity and importance of the position. The Maine judiciary enjoys a very favorable reputation both within

the state and outside the state. We have had the benefit of the judgment of the Appropriations Committee which certainly is the appropriate committee to consider this matter. It was not referred to the Judiciary Committee; it was not referred to the State Government; it was referred to the Appropriations Committee. I urge you to go along with the recommendation of that group.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Increasing Salary of Official Court Reporters (S. P. 228) (L. D. 609)

An Act relating to Adoption of Ordinances by Penobscot Tribe of Indians (S. P. 246) (L. D. 620)

An Act relating to Eating Places (H. P. 638) (L. D. 894)

Finally Passed

Resolve Appropriating Moneys for Support of the Civil Air Patrol Program (S. P. 31) (L. D. 25)

Resolve Granting to the State Park and Recreation Commission the Power to Acquire by Eminent Domain Land at West Quoddy Head (H. P. 979) (L. D. 1418)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bill passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

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

SENATE REPORT—Ought to pass in New Draft (S.P. 553) (L.D. 1490)—Committee on Agriculture on Bill "An Act to Create Water Conservation Districts and to Expand Powers of Soil Conservation Districts." (S. P. 45) (L. D. 125) (Filing S-155)

Tabled—May 7, by Mr. Mower of Bangor.

Pending—Acceptance of Report.

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

Mr. MOWER: Mr. Speaker, Ladies and Gentlemen: I had this tabled to prepare an amendment

and since that time there have been confliotions arise between us on a local level and Washington. I would still like to have some more time.

Thereupon, on motion of Mr. Boothby of Livermore, tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 16.

The SPEAKER: The Chair is pleased at this time to recognize in the gallery of the House, fifty-two students of the eighth grade from Unity, accompanied by their teacher, Mrs. Bradstreet and principal, Mr. Braley.

There are twenty-four seventh and eighth grade students from the Knox Stream, accompanied by their principal, Mr. McMahan.

On behalf of the House, the Chair extends to you young people a warm welcome and we trust that you will enjoy and profit by your visit with us here this morning. (Applause)

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

Bill "An Act relating to Tax Exemption of Property of Veterans Not Located in Place of Residence." (H.P. 1079) (L.D. 1546)—House Amendment "A" (H-332) Read.

Tabled—May 7, by Mr. Childs of Portland.

Pending—Motion of Mr. Humphrey of Augusta to Indefinitely Postpone House Amendment "A"

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

Mr. CHILDS: Mr. Speaker, I would like to inquire from the Chair if the sponsor of the amendment would be in order at this time if he requested his amendment be withdrawn?

The SPEAKER: To inform the gentleman, the person that sponsored the amendment must withdraw it if he so desires.

The Chair recognizes the gentleman from Oakfield, Mr. Prince.

Mr. PRINCE: Mr. Speaker, Ladies and Gentlemen of the House: I wish to go along with the gentleman from Portland, Mr.

Childs, for the indefinite postponement of this amendment "A" to House Paper 1079, L.D. 1546. I would like to add that since Tuesday's session, I, with my good friend the gentleman from Winthrop, Mr. Thaanum, have made further inquiries into the matter and have visited the Attorney General's office seeking advice as to the wisdom of this amendment. Our findings show that this amendment would work havoc with our existing veterans bill. So therefore, I hope that the motion of the gentleman from Portland, Mr. Childs, to indefinitely postpone will be accepted.

The SPEAKER: Does the gentleman from Oakfield, Mr. Prince, desire to withdraw his amendment?

Mr. PRINCE: I do.

The SPEAKER: The gentleman from Oakfield, Mr. Prince, has withdrawn his amendment.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I believe that the present law relating to tax exemptions for veterans has worked very well. I find that in looking into this new bill, we are permitting veterans living outside the place where they have property, it does allow them to have tax exemptions on that property. I believe that our present law was working very well. This is properly conceived to possibly take care of a few instances. I fear it will make for more dissatisfaction than the present law. For these reasons, I would move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the Bill be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, for the benefit of the House, the law which is on the books at the present time has only been on the books for two years. Prior to 1961, the law was as the present bill which is now before this House. As a result of a law which was

passed two years ago, it has caused a great hardship to many veterans and many veterans' widows who need these small pensions that they get in order to exist. The habit that it creates and the bad situation that it creates is you will find the situation as I explained the other day that a person — a widow who may be living in one town with her family, etc., and may own a small piece of property in another town and her only income and her only means of existence is the income from this property besides her small pension.

As a result of the law which was passed two years ago, she lost this tax exemption which had always been given to her for I believe the last thirty years. Therefore, all this bill is doing is putting onto the books the law which has always been until two years ago. I hope that the gentleman's motion does not prevail.

The SPEAKER: Is the House ready for the question? A division has been requested. The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that item two be indefinitely postponed.

The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker, I would just like to go on record as being in favor of the indefinite postponement of this bill.

The SPEAKER: All those in favor of indefinite postponement, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-three having voted in the affirmative and fifty-six having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The Chair laid before the House the third tabled and today assigned matter of Unfinished Business.

Bill "An Act Adjusting Salary for the Supreme Judicial Court Messenger in Cumberland Coun-

ty." (S. P. 435) (L. D. 1178) — In House Indefinitely Postponed.

Tabled — May 7, by Mrs. Hendricks of Portland.

Pending — Motion of Mr. Childs of Portland to Reconsider Indefinite Postponement.

The SPEAKER: Is the House ready for the question?

All those in favor of reconsideration will say aye; those opposed, no.

The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I would like an opportunity to speak on this matter at this time.

The SPEAKER: The gentleman may proceed.

Mr. CHILDS: Mr. Speaker and Members of the House: This matter was tabled last week in order that the Cumberland County delegation could have a meeting in reference to both of these bills which were salary increases for the Supreme Court Messenger of Cumberland County and the Superior Court Messenger of Cumberland County. I explained to you last week the salary that these men were getting, particularly the Supreme Court Messenger whose salary is in the vicinity of \$1500 or \$1800 a year and the salary has been the same since 1929. I certainly don't want to go into the merits of the bill again. I will only say that the Cumberland County delegation had its meeting and the vote was I believe fifteen to two in favor of the passage of both of these bills. So I hope that the motion to reconsider will now prevail as Cumberland County has taken a stand on it.

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

Mr. BERRY: Mr. Speaker, I hope that the motion to reconsider does not prevail. The additional expense on the towns and cities of Cumberland County is a factor here. In spite of the vote that was announced by the gentleman from Portland, Mr. Childs, I question seriously the deep feeling that is represented behind the bill. I think the bill is a bad bill,

and I hope to see it ultimately defeated.

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

Mr. GILL: Mr. Speaker, I would like to rise to support the reconsideration of both these matters. This money is already included right in our county budget. The money is available. The Cumberland County delegation by a large majority have gone on record to support both of these bills.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, as House Chairman of the Cumberland County delegation, we are in favor of these bills, the money is there, we are fully agreed upon it, ninety-nine percent of the Cumberland County delegation wants it.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: The county delegation had quite a bit of interest in this bill so it was the largest delegation meeting that we have had for a long time. The majority was in favor of both bills.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: Our problem has been that we have been unable to get a delegation meeting together and the delegation has agreed on whatever action is taken. It has been agreed upon by the delegation with the majority there.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: Due to the fact that I was the person that started this off last week in killing this bill and I still believe it is a bad bill, but I having had occasion to back down before, I would like to take this opportunity to go along with the county delegation and again back down. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, I want to concur with the unanimous report that came out from the Cumberland delegation, "Ought to pass."

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

Mr. LIBBY: Mr. Speaker, I had questions and doubts about this, but Mr. Gill this morning has brought out the reason why I am in favor of the passage of this measure, the fact that the money is already in the county budget and this was not understood by a good many of us. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion to reconsider our action whereby this was indefinitely postponed. All those in favor of reconsideration, will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred fifteen having voted in the affirmative and none having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: Now the question before the House is on the indefinite postponement of the Bill. All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the motion to indefinitely postpone did not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The Chair laid before the House the fourth tabled and today assigned matter of Unfinished Business.

SENATE REPORT—Ought to Pass with Committee Amendment "A" (S-140)—Committee on Towns and Counties on Bill "An Act Increasing Salary of Superior Court Messenger of Cumberland County." (S. P. 404) (L. D. 1107)—In House Indefinitely Postponed.

Tabled—May 7, by Mr. Gill of South Portland.

Pending—Motion of Mr. Childs of Portland to Reconsider Indefinite Postponement.

The SPEAKER: All those in favor of reconsideration, will say aye; those opposed, no.

A viva voce vote being taken, the motion to reconsider did prevail.

The SPEAKER: The question now before the House is the motion to indefinitely postpone. All those in favor of indefinite postponement will say aye; those opposed, no.

A viva voce vote being taken, the motion to indefinitely postpone did not prevail.

Thereupon, the Committee "Ought to pass" Report was accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 404, L. D. 1107, Bill, "An Act Increasing Salary of Superior Court Messenger of Cumberland County."

Amend said Bill in the 7th line by striking out the underlined figure "\$5,500" and inserting in place thereof the underlined figure '\$5,000'

Committee Amendment "A" was adopted in concurrence.

Under suspension of the Rules, the Bill was given its third reading, passed to be engrossed as amended and sent to the Senate.

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

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

Tabled—May 2 by Mr. Hardy of Hope.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen: I tabled this the other day with the idea and with the thought that I wondered

if the additional moneys that were to be derived from the driver's license thing had been computed, and I find they have been, so I have no further issue. I move the pending question of passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

HOUSE REPORT—Ought not to pass as covered by other Legislation—Committee on Labor on Bill "An Act Repealing Certain Portions of the Employment Security Law." (H. P. 1) (L. D. 7)

Tabled—May 2, by Mr. Curtis of Bowdoinham.

Pending—Acceptance of Report

On motion of Mr. Wellman of Bangor, retabled pending acceptance of the Committee Report and specially assigned for Friday, May 17.

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

Bill "An Act relating to Certificates for Teaching." (H. P. 1080) (L. D. 1547)

Tabled—May 3, by Mr. Berry of Cape Elizabeth.

Pending — Passage to be Engrossed.

Mr. Easton of Winterport offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1080, L. D. 1547, Bill, "An Act Relating to Certificates for Teaching."

Amend said Bill in that part designated "Section 184," by striking out in the 3rd line of subsection I the underlined figure and word "2-years" and inserting in place thereof the underlined figure and word "4-years"

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

The motion prevailed.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I think probably a lot of you have heard about the certificates for teachers for the last month or so. It is my firm belief that by changing these certificates for teachers in the State of Maine at this present time after the Board of Education and all the committees in the State of Maine have come out over the last year with the adoption of a new regulation for the certificates of teachers in the State of Maine which is going to be made effective in November or September of this year rather, it is my firm conviction that certainly by adopting these individual changing of certificates or the changing of the requirements for certificates for teachers in this State of Maine at this time, is most inappropriate and will cause undue conflict of interest throughout the whole system of certificates for teachers in this State of Maine. We feel, at least some of us feel, that these changes or amendments in the certificates for teachers in the State of Maine at this time is not the thing to do at this time because of the fact that some people firmly believe that the Department of Education has put all their efforts in trying to upgrade the teachers as we are now having in our classes. Certainly by adopting these changes, it is not going to better the situation. It is only going to make the situation worse for everybody concerned with the exception of a few small areas here and there in the State of Maine. With those few remarks, Mr. Speaker and ladies and gentlemen of the House, I now move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves indefinite postponement of item three.

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

Mr. BREWER: Mr. Speaker, as a member of the Maine Advisory Committee on Teacher Education and Certification for three years, I would like to explain to the House

the makeup of that committee, the purposes and the functions. Approximately five years ago, the State Board of Education and Dr. Warren Hill decided it was time to revise and upgrade teacher certification and teacher education in the State of Maine. As a result, a widespread committee from all the educational fields in the State of Maine was appointed. Now that committee consisted of a representative of the Elementary Principals' Association, the Secondary Principals', the Supervisors, the State Board of Education, the State School Boards Association which I represented, the State Department of Education, the Governor's Advisory Committee in Education who was represented by Mrs. James Coles, wife of the President of Bowdoin College, who also served the first two years as chairman and did an outstanding job; the State Superintendents' Association, the State University, the larger independent colleges, the representative was a professor from Bates representing smaller independent colleges, the representative from that group was Professor Dean Darnell from Nasson; the Church affiliated colleges, the representative from St. Joseph's College; the teachers colleges, the secondary teachers, special area teachers and the elementary teachers.

Now the purpose of this committee, under A. The Commissioner of Education is authorized by the general statutes to grant and revoke certificates of qualifications to teach, or to supervise in any public school in the state. The State Board of Education recognizes the basic concern of the profession and other citizens for the maintenance of sound standards in teacher certification policies and practices and in teacher education programs.

B. In order that the citizens of Maine and their children be assured of the highest possible competency in the school systems serving the state and to encourage educational personnel to establish, maintain and develop the highest possible standards through their own professional organizations, the State Board of Education has therefore established a State Advisory Committee on

teacher education and certification to advise it with respect to policies and practices within these critical areas. The Committee shall report to the Board the minutes of its meeting and the statements of the findings and recommendations.

Now the primary functions of this committee are to make a continuing study, and this committee is still in operation because this is a continuing committee to study the regulations concerning the preparation and certification of professional personnel for the Maine public schools and service, and to make related recommendations, to receive and review proposals referred to it by the Board of Education related to teacher education and certification, and to return appropriate recommendations.

And I can attest to the hard work that has gone into this past five years through sub-committee meetings and full committee meetings. The only comment I would have on the bill that is before us relates to what was in the paper the other day, a statement by the Maine Teachers Association Executive Secretary and he was addressing a group of teachers: "the proposed new teacher certification law would kill more schools in a year than the Sinclair Law has forced into districts since it has begun to operate." Clyde Russell told a teacher group the bill favored by half the Education Committee and now moving through the House will lower standards by things it leaves out and lower standards by things it requires.

As the gentleman from Madawaska has stated, the new regulations will be effective this fall. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to belabor this question, but just to beg your indulgence in reading a telegram that I received this morning. Urge defeat L. D. 1547 concerning teacher certification. Unnecessary. Unworkable. Potentially harmful to Maine youth. The telegram is signed Thurlow Pitts, past presi-

dent, Maine Teachers Association. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I think perhaps now is the time to get down to what this bill does and what the present law is. Under the present law, in general, the commissioner is empowered to determine who may be certified and who may not be certified. The law merely sets certain basic minimums, such as you must be seventeen years old and have knowledge of the effects of alcoholic drinks and drugs, and be a graduate of a two-year normal school. Beyond that the commissioner makes all determinations. Under this power to make these determinations, regulations have been issued, and as my good friend the gentleman from Bath has pointed out new regulations are coming out effective September first. Under these regulations, in order to teach in elementary schools, an applicant must produce thirty hours of so-called methods courses. In order to teach in secondary schools, an applicant must produce eighteen hours of these so-called methods courses.

The only changes in the entire setup made by this proposed bill are as follows: First of all as to elementary schools, it provides an additional class of applicants. These applicants must in the first place be college graduates who have academic degrees, and together with their degree eighty-hours of academic courses. By academic courses—and this will be determined incidentally by the commissioner, by academic courses we mean general courses dealing with demands upon the intellect, history, science and so forth. This new class of applicants would be entitled to an elementary certificate provided they also furnished fifteen hours of so-called methods courses. Thus, in effect all that has been done is that for this new class of applicants they need not furnish thirty hours but only fifteen of so-called methods courses.

With respect to secondary schools, this same class of appli-

cants, academic college graduates with eighty-four hours may receive a secondary certificate limited however to the academic courses within the academic area in which they have eighteen hours of college credits. Finally, this last provision, a requirement that the teaching of academic courses in high schools is limited to those who produce eighteen hours in the area, is made to affect all applicants—not just the second class. The reason for that is that under the coming regulations, while 50 per cent of the applicants' hours must be in liberal arts, that 50 per cent could be in the Greek poets and he would receive a certificate to teach biology, for example. This is absurd.

Now, why all the fuss about this bill? Those are the only three things it does. We've had telegrams, you have—I have letters, our lapels have been plucked in the corridors, the newspapers have been a positive fund of misinformation, including the article by Mr. Russell. Why all this fuss? I suggest that whenever you have an entrenched bureaucracy, by necessity, it resists change of any sort unless that bureaucracy itself initiates the change. But the winds of change are sweeping this country with respect to this very subject.

I am sure you have all seen the article in the Atlantic by Doctor James Koerner on this very subject, I quote: "Although education does not yet know how much or what kind of professional preparation is needed by teachers and administrators, it has constructed a plenitude of mandatory training programs on the assumption that it does. These programs, despite a long history of inadequacy, remain frozen into law in state certification requirements. More important, those who run teacher-training programs have become frozen in their own thinking and are now far too busy managing an established business with a rapid growth rate to have much time or inclination for the examination of first principles . . .

"The education courses themselves deserve their ill repute. Most

of them are indeed puerile, repetitious, dull, and ambiguous—incontestably. Two factors make them this way: the limitations of the instructor, and the limitations of subject matter that has been remorselessly fragmented, subdivided, and inflated, and that in many instances was not adequate in its uninflated state."

I hope you all have a chance to read the very fortuitous, the Time Magazine article which just arrived yesterday, on what is going on in California. This statute was actually stolen in part from the California statute, I quote: "The 'education major' is doomed in California. In what Thomas W. Braden, president of the state board of education, calls a deathblow to 'educationese,' the state is drastically upgrading its teacher certification requirements. Ultimately, California will turn down all applicants whose sole or chief training is in the methodology of teaching. Instead, it will demand degrees in academic subjects, stressing substance over technique."

This is what California is doing. We aren't trying to go this far, all we are saying is that the academically qualified should have the privilege of teaching our children and more important, our children should have the privilege of being taught by these individuals. I continue my quote:

"'What we want,' says Board President Braden, 'is teachers who are educated in the whole sense, people with the initial experience of thorough knowledge of some field. Most education majors are not really educated. They have never really delved into a subject as far as they could.' Such talk has won Braden solid support from the state legislature, and," this sounds familiar, "fierce opposition 'from the great education complex. Their feelings are hurt.'"

I am not going to read out of my great file of letters and editorials and things that people have sent me from all over the state. I am sure you have seen some of them. This is an important bill in the long run. While as I indicated the changes in certification are not major, it is important because it permits the introduction into the

classroom, and equally important, into the profession of qualified people who will by their own example not only raise the standards of existing teachers, but provide an additional voice, a voice not biased by background but a voice of reason. A voice that will, in the councils, produce a voice of dissent in the now monolithic monopoly of our bureaucratic fourth floor of the new office building.

We have an opportunity, ladies and gentlemen of the House, an opportunity which I believe, I hope, we will take, an opportunity to sweep away the years of self-perpetuating poppycock that has emanated from the Department of Education and its minions. We represent not only the superintendents and principals, part of this bureaucracy in our area; we also represent the youth of our area. I suggest that our youth is perhaps more deserving of consideration. I hope that the motion is defeated.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate very much these words of the Representative from Winterport, Mr. Easton. Ever since this session has begun, I have felt that I knew how I was going to vote on this particular item. A few moments ago the Representative from Winterport said something, however, that causes me to wonder whether I should support this legislation or not, whether we would be jumping from the frying pan into the fire. He mentioned here something that I had entirely overlooked. On page two of the bill and the sixth line from the top, it says here, beginning in the fifth line, they shall be granted a certificate of qualification to teach in grades nine through twelve, limited to courses within any academic subject matter areas in which they present at least eighteen hours of credit. Now, ladies and gentlemen if that clause is left in this bill while I certainly support the entire bill—if this clause is left in here, it cannot but hurt the small schools. For instance, we may have a teacher that a school board hires that is a teacher of

social studies. He has had eighteen hours or more in that particular field, but in our small schools these teachers quite often have to teach more than one subject. They may be called upon to teach four or five subjects. Possibly two or three of those subjects they will not have the eighteen hours that this bill calls for. That teacher could not teach in the small school.

Probably there are small schools within the State of Maine where in every teacher would have to be let go, or at least sent back to school to get the required eighteen hours in each subject. I wished this clause wasn't in here. I am arguing with my conscience as I stand here this morning for I feel that the Representative from Winterport has made statements today that are genuine in regards to the bureaucracy on the fourth floor. And it seems that this legislature needs to take care of certification rather than leave it up to the Department of Education.

The Department of Education, by the way it is operating today, with some of the leaders it has, needs a guardian over it, someone to instruct it in what is right and wrong, and what is good for the schools and good for the youngsters; for apparently they don't know.

We are not operating under standards of certification that are good for our schools and for our State of Maine. We need a change. The present method of certification and the one that is to become involved in September is the greatest arm we have by which we have created a teacher shortage in the state. There are people in every town in the State of Maine probably that could teach and are well versed in their subjects, but they haven't had these courses in methods which are on the whole ridiculous. I have taken many of those courses. The professor himself will tell you that it is a ridiculous course before you begin, but he is being paid to teach it so he has to teach it, and yet the Department of Education stands behind such things as that.

Until such time as our Department of Education can get rid of men who will go out and speak and deliberately tell untruths such as was told recently by the Executive Secretary of the Maine Teachers Association when he maintained that we of the legislature was going to cut the budget and the economy bloc was going to cut it in such a way that educational subsidies would be hurt, and apparently he didn't know what he was talking about or he wouldn't have made those statements. Until such time as men like that are removed and others are replaced that can tell the truth, we need changes, but this bill is not the bill that will do it because it hurts the small schools, unless this section can be amended out.

I wish that this bill could be tabled until such an amendment could be put on it, but I'm not the one to do that today. These are all the remarks we have to say, Mr. Speaker, and make today, but I trust that the bill as it stands now will not receive passage.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I did not intend to speak lengthily on this bill this morning, not to belabor the debate any further, and there is no question in my mind but one thing as to the sincerity of purpose and the sincerity in general of my learned friend from Winterport.

My objection to this bill is very plain. I believe that we enter a field upon which we are treading upon somewhat dangerous ground. The method of procedure in certifying teachers should belong in the hands of those who are familiar with the subject, and no man can be infallible. They will make mistakes. But I particularly paid attention to the remarks of my distinguished friend from Bath, Mr. Brewer, in which he stated that you already have a committee, advisory committee on education, which is working continually on this subject during the course of the year.

There is one thing I do take objection to and that is the indictment of this department. This department I have found during my term in office, both in the Hundredth and in this present session, to be cooperative all down the line. There is no question of dictating to the teachers or dictating to the legislature. They are merely trying to perform their job, and their job is to do this very thing that this bill objects to. Now, does it make sense that we, as legislators, continue to try to make ourselves overnight experts in particular fields of which other people are studying continually throughout the period of the year? This is my serious objection to this bill. Not that I don't doubt for a moment that in some portions of the bill, there may be some meritorious parts. This you can bring a bill in anytime in the legislature correcting any particular thing done by any particular department, but I do believe that the dedicated men in this department are trying to perform their job in a manner suitable to the State of Maine, and that is the one point that we must bear in mind, and I don't think that anybody can reflect on the ability, integrity and dedication of purpose of Doctor Hill, the Commissioner of that department. I have reiterated and I will reiterate again, no man is perfect, but by and large we must have faith in our departments, and if we do not, then we are just destroying the structure of all our state departments.

The Department of Education has given very serious thought to the certifying of teachers over a number of years, and they have made corrections down the line. I have spoken to all types of teachers, teachers of the old school, teachers of the new school, and our young budding teachers, and I have not found one dissenting voice against the way this department is conducting its certifying part. I have heard said that they dare not to because of Maine Teachers Association. My dear friends, if you do not have somebody trying to further edu-

cation all the time, in effect from the teachers' viewpoint, then they could not progress very far. So though I am going to confine my remarks to that thought, if we lose faith in our department, we certainly cannot continue to promote legislation in effect to take care of those departments because you are saying we don't approve of what they do; therefore, why should we continue our faith in them. And I sincerely hope that you will go along with the motion of the distinguished gentleman Mr. Levesque from Madawaska in the indefinite postponement of this bill and all its accompanying papers.

I will close my remarks in this one vein, that already one of the distinguished members, a learned member of our legislature, has found a flaw in the bill, and I dare say if we continue to study the bill, we'd find more flaws in the bill. Now what is different, in what we do that's imperfect or the department does that's imperfect, and I ask you to look at this very clearly and objectively from that point of view. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker, as a signer of the "Ought to pass" report, I would like to speak briefly on the concept of this bill. I realize that some of the objection has come from those individuals who have admittedly not read the bill. I have had conversations and phone calls with objectors, who by their own admission have been prompted by others and who have not even seen the bill in its revised form. The bill is a little difficult, and I question if anyone would realize its full impact by reading it once or twice.

With your permission I would read two explanations of basically what the bill does. The basic change would permit academically qualified college graduates to teach in secondary schools in the academic subject in which they are adequately prepared without the necessity of so-called education courses. Such applicants may

also teach in elementary schools, provided they produce credits in a lesser number of education courses than is now required, or pass an examination in these courses. Finally, education majors may no longer be certified to teach secondary courses without an adequate foundation in the courses in which they propose to teach.

One other question, it has been brought up by several individuals and this is it: Will current certificates continue to be valid? I would read a quotation from the document which says: "Certificates of qualification shall be granted teachers of two years' service and satisfactory fitness on the presentation of evidence of the same, and under such special conditions as the commissioner may prescribe." Now this does not say that teachers now teaching in a high school or any school will be deprived of their certificates. This is in the nature of a grandfather clause, so-called. I believe that this will answer those critics who would imply that teachers now teaching in our schools would be deprived of their certificates. This is only three lines, and I would repeat it. "Certificates of qualification shall be granted teachers of two years' service and satisfactory fitness on the presentation of evidence of the same, and under such special conditions as the commissioner may prescribe." Thank you.

The SPEAKER: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, with respect to the point raised by my good friend the gentleman from Strong, I can sympathize with his problem; the bill is complicated. The fact is this, the required eighteen hours from college is in an area, not a course. The areas are set forth in the first paragraph. One area, for example, is social science; another is plain physical and natural science, that's one area. So for example, someone who went to college and majored in, say, government, would then receive a certificate which would entitle him to teach in any social science area in high school.

I am assuming of course that in the course of his government major he somehow or other managed to amass a total of eighteen hours and that is inevitably true. Thus, I re-emphasize we are dealing with requirements of area credit not course credit. Finally, let us also remember that for those presently certified, or to be certified under existing regulations, let us take someone again who majored in, in this case education, but meeting the new regulations, took 50 per cent of his courses in liberal arts. Let us say that his minor, in this case, was again history. A certificate would entitle him to teach all those courses I mentioned plus, if they needed a filler, any non-academic course in that high school.

I hope that this answers the problem raised by my good friend from Strong.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I certainly don't feel that I want to belittle this bill any longer this morning. The only thing I feel is that I am not an advocate of bureaucracy any more than any other individual in the State of Maine, because I feel that state government is state government, and bureaucracy or departments have each got their separate steps to follow.

I certainly don't feel that the State of Maine is in any position or anywheres near a position as the blossoming State of California or any other progressive state of the kind. I certainly feel that the remarks made by the gentleman from Bath, Mr. Brewer, are very much in order. The committee that was made up to review the certificates for teachers took proper course, proper action to see that the schools of the State of Maine, and all the schools of the State of Maine, would be duly protected by very well certified teachers. This idea of having the fourth House trying to tell each member what to do is, in my opinion, only a matter of individual opinions.

If information is presented to you, and you feel that you want to take or you want to leave out it is entirely up to the individual. So, therefore, my remarks on bureaucracy it is only up to a point of the individual if he wants to take as much as he wants to or he can leave out as much as he wants to.

I certainly feel that L. D. 1547 at this time is not a fair piece of legislation to adopt for the State of Maine. So I hope that in your wisdom that you will see fit to defeat this bill and its accompanying papers. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker and Members of this House: Up until last week I was aware there was something happening in the educational field; but at the time I wasn't too aware, I've been busy with other matters. But a strange thing happened to me over the weekend, a most peculiar thing. This man, whom I regard in high repute in school affairs, called me up, and the first thing he said was this: "We do not want to take control of education from the Education Department and give it to the legislature." I said: "That sounds reasonable enough, but who's going to do that?" Well, he said, "You have a bill that is going to take all control of education from the Education Department and return it to the legislature." I said, "That's fine, what's the number?" And I read the bill through and I found what my good friend Mr. Treworgy said that it was taking nothing from nobody, at least from the Education Department, so I said, "Where did you get this fine bit of wisdom?" Well, of course, he stopped very cold and he said: "I was asked to contact you and I really didn't know what I was talking about." Well, I said, "That's fine, and I have talked with a lot of you that don't know what you're talking about, so one more doesn't make much difference."

The next thing is as I have been sitting here listening to this debate, and I still have an open

mind, and I hear various individuals plead to me to follow the department head, they are all wise in their wisdom; which is fine, but it brings me back to the point of every one of these department heads are all wise in their wisdom. It must be a case of whether we aren't needed or the department heads aren't needed. I fail to see where that we are down here as a big rubber stamp and not use our own judgment, and I think that on the basis of the information I have heard this morning, I will have to concur with the gentleman from Gorham, Mr. Treworgy, in suggesting that this legislation "Ought to pass."

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I for one feel that we should know what we are talking about, and accordingly I feel that the public should know how we are going to vote; therefore I move that when the vote is taken, it be taken by the yeas and nays.

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

Mr. BRADEEN: Mr. Speaker, Ladies and Gentlemen of the House: During that period in the annals of time when the sixteenth century fading years were merging with those of the seventeenth, an English gentleman of some repute, Mr. Shakespeare, was busily engaged in writing dramas and plays. There must have been some substance to what the gentleman wrote because they have withstood the ravishes—the works have, some three hundred years and also the critical barbs of many individuals who didn't exactly agree with him.

Now then, I must plead ignorance to the knowledge of Shakespeare's life. I don't know what he possessed in the way of scholastic ratings which would compare with the degrees which we have today such as Doctor of Humanities, Doctor of Laws, Doctor of Philosophy, Doctor of Literature, and for good measure, I might throw in Doctor of Education. But this is a matter which disturbs me somewhat. It

would appear that if William Shakespeare was with us today, he wouldn't be allowed to teach drama, plays or even English in the schools of this state unless he took some special courses which were approved either by the higher echelons of the Maine Teachers Association or the State Department of Education. Now if I am wrong, I want to be corrected. So much for the opening remarks. The rest won't take long.

I am in entire accord with the statements of my good friend from Winterport, Mr. Easton, and with those of Mr. Treworgy, the Representative from Gorham. And I might mention that I listened with interest to what our friend Mr. Harrington had to say. You have a standing committee on Education of ten members, seven from this body; five of them signed Report A, you know who they are. It is unnecessary for me to name them. Now I can assure you in all sincerity that your five members who put their signatures on Report A did so only after the most careful and exhaustive examination of the redraft of this particular bill. I believe it is L. D. 1547; I have heard it times enough, but the numbers are all there, they may be twisted.

We took into consideration various factors. We felt that perhaps in the words of Mr. Dewey when he was running for President in 1948—of course, he didn't make it, but he said it was time for a change. We thought then, and I believe that we five still so think that it may possibly be a time for a change in the thinking of the State Department of Education and the Maine Teachers Association. I don't believe—I respect the individuals and I like the individuals identified with the activities of both associations, but I certainly don't think they are omniscient, and I think that the people of the House, the people who are delegated by you to consider the content of these bills on education, their views are entitled to your consideration when you vote.

Now so far as the certification itself is concerned, we are told

about a teacher shortage in Maine. I am not surprised at the shortage. However, I won't go into that at the moment. I could. But we have I believe a vast reservoir of extremely competent people here in this state, college graduates, who would be willing to go into our schools, perhaps in the elementary area, perhaps in the secondary area, and give of the knowledge which they have. But those people, I can assure you, the most of them — I know I wouldn't I wouldn't fritter away my time on any education courses if I were absolutely satisfied that I was fairly familiar with the contents of the subject which I proposed to teach.

Consider the individual's knowledge of the contents, particularly, I was going to say, although I am not certain that that is the right word, in the secondary areas. I can't see where the education, the so-called methods courses, have such great importance when you come to select a teacher in your high school or your academy. I can see where those courses in the certain areas, I think there are five, that are outlined by our friend from Winterport, Mr. Easton, for the teachers who would instruct in the grades, I can see where the methods instruction may be of substantial value. But I would think, as apparently he did when he prepared the bill, that you could water down those courses a very great deal and lose exactly nothing. When the vote is taken, I hope that you will support Report A. I thank you for the attention that you have given to me.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and Members of the House: I feel that this bill, L. D., would weaken and not strengthen our education system. I feel that we should express our confidence in the Maine people and not tie their hands as they work and improve our Maine education. I thank you.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I hesitate to rise after the eloquent speech just given by the gentleman from Waterboro, Mr. Bradeen, but I want to tell a little personal story. Last June, I had a twin son and daughter graduate from Brewer High School. They have I.Q.'s which were within one point of each other. The daughter graduated third in her class and was immediately accepted at the University of Maine. The boy was somewhere in the lower half of his class. We tried a few colleges, it was no dice. I went up to talk to the guidance counselor at the high school, and I said what is your recommendation. He said frankly I think he would be better off if he went into the service, but if you want to get him into a teachers college, he can get into any teachers college in the state. I said are you telling me now that a boy that cannot get into any of the other four colleges in the State of Maine, can get into a teachers college on the basis of his ranks. He says, oh, yes, because he did very well in his college boards. I went home and I started to think that over, and I said well here is my son, eighteen years of age, who at this time, has not the maturity, has not the desire as expressed by his grades for four years, to go on to future education at this time, and yet he would be accepted, according to the guidance counselor, in any one of our four teachers colleges.

I would suggest to some of you people in the House to examine the curriculums that are offered by these teachers colleges, and these are the people which now are teaching in our elementary and secondary schools, many of whom are very competent, but who do not have the opportunity to take any courses with any depth to them or any breadth to them in the academic area. Some of our teachers colleges don't even offer foreign languages at all. I think this bill of the gentleman from Winterport, will do much to strengthen our educational stand-

ards and the education which our children will receive. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Jonesboro, Mr. Snow.

Mr. SNOW: Mr. Speaker, I too am a signer of the Report that is before us today on certification. I think it gets back much deeper than just certification. The Educational Department of our state and our people are sitting on a Pandora's Box of education. We have been able as an educational committee to lift the lid a little, and we shall say peek therein. Some of the things we do not like. I am not going to blame this on our Education Department. They have tried to please the people. It is partly our fault for what some of our people have asked for to be done.

A few years back, Maine started on an educational procedure built on the concept of mileage and numbers. It also was built on, shall I say, incentive for some and penalizing others. Nothing was said about the mentality. Ladies and gentlemen, today we are in a cold war. Who wins that war will be the most brilliant nation, because if we drop the bomb, we won't be here to see it. We should begin to start an educational discipline of the mind. Whether we feed them well at the noon lunch, I don't know; if we teach them driver's training, I don't know. We should begin to have a little discipline in education. I am not blaming our Department, they have tried to please some of us. No one knows apparently just where we are going. This bill before us, in my opinion, will give us some academically educated people with the knowledge and with the art of transferring to inquisitive pupils and again get us on the right track of a mental education. I thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Madawaska, Mr. Levesque, that Bill "An Act relating to Certificates for Teaching," House Paper 1080, Legislative Document 1547, be indefinitely postponed. A roll call has been requested.

For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All those who desire a roll call, will please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

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

If you are in favor of the indefinite postponement, you will answer "Yes" when your name is called. If you are opposed to the indefinite postponement, you will answer "No" when your name is called. The Clerk will call the roll.

ROLL CALL

YEA — Albair, Anderson, Ellsworth; Anderson, Orono; Ayooob, Baldic, Bedard, Benson, Berman, Bernard, Berry, Binnette, Birt, Boissonneau, Boothby, Bourgoin, Bragdon, Brewer, Burns, Chapman, Childs, Choate, Cookson, Cope, Cote, Cottrell, Coulthard, Cressey, Crockett, Davis, Denbow, Dostie, Drake, Dudley, Edwards, Ewer, Gallant, Gifford, Gilbert, Gill, Giroux, Hanson, Hendricks, Hendsbee, Henry, Humphrey, Hutchins, Jalbert, Jameson, Jones, Karkos, Kilroy, Knight, Lebel, Levesque, Littlefield, Lowery, MacPhail, Maddox, McGee, Meisner, Minsky, Mower, Nadeau, Norton, Oakes, Oberg, O'Leary, Osborn, Osgood, Pierce, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Rand, Rankin, Richardson, Ricker, Roberts, Ross, Augusta; Ross, Brownville; Roy, Scott, Shaw, Smith, Strong; Taylor, Turner, Tyndale, Wade, Waltz, Ward, Wellman, White, Guilford; Whitney.

NAY — Bradeen, Brown, Fairfield; Brown, So. Portland; Bussiere, Curtis, Dennett, Dunn, Easton, Finley, Foster, Gustafson, Hammond, Hardy, Harrington, Hawkes, Hobbs, Jewell, Kent, Laughton, Libby, Lincoln, Linnekin, MacGregor, MacLeod, Mathieson, Mendes, Pease, Philbrick, Pitts, Rust, Sahagian, Smith, Bar Harbor; Smith, Falmouth; Snow, Susi, Thaanum, Thornton, Treworgy, Vaughn, Viles, Waterman,

Watkins, Welch, Williams, Wood, Young.

ABSENT—Blouin, Carter, Cartier, Crommett, Jobin, Noel, Reynolds, Tardiff, Townsend, Wight, Presque Isle.

Yes, 94; No, 46; Absent 10.

The SPEAKER: Ninety - four having voted in the affirmative; forty-six having voted in the negative, with ten being absent, the motion to indefinitely postpone does prevail.

The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I now move that we reconsider our action whereby we indefinitely postponed this legislative document and trust my motion will be defeated.

The SPEAKER: The gentleman from Kennebunkport, Mr. Tyndale, now moves that the House reconsider its action whereby it indefinitely postponed item three. All those in favor will say aye; those opposed, no.

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

Thereupon, the Report and Bill were indefinitely postponed and sent up for concurrence.

On motion of Mr. Wellman of Bangor,

Recessed until one o'clock this afternoon.

After Recess

1:00 P.M.

The House was called to order by the Speaker.

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

HOUSE REPORT—Ought not to pass — Committee on Appropriations and Financial Affairs on Bill "An Act relating to the Assessment of Towns in Aid to Dependent Children Grants." (H. P. 788) (L. D. 1141)

Tabled—May 7, by Mr. Plante of Old Orchard Beach.

Pending—Acceptance of Report.

On motion of Mr. Plante of Old Orchard Beach, retabled pending acceptance of Committee Report and specially assigned for Thursday, May 16.

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

HOUSE MAJORITY REPORT (7) —Ought to Pass with Committee Amendment "A" (Filing H-331) — Minority Report (3) — Ought Not to Pass — Committee on Legal Affairs on Bill "An Act relating to Operating Business on Sunday and Certain Holidays." (H. P. 930) (L. D. 1364)

Tabled—May 7, by Mr. Wellman of Bangor.

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. MacGregor.

Mr. MacGREGOR: Mr. Speaker and Members of the House: I wish to make the motion to accept the House Majority Report "Ought to pass" with Committee Amendment "A" and speak briefly on the measure.

The SPEAKER: The gentleman may proceed.

Mr. MacGREGOR: I consider it a distinct honor to have the privilege of introducing this particular piece of legislation. In the 100th Session, I was involved as far as introduction of certain holidays that were of interest to the veterans and military organizations within the State of Maine and in so doing found that the bills that I was interested in were directly involved with the Sunday closing laws. This gave me more interest in the Sunday closing law structure that we have here in the State of Maine and, as a direct result, it has pushed my interest on to the extent that I was very happy to sponsor this particular L. D. 1364, which is popularly known now as the "MacGregor Bill."

Now in 1961, the United States Supreme Court in passing on the Sunday business laws of the States of Massachusetts, Maryland, and Pennsylvania, which were similar in outline to ours, and in examin-

ing every states' law on this subject, made it unmistakably clear that any state may constitutionally regulate the conduct of its business on Sunday or, as Maine does, on the Sabbath. Such laws find their twentieth century basis not on religion but under the power of the states to regulate the health, safety, and general welfare of the people. Now in this bill that I am presenting to you, merely amending the existing law that was passed the previous session, to make it an effective and workable law today. I will eliminate your local option which has been found to be an ineffective method of regulating Sunday business; and town after town have eliminated the restrictions on Sunday business because of the competitive pressures from adjoining towns. This is a means of removing this problem.

This bill will close only the larger businesses in the state. The size and employee provisions of the bill give practical and reasonable consideration to the importance of Maine's tourist industry. This we shouldn't penalize; this we have no intention of penalizing. The bill continues the provisions and exemptions of the present law that permits businesses to operate on Sunday that have had historical precedent. This we prefer to continue also.

I sincerely feel that this document gives us our fairest and clearest approach to our existing Blue Law problem in the state and I sincerely urge the acceptance of the "Ought to pass" Report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker and Members of the House: I find myself in complete disagreement with the gentleman from Eastport, Mr. MacGregor, on this bill. I say complete—I want to modify it to this extent, I am in agreement that this bill is a regulation of businesses. However, in my opinion, it is completely arbitrary, unfair, and discriminatory. I submit to you the following: When this bill was originally presented

by Mr. MacGregor and the proponents of the bill, the size and the magic numbers that they then chose were three employees including the proprietor or 1,000 square feet of selling space. Even before the committee hearing was over, the proponents were willing to listen to the thought that maybe it should be changed to five employees and 5,000 square feet. When it was brought in the executive session in the committee there was some thought even to amending it to delete the employees requirement and raising the magic figure to 7500 feet. In other words, all of this is just really a numbers game. They are asking you, this Legislature to select the magic number whether it be employees or square feet.

I found on my desk this morning when I came in another amendment, 3,000 square feet. Now I ask you in all honesty, do you want to pass a bill that has this weakness in it, which is that you people, if you pass it, are arbitrarily choosing a magic number of employees and square feet that a person can do business on Sunday. I again submit that this is arbitrary, it is unfair, and it is discriminatory. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker and Ladies and Gentlemen of the House: A few days ago, the gentleman from South Portland, Mr. Gill, referred to his fair city as the fastest growing city in Maine. I would like to refer to my town today as, in my opinion, as the fastest growing town in Maine. I would stress that we are a resort town with many, many assets. Fine schools and churches; swimming areas, boating and fishing facilities. We have great fishing areas in our town, delicious seafoods: lobsters, clams, etc. There are many fine farms, vegetable growers, roadside stands, antique shops, gift shops, stores. We have the famous Scarboro Downs. We also have that famous Maine Egg Producers Corporation owned by your friend and mine, the gentleman from Gorham, Mr. Treworgy.

We have many civic and service organizations in our town. The finest and fastest growing group of young men and women in the area, our Junior Chamber of Commerce; we have a new Rotary Club, a new Board of Trade Association; most every lodge, order and service group known to the State of Maine has a charter in our town; also Boys and Girls Scouts. So I maintain, ladies and gentlemen, that our greatest assets are the people of the town of Scarborough who live within the law and by the law.

Now the 100th Legislature, of which I was a member, in their wisdom passed a law pertaining to Sunday sales that the courts of the State of Maine upheld. The good people of my town, wishing to comply with the law adopted by the 100th Legislature, brought before themselves at an open and duly constituted town meeting, a referendum, that we the people of the town of Scarborough would make known our desires in regard to Sunday sales. After much intelligent debate and deliberation, the majority voted for Sunday sales. Now the proponents of this L. D. 1364 are saying to the people of my town and many other towns throughout this State of Maine that, you did wrong and now we are going to help you to rectify your mistakes. We will repeal this law that you adopted and save you from your mistakes because you know not what you have done. How? By adopting another law on the Statutes of our State that will be so confusing you will care not what you do.

Now I understand that this new law, namely the MacGregor Bill, was drafted by three lawyers in the City of Portland, the very same city whose representatives and merchants advocated and worked in the 100th Legislature for the present law that we have on the books, and then they would not give the people of their fair city the opportunity in a legal vote to decide for themselves whether or not they desired the law.

As the gentleman from Bangor, Mr. Wellman, stated in his remarks a few days ago that his fair city had a vote by the people as to

whether or not they would have a hardware store open on Sunday; and they voted against it. Now the proponents of this bill are saying that they could have a hardware store open on Sunday if it complies with their thinking. I maintain that this is not giving the proper respect to the voters of this great City of Bangor, and they are also questioning the intelligence of the people of my town of Scarborough.

Now it has been brought up many times in the halls and rooms in Augusta here that the present law is discriminating. I hope that the good people of my town will forgive me for the remarks I am about to say, which are my own feelings and not necessarily the majority of my town. Because I cannot help thinking of and questioning in my mind whether these people that are crying discrimination are sincere in their thinking, or whether it may be a matter of jealousy rather than discrimination.

I would like to read from an article in the Portland Evening Express of April 23. We had a survey in the town of Scarborough to express why some people would desire that this law be repealed so that they can take the business that Scarborough is trying to derive for themselves from their own people, and I will read you part of the report.

The report says that "in spite of the establishment of a shopping center in the fall of 1961, Scarborough residents still did most of their shopping in the Portland area last year. About 65 per cent bought their food in Portland and about 80 per cent bought their clothes there. Local stores accounted for about 19 per cent of the food and 4 per cent of the clothing.

"But the report also recognizes that the center had not yet realized its full importance as a trading center and said these figures will lean more towards local consumption as buying habits change."

So I maintain that with this present law that we have on the books and due to the fact that my people voted in local option that we should have it, I believe that the proponents of this bill are wrong in trying to present a new bill to

repeal the one that is presently already on the books upheld by the Maine courts; and if this motion would be in order, I would move that the bill and both reports would be indefinitely postponed. If it is in order, Mr. Speaker, I would so move.

The SPEAKER: The question now before the House is the motion of the gentleman from Scarborough, Mr. Coulthard, that both Reports and the Bill be indefinitely postponed.

The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker and Ladies and Gentlemen: I agree with my friend from Eddington, Representative Gilbert, that this measure is arbitrary, but I would also remind the gentleman that the zoning laws are arbitrary as well. We regulate the height of building, the kind of construction, the kind of business which could enter into an area. We have always had some regulation of the hours in which a store could be kept open. I am not in a position of considering myself an authority on moral questions; my past record is sufficient evidence of that, to anybody who knows me. But I do feel that we have perhaps gone too far in opening up certain days in the week and especially certain holidays. It seems to me that Memorial Day and Veterans Day are two days which should be something a little different than the average day of the week.

For those reasons, I am opposed to any further opening of the Sunday question. I am considerably upset by the amendments which have been offered. Committee Amendment "A," for instance, changes the size of the building allowable to "5,000 square feet of interior floor space, excluding storage space and space for displays and exhibits." It will probably come as a surprise to some of the Members of the House, as it did to me, to realize that this hall in which we are at present contains less than 5,000 feet. This will make quite a sizable store in itself. When you take out the storage space and the displays for exhibits which I suppose will be in your counters, your figures for displaying clothing and

so on, you haven't much left for the corridor space. And I submit to you ladies and gentlemen that the 5,000 square feet area if confined to corridor space only, would be a tremendous size store.

House Amendment "A" cutting it down to 3,000 square feet excluding the back room storage and processing space, I would go along with, because I think this accomplishes the purpose of the bill. The next amendment, House Amendment "B," I can see no great objection to, except to refer back to the long gone days of my youth in the City of Bangor when the drug-stores took turns staying open one at a time; the grocery stores were all closed on Sunday and the clothing stores were all closed on Sunday; and I can't remember a time when anybody starved to death over Sunday in Bangor. Neither do I remember a case when anybody went down Main Street naked because he couldn't get into a clothing store.

House Amendment "C" goes back to the 5,000 square feet excluding the back room storage, the office and processing space. So except for the difference between 3,000 and 5,000 square feet, that isn't too bad an amendment. Personally, I oppose any extension of the Sunday opening bill. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Windsor, Mr. Choate.

Mr. CHOATE: Mr. Speaker and Members of the House: This bill is aimed directly, as I see it, at big business. It has nothing to do with preserving our Sunday as a day of rest. Now, why do we discriminate against big business when the state gets a good part of its money from taxes and also from employment? This bill is already in a state of confusion. There are at least three amendments pertaining to this bill, and what would happen if it became a law? I can tell you what would happen. The 102nd Legislature would have this same problem back in their laps as we have today. Gentlemen, I hope when this vote is taken it will come up as ought not to pass. Thank you.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I wonder if it would be permissible for me to explore my own thinking out loud, and state to you that I have probably not yet quite made up my mind how I am going to vote on this bill. I think that I came in here the first of the week feeling that I was going to vote for the so-called MacGregor bill which is now before us. I have had letters from church groups that were interested in seeing that no business be done on Sunday except as they stated absolutely necessary business. Of course that is a matter of opinion with the person or the group who has considered it, and in most instances they ended up their letter with the statement that they were in favor of the MacGregor bill. Well, of course I thought if they wanted the MacGregor bill that was good enough for me, I have no strong feelings on it. However, I do come to the conclusion that the people of the State of Maine who are writing these letters are not aware of what the MacGregor bill is. As I analyze the MacGregor bill, we would make any place of business, if we passed it, almost any place of business in most of our small towns eligible to open for business on Sunday if they saw fit. Certainly if these people that are opposing business on Sunday, they are certainly misinformed if they tell us to go ahead and vote for the MacGregor bill.

When we passed the bill that we now are working under in the last session, I thought it was a pretty good solution. However, we ran into trouble with it in our area simply because of a situation where a man was doing a good business in an unorganized territory. He was arrested three or four times simply because there was no provision in the law whereby he could get a referendum vote, living in an unorganized territory of course that was the situation he was in. He had to close his business. I think that after going through that all summer, I

came down thinking the first of the session that I would vote to eliminate all regulations with regard to Sunday laws. However, the more I think of that, I think that that is somewhat of an unlivable position. Perhaps we had better pass something that at least would indicate that this Legislature is making an effort to attempt to control Sunday sales.

In short, ladies and gentlemen of the House, I think I want to throw in something more in my thinking here. I think we turn to the MacGregor bill because of the troubles that we had with local option. Frankly, the more I think of it, I think that our troubles are going to multiply when you attempt to come out with a bill like this that attempts to define in square feet or in number of employees whether or not a business is going to open. Frankly, I think you should think seriously about this thing. I believe that there is going to be more dissatisfaction if we change at this time and come out with this thing than we ever had with the bill that we passed two years ago, and so I think I will end up my exploration with this conclusion. I believe that if I have the opportunity I shall vote against this bill and to retain the bill which we passed two years ago and hope that the local option provision will eventually take care of the situation.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. McGee.

Mr. MCGEE: Mr. Speaker, this Sunday closing business is always controversial. Why I might favor the MacGregor bill at the present time is that it is an improvement over our present law which has been nothing but confusion, mostly caused by local option.

I have found by investigating that most of the large department stores would be glad to close. The size of the stores in this bill allowed to be kept open may be controversial, but it certainly would be an improvement over our present mess. Now that they have been brought up concerning some of these amendments, I have an amendment here which says

House Amendment "B" which injects the word grocery stores. With that word grocery stores we are headed for any size stores, super markets or anything like that, and are only heading for more confusion similar to the local option laws which would only be decided eventually in the courts and probably go to the Supreme Court; so let's not amend this bill to death. Let's vote on the bill on its own merits and I certainly would be opposed strongly to including the words grocery stores, because you are just getting into the fields of trouble and you will never get out of them until this Legislature convenes again in two years and see if we can't do something this time that will last a little while.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Eastport, Mr. MacGregor and in support of the motion of the gentleman from Scarborough, Mr. Coulthard, to indefinitely postpone this particular piece of legislation.

I feel that we have at the present time on the Statute books of the State of Maine a good piece of legislation in the bill that was passed at the 100th Session. A lot of thought and a lot of effort and a lot of consideration was given to that measure two years ago. It has satisfied a great segment of our population as witnessed by the number of communities that have taken advantage of the local option provisions in that bill. It has also had the sanction of the Supreme Court of the State of Maine that it is a good bill and it is a workable bill, and I think that the old expression that a bird in the hand is worth two in the bush is very applicable here today. Let's keep what we've got and not experiment any further.

Now talking specifically to the merits of this bill and why I feel it is going to create problems, is that it does not give sufficient consideration to the recreational

areas of our state and I speak not only of the seacoast areas, I speak of the lakes, the hunting areas, the ski resorts and the spring fishing resorts. This bill is going to cause problems in those areas. Now there are those who would support the MacGregor bill because supposedly it will eliminate local option, but I would like to point out to you that this MacGregor bill has local option provisions in it, because if the MacGregor bill is passed, you can't have any Sunday amateur sporting activities in a community unless the community by local option so votes; you can't open a bowling alley on Sunday unless the local community votes by local option, and you can't have any Sunday movies unless the local community votes; and these are three specific local option provisions which are in the MacGregor bill and which if it is passed, these things will be closed up in each of our communities, no movies, no bowling and no Sunday sporting activities, so I hope the motion to indefinitely postpone prevails.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, Ladies and Gentlemen of the House: I want to go on record as being opposed to the so-called MacGregor bill. I recognize it as class legislation, like all of the other amendments that we will be seeing in the next day or so. In my home town there is one store that has 990 square feet; another store has 1250 square feet. The fellow that has the 990 would be tickled to death with the MacGregor bill, and both stores depend tremendously on Sunday business. For that reason, I am opposed to this bill.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago I stood in the exact spot where I am standing now and told you about the bill that we passed in the 100th Legislature. I told you it was discriminating; it was a disgrace to

have it on the statutes of the State of Maine, which I will repeat, it is a disgrace. It is class legislation. They have hid for years, two or three years now, behind a screen of religion. There is no religion to it at all. It is dollars and cents. A few main street big stores, I would like to name them, but out of respect I won't, you know who they are, object to us, this particular — that want this bill as you see it today written in 1364.

I am telling you folks that people want to shop on Sunday. You are not living in the 17th or the 18th Century, you are living in the 20th Century. I know. I happen to be connected with a so-called discount house that this very bill is aimed at, and that is where the discrimination is coming from, and I will ask the gentleman that put this bill before us today, what is the reason of 2,000 or 3,000 or 7,000 square feet, if he wants to answer? What purpose is that? If he doesn't want to answer, I'll answer it; it is to do away with the discount houses, that's what it is, because they have more footage in there. Now if we are here to get class legislation, I certainly don't want to be a party to it, and I am not the most honest man in the world either, but I want to be fair on this. I don't go around with a great big "I am" I am the most honest man. I like to tell the truth. And that is their purpose, their purpose is to do away with the discount houses, and I hope that the bill doesn't pass and is indefinitely postponed.

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

Mr. SMITH: Mr. Speaker, this bill has been debated quite a bit, and we have another bill, the next one on the docket for today that may come up in a few minutes or it may already have been determined by the time it comes up.

However, out of fairness to both bills, and I think this one has been debated quite a bit, out of fairness to both bills, would I be—I would like to make a suggestion. I would like to see possibly this bill tabled until later in the day in order to hear the other bill, and then this

one could be brought back and having both of them then before us, we could vote intelligently. If someone would make that motion I would appreciate it.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker, I don't know whether I am speaking for 1364 now or the next one to it, but if it was in order, if the suggestion is taken that Mr. Smith, the gentleman from Strong advocates, I would like to get the permission to have my motion included on his bill also.

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: I do not feel that it would be profitable in our deliberations to table either of the bills which we are discussing here before us. I think we know well enough that the bill that immediately follows this one is a bill that will open any and all stores between the hours of one and six.

We have already in this House turned down a bill which would open up all stores all day. I think therefore, we should carefully consider now the MacGregor Bill before us, and you can keep in mind that there is another bill immediately following this.

Now what about this discrimination? What do we mean by discriminate? I suggest to you that the bill with its amendments, particularly either "A" or "C" as you may so act, are reasonably related to the business climate as it is now basically in effect throughout the state. At all our hearings on all our Sunday bills it seemed to us that the size and personnel restrictions written into the bill reasonably related to the recreational activity of this state. Local option has not solved the problem. In fact it has created more problems. When the City of—for instance let's say Brewer, shall open up across the river from Bangor, then that means that Bangor must open to compete, and so on ad infinitum until the state

is wide open. Do we wish that? I don't believe so. I don't believe the people who wrote Mr. Bragdon, the gentleman from Perham, or the people that have written any one of us want a wide open state. I think they want some reasonable control over the retail business, while at the same time permitting the sound development of business in our recreational areas.

House Amendment "A" and House Amendment "C" which have been referred to, are identical in wording, and will be — except for the size, the 3,000 or the 5,000 square feet, and those will in time be offered to you for your consideration. I suggest to you that this, after seeing all the possible solutions that we have had and after listening to all of the debate, is the solution which is the best one that we can fashion and that we should choose in this session. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen: I move that this item lay on the table until later in the day and I would ask for a division.

The SPEAKER: The gentleman from Wilton, Mr. Scott, moves that item 5 be tabled until later in today's session, and a division is requested.

All those in favor of the tabling motion will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twelve having voted in the affirmative and one hundred and three having voted in the negative, the motion did not prevail.

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

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak, I am not speaking for the discounters or against them, for the big stores or the small stores. I would like to speak about a certain type of person that we generally are quite concerned with in this state. That is the person that has got to work

on these Sundays. True enough, these people will be given a day off during the week, at which time possibly their husband or wife will be working and the children will be in school, and I look upon this as a measure to keep the families together. I believe that if they have a common day of rest during the week in which they can go out together or stay together, that their children will receive a great deal of benefit, so I am speaking on behalf of a number of working people in my community that feel that they will be required to work on every Sunday. I also would like to mention in regard to the remarks of my good friend from Freeport, Mr. Crockett, in which he said this was designed to put the discount stores out of business. I would like to remind him that three of the largest discount operations in the State of Maine are in favor of the MacGregor Bill, Zayre's, King and Arlyn's are in favor of the MacGregor Bill. I of course have a great deal of respect and admiration and affection for the gentleman from Scarborough, my friend, Mr. Coulthard. However, I do not agree with him. I believe local option is bad and if you don't believe it you come down to my store and want to buy something on Sunday and I will tell you to go to Mr. Coulthard's area and buy it. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, reference was made here a little while ago that this would be a discrimination against the large so-called discount houses. I want to go on record stating to you here that I was one of the first men that started the discount house in the State of Maine about eight years ago, and we are definitely against opening on Sunday. Now if we see our competitors open, we are going to be compelled to open ourselves. And I have been contacted by the businessmen in the City of Waterville; 99% of the people doing business in Waterville, including the large and small, have asked me to oppose

this piece of legislation here today; so I also want to go on record of favoring the MacGregor bill. When the vote is taken I hope it will be by division.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: Like most of my fellow members, at least from Cumberland County, we have been deluged the past two weeks with innumerable letters, all of them store employees. Invariably, they all stress the fact they don't want to work Sunday and they want to have Sunday to spend with their children and wives and so forth. In every one of these letters I have received I have never yet heard one mention the people who have to work in the resorts and so forth they go to. If they go to a restaurant the waitresses are working, the cooks are working, the manager is working, so it looks to me as though they were all rather selfish in their own viewpoint; but leaving out the discriminating aspects of this thing, I offer the following information for your attention. I had these figures looked up. The minimum wage established for store employees is as follows: Stores employing three employees or less have no required wage. They can work them for anything. Stores employing four or more must pay \$1.00 an hour with no overtime required. Now we get into the multi-unit stores. Multi-unit stores, stores doing business over \$250,000 per year under federal regulations must presently pay \$1.15 an hour and time and a half after forty-eight hours. Starting September 1, 1963 they must pay \$1.25 an hour and time and a half after forty-four hours. Beginning September 1, 1964 they must pay overtime after forty-two hours and on September 1, 1965 they must begin to pay time and a half after forty hours. I submit to you, in effect, if we pass the MacGregor Bill that we will only be putting the people who have really no voice in the matter and no chance to collect over-

time or otherwise, we are making it possible that they shall have to work Sunday, where the people who would be protected aren't allowed to work Sunday. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Scarborough, Mr. Coulthard, that both Reports and the bill be indefinitely postponed. A division has been requested. All those in favor of indefinite postponement will please rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had.

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

Mr. WELLMAN: Mr. Speaker, I request the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, now requests that the vote be taken by the yeas and nays. For the Chair to order a roll call, it must have an expressed desire of one-fifth of those present. All those in favor of a roll call will please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

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

Mr. COULTHARD: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. COULTHARD: I would desire a count on the division vote if it is permissible sir.

The SPEAKER: A roll call has been ordered. Seventy-three, yes; sixty-one, no.

The gentleman from Scarborough, Mr. Coulthard, moves the indefinite postponement of Bill "An Act relating to Operating Business on Sunday and Certain Holidays," Legislative Document 1364. All those in favor of the indefinite postponement of the Reports and Bill will answer 'yes' when their name is called; those opposed to indefinite postponement will answer 'no' when their name is called. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Ellsworth; Benson, Berman, Berry, Birt, Bourgoin, Bradeen, Bragdon, Brown, Fairfield; Burns, Chapman, Choate, Cookson, Coulthard, Cressey, Crockett, Curtis, Davis, Dennett, Drake, Dudley, Dunn, Easton, Finley, Gallant, Gifford, Gilbert, Hammond, Hanson, Hardy, Harrington, Hawkes, Henry, Hobbs, Hutchins, Jewell, Laughton, Lincoln, MacLeod, Maddox, Norton, Osgood, Pease, Prince, Harpswell; Prince, Oakfield; Rand, Rankin, Richardson, Ricker, Roberts, Rust, Scott, Smith, Bar Harbor; Smith, Strong; Susi, Thaanum, Thornton, Treworgy, Vaughn, Waltz, Ward, Watkins, Welch, White, Guilford; Whitney, Williams, Wood, Young.

NAY — Albair, Anderson, Orono; Ayooob, Baldic, Bedard, Bernard, Binnette, Boissonneau, Boothby, Brewer, Brown, So. Portland; Carter, Childs, Cope, Cote, Cottrell, Denbow, Dostie, Edwards, Ewer, Foster, Gill, Giroux, Gustafson, Hendricks, Hendsbee, Humphrey, Jalbert, Jameson, Jones, Karkos, Kent, Kilroy, Knight, Lebel, Levesque, Libby, Linnekin, Littlefield, Lowery, MacGregor, MacPhail, Mathieson, McGee, Meisner, Mendes, Minsky, Mower, Nadeau, Oakes, Oberg, Osborn, Philbrick, Pierce, Pitts, Plante, Poirier, Ross, Augusta; Ross, Brownville; Roy, Sahagian, Shaw, Smith, Falmouth; Snow, Taylor, Turner, Tyndale, Viles, Wade, Waterman, Wellman.

ABSENT — Blouin, Bussiere, Cartier, Crommett, Jobin, Noel, O'Leary, Reynolds, Tardiff, Townsend, Wight, Presque Isle.

Yes, 68; No, 71; Absent, 11.

The SPEAKER: The Chair will announce the vote. Sixty-eight having voted in the affirmative, seventy-one having voted in the negative, with eleven absentees, the motion does not prevail.

The question now before the House is the motion of the gentleman from Eastport, Mr. MacGregor, that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Bill was given its first and second readings.

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

COMMITTEE AMENDMENT "A" to H. P. 930, L. D. 1364, Bill, "An Act relating to Operating Business on Sunday and Certain Holidays."

Amend said Bill in the 20th line of section 1 by adding after the underlined word and punctuation "marinas;" the underlined words and punctuation 'establishments selling boats, boating equipment and sporting equipment;'

Further amend said Bill in the 23rd line of section 1 by adding after the underlined word and punctuation "facilities;" the underlined words and punctuation 'real estate brokers and real estate salesmen;'

Further amend said Bill in section 1 by striking out lines 26 to 30 and inserting in place thereof the following: 'those sections have been met; stores wherein no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business; stores which have no more than 5,000 square feet of interior floor space, excluding storage space and space for displays and exhibits.'

Further amend said Bill in section 1 by striking out all of the 5th underlined paragraph of that part designated "Sec. 38."

Further amend said Bill in the 9th and 10th lines from the end of section 1 by striking out the underlined punctuation and words "a mayor or city manager, a city council or the board of selectmen of a town,"

Committee Amendment "A" was adopted.

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

Mr. TAYLOR: Mr. Speaker, I move that Committee Amendment "A" be indefinitely postponed.

The SPEAKER: The gentleman from South Portland, Mr. Taylor, moves the House reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the House?

The motion prevailed.

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

Mr. TAYLOR: I move that Committee Amendment "A" be indefinitely postponed.

The SPEAKER: The gentleman from South Portland, Mr. Taylor, moves that Committee Amendment "A" be indefinitely postponed. All those in favor will say yes; those opposed will say no.

A viva voce vote being doubted by the Chair, a division of the House was had.

One hundred and seven having voted in the affirmative and three having voted in the negative, Committee Amendment "A" was indefinitely postponed.

Mr. Taylor of South Portland offered House Amendment "A" and moved its adoption.

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

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

Amend said Bill in the 20th line of section 1 by adding after the underlined word and punctuation "**marinas;**" the underlined words and punctuation '**establishments selling boats, boating equipment and sporting equipment;**'

Further amend said Bill in the 23rd line of section 1 by adding after the underlined word and punctuation "**facilities;**" the underlined words and punctuation '**real estate brokers and real estate salesmen;**'

Further amend said Bill in section 1 by striking out lines 26 to 30 and inserting in place thereof the following: '**those sections have been met; stores wherein no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business; stores which have no more than 3,000 square feet of interior customer selling space, excluding back room storage and processing space.'**

Further amend said Bill in section 1 by striking out all of the 5th underlined paragraph of that part designated "Sec. 38."

Further amend said Bill in the 9th and 10th lines from the end of section 1 by striking out the

underlined punctuation and words "**, a mayor or city manager, a city council or the board of selectmen of a town,**"

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: In reference to House Amendment "A", filing H-346, as we all know, the letters and calls that we have received in the past week or so have definitely established the fact that the people of our state want the MacGregor bill.

Now the original amendment called for 5,000 square feet, and the terminology of that amendment specified aisle space only, which would make that bill read probably three times the 5,000 square feet that was mentioned in that committee amendment. Now we know that the people of Maine do not want wide open business on Sunday. They have indicated so in their letters and their telephone conversations to us. This is a compromise measure which I hope will be accepted by the Members of this House.

Now just to remind everyone of the size of a store that would be 5,000 square feet in area in selling space. I will bring to your attention the size of this room that we are now in, and ask you to visualize any store which you may enter that is this size of this room or larger, and I assure you it would be a sizeable store indeed. If we are to abide by the wishes of our people, 5,000 square feet is too large a store to meet with everybody's wishes. This room here in actual measurement, figures from Niran Bates, who works for the state, you probably all know him better than I do, the measurements of this House is 4,588 square feet. Now this Amendment "C", House Amendment "C" and House Amendment "A" are exactly the same wording with the exception of the size of the feet involved in the size of the store. I feel that the people of Maine do not want large stores open on Sunday. The people want a day of rest. They wish to spend that day, Sunday, with their

families and friends, and enjoy one day of rest.

Now to go further, this Amendment "A" calls for 3,000 square feet which is still a fairly sizeable store, and probably one that would cover in almost every instance your resort areas and so forth throughout the state, but still would place a restriction upon the larger ones that hire the most employees and would really open up Sunday business. I hope when the vote is taken you will see fit to accept this amendment, as I feel that it is the nearest to what the people want and I hope that that is what we will see fit to give them. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I live in what is comparatively a prosperous community. Our biggest industry works seven days a week. I don't think you would find a voter in my district that would say they didn't want people to work seven days a week, and I submit to you percentagewise the whole State of Maine would be much better off if we were working seven days a week rather than half of them not working any. Now how long has it been when it is immoral to have a store big enough to do business in? Are we going to go along with the fact that we are going to build all small stores around the state to evade that issue, understaff them, over work the employees, because you don't want to hire any more than the minimum number? We are starting a trend, ladies and gentlemen, and if it keeps on we are just restricting ourselves more and more. When has it been that bigness is a fault? I admit I am quite big myself, but I never felt that was a drawback; and as far as business is concerned, and as far as the state is concerned, we want business, and I think when we restrict the size of our buildings, use subterfuge to get around that, restrict people to certain sized stores, I think it is actually unconstitutional, I really do. And I hope that this House will go along, if we have got to have this bill

we have, at least keep it big enough to have people move around and not have to use subterfuges to get away from this thing. Thank you.

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

Mr. WELLMAN: Mr. Speaker, I move this amendment be indefinitely postponed. I would explain my reason for so arguing. The gentleman from South Portland, Mr. Taylor, has correctly informed you that House Amendment "A" and House Amendment "C" are exactly the same with the exception of the square footage. This amendment is introduced by him and will be introduced by me if you accept my indefinite postponement motion, to clarify certain wording. I suggest to you that the 5,000 square feet is a better figure than the 3,000 square feet on the basis of what we heard in the committee. At that time from 1:00 o'clock in the afternoon until almost 7:00 that night we heard person after person describe their stores to us, and what the original bill, the original 1,000 square feet would do to them. At that time it appeared to me, and I think to the other members of the committee, that they would need — let me remind you again that these are stores in the recreational area; these are stores that in this instance depend on their Sunday business for their livelihood, that these stores would need the 5,000 square foot limitation. For that reason, I move that House Amendment "A" be indefinitely postponed. If it is indefinitely postponed, I will submit to you House Amendment "C" with the 5,000 square feet.

The SPEAKER: The question before the House now is the motion of the gentleman from Bangor, Mr. Wellman, that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Auburn, Mr. McGee.

Mr. MCGEE: Mr. Speaker, just to clear up something that may be misunderstood, I would like to know whether these measurements, and I would ask it through the Chair to anyone who would care to answer, does this 5,000 or 3,000 square feet mean an overall meas-

urement of the building or just the measurement of the selling space?

The SPEAKER: The gentleman from Auburn, Mr. McGee, poses a question through the Chair to any member who may answer if he chooses.

The Chair recognizes the gentleman from South Portland, Mr. Taylor.

Mr. TAYLOR: Selling space is measured by the industry wall to wall within a given area used for selling merchandise. Does that answer the question of Mr. McGee?

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Brunswick, Mr. Giroux.

Mr. GIROUX: Mr. Speaker, I would like to ask Mr. Taylor a question in reference to this amendment. Would this prohibit bringing a customer into the processing or the back room of a store?

The SPEAKER: The gentleman from Brunswick, Mr. Giroux, poses a question through the Chair of the gentleman from South Portland, Mr. Taylor, who may answer if he chooses.

Mr. TAYLOR: I can see no reason under any rules or regulations that this bill would call for that would subject any store to prohibiting a customer or friend from visiting in any part of the store. It calls specifically for selling area, a store to meet a certain selling area and that is all that it calls for. Nothing else. I request a division on the motion.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that House Amendment "A" be indefinitely postponed. A division has been requested.

All those in favor of the indefinite postponement of House Amendment "A" will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred thirteen having voted in the affirmative and eleven having voted in the negative, House Amendment "A" was indefinitely postponed.

Mr. Wellman of Bangor offered

House Amendment "C" and moved its adoption.

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

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

Amend said Bill in the 20th line of section 1 by adding after the underlined word and punctuation "marinas;" the underlined words and punctuation 'establishments selling boats, boating equipment and sporting equipment;'

Further amend said Bill in the 23rd line of section 1 by adding after the underlined word and punctuation "facilities;" the underlined words and punctuation 'real estate brokers and real estate salesmen;'

Further amend said Bill in section 1 by striking out lines 26 to 30 and inserting in place thereof the following: 'those sections have been met; stores wherein no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business; stores which have no more than 5,000 square feet of interior customer selling space, excluding back room storage, office and processing space.'

Further amend said Bill in section 1 by striking out all of the 5th underlined paragraph of that part designated "Sec. 38."

Further amend said Bill in the 9th and 10th lines from the end of section 1 by striking out the underlined punctuation and words " , a mayor or city manager, a city council or the board of selectmen of a town,"

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I move this item lie on the table until tomorrow pending the motion of the gentleman from Bangor, Mr. Wellman.

Mr. PIERCE of Bucksport: Mr. Speaker, I request a division.

The SPEAKER: The gentleman from York, Mr. Rust, now moves this matter be tabled until tomorrow pending the motion of the gentleman from Bangor, Mr. Wellman, that House Amendment "C" be

adopted. A division has been requested.

All those in favor of tabling this matter until tomorrow will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Six having voted in the affirmative and one hundred and three having voted in the negative, the motion did not prevail.

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

Mr. COPE: Mr. Speaker, I would like to ask a question to Mr. Wellman the gentleman from Bangor, for clarification on the term back room storage. Does he intend it to mean side room storage as well as back room?

The SPEAKER: The gentleman from Portland, Mr. Cope, poses a question through the Chair of the gentleman from Bangor, Mr. Wellman, who may answer if he chooses.

Mr. WELLMAN: Mr. Speaker, in answer to the question of the gentleman from Portland, the back room storage I take it to be a generic term which would mean all storage space outside of and away from the interior customer selling space.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: I will not debate this issue, but I think that anyone that can get from the motion that I am about to make and the subtle tones in which I make it, you will all see how ridiculous we perhaps might appear to anyone on the outside looking in. I move we indefinitely postpone the House Amendment "C" that is now before us.

The SPEAKER: The question now before the House is the motion of the gentleman from Wiscasset, Mr. Pease, that House Amendment "C" be indefinitely postponed.

The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker, that would put the space right back to 1,000 feet. I have two stores in

my home town that I go down to get the Sunday paper. It would put both of them out of business Sunday, and that is a big day. I think that is very extreme and I certainly would hope this motion wouldn't go through.

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

Mr. SMITH: Mr. Speaker, I rise in support of the comments made by the gentleman from Denmark, Mr. Dunn. The defeat of this amendment puts the square footage back at 1,000 feet. That is a blow to the store space on the coastal resorts. If we are going to deal with numbers, we must keep those numbers up to 3,000 or 5,000 in any event.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, I think the last two speakers have adequately made the point which I intended to make by moving to indefinitely postpone. This Legislature and every succeeding Legislature is going to have bills before it and we are going to argue, or you are going to argue, I will not be here I hope again, but you are going to argue various sizes of stores, 1,000, 2,000, 2,500, 3,000 square feet. And it seems to me on this type of a matter, on a matter so basic and so essential to so many people, why set the limit at 5,000? How about the individual or the corporation that operates a store with 5,100 or 5,500 square feet? I think that this is an approach that this Legislature should not take to such a vital issue. That was the reason that I made the motion to indefinitely postpone this particular amendment.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, It would be just as wrong to accept 1,000 as it would 5,000, but it seems to me that this Legislature does not want to go on record in hurting the small businessman, and I can assure you as a coastal small businessman that if we stick to 1,000 feet we are going to put a lot out of business. 5,000 is much better.

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

Mr. SMITH: Mr. Speaker, I think the comments of the gentleman from Wiscasset, are well taken, but they are actually addressed to the merits of the bill itself. The effect of his current motion is to reduce this to 1,000 feet. I agree that we shouldn't be dealing in numbers here, but we are forced into dealing with them if the bill is on its way to enactment as it seems to be now; so I urge you not to vote in favor of reducing it to 1,000 feet because that will, as the gentleman from Harpswell points out, put out of business many people in the resort areas.

The SPEAKER: The question before the House is the motion of the gentleman from Wiscasset, Mr. Pease, that House Amendment "C" be indefinitely postponed and the Chair will order a division. All those in favor of indefinite postponement of House Amendment "C" will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, House Amendment "C" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, I move the indefinite postponement of the bill and all accompanying papers.

The SPEAKER: The gentleman from Freeport, Mr. Crockett, moves the indefinite postponement of the Bill "An Act relating to Operating Business on Sunday and Certain Holidays," Legislative Document 1364, and all accompanying papers. The Chair will order a division.

All those in favor of the indefinite postponement of the Bill will please rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had.

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

Mr. MINSKY: I request a vote by the yeas and nays, Mr. Speaker.

The SPEAKER: Seventy-five voted in the affirmative and sixty voted in the negative. To order a roll call the Chair must have the expressed desire of one-fifth of the membership present. All those who desire a roll call will please rise and remain standing to be counted.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The question before the House is the motion of the gentleman from Freeport, Mr. Crockett, that Bill "An Act relating to Operating Business on Sunday and Certain Holidays," Legislative Document 1364, and all its accompanying papers be indefinitely postponed.

All of those in favor of indefinite postponement will answer "yes" when their name is called; all those opposed to indefinite postponement will answer "no" when their name is called. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Ellsworth; Bal-
dic, Benson, Berman, Berry, Birt,
Bourgoin, Bradeen, Bragdon, Brown,
Fairfield; Burns, Chapman, Choate,
Cookson, Coulthard, Cressey, Crock-
ett, Davis, Dennett, Drake, Dudley,
Dunn, Easton, Finley, Gallant, Gif-
ford, Gilbert, Hammond, Hanson,
Hardy, Harrington, Hawkes, Henry,
Hobbs, Hutchins, Jameson, Jewell,
Laughton, Lincoln, MacLeod, Mad-
dox, Meisner, Norton, Osgood,
Pease, Prince, Harpswell; Prince,
Oakfield; Rand, Rankin, Richard-
son, Ricker, Roberts, Ross, Brown-
ville; Rust, Scott, Smith, Bar
Harbor; Smith, Strong; Susi, Thorn-
ton, Treworgy, Turner, Vaughn,
Viles, Waltz, Ward, Watkins, Welch,
Wellman, White, Guilford; Whitney,
Williams, Young.

NAY — Albair, Anderson, Orono;
Ayoob, Bedard, Bernard, Binnette,
Boissonneau, Boothby, Brew-
er, Brown, So. Portland; Carter, Childs,
Cope, Cote, Cottrell, Denbow, Dos-
tie, Edwards, Ewer, Foster, Gill,
Giroux, Gustafson, Hendricks, Hum-
phrey, Jalbert, Jones, Karkos, Kent,
Kilroy, Knight, Lebel, Levesque,

Libby, Linnekin, Littlefield, Lowery, MacGregor, MacPhail, Mathieson, McGee, Mendes, Minsky, Mower, Nadeau, Oakes, Oberg, Osborn, Philbrick, Pierce, Pitts, Plante, Poirier, Ross, Augusta; Roy, Sahagian, Shaw, Smith, Falmouth; Snow, Taylor, Thaanum, Tyndale, Wade, Waterman, Wood.

ABSENT — Blouin, Bussiere, Cartier, Crommett, Curtis, Hendsbee, Jobin, Noel, O'Leary, Reynolds, Tardiff, Townsend, Wight, Presque Isle.

Yes 72; No, 65; Absent, 13.

The SPEAKER: the Chair will announce the vote. Seventy-two having voted in the affirmative, sixty-five having voted in the negative, with thirteen being absent, the motion to indefinitely postpone does prevail.

The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, I now move to reconsider and when the vote is taken I hope you will vote against me.

The SPEAKER: The gentleman from Freeport, Mr. Crockett, now moves reconsideration.

The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I move this lay on the table until Tuesday next.

Mr. CROCKETT of Freeport: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested on the tabling motion.

All those in favor of tabling until Tuesday next will please rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had. Fifty-one having voted in the af-

firmative and seventy-eight having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker, I move this lie on the table until tomorrow.

The SPEAKER: The gentleman from Farmington, Mr. Jones, now moves this matter be tabled until tomorrow.

Mr. PEASE of Wiscasset: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested. All those in favor of the motion of the gentleman from Farmington, Mr. Jones, that this matter be tabled until tomorrow will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-five having voted in the affirmative and eighty-seven having voted in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from Freeport, Mr. Crockett, that the House reconsider its action whereby it indefinitely postponed this Bill. The Chair will order a division.

All those in favor of reconsideration will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-two having voted in the affirmative and seventy-seven having voted in the negative, the motion to reconsider did not prevail.

On motion of Mr. Wellman of Bangor,

Adjourned until nine o'clock tomorrow morning.